



MOIRASHIRE



ENRICHING LIFE ON THE MURRAY

COUNCIL AGENDA

19 December 2016



Discover Moira



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Cobram Vic 3644
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AGENDA

**ORDINARY MEETING OF COUNCIL
FOR
MONDAY 19 DECEMBER 2016
TO BE HELD AT PRESIDENTS ROOM, NUMURKAH TOURIST INFORMATION CENTRE,
MELVILLE STREET NUMURKAH
COMMENCING AT 5:00 PM**

1. CALLING TO ORDER – CEO

RECORDING

Consistent with section 72 of our Meeting Procedures Local Law, Council officers have been authorised to record the public session of this meeting using an audio recording device.

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: “That the minutes of the Ordinary Council Meeting held on Monday, 21 November 2016, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

Councillors will provide verbal reports.

9. OFFICER REPORTS FOR DETERMINATION

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FILE NO: 123456
7. DELIVER SOUND FINANCIAL MANAGEMENT

ITEM NO: 9.1.1

FINANCIAL HARDSHIP POLICY

RECOMMENDATION

That Council adopt the revised Financial Hardship Policy.

1. Executive Summary

The Financial Hardship Policy will assist Council in recovering unpaid rates and charges by offering payment plans and waiver of interest for those persons suffering financial hardship.

2. Background and Options

The Financial Hardship Policy was adopted by Council on 22 February 2016. It has recently been reviewed to extend this assistance to properties other than the ratepayers' primary residence. Financial hardship relates to a ratepayer who has difficulty in meeting basic living costs and the payment of their rates and charges significantly contributes to their financial burden.

The Financial Hardship Policy details the eligibility and application requirements for persons wishing to apply for financial hardship and also includes options for deferring payments and waiver of interest.

3. Financial Implications

The financial impact to Council will include the possible waiver of interest based on the successful application by a ratepayer suffering financial hardship. The Policy will also assist Council in recovering unpaid rates and charges.

4. Risk Management

There are no risks associated with the adoption of this Policy as this will provide assistance for persons to pay their rates and charges.

5. Internal and External Consultation

The Financial Hardship Policy was reviewed in consultation with dairy industry representatives, General Manager Corporate, Manager Finance, Team Leader Revenue and Revenue Officers.

6. Regional Context

This Policy will apply to all persons who are responsible for the payment of rates and charges on properties within the Moira Shire Council.

7. Council Plan Strategy

This Policy will assist Council to deliver sound financial management.

8. Legislative / Policy Implications

This Policy was developed with reference to clauses in the Local Government Act 1989 and Council's Rates & Charges Policy.

9. Environmental Impact

There is no environmental impact relating to this report.

10. Conflict of Interest Considerations

There are no conflict of interest considerations relating to this policy.

FILE NO: 123456
7. DELIVER SOUND FINANCIAL MANAGEMENT

ITEM NO: 9.1.1

FINANCIAL HARDSHIP POLICY (cont'd)

11. Conclusion

The adoption of the revised Financial Hardship policy will allow Council to assist persons suffering from financial hardship in payment of their rates and charges by offering payment plans or waiving interest where applicable.

Attachments

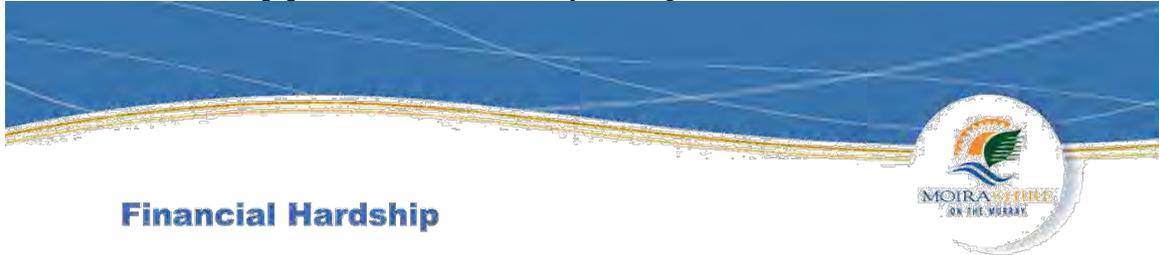
- 1 Financial Hardship Policy - Revised November 2016

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7. DELIVER SOUND FINANCIAL
MANAGEMENT

ITEM NO: 9.1.1

FINANCIAL HARDSHIP POLICY (cont'd)

ATTACHMENT No [1] - Financial Hardship Policy - Revised November 2016



Financial Hardship

| | |
|-----------------------------|---------------------------|
| Policy type | Council |
| Adopted by | Moira Shire Council |
| Responsible director | General Manager Corporate |
| Responsible officer | Team Leader Revenue |
| Date adopted | 22 February 2016 |
| Scheduled for review | 22 February 2018 |

PURPOSE

To provide direction on the assistance available to persons suffering from financial hardship in the payment of their rates and charges.

SCOPE

This policy applies to all property rates and charges payable to Council.

DEFINITIONS

Financial hardship

When a ratepayer has difficulty in meeting basic living costs and the payment of their rates and charges significantly contributes to their financial burden.

POLICY

1) Eligibility for Financial Hardship

Council recognises that there may be some persons who are genuinely unable to pay their rates and charges by the due date.

Council may provide assistance to persons who can prove financial hardship by deferring payments (by establishing payment plans) and waiving interest payable on overdue accounts.

The process for applying for financial hardship is outlined in Clause 2.

Financial hardship will be considered for:

a) Residential, **farming and rural** rates and charges only.

b) The ratepayer's primary residence only.

2) Applying for Financial Hardship

To apply for financial hardship, a person must complete the *Financial Hardship Application Form*.

All applications and supporting documents are treated confidentially.

A new application must be submitted for each rating year.

Council will use its own discretion when determining eligibility of each application for Financial Hardship assistance.

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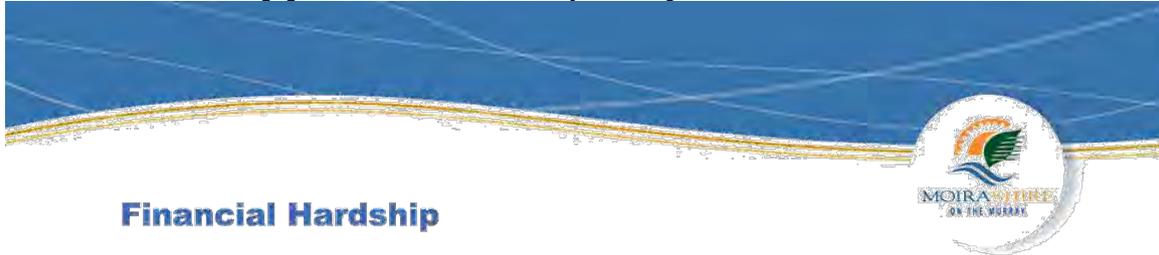
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7. DELIVER SOUND FINANCIAL
MANAGEMENT

ITEM NO: 9.1.1

FINANCIAL HARDSHIP POLICY (cont'd)

ATTACHMENT No [1] - Financial Hardship Policy - Revised November 2016



Financial Hardship

3) Deferring Payments

Under s170 of the *Local Government Act 1989*, a Council may defer payment of rates and charges in whole or in part if a person is able to show that the payment would cause them financial hardship.

Council ratepayers who can prove financial hardship are able to apply for a payment plan on the basis of financial hardship.

The payment plan will ensure the ratepayer is making regular contributions to their debt.

The payment plan will take into consideration the ability of the ratepayer to make payments, their individual circumstances and the total amount of their liability.

Interest is payable on all payment plans, except those where interest is waived in accordance with Clause 4.

4) Waiver of Interest

Under s171A of the *Local Government Act 1989*, a Council may waive the payment of rates, charges or interest in whole or in part if a person is able to show that the payment would cause them financial hardship.

Council ratepayers who can prove financial hardship are able to apply for a waiver of the interest normally payable under a payment plan.

Interest will only be waived should the payments under the payment plan be made by the due date.

Failure to pay by the payment plan due date will mean interest is incurred from the arranged due date in accordance with Clause 10 of the *Rates and Charges Policy*.

RELATED POLICIES

Rates and Charges Policy

RELATED LEGISLATION

Local Government Act 1989

REFERENCES

Financial Hardship Application Form

Instrument of (Sub) Delegation by the Chief Executive Officer

REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required, in accordance with Council's approval.

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FILE NO: F13/199
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.2

DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT

RECOMMENDATION

That:

1. Council seek community feedback on the draft Disability Access and Inclusion Plan 2017-2021.

1. Executive Summary

The Moira Shire Council Disability Access and Inclusion Plan 2017-2021 (draft attached) has been developed through consultation with the community and internal stakeholders. This new draft plan will replace Council's existing Disability Action Plan 2013-2016.

The draft plan meets Council's obligation under Section 38 of the Victorian *Disability Act 2006*. Each of the objectives outlined within the act has been met through the development of the following themes of;

- Accessible Places and Spaces;
- Leadership and Opportunity;
- Participation and Inclusion; and
- Respect and Celebrate.

Recent community and internal consultation has informed the plan to ensure that it is relevant to the communities needs and adequately reflects expectations. It is now proposed that the plan should be submitted to the community, Disability Advisory Committee and all relevant staff members for review and feedback.

2. Background and Options

The Draft Disability Access and Inclusion Plan 2017-2021 focuses on moving to the next stage of action plans, which will include integrated practices as well as continuing to promote practical improvements to access.

This plan outlines how Moira Shire Council will endeavor to provide an inclusive and accessible community through improvements to the built environment, providing information in accessible formats, influencing attitudinal behaviors and advocating to other tiers of government. It was developed through a comprehensive analysis of existing legislation, policies and directions, through advice from the Disability Advisory Committee and conducting community and staff surveys. Information was gathered on demographic data, local and regional access and inclusion directions and initiatives.

3. Financial Implications

The cost of the development of the draft Disability Access and Inclusion Plan has been absorbed in Council's employment budget.

Council allocates \$5000 annually to support the activities of the Disability Advisory Committee and the priorities outlined in the draft plan.

4. Risk Management

Council seeks to implement strategies and improvements to assets to reduce the potential of noncompliance and/or discrimination claims under the *Disability Discrimination Act 1992* and Victorian *Disability Act 2006*.

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ITEM NO: 9.1.2

DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

5. Internal and External Consultation

Community and staff surveys were developed and distributed. Respondents were able to describe areas of concern and offer suggestions for improvement in the areas of access to the social and built environments, involvement within the community, including attitudes and acceptance, and access to information. Following these themes respondents were asked to nominate their top three priorities for the draft plan. A report outlining the community and staff survey was developed and included in the plan.

The Disability Advisory Committee was also consulted through the complete development of the draft plan.

6. Regional Context

Desktop analysis was conducted through the development of the draft plan. This plan is cohesive with other regionally significant Disability Action Plans, with particular consideration given to Victoria's Disability Action Plan.

In 2011 the Municipal Association of Victoria released its 'Strategic Framework for Local Government: Creating a more inclusive community for people with a disability'. This framework is linked to the National Disability Strategy. The role of local government is essential in promoting the objectives of the framework because of its ability to promote inclusiveness within local communities and in setting policy and procedures that support the framework.

The Hume Access Network has been informally established between 13 local government areas to develop multi-approached projects and establish supports and advocacy relationships throughout the Hume Region. Formalisation of the group shall occur in the near future.

7. Council Plan Strategy

The Disability Access and Inclusion Plan assist Council to meet its Strategic Goal of 'Improving Livability'. Through advocacy and influence we are able to improve the community's ability to actively participate in all aspects of life.

8. Legislative / Policy Implications

Under Section 38 of the *Victorian Disability Act 2006*, all local government bodies are required to have a Disability Action Plan for the purpose of:

- a) Reducing barriers to persons with a disability accessing goods, services and facilities;
- b) Reducing barriers to persons with a disability obtaining and maintaining employment;
- c) Promoting inclusion and participation of persons with a disability in the community;
- d) Achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

9. Environmental Impact

The Disability Advisory Committee and Community Services Unit is reflective of environmental sustainable practices and in all actions strives to limit environmental impact and respect sustainability.

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

10. Conflict of Interest Considerations

There is no officer conflict of interest relating to this report.

11. Conclusion

The Draft Disability Access and Inclusion Plan 2017-2021 assists Council to meet their legislated requirements under the Disability Act 2006. The draft plan was developed after consultation occurred with both the community and Moira Shire staff through a survey. The plan is a strategic document that includes outcome based actions and direction for the improvement of access and inclusion for the following four years.

Attachments

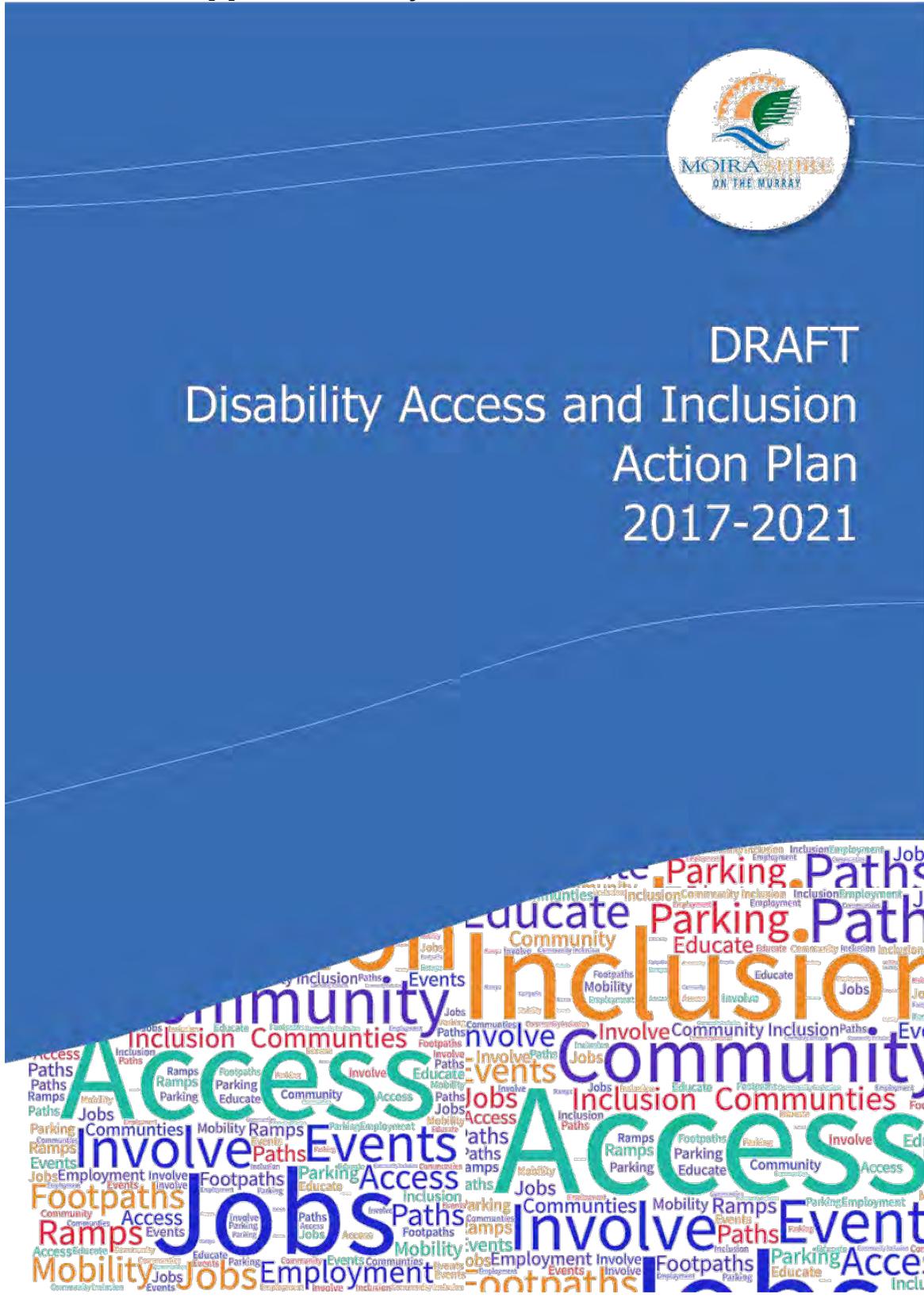
- 1 Draft Disability Access and Inclusion Plan 2017-2021

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ITEM NO: 9.1.2

DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021



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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Disability Access and Inclusion Plan 2017-2021

Mayors Message



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2. IMPROVING MOIRA'S LIVEABILITY

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021



Disability Access and Inclusion Plan 2017-2021

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021



Disability Access and Inclusion Plan 2017-2021

Executive Summary

Moira Shire Council's Disability Access & Inclusion Action Plan 2017-2021 outlines Council's commitment to promoting a more inclusive and accessible community.

