

**Appendix 3 – Assessment against relevant Planning Scheme controls**

<b>Planning Scheme Reference</b>	<b>Assessment</b>
<b>State Planning Policy Framework</b>	
Clause 11.02-3 (Structure Planning)	<p>This particular policy seeks to facilitate the development of urban areas through the preparation of Precinct Structure Plans to guide future land use and development.</p> <p>Since the original issue of the planning permit, the land has been brought into the Urban Growth Boundary, and is now identified as a conservation area in the draft Tarneit Plains Precinct Structure Plan area.</p> <p>The use is an existing use, where no further infrastructure is proposed other than stub stacks to assist in odour reduction.</p> <p>The proposal will result in less odour impacts than currently exist in the locality, which would be advantageous for the future Precinct Structure Planning for the area.</p>
Clause 12.01 (Biodiversity)	<p>The Policy seeks to assist in the preparation and conservation of Victoria's biodiversity. Since the issue of the permit, the land has been included in an area of environmental significance, and has also been set aside as a future conservation area in the draft Tarneit Plains Precinct Structure Plan.</p> <p>Whilst the land has been identified as a conservation area, the broiler farm has existing use rights and can continue to operate indefinitely. The footprint of the buildings on the land will not increase, and only additional stub stacks are proposed for each of the sheds.</p>
Clause 13.04-2 (Air Quality)	<p>The policy seeks to assist in the preparation and improvement of air quality.</p> <p>The proposal is consistent with this policy to the extent that odour modeling that has been carried out to accompany the application, and which has been accepted by the Environment Protection Authority has indicated that the additional technology and works proposed as part of the application will result in odour reduction from the sheds, which will be less detrimental to surrounding amenity.</p>
Clause 14.01 (Agriculture)	<p>This policy seeks to protect productive agricultural land from inappropriate land use and development. The broiler farm has been operating lawfully for approximately seven years, and there is no intention to cease this agricultural use in the foreseeable future, even accounting for the future development in the Precinct Structure Plan areas. The agricultural land use will be retained on the land as a result of this application.</p>
<b>Local Planning Policy Framework</b>	
Clause 21.01-3 (Rural Areas)	<p>This aspect of the Municipal Strategic Statement identifies that the Rural areas of the City of Melton have</p>

	traditionally been used for cropping and grazing, and agriculture remains the dominant use of the rural areas. The subject land is unique to the extent that the western portion of the property lies outside of the Urban Growth Boundary and is within the Green Wedge Zone, whilst the bulk of the property lies within the Urban Growth Boundary and is within a Rural Conservation Zone. There is no change to the current agricultural land use as a result of the application.
Clause 21.03-2 (Planning objectives)	The Municipal Strategic Statement has a number of land use objectives sought to be achieved by the Melton Planning Scheme, including the need to protect and conserve environmental resources and assets in the municipality, and to preserve the integrity of the municipality's rural land for sustainable and efficient rural land use. There is no change proposed to land use as a result of the application, and no further impact on identified environmental assets as a result of the application.
Clause 22.02 (A Sustainable Environment Policy)	The Policy aims to protect and conserve the environmental resources and assets of the municipality, including vegetation and grasslands and to have these integrated into development designs. The Environmental Management Plan endorsed under the current planning permit will be key in ensuring that this policy is complied with.
Clause 22.08 (Rural Land Use Policy)	The Policy seeks to retain and maintain the rural areas of the municipality for sustainable, agricultural land uses. The proposal is consistent with this policy as the current agricultural use of the land will not alter as a result of the application.
<b>Zone</b>	
Green Wedge Zone	The western portion of the land is affected by the Green Wedge Zone. The zone requires a planning permit for broiler farm subject to compliance with Clause 52.31 of the Melton Planning Scheme, which is a particular provision for Broiler Farms. There is no change proposed to the use other than an increase in bird numbers and minor buildings and works to include stub stacks to five broiler sheds. The sheds fall outside of the area of the Green Wedge Zone.
Rural Conservation Zone	The eastern portion of the land is affected by the Rural Conservation Zone. The five existing approved broiler sheds fall within the area of the Rural Conservation Zone, where a broiler farm is now a prohibited use. The farm enjoys existing rights, as it has been operating lawfully since the Rural Conservation Zone was placed on the land. Therefore Council has the ability to determine the application.
<b>Other</b>	
Environmental Significance Overlay (Schedule 2 – Wetlands, Waterways and Riparian Strips)	There is a waterway that traverses the property in the western portion of the site that this overlay seeks to protect. The proposed works area is outside of this

	<p>overlay area and it is unlikely that the waterway will be impacted upon by the proposal.</p>
<p>Environmental Significance Overlay (Schedule 5 – Rural Conservation Area)</p>	<p>The eastern portion of the land, including the area where the existing broiler sheds are located are affected by this overlay control. A planning permit is required under this overlay control for buildings and works. Given that the application proposes no further extension to the existing building footprint, the proposal poses no threat to the environmental objectives sought to be protected by this overlay control.</p> <p>In addition, the land has been identified as a Conservation Area in the draft Tarneit Plains Precinct Structure Plan, and this was designated for this purpose after the broiler farm had commenced operations.</p>
<p>Clause 52.31 (Broiler Farms)</p>	<p>This Clause applies to permit applications to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm.</p> <p>Given that the proposed farm capacity of an existing broiler farm is sought to be increased, this particular provision applies to the proposal. An application of this nature must comply with the <i>Victorian Code for Broiler Farms 2009</i>.</p> <p>For the purpose of the Code of Practice, given that the increase in farm capacity cannot comply with the required separation distance, it is deemed to be a Special Class Farm, where odour reduction technology is to be used on the farm.</p>
<p>Clause 63 (Existing Use Rights)</p>	<p>The use of land for a broiler farm is now a prohibited use in the Rural Conservation Zone.</p> <p>Notwithstanding, Clause 63.01 of the Melton Planning Scheme applies and establishes an existing use right for the broiler farm, where a use has been lawfully carried out before the approval date, and where the use has not stopped for a continuous period of two years. The use is lawful and has been carried on in accordance with a planning permit continuously for approximately seven years.</p> <p>Further, the <i>Victorian Code for Broiler Farms 2009</i> also has a section related to existing farms and advises that broiler farms that were lawfully established before the introduction of the Code may continue to operate in accordance with previous lawful operations and any valid planning permit that applies to the broiler farm, which is the case in this circumstance.</p> <p>Under this clause, a planning permit is required for buildings and works, the use must continue to comply with existing permit conditions, and the amenity of the area must not be negatively impacted upon by the change in activities proposed.</p>