



AGENDA
of the
ORDINARY MEETING OF COUNCIL
To be held on
WEDNESDAY 24 June 2015
in the
ALEXANDRA CHAMBERS
commencing at
6.00 pm

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1. PRAYER, OATH & RECONCILIATION STATEMENT

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

TRIM: SF/306

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary meeting of Council held on 27 May 2015

Recommendation:

That the Minutes of the Ordinary meeting of Council held on 27 May 2015 be confirmed.

➤ Minutes of the Special meeting of Council held on 10 June 2015

Recommendation:

That the Minutes of the Special meeting of Council held on 10 June 2015 be confirmed.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

TRIM: SF/783

5. PUBLIC PARTICIPATION TIME

5.1 QUESTIONS OF COUNCIL

5.2 OPEN FORUM

TRIM: SF/130

5.3 PETITIONERS SPEAKING TO PETITIONS

TRIM: SF/132

6. OFFICER REPORTS

6.1 2014/201 – PARADISO PLACE OF ASSEMBLY

File No: 2014/201
 Land: 3022 Healesville-Kinglake Road Kinglake
 Proposal: Tourist accommodation and place of assembly
 Applicant: Paradiso Kinglake
 Zoning: Farming
 Overlays: Environmental Significance
 Attachments: Application details (15/3062)
 (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a refusal to grant a permit be issued for tourist accommodation and a place of assembly at 3022 Healesville-Kinglake Road, Kinglake.

Recommendation:

That Council issue a refusal to grant a permit for tourist accommodation and a place of assembly at 3022 Healesville-Kinglake Road, Kinglake (C/A: 2, Parish of Kinglake), on the following grounds:

1. The proposal is not in accordance with Clause 13.04 *Noise and Air* in that it will reduce community amenity with the emission of noise from the premises.
2. The proposal is not in accordance with Clause 21.04 *Agriculture and Rural Land Strategies* in that it is not compatible with or complementary to agricultural uses.
3. The proposal is not in accordance with Clause 22.01-5 *High Quality Agricultural Land* in that it proposes to convert the use of the land to a use that is not compatible with productive agriculture.
4. The proposal is not in accordance with Clause 35.07 *Farming Zone* in that it does not provide for the use of the land for agriculture and it is not compatible with nearby and adjoining land uses.
5. The proposal is not in accordance with Clause 65.01 *Decision Guidelines* in that it will have a detrimental impact on the amenity of the area.

Proposal:

An application has been received for tourist accommodation and a place of assembly using the existing buildings at 3022 Healesville-Kinglake Road, Kinglake.

The house can accommodate up to 12 people. The place of assembly is anticipated to be used for family gatherings, birthdays, anniversaries and weddings. It would be able to hold 120 guests, but with an anticipation that most groups would be between 30 and 80 people. There will be no amplified music outside of the buildings. Car parking is to be on site with access to the site from an existing driveway from Healesville-Kinglake Road.

The Land & Surroundings:

The property is known as *Paradiso*, and contains an existing dwelling, a large gazebo and a work shed. The land is 7.7ha in area and contains 3 dams being 1800, 1400 and 800 square metres respectively which are located in the waterway that bisects the property along the north south alignment. The area along the waterway is well treed with the remainder of the land being cleared pasture. Access to the property is via the Healesville-Kinglake Road.

The properties to the west are smaller allotments generally between 1 and 2 hectares in size. Most contain single dwellings with associated shedding, and are used for rural lifestyle purposes. The property to the north is relatively well vegetated, to the east and south are similar sized allotments to the subject land and contain grazing paddocks, scattered trees and buildings.

Referrals:

The application was referred externally to the Country Fire Authority and VicRoads, who had no objections to the application.

Consultation:

The application was notified to nearby and adjoining owners, with a sign on the site. Five submissions were received, with the submissions summarised as follows:

- Effect on amenity (5 submitters)
- Has run in the past without permits (3 submitters)
- Have run parties that go for 24 hours (3 submitters)
- Has had amplification and extended hours in the past (5 submitters)

- Excessive noise levels (5 submitters)
- Traffic increase along narrow track (1 submitter)
- Attendees not familiar with road network and can be dangerous (2 submitters)
- Commercial operation out of character (1 submitter)
- Will discourage wildlife on the property due to noise, traffic and people (1 submitter)
- Property is in a natural amphitheatre that amplifies all noise (1 submitter)

In responding to the objections, the applicant advised:

- The increased tourism in the area will add value to properties.
- There have been no parties that go for 24 hours.
- Other people live near businesses and have no issues.
- Can't see how noise is a problem as he has 20 acres.
- Hoon driving is a police issue.
- There have never been 100's of people on the property.
- Amplified music will be in the home or the gazebo only.

The responses were provided to the submitters and none were withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
Consultation: Notice to nearby and adjoining owners	19 March 2015
Mail out: Sign on Site	23 March 2015

Planning Considerations:

The application contains two proposals – tourist accommodation and place of assembly. When considering the permit application, it is worthwhile considering these as separate issues.

The use of the existing dwelling for tourist accommodation is generally in accordance with the provisions of the planning scheme. Tourist accommodation by its nature is accommodation within existing or proposed buildings, and the amenity impacts are limited by the fact that only 12 people can be accommodated in the building at any one time.

The use of the land for a place of assembly has a much wider amenity consideration, in that functions held under this definition will involve larger numbers of people, with their associated vehicles, for periods of time that can begin during the day and can extend into the evening. The applicant has advised that he anticipates operating hours to cease by 11pm, but in previous use of the land the hours of operation have extended beyond that.

When considering issuing a conditional permit for a use such as for a place of assembly, it is important that any conditions that would be required to ensure the appropriate management of the property are enforceable. In this case, conditions relating to the number of events, amplified noise, hours of operation and number of people allowed in the use would need to be applied. As most of the events would be out of hours and on weekends, it would be difficult to ensure compliance with permit conditions. While past behaviour is not a consideration in relation to the issuing of a planning permit, enforceability of planning permit conditions is allowed to be considered.

In previous consideration of applications such as these, the Victorian Civil and Administrative Tribunal in *Gilbert v Murrindindi Shire Council (2012) VCAT 1211*, stated:

“The use of this site for rented Group Accommodation will always be inherently hard to control – it involves up to 30 people staying on site with a potentially larger number of visiting guests for gatherings/functions, a relatively isolated rural setting with no police/council presence, commonly alcohol and high spirits and only one on-site manager. To this extent, there is a high level of reliance on goodwill, neighbourliness

and careful/experienced management. Conversely, if the site was not managed in this way at all times when the property was rented commercially in particular, there would be potentially unacceptable amenity consequences for neighbours.”

The Gilbert application incorporated a group accommodation proposal, with the potential for larger gatherings of people for functions. There are some strong similarities to this proposal, exacerbated by the fact that the owner is likely to be off-site during events and functions and has lead officers to the conclusion that the potential offsite amenity impacts can be considered unacceptable. What this highlights is that although Council officers cannot consider previous uses of the property, VCAT sometimes does when considering the enforceability of permit conditions.

Further to the concerns in relation to amenity impacts, the subject land is in the Farming Zone, and the purpose of this zone is for agricultural purposes. The proposed uses are not in accordance with the purpose of the zone as they will inhibit the use of the land for agriculture, as a place of assembly that relies on the open nature of the property is not likely to also be used for a more intensive form of agriculture, as may be considered appropriate in the zone, and in light of the fact that the property has been identified as high quality agricultural land.

Conclusion:

While the use of the land for tourist accommodation on its own could be supported, the potential offsite amenity impacts for the place of assembly and incompatibility of the use with agriculture are considered unacceptable and should not be supported.

Legal/Policy Issues:

State Planning Policy Framework

13.04 Noise and Air

Objective: To assist the control of noise effects on sensitive land uses.

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

17.01-1 Business

Objective: To encourage development which meet communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Strategies:

- Locate commercial facilities in existing or planned activity centres.

Local Planning Policy Framework

21.04 Agriculture and rural land strategies

Issues:

- Protection of high quality agricultural land for agricultural use.
- The use of agricultural land for non-agricultural, rural living or hobby farming purposes that may conflict with established or future agricultural and horticultural land use.