Moira Shire Council's Disability Access and Inclusion Plan 2017-2021 outlines the priorities of Council to improve access to the built environment, social connections and communication processes. Through developing inclusive and accessible communities Moira Shire shall be a better community for its residents and visitors, increasing the economic, social and tourism potential for all.

Promoting, providing and planning for an accessible environment meets Council's obligation under the Victorian Charter of Human Rights and Responsibilities Act 2006 and Disability Act 2006. This Plan focuses on the following themes :

Creating accessible places and spaces

- Taking a leadership role in promoting, influencing and advocating for an accessible built environment
- Developing and planning for a connected and accessible community environment
- Promoting and implementing universal design principals

Encouraging leadership and opportunities

- Ensuring new strategies and plans consider disability access and inclusion principals
- Promoting employment of people with disabilities Promoting ongoing benefits of engagement and volunteering in the community

Developing participation and inclusion

- Promoting leadership and involvement for people with disabilities around all matters and in particular those that have a direct impact on access and inclusion
- Maximising engagement with people with disabilities
- Promoting inclusive activities and events

Fostering respect and celebrating diversity

- Taking a leadership role in the promotion of inclusion and respect
- Influencing attitudes and educating the community
- Integrating access and inclusion practices throughout Councils decision making processes

The plan was developed with a focus on existing resources and incorporating access and inclusion principles into everyday decision making, project design and policy development. The plan and its actions rely on the existing and development of new relationships with the community, service providers and other interested organisations.

The plan has been designed to work in conjunction with, and provide support to other Council plans, either existing or under development. In particular this plan will both provide support to, and be supported by, the Municipal Public Health and Wellbeing Plan and the Active Ageing Strategy.

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Disability Access and Inclusion Plan 2017-2021



Part 1

The Why

Introduction

Our Community

Moira Shire Council is located in the Hume Region of Victoria and stretches across 4,045 square kilometres.

Moira Shire Council has a population of 28,123. The median age of Moira's population is 44, which is higher than the state and national median of 37 years. As the prevalence of disability increases with age, the need to be proactive in planning and accommodating for the community and its evolving needs is enhanced.

Some 20 per cent of Victorians have a disability, estimating that 5,624 of Moira Shire residents have a form of disability. If other population groups are included in these figures that may encounter accessibility issues, such as parents with young children (13 per cent) and residents over the age of 55 (35 per cent), this would equate to 68 per cent of Moira Shire residents requiring the need for improved access.

What is a disability

The United Nations states:

"The term 'persons with disabilities' is used to apply to all persons with disabilities including those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various attitudinal and environmental barriers, hinders their full and effective participation in society on an equal basis with others."

They also make note that this is neither an exhaustive nor an exclusive list.

Implementing and Reporting

Council encourages a 'whole of organisation' approach, where all departments have a responsibility to ensure that accessibility and inclusion factors are considered within all works, plans and policy development.

Key milestones and achievements will form a part of Council's Annual Report. A report will also be submitted annually to Senior Management and Council outlining key achievements and future direction requirements. Future actions may be developed and introduced in response to identified needs. An audit, evaluation and review of the plan will be conducted at the end of its term.

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

The Goal of the Disability Access and Inclusion Plan:

To make Moira Shire a more accessible and inclusive community for all, by supporting and advocating for people with a disability to participate in their local communities.

The following themes were developed through consultation with the community, the Disability Advisory Committee and to meet Council's obligation under the Victorian *Disability Act 2006* which prescribes the purpose of a Disability Action Plan:

| Themes | Key Concepts |
|---|--|
| Theme 1 Creating Accessible Places & Spaces | Physical Access Services Encourage Business |
| Theme 2 Encouraging Leadership & Opportunity | Employment Volunteering Representation |
| Theme 3 Developing Participation & Inclusion | Events & Activities Communications Sports & Recreation |
| Theme 4 Fostering Respect & Celebrating Diversity | Attitudes Advocacy Celebration & Recognition |

Table 1 - Identified themes and priorities

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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Our State, Federal & International Legislative & Policy responsibilities

International

- United Nations Convention on the Rights of Persons with Disabilities 2006
- Universal Declaration of Human Rights 1948

Australian Government:

- The Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- Australian Standards and Building Code of Australia
- The National Disability Strategy 2010-2021

Victorian Government

- Disability Act 2006
- Victorian Disability Amendment Act 2012
- Victorian Charter of Human Rights and Responsibilities Act 2006
- Victorian Equal Opportunity Act 2010
- Victorian State Disability Plan 2013-16

Local Government

- Creating a More Inclusive Community for People with a Disability Community for People with a Disability: A Strategic Framework for Local Government (Municipal Association of Victoria, 2011)
- Submission to Inquiry into Social Inclusion and Victorians with a Disability (Municipal Association of Victoria, February 2014)
- Increasing Civic Participation and Improving Consultation with People with a Disability: A Resource Guide for Victorian Councils (Municipal Association of Victoria, August 2012)

In particular this plan and the themes meet the obligations of:
Section 38(1) of the *Disability Act 2006* requires that government departments, prescribed statutory authorities and prescribed statutory corporations must develop a Disability Action Plan for the purpose of:

- a) reducing barriers to persons with a disability accessing goods, services and facilities;
- b) reducing barriers to persons with a disability obtaining and maintaining employment;
- c) promoting inclusion and participation in the community of persons with a disability; and
- d) achieving tangible changes in attitudes and practices that discriminate against persons with a disability.

And reinforce the following approaches from the National Disability Strategy:

- Involvement of people with a disability
- Community engagement
- Universal approach
- Life course approach
- Person-centered
- Independent living
- Interconnectivity

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

How this plan fits within existing planning framework:

| Council Plan Incorporating Strategic Resource Plan | | | |
|--|---|--|--|
| Municipal Strategic Statement | Municipal Health and Wellbeing Plan | Plans, Strategies and Corporate Documents | External Strategies and Plans |
| <p>Employment opportunities driven by agriculture, industrial and tourism resources</p> <p>Economic sustainability of primary production dependant on effective management of agriculture resources that adapts to change in market demand</p> <p>Economic growth based on natural assets, raw and value-added agriculture, tourism, recreation, retirement and small business development</p> | <p>Economic</p> <p>Moira's economy will be innovative and entrepreneurial it will be the best place to live, work and invest</p> | <p>Business and Innovation Strategy 2014-2016</p> <p>Sustainable Capacity Report</p> <p>Regional Advocacy Plan</p> <p>RV Friendly Strategy</p> <p>Tourism and Events Strategy</p> | |
| <p>Attract and retain young people to the community to strengthen the mix of social and economic opportunities</p> <p>Effective provision of all social, economic and community services and functions</p> <p>Maximise the effective use of new and existing social and infrastructure</p> | <p>Social</p> <p>Moira will be a shire where all its people and communities are happy, healthy and safe with the ability and the opportunity to participate, connect and contribute to their communities</p> | <p>Youth Action Plan 2013-2016</p> <p>Multicultural Action Plan*</p> <p>Community Safety Plan*</p> <p>Arts & Culture Strategy</p> <p>Community Engagement Strategy</p> | <p>Moira Arts and Culture Inc. Strategic Action Plan 2013-2016</p> |
| <p>Increased demand for a range of living and working opportunities including a variety of housing choices in urban and rural settings</p> | <p>Built</p> <p>Moira will be a desirable place to live, work and visit; this will be supported by its infrastructure, assets and facilities. It will seek to maintain & develop council's assets and facilities to meet its community's current and future needs</p> | <p>Walking and Cycling Strategy 2005</p> <p>Potential Tracks/Trails Strategy 2013</p> <p>Asset Management Strategy</p> <p>Multipurpose Facility Feasibility Strategy 2007</p> <p>Recreation Reserves Master Plans</p> <p>Footpath Strategy</p> | |
| <p>Protect and enhance elements of historic, cultural and natural significance</p> <p>Sustainable management of productive rural-land will consider effective environmental management and protection of land and water resources</p> | <p>Natural</p> <p>Moira will responsibly manage its environment and ensure that our communities have the opportunity to enjoy, experience and contribute to that environment</p> | <p>Environmental Sustainability Strategy 2012</p> <p>Waste Management Business Plan</p> | |
| <p>The population of the Shire is ageing</p> | <p>Healthy Behaviours</p> <p>Moira Shire will be a municipality where residents live healthy & active lives and have access to services and resources that support health and wellbeing. Moira will continue to plan for and deliver quality services to ensure they meet the needs of all current and future demographic groups</p> | <p>Disability Access and Inclusion Plan 2017-2021</p> <p>Moira Shire Early Years Plan 2011 to 2014</p> <p>Positive Ageing Strategy 2008-2013*</p> <p>Recreation Strategy 2015-2025</p> | |

Table 2 - Existing Planning Framework

Those marked with * are currently under development

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Part 2

The How

Building on the previous plan

A review of the Moira Shire Council Disability Action Plan 2013-2016 was conducted. Various achievements occurred including:

- 'Good Access is Good Business: A Guide for Retailers & Businesses' was developed and published for local businesses
- Training was provided to staff with Council receiving Communication Access accreditation for Cobram Customer Service Centre and participating in Access Standards Training
- A review of the Equal Employment Opportunity Policy, Grants Policy and Internal Events Policy was conducted with all now including a dedicated focus on access and inclusion
- An increase of projects submitted to the Disability Advisory Committee for review and feedback resulting in improved pedestrian access and an increase of integration of universal design in the initial planning stage of projects
- Council staff participated in accessibility challenges in various towns whilst inheriting a temporary disability. Following these many minor modifications have been completed, and major works at the Numurkah Quinn Street Toilets to include all abilities access
- Introduction of hearing loops at Cobram and Yarrowonga Customer Service Centre's

- Enhancement of International Day of People with Disability (3 December) as a major focus for raising awareness and promoting improved access for the community, school children and Council staff
- Installation of motorised mobility aid recharge points throughout the Cobram, Nathalia, Numurkah and Yarrowonga townships.

Desktop Research

The plan was developed with a comprehensive review of:

- demographic data
- international, federal, state and regional policies and laws
- local and regional access and inclusion directions and initiatives, and
- benchmarking across other councils.

Input from Disability Advisory Committee

The Disability Advisory Committee provided key input into the development of this plan and were consulted throughout all stages, including:

- Community Survey
- Themes
- The plan's goal
- Actions to be included
- Review of the plan as a whole

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Disability Access and Inclusion Plan 2017-2021



Consultation

Community Consultation

The community were invited to complete a survey, of which 87 community members provided responses. Respondents were asked a series of questions relating to access and inclusion to the built environment, the social environment, information and communication practices and the attitudes within their local communities.

Following these themes respondents were asked to nominate their top three priorities they thought the new Disability Access and Inclusion Plan should focus on, these were:

- Inclusion
- Access
- Awareness and Education

Respondents were given the ability to write responses around the four themes of access, participation, communication and attitudes. Some of the reoccurring themes throughout the written responses were:

- Improved continuous footpath network
- Need for carers to be included in community (a lack of respite care)
- Increase in prior advertising and community awareness of events
- Education and promotion of an inclusive community environment

All responses throughout the surveys were analysed, with some comparisons carried out between two cohorts; those that identified having a disability, carer/family member, and/or limited mobility against those in all other categories (e.g. community member/resident).

There were some identifiable differences between the two groups throughout the survey,

with those identifying with a disability, family/carer and limited mobility:

- had a decrease in access to the built and natural environment, except for roads,
- decrease in community participation except for providing feedback to Council,
- employment and volunteering was significantly more inaccessible,
- less likely to feel included in the community; and
- less likely to feel the people with disability are recognized for the contribution or represented fairly.

Other feedback throughout the survey was also used throughout the development of this plan, and in particular directly assisted with forming the actions under each theme.

Internal Consultation

Moiras Shire Council staff were also invited to complete a survey, with 40 completed surveys received.

Staff were able to nominate improvements to access and inclusion for both the employees and the community. Staff told us that they felt, when providing better access for the community, the top priority was to improve the footpath networks.

Staff also nominated their priorities for this plan. These were also able to be categorised in the same categories as the communities priorities, with the top three priorities being:

- Access
- Inclusion
- Footpaths

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Part 3

The Actions

Theme 1 – Creating accessible places and spaces

Every person within the community is entitled to participate in our vibrant social, recreational and economic environments. Access to these is fundamental to promoting inclusion throughout all aspects of community life and will enhance the promotion of participation for all.

What research tells us:

"People with disability represent a sizable potential travel and tourism market that can be tapped through improved customer service, accessible transport, venue and accommodation options" National Disability Strategy 2010.

"People with a disability benefit from being involved in their community, just as the community benefits from their involvement with the person" (adapted from Niemann, Greenstein & David 2004).

What the community told us:

- "Everyone should have the opportunity to be involved in their communities. If access limits involvement then changes should be made."
- "When I wasn't well and had limited mobility it gave me a great awareness of issues people with disability face. It does limit the places you can go to, particularly some businesses with narrow aisles and steps."
- "Accepting disability access as the standard, not the additional requirement"
- "Publicity to businesses on how to improve access for disabled customers"

What our staff told us:

- "Develop a policy to work with traders in main retail / commercial areas to remove threshold steps"
- "Prior to making decisions ensure that a broader approach has encompassed what issues a person with a disability would face"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

What Council will do:

| No. | Action | Responsibility (Lead is in bold) | Timeframe Short - 1 yr Med - 2 yrs Long - 3 yrs | Estimated Annual Resource | Priority A - V.High B - High C - Med D - Low |
|------------|--|---|--|--|--|
| 1.1 | Take a leadership role in promoting, influencing and advocating for accessible built environments | | | | |
| 1.1.1 | Support opportunities for local sporting and community facilities to become accessible, through Council's Community and Events Grant process by: <ul style="list-style-type: none"> Strengthening guidelines around access and inclusion Ensuring assessment criteria promotes accessibility and inclusiveness Promotion of other grant opportunities | Community Development, Valley Sport, Strategic Projects | Long | Officer resources, Change of practice | B |
| 1.1.2 | Encourage and support local businesses to make accessibility and inclusion a priority by: <ul style="list-style-type: none"> Launching the Good Access = Good Business Booklet Providing information and promotion of access and inclusion through existing communication networks | Community Services, Economic Development | Medium | \$5K (2016/17 Budget Inclusion) | A |
| 1.1.3 | Review access to local nature reserves and lobby for increased access through: <ul style="list-style-type: none"> Community feedback Identification of funding opportunities Advocacy to other agencies | Community Services, Operations, Rural Access Officer | Long | Officer resource | B |
| 1.2 | Develop and plan for a connected and accessible community environment | | | | |
| 1.2.1 | Improve pedestrian and cycling infrastructure (including crossing points) to facilitate a connected and accessible community by: <ul style="list-style-type: none"> Review existing strategy Reviewing existing footpath networks in major towns Develop a schedule for long term implementation plan | Infrastructure, Construction and Assets, Strategic Projects, Community Development | Long | Officer resources | A |
| 1.2.2 | Improve accessible car parking at key community buildings and in shopping precincts to ensure safe access and sufficient spaces are provided by: <ul style="list-style-type: none"> Developing a program for upgrade of existing car parks Ensuring all new developments comply with current standards | Infrastructure, Construction and Assets, Community Development, Facilities Maintenance | Long | \$30K+ (2016/17 Budget Inclusion) | B |

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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| No. | Action | Responsibility (Lead is in bold) | Timeframe Short - 1 yr Med - 2 yrs Long - 3 yrs | Estimated Annual Resource | Priority A - V. High B - High C - Med D - Low |
|------------|--|---|--|-----------------------------------|---|
| 1.2.3 | Provide sufficient Council owned public toilets through: <ul style="list-style-type: none"> Identifying existing facilities Develop a prioritised schedule for upgrade to meet best practice standards for provision of disabled toilets Increase signage and advertising of facilities | Infrastructure, Construction and Assets, Operations, Community Development, Economic Development | Long | \$50k+ (2016/17 Budget Inclusion) | A |
| 1.2.4 | Educate community on Disabled Car parking legalities through: <ul style="list-style-type: none"> School based programs Media and social media campaign | Rural Access Officer, Community Services, Safety, Amenity and Environment | Medium | Officer resource | C |
| 1.3 | Promote and implement universal design principals | | | | |
| 1.3.1 | Review existing Council owned and managed buildings and develop a program to meet universal design principals through: <ul style="list-style-type: none"> Utilising and updating existing facility audits processes Prioritising areas for improvement Develop an implementation plan for Council managed buildings | Constructions and Assets, Operations, Community Development, Strategic Projects | Long | Officer resource | B |
| 1.3.2 | Promote universal design principals to new developments, public buildings and facilities through: <ul style="list-style-type: none"> Creation and distribution of a Universal Design Principal factsheet Update procurement and tender documentation to promote universal design | Building & Planning, Community Services, Commercial Services, | Medium | Officer resource | C |

Table 3 -Actions - Creating Accessible Places and Spaces

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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Theme 2 – Encouraging leadership and opportunities

Participating in work and volunteer activities leads to new connections with others, fosters a cohesive community and promotes self-worth. Giving all residents the opportunity to develop skills and connections is beneficial to the overall economic and social wellbeing of our communities. Having diverse participation throughout our communities allows for informal learning, while providing pathways for individuals to connect with others.

