

PP135/2019-1

145 Tomahawk Creek Road PIRRON YALLOCK

**Lot: 1 TP: 539415 V/F: 7199/656,
Lot: 2 TP: 539415 V/F: 7199/656**

**Use and Development of an Industry
(Dairy Farm Processing Plant) & primary
produce sales and Display of business
identification signage**

BB Design Group Pty Ltd

Officer - Helen Evans

EXHIBITION FILE

This document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

Submissions to this planning application will be accepted until a decision is made on the application.

If you would like to make a submission relating to a planning permit application, you must do so in writing to the Planning Department



Colac Otway SHIRE

Planning Enquiries
Phone: (03) 5232 9400
Email: inq@colacotway.vic.gov.au
Web: www.colacotway.vic.gov.au

Office Use Only

VicSmart?

Specify class of VicSmart application:

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

i Click for further information.

Clear Form

Application Type

Is this a VicSmart application?*

No Yes

If yes, please specify which

VicSmart class or classes:.....

⚠ If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

Pre-application Meeting

Has there been a pre-application meeting with a Council planning officer?

No Yes

If 'Yes', with whom?: Ian Williams

Date: 27/03/2019

day / month / year

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 145	St. Name: Tomahawk Creek Road
Suburb/Locality: Pirron Yallock		Postcode: 3249

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.: 1&2 Lodged Plan Title Plan Plan of Subdivision No.: 539415B

OR

B Crown Allotment No.:

Section No.:

Parish/Township Name:

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

i For what use, development or other matter do you require a permit? *

We are proposing to develop an on farm processing plant and associated cellar door. These developments are to compliment the existing Farming practices which are currently undertaken on the site.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

i Estimated cost of any development for which the permit is required *

Cost \$ 500,000

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions **i**

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Farmland & Dairy with Out Paddocks.

Provide a plan of the existing conditions. Photos are also helpful.

Title Information **i**

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name: Title: First Name: Surname:

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Please provide at least one contact phone number *

Contact information for applicant OR contact person below

Business phone: Email:

Mobile phone: Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details* Same as applicant

Name: Title: First Name: Surname:

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name: Same as applicant

Title: First Name: Surname:

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Owner's Signature (Optional): Date:

day / month / year

Information requirements

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist.

Is the required information provided?

Yes No

Declaration i

This form must be signed by the applicant *

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant, and that all the information in this application is true and correct, and the owner (if not myself) has been notified of the permit application.

Signature: Date:

day / month / year

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The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 07199 FOLIO 656

Security no : 124077925558K

Produced 14/06/2019 10:47 AM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 539415B (formerly known as part of Crown Allotment B Section 33, part of Crown Allotment C Section 33 Parish of Nalangil).

PARENT TITLE Volume 06608 Folio 558

Created by instrument 2190491 14/01/1949

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

JOHN FOSTER BOYD

ANNE MAREE BOYD both of "GLENGALLA" 255 PHALPS ROAD LARPENT VIC 3249

AF195239F 10/07/2007

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF195240W 10/07/2007

COMMONWEALTH BANK OF AUSTRALIA

MORTGAGE AF371152N 01/10/2007

ROY DAVID BOYD

LORNA ALISON MARY BOYD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP539415B FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA

Effective from 23/10/2016

DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

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TITLE PLAN EDITION 2 TP 539415B

Location of Land
 Parish: NALANGIL
 Township:
 Section: 33
 Crown Allotment: B (PT), C (PT)
 Crown Portion:
 Last Plan Reference:
 Derived From: VOL 7199 FOL 656
 Depth Limitation: NIL

Notations
 ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 20/06/2000
 VERIFIED: HG

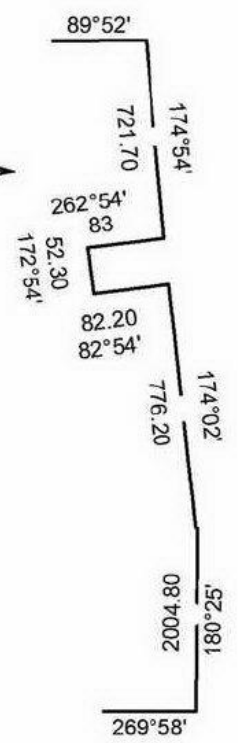
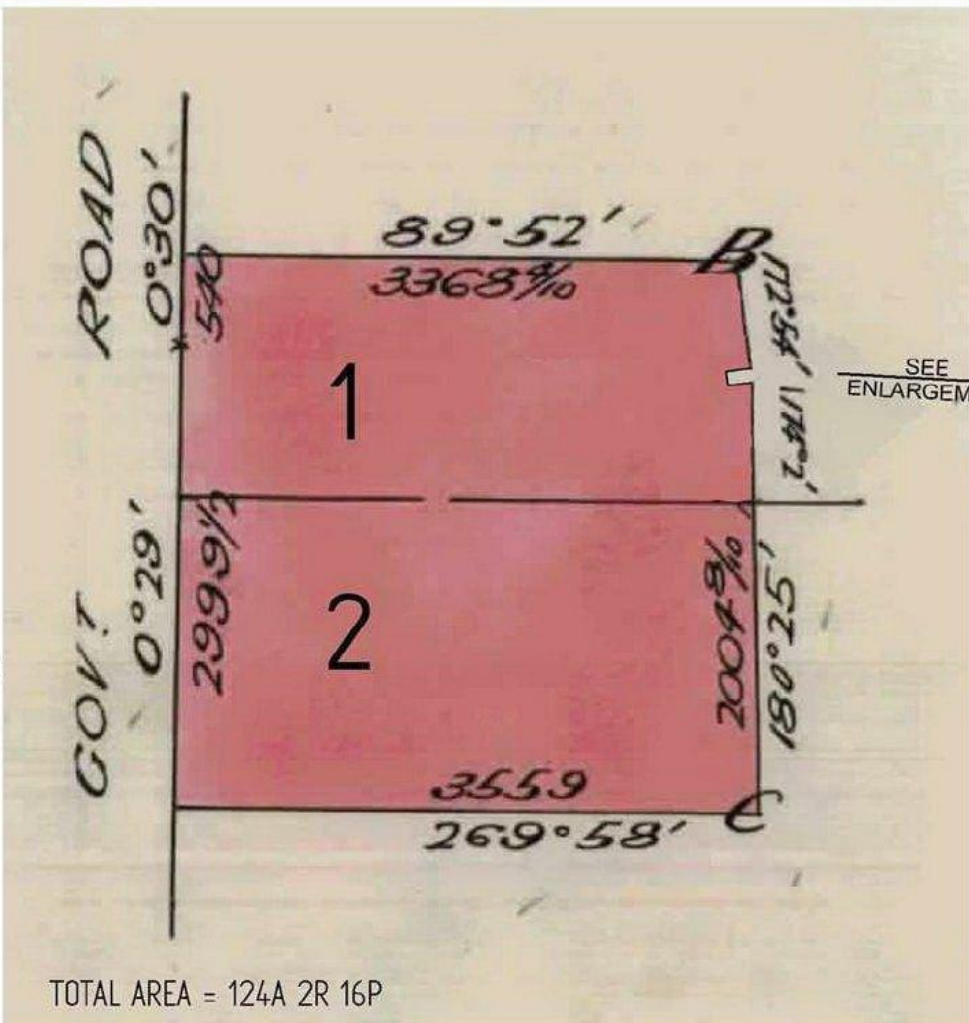


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 =	CA B (PT)
PARCEL 2 =	CA C (PT)

The following copied documents are made available to the public for the purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

TRANSFER OF LAND

Section 45 Transfer of Land Act 1958



AF195239F
10/07/2007 1327 45
The collector and issuer of this document is the Victorian Land Registry.

Lodged by:
Name: Commonwealth Bank of Australia
Phone: ABN 48 123 123 124
Address: 385 Bourke Street, Melbourne
Phone: 1300 137 762
Ref: RM
Customer Code: 24025
Name Reference
Customer Code 21Q

MADE AVAILABLE / CHANGE CONTROL
Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio reference)
Volume 7199 Folio 656

Estate and Interest: (e.g. "all my estate in fee simple")
all my estate and interest in fee simple

Consideration:
\$650,000.00

Transferor: (full name)
RICHARD THOMAS UNDERWOOD

Transferee: (full name and address including postcode)
JOHN FOSTER BOYD and ANNE MAREE BOYD both of "glengalla" 255 Phalps Road, LARPENT 3249 as Joint Proprietors

Directing Party: (full name)

Dated: 18.6.07
Execution and attestation:
Signed by RICHARD THOMAS UNDERWOOD in the presence of:)
Witness:)
Signed by JOHN FOSTER BOYD in the presence of:)
Witness:)
Signed by ANNE MAREE BOYD in the presence of:)
Witness:)

Approval No: 1550069A
ORDER TO REGISTER
Please register and issue title to
T1
Signed Cust. Code:

STAMP DUTY USE ONLY	
This stamp is	Victorian Duty \$ 34,660.00
SRO	Consideration / Advance \$ 650,000.00
Property	Victorian Assets % Section
NOT TO BE COPIED	Original / Counterpart / Collateral / Unstamp
	Transaction No: 11616/2007
	Endorsing Date: 06/07/07
	Signature



*Law Perfect Pty Ltd

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Mortgage of Land

Section 74 Transfer of Land Act 1958

Lodged by:

Name: **COMMONWEALTH BANK OF AUSTRALIA**
ABN 48 123 123 124

Phone: 1300 137762

Address: 385 Bourke Street, Melbourne 3000

Ref: 224025

Customer Code: 21Q

MADE AVAILABLE / CHANGE CONTROL
Office Use Only

The mortgagor mortgages to the mortgagee the estate and interest specified in the land described (in this mortgage referred to as The Property) subject to the registered encumbrances affecting The Property and any encumbrances created by dealings lodged for registration before this mortgage was lodged. This mortgage is given for the purpose of securing the payment of the Amount Owing by the mortgagor to the mortgagee.

Land (Title)
CERTIFICATE OF TITLE VOLUME 7199 FOLIO 656

JB AB.

Estate or interest being mortgaged

Mortgagor's estate and interest in fee simple
Mortgagor (Full Name) *Marce AB*
John Foster Boyd and Anne ~~Marie~~ Boyd

Mortgagee

COMMONWEALTH BANK OF AUSTRALIA ABN 48 123 123 124
385 Bourke Street, Melbourne 3000
Date of this mortgage

5/7/07

The provisions contained in each annexure to this cover sheet and in a Memorandum of Common Provisions retained by the Registrar of Titles in No. AA966 are incorporated in this mortgage.

CONTINUED ON M PAGE 2

Approval No. 1446063A
ORDER TO REGISTER
Please register and issue title to:

Signed
Customer Code

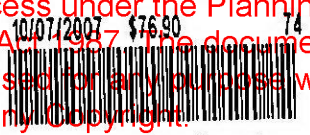
Stamp Duty Use Only



THE BACK OF THIS FORM MUST NOT BE USED
Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

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AF195240W



-COVENANTS-

You (the mortgagor) agree with us (the mortgagee) as follows:

1. A reference to "this mortgage" in this cover sheet, in any annexure to this cover sheet or in the Memorandum of Common Provisions specified in the first page of this cover sheet is a reference to the mortgage constituted by this cover sheet, each annexure to this cover sheet and that memorandum. You agree to keep to the provisions in the memorandum, and you acknowledge that you received, read and understood a copy of the memorandum before signing this mortgage.
2. You acknowledge giving this mortgage and incurring obligations and giving rights under it in return for the things we do when we enter into a Secured Agreement.
3. You warrant that:
 - neither you nor any person on your behalf has sold The Property under a terms contract within the meaning of the Sale of Land Act 1962; and
 - you have told us if you have a tenant in The Property.

-EXECUTION AND ATTESTATION-

Signed in my presence

[Handwritten Signature]
.....
Signature of Witness

RHONDA HENRY
Unit 6A, 84 Raglan Pde
Warrambool
Name & Address of Witness (BLOCK LETTERS)

John Foster Boyd

[Handwritten Signature]
.....
Signature of Mortgagor

Signed in my presence

[Handwritten Signature]
.....
Signature of Witness

RHONDA HENRY
Unit 6A, 84 Raglan Pde
Warrambool
Name & Address of Witness (BLOCK LETTERS)

Maree AB.
Anne Marie Boyd

[Handwritten Signature]
.....
Signature of Mortgagor

Approval No.1446063A

M PAGE 2



TLS100VIC
010306

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MORTGAGE OF LAND

Section 74 Transfer of Land Act 1958

Copyright - Law Institute of Victoria Seventh Edition - March 1996

Lodged by:
 Name: Sewells Larkins McCarthy
 Phone: 5231 9400
 Address: 119 Murray Street
 Colac
 Ref.: SLH:JLB114903-6
 Customer Code: 1558 N



AF371152N
 01/16/2007 \$126.90 74
 col anc ma reg Vit

MADE AVAILABLE / CHANGE CONTROL
 Office Use Only

The Mortgagor hereinafter described being registered as the proprietor of an estate and interest in fee simple in the land described subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument and duly registered in consideration of the advance hereinafter described lent or agreed to be lent to the Mortgagor or the Covenantor or both of them by the Mortgagee or the provision of other valuable consideration for better securing the payment of the moneys hereby secured mortgages to the Mortgagee the said estate and interest in the said land and covenants and agrees with the Mortgagee as set out in the provisions contained in a Memorandum of Common Provisions retained by the Registrar of Titles referred to below and set out in any further provisions endorsed hereon or annexed hereto. A reference in the said Memorandum to an item in "the Schedule" is a reference to the applicable item hereunder. The Guarantor hereinafter described hereby covenants and agrees with the Mortgagee as set out in Clause 28 of the said Memorandum. The Covenantor hereinafter described hereby covenants and agrees with the Mortgagee as set out in Clause 29 of the said Memorandum.

Land being Mortgaged
 Volume 5298 Folio 522, Volume 6324 Folio 739, Volume 10670 Folio 066, Volume 10670 Folio 067 and Volume 7199 Folio 656.

Mortgagor - Full Names (Block Letters)
 JOHN FOSTER BOYD and ANNE MAREE BOYD

Mortgagee - Full Names and Addresses including Postcode (Block Letters)
 ROY DAVID BOYD and LORNA ALISON MARY BOYD of 4 Balnagowan Avenue Colac 3250

Advance or other valuable consideration Four hundred Thousand Dollars (\$400,000.00)

Due Date 2/6/2012

Guarantor - Full Names and Addresses of (Block Letters)	Covenantor - Full Names and Addresses (Block Letters)
---	---

INSTALMENTS Amount of Instalments (3.5)	INTEREST Higher Rate Lower Rate Single Rate (2.4.5.) (2.4.5.) (3.) See Annexure 1.
--	--

Intervals for Payment of Instalments (3.5)	Rests for Calculation of Interest (2.3.4.5.) Monthly from commencing date
--	---

Date of First Instalment (3.5)	Commencing Date 2/06/2007 (2.3.4.5.)
--------------------------------	--------------------------------------

Date of this Mortgage 19th June 2007	Payment of Interest (2.4.) Monthly in arrears
--------------------------------------	---

The provisions contained in the Memorandum of Common Provisions retained by the Registrar of Titles in No. AA689 are incorporated in this Mortgage.	Date of First Payment (2.4.) 2/07/2007
---	--

- This Mortgage is a -
- *Tick box required Law Institute of Victoria Standard Variable Mortgage (Interest Only) (2.)
 - (one only) Law Institute of Victoria Standard Single Rate Variable Mortgage (Instalments) (3.)
 - Law Institute of Victoria Standard Fixed Mortgage (Interest Only) (4.)
 - Law Institute of Victoria Standard Higher & Lower Rate Variable Mortgage (Instalments) (5.)

Continued on M Page 2

Approval No: 1550069A ORDER TO REGISTER
 Please register and issue title to Commonwealth Bank of Australia.

M
 COMMONWEALTH BANK OF AUSTRALIA
 OFFICE OF TITLES BANKING CENTRE FRANKAMBOOL VICTORIA VIC.
 Signed: [Signature]
 Cust. Code: 210

STAMP DUTY USE ONLY

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Execution and attestation:

Signed by the Mortgagor in the presence of:

)
) John Foster Boyd
)
) Anne Maree Boyd

[Handwritten signature]

Witness

Signed by the Mortgagee in the presence of:

)
) Roy David Boyd
)
) Lorna Alison Mary Boyd

[Handwritten signature]
Witness

AF371152N



NOTES

This mortgage must be typed or completed in ink and all signatures must be in ink.
If there is insufficient space in any panel to accommodate the required information use the above space or an annexure sheet (Form A1). Insert only the words "See Annexure A" (or as the case may be) in the appropriate panel and enter the information above or on the annexure sheet under the appropriate heading.
Multiple annexures may appear on the same annexure sheet but each must be correctly headed.
Information in relation to more than one panel may appear on the same annexure sheet but it must be included under the appropriate panel heading.
All annexure sheets should be properly identified and signed by the parties and securely attached to the instrument.
Volume and Folio references must be given. If the Mortgage affects part only of the land in a title the lot and plan number or Crown description must also be given. Any necessary diagram should be endorsed above or on an annexure sheet (Form A1).
Set out the amount of the advance (in figures) or the nature of the consideration.
Full name and after settlement address (including Postcode) of the mortgagee must be given.
A Mortgage type must be selected and indicated by a tick in the appropriate box. This determines which one of clauses 2, 3, 4 and 5 of the Memorandum of Common Provisions applies. These clauses relate to interest or instalments. The clause numbers are set out beside each mortgage type. Once a mortgage type is selected one of the clauses 2, 3, 4 or 5 applies to the exclusion of the others. Clause reference numbers have been included in the interest and instalment panels to indicate which of the interest and instalment panels are applicable and which are inapplicable.
Examples for completion of the "payment of interest" panel are as follows:

- | | |
|--|--|
| "monthly in arrears" | for monthly payments |
| "quarterly in arrears" | for quarterly payments |
| "on the days of and
in each year. | for interest on fixed days |
| monthly in arrears after the due date or such earlier date as the moneys hereby secured become immediately due and payable." | for interest free loans where interest will commence if repayment is not made or upon default. |

Care should be taken to make sure that all information necessary to complete the selected mortgage is included.
If an executing party is a natural person execution should read "Signed Sealed and delivered by the Mortgagee/Guarantor/Covenantor in the presence of". The witness must be an independent person. If an executing party is a body corporate execution should conform to any prescribed formalities relating to the affixing of the common seal.

Approval No: 1550069A

M Page 2



* Law Perfect Pty Ltd

THE BACK OF THIS FORM MUST NOT BE USED
Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

This is page 3 of *Approved Form* dated 2nd June, 2007
 between JOHN FOSTER BOYD and ANNE MAREE BOYD AND
 ROY DAVID BOYD and LORNA ALISON MARY BOYD

Signatures of the parties

Roy D Boyd *Anne M Boyd*
Lorna A M Boyd

Panel Heading

Interest

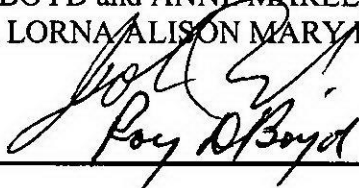
The Higher Rate is 2 per cent per annum higher than the rate set by the Penalty Interest Rate Act from time to time and the lower rate is for the first 3 years 7.5 per cent per annum and thereafter is the difference between the mortgagors borrowing rate on their first mortgage and the rate the mortgagees could earn on a two year term deposit with Sewells Finance Ltd fixed as at the year of commencement and such rate to be recalculated annually for the last two years.

FURTHER COVENANTS

1. The Mortgagor covenants and agrees with the Mortgagee that if the land or any part of it is agricultural, horticultural or pastoral land or the use or intended use of the land is for agricultural, horticultural or pastoral purposes the Mortgagor:-
 - (a) will at all times take all reasonable steps to suppress and destroy all rabbits and other vermin, noxious animals and insects ("noxious animals") on the land and all thistles, weeds and other noxious plants thereon ("noxious plants") and will use all reasonable measures and erect and keep in repair all rabbit-proof and other fencing necessary for keeping the land free from noxious animals and will at all times carry out and comply with the requirements of every Act, regulation or by-law for the time being in force relating to noxious animals or noxious plants on the land or any land adjacent to it and will comply with the lawful requirements of the local Council and any other body or person having authority in that behalf in the district where the land or any part of it is situated with regard to the destruction of vermin noxious animals or noxious plants;
 - (b) will cultivate, tend, farm and maintain the land in a good, clean and husbandlike manner according to the most appropriate mode of husbandry in the district in which the land is situated and will not without the prior written consent of the Mortgagee cut or destroy standing timber either dead or alive nor carry or allow any timber to be carried away where such action would or could in the opinion of the Mortgagee lessen the value or utility of the land provided that the Mortgagor shall have the right to prune or lop in a reasonable way any green timber standing on the land;
 - (c) for better securing to the Mortgagee the due performance of the Mortgagor's obligations under this Clause the Mortgagor will duly and punctually comply with all reasonable written directions by the Mortgagee requiring the doing of any act, matter or thing in compliance with this Clause.
2. Instalments in reduction of principal may be made in multiples of \$1,000.00 on any interest due date.
3. To the extent of any inconsistency between the terms of this Mortgage and the MCP, this Mortgage prevails.

This is page 4 of *Approved Form* dated 2nd June, 2007
between JOHN FOSTER BOYD and ANNE MAREE BOYD AND
ROY DAVID BOYD and LORNA ALISON MARY BOYD

Signatures of the parties



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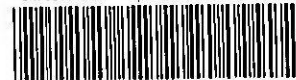


Panel Heading

4. The Mortgagor shall pay a fee of \$200.00 plus GST for any notice in the event of any interest payment being in arrears for more then 14 days or in the event of the power of sale referred to in the mortgage becoming exercisable.
5. The Mortgagor shall (subject to having given to the Mortgagee on month's written notice of the intention of the Mortgagor in this behalf) be at liberty to pay the principal sum secured then remaining with interest at the lower rate to the date of payment.
6. Upon any sale or parting with possession of the mortgaged land or any part thereof by the Mortgagor the principal sum and interest thereon shall immediately become due payable and recoverable to and by the Mortgagee.

AF371152N

01/10/2007 \$126.90 74



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Hi Helen,

Thank you for your email. Responses as requested are below.

1. Operating Hours are to be as per the Planning Report. 6am to 8pm Monday to Sunday Inclusive.
2. I have confirmed with the Client and none of the rose veal which is to be grown on the land will be slaughtered onsite. The veal will be transported offsite and then be slaughtered and packaged. This final packaged product will then be sold at the cellar door.
3. We are happy for you to amend the application to include Business Identification Signage. We are also happy to include 'the alteration of access to a road in a road zone category 1' if VicRoads deems this necessary

I have also drawn the client's attention to item 5, so they are fully aware of the definition of Primary Produce Sales and what can and cannot be sold as part of this use.

I hope this answers all outstanding queries and we can now proceed to the Public notification of this application.

If you have any queries please do not hesitate in contacting myself on the below details.