Strategies:

- Ensure that the use of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.
- Encourage agricultural diversity and promote opportunities for new farming enterprises
- Facilitate diversification and development of rural land when it can be demonstrated that the economic base of the Shire will be enhanced.

22.01-5 High quality agricultural land

Objectives:

- Identify and recognise the importance of high quality agricultural land.
- Support the sustainable use of land for intensive agricultural production.
- Discourage the conversion of land to uses incompatible with productive agriculture.

Zoning

35.07 Farming Zone

Purpose:

- 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 impact the use of land for agriculture.

Decision guidelines:

General Issues:

- 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 and whether the proposal is compatible with adjoining and nearby land uses.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use will support and enhance agricultural production.
- The potential for the use to limit the operation and expansion of nearby and adjoining agricultural issues.

Design and siting issues

- Whether the use will require traffic management measures.

A planning permit is required for tourist accommodation (group accommodation) and a place of assembly in the Farming Zone.

Overlays

42.01 Environmental Significance Overlay

Purpose:

- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Decision guidelines:

- Maintain the productive potential of high quality agricultural land.
- Consider the suitability of high quality agricultural land in the assessment of development proposals.

The ESO does not trigger a permit for use proposals.

Particular Provisions

Clause 65 Decision Guidelines

Clause 65 states the following:

“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.”

Clause 65.01, *Approval of an application or plan*, contains the relevant decision guidelines for this application. The responsible authority must consider, as appropriate:

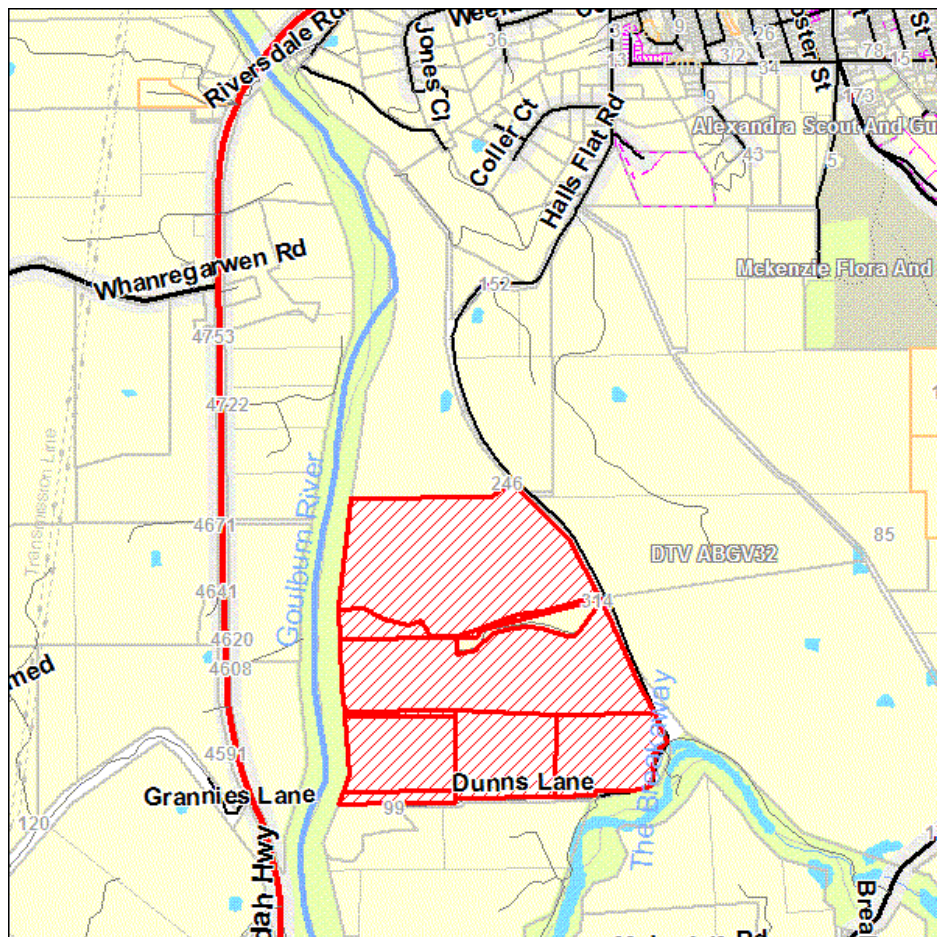
1. The matters set out in Section 60 of the Act.
 - a. This includes the following (that are not specifically listed within 65.01):
 - i. All objections and submissions received and not withdrawn
 - ii. Any significant effects on the environment

- iii. Any significant social and economic effects
 - iv. Any amendment to the planning scheme that has been adopted by Council but has not been approved by the Minister for Planning
 - v. Any other relevant matter
2. The State Planning Policy Framework and the Local Planning Policy Framework.
 3. The purpose of the zone, overlay or other provision.
 4. Any matter required to be considered in the zone, overlay or other provision.
 5. The orderly planning of the area.
 6. The effect on the amenity of the area.
 7. The proximity of the land to any public land.

6.2 2014/174 – BLACKMORES INTENSIVE ANIMAL HUSBANDRY

File No: 2014/174
 Land: 260 Halls Flat Road Alexandra
 Proposal: Beef cattle production
 Applicant: Blackmore Holdings Pty Ltd
 Zoning: Farming
 Overlays: Floodway; Environmental Significance
 Attachments: 6.2a - Application details (15/30338) and
 6.2b - Review of Application for Planning Approval (15/29475)
 (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for beef cattle production at 260 Halls Flat Road, Alexandra.

Recommendation:

That Council issue a notice of decision to grant a permit for beef cattle production at 260 Halls Flat Road, Alexandra (Lot: 1 PS: 330898, Lot: 2 PS: 407400, Lot: 2 PS: 408261, C/A: 12 CAL: F, C/A: 12 CAL: D, C/A: 12 CAL: E, PCA: 12 CAL: B, Lot: 1 PS: 407400, Parish of Alexandra), subject to the following conditions:

- (1) Within 3 months of the date of this permit, the application shall submit three (3) copies of a plan or plans to be approved by the Responsible Authority. Such plans must show the following:
 1. The location of all irrigation paddocks.
 2. The location of all feeding paddocks.
 3. All buildings on the property.
 4. A 100 metre intensive animal husbandry exclusion zone around the dwelling at 314 Halls Flat Road, Alexandra (Lot 1, PS 408261).
 5. A 200 metre feed bunk exclusion zone around the dwelling at 314 Halls Flat Road, Alexandra (Lot 1, PS 408261).

- (2) Within 3 months of the date of this permit, the operator must provide a Traffic Impact Assessment (TIA) report to the satisfaction of the Responsible Authority prepared by a suitable qualified traffic engineering consultant, detailing the impacts of the transport requirements for the development including, but not necessarily limited to:
 - The number of vehicle movements,
 - The type of vehicles,
 - The load types,
 - The timing of the trips and
 - The current details of the road access such as geometry and pavement types and intersecting roads from the development to the nearest main arterial road/s.The report must include recommendations that detail the works required to upgrade the access road (Halls Flat road) to take into account the long term impact of the traffic generated by the development on the access road.
The operator must implement the recommended road works from the TIA report within a two year period from the date of the issue of the planning permit all to the satisfaction of the Responsible Authority.

- (3) No intensive animal husbandry or truck movements is to be undertaken within 100 metres of the house located at 314 Halls Flat Road, Alexandra (Lot 1, PS 408261), in accordance with the buffer zone outlined in condition (1) above. No feeding areas may be located within 200 metres of house located at 314 Halls Flat Road, Alexandra (Lot 1, PS 408261), in accordance with the buffer zone outlined in condition (1) above.

- (4) Within 3 months of the date of this permit, a Whole Farm Management Plan must be submitted to and approved by the Responsible Authority. The plan must include the following:
 1. A plan detailing how the farm operates, including location and purpose of all internal paddocks.
 2. What uses will be undertaken and details on how the land will be managed in the buffer zone around 314 Halls Flat Road, Alexandra (Lot 1, PS 408261).
 3. A rotation of bunks and water troughs in the paddocks to alleviate the possibility of nutrient loads in particular areas.