What research tells us:

According to the Department of Health and Human Services (Victoria) people with a disability currently experience more disadvantage than other Victorians. Research has found:

- In Victoria, 26 per cent of people with a disability do not study beyond year 10, compared to 18 per cent of people without a disability.
- People with a disability are almost five times more likely to live in state-supported rental accommodation than people without a disability.
- The average weekly income of Victorians with a disability is 48 per cent less than the population without a disability.
- In 2009, the labour force participation rate for Victorians with a disability of working age was 52 percent, compared to 83 per cent for Victorian without a disability.
- People with a severe or profound disability experience even greater disadvantage, with a labour force participation rate of only 32 per cent.

What the community told us:

- "Some see disability as a liability, we need to focus on everyone's strengths, and not their weaknesses."
- "I'm concerned about the employment in the Moira Shire for the future. There are limited jobs now for young adults with a disability."
- "Promoting inclusiveness as a standard, not an exception. Leadership from community champions; role modelling behaviours."

What our staff told us:

- "Allow for employees to have more flexibility in work outcomes, i.e. not all staff may be able to complete a written report but are perfectly capable of going to CMT [senior management] for a discussion to share an idea."
- "All employees should be judged on their abilities not their disabilities."

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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What Council will do:

| No. | Action | Responsibility (Lead is in bold) | Timeframe Short – 1 yr Med – 2 yrs Long– 3 yrs | Estimated Annual Cost | Priority A - V.High B - High C - Med D - Low |
|--|--|--|---|------------------------------------|--|
| 2.1 Ensure that new strategies and plans consider disability access and inclusion | | | | | |
| 2.1.1 | All new strategies and plans demonstrate consideration and/or implication on access and inclusion through: <ul style="list-style-type: none"> Presentation of key new strategies and plans to the Disability Advisory Committee | All Staff Community Services | Short | Officer resource | A |
| 2.2 Promote employment of people with disabilities in the community and the Council | | | | | |
| 2.2.1 | Assist with increasing awareness of the valuable contribution people with disabilities can make as employee and/or volunteers through: <ul style="list-style-type: none"> Promoting existing government support Promotion of available resources to networks Creating partnerships with local business leaders, including trader groups to reinforce key messages | Community Services, Rural Access Officer, Economic Development | Long | Officer resource | C |
| 2.2.2 | As a major employer of choice: <ul style="list-style-type: none"> Develop a strategic approach to enhancing employment opportunities and retention of persons with disability at Council | People and Organisational Development, Community Development | Long | Officer resource | B |
| 2.2.3 | Promote social enterprise opportunities as a skill development, leadership and employment opportunity for people with a disability by: <ul style="list-style-type: none"> Investigating and promoting new social enterprise opportunities | Rural Access Officer, Community Development, Economic Development | Long | Officer resource | C |
| 2.3 Promote ongoing benefits of engagement and volunteering in the community | | | | | |
| 2.3.1 | Promote volunteering opportunities for people with disabilities as a key social inclusion strategy within sporting, social and community groups and clubs by: <ul style="list-style-type: none"> Creating a 'Inclusive Practice Guide' as a practical guide and resource Promoting training/information on volunteering as it becomes available | Hume Region Accessibility Network, Community Services, Valley Sport, Rural Access Officer, Community Facility Recreation | Long | \$5K (General Resource Allocation) | C |

Table 4 - Actions - Leadership and Opportunity

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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Theme 3 – Developing participation and inclusion

Participation and inclusion is the key to building a cohesive community. Developing and fostering participation and inclusion for all members of our community is beneficial to economic growth, social participation and employment opportunities. Every member of our community has the right to participate.

What research tells us:

The Productivity Commission Disability Support and Care (Australian Government Productivity Commission, 2011) reported some of the benefits of increases in participation and inclusion:

- It can lead to improved wellbeing outcomes for people with disability and their carers (in relation to health, employment, education, income and life satisfaction outcomes)
- It can lessen the longer-term costs of care and support for people with disability — indeed, it may prevent people who have modest disability care and support needs from requiring more costly levels of care and support
- Support for people with disability and unsustainable care by carers, is also likely to have economic benefits by increasing participation in the workforce
- The community as a whole benefits from inclusive arrangements, not just people with disability. In the broadest sense, inclusion can enhance Australia's 'social capital' by engaging more people within the community and, through that, better reflecting the community's diversity

The Productivity Commission has estimated that investment in human capital can increase net household disposable income and consumption by 7 per cent over 10 years.

What the community told us:

- "Everyone should have the opportunity to be involved in their communities. If access limits involvements then changes should be made"
- "Communities need to support each other more"
- "Further attention to information being provided in a variety of contexts ie. braille, large font, speech to text, text to speech"
- "The website is not user friendly. It is hard to find what is available. The search function is poor"

What our staff told us:

- "Sufficiently large print on printed items, natural light, supportive and productive work environment"
- "Increase the profile of the DAC [Disability Advisory Committee] to ensure that they have input more broadly - thus resulting in increased accessibility"
- "Involve the community in decision making and role model inclusion and accessibility in our work to lead by example"

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What Council will do:

| No. | Action | Responsibility (Lead is in bold) | Timeframe Short – 1 yr Med – 2 yrs Long – 3 yrs | Estimated Annual Cost | Priority A - V. High B - High C - Med D - Low |
|---|--|--|--|------------------------------------|---|
| 3.1 Promote leadership and involvement for people with disabilities around all issues, and in particular those that have an immediate effect | | | | | |
| 3.1.1 | Ensure that access and inclusion aspects are included in policy development from all tiers of government by: <ul style="list-style-type: none"> Seeking input and feedback from Disability Advisory Committee on consultation matters Promoting representation of people with disability on Council advisory and steering committees | Corporate Management Team Community Services | Long | Officer resource | C |
| 3.1.2 | Improve public transport to facilitate improved community involvement by: <ul style="list-style-type: none"> Advocating for increased frequency of accessible public transport and sufficient accessible infrastructure to State and Federal Governments | Community Services , Rural Access Officer | Medium | Officer resource | C |
| 3.2 Maximise engagement with people with disabilities, making strategic and operational decisions especially regarding access and inclusion | | | | | |
| 3.2.1 | Enhance engagement with people with disabilities on all Council matters by: <ul style="list-style-type: none"> Offering training to new and existing employees on benefits of consulting with people with disability Reviewing and update the Corporate Style Guide to incorporate accessibility standards (contrast, capitalisation, size, font) translation of information into other formats and Easy English | Community Services , Governance and Communications, People and Organisational Development | Long | \$5k (General resource allocation) | C |
| 3.2.2 | Ensure more people with disability have access to online information and services by: <ul style="list-style-type: none"> Adopting the mandated conformance levels for web accessibility as a baseline requirement (WCAG 2.0 compliance). | Governance and Communications , Information Services | Long | \$45k (2016/17 Budget Inclusion) | B |

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| No. | Action | Responsibility (Lead is in bold) | Timeframe Short – 1 yr Med – 2 yrs Long – 3 yrs | Estimated Annual Cost | Priority A - V.High B - High C - Med D - Low |
|--|---|--|--|-----------------------------|--|
| 3.3 Promote inclusive activities and events | | | | | |
| 3.3.1 | Promote participation of persons with a disability in all activities, events and festivals, including planning and advertising by: <ul style="list-style-type: none"> Developing an 'Inclusive Practice Guide' including checklists and audit tools Taking a leadership role in demonstrating inclusion in Council lead events and activities through compliance with the Internal Events Guidelines Promoting the use of the Companion Card at all Council events and facilities that incur charges | Community Development , Rural Access Officer, Corporate Events, Governance and Communications | Medium | Officer Resource | C |

Table 5 - Actions - Participation and Inclusion

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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Theme 4 – Fostering respect and celebrating diversity

Australia is known and respected for its diverse communities. Moira Shire Council recognises the benefits of celebrating this diversity and endeavours to show and promote respect throughout all communities.

What research has told us:

Community provides social connectedness through genuinely welcoming, respecting, valuing and actively involving people with disability. National Disability Strategy, 2010-2021.

By promoting empowerment, real opportunities for people are created. This enhances their own capacities and supports them in setting their own priorities. Empowerment involves investing in people - in jobs, health, nutrition, education, and social protection. When people are empowered they are better prepared to take advantage of opportunities, they become agents of change and can more readily embrace their civic responsibilities. – United Nations Website.

Evidence and experience shows that when barriers to their inclusion are removed and persons with disabilities are empowered to participate fully in societal life, their entire community benefits. Barriers faced by persons with disabilities are, therefore, a detriment to society as a whole, and accessibility is necessary to achieve progress and development for all. – United Nations Website.

Inclusion, community and participation mean different things to different people. Therefore supporting people with a disability to be included requires listening to what is important and meaningful to them if inclusive practice has any chance of success and sustainability; Scope Report.

"People with a disability have the same rights as everyone else – to be respected, to make their own decisions, to feel safe in their home and community, have opportunities for leadership and to live a full and meaningful life" (Victorian State Disability Action Plan 2013-2016).

What the community told us:

- "Educate the community to be more inclusive and value everyone's commitment. We all have something to give"
- "Awareness of disabilities; respect for people with disabilities - they like to be included too, not stared at or made feel out of place"
- "Education in schools learning about different disabilities and the effects it has on the person"

What our staff told us:

- "Involve the community in decision making and role model inclusion and accessibility in our work to lead by example"
- "Increase the profile of the DAC to ensure that they have input more broadly - thus resulting in increased accessibility"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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What Council will do:

| No. | Action | Responsibility (Lead is in bold) | Timeframe Short – 1 yr Med – 2 yrs Long – 3 yrs | Estimated Annual Cost | Priority A - V-High B - High C - Med D - Low |
|--|--|--|--|---------------------------------|---|
| 4.1 Take a leadership role in the promotion of inclusion and respect | | | | | |
| 4.1.1 | Advocate and allow for a more inclusive community, increasing the social, economic and health outcomes of people with a disability and the wider community through: <ul style="list-style-type: none"> Developing partnerships between other organisations, support services and groups, creating opportunities for cross promotion and reinforcement of key messages Promoting inclusive Council Meetings where all members of the community feel welcome and safe to participate, including carers, through a community and media campaign | Community Services , Rural Access Officer, Office of the CEO, Governance and Communications | Short | Officer Resource | B |
| 4.1.2 | Promote awareness and acceptance of the rights of people with disability through: <ul style="list-style-type: none"> Community education programs and opportunities Supporting independent advocacy of people with disability through promotion of external resources, organisations and opportunities | Rural Access Officer , Community Development | Medium | Officer Resource | A |
| 4.2 Influence attitudes and educate the community through celebration | | | | | |
| 4.2.1 | Celebrate and promote the achievements of people with disability through: <ul style="list-style-type: none"> The facilitation of community and school events honouring International Day of People with Disability Increasing community education/awareness programs throughout the Shire including local schools by designing and promoting all abilities events and activities | Community Services , Rural Access Officer | Long | \$3k (2016/17 budget inclusion) | B |

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| No. | Action | Responsibility (Lead is in bold) | Timeframe Short – 1 yr Med – 2 yrs Long – 3 yrs | Estimated Annual Cost | Priority A – V.High B – High C – Med D – Low |
|------------|---|---|--|---------------------------------------|---|
| 4.3 | Integrate access and inclusion practices throughout Councils decision making process | | | | |
| 4.3.1 | Ensure that all Council leads by example by: <ul style="list-style-type: none"> Providing practical training for staff on their obligations embedded in everyday decision making Providing information to staff on the rights of people with disabilities | Community Services, Learning & Development Officer | Long | \$5k (General resource allocation) | A |

Table 6 - Actions - Respect and Celebrate

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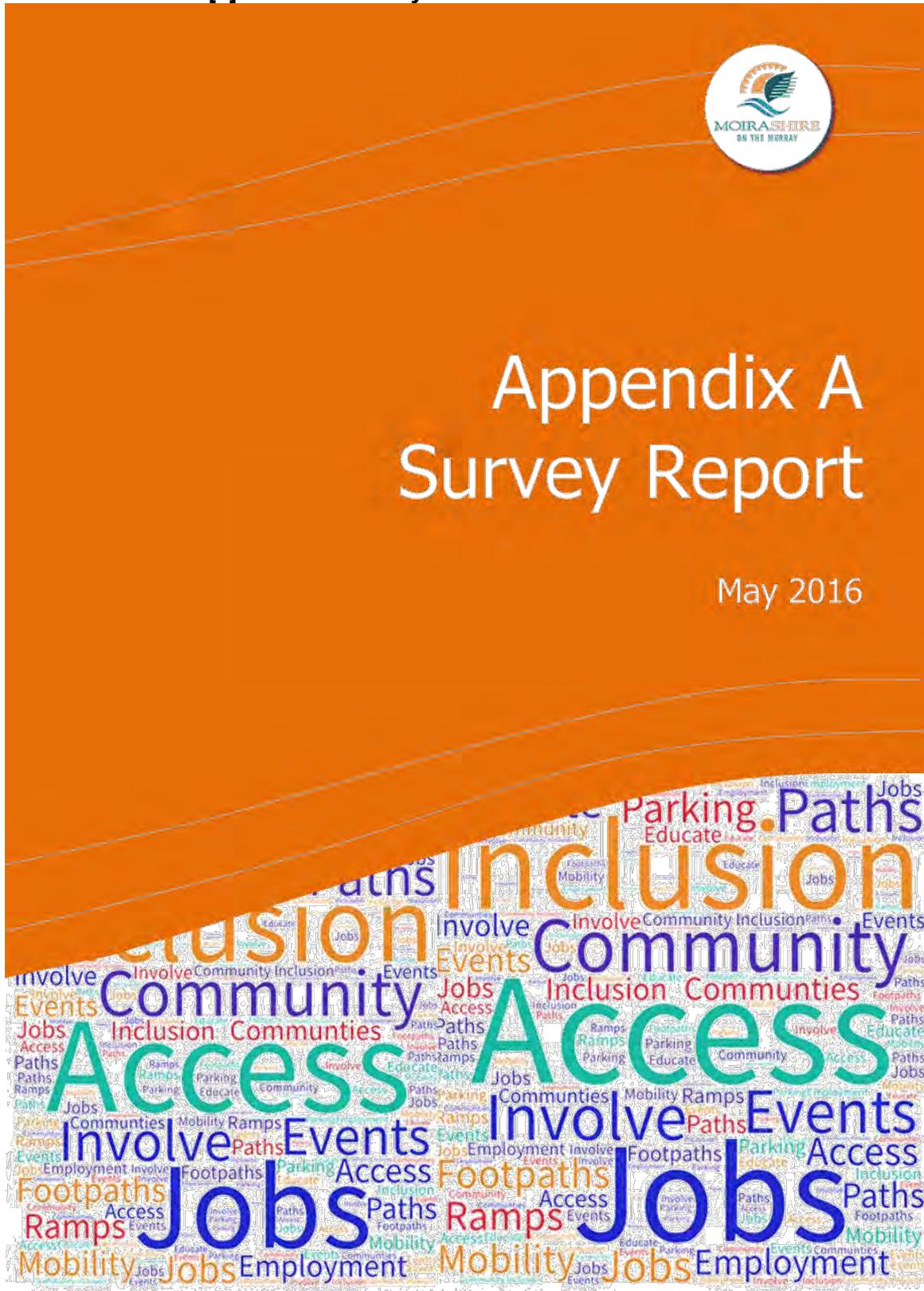
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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

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Executive Summary

To ensure that Moira Shire Council Disability Access and Inclusion Plan 2017-2021 is relevant to the community's needs, consultation through a survey was conducted with both community members and Moira Shire staff. This report captures the survey results and demonstrates areas that are in need for improvement to access and inclusion as well as areas of satisfaction.