Kind Regards,

[Matthew Carr](#)

Senior Building Designer



BB DESIGN GROUP
BUILDING DESIGNERS

BB Design Group Pty Ltd.
312A Bell Street,
Coburg, Vic. 3058, Australia
Phone: +61 3 9354 1544
Fax: +61 3 9354 8044
Email: matthew@bbdesigngroup.com.au
Internet: <http://www.bbdesigngroup.com.au>



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From: Helen Evans [<mailto:Helen.Evans@colacotway.vic.gov.au>]

Sent: Monday, 14 October 2019 3:33 PM

To: admin <admin@bbdesigngroup.com.au>

Subject: PP135/2019 - 145 Tomahawk Creek Road PIRRON YALLOCK - 2nd further information request and extension of time

Dear Matthew

PLANNING APPLICATION: PP135/2019-1

SUBJECT LAND: 145 Tomahawk Creek Road PIRRON YALLOCK

PROPOSAL: Use and Development of an Industry (Dairy Farm Processing Plant) & Associated primary produce sales and display of business identification signage

Thank you for the further information provided on 24 September 2019 in response to Council's further information letter dated 19 July 2019.

Whilst the majority of the queries have been addressed in your response, I seek further clarification on the following matters –

1. This is a discrepancy in the proposed operating hours of the processing plant – The cover letter advises the proposed operating hours of the processing plant are 8am-4pm 7 days per week, whilst the planning report page 10 states that the hours of operation of the proposed processing plant which are anticipated to be between 6am and 8pm Monday to Sunday inclusive.
2. The application describes -
There will be 2 key products to be displayed in the cellar door, fresh milk based products processed on site and premium rose veal. It is anticipated that a small amount of locally produced items complimentary to the milk based and veal products produced on site will be stocked in the cellar door.

There has been no discussion in the application about the proposed processing of the veal. Please advise if the stock will be slaughtered onsite or whether the carcasses will be butchered onsite.
If the stock are to be slaughtered onsite, further details are required in relation to the processing of the stock into meat including kill numbers, waste management, amenity controls as per Clause 53.10, and other relevant information.
3. Please note that the display of business identification signage has been included into the proposal description. When responding to this further information request, I would be grateful if you could confirm that the application can be amended accordingly.
4. Having completed an initial assessment of the application, it was noted that an upgrade of the access may be required to serve a dwelling, in the event a permit is issued. As access is on to a Road Zone Category 1, any alteration to the access would require a planning permit. The application as submitted will be referred to VicRoads for its advice on whether the current access would be acceptable as an access to a dwelling. If it is found that changes are required to the access, this would need to be included in the proposal description as 'the alteration of access to a Road in a Road Zone Category 1'. When responding to this further information request, I would be grateful if you could confirm that the application can be amended accordingly, if required by VicRoads.
5. As described in the letter dated 19 July, I draw your attention to the definition of 'Primary Produce Sales'. Primary Produce Sales is defined as

*Land used to display and sell primary produce, **grown on the land or adjacent land.** It may include processed goods made substantially from the primary produce.*

Your application describes that 'Items such as dairy from local sheep & goats, as well as soaps and other locally made items would also be sold from the site'. I take this opportunity to draw your attention to the fact that retail sales is a prohibited use and that the primary produce sales must be limited to as defined. I provide to you a VCAT decision <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2002/595.html> that provides discussion to the definition of primary produces sales. Please ensure that should a permit be issued, your client is well aware of this definition.

As requested an extension of time is granted to provide the further clarification to 29 November 2019

Please submit the following information **by 29 November 2019**:

1. Clarify the processing plant operating hours
2. Advice regarding the premium rose veal as discussed above
3. confirm that the application can be amended to include 'display of business identification signage' and 'the alteration of access to a Road in a Road Zone Category 1' if necessary

Upon receipt of the above information, your application will be further considered.

Your planning permit application will lapse if the requested information is not provided **by 29 November 2019**. A planning permit application that has lapsed cannot be recommenced and a new planning permit application will need to be lodged if you wish to continue with your proposal. Pursuant to Section 54A of the *Planning and Environment Act, 1987* you may apply in writing for an extension of time to provide the additional information. However, this request must be made before the planning permit application has lapsed.

If you have any queries about this application, I can be contacted on 03 5232 9524.

All return correspondence via email should be addressed to inq@colacotway.vic.gov.au

Yours faithfully

Helen Evans

Statutory Planner

Phone: (03) 5232 9524

Fax: (03) 5232 9586

Email: inq@colacotway.vic.gov.au

Website: www.colacotway.vic.gov.au



"Please consider the environment before printing this email."



ENVIRONMENT PROTECTION AUTHORITY (EPA) WORKS APPROVAL PROPOSAL

135 Tomahawk Creek Road, Pirron Yallock,
Victoria

**2020Engineering Solutions Report ES19150
8/19/2019**

Report synopsis

This Report is to the proposed *Use and Development of an on Farm Processing Plant & Associated primary produce sales*(Colac Otway Shire PP135/2019-1).

The Applicant proposes to establish and operate d small milk processing plant in association with a farm gate sales outlet.

It is anticipated that the operation will produce 7000 l/d of waste water. This exceeds the trigger level of 5000 l/d and as such an EPA Works Approval is sort.

Wastewater will principally comprise wash-down water from the processing plant along with some from the sales outlet.

Treatment will be to commercial secondary standard with on-farm storage of treated wastewater to be used to irrigate pastures for the milking herd.

The various sections of this report will address the relevant information requirements as outlined in the EPA Publication 1560.2, (June 2017), starting with a detailed examination of the regional context of the proposal, proposal infrastructure details and finally addressing the 'key questions' in Section 2 of EPA 1560.2.

1.0 PROPOSAL

The Applicant is seeking to establish a small milk processing plant in conjunction with a sales outlet. This will be detailed in Section 1.3 'Works Details' of this Report following General Information and Contact Details.

1.1 General information

1.1.1 Company details

c/o Mathew Carr BB Design Group P/L

1.1.2 Billing Address

312A Bell St Coburg Victoria

1.1.3 Site address

135 Tomahawk Road, Pirron Yallock, Victoria.

Note; the following Planning information identifies the parcel by the street address of Lot 2, or 145 Tomahawk Road. The proposed processing plant is on 135 Tomahawk Road, Pirron Yallock, while the proposed treated effluent storage dam is on 190 Phalps Rd. while disposal will be on a combination of areas across the property associated with the farm.

1.2 Primary Contact

Mr. Michael Delahunty

(B Eng)MIEAust.

ANCOLD Ass. Mem.

2020Engineering Solutions P/L

Office 03 5233 4608

mob. 0428 14 14 41

email info@2020es.com

1.2.1 Specific Expertise

Over the past nineteen years I have personally conducted several hundred site and soil investigations across SW Victoria, including this property. This work, along with academic qualifications, has equipped me with an understanding of typical and atypical sub-soil conditions.

The author has valid professional indemnity insurance at the time of inspection and reporting. As part of a commitment to on-going professional development the author is undertaking the process of accreditation and attainment of chartered status.

PLANNING PROPERTY REPORT



From www.planning.vic.gov.au on 19 August 2019 08:41 PM

PROPERTY DETAILS

Address: **145 TOMAHAWK CREEK ROAD PIRRON YALLOCK 3249**

Lot and Plan Number: **Lot 1 TP539415**

Standard Parcel Identifier (SPI): **1\TP539415**

Local Government Area (Council): **COLAC OTWAY** www.colacotway.vic.gov.au

Council Property Number: **9015**

Planning Scheme: **Colac Otway** planning-schemes.delwp.vic.gov.au/schemes/colacotway

Directory Reference: **VicRoads 91 J7**

This property has 2 parcels. For full parcel details get the free Basic Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**

Urban Water Corporation: **Barwon Water**

Melbourne Water: **outside drainage boundary**

Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **WESTERN VICTORIA**

Legislative Assembly: **POLWARTH**

Planning Zones

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE (FZ)

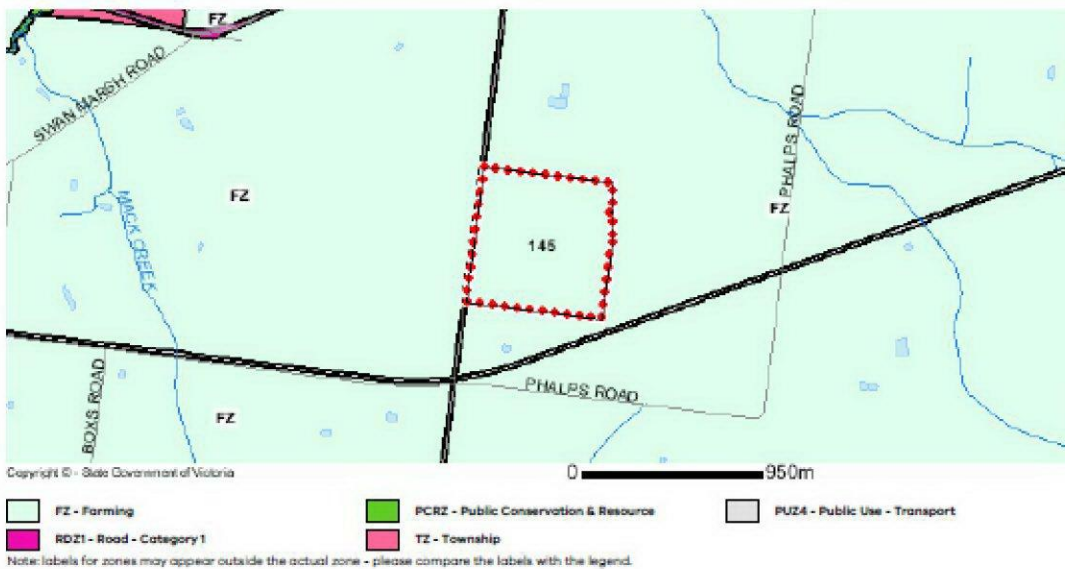


Fig 1.Planning details (VicPlan)

As noted above subject land comprises two parcels, identified as Lot 1, above, but detailed in following site plan as Lot 1 and Lot 2.

Subject property comprises two parcels, Lot 1, comprising 21.66Ha, contains all existing infrastructure, while Lot 2, open cleared grazing land, contains 28.82Ha.

The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document may not be used for any purpose which may breach any Copyright.

Property is located 1.5km west of Pirron Yallock and 12.0km east from Colac and about 2hr drive from Melbourne, as outlined in the following sections.

1.3 Works Detail

1.3.1 Regional context

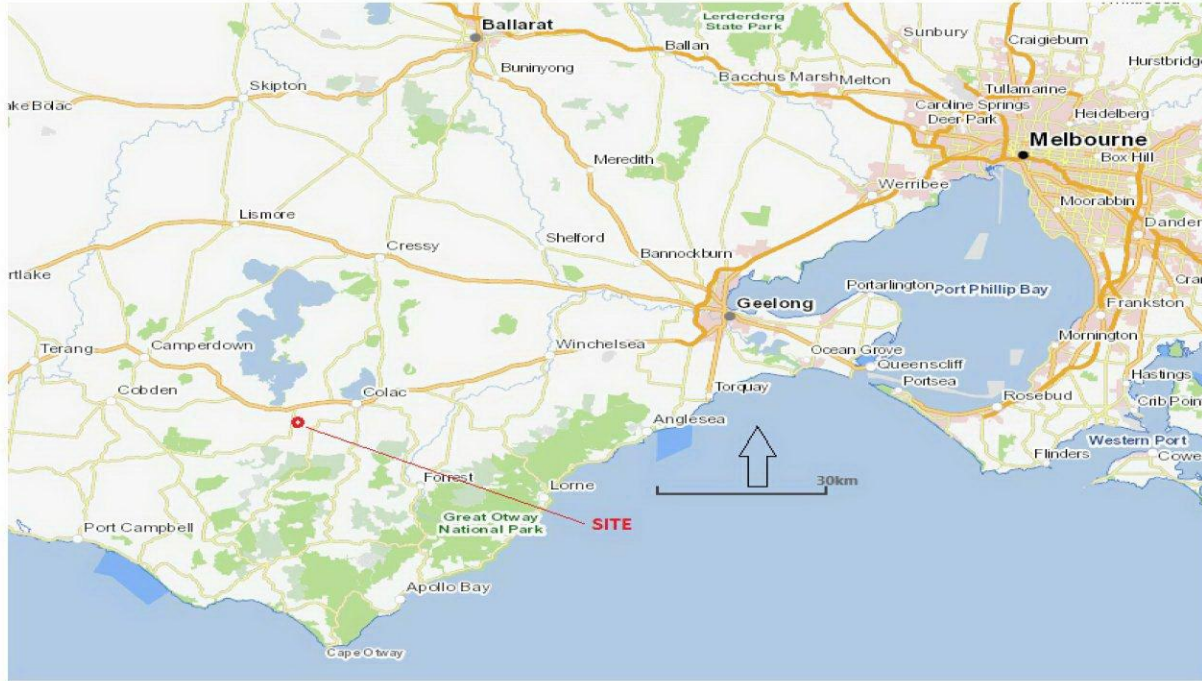


Fig 2. Regional context location of proposed development (VicPlan)

1.3.2 District context

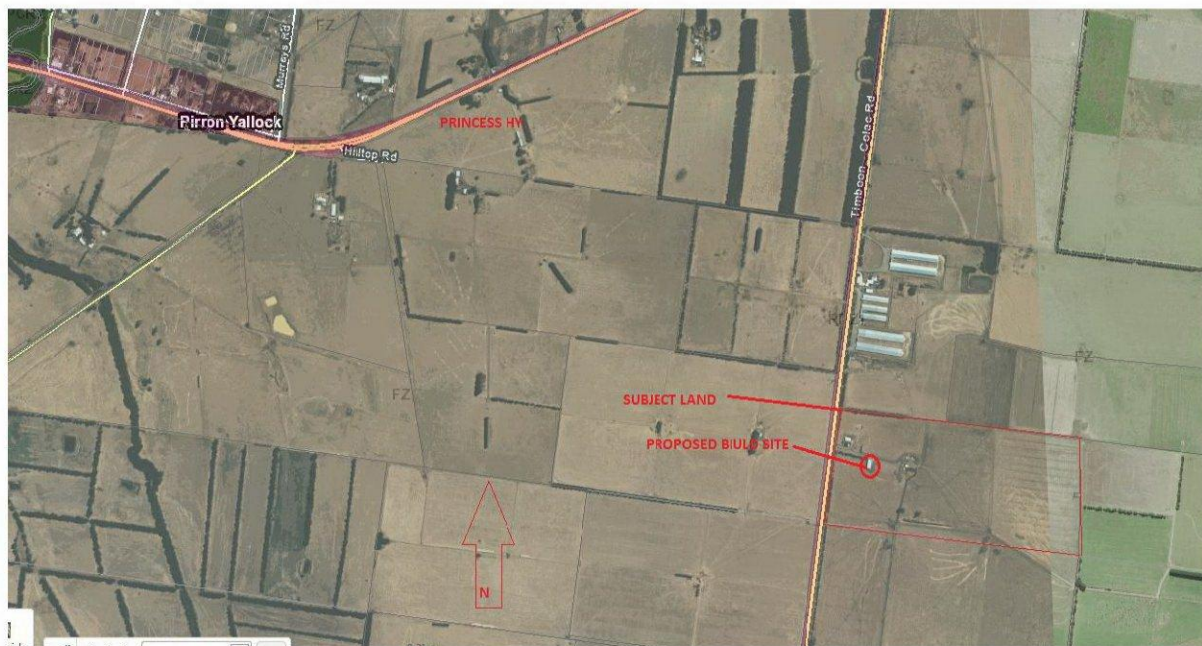


Fig 3. Subject Land site location and surrounding land use (Planning Maps Online)

1.3.3 Site conditions



Fig 4. Existing site conditions, view to south from existing track, with shed on image right. (Author)

Image shows existing open, cleared, pasture land. It should be noted the very wet surface conditions, (20 Aug. 2019). These surface conditions generate challenges with regard to wastewater disposal which are discussed later in the report.



Fig 5. Existing shed, to be converted to processing plant. (Developer)

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1.3.4 Site Layout.

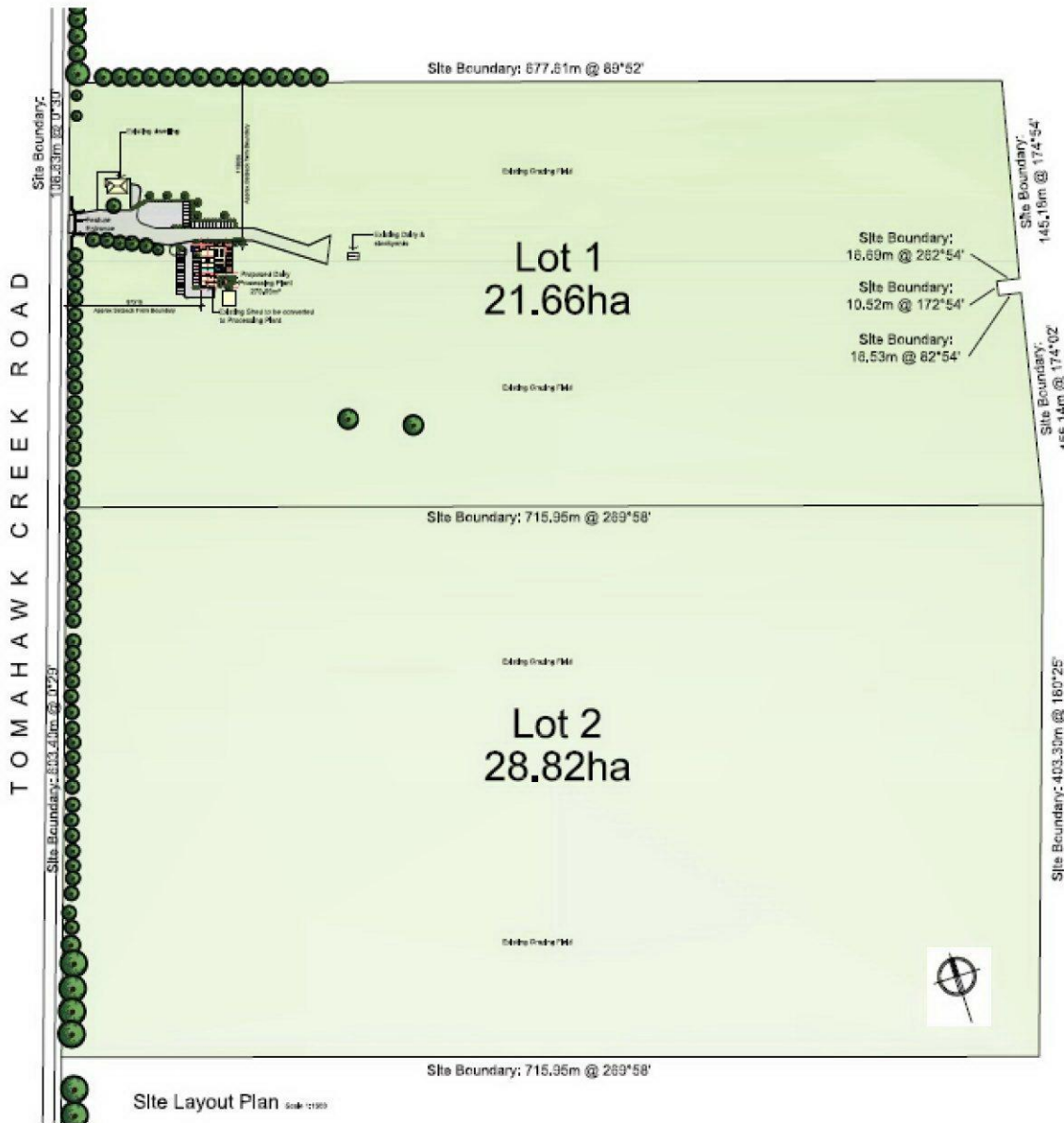


Fig 6. Site Plan (BB Design Group)

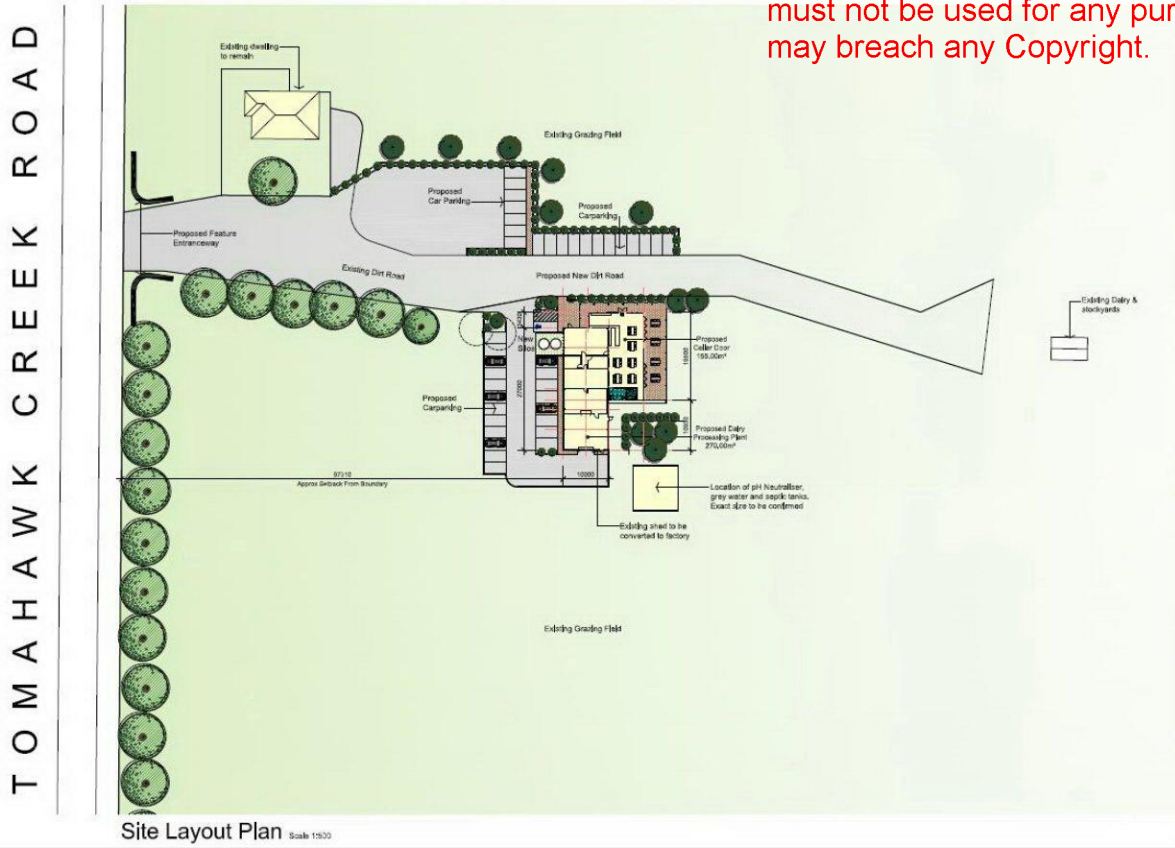


Fig 7. Site Lay-out Plan (BB Design Group)