4. **Details on how nutrient balance will be achieved on site, including:**
 - a. **Estimated nutrient inputs**
 - b. **Estimated nutrient outputs onto land**
 - c. **Estimated nutrient outputs off site**
 5. **A manure management plan that details:**
 - a. **How paddock cleaning will be undertaken on site.**
 - b. **The volume and extent of manure to be spread on site.**
 - c. **Provision for collecting and stockpiling excess manure from the paddocks, including the location of any stockpiles.**
 - d. **Details as to a plan for disposal off site, including frequency and location of disposal.**
- (5) **The use of the land for intensive animal husbandry cannot exceed 1400 standard cattle units at any one time.**
- (6) **Within 3 months of the date of this permit, and then on a continuing annual basis, a table must be provided to Council outlining the following:**
1. **Population details of animals on the site**
 2. **The distribution of animal weights on the site.**
 3. **Details on how the above achieve the 1400 standard cattle unit maximum.**
- (7) **Commencing 12 months from the date of this permit, and then at a frequency of once every three years, agronomic soil tests must be conducted on the site. The report is to be provided to the Responsible Authority. The report must include the following manner:**
- (a) **Representative paddocks to be selected, yielding at least 6 paddocks for testing every three years.**
 - (b) **Standard agronomic parameters to be tested, with soil samples taken from two soil depths (12 tests in all).**
 - (c) **Parameters selected for testing must include Electrical Conductivity (EC), pH, phosphorus and potassium.**
 - (d) **Nutrient distribution investigation to be undertaken on at least one individual paddock annually.**
 - (e) **Differential monitoring must be used as part of the testing to identify areas of potential concern on the land.**
 - (f) **Recommendations for any remediation work to be undertaken.**
- (8) **Continual groundwater monitoring to determine seasonal trends to be undertaken with the following requirements:**
- (a) **Three piezometers to be installed to verify level and quality.**
 - (b) **Groundwater to be subject to annual assay for standard parameters including Electrical Conductivity (EC), pH and Dissolved Oxygen (DO).**
- (9) **Any remediation works identified as a result of the testing required under conditions (6) and (7) will be done undertaken in a timely manner.**
- (10) **All remaining lagoons and mature trees must be fenced off by the end of 2018.**
- (11) **Trucks must only access the site between the hours of 7.30am and 6.00pm, unless with the written approval of the Responsible Authority.**
- (12) **Feed processing is only to be undertaken between the hours of 7.30am and 6.00pm, unless with the written approval of the Responsible Authority.**

- (13) All paddocks must be renovated to provide a minimum 70% pasture cover over the whole of the paddock by the end of 2018 and to be maintained at this level on an ongoing basis.
- (14) A performance inspection and report of compliance with the planning permit must be undertaken to the satisfaction of the Responsible Authority. The report and inspection must comply with the following:
- (a) Annual reports must be provided to council for a period of at least three (3) years
 - (b) Upon positive results from the first three reports, report frequency can be extended to three or five years, at the discretion of the Responsible Authority.
 - (c) The inspection and report must be undertaken by an independent reviewer, approved by both the Responsible Authority and the applicant.
 - (d) All costs associated with the inspection and report must be borne by the applicant.
- (15) Appropriate bird management methods must be utilised on the property to the satisfaction of the Responsible Authority.
- (16) Should the requirements of conditions (1), (2), (4) and (6) not be met to the satisfaction of the Responsible Authority, the use of the land for intensive animal husbandry must cease immediately.

Goulburn Murray Water

- (17) No animal manure is to be spread within 100 metres of the Goulburn River or 60 metres of any other waterways.
- (18) The spread of animal manure must occur to optimise the uptake of water, nutrients and other pollutants such that they don't leach to groundwater or runoff to surface waters. The rate and application method must be consistent with the capability of the land and appropriate for the type of plant grown, the soil type and topography. Appropriate harvesting/mowing must be undertaken to ensure nutrient removal.
- (19) Waterways and sensitive areas (billabongs and lagoons) must be fenced off from stock access and revegetated with native species.
- (20) Any stockpiled manure must be located a minimum of 100 metres from the Goulburn River and 60 metres from any other waterways, on an impervious surface and bunded to prevent runoff in a rainfall event.

Notations:

Goulburn Murray Water:

- (1) 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*. For further information, the applicant should contact Goulburn-Murray Water (03) 58263500 and request to be directed to the relevant Diversions Area.

Proposal:

An application has been received for beef cattle production at 260 Halls Flat Road, Alexandra. The property has been used to produce Blackmore's Wagyu Beef since 2004, and the use has intensified incrementally over the past few years becoming classified as intensive animal

husbandry. The cattle are fed by a supplementary feeding program from the age of 6 months to 33 months.

A basic outline of the proposal is that the property is divided into two farms – The irrigation farm and the feeding farm.

The irrigation farm is on the northern section of the property and is approximately 61 hectares in size. It usually runs 300-400 head of young stock (each animal is 0.68 of a standard cattle unit), although a maximum of 500 may be run when feeding farm paddocks need spelling. The animals in this section graze pasture and are introduced to feed, with about 30% of their feed requirements sourced off farm. The steers stay in the irrigation farm till about 10 months old, with 60-80% of the paddocks in use at any time. This equates to stocking rates of between 4.9 and 8.2 head per hectare or 3.34 and 5.57 standard cattle units (SCU) per hectare.

The feeding farm, where animals are mostly fed via the supplementary feeding program but still have access to pasture, is in the southern section of the property and is approximately 89.1 hectares in size. The standard cattle unit size in this area is higher as the beasts are older and start at 300kg and exit the property at 700-750kg. The numbers on this section of the farm in May convert to 980 SCU in total or 1134 head, the figures may be a little higher depending on variations with paddock conditions and result in a stocking rate of 12.35 head per hectare or 10.6 SCU per hectare.

Intensive animal husbandry versus Cattle feedlot

It is important to explain the difference between intensive animal husbandry and a cattle feedlot and why intensive animal husbandry applies in this particular circumstance.

Intensive animal husbandry is defined in Murrindindi Planning Scheme, under clause 74.01 *Land Use Terms*, as:

Intensive Animal Husbandry Land used to keep or breed farm animals, including birds, by importing most food from outside the enclosures. It does not include:

- (a) An abattoir or sale yard.
- (b) Emergency and supplementary feeding if incidental to the use of land for extensive animal husbandry; or
- (c) The penning and housing of animals, including birds, for brooding, weaning, dipping or other husbandry purposes if incidental to the use of the land for extensive animal husbandry.

Within this category are two further sub-categories (broiler farm and cattle feed lot) which have specific definitions as they relate to more intensive uses under the category of Intensive Animal Husbandry, and are further regulated through the use of particular provisions, which require the use to comply with the relevant code of practices. In order to be deemed a cattle feed lot, the use must be in accordance with the definition in the Murrindindi Planning Scheme, which is as follows:

Cattle Feedlot Land used to keep and fatten cattle which are restrained by pens or enclosures and intensively fed.

A cattle feedlot is further defined in the Victorian Code for Cattle Feedlots – August 1995, and is referenced within the Murrindindi Planning Scheme under Clause 52.26 *Cattle Feedlot*. The code of practice deals with a range of measures, including location, size and design, amenity, transport, waste utilisation, land protection, ground and surface water protection and operation and maintenance. The definition in the Code of Practice is as follows:

Land on which cattle are restrained by pens or enclosures for the purposes of intensive feeding and includes any structure, work or area:-

- (a) In which such cattle are handled, fed, loaded and unloaded;

- (b) Where the animal wastes from the feedlot are accumulated or treated pending removal or disposal;
- (c) Where the animal wastes from the feedlot are treated, placed or dispersed on the land. (NB: This does not include land that does not form part of the land on which the feedlot pens and associated works are located.);
- (d) In which facilities for feeding such cattle are maintained and the feed for such cattle is stored; or
- (e) Set aside for the purpose of landscaping and planting of vegetation.
It does not include any area in which cattle are penned or enclosed for:
 - (a) Grazing; or
 - (b) Hand feeding prior to 12 weeks of age or for weaning, or for the provision of subsistence rations due to fodder shortage, abnormal seasonal conditions or other like events; or
 - (c) The provision of supplementary rations for cattle which have daily access to pasture.