The consultation included a series of questions relating to the built environment, the social environment, information and communication practices and the attitudes within their local communities. Following these themes respondents nominated their top three priorities they thought the new Disability Access and Inclusion Plan should focus on, these were placed in the following categories:

- Access
- Awareness and Education
- Business
- Car Parking (lack of disabled parking and enforcing limitations)
- Footpath
- Inclusion
- Information and Communication

Respondents were given the ability to write responses around the four (4) themes of access, participation, communication and attitudes. Some of the reoccurring themes throughout the written responses were:

- Improved continuous footpath network
- Need for carers to be included in community (a lack of respite care)
- Increase in prior advertising and community awareness of events
- Education and promotion of an inclusive community environment

These responses directly influenced the actions and priorities within the Disability Access and Inclusion Plan 2017-2020.

The following document will contain direct quotes and report on data received for the various areas of the community and internal consultation.

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Community Consultation

Introduction

Background

Moira Shire Council is currently developing a new Disability Access and Inclusion Plan (2017-2021). The plan will be a strategic Council document that will support Council staff and the community to be more accessible and inclusive to all.

Council identified the need to determine what the community identified as priorities to improve access and inclusion. This community consultation period also offered respondents to identify current issues and offer suggestions for direct improvement.

Methodology

A Disability Access and Inclusion Plan Community Survey was developed and distributed through the following mediums:

- Online through a survey monkey web link distributed by email
- Online through Moira Shire Council's Website
- Hardcopy at Moira Shire Office Locations, Service Agencies and Information Agencies

The survey was launched on Monday 7 March 2016 and closed on Wednesday 6 April 2016, the survey was promoted through members and associated organisations of Moira Shire Council's Disability Advisory Committee.

Notes on Analysis

Due to one survey being completed by a resident from a neighbouring municipality, where the answers were directly referring to a township outside of Moira, the survey was removed from the data file and not analysed as part of the community survey responses.

The survey was provided to members of the 2016 'Moira Youth Council' where the survey was presented as a topic matter. Of the 45 students who attended this meeting, 31 students completed the survey. This has impacted on some results throughout the survey due to a similar demographic being highly represented. This will be taken into account when analysing responses.

Respondents' quotes are used throughout this report, where appropriate spelling and formatting (e.g. correcting unnecessary capitalisation) has been corrected. No other alterations to quotes have been made.

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About the Sample

Source

Survey responses were collected through an online survey or via paper copy of the survey. Questions for both methods of surveys were identical. A total of 87 surveys were completed.

The vast majority (72 per cent) of those surveyed completed the survey for themselves, whilst 12 per cent completed the survey on behalf of an organisation that they represented and the remaining 16 per cent completed the survey for someone else (or assisted with).

The survey was taken to the first meeting of Moira Shire Council's 2016 Youth Council. This group is made up of representative students from all secondary schools within Moira Shire. This accounts for an increase in the age group of 17 and under, with notes of analysis included throughout this report.

Age and Gender

A total of 87 individuals participated in the survey, with 21 respondents choosing not to provide their gender. There was an insignificant increase in females (52 per cent) that completed the survey compared to 48 per cent males.

When comparing age groups, those between the ages of 25-74 were somewhat evenly represented. The survey was presented at the first 2016 Moira Youth Council where participants from the various secondary colleges were given the ability to complete the survey. This has influenced the age demographics: A total of 87 individuals participated in the community survey through the various channels and had the following characteristics:

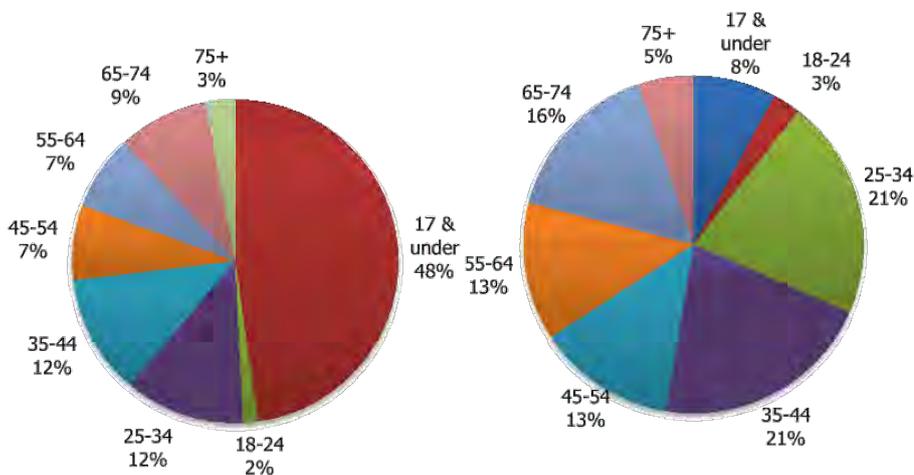


Chart 1 - Community Survey - Ages by percentage

Chart 2 - Ages by percentage (without Youth Council participants)

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Engagement with the Topic

Respondents were asked to indicate their personal engagement with the topic.

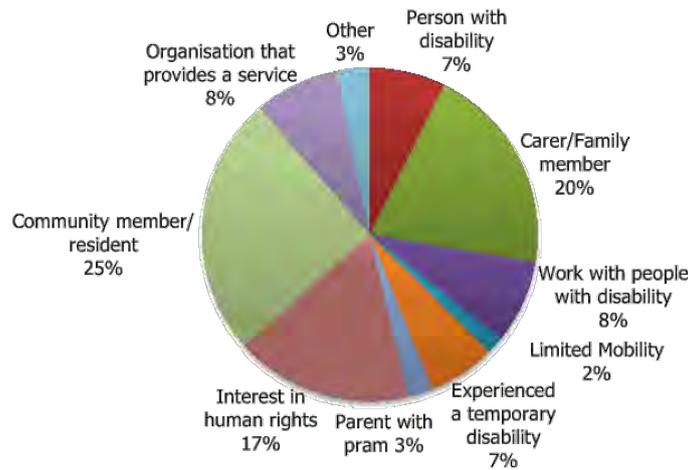


Chart 3 - Community Survey - Participants personal engagement with the topic by percentage

Whilst only nine (9) respondents identified with having a disability, 45 respondents answered the follow up question of 'which disabilities do you identify with having'. Respondents were able to choose multiple answers. The most prominent self-identified disability was 'limited mobility'.

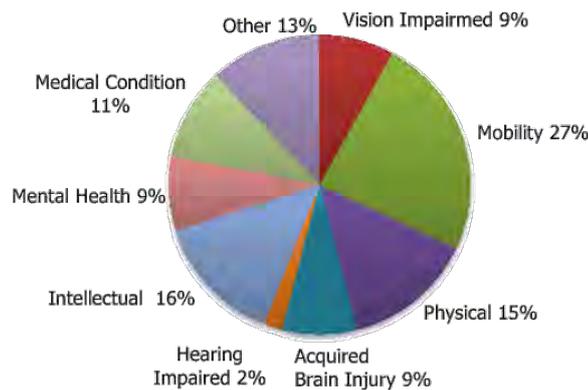


Chart 4 - Community Survey - Percentages of identified disabilities

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Analysis

Priorities

Towards the conclusion of the Community Survey, respondents were asked to identify what they felt should be the top three priorities of the Disability Access and Inclusion plan should be, 45 respondents answered this question. These open answered verbatim responses were categorized and weighted (priority 1 = 3, priority 2 = 2 and priority 3 = 1) into the following groups:

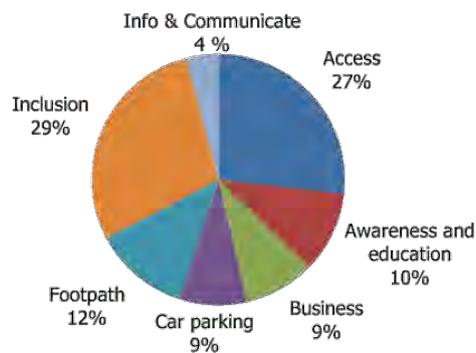


Chart 5 - Community Survey - Priorities that have been weighted and converted to percentage

Four responses remained uncategorised, these were:

- Dementia friendly environment (See Alzheimer's Australia website for details)
- Making sure that they all lead a normal life
- Make disabled people feel normal
- Build bike bars in town so bike riders are included in Cobram

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When comparing priorities between two cohorts, the first being those that identified by people with a disability, limited access and carers/family members of a person with a disability and the remainder of respondents, there were identifiable differences between the priorities:

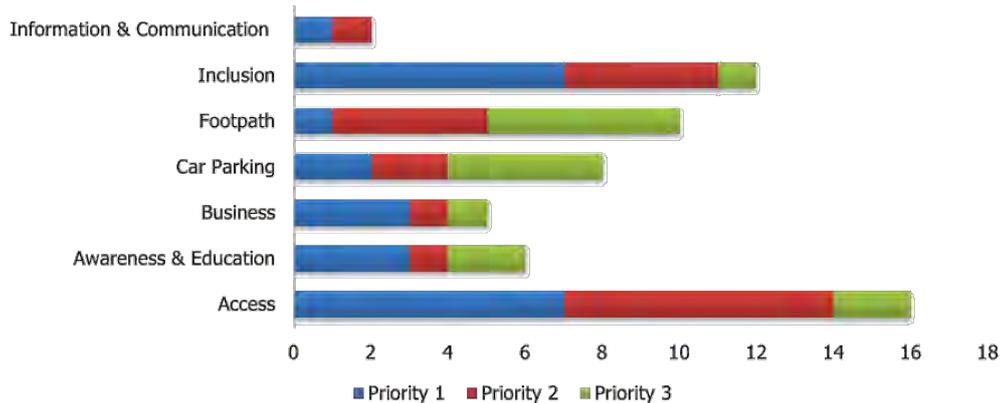


Chart 6 - Community Survey - Priorities of people with disabilities, limited access and/or family member/carer

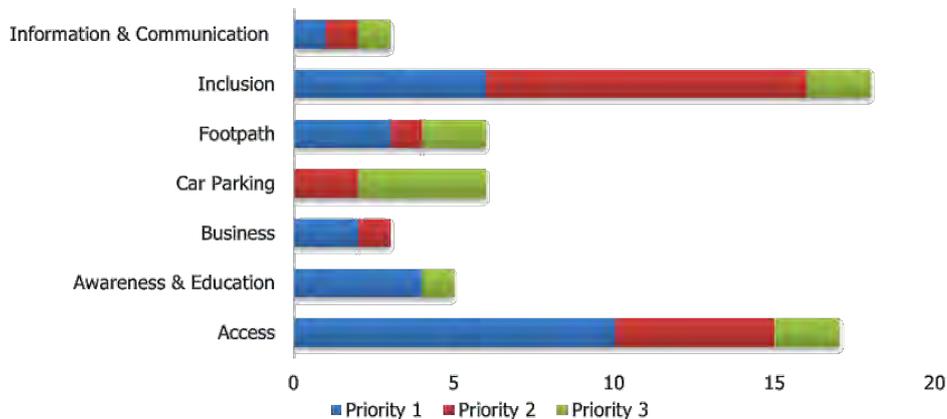


Chart 7 - Community Survey - Priorities of all other respondents

There is an increase in significance placed on car parking and access to business within the people with disability, limited access and carers/family cohort which is in contrast to the 'all other respondents' cohort, who placed more significance on access, inclusion and awareness and education.

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Access

Respondents were asked to rate how easily they could access the built environment and facilities. Carparks, local businesses and the foreshore/beach were considered to be obstacles:

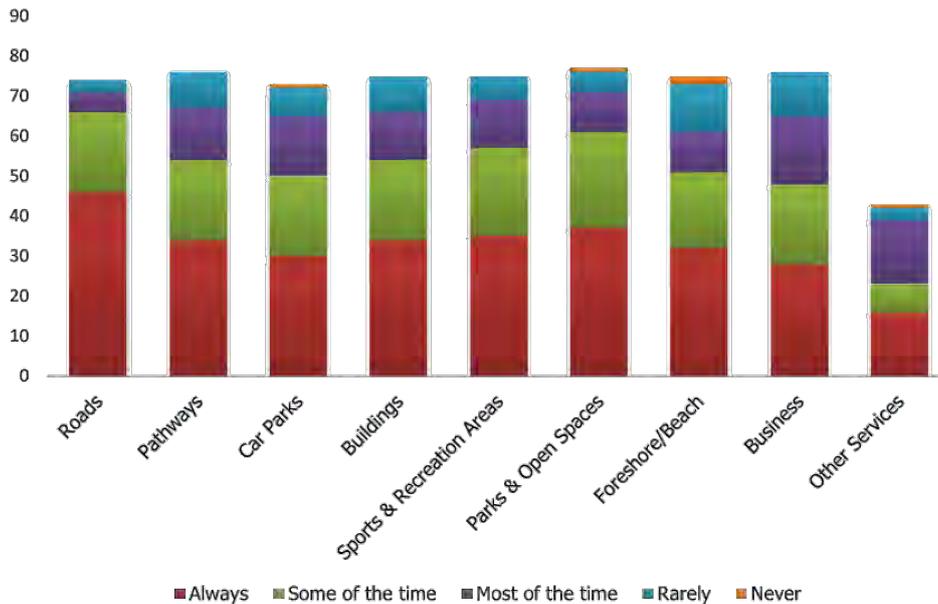


Chart 8 - Community Survey - Access to the built environment rated

Respondents were given the opportunity to provide details on specific accessibility issues and provide comments for improvements. These comments and suggestions will also influence and create actions within the new plan. Some of these comments were:

"Not always easy to push wheelchair on footpaths. Lots of businesses don't think about disability"

"It is hard to get a wheelchair out of the car for my partner. Parks are not big enough. I cannot take her into a lot of buildings and businesses because they have no ramps"

"I had a chronic back problem which has been fixed with surgery. But while my mobility was limited for 6 months I found getting around the town much harder and it gave me a greater understanding of people who live with a disability"

"Some pathways need to be fixed. There isn't enough disabled parking. Some parks & open spaces aren't accessible for people with mobility issues"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

There were identifiable differences when only analysing the data provided by people with disability, carers/family members of people with disabilities and limited access, with a decrease in accessibility throughout all categories except for roads, which remained statistically similar:

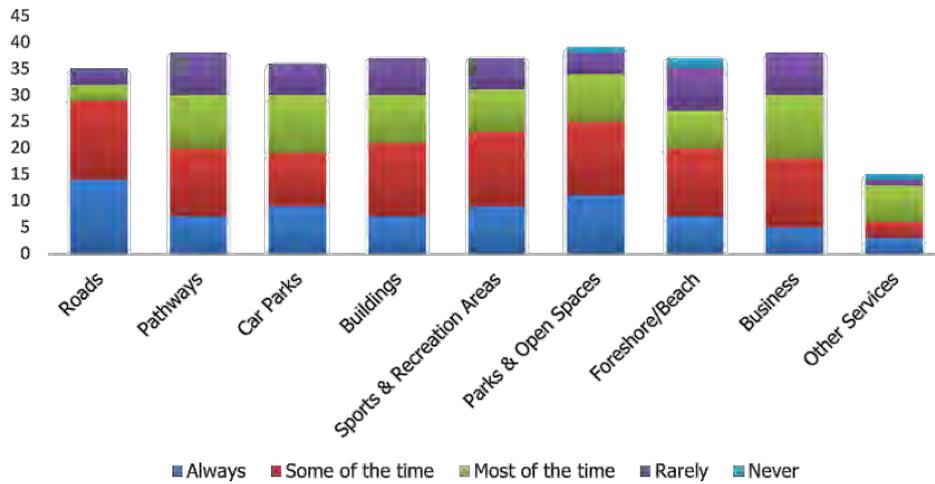


Chart 9 - Community Survey - Access to the built environment rated by people with disability, limited access and/or family/carers

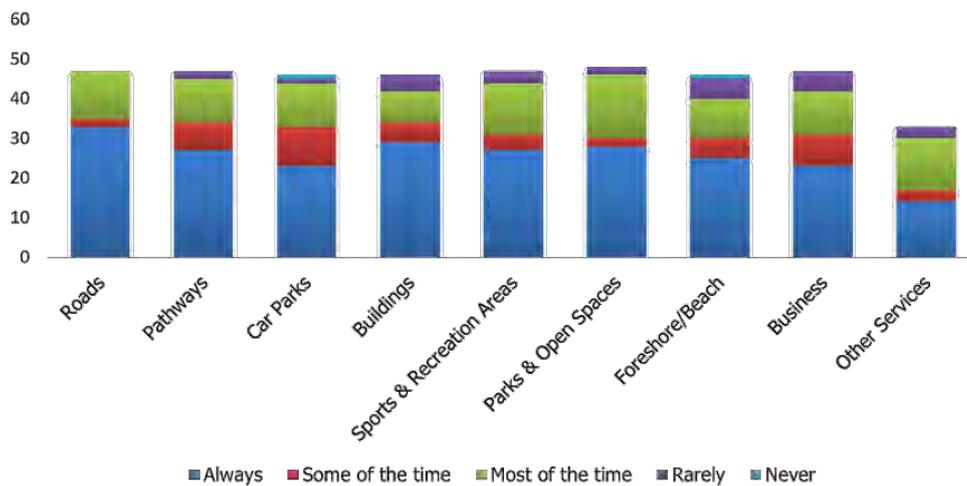


Chart 10 - Community Survey - Access to the built environment rated by all other respondents

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Participation

Respondents were asked how they felt they could participate in their communities and various facets of community life. These results indicate that generally, respondents felt that they could participate in their community well. However, when comparing respondents that chose 'I am a person with a disability', 'I have a limited mobility' and 'I am a carer/family member of a person with a disability' to all other respondents (those marked with an asterisks) the results show that there is a decrease in social participation:

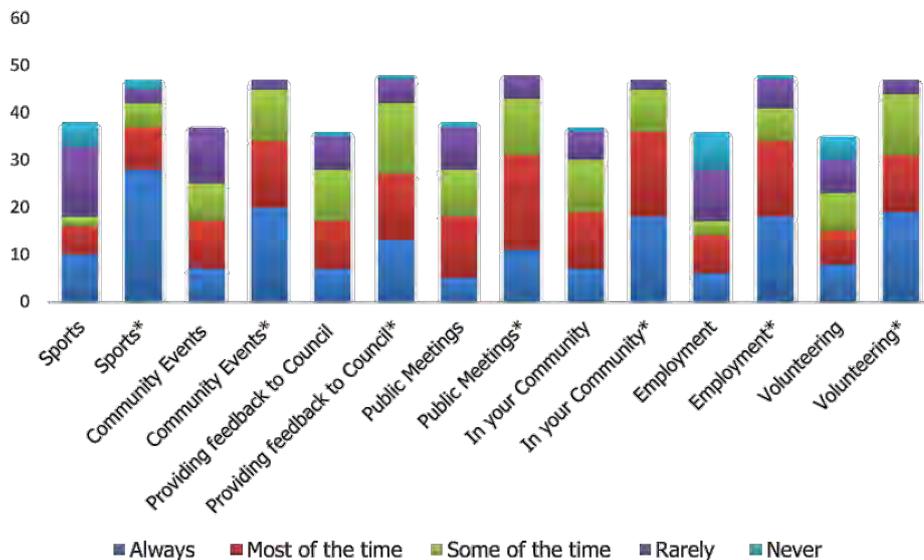


Chart 11 - Community Survey - Participation comparing those who identified with having a disability, limited access and/or family/carer against all other respondents (marked with *)

Respondents were given the opportunity to write verbatim comments on areas of concern and offer suggestions for improvement. Common themes included:

"Most places are pretty good but we have to check first with some events we take clients to"

"I can't access a lot of these but feel the importance to is high"

"Respite funding has been cut. I cannot take my wife to everything because it is hard work and often toilets are an issues. I cannot get respite for her so that I can participate in my community"

"Awareness of disabilities; respect for people with disabilities - they like to be included too, not stared at or made feel out of place. It's virtually impossible to find suitable toilets to manage continence needs of people with disabilities in this region. There are very limited accessible activities for kids in wheelchairs or with vision impairment for example"

"Educate the community to be more inclusive and value everyone's ability. We all have something to give"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Communication and Information

Respondents were asked where they obtained information about Council from. The most favourable source of information (58 per cent) was from local newspapers, 52 per cent received their information from family/friends, 27 per cent from Council's website and 31 per cent from Council's Facebook page (respondents were able to choose multiple responses). When respondents were asked if they found it easy to obtain information from Council, the majority (44 per cent) found it easy to do so, 37 per cent found it difficult and 19 per cent felt that the question did not apply to them.

Respondents suggested the following responses to improve Council's communication:

"The website is not user friendly. It is hard to find what is available. The search function is poor"

"More info on how we can be involved in events and what we can do to help"

DRAFT

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Respect and Social Inclusion

Respondents were asked to think about respect and social inclusion. After analysing the data, 'People with disability are recognised for their contribution' was seen to be the most significant identified area for concern for respondents. When comparing the results between people who identified with 'I am a person with a disability', 'I have a limited mobility' and 'I am a carer/family member of a person with a disability', the results vary again, indicating that this cohort significantly felt that people with a disability are not portrayed positively.

Below is a comparison chart in percentage of respondents, respondents that identified with 'I am a person with a disability', 'I have a limited mobility' and 'I am a carer/family member of a person with a disability' in the first column, and all other respondents after this (marked with an asterisks).

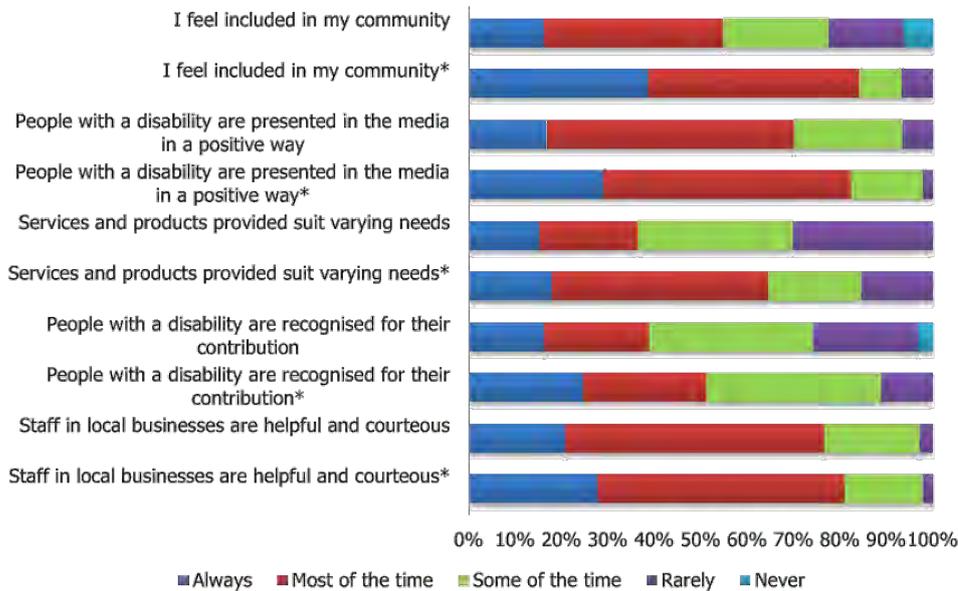


Chart 14 - Community Survey - Rated responses on respect and social inclusion, comparing those who identified with a disability, limited access and/or family/carer against all other respondents (marked with a *)

When comparing the two groups in response to "I feel included in my community", it was found that there was a significant difference between the two cohorts, 45 per cent of those within the identified disability, family/carers group identified that they only felt included within their communities either some of the time, rarely or never. Where 84 per cent of those in all other categories felt that they were included in their community either all or most of the time. Those within the identified disability, family/carers group also were more likely to feel that people with a disability were not recognised for their contribution compared to those in all other categories.

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

When asked to provide further comments, respondents wrote:

"I am so busy caring for my wife that I can't be included in my community"

"Some see disability as a liability, we need to focus on everyone's strengths and not their weaknesses"

"You don't really hear much about people with disabilities"

"I was born this way and I try hard to be a good person. Some people could be more understanding"

"Promoting inclusiveness as a standard, not an exception. Leadership from community champions; role modelling behaviours"

At the conclusion of the survey respondents were able to offer other comments, some of these included:

"Communities need to support each other more"

"Consider mobility aids and how their access is handled in Moira Shire. These will increase with our aging population. One footpath on a major street (Mookari) will force people onto the road & this is dangerous. This should be considered around schools, libraries, hospitals etc"

"Everyone should have the opportunity to be involved in their communities. If access limits involvement then changes should be made"

"When you have a severe disability you don't really get a lot of choice around activities. It is left to my carer to decide where she takes me and some places are just too hard"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Internal Consultation

Introduction

Background

Through the development of the new Disability Access and Inclusion Plan, Council identified the need to determine our employee's current knowledge, experience and perceptions on disability and accessibility to assist with the development of the new plan. This consultation period also offered an opportunity for staff to offer suggestions and priorities to shape and develop the new plan.

Methodology

A Disability Access and Inclusion Plan Internal Survey was developed and distributed to staff via email. The email included a link to complete the survey online as well as a word document attached that they could complete and return.

The survey was launched on Monday 7 March 2016 and closed on Wednesday 6 April 2016. A reminder email was sent to all staff on Thursday 31 March 2016 and the survey was promoted on the internal Intranet site.

Notes on Analysis

All surveys received were utilised in the analysis.

Respondents' quotes are used throughout this report, where appropriate spelling and formatting (e.g. correcting unnecessary capitalisation) has been corrected. No other alterations to quotes have been made.

About the Sample

Source

Responses were collected through an online survey that was sent to all staff registered on the global contact list. Identical questions were provided to all. If a respondent answered yes to question 2 'Do you identify with a disability' they were requested to complete questions 3, 4 and 5. If they answered no to question 2, they were then taken directly to question 6. Out of the 192 equivalent full time staff (EFT) employees, a total of 40 participated in the survey (21%).

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Analysis

Department

It was deemed significant to analysis which department the respondents were from due to some requiring more intensive need and awareness of accessibility issues and relative legislation than others due to the nature of their roles. Two (2) participants chose not to answer this question.

Within Moira Shire Council there are thirteen (13) departments. Of these departments, Construction and Assets had the most respondents with 21 per cent (8), followed by Safety, Amenity & Environment and Community Development who both had 16 per cent (6) each. These three departments equate to over half of the participating members of the organisation. It is also significant to note that the departments do not have even amount of employees in each, this factors in some departments having increased participants.

Engagement with Topic

Respondents were asked if they identified with having a disability, of the 40 respondents, five (12 per cent) answered yes. They were then asked to complete additional questions relevant to their disability and whether they felt the organisation offered them the right support, resources and accessibility to complete their specific job, all responded yes to both of these questions.

Respondents were given the opportunity to provide any feedback and recommended improvements. One response was provided:

"Moira is particularly good with disability inclusiveness, right across the whole range of staff from Operations to Senior Management."

Current Knowledge

The majority of respondents (60 per cent) were aware that Moira Shire Council has a Disability Action Plan, two (2) respondents skipped the question and the remainder were unaware that the Action Plan existed.

Sixty per cent of respondents felt that they had a responsibility within their roles to assist with the completion of actions from the Disability Action plan, 32 per cent felt that they had no responsibility and 3 respondents skipped the question.

When questioned on their knowledge of Moira Shire Council's Disability Advisory Committee, 55 per cent were aware that the committee existed, whilst 45 per cent were unaware, 2 respondents skipped the question.

Staff members are invited and encouraged to submit plans and projects to the Disability Advisory Committee for review and feedback. These projects and plans could be infrastructure upgrade, new community buildings and/or developments as well as community engagement projects. Of the respondents that participated only 11 per cent advised that they had either participated or submitted an item to the Disability Advisory Committee. Two (2) respondents did not answer the question.

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Training and Awareness

The Disability Action Plan 2013-16 contained the goal 'For all staff at Moira Shire to have awareness of disabilities and access'. Whilst training was offered throughout the term of the previous disability action plan, the majority of the respondents had not received training around either awareness or accessibility issues, with 45 per cent indicating that they had received some form of training.

The majority (45 per cent) of the respondents indicated that they would like to attend or receive information about disability awareness and access issues, with 24 per cent unsure as to whether they would like additional training and 27 per cent indicating that they did not require any training.

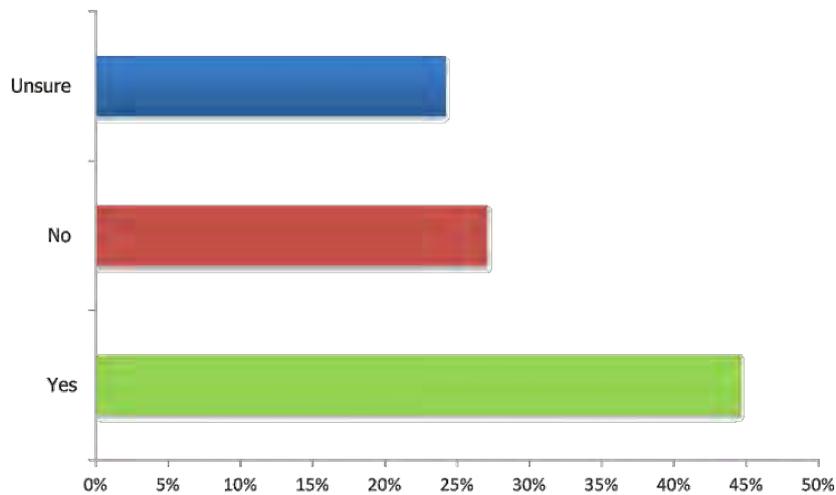


Chart 15 - Staff Survey - Percentage of staff interested in future training around access and inclusion



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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Our Future Disability Access and Inclusion Plan

Respondents were asked to think about the new Disability Access and Inclusion Plan and how Moira as a Council could assist with improvements for both their employees and the wider community.