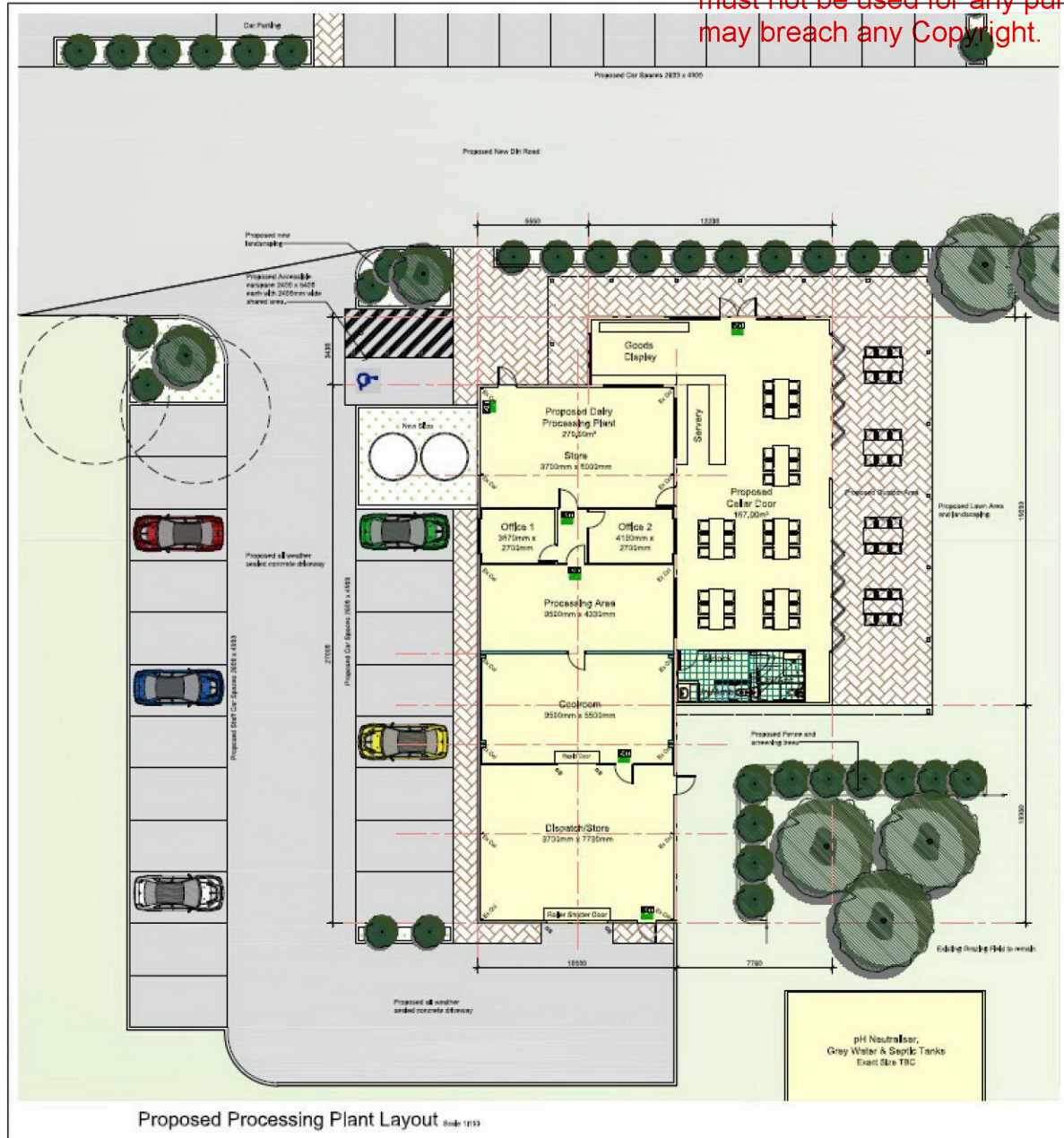


Fig 8. Site Lay-out Plan (BB Design Group)

1.4 Schedule Premises Category

From EPA 1560.2 Appendix 1, Premises Category is **DO7 Milk Processing**

1.5 Proposal

As per Colac Otway Shire Planning Application to the proposed *Use and Development of an on Farm Processing Plant & Associated primary produce sales* (Colac Otway Shire PP135/2019-1).

Processing will comprise a bulk milk bottling plant with a 'farm gate' sales of product.

Water supply will be a potable supply from Barwon Water. (Developer to confirm suitability of supply)

1.5.1 Wastewater production.

Based upon advice from the developer, the operation will be deemed to produce 21,600 l/d of wastewater. This volume would be comprised of 21,000 l/d of wash-down water from the plant plus a small allowance for staff and visitor toilet.

Deemed weekly production $21,600 \times 6$ day operation = 126,000 l = 129.60 m³

Annual production $129.60 \times 52 = 6.739$ MI

A storage tank of at least one days production capacity should be part of the system to provide back-up in the event of power failure or pump breakdown. A facility for allowing 'pump-out' should also be incorporated to be used in an emergency.

1.5.2 Wastewater treatment.

Provision has been made within the site lay-out schematic for a treatment plant. The final selection of plant will be a decision for the developer in discussion with equipment manufacturer.

Wastewater treatment is to be to EPA defined secondary standard by EPA approved system.

Any treatment plant needs to demonstrate surge capacity and capacity to treat produced organic loads. This capability will be part of the final treatment plant selection process conducted by the developer and manufacturer.

1.5.3 Wastewater disposal.

Conventional disposal methods such as subsurface trenches or irrigation would be challenging, given the environmental conditions experienced during winter, as evident in the foregoing site conditions image above.

In light of the environmental risk to surface waters during winter, the developer proposes to store treated wastewater to be used to irrigate grazing pastures during summer, as outlined in the following schematic.

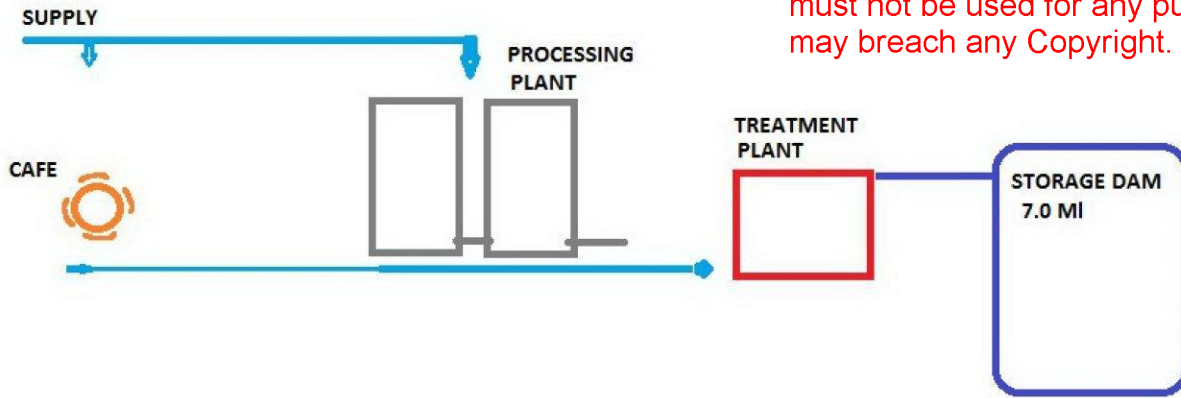


Fig 9. Schematic of wastewater flow path (Author)

A treated effluent storage dam will enable enhanced farming practice by minimising water-logging of receiving soils and strategic use and recycling of a waste product.

1.5.4 Storage Dam Location

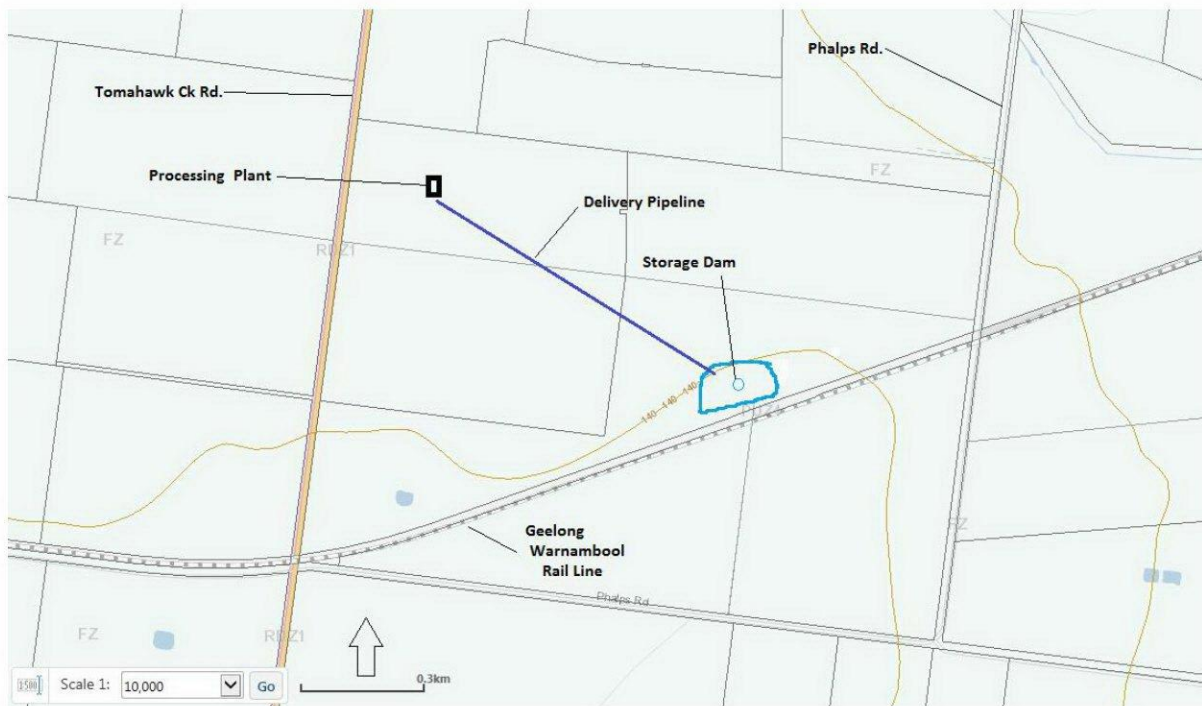


Fig 10. Treated wastewater storage dam (VicPlan, Author)

Comment;

Somewhat contrary to EPA domestic guidelines, the treated wastewater is proposed to be stored on an adjoining allotment, however it is in the same ownership and management. Details of the delivery pipeline and dam specifications are outlined in the following sections.

1.5.5 Pump Capacity and Delivery Pipe Design

With a deemed daily production of 21,600 l/d a pump with 50% redundancy will be the basis for design. Direct delivery distance is 1,000m but a delivery pipe of 1.2klm will be the basis for design.

The landform displays a very slight southern aspect and as such the processing plant is at a slightly higher elevation than the receiving dam, therefore the pump will not require a 'lift' capacity.

Min pump capacity 22.5 l/min Adopt 0.40 l/s.

Nominal Pipe Size: 1 1/2"

• Inside Diameter: 0.041 m (1.61 inches)

Flow			Velocity		Pressure Drop			
(m ³ /s)	(liter/s)	(US gpm)	(m/s)	(ft/s)	(Pa/100m)	(mmH ₂ O/100m)	(psi/100ft)	(ftH ₂ O/100ft)
2.0E-4	0.2	3.2	0.151	0.5	1034	105	0.046	0.106
3.0E-4	0.3	4.8	0.23	0.75	2074	212	0.092	0.21
4.0E-4	0.4	6.3	0.3	0.99	3464	353	0.153	0.35
5.0E-4	0.5	7.9	0.38	1.24	5064	516	0.22	0.52
6.0E-4	0.6	9.5	0.45	1.49	7040	718	0.31	0.72
7.0E-4	0.7	11.1	0.53	1.74	9240	942	0.41	0.94
8.0E-4	0.8	12.7	0.61	1.99	11622	1185	0.51	1.19
9.0E-4	0.9	14.3	0.68	2.2	14709	1500	0.65	1.5
0.0010	1.0	15.9	0.76	2.5	17461	1781	0.77	1.78
0.0011	1.1	17.4	0.83	2.7	21128	2154	0.93	2.2
0.0012	1.2	19.0	0.91	3.0	24138	2461	1.07	2.5
0.0013	1.3	21	0.98	3.2	28329	2889	1.25	2.9
0.0014	1.4	22	1.06	3.5	31486	3211	1.39	3.2
0.0015	1.5	24	1.14	3.7	36145	3686	1.6	3.7
0.0016	1.6	25	1.21	4.0	41124	4193	1.82	4.2
0.0017	1.7	27	1.29	4.2	44407	4528	1.96	4.5
0.0018	1.8	29	1.36	4.5	49785	5077	2.2	5.1
0.0019	1.9	30	1.44	4.7	55470	5656	2.5	5.7
0.0020	2.0	32	1.51	5.0	61463	6267	2.7	6.3
0.0030	3.0	48	2.3	7.5	125720	12820	5.6	12.8

Fig 11. Friction loss table (engineeringtoolkit.com)

A 1.5" or 0.041mdia pipe was selected to minimise friction head loss and provide for increased capacity.

Friction loss indicated at 3.464 kPa per 100m, at 1200m delivery distance gives a total head loss of 41.568kPa. which converts to a minimum 4.157m head loss the pump needs to overcome at the calculated flow rate of 0.40 l/s

Fittings could add 20% to this figure giving a required capacity of 4.988m

Therefore a pump with a minimum delivery of 0.40 l/s at 5.0m head will be required. If this pump is a submersible, located in the bottom of the surge tank, the depth of the tank needs to be added to the specifications.

1.5.6 Storage Dam Design

Annual deemed wastewater production is calculated at 6.739 MI

Other considerations include, evaporation, annual rainfall and storm rainfall capacity.

Evaporation at this location is estimated at 1200mm/pa. (BoM)

Annual rainfall at Colac is 730mm (BoM)

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Figure shows that the regional and storage dam site geology comprises TERTIARY AGE Hanson Plain Sand. Despite the name, the underlying soils comprise deep impervious clay/s. (See following image)

The above mapping also indicates the proposed development is located in a geotechnical y stable environment.

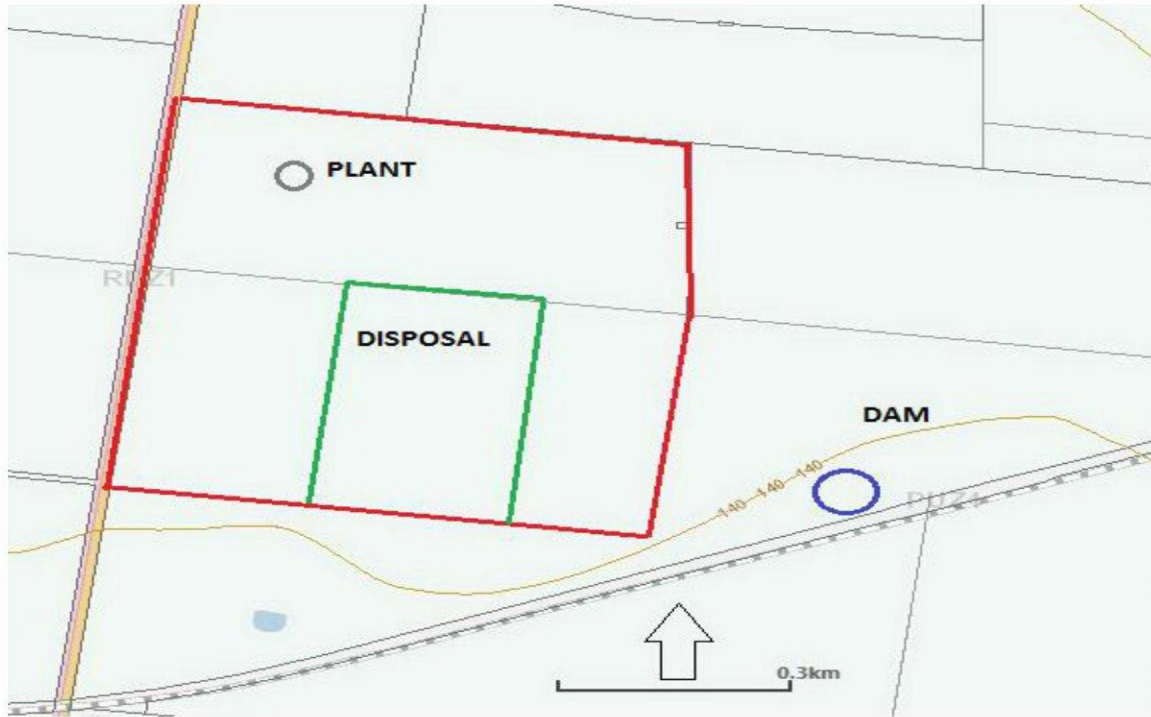


Fig 14. District topography, indicating almost flat landscape(VicPlan)

1.5.6.2 Site Soil Profile



Fig 15. Soil profile investigation drilling proposed storage dam site. (Author).

Our investigation indicates the proposed storage dam site is located in a region of deep clay suitable for the construction of earthen walled water storage.

At the time of inspection the proposed dam site contained improved pasture.

No trees or native vegetation was located within, or near, the proposed build foot print.

No trees are proposed to be removed as part of the development.

1.5.7 Stored water disposal

In line with 'best practice' treated wastewater should not be disposed of via spray irrigation due to the small component of human waste and the potential for droplet drift, therefore disposal will be by surface 'flood irrigation'.

General irrigation application rates for the district are around 100mm rainfall equivalent, 7.0MI will irrigate 7.0Ha of summer crop or pasture.

This area is indicated below. Once again the disposal area is not within the wastewater producing allotment but is in the same ownership and will be grazed by the cows producing the milk for the processing plant.

Soils in this area comprise fertile friable loam with good fertility, moderate pH and low salinity. By using the storage dam, the structure of the soil can be maintained and enhanced by selective irrigation preventing compaction and water-logging.

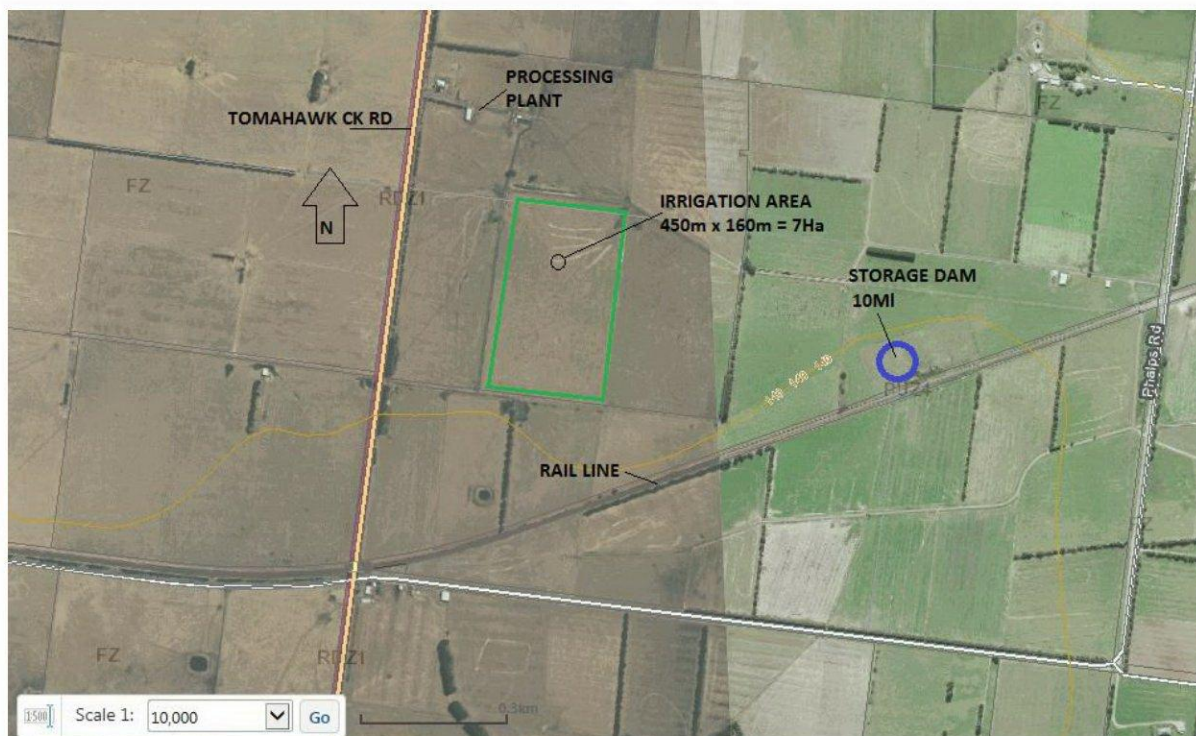


Fig 16. Proposed treated wastewater disposal area.(VicPlan, Author).

The disposal area is outside water catchment areas and water supply protection areas.

1.5.7.1 Ground Water Bores

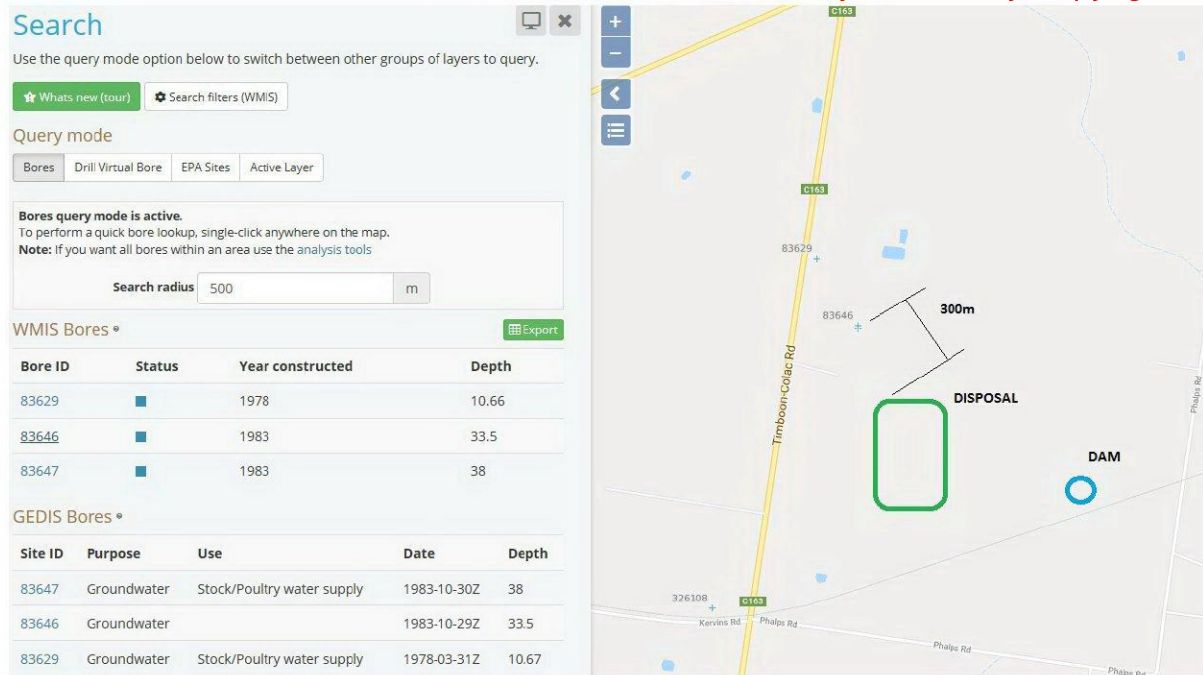


Fig 17. Mapped bores, nearest at 300m from disposal area, (Visualising Victorias Groundwater).