The current application is deemed to satisfy the definition of Intensive Animal Husbandry due to the stocking density of 1 animal per 740 square metres on the feeding farm (which is the most intensive section of the property), the structure of the pens utilised, in that the feed bunks are not fixed, waste is dealt with in a different manner and the animals are allowed to move around to access pasture. The more specific definition of cattle feedlot does not apply in this case because in a feedlot, the pens are structured to allow the collection of liquid and solid wastes separately, the animals have no other source of food, they are stocked at a rate of 1 to a maximum of 42 square metres, and their movements around the pens are heavily restricted.

The Land & Surroundings:

The subject land is approximately 150 hectares in size, and is trapezoidal in shape. The property contains waterways, depressions and billabongs that have been enhanced over time to form a range of dams across the property. Approximately 2/3 of the property is irrigated with fixed above ground sprinklers. Water is distributed on the remaining 1/3 of the property with travelling irrigators. Most waterways are fenced off and planted with native vegetation. The property has a 150 ML irrigation licence to divert water from the Goulburn River, with a further 468 ML entitlement from the onsite lagoons. There is a natural levee along the riparian zone to the Goulburn River, and the issues related to flooding on the site have been considered by the Goulburn Broken Catchment Management Authority, who have not objected to the proposal.

The property is bisected by an approximately 4 hectare allotment at 314 Halls Flat Road, Alexandra, which is used for lifestyle purposes. The property at this address contains a dwelling and associated shedding. To the north, east, south and west the properties are used for agricultural purposes. The property is bounded by the Goulburn River to the west, and Halls Flat Road to the east. From the northern most corner of the subject land to the residential zone in Alexandra the distance is approximately 1.6 kilometres along Halls Flat Road. There are scattered dwellings with associated shedding on the surrounding properties, with 3 dwellings within 1 kilometre of the subject land and more intensive fruit production (cherries, etc) to the south and west.

Referrals:

The application was referred to the Environment Protection Authority, the Department of Environment, Land, Water and Planning, the Goulburn Broken Catchment Management Authority, Goulburn Murray Water, Goulburn Valley Water, the Department of Economic Development, Jobs, Transport and Resources, and internally to Council's Infrastructure Assets Unit and Environmental Programs Unit. No objections were received subject to various conditions to be placed on the permit.

Consultation:

The application was notified to nearby and adjoining owners, notice was placed in the Alexandra and Eildon Standard and a sign was placed on the site. 14 submissions were received and can be summarised as follows:

Amenity Impacts:

- Increased dust has a negative impact on amenity(10 submitters)
- Increased noise has a negative impact on amenity (7 submitters)
- Smell of feed, urine and manure extreme (7 submitters)
- Bird infestation affecting amenity and environment (8 submitters)
- Chance of increased vermin population (2 submitters)
- Noise from the birds attracted to the operation is unacceptable (3 submitters)
- Visual amenity decreased due to dust, loss of trees and lack of pasture (4 submitters)
- Tank water contaminated by dust, etc. (1 submitter)

Environmental Impacts:

- Bird infestation affecting amenity and environment (8 submitters)
- Animals have access to drainage lines (3 submitters)
- Not enough pasture cover for the animals (3 submitters)
- Baiting of vermin creates a risk to native wildlife (1 submitter)
- Effluent can run into waterways and lagoons, even if fenced, and will contaminate the river (4 submitters)
- Flooding of the property would cause a major impact of effluent into the Goulburn River (1 submitter)
- Will degrade the integrity of the land (2 submitters)

Traffic Management:

- Increase in heavy vehicle usage (9 submitters)
- Traffic is deteriorating the road infrastructure (4 submitters)
- Speed limits on the road are too high and dangerous to other users and pedestrians (5 submitters)
- Need more street lighting for safety (1 submitter)
- Road should be sealed (1 submitter)
- Details on truck movements not accurate (1 submitter)

Other:

- Decreasing adjacent property values (4 submitters)
- Stocking rates should be reviewed (3 submitters)
- Proposal is not clear – should state that it is a feed lot (1 submitter)

In response to the submissions and questions raised by Council officers, the applicant prepared a Whole Farm Environmental Management Plan. As this report contains some commercial in confidence information it is not attached to this report, but has been made available to all submitters and Councillors as part of the application process. A number of the submissions related to the impacts on the property that is in the middle of the farm. The information from the plan proposed the following measures to address the concerns:

For the property at 314 Halls Flat Road:

1. Tree groves have been planted in recent times around most of the boundary of the property. While they have not grown to a significant height as yet, they will provide a visual and dust screen, and to act as a buffer for noise and odour.
2. To minimise dust and noise impacts, the feed shed was oriented with its back towards the property at 314 Halls Flat Road, with the colour chosen to blend with the environment. Two hectares of trees and shrubs were planted between the feed shed

and the house. The applicant notes that the site was chosen in an area with the existing shedding with access to 3 phase power supply in a central location of the farm.

3. Trucks are only to access the site between 7.30am and 6.00pm (unless in exceptional circumstances). Trucks will no longer use the farm road that runs along the side of the house containing living areas such as lounge and kitchen areas, although it will still need to be used for stock movements at times.
4. A sprinkler system has been installed alongside the tracks that go behind the house and down a small portion of the other side of the block to provide for dust control in the drier months.

Amenity Issues:

In order to address the amenity issues raised, the applicant has advised that they have learnt from experience that boggy areas can arise in the high use areas behind the feed bunks and that the small wet patches can be a source of odour. To prevent the formation of these areas, substantial compacted gravel aprons, approx 60cm deep have been installed behind each bunk (trough). They are inspected daily and maintained where necessary. The applicant proposes to keep these areas clear of manure, particularly in winter. In relation to manure management, the applicant advises that most of the manure produced is deposited onto the paddocks by stock. Manure that is deposited on the feed bunk aprons is regularly removed. The manure removed from the aprons is temporarily stored in small piles near the feed bunk, and spread on the irrigation farm paddocks as soon as practical after collection.

The applicant also advises that the high stocking rates do require responsive management of the vegetative cover in the paddocks. To that end, significant effort has been invested in developing and trialling different pasture species to find a durable all season solution. A pasture blend (including 7 different pasture species) has been found to address the issue of pasture cover. By April 2015, 26 of the 46 paddocks on the feeding farm had been renovated. The applicant advised that the remaining paddocks will be rejuvenated over a three year cycle to be fully renovated by the end of 2018.

The response provided by the applicant also addressed the bird infestation and they advised that they considered self feeding systems to ameliorate the incidence of birds, but that they were not suitable for the type of high roughage diet provided to the cattle (they will cause a blockage in the bin and cut off access to the feed for the cattle). They acknowledge that birds can be attracted to the feed mill area and to the feed in the bunks. Over the past year a program has been implemented to manage birds.

The primary bird management tools are two newly purchased scare guns that are used as needed. A new wildlife control permit has also been obtained to allow for shooting of birds as a secondary control measure. Four full-time staff hold gun licences.

Environmental Impacts:

In relation to the environmental impacts raised and referred to in other submissions in relation to urine, manure, etc, the applicant has advised the following measures are to be used to protect the environment and the waterways:

- All lagoons on the feeding part of the farm have been fenced off.
- Most lagoons on the irrigation part of the farm have been fenced off with the remainder to be fenced off over time.
- The entire length of the Goulburn River frontage has been fenced to provide a 15-30m wide buffer, and has been planted with trees under the advice of the Goulburn Broken Catchment Management Authority.
- Surface drainage on the property is typically contained within the existing lagoon network, and no waterways, drainage lines or lagoons on the property drain into the Goulburn River.
- The vegetated buffers to surface waters will filter runoff from nutrient rich paddocks.

- Soil monitoring for nutrient management will occur annually, with top soil and sub soil testing.
- Quality of water in selected lagoons will be monitored on a six monthly basis.
- Monitoring of ground cover, to achieve a minimum 70% cover, will occur monthly.

Traffic Management:

In relation to traffic management, trucks are only to access the site between 7.30am and 6.00pm (unless in exceptional circumstances). Further to this, Council's Infrastructure Assets department has recommended a condition requiring the preparation of a Traffic Impact Assessment report be prepared and implemented for the use.