When asked the question 'How do you think Moira can improve accessibility for our employees?' respondents were able to write a response (verbatim), 17 respondents answered this question, following analysis these have been able to be categorised into groups except for two which remain uncategorised, as shown in the following chart:

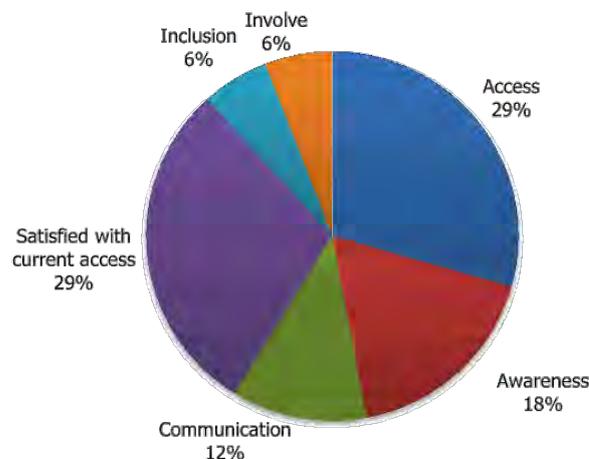


Chart 16 - Staff Survey - Responses of ways to improve access for employees categorised transferred to percentage

Some of the written responses included:

"More accessible work stations, consider accessibility of car parking and entrances to the office and meeting rooms. Allow for employees to have more flexibility in work outcomes, ie not all staff may be able to complete a written report but are perfectly capable of going to CMT for a discussion to share an idea"

"Firstly, don't just focus on physical disabilities, rather begin to focus on intellectual and other mental health disabilities. Accessibility should not be all about building a "ramp" - what about building pathways for persons with mental health difficulties"

"Sufficiently large print on printed items, natural light, supportive and productive work environment"

"All employees should be judged on their abilities not their disabilities"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

When respondents were asked how Moira can improve access for the community their written responses could again be categorised as follows:

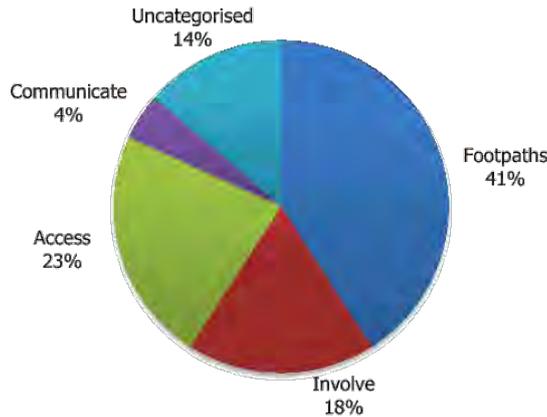


Chart 17 - Staff Survey - Categorised responses on improving access for the community

Some of the written (verbatim) responses for each of the categories included

Access:

"Planning permits: support easy off street door access to businesses, encourage retailers to accommodate wheel chair access between shopping aisles, encourage wider parking spaces in commercial car parks"

"Access to all of our main buildings is good. Some of the older buildings are lacking though. I think some sort of improvement plan should be used to help bring all to a reasonable level"

Communicate:

"Respond sooner to community requests"

Footpaths:

"Prepare a capital works plan coordinating key routes around each major town to provide appropriate and continuous paths, pram crossings and tactile indicators"

"The footpaths are very steep for wheelchair users and are difficult to navigate, especially when the wheelchair gets stuck because of the gradient of the gutter access"

Involve:

"Involve the community in decision making and role model inclusion and accessibility in our work to lead by example"

"Ensure that any developments of open space, facilities and sporting grounds are done in consultation with the DAC"

Uncategorised:

"I have not needed access to members, at this time"

"Cannot comment as I'm not sure what measures are currently in place"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Top Three Priorities

Respondents were asked to write in (verbatim) what they thought should be the top three priorities for the new Disability Access and Inclusion Plan. Majority (55 per cent) of respondents gave at least one response.

An analysis of the comments was conducted and then these were placed within categories:

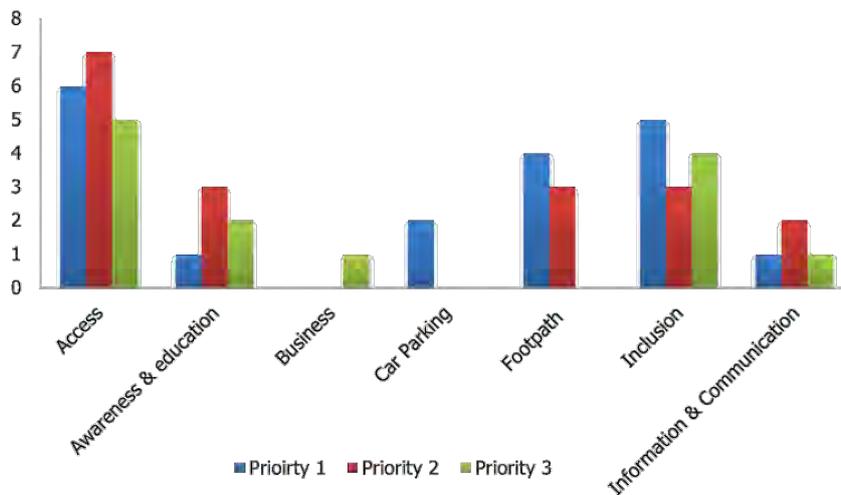


Chart 18 - Staff Survey - Priorities for new plan categorised

Access to facilities and footpaths were deemed to be the highest priorities identified. Comments from all categories are as below:

- "Making a commitment to ensure all Council facilities are accessible for all"
- "Develop a policy to work with traders in main retail / commercial areas to remove threshold steps"
- "Create employment opportunities for persons with disabilities including intellectual disabilities"
- "Prepare a prioritized footpath development plan inclusive of compliant crossings and indicators"
- "Provide support and programs for people and carers - social opportunities"
- "Ensure that it is a requirement to get the view of the DAC in any Council developments"
- "Ensure accessibility is considered when running and planning events and meetings"

Uncategorised:

"Safety"

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021

Other Comments/Ideas

Respondents were given the opportunity to provide additional comments and suggestions, some of the comments as follows:

"Consulting with professional peak bodies in these areas and having common agreed objectives makes sense (health/disability sector etc.)"

"Prior to making decisions ensure that a broader approach has encompassed what issues a person with a disability would face"

"Increase the profile of the DAC to ensure that they have input more broadly - thus resulting in increased accessibility"

Community and Staff Priorities

There were commonly identified themes for nominated priorities throughout both the community and internal staff surveys. The majority of responses were able to be put into the same categories for both surveys and the combined responses are as below:

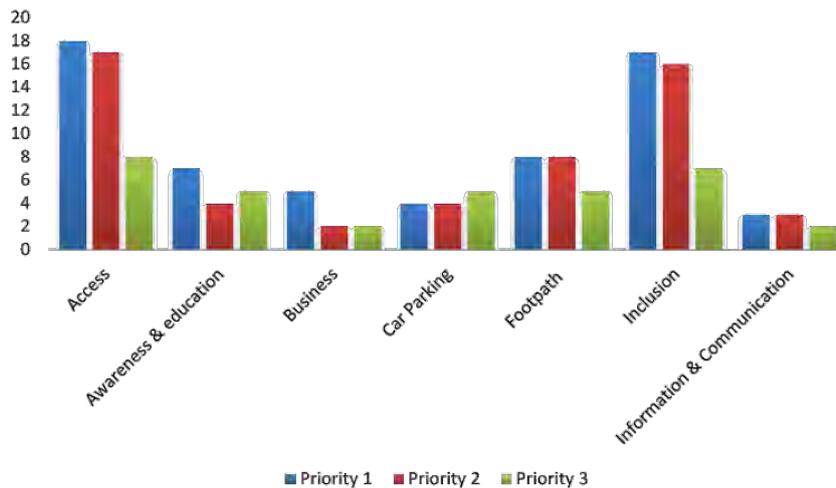


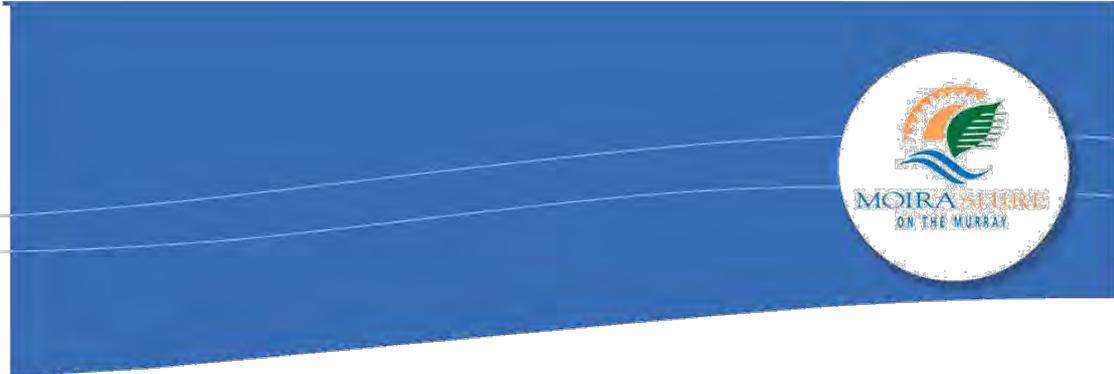
Chart 19 - Combined priorities of both community and staff responses

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2. IMPROVING MOIRA'S LIVEABILITY

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DISABILITY ACCESS AND INCLUSION PLAN 2017-2021 DRAFT (cont'd)

ATTACHMENT No [1] - Draft Disability Access and Inclusion Plan 2017-2021



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Municipal Service Centre
100 Belmore Street, Yarrawonga, Victoria

HOURS

Monday to Friday, 8:30am to 5pm

CUSTOMER SERVICE AGENCIES

Barmah Forest Heritage and Education Centre
73 Blake Street, Nathalia, Victoria

Numurkah Visitor Information Centre
99 Melville Street, Numurkah, Victoria

INFORMATION AGENCIES

Barmah Post Office
Katamatite Post Office
Katunga Post Office

Strathmerton Post Office
Tungamah Post Office
Wunghnu Post Office

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

ASSEMBLIES OF COUNCILLORS

RECOMMENDATION

That Council receive and note the summary of Records of Assembly of Councillors.

1. Executive Summary

The records of the Assembly of Councillors reported during the month of November 2016 are incorporated into to this report.

Inclusion of the records of Assembly of Councillors in the Council agenda, and incorporation into the Minutes ensures Council meets its statutory obligations under section 80A of the Local Government act 1989 (the Act).

2. Background and Options

The Assemblies of Council report is a standing report presented to Council, to report on Assemblies of Council in accordance with the Act and best practice good governance principles.

Section 80A of the Act requires written records of Assemblies of Councillors be kept, comprising the information prescribed in section 80A (1).

Section 80A (2) of the Act prescribes that these records be, as soon as practicable:

- (a) reported at an ordinary meeting of the Council, and
- (b) incorporated in the minutes of that Council meeting.

| Meeting | Present at meeting | Matters discussed | Declaration of Interest(s) |
|--|--|---|--------------------------------|
| 14 November 2016 Council Induction and Briefing | <p>Councillors: Gary Cleveland Ed Cox Kevin Bourke Marie Martin Libro Mustica John Beitzel (arrived 11:54 am) Wendy Buck Peter Lawless Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close Manager Governance and Communication, Linda Nieuwenhuizen Manager Finance, Simon Rennie Manager Safety Amenity and</p> | <p>1. Councillor induction – Finance, rates, external audit and audit</p> <p>2. Agenda review</p> | Yes – Councillor left the room |

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

ASSEMBLIES OF COUNCILLORS (cont'd)

| | | | |
|---|---|--|----------------------------------|
| | Environment, Sally Rice Manager Town Planning and Building, Jorine Bothma Executive Assistant - Mayors and Councillors, Bobby Brook | | |
| 21 November 2016 Council Induction and Briefing | <p>Councillors: Gary Cleveland Ed Cox Kevin Bourke Marie Martin Libro Mustica(arrived 4 pm) John Beitzel Wendy Buck Peter Lawless Peter Mansfield</p> <p>Staff: Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close Manager Governance and Communication, Linda Nieuwenhuizen Manager Finance, Simon Rennie Manager Safety Amenity and Environment, Sally Rice Manager Construction and Assets, Graham Henderson Manager Operations, Rick Devlin Manager Economic Development, Jane O'Brien Manager People and Organisational Development, Brant Doyle Executive Assistant - Mayors and Councillors, Bobby Brook</p> | <ol style="list-style-type: none"> 1. Councillor Induction – OHS and Staff-Interaction protocol 2. Induction – Operations and Infrastructure 3. Numurkah tyres update 4. Councillor aspirations and Council Plan development | Yes – Staff member left the room |

3. Financial Implications

Nil

4. Risk Management

Compliance with statutory obligations

5. Internal and External Consultation

Nil

6. Regional Context

Nil

7. Council Plan Strategy

Demonstrating Good Governance

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

ASSEMBLIES OF COUNCILLORS (cont'd)

8. Legislative / Policy Implications

This report complies with the requirements under section 80A of the Local Government Act 1989.

9. Environmental Impact

Nil

10. Conflict of Interest Considerations

Nil

11. Conclusion

The Assembly of Councillors records incorporated into this report are a true and accurate record of all assemblies of Councillors reported during November 2016.

Attachments

Nil

FILE NO: F16/370
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

SPECIAL (SECTION 86) COMMITTEES OF MANAGEMENT - COUNCILLOR APPOINTMENTS FOR 2017 AND MEMBER REPRESENTATIVE AMENDMENTS

RECOMMENDATION

That Council:

1. Approve the removal of outgoing representatives and appointment of nominated incoming representatives to 30 September 2017 for Community or User Groups on the Special Committees of Management as detailed below.

| Committee of Management | User Group | Remove outgoing representative | Appoint incoming representative |
|--|--|--------------------------------|---------------------------------|
| Katamatite Recreation Reserve | Community | Alistair Monk | - |
| | Katamatite Cricket Club | Adam Harwood | Daniel Parnell |
| Koonoomoo Recreation Reserve | Carriage Horse Driving Trials Club | Dawn Walter | - |
| Picola Recreation Reserve | Picola United Netball Club | Kim McPherson | Kaye Gissing |
| | Narioka Recreation Reserve | Geoff Lubke | - |
| Wunghnu Recreation Reserve | Goulburn Valley Vintage Tractors and Farm Machinery Club | Stuart Guy | Rick Lawrence |
| | Community | Elizabeth (Beth) Rogers | Stuart Guy |
| Yarroweyah Recreation Reserve | Community | - | Michael Ryan |
| | Community | - | Damien Janssens |
| | Community | - | Rob Brown |
| | Community | - | Ross Muscara |
| | Community | - | Sam Opray |
| Yarrowonga Eastern Foreshore | Community | - | Alan Williams |
| Numurkah Showgrounds Reserve | Community | Colin Bau | - |
| Yarrowonga Showgrounds / Victoria Park | Rotary Club of Yarrowonga Mulwala (Alternate) | Adrian (Doc) Keenan | Doug Evans |
| | Equestrian Users | Trevor Patrick | - |
| | Yarrowonga & District Netball Association | Sarah Bruce | Jason Bassett |
| | Yarrowonga & District Netball Association (Alternate) | Tanya Burgess | Dale Simmons |
| | Yarrowonga Mulwala Darts Association (Alternate) | Danny Nish | - |
| | Yarrowonga College P-12 (Alternate) | Kim Stewart | Damien Keel |
| | Yarrowonga Mulwala Mens Shed (Alternate) | - | Vic Beveridge |
| Bearii Recreation Reserve | Community | Dorothy Doyle | - |
| | Community | Chris Carter | - |
| | Community | Joe Petrosino | - |
| Lake Rowan Hall | Community | Margaret Alley | Mark McDonald |
| | Community | - | Jaime McDonald |
| Numurkah Town Hall | Community | - | Tony Valasinavicius |

FILE NO: F16/370
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

SPECIAL (SECTION 86) COMMITTEES OF MANAGEMENT - COUNCILLOR APPOINTMENTS FOR 2017 AND MEMBER REPRESENTATIVE AMENDMENTS (cont'd)

| | | | |
|----------------------------|---------------------------|-------------------------------|------------------|
| Picola Public Hall | Community | Keith Schier | - |
| | Community | Jean Schier | - |
| | Community | Michelle Ryan | - |
| St James Public Hall | Community | Cath Kelly (Deceased) | Lesley Longmuir |
| | Community | Knowles Beattie (Deceased) | Tanya Montgomery |
| | Community | Norma Pelly | Kim Cooke |
| | Community | | Lynleigh Cooke |
| | Community | | Bronwyn Ryan |
| Cobram Historical Precinct | Cobram Historical Society | Neil Kerr | Marlene Ellis |

2. Amend the composition of the St James Public Hall Committee of Management to add one additional community representative position.
3. Provide incoming representatives with appointment information and write and thank outgoing representatives.

1. Executive Summary

Council has 35 Special Committees who manage community facilities located on both Crown land and Council land, which are established under section 86 of the *Local Government Act* 1989 and are commonly referred to as Section 86 Committees.