1.5.7.2 Ground Water

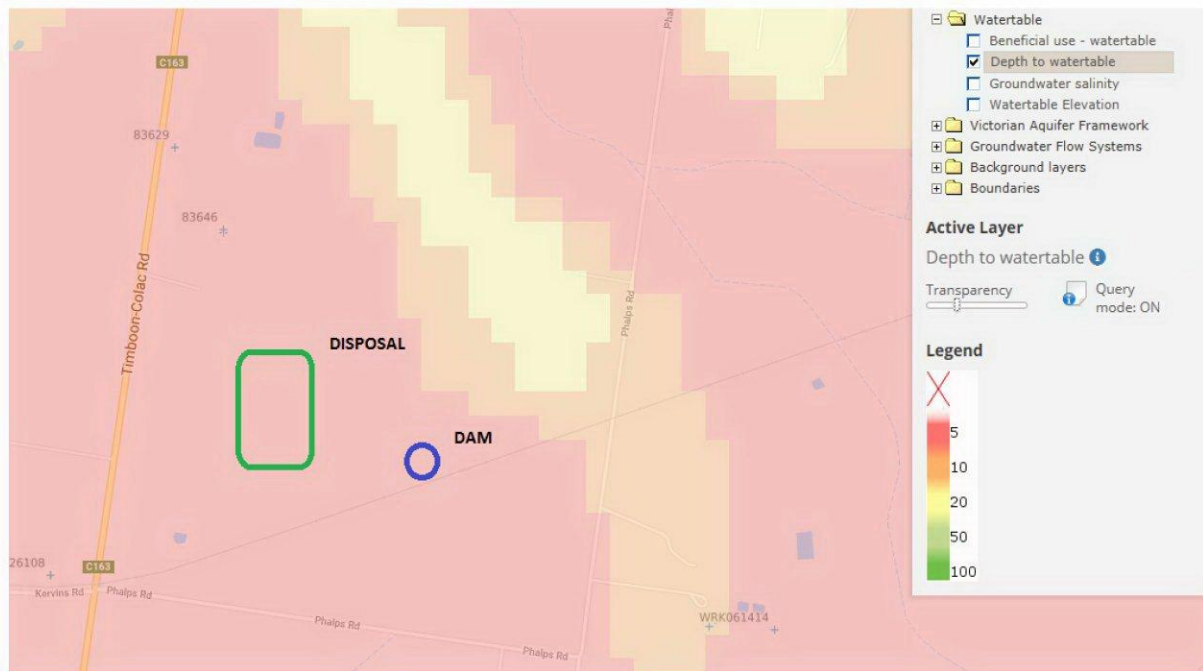


Fig 18. Depth to groundwater (Visualising Victorias Groundwater).

Underlying ground water depth indicated at between 5.0m and 10m. By storing treated wastewater the applicant can irrigate when soils are dry and plants are actively growing, minimising potential for leaching to groundwater.

1.5.7.2 Surface Water

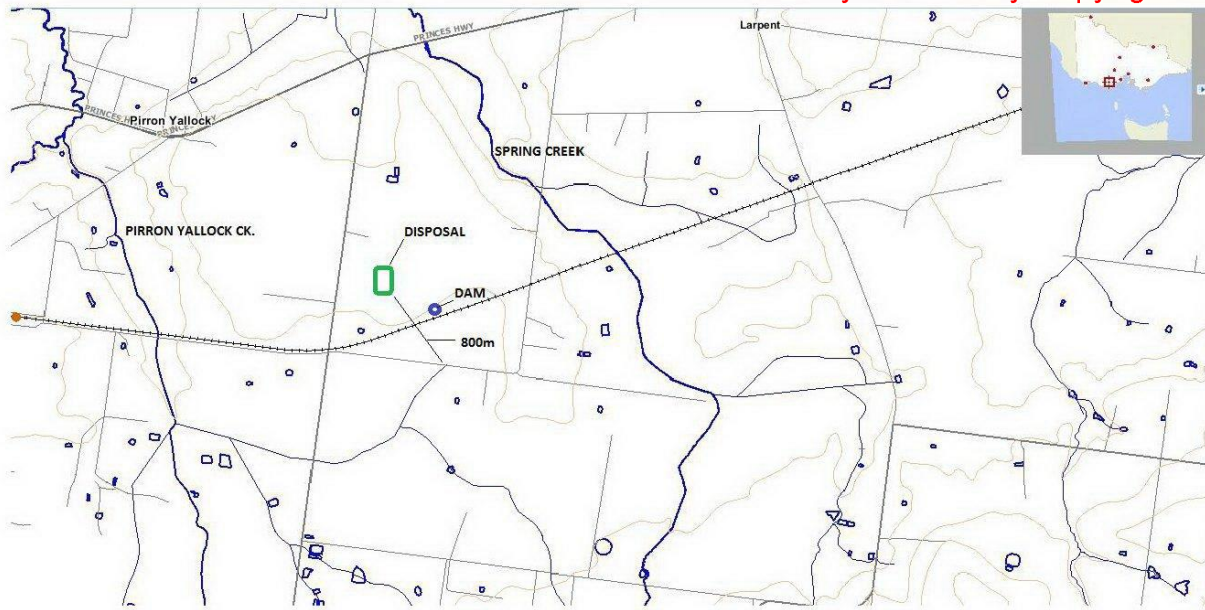


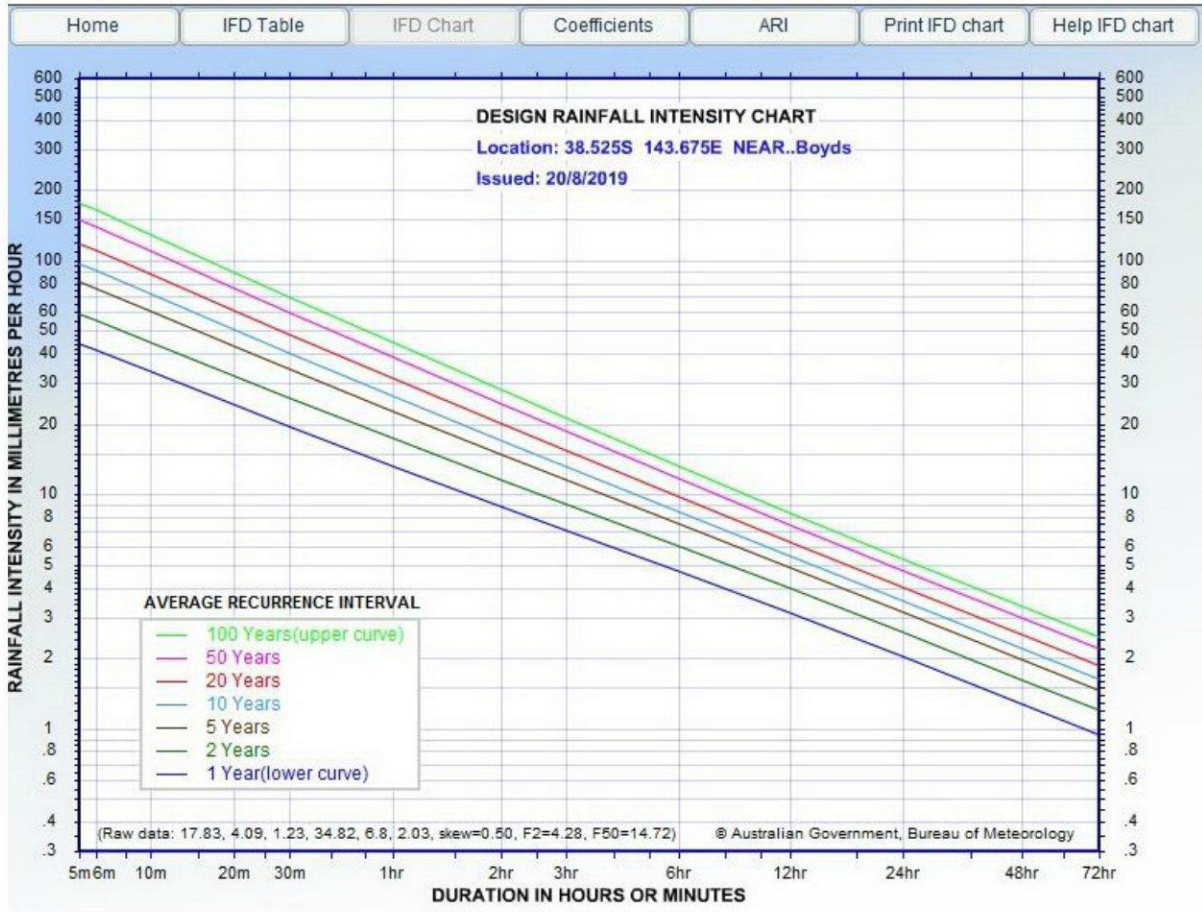
Fig 19. Surface waters (GeoVic)

Above mapping indicates the proposed disposal area is around 800m from the nearest mapped watercourse, a tributary of Pirron Yallock Creek which drains to Lake Corangamite.

Spring Creek is located in an adjoining catchment, hydraulically separated from the proposed disposal area.

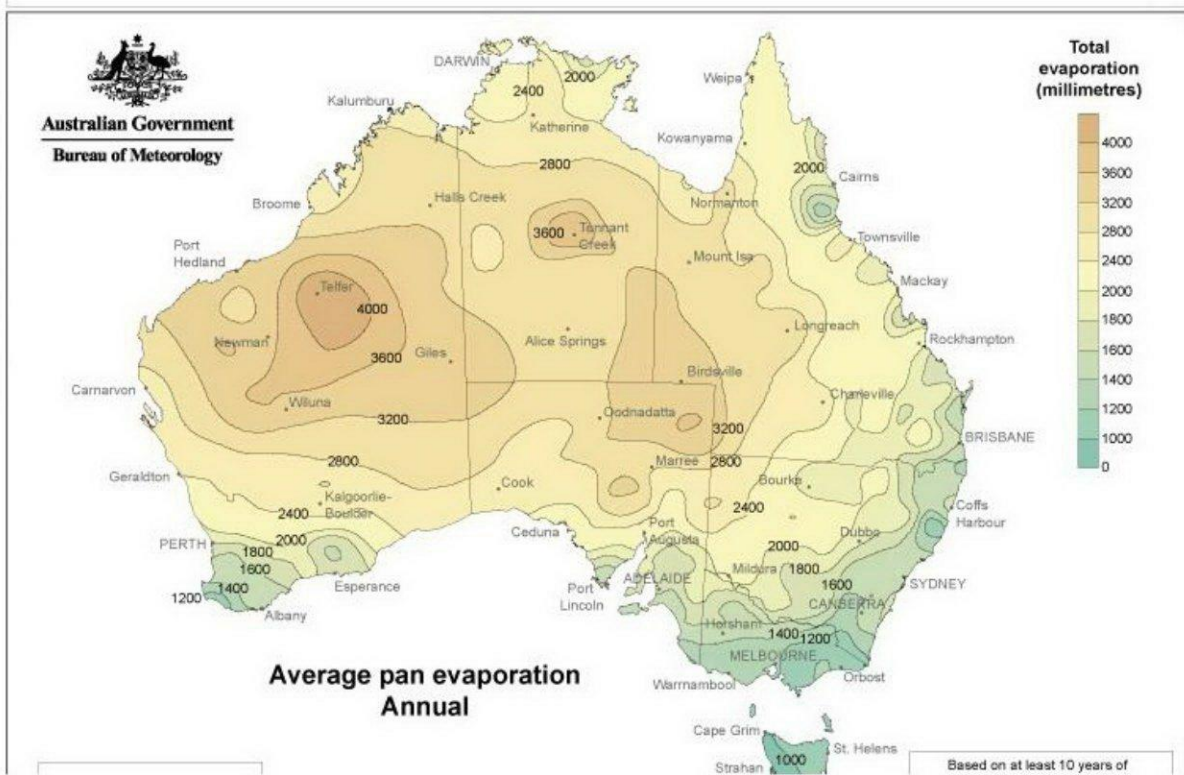
1.6 Included Document List

ARI graph



The following copied documents are made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any Copyright.

Evaporation chart



Rainfall

Bureau Home > Climate > Climate Data Online > Monthly Statistics

Climate statistics for Australian locations

Monthly climate statistics

All years of record

[About Climate statistics](#) | [Data file of statistics for this site \(csv\)](#) | [Site selection menu](#)

Summary statistics COLAC (SHIRE OFFICE)

A summary of the major climate statistics recorded at this site is provided below. There is also an extended table with more statistics available. More [detailed data for individual sites](#) is available.

Site information

Site name: COLAC (SHIRE OFFICE)
 Site number: 090147
 Latitude: 38.34 °S Longitude: 143.58 °E
 Elevation: 134 m
 Commenced: 1896 Status: Open
 Latest available data: 16 Jul 2019

Additional information

Additional site information

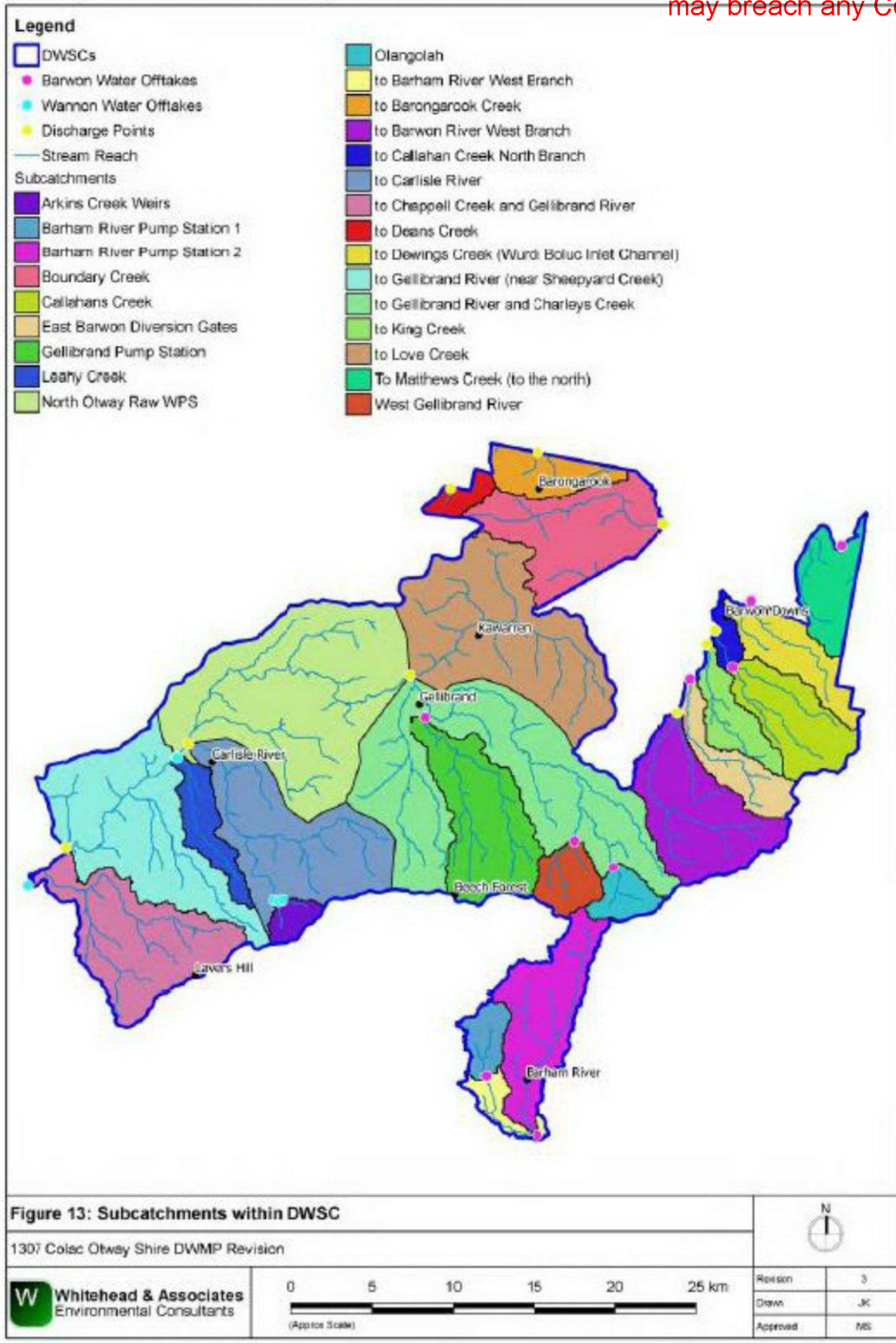
Nearest alternative sites

- 090174 ELLIMINYT (5.7km)
- 090134 GELLIBRAND RIVER FORESTRY (21.1km)
- 090035 MOUNT GELLIBRAND (21.7km)

View: Main statistics All available **Period:** Use all years of data **Text size:** Normal Large

Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	Years	Plot	Map
Temperature																
Mean maximum temperature (°C)	25.7	26.0	23.5	19.3	15.8	13.1	12.5	13.7	15.8	18.3	20.8	23.4	19.0	82	1896 1983	
Mean minimum temperature (°C)	10.7	11.2	10.1	8.0	6.2	4.5	3.9	4.5	5.8	6.8	8.3	9.4	7.4	81	1896 1983	
Rainfall																
Mean rainfall (mm)	36.3	34.3	41.7	55.9	68.8	73.9	75.4	87.0	75.4	70.4	56.9	44.6	728.7	102	1896 2019	
Decile 5 (median) rainfall (mm)	29.6	23.0	34.4	50.0	66.2	73.4	71.0	81.4	74.8	64.5	52.8	39.2	717.2	118	1896 2019	
Mean number of days of rain ≥ 1 mm	5.0	4.3	5.8	8.0	10.7	11.9	12.8	13.5	11.9	10.4	8.0	6.5	108.8	114	1896 2019	
Other daily elements																
Mean daily sunshine (hours)																
Mean number of clear days	8.7	8.4	6.2	4.8	3.0	2.4	2.2	2.6	3.3	3.8	4.3	5.6	55.3	24	1957 1983	
Mean number of cloudy days	10.1	8.0	13.2	15.0	17.5	17.3	18.2	17.9	16.8	16.8	15.8	14.4	181.0	24	1957 1983	
9 am conditions																
Mean 9am temperature (°C)	18.2	18.0	16.1	12.9	10.0	7.5	6.9	8.2	10.7	13.0	14.9	16.8	12.8	72	1908 1983	
Mean 9am relative humidity (%)	87	74	76	69	60	50	50	57	64	78	75	80	70	68	1906	

Colac Otway Shire Council Domestic Wastewater Management Plan - Technical Document



Site not within catchment zone(DWMP)

2.0 Key Questions

2.1 What changes in emissions, discharge or other impacts to the environment do you expect as a result of the proposal?

The proposal will result in the discharge of secondary treated wastewater via surface irrigation applied to summer crop and pasture.

This action would have minimal environmental impact as the application can be timed to enhance plant growth and up-take of water and nutrients, minimising potential for off-site movement either by over-land flow or leaching to groundwater.

All components of the proposal comply with EPA setbacks as per 891.4 Table 5.

2.2 Please explain why your proposal and its inherent changes should be considered best practice.

Storage of treated wastewater for use during times of low water availability is not new technology, but rather implementing a conventional system that works well to protect human health, air, water and soil.

Surface irrigation protects human health by eliminating aerosol transmission of possible pathogens.

As noted above this action would have minimal environmental impact as the application can be timed to enhance plant growth and up-take of water and nutrients, minimising potential for off-site movement either by over-land flow or leaching to groundwater.

The remote location and low visual impact of the proposal will have minimal community impact.

2.3 Please explain how your proposal will incorporate waste minimisation principles and how you have sought to minimise impact on the environment.

By winter storing and completely reusing treated wastewater there is no discharge to the environment of water or nutrient or off-site discharge, thereby minimising environmental impact.

2.4 If waste is handled, generated or stored on the premises, please describe the nature of this waste, the expected quantities and management of these waste streams.

As detailed in the foregoing sections, the proposal will generate secondary treated wastewater, 7ML, pa, which will be stored in a clay lined surface storage dam prior to surface irrigation of summer crop or pasture for milking cows.

2.5 Will there be changes to your current licence?

Not Applicable

3.0 Stakeholder/third-party interest in the proposal

As noted above this proposal has been the subject of Planning Application PP135/2019-1 submitted to, and processed by the Colac Otway Shire. The planners have returned a number of items for further information including wastewater management.

It is anticipated that any public consultation, information sessions or notifications will be handled through the planning process.

4.0 Conclusion

This document has been prepared to support the application for a milk processing plant and farm gate sales facility, subsequent wastewater treatment and disposal in line with requirements under EPA Publication 1560.2.

The presented design has been developed to incorporate EPA requirements, will have minimal impact upon the soil, ground water, surface water and air quality and as such is recommended the Responsible Authority support the proposal.

Should additional information be required please contact the author;

Mr. Michael Delahunty (B Eng)MIEAust. ANCOLD Ass.Mem.

2020Engineering Solutions P/L

Office 03 5233 4608 mob. 0428 14 14 41 email info@2020es.com

12 INSURANCE CERTIFICATE OF CURRENCY



Integro Insurance Brokers Limited
1st Floor • 71 Fenchurch Street • London
EC3A 4BS
Telephone: (0)20 7444 6000
Fax: (0)20 7444 6001
Website: www.integrouk.com

MONDAY, 03 SEPTEMBER 2018

CERTIFICATE OF CURRENCY

POLICY NUMBER: IL1805880

TYPE: PROFESSIONAL INDEMNITY INSURANCE as may be more fully defined in the policy wording.

INSURED: 2020 Engineering Solutions

ADDRESS: 1745 Colac-Forrest Road
Colac VIC 3249
Australia

PERIOD OF INSURANCE: From: 31st August 2018
To: 31st August 2019

Both days at 16:00 Hours Local Standard Time at the Principal Address of the Insured

LIMIT OF INDEMNITY: AUD 2,000,000 any one Claim and in the aggregate including Costs and Expenses plus one reinstatement

PLACED WITH: 100% Certain Underwriters at Lloyd's

A handwritten signature in black ink, appearing to read "A. A. A.", positioned above the signature line.