Other:

Decrease in value of properties is not a planning consideration, and cannot be addressed as part of this application. The issues raised in relation to stocking rates and clarity of the proposal have been addressed in the amenity issues section and with a general outline provided to all submitters to assist with their assessment.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper: Alexandra and Eildon Standard	10 December 2015
Consultation: Sign on site	10 December 2015
Mail out: Notice to nearby and adjoining owners and submitters	2 December 2015

Planning Considerations:

The consideration of the retrospective application for intensive animal husbandry needs to take into account a range of regulatory and policy issues. In order to create clarity, these areas of consideration and comparison have been discussed separately. The first area of consideration is the Murrindindi Planning Scheme, and how we can consider the proposal against the current planning controls. An assessment of the application against the proposed Local Planning Policy Framework adopted under amendment C54 must also be considered. A discussion about results on cases in relation to amenity and intensive animal husbandry heard at the Victorian Civil and Administrative Tribunal (VCAT) has been prepared to assist with the consideration. A discussion on the use of scare guns has been included to consider the future amenity impacts of the bird management program is also relevant to the application. Finally, the application has been assessed by an independent agricultural consultant who has provided expert advice in relation to the management of the site.

Murrindindi Planning Scheme (MPS) considerations:

The application was referred to a range of different authorities for their consideration. None of the authorities had objections to the application subject to appropriate management techniques for the land.

The detailed consideration of the application against the Murrindindi Planning Scheme is discussed in the Legal/Policy section below. Upon consideration of State Planning Policies, Local Planning Policies and the zones and overlays it has been found that the proposal does comply with the relevant sections of the Murrindindi Planning Scheme and Table 1 details the relevant provisions considered and how the proposal has aligned with these.

Under Clause 65.01 *Decision Guidelines*, the Responsible Authority can consider the submissions made to the application, the orderly planning of the area and the effect of the wider amenity. Rural amenity has been an issue addressed by VCAT on many occasions and will be further discussed later in this report. For the purposes of this section, the amenity impacts of

the previous operation have been clearly outlined by all submitters to the application and the dust, smell, noise and damage by the bird infestation has been recorded. Practices undertaken in the past are unable to be considered by Council officers, however they do provide an important basis for understanding areas that need to be addressed and improved in the management of the site to ameliorate this impact going forward. Any recommended buffer would need to consider the location of the existing feed sheds on the site, which are located approximately 170 metres from the house at 314 Halls Flat Road. Intensive animal husbandry does not have set buffer distances within existing legislation however a better management of the manure, placement of feed bunks and limitations within a specified distance of the dwelling will assist in reducing the amenity impacts. It is considered appropriate to include a condition around the dwelling at 314 Halls Flat Road to require a 100 metre buffer under which no intensive animal husbandry can be undertaken and a 200 metre buffer for the placement of any feed bunks. This will effectively create a 200 metre buffer from the existing house that is in line with the existing feed shed and will address to an extent concerns raised in relation to noise smell and dust around this dwelling without having a significant reduction in the proposed use of the land for intensive agriculture.

Table 1: Assessment against relevant provisions

Clause	Complies?
11.10 – Hume regional growth	Yes
13.02 – Floodplains	Yes
13.04 – Noise and air	Yes
14.01-1 – Protection of agricultural land	Yes
14.01-2 – Water quality	Yes
14.02-1 – Catchment planning and management	Yes
14.02-2 – Water quality	Yes
21.02 – Municipal Vision	Yes
21.03 – Issues affecting the Shire	Yes
21.04 – Agriculture and rural land strategies	Yes
22.01-5 – High quality agricultural land	Yes
22.04-1 – Catchment management and landcare	Yes
35.07 – Farming Zone	Yes
42.01 – Environmental Significance Overlay	A permit is not required under the overlay; refer discussion in the legal/policy issues section below.
44.03 – Floodway Overlay	A permit is not required under the overlay; refer discussion in the legal/policy issues section below.

Adopted amendments to be approved by the Minister for Planning:

Amendment C54 was adopted by Council at its February 2015 meeting of Council. The application must also be assessed against the proposed Local Planning Policy Framework and this has been done by comparing the current to the proposed policies.

Clause 21.02 is being changed to reflect the current Council Plan, and the vision will be assisted by:

- Facilitation of new and expanded economic development and employment opportunities.
- Continued growth in the agricultural sector, including existing industries, emerging niche areas and the value adding of agricultural products.
- Recognition and protection of the natural and built environment to protect high amenity rural and natural landscapes and the character of the area.

- Protection of significant biodiversity assets to sustain the ecological health of the natural environment.
- Consideration of environmental hazards and risks in planning for future land use and development.

In terms of this application, the vision is still supporting agricultural industries, with a more balanced consideration of the impacts on our environment. The addition of protection of high amenity rural landscapes needs consideration. In this case, high amenity rural landscapes have been identified in the MPS with a Significant Landscape Overlay, which is not identified on this property.

The matters raised in the current Clause 21.03 have been incorporated into the new Clause 21.01 to be in line with the current council plan, and has identified the following issues for consideration:

- Environment and landscape: The pristine environment, rich biodiversity, significant public land areas and high quality landscape, form an essential part of the municipality's character, liveability and economy. Protection of the natural environment is critical for the continued economic and social well-being of the municipality.
- Agriculture: The recognition and protection of the Goulburn River valley and other areas as high quality agricultural land, with further opportunities to diversify and value add to agriculture.
- Environmental risks and natural disasters: Future planning for land use and development must fully consider environmental risks and natural hazards. These hazards and limitations include flooding, bushfire risk and erosion risk.

In terms of this application, the issues raised in this clause are still applicable to this application, with the high quality agricultural land of the Goulburn River to be recognised and protected, along with diversifying and value adding in agricultural pursuits. The rural landscape issue has again been included as a consideration but as this site is not within a Significant Landscape Overlay the issue is not relevant to this proposal.

The strategies and objectives listed in the current Clause 21.04 have been incorporated in the new Clause 21.03-2 *Agriculture*. The objectives for this clause are as follows:

- Objective 1: Agricultural production, growth and diversity.
The strategies in this objective include:
 - Retain and expand existing agricultural production activities, including beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, timber production and niche products.
 - Develop the agricultural economic base through the attraction of value adding agricultural industries.
 - Encourage agricultural diversity and expand opportunities for emerging and new farming enterprises.
 - Facilitate diversification of agricultural industries that are compatible with existing agricultural practices, including horticulture, intensive animal husbandry, agro forestry, farm gate agricultural sales, boutique, niche agriculture, agricultural processing and value adding industries.
 - Encourage the production of high quality and value agricultural product for the export and niche markets.

This is essentially the same as the current policy, with the addition of encouraging production of products for export and niche markets, which is in line with the proposal.

- Objective 2: Rural and agricultural use and development.
The strategies in this objective include:
 - Ensure that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land.

- Ensure that the use and development of rural land is compatible with surrounding agricultural activities.
- Ensure that agricultural land is not developed for primarily residential purposes.
- Discourage the development or conversion of land to uses incompatible with productive agriculture.
- Identify and protect high quality agricultural land, ensuring that it is protected from unplanned long term loss and is available for ongoing agricultural use.

Again, this is generally in line with the existing policy to support agricultural pursuits.

Existing clause 22.01-5 has been incorporated into new clause 21.03-2, per the above paragraph.

Existing clause 22.04-1 has been incorporated into new clause 21.05-1, Objective 2, which relates to the protection of waterway and catchment health. This is essentially the same, with the consideration of the application by the various referral authorities having no objections to the proposal.

VCAT Decisions:

In *Tylden Equipment Sales Pty Ltd & Anor v Greater Dandenong CC* (2001, VCAT 2239, 17 July 2001), the issue of rural amenity was clearly discussed. The tribunal made the following statement:

“It seems to me that the consideration of the merits of this proposal gives rise to the following key questions, namely:

- (1) Is the proposed use and development supported by the planning scheme’s policies and the purpose of the zone?
- (2) Does the land have attributes which renders it a suitable candidate for the use and development proposed?
- (3) Will the proposal result in unreasonable adverse impacts on the amenity of the area?”