At the 16 September 2013 Council meeting, Council, in exercise of the powers conferred by section 86 of the *Local Government Act* 1989, resolved to appoint persons as Community or User Group representatives on the Special Committees to 30 September 2017. Council resolution is required for the removal of outgoing committee members and the appointment of nominated incoming members.

Each year, Councillors are presented with a report which details the current special committees for which Councillor representation is required. In turn, Councillors are nominated to these special committees for the coming 12 months.

2. Background and Options

Detailed in the recommendation are amendments to the respective committees, in particular the removal of outgoing representatives, the appointment of incoming nominated representatives and the amendments to the composition of committees, as notified by each committee.

On confirmation of appointment, incoming committee members are provided with confirmation of appointment, a copy of their delegation as set out in the respective committee Instrument of Delegation and an electronic copy of the Operation and Risk Management Manual. New members will also be required to complete the online volunteer induction.

3. Financial Implications

Council's financial support for special committees is a budgeted item.

FILE NO: F16/370
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

**SPECIAL (SECTION 86) COMMITTEES OF MANAGEMENT - COUNCILLOR
APPOINTMENTS FOR 2017 AND MEMBER REPRESENTATIVE
AMENDMENTS (cont'd)**

4. Risk Management

Council's representation on committees enables timely information transfer.

5. Internal and External Consultation

As the Section 86 Committees are in essence an extension of Council and are managing the facilities in partnership with Council, it is important for Council to maintain an appropriate balance of representation from user groups and the community on each of the Committees of Management.

To ensure the accuracy of the database, it is essential that each committee advise Council when changes are required so that Council resolution may be obtained for the removal of outgoing and appointment of nominated incoming members to respective positions.

6. Regional Context

There are no regional issues to consider within this report.

7. Council Plan Strategy

This report supports the enabling objective of *Demonstrating Good Governance* as described in the Council Plan. Moira will meet governance, communication, compliance and regulatory standards through its commitment to advocacy and effective decision making and demonstrate good governance by being consensus orientated, equitable, effective and efficient.

8. Legislative / Policy Implications

The process of delegation of Council's powers is a legislative requirement and is accomplished by documentation for each committee. Section 86 of the *Local Government Act 1989*, and Section 86(4) of the *Local Government Act 1989* are particularly relevant

9. Environmental Impact

There are no environmental sustainability issues to consider within this report.

10. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

11. Conclusion

It is recommended that the proposed Councillor nominations, incoming and outgoing member amendments and committee composition amendments be approved.

Attachments

Nil

FILE NO: F15/38
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

COMBINED PLANNING SCHEME AMENDMENT C79 AND PLANNING PERMIT APPLICATION 5/2016/173 - REZONING OF LAND AT 21 CULLENS ROAD YARRAWONGA FROM RURAL LIVING TO LOW DENSITY RESIDENTIAL AND 9 LOT SUBDIVISION AT 17 AND 21 CULLENS ROAD YARRAWONGA

RECOMMENDATION

That Council Seek authorisation from the Minister for Planning to prepare Amendment C79 combined with Planning Permit Application No.52016173 pursuant to Section 96A of the Planning and Environment Act 1987

1. Executive Summary

An application has been received from North East Survey Design on behalf of Judd and Sons Pty Ltd, to combine a Planning Scheme Amendment C79 to rezone land at 21 Cullens Road Yarrowonga and an application for a Planning Permit 5/2016/173 to subdivide land at Nos17 and 21 Cullens Road Yarrowonga into 9 lots.

Authorisation from the Minister for Planning is required to prepare a Planning Scheme Amendment. When combining a planning permit application with a planning scheme amendment, the Minister will decide whether a permit should be granted.

It is recommended that authorisation be sought.

2. Background and Options

The land at 21 Cullens Road, being Lot 7 LP118722 was created on 21 October 1977 and is partially contained in the Rural Living and Low Density Residential Zones. Such zoning has been in existence since the current planning scheme was approved on 9 September 1999.

Previously, the whole land and its surrounds were zoned Rural Residential under the former Yarrowonga Planning Scheme.

The proposal is to rezone the part of the lot zoned Rural Living to Low Density Residential so that the entire allotment is contained within the Low Density Residential zone.

The proponent is requesting that this rezoning be combined with an application for a planning permit to subdivide land at 21 Cullens Road that is subject to the rezoning and the adjoining land at 17 Cullens Road in order to create 9 lots having areas of between 4008m² and 5811m².

The subdivision involves creating a road reserve that will provide access to seven (7) of the proposed lots. Two lots fronting Cullens Road each contain an existing dwelling.

Planning Permit Application Details

Applicant: North East Survey Design
Owners: Judd and Sons Pty Ltd and M & M Beggs
Land Address: 17 and 21 Cullens Road, Yarrowonga
Title Details: Lot 2 PS 444834 and Lot 7 LP118722
Total Site Area: 4.5126 hectares
File No: 52016173
Zone: Low Density Residential (if rezoning is approved)

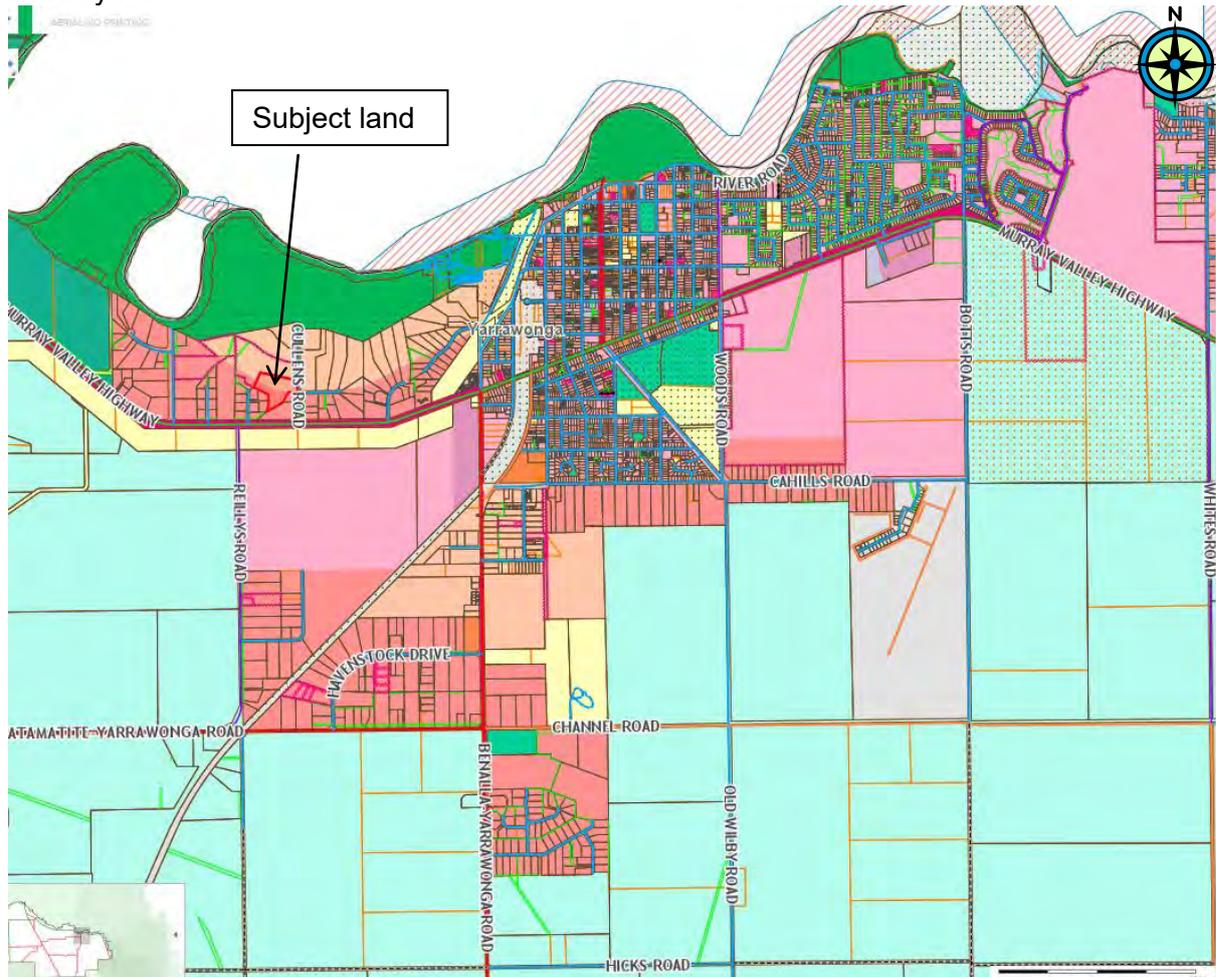
FILE NO: F15/38
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

COMBINED PLANNING SCHEME AMENDMENT C79 AND PLANNING PERMIT APPLICATION 5/2016/173 - REZONING OF LAND AT 21 CULLENS ROAD YARRAWONGA FROM RURAL LIVING TO LOW DENSITY RESIDENTIAL AND 9 LOT SUBDIVISION AT 17 AND 21 CULLENS ROAD YARRAWONGA (cont'd)

Overlays: Part Rural Floodway Overlay

Locality Plan

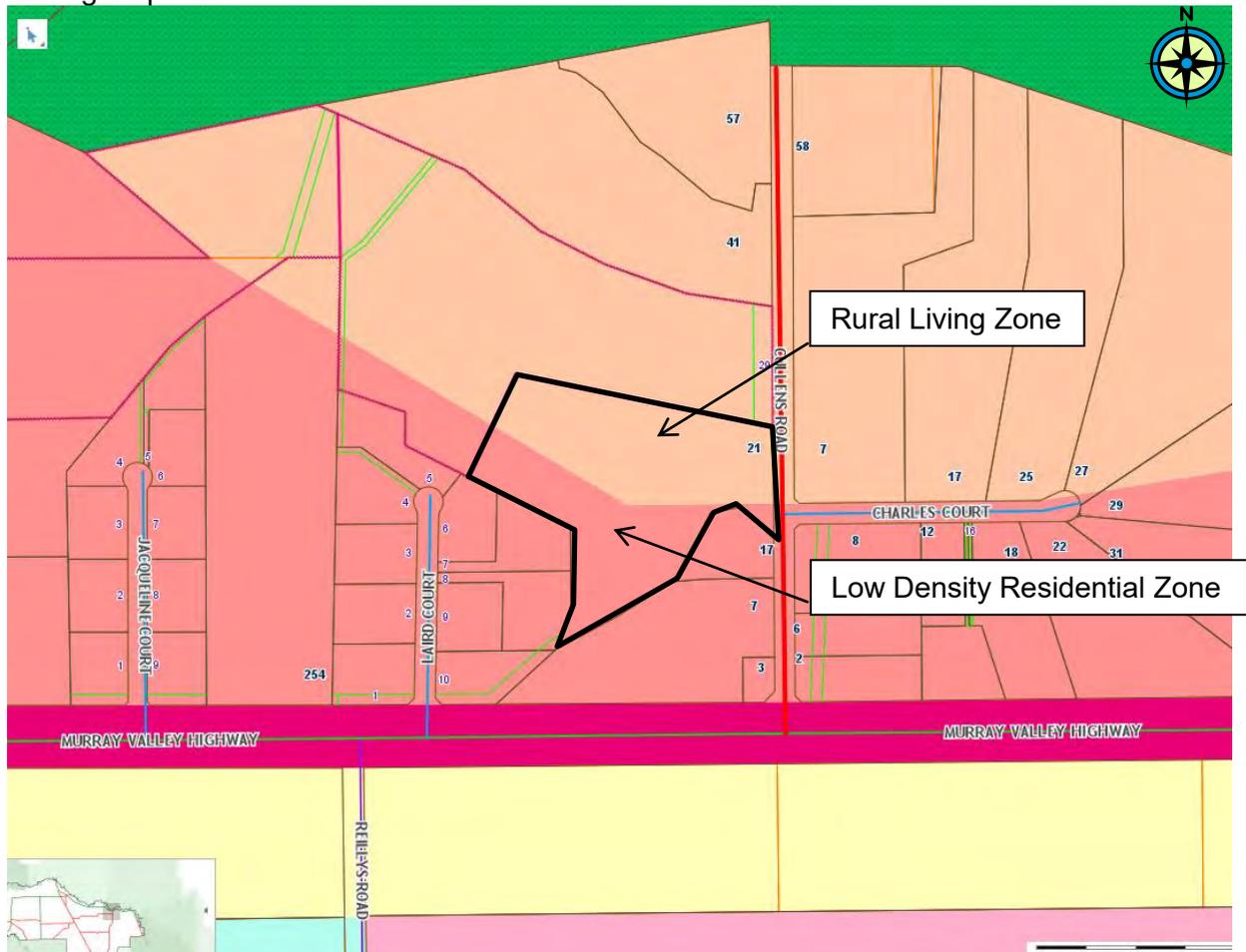


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Zoning Map



3. Financial Implications

There is a series of fees associated with a planning scheme amendment and a planning permit application. There is a 50% fee reduction for the lesser of the two fees between the planning scheme amendment and the permit application. All fees are paid by the proponent.

Fees are applied to each of the following stages of a planning scheme amendment:

1. Considering a request to amend the planning scheme, exhibition, considering any submission not seeking a change to the amendment and if applicable, abandoning the amendment
2. Considering submissions seeking changes to the amendment and referring submissions to a Panel
3. Council adopting the amendment or part of the amendment, submitting the amendment to the Minister for approval and giving notice of approval.

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2. IMPROVING MOIRA'S LIVEABILITY

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4. The Minister considering a request to approve an amendment and giving of notice of approval.

If there is a need for a Planning Panel to hear submissions, the fees and charges of the Panel are paid by the proponent.

4. Risk Management

If a permit is granted and conditions are not fulfilled, it may become a compliance issue.

5. Internal and External Consultation

Preliminary consultation with the Department of Environment, Land, Water and Planning (DELWP) has occurred with the only concern raised was whether there would be any accumulative impact from the proposal on surrounding Rural Living zoned land. The proponent has since conducted an analysis of this likely impact and found that the accumulative impact on land within the Rural Living Zone in the immediate area is minimal.

Further, DELWP informed that there are Minister's Directions and Planning Practice Notes that need to be addressed including a supply and demand analysis.

A public exhibition of the combined planning scheme amendment and planning permit application will require notifying prescribed Ministers, external authorities such as North East Water, Powercor, GBCMA and GMW and internal departments.

Public exhibition will also require notifying those property owners who may be materially affected by the Planning Scheme Amendment and Planning Permit Application.

6. Regional Context

There is no regional context associated with this planning scheme amendment to rezone a parcel of land.

7. Council Plan Strategy

Moira Shire's current Council Plan states that it is a strategic goal of the plan to:

- *Improve Moira's Liveability*

It is considered that the proposed rezoning will provide additional land for residential development thus giving choice in the market place in terms of location, hence improving liveability within Yarrowonga and the municipality in general.

8. Legislative / Policy Implications

Under Section 96A of the Planning and Environment Act 1987, a planning authority is able to consider a combining a Planning Scheme Amendment and a Planning Permit application in a single process. A draft Planning Permit with conditions is prepared and exhibited with the Planning Scheme Amendment.

The Minister becomes responsible for deciding whether a planning permit should be granted, with or without changes and subject to conditions.

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The differences between the Rural Living zone (RLZ) and Low Density Residential zone (LDRZ) are as follows:

- RLZ is grouped with other rural zones with a focus on a rural environment and agriculture
- LDRZ is grouped with other urban residential zones allowing effluent and waste water to be treated on site or connection to a reticulated sewerage system, if available.
- RLZ has a minimum lot size of 8 hectares while LDRZ has a minimum lot size of 4000 square metres or 2000 square metres if connected to a reticulated sewerage system

9. Environmental Impact

The ultimate development of 9 lots with individual dwellings on each of those lots with require separate effluent disposal systems as there is no reticulated sewerage system in the immediate area. The proponent has carried out Land Capability Assessments for each of the proposed lots and with findings that they are capable of containing effluent within the boundaries of those lots. The risk to the environment is therefore minimal.

10. Conflict of Interest Considerations

There is no officer conflict of interest issues associated with this report.