For and on behalf of Integro Insurance Brokers Limited

This certificate is a summary of the policy and is not intended to amend, extend, replace or override the policy terms and conditions. In the event of any consistency between this certificate and the policy, the policy prevails.

Authorised and regulated by the Financial Conduct Authority under reference number 305496
Registered Office: 1st Floor, 71 Fenchurch Street, London, EC3A 4BS
Registered Company No. 2957627

13 DISCLAIMER

2020 Engineering Solutions Pty Ltd ("2020") Geotechnical Report Limitations

The report to which this document has been attached assesses risks arising from land slope instability and proposes risk minimisation solutions. Absolute risk avoidance cannot be assured, principally due to assessment cost factors. It is therefore necessary to rely on instructions and make assumptions.

Changed Conditions

The report may be invalidated by changed conditions including:-

1. topography.
2. soil moisture content.
3. above or below ground structures.
4. soil and substrate profiles.
5. location of site boundaries.

Causes of Changed Conditions

Changed conditions may occur due to:-

1. extreme conditions such as flood, drought, cold, heat or fire.
2. human activities.
3. natural processes.
4. planning or design requirements.

Client to inform 2020 of any changes

2020 will endeavour to identify any reasonably foreseeable risk factors on the site which may cause changed conditions. Samples are taken at reasonable intervals bearing in mind the cost to the client. In the absence of specific instructions or patent conditions it will be assumed that conditions observed in samples are consistent across the site.

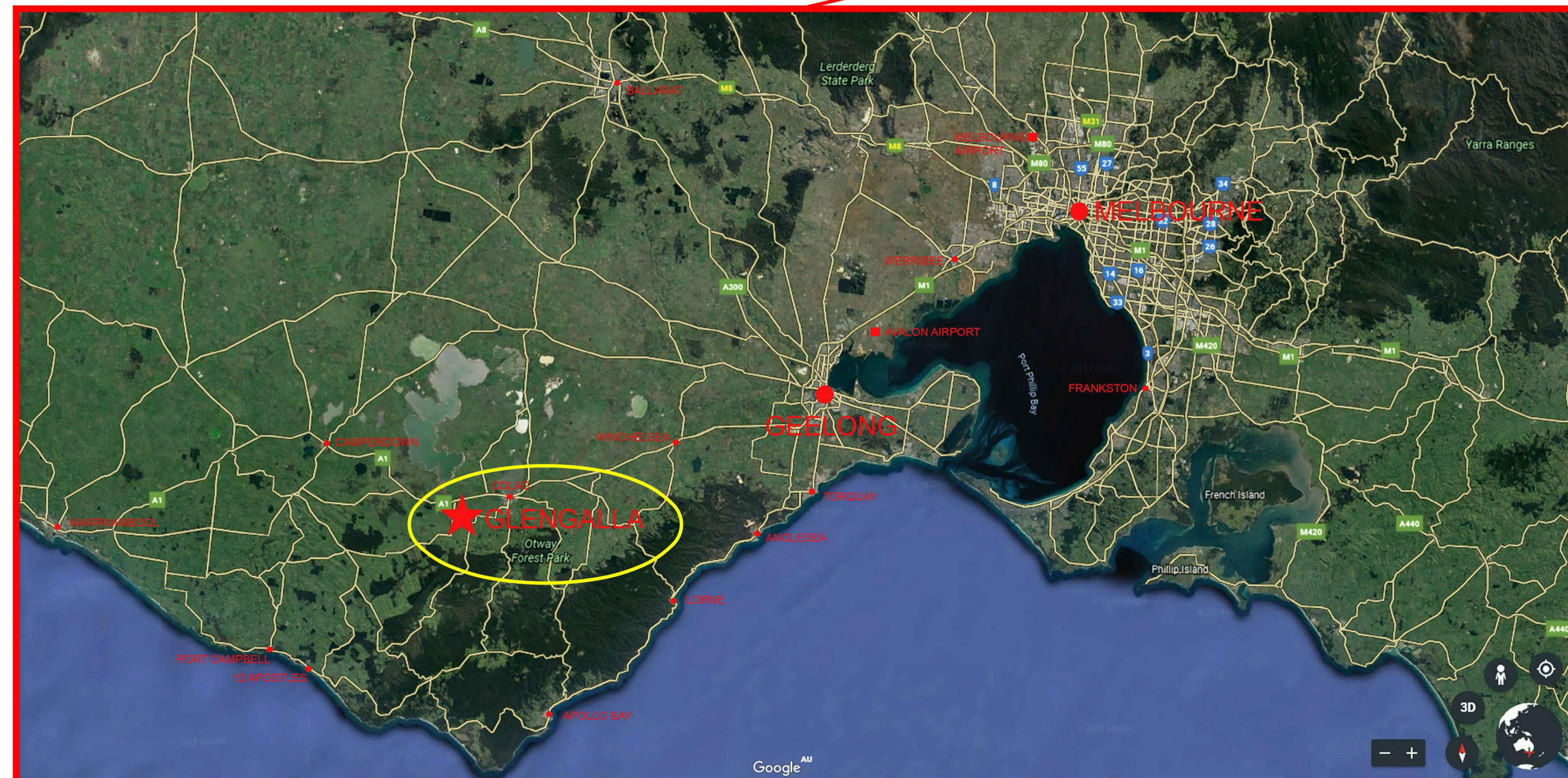
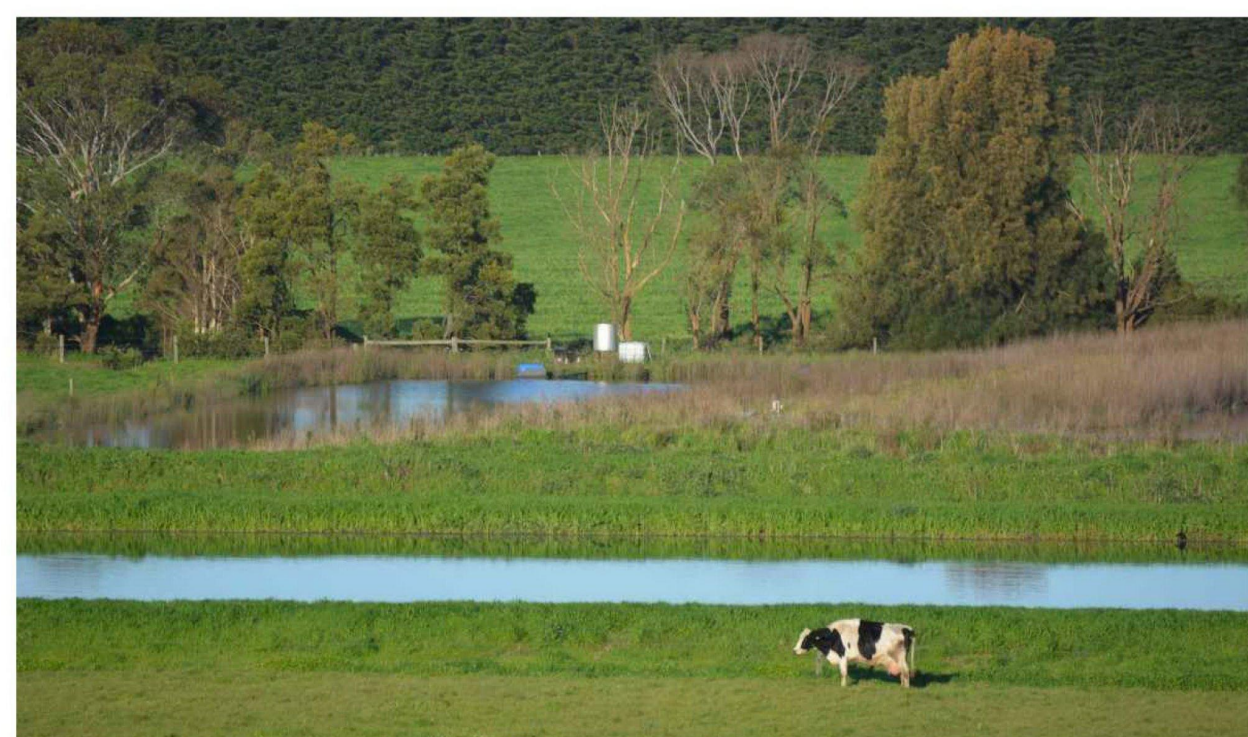
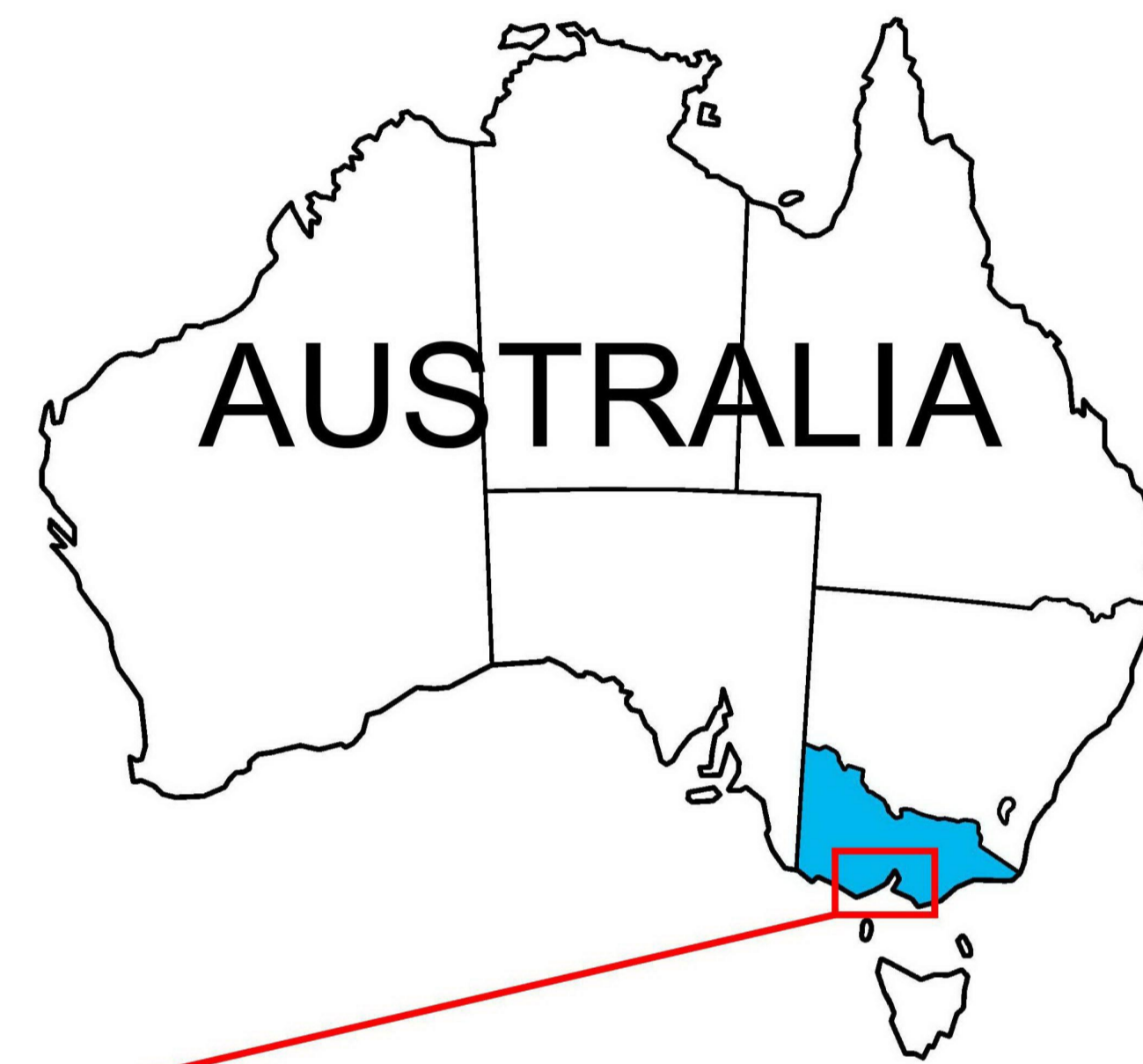
This document is provided to inform the client that their responsibility for risk is shared with 2020. The client will be responsible for inaccurate instructions or failure to instruct in relation to changed conditions, events that may cause changed conditions or when it becomes evident that assumptions may be invalid. Failure to do so could result in substantial and costly damage and disputes.

Interpretation

The report must be considered in its entirety. Each part of the report may be dependent on other parts for meaningful interpretation. The report should also only be used by the client. It may not be relied upon by any other person without first conferring with 2020. The report should only be acted upon and interpreted by persons qualified and competent in the activities contemplated in the report.

PROPOSED ON FARM PROCESSING PLANT AT: 'GLENGALLA' 145 TOMAHAWK CREEK ROAD, PIRRON YALLOCK

We are located in the picturesque Otway foothills in Victoria's South West. Our farm has undulating tree-lined paddocks with native wildlife and an abundance of bird life in the wet seasons.



No.	DATE	DESCRIPTION	APPD.
A	21/05/2019	TOWN PLANNING ISSUE	M.C.

TOWN PLANNING ISSUE

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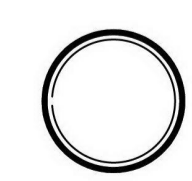

PROJECT

**PROPOSED ON FARM
PROCESSING PLANT
AT: 145 TOMAHAWK CREEK
ROAD, PIRRON YALLOCK**

CLIENT
MR & MRS BOYD

DRAWING TITLE
COVER PAGE

DATE	SCALE	DRG NO.
MAY 2019	N/A	TP00
DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613





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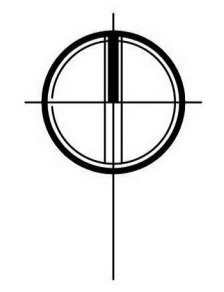

PROJECT

**PROPOSED ON FARM
PROCESSING PLANT
AT: 145 TOMAHAWK CREEK
ROAD, PIRRON YALLOCK**

CLIENT
MR & MRS BOYD

DRAWING TITLE
LOCATION PLAN

DATE	SCALE	DRG NO.
MAY 2019	N.T.S	TP01
DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613



Location Plan Scale N.T.S

T O M A H A W K C R E E K R O A D

Site Boundary: 108.63m @ 0°30'

Site Boundary: 603.40m @ 0°29'

Site Boundary: 677.61m @ 89°52'

Site Boundary: 145.18m @ 174°54'

Site Boundary: 16.69m @ 262°54'

Site Boundary: 10.52m @ 172°54'

Site Boundary: 16.53m @ 82°54'

Site Boundary: 156.14m @ 174°02'

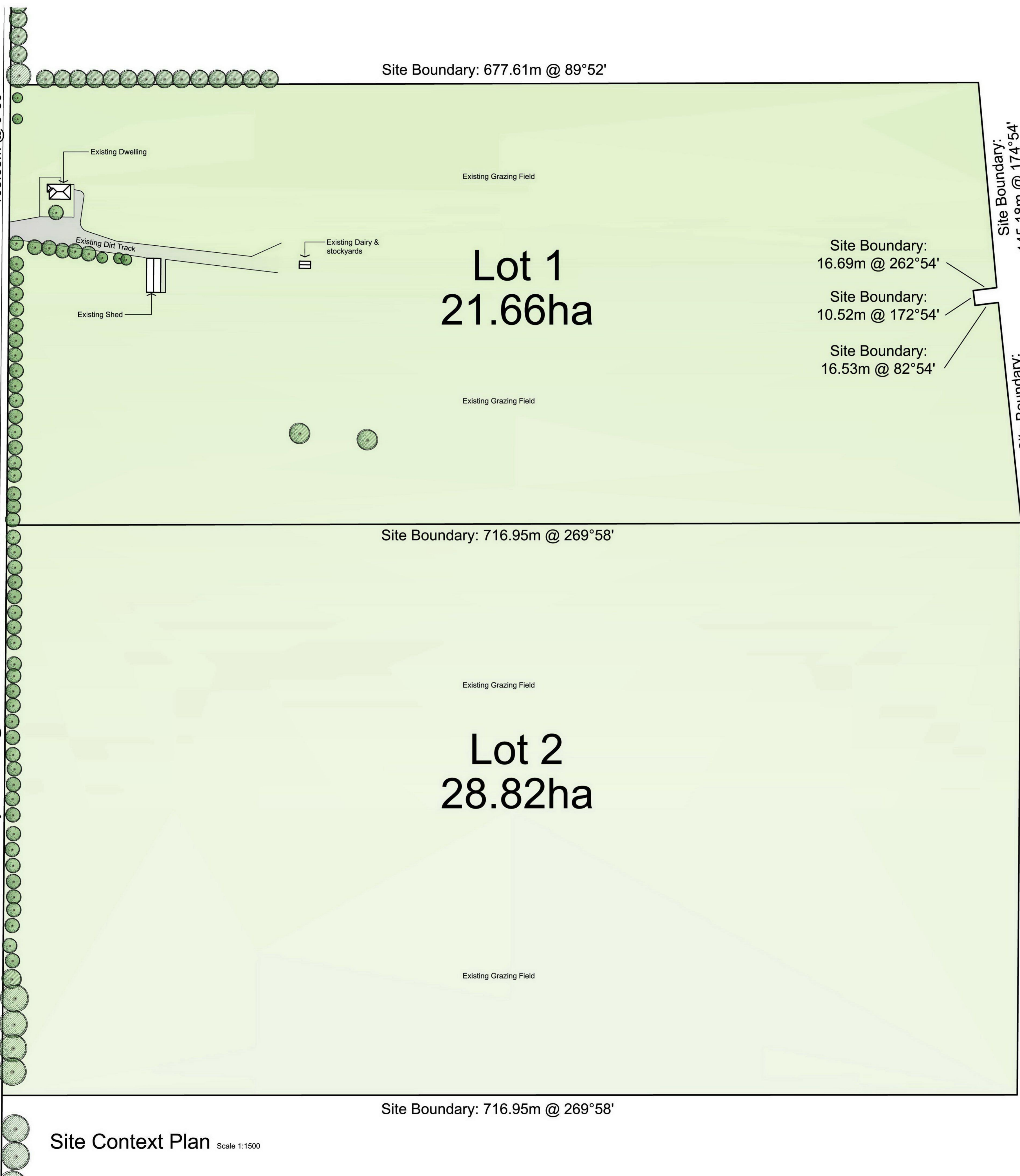
Site Boundary: 716.95m @ 269°58'

Site Boundary: 403.30m @ 180°25'

Site Boundary: 716.95m @ 269°58'

**Lot 1
21.66ha**

**Lot 2
28.82ha**



Site Context Plan Scale 1:1500

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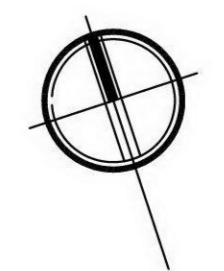



PROJECT

**PROPOSED ON FARM
 PROCESSING PLANT
 AT: 145 TOMAHAWK CREEK
 ROAD, PIRRON YALLOCK**

CLIENT
MR & MRS BOYD

DRAWING TITLE
SITE CONTEXT PLAN



DATE	SCALE	DRG NO.
MAY 2019	1:1500	TP02
DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613

T O M A H A W K C R E E K R O A D

Site Boundary: 108.63m @ 0°30'

Site Boundary: 603.40m @ 0°29'

Site Boundary: 677.61m @ 89°52'

Site Boundary: 145.18m @ 174°54'

Site Boundary: 156.14m @ 174°02'

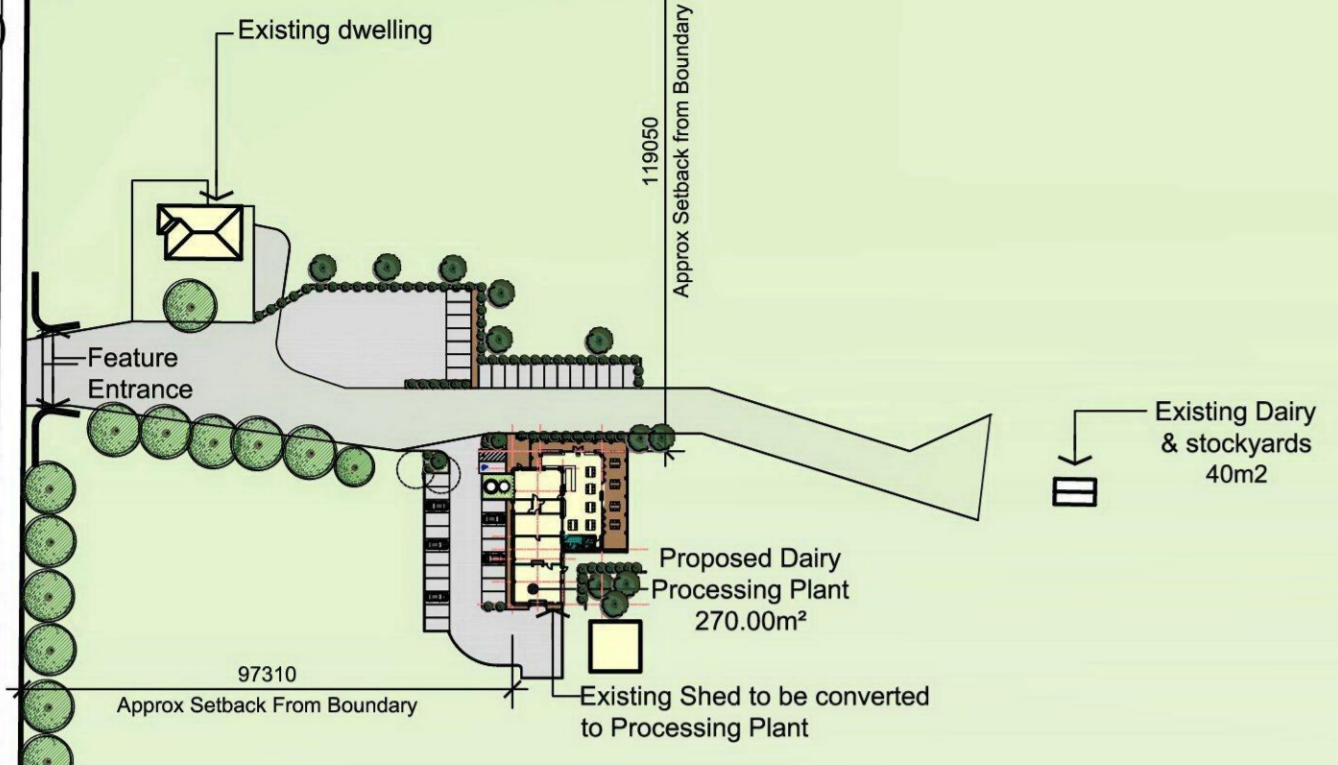
Site Boundary: 403.30m @ 180°25'

Site Boundary: 715.95m @ 269°58'

Site Boundary: 715.95m @ 269°58'

Lot 1
21.66ha

Lot 2
28.82ha



Site Boundary: 16.69m @ 262°54'
 Site Boundary: 10.52m @ 172°54'
 Site Boundary: 16.53m @ 82°54'