The tribunal further stated in relation to amenity:

“In relation to the third question on the amenity impacts of the proposal, the first thing that needs to be said is that because the land is zoned for rural purposes, this does not necessarily mean that it will be an area which is free from large buildings and amenity impacts such as noise and odour etc. It must be recognised that land zoned for rural purposes is not necessarily a “haven” providing for superior quality residential amenity. Rural uses, will because of the buildings they require, the equipment that needs to be used and other agricultural practices (eg: the keeping of animals, the use of fertilisers and sprays etc.) all have the potential to have an impact on amenity.”

To apply this to the current application, the use is supported by the planning schemes policies and the purposes of the zone; the land has the necessary attributes to render it suitable for the use (being high quality agricultural land with good access to water). The final consideration is in relation to whether there are unreasonable adverse impacts on amenity, and that we must be considering a rural amenity, not a residential amenity.

To further support this position, in *Stout v Golden Plains SC* (2003, VCAT 1923, 18 December 2003), a permit was granted for intensive animal husbandry (rabbit farm) over the decision of the council to refuse the permit. In its decision the tribunal referred to the State and Local Planning Policy Frameworks and how they supported intensive animal husbandry. One of the considerations was that the farm did not have an appropriate buffer from a dwelling. The discussion was about the fundamental concern of Council about the potential impact on residential amenity. In its decision, the tribunal stated:

“In relation to the impact on amenity, what must be appreciated is that given the zoning of the land, any reasonable expectation as to the quality of amenity that will be enjoyed will be that of a rural area, not a residential area. Rural areas and residential areas are not the same. The purpose of the Rural Zone is not to provide for superior quality

residential amenity. It has been long recognised by the Tribunal that there are likely to be many conflicts between impacts of rural activities on residential amenity.”

Use of Scare Guns:

The use of scare guns in an agricultural context is addressed through the EPA noise control guidelines. The guidelines discuss the most effective use of the guns, being when the birds are actively feeding, normally in the early morning and late afternoon. Further to this, it is recommended that scare guns are moved regularly to vary the effect of the blasts. The guidelines provide the following recommended controls:

- A scare gun must be more than 300 metres away from neighbour's houses, and be as far away as practical.
- A scare gun must not emit more than 70 blasts per day.
- A scare gun may only be used between the hours of 7am and sunset.
- A scare gun may not be used for more than 12 hours in any one day, but this can be divided into two separate periods provided the interval between blasts is not less than 6 minutes.
- Where possible, shielding effects, such as buildings and vegetation, shall be used to reduce the level of noise to neighbours houses.
- Where possible, the use of the scare gun should be minimised.

Standard Cattle Units:

A standard cattle unit is an animal with a 600 kilogram live weight. As the animals on the farm range in age, with an estimated finishing weight of 700 to 750kg. Based on this, the standard cattle unit limitation of 1400 will allow the property to be run with the estimated 1500-1600 cattle currently being farmed on the site.

Review of Proposal by Professor Roger Wrigley

Council engaged the services of an agricultural consultant to review the proposal as submitted by the applicant. Council officers undertook a site inspection with Professor Wrigley and the applicant on Wednesday 3rd June. The response from Prof Wrigley is that the production system is semi intensive, and that Wagyu production is unusual and to some extent unique but it is similar to free range pigs and the use of sacrifice paddocks during drought. The key issues are odour, nutrient accumulation, groundwater and surface water impact. Noise, dust, insects and birds are also of concern. Prof Wrigley advises that “while it is clear that the production system does not fit the profile of a conventional feedlot, it is clear that the facility relies on the containment of animals to control weight gain and to secure particular meat characteristics.”

Prof Wrigley recommends that a conditional permit could be issued, with conditions that will include the following:

1. Preparation of a manure management plan, which will require the following:
 - a. Paddock cleaning
 - b. Spreading of manure on site
 - c. Provision for collecting and stockpiling excess manure from the paddocks.
 - d. Details as to a plan for disposal off site.
2. A table to be provided to Council outlining population details of the site, including the population of animals held on site, and the distribution of animal weights.
3. Agronomic soil tests to be conducted at a frequency of once every three years. Tests should be undertaken in the following manner:
 - a. Representative paddocks selected, yielding at least 6 paddocks for testing every three years.
 - b. Standard agronomic parameters to be tested, with soil samples taken from two soil depths (12 tests in all).
 - c. Parameters selected for testing must include EC and pH, phosphorus and potassium.
 - d. Nutrient distribution investigation to be undertaken on at least one individual paddock annually.

4. Groundwater monitoring to determine seasonal trends to be undertaken with the following requirements:
 - a. Three piezometers to be installed to verify level and quality.
 - b. Groundwater to be subject to annual assay for standard parameters including EC, pH and DO.

Prof Wrigley has advised that the appropriate management of the site will result in a reasonable improvement in the amenity concerns raised by the submitters, and will still allow the use to continue.

Conclusion:

The application for beef cattle production (intensive animal husbandry) has been supported by a Whole Farm Environmental Management Plan which details how the site can be managed in a manner that will ensure that detrimental impacts from the use are effectively ameliorated. The nature of the high quality agricultural land, with good access to water, is an appropriate use on this property and should be supported.

Legal/Policy Issues:

State Planning Policy Framework

Clause 11.10 Hume Regional Growth

The purposes of this clause are considered as follows:

- *To develop a more diverse regional economy while managing and enhancing key regional economic assets.*

This clause includes strategies that encourage appropriate new and developing forms of agriculture, to support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, and to support the clustering of intensive agricultural production. Under this clause, the site at 260 Halls Flat Road has good access to quality soils, sufficient water and area to sustain the use for intensive animal husbandry.

- *To protect environmental assets, and maximise the regional benefit from them.*

This clause has a strategy that requires Council to consider the management of waterways as key environmental, social and economic assets to the region. Under this clause, the application has been considered by the Goulburn Broken Catchment Management Authority, Goulburn Murray Water, Goulburn Valley Water and the Department of Environment, Land, Water and Planning, who have no objections subject to appropriate management of the proposal.

Clause 13.02 Floodplains

One of the main purposes of this clause is to protect life, property and community infrastructure from flood hazard. The clause requires that Council should avoid intensifying impact of flooding through inappropriate uses and developments and to locate developments outside of floodplains. The application has been considered by the Goulburn Broken Catchment Management Authority, who is the relevant floodplain manager and have no objection to the application on issues with the floodplain.

Clause 13.04 Noise and Air

The purpose of this provision is to control noise effects on sensitive land uses, and to protect and improve air quality. The strategies employed here include use of design and separation techniques as appropriate to reduce amenity impacts on sensitive uses.

Clause 14.01-1 Protection of Agricultural Land

The objective of this clause is to protect productive farmland which is of significance in the local context. The strategies to assist with this include considering the character of the agricultural use, avoiding the removal of land from agricultural productivity and balancing potential offsite

effects of use proposals, such as water quality. The land has been identified as high quality agricultural land in the MPS, and the proposal does address this provision accordingly.

Clause 14.01-2 Sustainable Agricultural Land Use

The purpose of the clause is to encourage sustainable agricultural uses. The strategies to be used for this include

- Encouraging agricultural activities that assist with the development of innovative approaches to sustainable practices
- Supporting effective agricultural production and processing infrastructure, rural industry and assist genuine farming enterprises to adjust flexibly to market changes.
- Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Clause 14.02-1 Catchment planning and management

The purpose of this clause is the protection of waterways, requiring council to consider the impacts of a use or development on downstream water quality and drainage corridors. Under this clause, the application has been considered by the Goulburn Broken Catchment Management Authority, Goulburn Murray Water, Goulburn Valley Water and the Department of Environment, Land, Water and Planning, who have no objections subject to appropriate management of the proposal.

Clause 14.02-2 Water Quality

The objective of this clause is the protection of water quality through ensuring land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges, and to discourage incompatible land use activities in areas subject to flooding. Under this clause, the application has been considered by the Goulburn Broken Catchment Management Authority, Goulburn Murray Water, Goulburn Valley Water and the Department of Environment, Land, Water and Planning, who have no objections subject to appropriate management of the proposal.

