



Growth Areas Authority

Amendment C154 to the Hume Planning Scheme

Panel Hearing 5th February 2013

GREENVALE POULTRY FARM

Submission 190 – Best Hooper Solicitors on behalf of Greenvale Central Golden Yolks.

- Submitter's property is used as a poultry/egg farm.
- The redevelopment of land will compromise the operations of the poultry farm.
- PSP makes no references to poultry farm - should be considered as an existing use right.
- Requires a buffer or alternatively planning mechanisms to protect business.
- A permit may not be required to construct or extend a dwelling on a lot on less than 300 square metres. This would allow residential development close to the farm's premises.
- Does not oppose development.

Submission 217a – Kathy Fewchuk

- Questions the methodology of the report. GHD uses one year of wind data for its odour modelling. Australia has a highly variable climate and one year of data is insufficient.
- May affect the value of the land.
- No consultation.

Submissions 263 & 263a – Julie Hasan

- Relocate the egg farm.
- Odour extends further than proposed 140m directional buffer.

Submission 267 – Tony Sapuppo

- Questions the methodology of the report.

- Growth should be encouraged and not hampered by the existence of an egg farm.

Submission 268 – Sam Sassine (representing all land owners affected by directional buffer)

- No consultation prior to the report.
- Will create economic damage to those properties encumbered by buffer
- The amendment protects the egg farm’s operations.
- Disputes the accuracy of the information in the report

Response

The GAA revised the PSP and associated documents to acknowledge the operation and use of the Egg Farm located at 30 French Road, Greenvale. The land was purchased by the current owners in 1980 however it has been operating as an egg farm for over 50 years.

Clause 13.04-2 – Air Quality of the Hume Planning Scheme requires that strategies are adopted to, “*Ensure wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses*”. Odour is the main potential adverse amenity impact associated with the operation of the existing egg farm.

The GAA since the exhibition of the amendment commissioned a study, “*Odour Impact Assessment: Egg Layer Farm Buffer Review*” GHD November 2012, to assess the adverse amenity impacts associated with the existing egg farm operation. The purpose of the study was to refine and reduce the default EPA buffer threshold distance of 400m. The study determines the suitable separation distance where sensitive uses may occur without the requirement for a more detailed assessment. Those properties impacted by the buffer must undertake further work to inform the appropriateness of sensitive uses within the proximity to the egg farm.

GHD provided a non-radial buffer that is representative of the site specific conditions and hence gives a more uniform degree of protection for sensitive land uses from exposure to negative amenity impacts in the event of a process upset at the egg layer farm.

Plan 5 – *Image, Character and Housing Plan* now demonstrates a “directional buffer” that nominates those areas that will be required to undertake a further assessment to support sensitive uses. The directional buffer takes account of the operations of the egg farm and the meteorological conditions that prevail.

The UGZ Schedule 6 - Clause 37.07 of the Hume Planning Scheme acts as the relevant control to implement the buffer requirements and stipulates that:

“An application for residential subdivision, use or development of land within the buffer designated on Plan 5 - Image Character and Housing in the Greenvale Central Precinct Structure Plan, relating to the adjacent land containing the Egg Farm at 30 French Road, Greenvale must be accompanied by a risk assessment prepared by a suitably experienced and qualified person. The risk assessment must acknowledge the existing poultry farm operations and assess the adverse amenity impacts of the poultry facility on the future residential use and development of the land, providing sufficient confidence of the suitability of any residential use within the buffer designated in the Greenvale Central Precinct Structure Plan.

The planning application for subdivision, use or development and the associated risk assessment must be referred to Environmental Protection Authority (EPA).

It is noted at present there are only 2000 hens. Any future application on land affected by the buffer would need to assess the existing operations of the egg farm and the adverse impacts at that time.

EPA Referral

As discussed at the earlier Panel, the issue of the egg farm and the GHD report were referred to the EPA. The GAA and EPA also had a conference to discuss the issues.

The EPA response is detailed below.

Please accept this email as EPA's position on this matter.

EPA has investigated the planning matter involving the egg farm located in the Greenvale Central Precinct Structure Plan and Growth Area Authority's response to managing potential off-site impacts of the farm.

EPA advises that it is not a referral authority for this type of planning development.

The egg farm in question has a relatively small number of chickens (approximately 2000) for an egg laying operation. In EPA's view, the proposal it is not likely to pose any significant off-site amenity impacts should the farm maintain the existing number of chickens. The proposed strategy of maintaining a separation distance of 144 metres between the farm and proposed sensitive land uses surrounding the farm, is sound.

The Specific Provision - Land adjacent to Egg Farm, 30 French Road, Greenvale 3059 - outlined in Schedule 6 of the Planning Scheme proposes that an application for residential sub-division, use or development of land within the buffer designated (144 metres) will require further assessment of risks. This contingency plan satisfies EPA that potential future risk of off-site amenity impacts will be managed appropriately .

Thank you for involving us at this stage. Please feel free to call should you have any questions.

Matthew Gordon

Senior Policy Officer - Planning
Policy and Regulation Unit

Following consultation with the EPA it is proposed to revise the UGZ Schedule 6 to require any application to be provided to the EPA as notice of the application rather than referral.

There have been ongoing discussions between the Catholic Education Office (CEO) and owners of the egg farm, with a view to the CEO purchasing the site for the school. If negotiations are successful it would be a very satisfactory way of resolving future land use of the site.

SUBMISSION 223 - JUNE SODERSTROM

- The development densities proposed are too high
- The cattery will be under pressure to close.

The issues regarding density were canvassed extensively during the earlier phase of this Panel.

The Hume Planning Scheme contains:

Clause 22.08 Animal boarding and dog breeding local policy.

The policy specifies that:

- Sites used to keep or breed cats are at least 1 hectare in area.
- The ratio of cats to site area should not exceed a maximum of 15 cats over the age of 3 months per hectare.
- The total area of the site occupied by kennels and catteries and associated buildings, but excluding runs and open paved areas, should not exceed five percent of the total area of the site.

- Kennels, catteries and runs should be setback at least 50 metres from a front boundary to a road except a road included in a Road Zone in which case the setback is 60 metres.
- Kennels, catteries and runs should be setback at least 10 metres from any dwelling on the site

The cattery located at 80 Carroll Lane, generally complies with the setback requirements outlined in the policy and also to future residential development on adjacent land.

The property is 2.02 hectares which is more than twice the area required by the policy.

The cattery is defined as ‘Animal Boarding’ in the Planning Scheme.

A permit was granted for a cattery on the site in 2005.

The site is to be re-zoned Residential 1 and UGZ Schedule 6. The cattery would be prohibited pursuant to those provisions, however as it has a permit has lawful use rights.

No additional buffers are proposed to be provided to the cattery.

Adele Patterson

Isaacs Chambers