Site Layout Plan Scale 1:1500

No.	DATE	DESCRIPTION	APPD.
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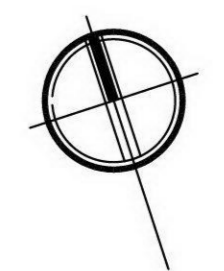
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PROJECT
**PROPOSED ON FARM
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 AT: 145 TOMAHAWK CREEK
 ROAD, PIRRON YALLOCK

CLIENT
MR & MRS BOYD

DRAWING TITLE
SITE LAYOUT PLAN

DATE	SCALE	DRG NO.
MAY 2019	1:1500	TP03
DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613





Existing Dwelling to remain

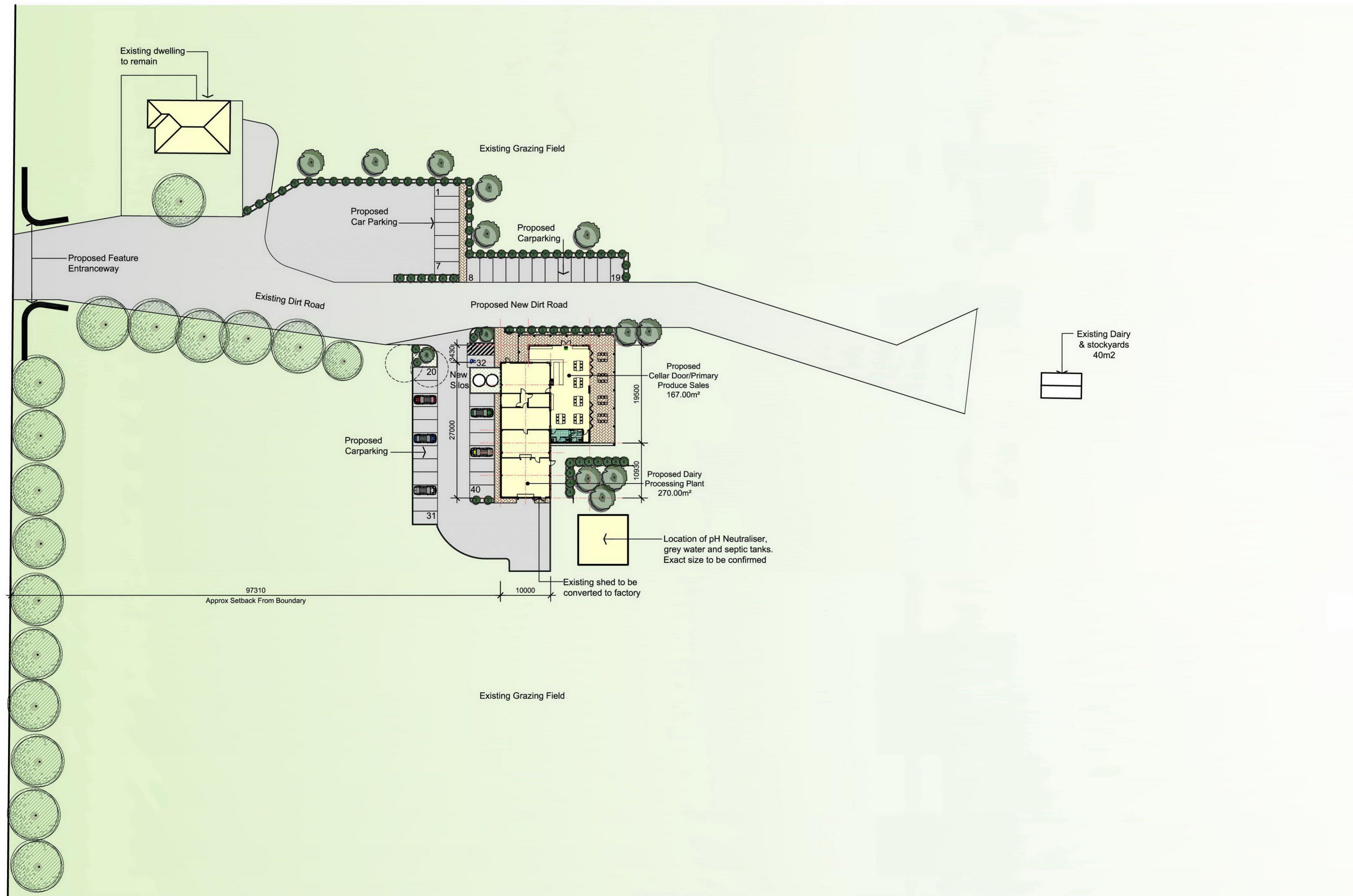


Existing Shed to be Converted to Processing Plant



Grazing Paddocks

TOMAHAWK CREEK ROAD



Site Layout Plan Scale 1:500

No.	DATE	DESCRIPTION	APPD.
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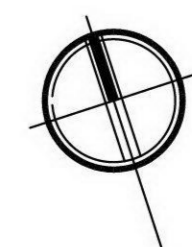
PROJECT

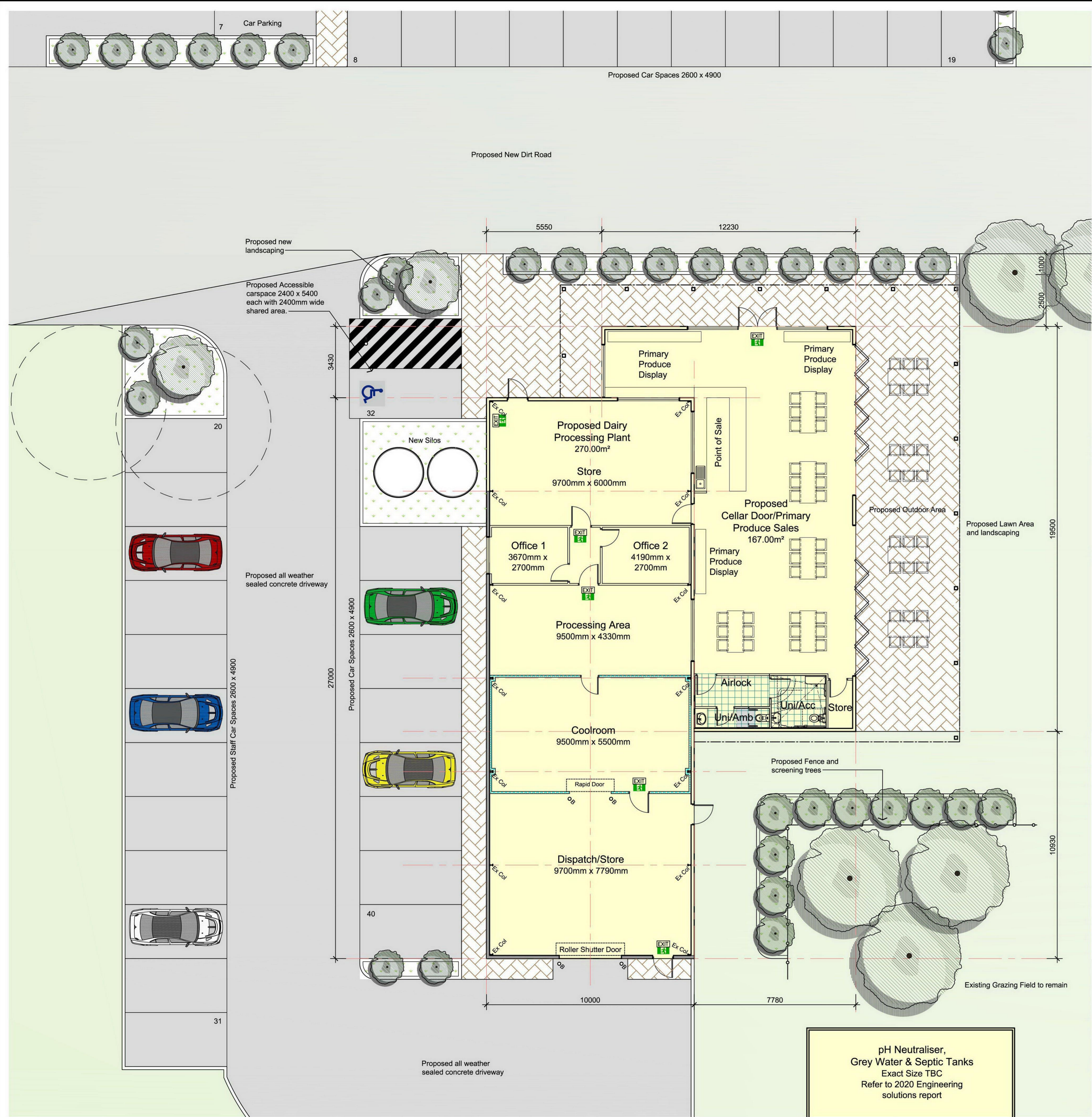
**PROPOSED ON FARM
 PROCESSING PLANT
 AT: 145 TOMAHAWK CREEK
 ROAD, PIRRON YALLOCK**

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DRAWING TITLE
SITE LAYOUT PLAN

DATE	SCALE	DRG NO.
MAY 2019	1:500	TP04
DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613





AREA ANALYSIS:

TOTAL SITE AREA	= 216,653.00m ²
PROPOSED BUILDING:	
Existing Dairy Stockyards =	40.00m ²
Processing Plant =	270.00m ²
Cellar Door/Primary Produce Sales=	167.00m ²
TOTAL BUILDING AREA	477.00m ²

CARPARK ANALYSIS

TOTAL INDUSTRY/ PROCESSING PLANT AREA :	310.00m ²
Carspaces Required:	2.9 x 310.00/100m ² = 9
CELLAR DOOR/PRIMARY PRODUCE SALES :	
167.00m ²	
Carspaces Required:	4 x 167.00/100m ² = 7
TOTAL CARSPACE REQUIRED :	16
TOTAL CARSPACE PROVIDED:	40

DISABLED STANDARD NOTES:

Signage to designated car spaces to be in accord. with AS 1428.1 and 2890.6

Maximum cross-fall to designated car spaces for persons with disabilities not to exceed 1:40 in both directions.

Drainage grates not to be in path of travel b/w designated car space for persons with disabilities and any paths to entry doors.

Provide level transition b/w car space and landing to entry doors.

If any door closers are fitted to any door requiring accessibility, then the force to open not to exceed 20N.

Disabled amenity room size and internal fit-out to comply with AS 1428.1:2009.

Cross-fall on designated car spaces, paths and level landings at entry doors not to exceed 1:40.

All door circulation spaces & disabled amenities to comply with AS1428.1:2009.

All Pavement pathways are to be flush with roadways and parking areas with otherwise disabled compliant kerb ramps are to be provided.

All entry & internal doors to provide minimum 850mm clear opening.

Provide level threshold at entry door/landing junction and maximum fall on landing at 1:40.

All joinery fitout to be by tenant.

All Doors & handles to comply with AS 1428.1:2009 and door frame to have 30% luminance contrast to the adjacent surface. Safety decals to door leaves, sidelights and any other areas which can be mistaken for openings. Min. solid non-transparent band no less than 75mm wide req. with the lower edge of the band to be 900-1000mm above FL.

Tactile indicators to footpaths either side of crossovers, as required by local authority.

DIRECTIONAL SIGNAGE NOTES:

Where directional signage is provided consistant colour and layout to assist people find & use the signage.

Matt finishes shall be used to assist people with vision impairment.

Colours with high luminance contrast are to be used.

Standardized symbols to be used where possible to reinforce written words.

Sans Serif font to be used.

EMERGENCY SERVICES NOTES:

All emergency services and warning systems to be in accordance with BCA requirements.

All lighting levels are to comply with S1428.1 CLAUSE 17.1 and be consistant with AS1680.0 to provide for safe movement within the warehouse.

GENERAL CONSTRUCTION NOTES:

Light switches to be located between 900mm - 1100mm above FL, horizontally aligned with door handles and not less than 500mm from internal corners.

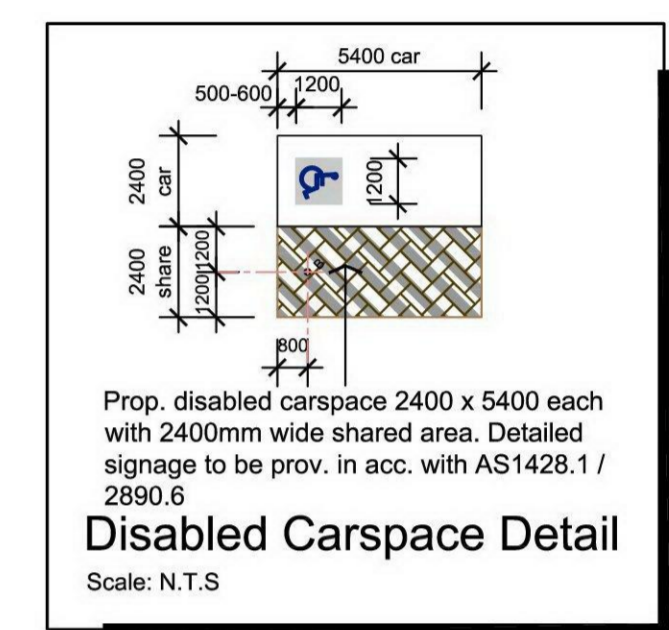
Carpet to have a max. pile height of 6mm.

Vinyl flooring if proposed to be slip resistive comply with AS1428.1:2009 Clause 7.

Legend

- EXISTING WALLS
- PROPOSED WALLS
- HATCH DENOTES ALL WEATHER SEALED CONCRETE PATTERN PAVED PATHS WITH "CHARCOAL" COLOR FINISH AS SELECTED
- DENOTES SIGNAGE. SIGNAGE TO HAVE FOLLOWING: "ALL VEHICLES MUST EXIT OR ENTER IN A FORWARD FACING DIRECTION."
- EXTERNAL "PILLAR BAFFLED" LED LIGHTING TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY
- EXTERNAL HIGH EFFICIENT WALL MOUNTED LED LIGHTING TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY
- TRANSLUCENT SHEET ROOFING TO ALLOW NATURAL LIGHT INTO WAREHOUSE FLOOR AREA.

NOTE: SITE TO BE SITESCAPED OF TOPSOIL AND STOCKPILED ON SITE FOR USE IN PLANTING AREAS.



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B	10/09/2019	REVISED AS PER COUNCIL RFI	M.C.

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PROJECT

PROPOSED ON FARM PROCESSING PLANT
AT: 145 TOMAHAWK CREEK ROAD, PIRRON YALLOCK

CLIENT
MR & MRS BOYD

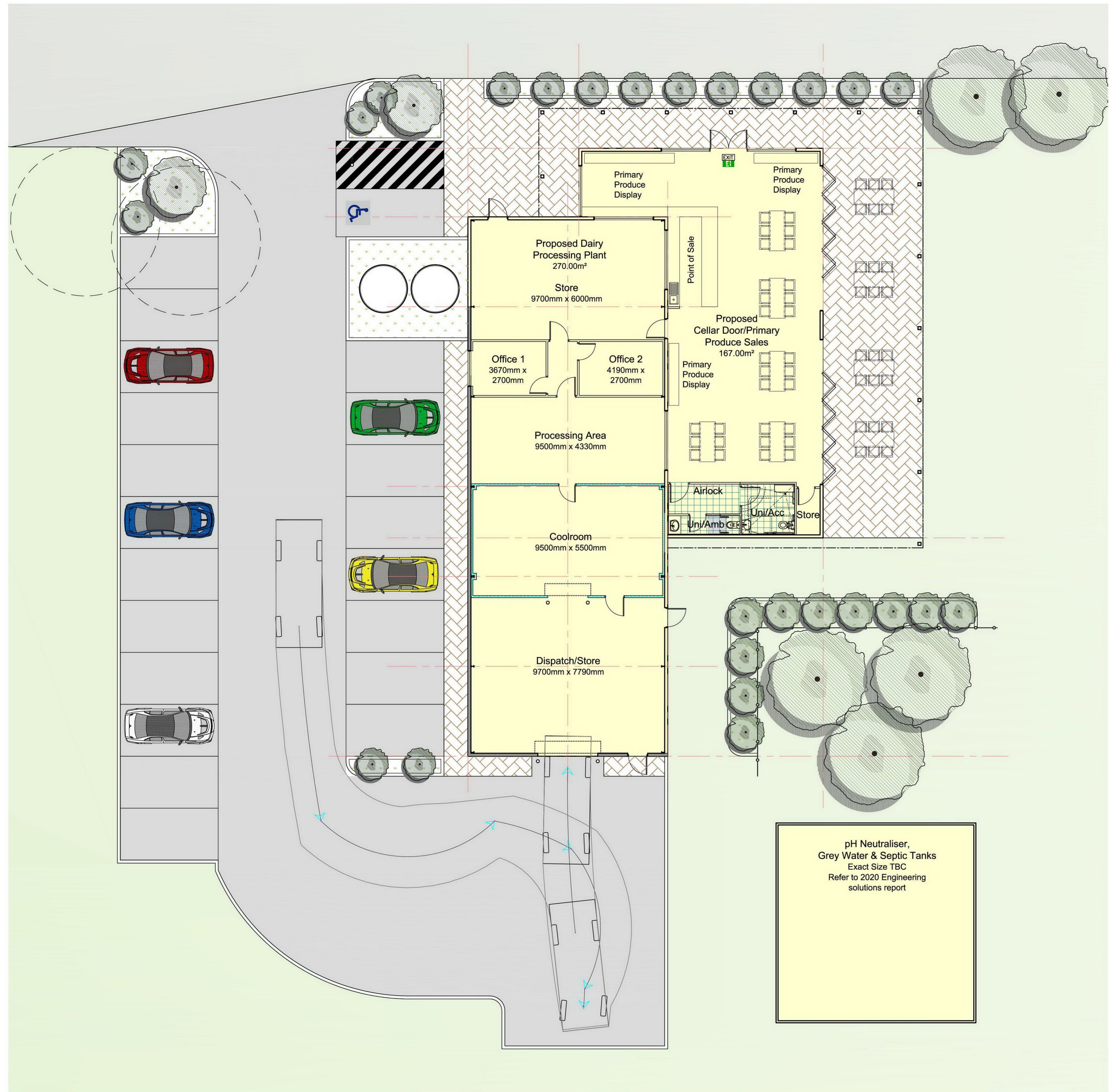
DRAWING TITLE
PROCESSING PLANT LAYOUT

DATE	SCALE	DRG NO.
MAY 2019	1:100	TP05

DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613

Proposed Processing Plant Layout Scale 1:100

REFER TO ENVIRONMENT PROTECTION AUTHORITY WORKS APPROVAL PROPOSAL PREPARED BY 2020 ENGINEERING SOLUTIONS FOR WASTEWATER MANAGEMENT STRATEGIES



Truck Turning Circle (6.4m Small Rigid Into Loading Zone) Scale 1:100

No.	DATE	DESCRIPTION	APPD.
A	10/09/2019	NEW PAGE ADDED	M.C.

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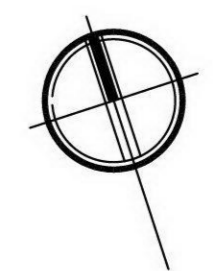
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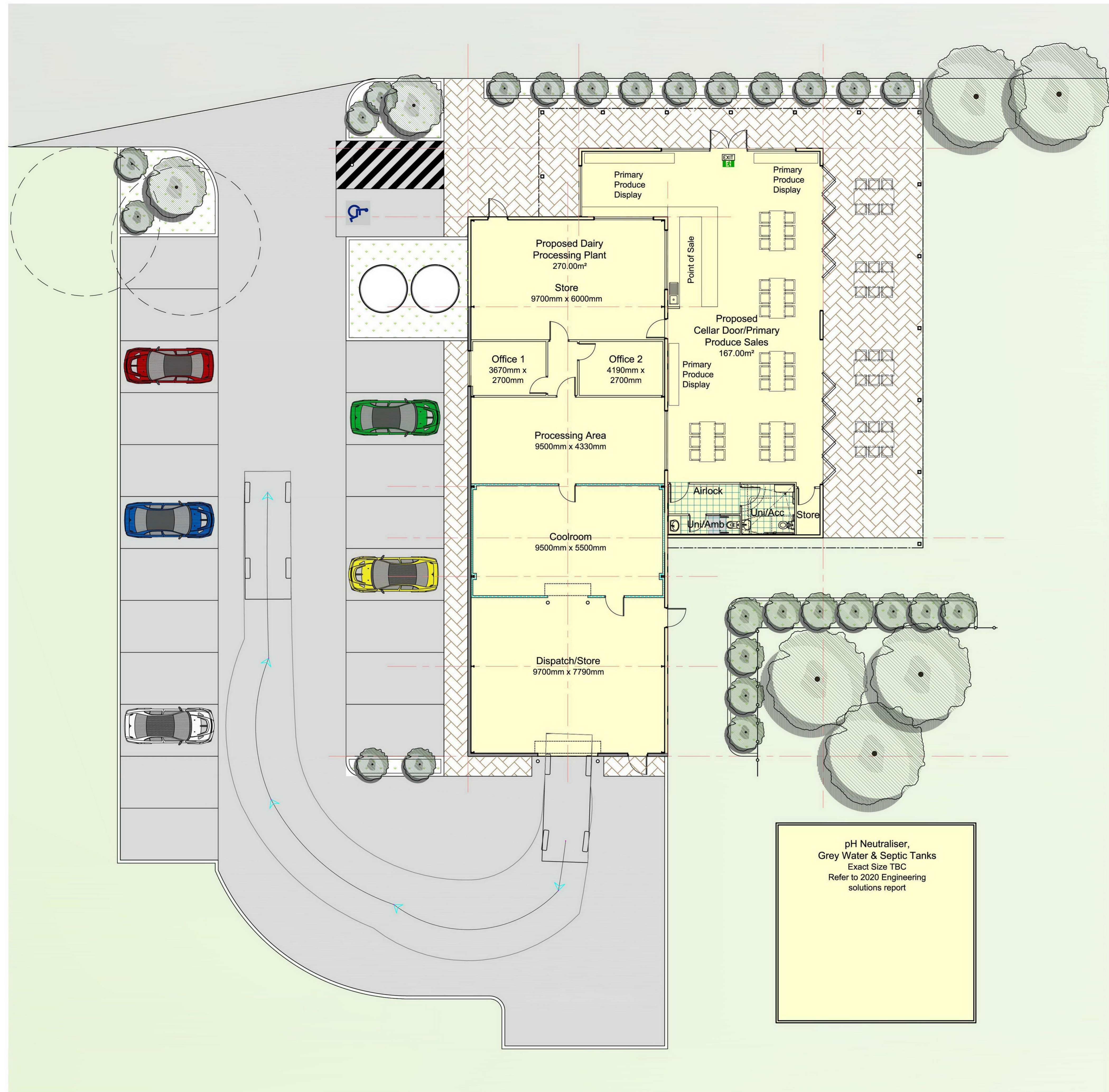
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PROPOSED ON FARM PROCESSING PLANT
 AT: 145 TOMAHAWK CREEK ROAD, PIRRON YALLOCK
 CLIENT
MR & MRS BOYD