Local Planning Policy Framework

Clause 21.02 Municipal Vision

The vision for Murrindindi Shire will be assisted by:

- Supporting the development of the Shire based on sustainable land management and resource utilisation practices.
- Supporting agricultural industries as a major economic activity.
- Retaining and protecting of prime quality agricultural land.

The vision is supportive of agricultural activities and encourages the use of high quality agricultural land.

Clause 21.03 Issues affecting the Shire

The key issues affecting the development of the shire over the next 10-15 years are:

- Natural Resource Management: The environmental condition and ecological sustainability of the Goulburn-Broken Catchment based on the soil characteristics and water quality.
- Agriculture: The need for the protection of areas of high quality agricultural land and the need to diversify the rural economy.
- Environment: The protection of the natural environment from inappropriate development pressures.

These issues are in line with the supporting of agricultural uses, and the impact on the natural environment is addressed with the Land Management Plan.

Clause 21.04 Agriculture and rural land strategies

The issues considered in this clause include the protection of high quality agricultural land for agricultural use, the effect of rural subdivision and housing on productive agricultural land, the

use of agricultural land for rural living purposes that may conflict with established or future agricultural land uses and the need for the diversification of the agricultural economy. Strategies and objectives to address these issues include:

- Ensure that the use and development of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.
- Encourage agricultural diversity and promote opportunities for new farming enterprises.
- Identify and protect high quality agricultural land.
- Develop the agricultural economic base through the attraction of value adding agricultural industries.
- Facilitate more intensive use and diversified use of rural land for higher value products including intensive animal husbandry.
- Facilitate diversification and development of rural land where it can be demonstrated that the economic base of the Shire will be enhanced.

The strategies also discourage the use of land in these areas for primarily residential uses, and to ensure that any excisions are required for an agricultural purpose. This application is complicated by the house lot excision that transects the property, and is effectively used for residential purposes in a farming environment. However, on consideration of the purpose of the clause itself, the proposal for intensive animal husbandry complies.

Clause 22.01-5 High Quality Agricultural Land

The objectives of this clause include supporting the sustainable use of land for intensive agricultural production and discouraging the conversion of land to uses incompatible with productive agriculture. It is policy that the soil types, water availability and natural environment attributes of the areas should be utilised for intensive agricultural production, as is proposed in this application.

Clause 22.04-1 Catchment management and landcare

The objectives of this policy include facilitating the rectification of land degradation and the improvement of agricultural land, encourages the preparation of whole farm plans, ensure that changes to the use of land do not prejudice the continued production and operation of the agricultural industries or the productive capacity of the land, and to ensure that productive soils are not lost from agricultural production. It is policy that management plans are prepared to rectify any land management issues. The applicant has supplied a plan that addressed these issues.

Zoning

Clause 35.07 Farming Zone

The purpose of the farming zone includes:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework.
- To provide for the use of land for agriculture
- To encourage the retention of productive agricultural land.
- To ensure that non-agriculture 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.

The decision guidelines of the zone include:

General Issues:

- The capability of the land to accommodate the proposed use, including the disposal of effluent.
- How the use relates to sustainable land management.
- Whether the site is suitable for the use and whether the proposal is compatible with adjoining and nearby land uses.
- How the use makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use will support and enhance agricultural production.
- Whether the use will adversely affect soil quality
- The potential for the use 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 location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- Whether the use will require traffic management measures.

In consideration of the zone, the proposal for intensive animal husbandry complies with most of the relevant decision guidelines apart from the ones that refer to impact of nearby and adjoining land uses. The land management plan prepared by the applicant shows how the site can be managed in a sustainable manner. The property has been used more intensively in the past (prior to the permit considerations) but the application has to be assessed on the information provided. The management measures put in place with the LMP will lessen some of the amenity concerns, and a requirement for a traffic impact assessment report, with appropriate implementation, as part of any permit will address the road concerns.

Overlays**Clause 42.01 Environmental Significance Overlay**

The purpose of the ESO is to identify an area affected by a land constraint. In this case, the land is identified as high quality agricultural land. While the ESO is not a trigger for the use of the land, the environmental objectives to be achieved in the overlay include the following:

- Protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation.
- Protect the potential production from high quality agricultural land.
- Prevent the unsustainable development of high quality agricultural land that may result in the loss of the quantity or quality of the land and limit the full productive potential.
- Prevent the conversion of high quality agricultural land to non soil based development.

Clause 44.03 Floodway Overlay

The purpose of the FO is to:

- Identify waterways, major flood paths, drainage depressions and high hazard areas.
- Protect water quality and waterways as natural resources.

In this case, the land is identified as being flood prone land. The Floodway Overlay is not a trigger for the use of the land, and the decision guidelines of this provision do not apply. However, the application was considered by the floodplain manager, the Goulburn Broken Catchment Management Authority who had no objections to the application.

Particular Provisions**Clause 65 Decision Guidelines**

Clause 65 states the following:

“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.”

Clause 65.01, *Approval of an application or plan*, contains the relevant decision guidelines for this application. The responsible authority must consider, as appropriate:

8. The matters set out in Section 60 of the Act.
 - a. This includes the following (that are not specifically listed within 65.01):
 - i. All objections and submissions received and not withdrawn
 - ii. Any significant effects on the environment
 - iii. Any significant social and economic effects
 - iv. Any amendment to the planning scheme that has been adopted by Council but has not been approved by the Minister for Planning
 - v. Any other relevant matter
9. The State Planning Policy Framework and the Local Planning Policy Framework.
10. The purpose of the zone, overlay or other provision.
11. Any matter required to be considered in the zone, overlay or other provision.
12. The orderly planning of the area.
13. The effect on the amenity of the area.
14. The proximity of the land to any public land.
15. Factors likely to contribute to land degradation, salinity or reduce water quality.
16. The degree of flood hazard associated with the location of the land and the use, development and management of the land to minimise any such hazard.

6.3 COMMUNITY GRANTS ROUND MARCH TO MAY 2015

File No: 15/30114

(Refer Encl 6.3 - Community Grants Summary March to May 2015)

Purpose:

The purpose of this report is to inform Council of the recommendations made by the delegated Community Grants Assessment Committee on funds to be allocated from the Community Grants Program.

Recommendation:

That Council notes and supports the recommendations of the Community and Emergency Grant Committee outlined in the following table.

Application	Funding sought	Recommendation
Marysville Cultural Community Inc. Jazz and Blues Festival	\$5,000	Not supported
Alexandra Secondary College	\$3,250	Not Supported

Background:

Applications for the March to May 2015 cycle of Council's Community Grants Program were assessed by the Community Grants Committee comprising the Mayor, Deputy Mayor and the Chief Executive Officer.

Two applications for grant funding were received in this round. All applications and the Committee's recommendations are summarised in the attached document.

Council Plan/Strategies:

The Community and Emergency Grants process is an operational outcome of the 2013-2017 Council Plan theme of Community to provide a seed funding pool to support community initiated projects.

Legal/Policy Issues:

Implementation of the program is in accordance with the policy for the Community Grants Program.

Financial/Resources/Risk

The remaining budget allocated to Community and Emergency Grants is \$882. The Assessment Committee is not recommending any further expenditure this financial year.

Discussion:

In total, two applications were received from community organisations for the March to May 2015 round. These applications are listed in Enclosure 6.3.

The committee recommend that the two applications should not be supported:

- The Marysville Cultural Committee (MCC) sought \$5,000 to support the Marysville Jazz and Blues Festival planned for October 2015 by meeting expenses related to hiring of artists, audio equipment and other costs. The Assessment Committee did not support this grant due to a lack of information provided on how the grant would be expended.
- The Alexandra Secondary College sought \$3,250 to purchase and install two new flag poles to enable them to simultaneously fly the Australian and Aboriginal flags. The Assessment Committee did not support this application as the grant related to basic infrastructure that should be the responsibility of the Department of Education and Training.

Council officers will provide feedback to applicants in writing and will contact them by phone to discuss further.

Consultation:

The Community Grant applications are assessed by the Community Grants Assessment Committee. As required, information is sought from the Community Services Department and other Council Departments.

Conclusion:

Council, on the recommendations of the Community Grants Assessment Committee has successfully provided funding to a range of community groups across the shire. Council officers will continue to assist and support the community to identify potential projects for funding.

6.4 RATES AND CHARGES ABANDONED

File No: 15/30176

Purpose:

This report seeks approval of rates and charges to be abandoned for the 2014/2015 financial year.

Recommendation:

That the rates and charges for the properties as listed in this report be abandoned for the financial year 2014/2015.

Background:

This report provides a summary of rateable properties to which Council has granted an exemption from rates. The exemption recognises the charitable and community nature of the organisations serving in the Murrindindi Shire.

Council Plan/Strategies:

This report is consistent with the strategies within the Council Plan 2013-2017 Goal of “Our Community” to support and promote health and wellbeing, social connectedness and community involvement.

Legal/Policy Issues:

Exemptions for municipal rates are granted under Section 154(2) C of the *Local Government Act 1989* – where it can be shown that the properties are used exclusively for charitable purposes. In the cases below, whilst the properties are rateable, that is they are all rental properties, their current use is for charitable purposes.

Financial/Resources/Risk:

The financial implications flowing from this review are included within the report.

Discussion:

The following listing represents properties for which General Rates and Municipal Charges totalling \$8,048.73 are proposed to be abandoned for the financial year 2014/2015 and they are listed for approval (*abandoned \$7,730.16 in 2013-14*).

Assess	Name
23	Alexandra Opportunity Shop Inc.(48 Grant Street, Alexandra)
1518	Eildon Opportunity Shop (12A Main Street, Eildon)
32	Berry Street Victoria (58 Grant Street, Alexandra)
4296	Berry Street Victoria (1/58 Grant Street, Alexandra)
91	Alexandra Life Centre (118 Grant Street, Alexandra)
70	Friends of the Library (1/99 Grant Street, Alexandra)
6069	Kinglake Ranges Neighbourhood House (Op Shop) Kinglake (3 Kinglake Glenburn Road, Kinglake)
5775	St Luke’s Opportunity Shop (76 High Street, Yea)
9178	Marysville Opportunity Shop (4/19 Murchison St, Marysville)

Conclusion:

The above listing represents properties for which General Rates and Municipal Charges totalling \$8,048.73 were abandoned for the financial year 2014/2015 due to the community and charitable nature of the organisations concerned.

6.5 MEAC MINUTES

REF: 15/29277

(Refer Encl 6.5 - MEAC Minutes 2015-06-09)

The minutes of the Murrindindi Environment Advisory Committee Meeting held on 9 June 2015 are attached for receiving.

Recommendation:

That the Minutes of the Murrindindi Environment Advisory Committee meeting held on 9 June 2015 be received.

7. SEALING REGISTER

File: 13/6325

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
SF/640 D15/7767	16 June 2015	Transfer of Land Lot 1 on TP668987F, being part of the land in Volume 3084 Folio 710 from Murrindindi Shire Council to Edward Marcel Oostendorp and Jacqueline Frances Oostendoorp	Michael Chesworth Margaret Rae

Recommendation:**That the list of items to which the Council seal has been affixed be noted.****8. COUNCILLOR PORTFOLIO REPORTS****8.1 LAND USE PLANNING PORTFOLIO****8.2 ECONOMIC DEVELOPMENT PORTFOLIO****8.3 INFRASTRUCTURE AND WASTE PORTFOLIO****8.4 COMMUNITY SERVICES PORTFOLIO****8.5 CORPORATE SERVICES PORTFOLIO****8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO****8.7 MAYOR AND DELEGATED COMMITTEE REPORTS****8.8 GENERAL BUSINESS**

9. MATTERS DEFERRED FROM PREVIOUS MEETING**10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****11. ASSEMBLIES OF COUNCILLORS**

REF: CY15/110

Purpose:

This report presents the records of assemblies of Councillors for 20 May 2015 to 10 June 2015, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Recommendation:

That Council receives and notes the record of assemblies of Councillors for 20 May 2015 to 10 June 2015.

Background:

In accordance with Section 80A of *the Act*, written assemblies of Councillors are to be reported at an Ordinary Council Meeting of the Council.

An assembly of Councillors includes advisory committees, where one or more Councillors were present, along with planned or scheduled meetings involving at least half of the Councillors and a Council Officer.

A Councillor who has a conflict of interest at an assembly of Councillors, must disclose the conflict of interest, and leave the meeting while the matter is being discussed.

A written record is required to be kept of every assembly of Councillors, including the names of all Councillors and staff at the meeting, a list of the matters considered, any conflict of interest disclosed by a Councillor, and whether a Councillor who disclosed a conflict left the meeting.

Summary:

Meeting Name / Type	Councillor Briefing Session
Meeting Date	20 May 2015
Matters discussed	<ol style="list-style-type: none"> 1. Murrindindi Environment Advisory Committee Minutes 2. Planning Application – Retail Building 3. Planning Application – 2 lot Subdivision 4. Submission to the Draft Budget 2015-16 5. Land in Marysville and Alexandra 6. Capital Works Program 7. Lake Eildon Recreation Boating Facilities Improvement Plan 8. Community Grants 9. Municipal Relief and Recovery Plan Review
Attendees: Councillors - Cr Rae, Cr Challen, Cr Walsh, Cr Magner, Cr Derwent	Staff – M Abbey, E Wyatt, M Leitinger, M Chesworth, M Crane, M Parsons, B Elkington, N McNamara, C Price
Conflict of Interest disclosures: Yes	

Matter No.	Councillor making disclosure	Was a vote taken?	Did Councillor leave the room?	When? Before / after discussion / vote?
Item 8	Cr Challen	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Before discussion

Meeting Name / Type	Pre Council Meeting Discussion
Meeting Date	27 May 2015
Matters discussed	<ol style="list-style-type: none"> 1. Planning Application - Alexandra 2. MEAC Meeting Report of Minutes 3. Natural Disaster Funding 4. Lease Proposal - Yea
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh, Cr Ruhr, Cr Magner, Cr Derwent	Staff – M Abbey, E Wyatt, M Chesworth, A Bond, M Leitinger, J Canny, M Crane, N Maguire
Conflict of Interest disclosures – Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	3 June 2015
Matters discussed	<ol style="list-style-type: none"> 1. Marysville Community Arts Project 2. Services Review – Aged and Disability Services 3. Road Naming Proposal - Marysville
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Walsh, Cr Challen, Cr Magner	Staff – M Abbey, M Chesworth, N McNamara, E Wyatt
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Murrindindi Environment Advisory Committee
Meeting Date	9 June 2015
Matters discussed	<ol style="list-style-type: none"> 1. Community Energy Workshop 2. Climate Smart Agriculture Project 3. Leadbeater’s possum protection 4. UT Creek Environs 5. Watts Working Better Project 6. Native Vegetation Offsets (Historic) 7. Yea Wetlands Fire Management Plan 8. Environment Policy Review 9. Environment Strategy Review 10. Members Update
Attendees: Councillors - Cr Kennedy	Staff – M Leitinger, H Bradbury, S McNair
Conflict of Interest disclosures - Nil	

Meeting Name / Type		Councillor Briefing Session		
Meeting Date		10 June 2015		
Matters discussed		<ol style="list-style-type: none"> 1. Paradiso Place of Assembly 2. Planning Application – Intensive Animal Husbandry 3. Review of Roads and Parks Maintenance 4. Watts Working Better Project 5. Kinglake, Flowerdale & Toolangi Streetscape Plan 6. GRVT MOU 7. Murchison Street Marysville 		
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Challen, Cr Magner, Cr Derwent, Cr Walsh		Staff – M Abbey, E Wyatt, M Chesworth, M Crane, K Girvan, M Leitinger, P Simpson		
Conflict of Interest disclosures - Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did Councillor leave the room?	When? Before / after discussion / vote?
Item 2	Cr Walsh	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Before discussion

12. URGENT BUSINESS

13. CONFIDENTIAL ITEMS

Should any items be considered in closed session. the meeting is to be closed to members of the public pursuant to (Section 89(2)(h) of the *Local Government Act 1989*) - any other matter which the Council or special committee considers would prejudice the Council or any person.