DRAWING TITLE
TRUCK TURNING PLAN

DATE	SCALE	DRG NO.
MAY 2019	1:100	TP06
DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613





Truck Turning Circle (6.4m Small Rigid Out of Loading Zone) Scale 1:100

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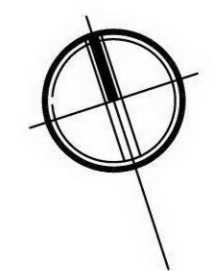
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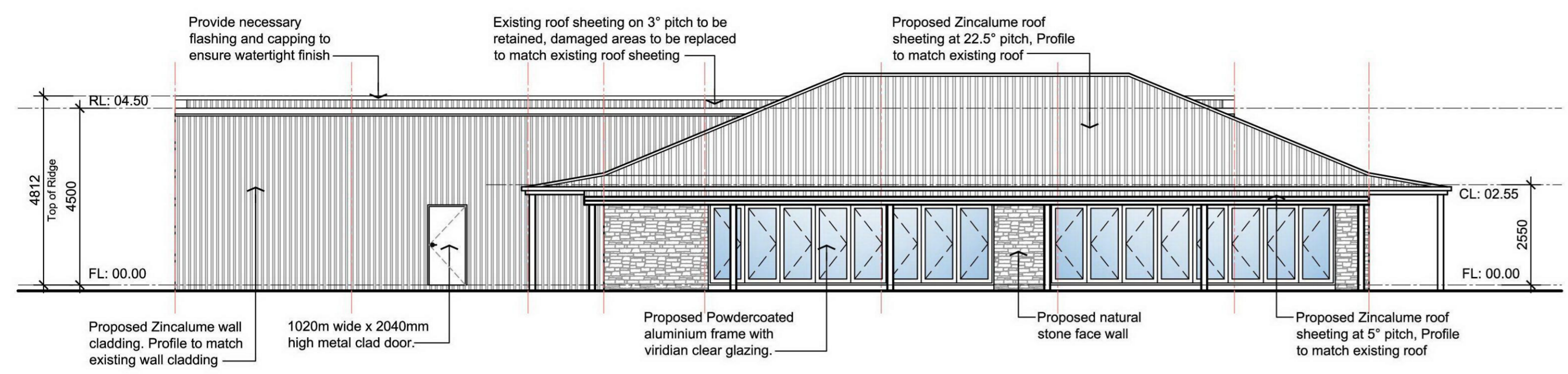
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 AT: 145 TOMAHAWK CREEK ROAD, PIRRON YALLOCK
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MR & MRS BOYD

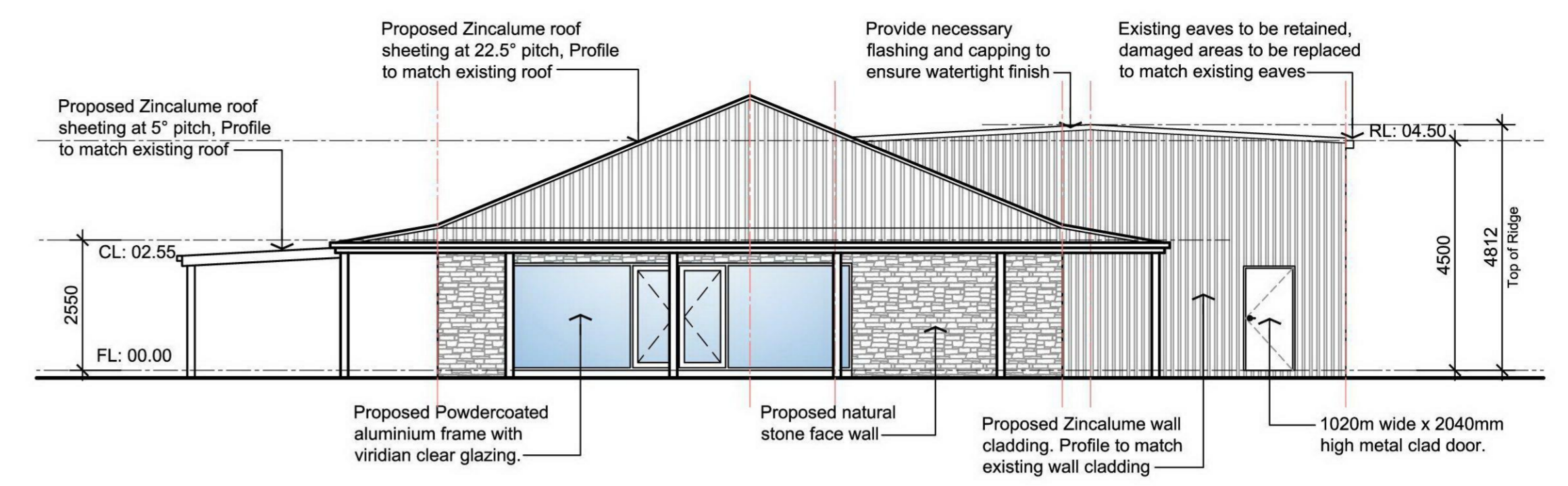
DRAWING TITLE
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DATE	SCALE	DRG NO.
MAY 2019	1:100	TP07
DRAWN	CHECKED	JOB NO.
M.C.	B.B.	170613

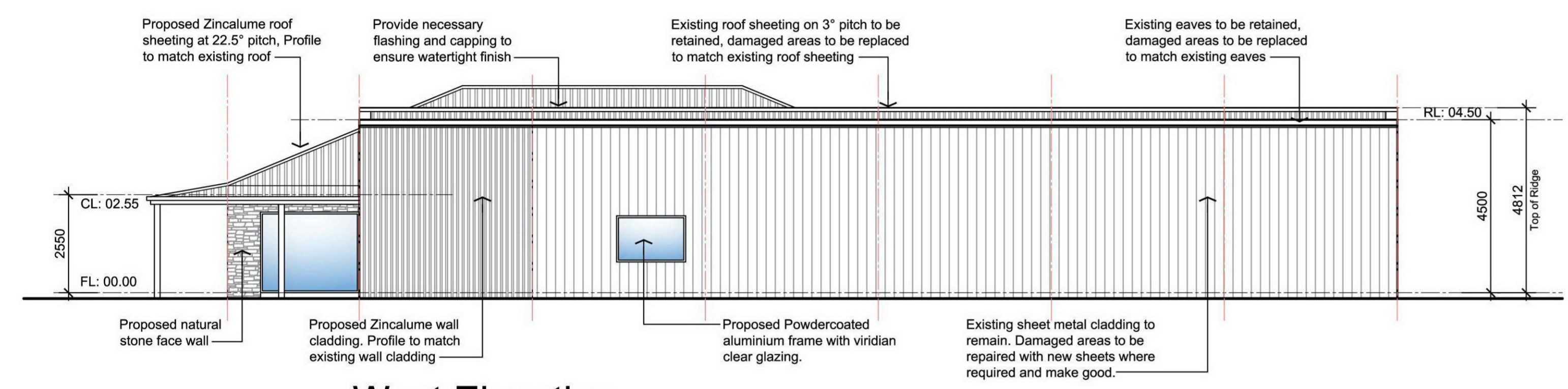




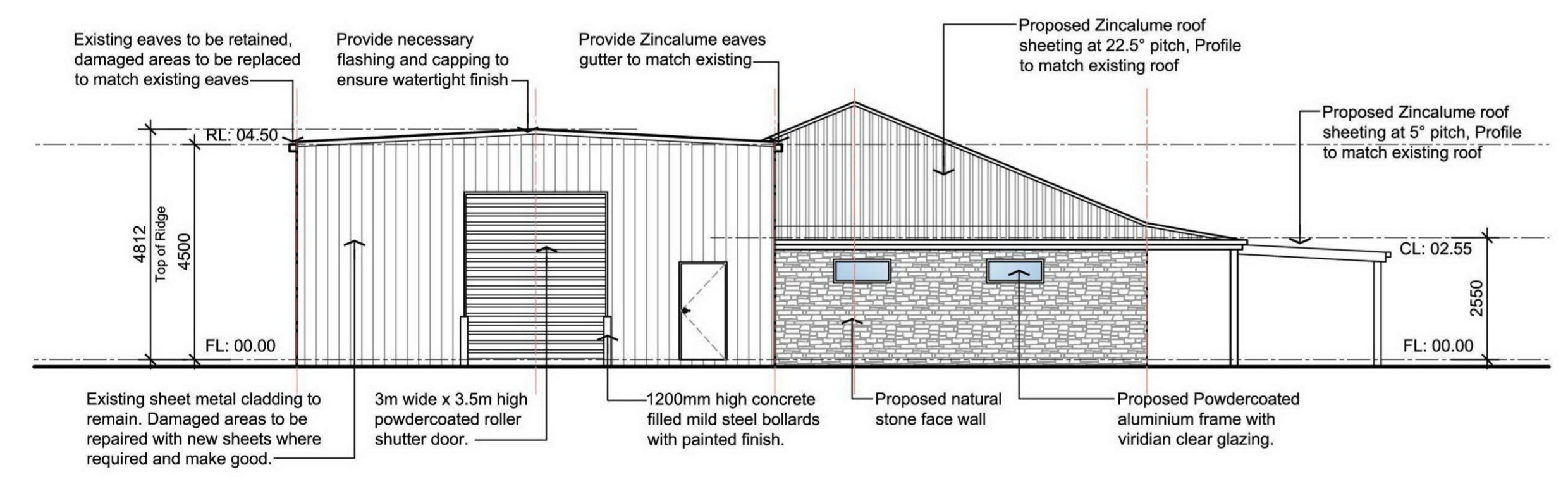
East Elevation Scale 1:100



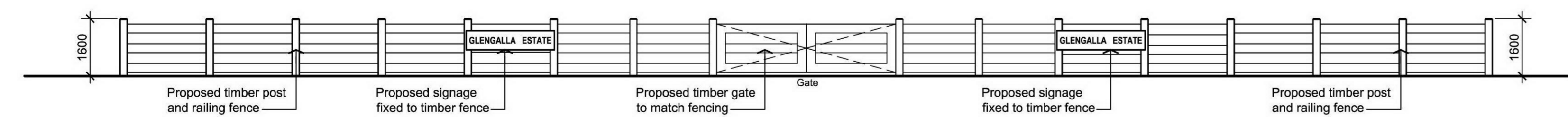
North Elevation Scale 1:100



West Elevation Scale 1:100



South Elevation Scale 1:100



Entrance Elevation Scale 1:100

No.	DATE	DESCRIPTION	APPD.
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PROJECT

PROPOSED ON FARM PROCESSING PLANT AT: 145 TOMAHAWK CREEK ROAD, PIRRON YALLOCK

CLIENT
MR & MRS BOYD

DRAWING TITLE
ELEVATIONS

DATE	SCALE	DRG NO.
MAY 2019	1:100	TP08
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Creating a Working & Living Environment

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Email:
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Web:
www.bbdesigngroup.com.au

Our Ref: 170613-5

24th September 2019

Colac Otway Shire
Town Planning Department
PO Box 283
Colac Vic 3250

Attn: Helen Evans
Statutory Planner

Dear Helen

**RE: TOWN PLANNING APPLICATION # PP135/2019-1
USE AND DEVELOPMENT OF AN ON FARM PROCESSING PLANT & ASSOCIATED
PRIMARY PRODUCE SALES AND BUSINESS IDENTIFICATION SIGNAGE
AT: 145 TOMAHAWK CREEK ROAD, PIRRON YALLOCK**

Further to your letter dated 19th July 2019 in relation to the abovementioned please find enclosed for your consideration responses for Request for Further Information.

Enclosed for your consideration are:-

- Town Planning Drawings (TP00 – TP08, Rev B).
- Revised Town Planning report issued by LS Planning.
- EPA Works approval proposal report prepared by 2020 Engineering Solutions.

Please refer to the below responses to the items raised in the RFI.

1. The products to be produced on the site are milk products, mainly being Milk and cheeses. This will allow our client to create a 100% sustainable closed loop farming system where 100% of the milk from their dairy will be able to be processed onsite, as well as recycling 100% of the waste from the dairy processing into compost to be spread back across their paddocks for fertiliser. This will allow the client to process the existing dairy from their site as opposed to outsourcing. The proposed quantities to be processed on the site is 7,000 litres per day.
2. There will be 2 key products to be displayed in the cellar door, fresh milk based products processed on site and premium rose veal.
3. It is anticipated that a small amount of locally produced items complimentary to the milk based and veal products produced on site will be stocked in the cellar door. Items such as dairy from local sheep & goats, as well as soaps and other locally made items.
4. Tables and chairs are shown for the purposes of tasting the local cheeses prior to sale. There is no restaurant/café use proposed.



Building Designers
Association Victoria



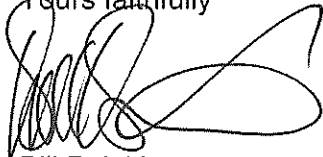
5. The proposed operating hours of the Cellar door are 9am-8pm 7 days.
6. The proposed operating hours of the processing plant are 8am-4pm 7 days.
7. Signage reduced to max 3m² (refer page TP08)
8. Refer to EPA works approval proposal report by 2020 engineering solutions.
9. Turning Circles for 6.4m small rigid vehicle shown on TP06-TP07
10. East elevation correctly referenced (refer page TP08)
11. Parking ratios revised and co-ordinated on town planning drawings (TP05) and in the planning report (page 31-32)
12. There are no proposed changes to the existing site access from Tomahawk Creek Road.

It is anticipated that the information provided addresses council's request for further information, however if council considers that there is insufficient information provided, it is requested an extension of time be allowed and clarification of the outstanding matters sought.

Your earliest attention to this matter would be greatly appreciated.

Should you have any queries or require any additional information please do not hesitate in contacting our office.

Yours faithfully



Bill Balakis

Enc.



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TOWN PLANNING SUBMISSION

WRITTEN SUBMISSION IN RESPONSE TO THE COLAC OTWAY PLANNING SCHEME.

APPLICATION FOR THE USE AND BUILDING AND WORKS ASSOCIATED WITH A PROCESSING PLANT AT AN EXISTING FARM (DAIRY FARM) SITE, INCLUDING THE USE OF INDUSTRY AND PRIMARY PRODUCE SALES, AND BUILDINGS AND WORKS COMPRISING THE REFURBISHMENT OF THE EXISTING BUILDING AND FOR THE CAR PARK AND TRUCK TURNING AREA

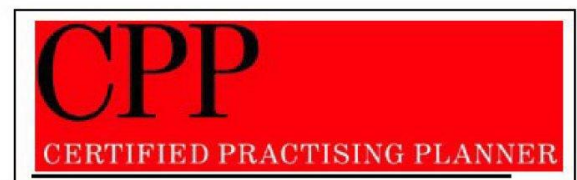
AT 145 TOMAHAWK CREEK ROAD, PIRRON YALLOCK

12th June 2019

Amended 20th September 2019

Prepared for BB Design Group

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1.0 Introduction

LS Planning P/L has been engaged by BB Design Group, to prepare a town planning report in response to Clause 35.07 and Clause 52.06 of the Colac Otway Planning Scheme for the use and buildings and works associated with a processing plant at an existing farm (dairy farm), including the use of industry and primary produce sales, and construction of an associated car park and truck turning area.

A planning permit is required pursuant to:

- Clause 35.07.01 for the use of the land for the purposes of industry, primary produce sales and a car park.
- Clause 35.07-4 for buildings and works associated with the processing plant (industry and primary produce sales) and the car park.

2.0 The Site

The subject site is zone Farming Zone and is not encumbered by any overlay/s.

The site is located on the eastern alignment of Tomahawk Creek Road, mid-way between Princes Highway to the north and the Dennington rail line at the intersection of Phalps Road and Kervins Road to the south.

The subject is regular in shape reflecting a squared shape. The lot has an approximate site area of 21.6 hectares.

The site is currently used for farming activities and includes a operation of a dairy farm.

The site contains an existing dwelling and an existing shed structure that will be refurbished to facilitate the processing plant. An accessway is located on the southern side of the existing dwelling and runs east into the site, past the existing building is located, ceasing at the existing dairy and stockyards.

The site is currently fenced along all sides generally with post and wire fencing. Some metal sheeting fencing is included throughout the existing paddocks. The open grazing paddocks within the subject site are fenced using the same method.

The area surrounding the site is Farming Zone. An existing small Township Zoned area is positioned north-west of the site along Princes Highway.

North of the site on the same eastern side of the road is a chicken farm.

Figure 1: Melways Locality Map: 145 Tomahawk Creek Road, Pirron Yallock

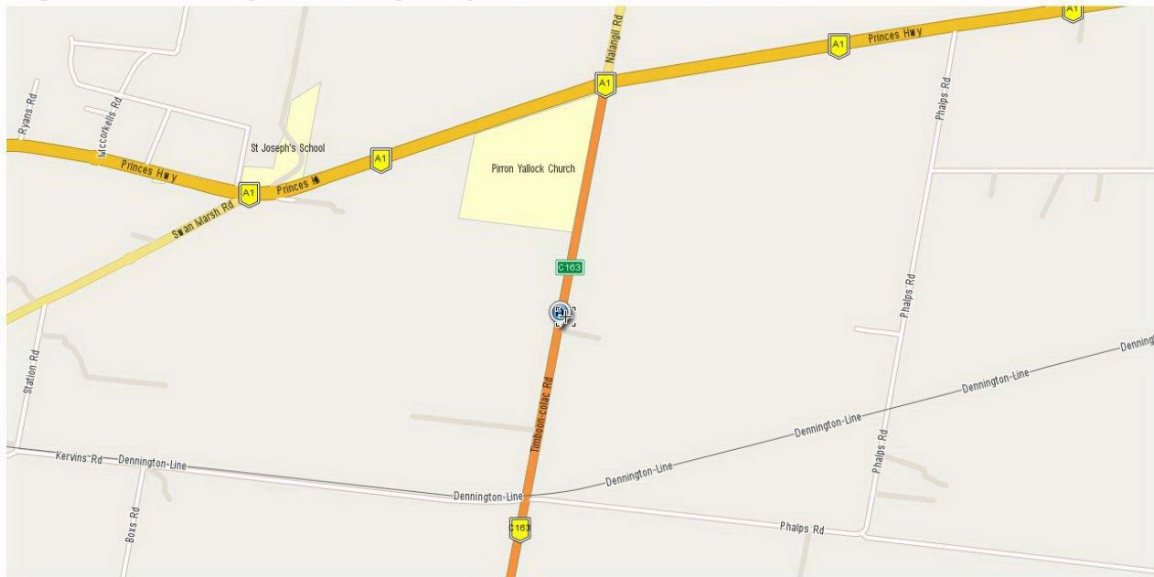


Figure 2: Aerial View 145 Tomahawk Creek Road, Pirron Yallock



Figure 3: Aerial View (zoomed in) of the site



Figure 4: Street View of the subject site 145 Tomahawk Creek Road, Pirron Yallock, looking east from the accessway south of the existing dwelling along Tomahawk Creek Road



Figure 5: Looking north along Tomahawk Creek Road from the accessway south of the existing dwelling



Figure 6: Looking south along Tomahawk Creek Road from the accessway south of the existing dwelling



Figure 7: Photo of Grazing paddocks



North of the site is an intensive chicken farm that includes multiple structures to support the and house the use, positioned a short setback adjacent to Tomahawk Creek Road.

The township of Pirron Yallock is positioned north-west of the site and comprises few dwellings, a church, a pub and bottle shop and a wrecking yard.

Lake Corangamite is located further north beyond the Pirron Yallock town centre.

4.0 The Proposal

It is proposed to introduce a processing plant at the site that will include converting the existing shed onsite into a processing, packaging and coolroom building to enable the owners of the existing dairy farm to process their own fresh produce onsite and sell direct to the public from the farm.

The floor area of the proposed processing plant is 270 square metres while the floor area for the cellar door/primary produce sales is 167 square metres.

The types of goods offered for sale include milk based products which are also the types of goods to be processed on the land. The main product being milk based products are produced in the dairy farm and these are sourced directly from the land, it is only additive products that will be sourced externally.

To the rear of these buildings will be a car park that is large enough to support the staffing requirements of the processing plant as well as the visitors to the site.

Separate and immediately south of the site will be a turning circle pad that is large enough to cater for the turning circle of a small rigid truck which would be required to attend the site to collect the produce that is to go to market beyond the sales capacity of onsite.

Truck delivery and despatch are anticipated to be twice a week.

The primary use of the site will remain agricultural and there is no change / alteration proposed to the operations of the existing dairy farm. The buildings and works is proposed to facilitate and enhance the existing operation of the farm and extend the viability of the continuity of the use.

The hours of operation of the proposed processing plant which are anticipated to be between 6am and 8pm Monday to Sunday inclusive. Any noise produced is unlikely to be disruptive or or impact on the existing surrounding farming practices due to distances and separation of adjoining land uses.

Additional vehicles will access the site for work, visitors to the site as well as delivery and dispatch trucks. Separate access points are provided to the parking area for cars and the truck turning bay area.

The number of car spaces required at 16 and a total of 40 spaces are provided which is in excess of the Planning Schemes requirements. There is sufficient space surrounding the area for expansion of the carparking area if required in the future.

It is highly unlikely that the proposed use and development will bear any impact on the existing adjoining and nearby farming practices; and likewise, it is unlikely that the nearby poultry farm and other adjoining farming activities will impact the proposed use and development of the site. These are existing uses that are operating harmoniously together.

In accordance with the *Rural Land Strategy 2007* document, the site is identified within an area that is of *high agricultural capability* (page 27-28) and is within a farmland of strategic significance (page 30). The proposal will not remove the subject site from these categories. These identified values of the site and land justify and signify the appropriateness of the proposal. The high value and productivity of the land as a dairy farm will result in the increased benefit to the output/produce from the farming practices (milk) as the proposal will enable the owners/farmers to process their own range of dairy products at the farm site and offer them direct to the public from the source. In recent years the option of buying direct from the farmer has become a highly valued commodity, being valued in much the same way the product being consumed. People want to know

where their food and produce is coming from and be able to make more sustainable choices that in turn benefit the farmer directly.

The proposed use and development of the land with a processing plant (industry, cellar door/primary produce sales, car park) are compatible with the primary agricultural use of the subject site. The two will co-exist with ease and support one another, without detrimental impact on the surrounding regional farming landscape. The success of the use will be reliant on the quality of the product in the end.

The introduction of the proposed use and buildings and works at the site will allow the owners/farmers to add value to their product. The outcome for the local and wider community benefit from this proposal will be highly beneficial and will see localise employment opportunities, tourism and awareness and appreciation of what the area has to offer. It will facilitate the opportunity for locally produced products to be acquired directly from the source at the land.

5.0 PPF, LPPF, MSS & LPP

5.1 Planning Policy Framework

Clause 11.03-6S Regional and local places

Objective: To facilitate integrated place-based planning.

Strategies: Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

Clause 13.02-1S Bush fire planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bush fire prone area;

Objective: To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.05-1S Noise abatement

Objective

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

Clause 13.06-1S Air quality management

Objective

To assist the protection and improvement of air quality.

Clause 13.07-1S Land use compatibility

Objective

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 13.07-1S Land use compatibility

Objective: To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies

Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operational and land use separation measures.

Clause 14.01-1S Protection of agricultural land

Objective: To protect the state's agricultural base by preserving productive farmland.

Clause 14.01-2S Sustainable agricultural land use

Objective: To encourage sustainable agricultural land use.

Clause 15.01-2S Building design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-2S Building design

Objective: To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-6S Design for rural areas

Objective: To ensure development respects valued areas of rural character.

Clause 15.02-1S Energy and resource efficiency

Objective

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 17.01-1S Diversified economy

Objective

To strengthen and diversify the economy.

Clause 17.01-1S Diversified economy

Objective: To strengthen and diversify the economy.

Clause 17.01-1R Diversified economy – Geelong G21

Strategies

Build on the region's competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.

Support new businesses that provide employment and innovation opportunities in identified employment nodes across the region.

Support industries that utilise skills within the region.

Clause 17.02-1S Business

Objective

To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

Clause 17.04-1S Facilitating tourism

Objective: To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Clause 18.02-5 Car parking

Objective

To ensure an adequate supply of car parking that is appropriately designed and located.

Consistency with Planning Policy Framework

The above clauses have been considered when considering the proposed use and buildings and works to be undertaken on the land. It is submitted the proposed use and development of the land is site responsive and one, which will have a minimal impact on the amenity of the farming neighbouring properties and is consistent with the intent of the above clauses. As such it is submitted that the proposal as is, fully accords with the Planning Policy Framework.

The proposed buildings and works will result in a high compatibility with the farming landscape. The inclusion of the proposed buildings and works have been designed to be have reasonably recessive appearance considering the higher level of intensity this use will bring to the site given the lower level of intensity of current farming practices onsite. The design will be of a high quality that will blend into the farming landscape.

The proposed use will inject life to the local employment options and local economy through onsite sales and on-flow tourism expenditure.

The external finishes of the building will be non-reflective, comprising largely masonry materials to the satisfaction of the responsible authority.

The subject site is identified within the north-western part of the Shire as an area of "Farmland of Strategic Significance" having 'high' agricultural capability due to soil type, climatic conditions and larger land parcels. The primary agricultural land use of this area is dairying, while the north-eastern part of the Shire is identified as having 'medium' agricultural capability with the primary land use for production of beef, according to The Rural Land Strategy (2007).

The proposal generates the opportunity for localised employment within the municipality during the construction period as well as the operation of the processing plant.

The site has good access to a major transport corridor and routes, is in an area surrounded by similar farming uses where the built form is that of typical agricultural buildings that are sympathetic to the site's context and surrounds. It is considered overall that the proposal satisfies the strategic planning intent of the State Planning Policy Framework.

It is submitted the proposed development is site responsive and one, which will have a minimal impact on the amenity of the existing farming practices onsite and within the surrounding area. As such it is submitted that the proposal is of a design that fully accords with the Planning Policy Framework.

5.2 Local Planning Policy Framework

Municipal Strategic Statement

Clause 21.01 MUNICIPALPROFILE

Clause 21.01-1 Location

The Colac Otway Shire is located in the south-west of the State, approximately 2 hours drive from Melbourne. The Shire has an area of approximately 3,500 square kilometres and a 2006 census population of 20,294. The Department of Planning and Community Development predicts that the Shire will experience a minor population increase to the year 2025 (up to 22,500).

Clause 21.01-5 Economic Development

The Shire provides diverse employment opportunities through a range of primary industries, tourism and commercial and community services. The region is well supplied with existing infrastructure in terms of power and water and is well placed to take advantage of future proposals to extend the natural gas grid,

although it is noted that there are some localised infrastructure constraints throughout the Shire.

The Shire is located along three key traffic routes-

Princes Highway, Hamilton Highway and the Great Ocean Road. There is a regular railway service between Colac and Melbourne to the east and Warrnambool to the west. The Shire has excellent access to the Melbourne and Avalon Airports. This transport network provides the Shire and its industries excellent access to both domestic and international markets.

Clause 21.01-6 Regional

The Shire is an active partner in the G21 Regional Alliance together with Greater Geelong, Surf Coast, Golden Plains and Queenscliff and participating local organisations and businesses. The Shire is also an active partner in the Great South Coast municipal group together with Corangamite, Glenelg, Moyne and Southern Grampians Shires and Warrnambool City Council.

The Council is committed to an integrated approach to planning in the Shire through meaningful consultation with its stakeholders. Council is committed to give effect to the Regional Catchment Strategy; the Victorian Coastal Strategy; the Otway Forest Management Plan; and the Great Ocean Road Region Strategy.

Clause 21.02 VISION

Clause 21.02-1 Municipal Vision

The current Council Plan (2009–2013) has the following vision for the municipality:

“Council will work together with our community to create a sustainable, vibrant future”.

The Plan also identifies commitments and priority actions upon which Council will focus.

Clause 21.02-2 Land Use Vision In terms of land use development, Council has a vision around the following key land use themes.

Agriculture

High quality agricultural land will be protected.

Agricultural diversity and a sustainable forestry and timber industry will be encouraged in the region.

Grazing and cropping farming practices are the preferred land uses in areas designated as “farm land of strategic significance”.

Tourism

Opportunities for tourism are provided to contribute to the growth of the Shire. Tourism growth will be managed sustainably and the environmental and landscape assets that attract tourists and new residents alike will be protected. Limited opportunities will be provided for tourist related activities in the Apollo Bay hinterland, around the Forrest Township and the Otways.

Clause 21.05 ECONOMIC DEVELOPMENT

Clause 21.05-1 Agriculture

Overview

Agriculture is a key economic contributor to the Colac Otway Shire with the dairy and beef industries the most significant in terms of land use and economic contribution to the Shire. The protection of agricultural industries is critical to the economic and social wellbeing of the Shire.

Dairy farms account for 65% of the total contribution made by agriculture to the Colac Otway economy and, along with other forms of broad acre agriculture, will require access to affordable land for future growth and expansion.

The Colac Otway Shire has three distinct geographical areas that offer different agricultural land use opportunities. The Rural Land Strategy (2007) identified the north-western part of the Shire as an area of “Farmland of Strategic Significance” having ‘high’ agricultural capability due to soil type, climatic conditions and larger land parcels. The primary agricultural land use of this area is dairying, while the

north-eastern part of the Shire is identified as having 'medium' agricultural capability with the primary land use for production of beef.

The protection of agricultural land and the strategic provision of land designated for rural living development inappropriately serviced areas was identified as a key issue in the Rural Living Strategy (2011). It is anticipated that the need to protect arable land within the Shire will intensify as the Shire's significant landscapes continue to attract those seeking a rural/coastal lifestyle, and farmers seeking to relocate and/or diversify their business, and as farming land in other areas of the State becomes increasingly vulnerable to harsher climactic conditions.

The following key land use trends and issues were identified in the Rural Land Strategy:

- Farm consolidation and expansion is evident and is considered fundamental to the long term protection of the agricultural base of the Shire.
- Future rural land use in the Colac Otway Shire is likely to comprise a few large farms, some medium family farms and an increasing number of small or part-time farms.
- There has been an increase in demand for rural lifestyle properties.
- There has been an increase in demand for tourism-based activities in rural areas.
- The diversity of land uses resulting from change in rural land use may bring conflict between agriculture and other land uses.
- Proliferation of tourism-based activities in the Farming Zone will compromise the long-term viability of farming in Colac Otway Shire unless they are appropriately located.

Objectives

- To facilitate the growth of key primary industries and arrange of developments to add to the economic base of the Shire.
- To maintain the viability of large-scale agriculture and the retention of areas of farmland of strategic significance and other high-quality agricultural land for agricultural use.
- To protect rural land for agricultural production and timber harvesting activities.

- To limit the further fragmentation of rural land by subdivision.
- To encourage the consolidation of rural land.
- To ensure that incompatible land uses (including dwellings) do not negatively impact on the ability to farm.

Land Management

- Support development which will provide economic and social benefits while not adversely affecting farmland of strategic significance, water catchments, timber production and environmental and landscape attributes.
- Ensure that existing dairying and other agricultural producers are protected from encroachment by conflicting development such as hobby farms.
- Apply a strict interpretation of the Farming Zone provisions to ensure incompatible land uses (including dwellings) do not negatively impact on the ability to farm.
- Protect farmland of strategic significance and other high-quality agricultural land for sustainable agriculture use and development.
- Protect the environmental significance of key sites while allowing limited diversification into new agricultural uses.
- Encourage tourist related development in association with agricultural enterprises in appropriate locations where development does not compromise use of land for agriculture.
- Encourage land management practices that are sustainable and protect the environment.
- Provide for innovative agricultural activities that do not detract from the long-term sustainability of large-scale agriculture.

Clause 21.05-4 Tourism

While tourism activity is seasonal, there are opportunities to add variety to the Shire's attractions that would encourage the development of more all-year round activities.

With tourism as a major growth sector it will be necessary to recognise more closely the ways in which other industries and business can add to the tourist appreciation of the region both through improvements to the quality of the visual landscape and in the introduction of new experiences.

Objectives

- To encourage growth in tourism in a way that assists diversification in the economy and ensures the protection of key environmental features.
- To encourage investment in tourism that has close linkages with local industries and the environment.
- To protect key visual and environmental features which are of major significance and contribute to the tourism assets of the Shire.
- To provide a range of accommodation and related activities which encourages tourist visitation.

Local Planning Policies

There are no applicable local planning policies.

Consistency with Local Planning Policies

The subject site is situated within an established, farming area within Pirron Yallock.

The proposed buildings and works will result in a high compatibility with the farming landscape. The inclusion of the proposed buildings and works have been designed to be have reasonably recessive appearance and muted tones considering the level of activity that this use will bring to the site given the lower level of intensity of current farming practices onsite. The design will be of a high quality that will blend into the farming landscape.

The proposed use will inject life to the local employment options and local economy through onsite sales and on-flow tourism expenditure.

The external finishes of the building will be non-reflective, comprising largely masonry materials to the satisfaction of the responsible authority.

The subject site is identified within the north-western part of the Shire as an area of "Farmland of Strategic Significance" having 'high' agricultural capability due to soil type, climatic conditions and larger land parcels. The primary agricultural land use of this area is dairying, while the north-eastern part of the Shire is identified as having 'medium' agricultural capability with the primary land use for production of beef, according to The Rural Land Strategy (2007).

The proposal generates the opportunity for localised employment within the municipality during the construction period as well as the operation of the processing plant. It does not result in proliferation of tourism-based activities in the Farming Zone – tourism to the area is a small side benefit of the use and development of the land as proposed. The demand for primary produce sales/cellar door sales for products produced at the site of the source, direct from the farm/er, is in high demand. This is the only known option of this kind within this area. It would attract low level numbers in tourism to the area which would positively contribute to the knowledge and understanding of the farming process and area as well as add value to the local and wider economy. The farmers/owners of the land are seeking diversification in their business, however, are importantly keep the scale of the proposal to a size that is compatible with the capacity of the existing farming produce onsite, the scope of the land and surrounding networks to support its inclusion.

The proposal will not impact on the ability of the land to be farmed as it currently is. The existing farming practices and the proposed processing plant will co-exist with each being reliant on the other for a strong economic output.

The proposal provides for an innovative use of the land that results in the cohesive inclusion of a complimentary use and development to the existing farming practices at the site that will not removed any agricultural activities from the land/site, and will not detract from the long-term sustainability of the agricultural use of the land.

No goods are proposed to be stored or displayed outside the buildings, and the car parking areas will be sealed with an all-weather surface to the satisfaction of the responsible authority.

Overall the proposed design outcome is of a high architectural merit and will result in a positive and complimentary addition to the site.

The development has been carefully designed to minimise adverse impacts and the external materials; architectural detailing has been derived from the built form features of other agricultural buildings throughout the surrounding farming landscape.

It is submitted the proposed use and development is site responsive and one which will have a minimal impact on the amenity of the surrounding farming precinct. As such it is submitted that the proposal as is, is of a design that fully accords with the Local Planning Policy Framework and Local Planning Policies.

6.0 Zoning

Clause 35.07 – Farming Zone

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Pursuant to Clause 35.07-1 a permit is required for the following:

- Industry (other than Rural Industry)
- Car park (must be used in conjunction with another use in Section 1 or 2)
- Primary produce sales

Pursuant to Clause 34.07-4 a permit is required to construct or carry out works.

Clause 35.07-6 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development make use of existing infrastructure and services.
- Agricultural issues and the impacts from non-agricultural uses.
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses. The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridge lines, property boundaries and saline discharge and recharge area. The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Figure 7: Zoning map – 145 Tomahawk Creek Road, Pirron Yallock



RESPONSE:

The proposal is responsive to the relevant sections of the Municipal Planning Strategy and the Planning Policy Framework.

The subject site is more than capable of accommodating the proposed use and buildings and works and will not impact on the existing agricultural/farming (dairy) activities at the site. The proposed use and development are compatible with the intent of the Farming Zone and existing agricultural activities in the surrounding area. The proposed inclusion of this complimentary component to the existing dairy farm at the site is highly unlikely to result in any additional detrimental impact on the existing agricultural activities at the site and within the surrounds. It is considered likely that the proposed use once up and running, will result in an increased agricultural production at the site.

It is unlikely that the use and development as proposed will adversely affect soil quality and will not permanently remove land from agricultural production. The location of the processing plant at the subject site is an area of land that is currently not utilised for grazing.

The proposal is unlikely to an impact on the natural physical features and resources of the area, in particular on soil and water quality, nor flora and fauna on the site and its surrounds.

The land has been transformed from its original state through years of farming; there are no known areas that require retention or revegetation to protect or enhance the biodiversity at this site given the above.

Off-site impacts including limiting the expansion of adjoining and nearby agricultural uses as a result of this proposal, is considered highly unlikely.

The subject site is identified within the *Rural Land Strategy* within an area that is of *high agricultural capability* (page 27-28) and is within a farmland of strategic significance (page 30). The proposal will not remove the subject site from these categories. These identified values of the site and land justify and signify the appropriateness of the proposal. The high value and productivity of the land as a dairy farm will result in the increased benefit to the output/produce from the farming practices (milk) as the proposal will enable the owners/farmers to process their own range of dairy products at the farm site and offer them direct to the public from the source. In recent years the option of buying direct from the farmer has become a highly valued commodity, being valued in much the same way the product being consumed. People want to know where their food and produce is coming from and be able to make more sustainable choices that in turn benefit the farmer directly.

The proposed buildings and works are located in the one area adjoining and adjacent to the existing shed to be converted for processing plant. The buildings are setback approximately a minimum of 80 metres from the road reserve. The proposed car parking and truck turning pad are located to the rear of the buildings to minimise the change in the landscape of at this area of the site and ensure this aspect remains a recessive feature. The introduction of the proposed

use and buildings and works at the site will result in a minimal loss of productive agricultural land. However, access to grazing space within the street setback of the proposed buildings will remain available for use.

The design of the proposed shed conversion and two new buildings (packaging and coolroom) will appear much the same as a typical rural outbuilding within a farm landscape backdrop. The character and appearance of the buildings will take influence from the existing shed onsite as well as nearby rural buildings and structures, and overall is unlikely to result in any additional detrimental impacts on and/or off site. The size and scale of the proposed built for onsite is representative of other agricultural buildings throughout the farming landscape. It is not foreseen that the use and development would require traffic management measures.

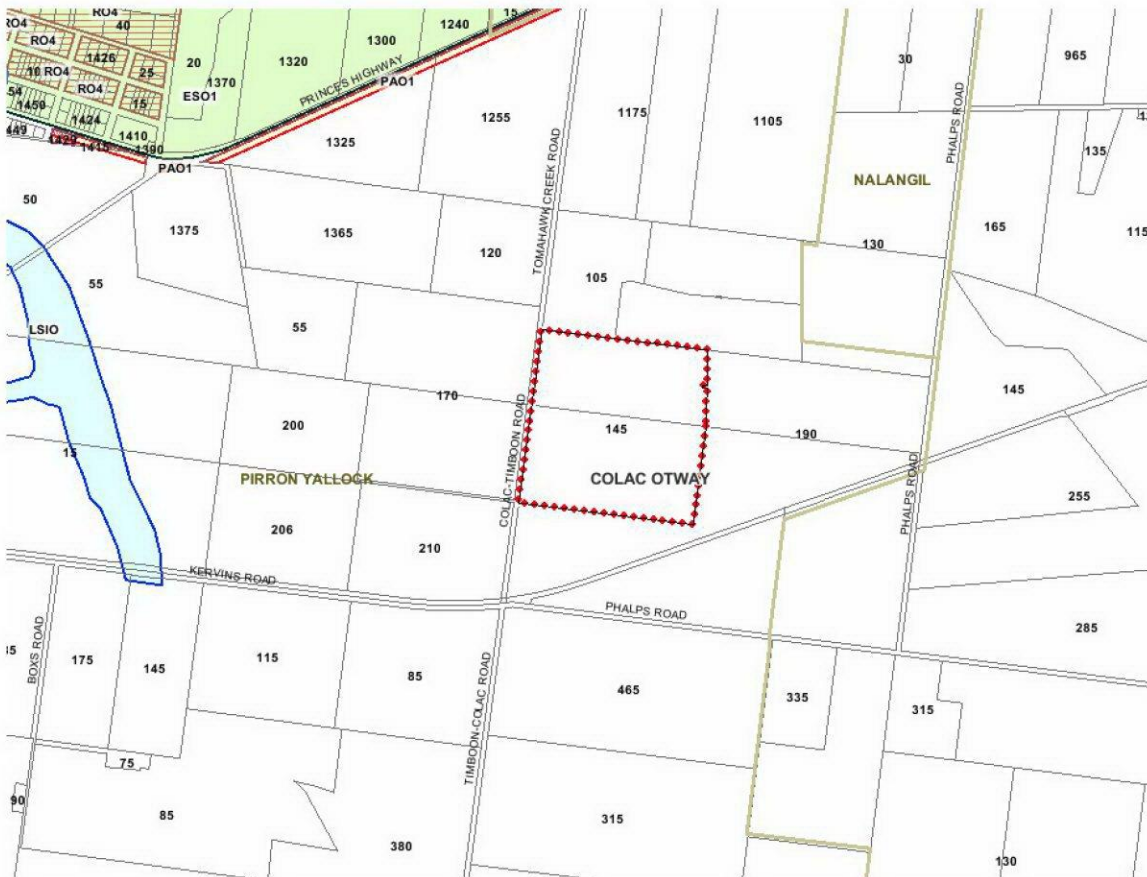
The proposal will result in a compatible inclusion to the existing farming practices at the site as well as the surrounding farming land that will increase the economic viability and output of the sites produce, contributing the local economy, community, creating localised employment opportunities and draw attention to the area on a small tourism scale.

Overlays

The subject site is not encumbered by any overlay/s.

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Figure 8: Overlay Map – 145 Tomahawk Creek Road, Piron Yallock



Other provisions

The site is identified within a Designated Bushfire Prone Area.



Figure 9 – Bushfire Prone Area map – 145 Tomahawk Creek Road, Pirron Yallock



7.0 Particular Provisions

7.1 Clause 52.06 – Car parking

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

On 5 June, 2012 a revised Clause 52.06 Car Parking was introduced into the Victoria Planning Provisions and all planning schemes.

Pursuant to Clause 52.06-2 Provision of car parking spaces

Prior to:

- A new use commencing or
- A new building being occupied or
- The floor or site area of an existing use being increased or
- The number of patrons, seats or practitioners at an existing use being increased,

The car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

If a schedule to the Parking Overlay or the schedule to Clause 52.06 specifies a maximum parking provision, the maximum provision must not be exceeded.

Clause 52.06-5 outlines the number of car parking spaces required in Table 1.

Table 1 Car parking requirement

Use	Rate Column A Applies to the standard rate to all zones	Rate Column B Only applies where specified in a schedule to the Parking Overlay	Car Parking Measure Column C
Industry	2.9	1	To each 100sqm of leasable floor area
Primary Produce Sales	4	3.5	To each 100 sqm of leasable floor area

RESPONSE: The total area of the site to be used as industry equates to approximately 310sqm. This equates to 9 spaces. The cellar door/Primary produce sales area is 167.00 square metres which based on a 4 spaces per 100 square metres of leaseable floor area equates to 7 spaces. The total number of

car spaces required is 16. A total of 40 spaces are provided which is 24 spaces in excess of the required number of spaces pursuant to Clause 52.06-5.

Turning circles for the small rigid trucks area provided as evidence of their ability to enter the site, turn around onsite and exit the site again without conflict.

7.2 Clause 53.10 Uses with adverse amenity potential

The general purpose of this clause is:

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

Clause 53.10-1 Threshold Distance

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

The use of 'Manufacture of milk products' is listed under the heading of 'Food, Beverages & Tobacco' and requires a threshold distance of 300 metres to land as described in the above paragraph.

The use of 'Rural industry handling, processing or packaging agricultural produce' is listed under the heading of 'Other Premises' and requires a threshold of 300 metres to land as described in the above paragraph.

The subject site is not located within the specified threshold distance of any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

The proposed buildings are also setback more than 100 metres from the adjacent poultry farm.

8.0 General provisions

Clause 65 Decision Guidelines

Clause 65 states that the responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

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

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

This clause does not apply to a VicSmart application.

RESPONSE: The proposal is considered to generally satisfy the decision guidelines of Clause 65.

9.0 Conclusion

This planning application seeks permission from the responsible authority in response to Clause 35.07 and Clause 52.06 of the Colac Otway Planning Scheme for the use and buildings and works associated with a processing plant at an existing far (dairy farm) site, including the use of industry and primary produce sales, and construction of an associated car park and truck turning area.

The proposal introduces the availability for the farmers/owners of the land to diversify their business at the subject site without removing a significant portion of viable land from direct agricultural use.

The subject site is more than capable of accommodating the proposed use and buildings and works and will not impact on the existing agricultural/farming (dairy) activities at the site.

The proposed use and development are compatible with the intent of the Farming Zone and existing agricultural activities in the surrounding area.

The proposed inclusion of this complimentary component to the existing dairy farm at the site is highly unlikely to result in any additional detrimental impact on the existing agricultural activities at the site and within the surrounds.

The proposal creates local employment opportunities, as well as small scale tourism to the area and more and more people are becoming conscious and invested in knowing where their food is coming and from and buying direct from the source / farm.

The design of the proposed shed conversion and two new buildings (packaging and coolroom) will appear much the same as a typical rural outbuilding within a farm landscape backdrop. The character and appearance of the buildings will take influence from the existing shed onsite as well as nearby rural buildings and structures, and overall is unlikely to result in any additional detrimental impacts

on and/or off site. The size and scale of the proposed built for onsite is representative of other agricultural buildings throughout the farming landscape.

The scale of the proposed use is site specific and allows for a level of production, and sales, that the existing production levels at the site can accommodate.

On this basis it is considered that the proposal is worthy of support.



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TOWN PLANNING CONSULTANT
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