11. Conclusion

A request to rezone land requires the authorisation from the Minister for Planning to prepare a Planning Scheme Amendment.

The proponent is requesting to combine a Planning Scheme Amendment with an application for planning permit. There is a separate section (96A) in the Planning and Environment Act that allows for this to occur.

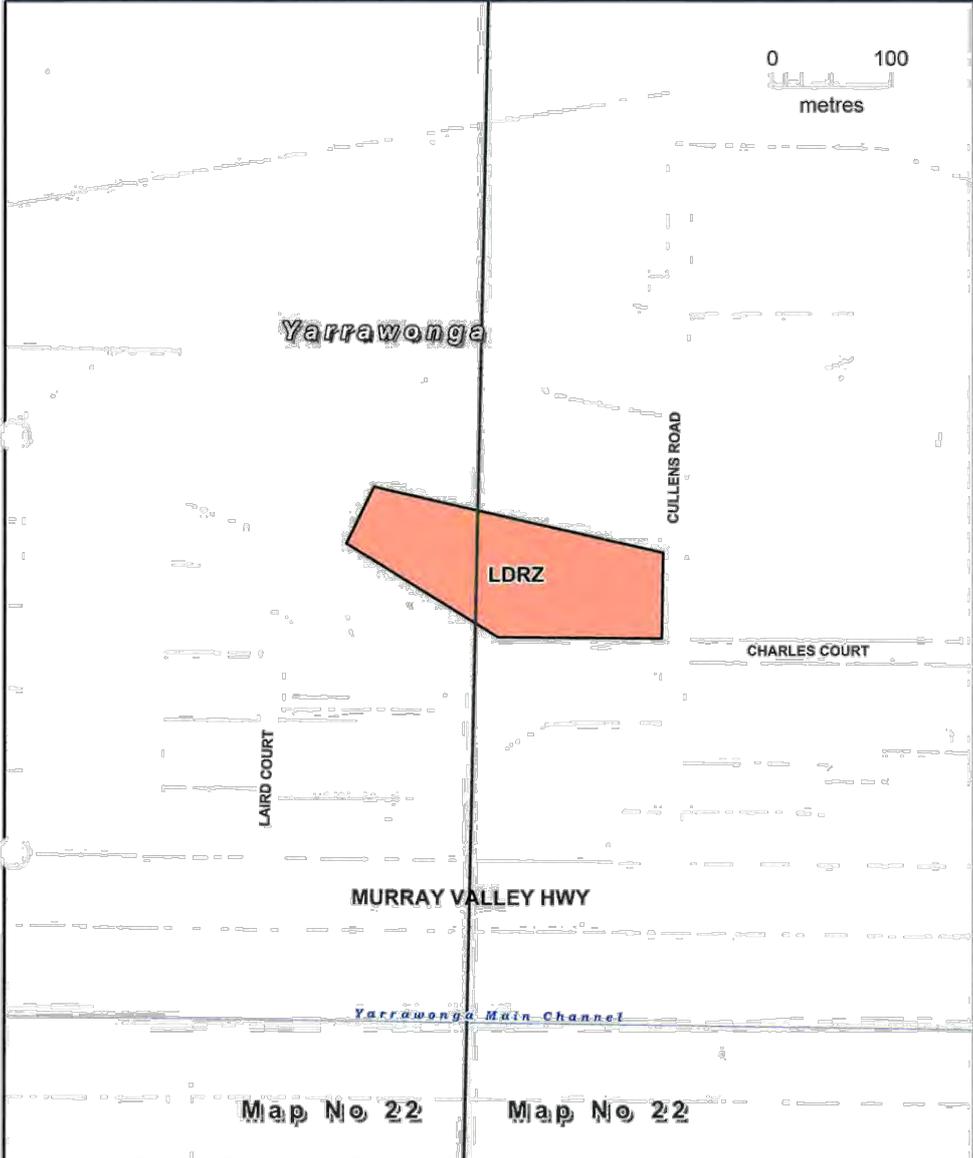
The rezoning of the subject land from Rural Living to Low Density Residential is not significant and will not give rise to a major change in the settlement pattern of this local area.

It is recommended the authorisation to prepare a Planning Scheme Amendment combined with a planning permit application to subdivide land be sought from the Minister.

Attachments

- 1 Amendment C79 Zone Map
- 2 Proposed Plan of Subdivision
- 3 Draft Explanatory Report
- 4 Accumulative Analysis
- 5 Accumulative Analysis Map

MOIRA PLANNING SCHEME



LEGEND

LDRZ LOW DENSITY RESIDENTIAL ZONE

Part of Planning Scheme Map 22 & 23

AMENDMENT C79

| Planning Mapping Services |
| Planning Information Services |
| Planning |



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ATTACHMENT No [3] - Draft Explanatory Report

Planning and Environment Act 1987

MOIRA PLANNING SCHEME

AMENDMENT C79

PLANNING PERMIT APPLICATION NO. 5/2016/173

EXPLANATORY REPORT

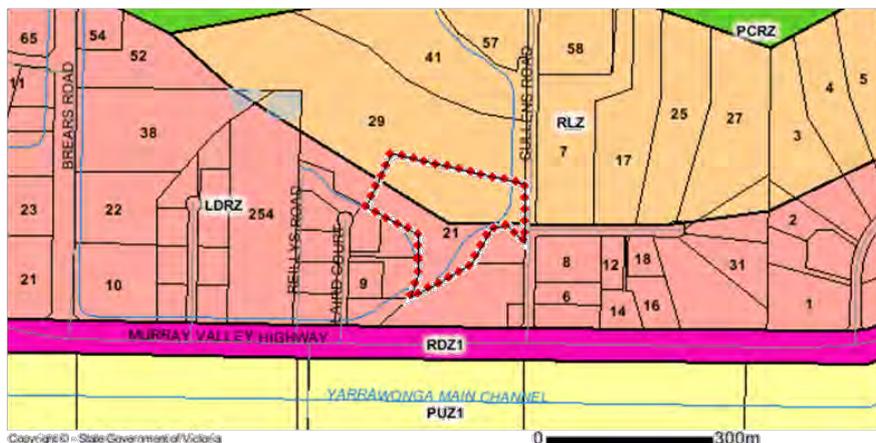
Who is the planning authority?

This amendment has been prepared by the Moira Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of North East Survey Design Pty Ltd on behalf of Judd and Sons Pty Ltd.

Land affected by the Amendment

The Amendment applies to Lot 7 on LP118722 being land at 21 Cullens Road, Yarrowonga. The land affected by the proposed amendment is shown on the map below and outlined in a red dashed line.



The amendment is a combined planning permit application and planning scheme amendment under Section 96A of the Act. The planning permit application applies to Lot 7, LP118722 being 21 Cullens Road, Yarrowonga and Lot 2, PS444834 being 17 Cullens Road, Yarrowonga.

What the amendment does

The Amendment proposes to correct a mapping anomaly by rezoning part of the land from Rural Living Zone to Low Density Residential Zone so that the land is only in one zone.

The Amendment proposes to:

- Amend Planning Scheme Maps 22 & 23.

The planning permit application seeks approval for:

- The subdivision of land into 9 lots.

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ATTACHMENT No [3] - Draft Explanatory Report

The proposed planning permit is attached as a separate document to this explanatory report.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to bring land into one zone that will allow for a planning permit application to be made to develop land generally in accordance with the State Planning Policy Framework and Local Planning Policy Framework. The amendment will correct an anomaly in the planning scheme

How does the Amendment implement the objectives of planning in Victoria?

The amendment seeks to implement the following objectives set out at Section 4 of the Planning and Environment Act 1987:

- 1(a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- 1(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- 1(g) to balance the present and future interests of all Victorians.

How does the Amendment address any environmental, social and economic effects?

Environmental effects of the rezoning have been considered. Currently no reticulated sewerage is available to the site or in the surrounding low density development. All future development on this site will need to provide for onsite effluent disposal systems. A land capability assessment of the site has been undertaken which has concluded that the proposed lot configuration will provide adequate land area for sustainable treatment of wastewater from residential dwellings.

The rezoning of this land for low density residential development will provide greater dwelling diversity in Yarrowonga and will have a positive social impact on the community. The development of the land will further enhance Yarrowonga as a desirable place to live and have a positive impact on population growth.

The economic effects of the proposed rezoning are expected to be positive. The subdivision will provide additional opportunities for low density living in Yarrowonga. There is a consistent demand for this style of development in this part of Yarrowonga as evidenced by strong land sales, resulting in a positive economic outcome.

Does the Amendment address relevant bushfire risk?

The land is not covered by the Bushfire Management Overlay however it is identified as being within a Bushfire Prone Area. With the exception of the two houses, the land is used for irrigated farm land with no tree cover on the land to be rezoned or adjacent land. Bushfire risk is considered to be low and limited to grassfire risk.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

This amendment is affected by Ministerial Direction No.11 – Strategic Assessment of Amendments, which seeks to ensure that comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

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ATTACHMENT No [3] - Draft Explanatory Report

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports the State Planning Policy Framework consistent with the following Clauses:

Clause 11 Settlement

The proposed amendment is consistent with Clause 11 which states 'planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure'. The proposed combined amendment and planning permit application is consistent with the strategy relating to the Hume regional growth at clause 11.10 which seeks to support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.

Clause 13 Environmental Risks

Clause 13 states that planning should adopt a best practice environmental management and risk management approach in seeking to avoid or minimise environmental hazards and degradation. Planning should also identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society. No environmental risks or management issues are anticipated from the rezoning and subsequent subdivision of the subject site. Land Capability Assessments have been undertaken for each of the proposed lots. Secondary Treatment Systems utilising subsurface absorption trenches with a pump discharge are considered appropriate for the treatment of wastewater on each lot subject to suitable buffer distances from adjacent land being observed.

Clause 14 Natural Resource Management

Clause 14 states that planning should assist in the conservation of natural resources, including water, energy, land, minerals etc. so that the State's base is protected from the unplanned loss of high quality productive agricultural land due to permanent changes of land use and to enable protection of productive farmland, which is of high quality and strategic significance in the local or regional context.

The site is not considered a strategic agricultural site. The property adjoins existing residential development and therefore the likelihood the land will be used for intensive agricultural purposes is low. The amendment is not considered to negatively impact on productivity of agricultural land within the local area.

The objective contained at 14.01-1 is: *To protect productive farmland which is of strategic significance in the local or regional context.*

While the rezoning will remove the land from the Rural Living zone, this land is currently not being used for farming purposes, but rather for hobby farming and lifestyle pursuits.

Clause 16 Housing

Clause 16 and in particular *Clause 16.02-1 Rural Residential Development*, seeks the management of development in rural areas to protect agriculture and ensure housing is focused towards existing settlements where community infrastructure and services are provided. The rezoning of the subject land is appropriate as the land is considered suitable for rural residential development. The rezoning will not negatively impact or encroach on productive agricultural land use. The location of the site will provide greater supply, diversity

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ATTACHMENT No [3] - Draft Explanatory Report

and choice for housing in the market place. The site is also closely located to the existing residential areas where physical and community infrastructure services are readily available.

Clause 19 Infrastructure

Clause 19 states that planning should ensure the provision of social and physical infrastructure in an efficient, equitable, accessible and timely manner and recognise social needs by providing land for a range of community resources. A preliminary infrastructure assessment has been conducted on appropriate servicing for the site. There are no critical issues or impediments that would prevent the development of the site for low density residential subdivision, subject to various conditions being met and service infrastructure being developed and incorporated into the design. Sewerage will need to be managed on site. There is no reason to expect that the land will not be able to provide for the installation of on-site waste disposal systems.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Clause 21.02 Vision

Clause 21.02 states that the long term vision for the Shire is set out in its Community Plan. The plan recognises a number of challenges facing the Shire. "The Shire must respond to these challenges in its land use planning strategies if the continued growth and prosperity of the municipality is to be realised into the 21st century." The issues underpinning the vision include:

"There will be an increasing demand for a range of living and working opportunities. In particular, housing choices will need to be varied as the population ages and alternatives to traditional family housing will be sought in rural and urban areas."

The amendment will achieve this by providing low density housing choices on the outskirts of Yarrowonga. The location is conducive to a well-planned low density residential lots adjoining the existing township.

Clause 21.04 Settlement

Under the heading of orderly development of towns, the clause states:

"Moira Shire is a predominantly rural municipality. The Moira Shire has four principle townships (Cobram, Yarrowonga, Numurkah and Nathalia) and a number of smaller townships that support the rural and lifestyle activities of residents.

Council is keen to promote the orderly development of its townships, both large and small, and to promote their unique character and roles. Council seeks to consolidate residential uses in townships and in identified rural lifestyle areas around townships, where there is no adverse impact on rural activities. New residential development is particularly encouraged in the Shire's four key townships, so as to attract and support expanding populations that will, in turn, stimulate the economic and social development of these centres."

The proposed rezoning consolidates an identified rural lifestyle area close to the Yarrowonga township. The proposal is consistent the goal of orderly development of towns.

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ATTACHMENT No [3] - Draft Explanatory Report

Another objective under settlement is to provide sufficient diversity of housing opportunities within and on the fringes of towns. The proposed rezoning and subsequent development will ensure the potential for diversity in housing stock.

The proposed amendment allows for short term development of Low Density Residential land to the west of the town in accordance with the Yarrowonga Town Structure Plan. The amendment will include all of the land to be within the Low Density Residential Zone allowing for further subdivision and development to meet residential demand.

Clause 21.03 Environment

The strategies for protection of the environment include:

- *Encourage on-site treatment and disposal facilities which demonstrate adequate structural integrity, capacity and capability to handle, treat and dispose of wastewater without adverse impacts on land, surface water and groundwater systems.*
- *Ensure that the identification, control and management of development in areas prone to flooding is based on an assessment of the depth and activity of potential flood and the impact of the proposed development on land outside the identified area of potential flooding, acknowledging the importance of continued agricultural activity within some areas defined as liable to flooding or rural floodway.*

The proposed development does not have access to reticulated sewerage. Land Capability Assessments undertaken for each of the proposed lots indicate that subject to suitable buffer distances being maintained, the lots are of sufficient size provide for the treatment and disposal of waste water so as not to detrimentally affect adjacent land or significantly impact on groundwater in accordance with EPA and Council requirements.

The Rural Floodway Overlay encroaches onto a small area along the northern boundary of the site. Based on advice from the Catchment Management Authority, the 1 in 100 year flood line has been determined. Although still slightly within the site, it encroaches less than the RFO boundary, therefore any impact from flooding would be minimal.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment uses the appropriate planning controls to provide for use of the land for residential purposes.

Given the established low density residential nature of the land within proximity to the site, the location of the site and its characteristics, the Residential Low Density Zone is considered the most appropriate zone to reflect the current land uses as well as surrounding lot sizes. This zone also allows for further subdivision and development to meet residential demand.

How does the Amendment address the views of any relevant agency?

The agencies with a specific interest in the subject land or the proposed rezoning are Goulburn Broken Catchment Management Authority (GBCMA), Goulburn Murray Water (GMW), North East Region Water Authority (NERWA), Powercor and the Country Fire Authority (CFA). Agencies will have an opportunity to provide their views during the formal exhibition of this amendment and these views will be considered accordingly.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

There are no specific requirements of the Transport Integration Act 2010 that apply to this amendment. The internal road will be designed to accommodate the expected capacity.

Resource and administrative costs

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ATTACHMENT No [3] - Draft Explanatory Report

• What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

There is unlikely to be any additional resource and/or administrative costs to the Council as there are no new planning provisions included with this proposal other than a rezoning to include a lot in a single zone. As the amendment combines a planning permit with the rezoning it will result in efficiencies for Council.

Where you may inspect this Amendment

The Combined Amendment/Permit is available for public inspection, free of charge, during office hours at the following places:

Moira Shire Council Offices at;

44 Station Street, Cobram or 100 Belmore Street, Yarrowonga (Service Centre)

The Combined Amendment/Permit can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Combined Amendment/Permit may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Moira Shire Council Planning Department, PO Box 578, Cobram VIC 3643

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**]

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ATTACHMENT No [4] - Accumulative Analysis



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Fax 03 5480 0788
stephen@nesd.com.au

M3270

24th October 2016

Peter Stenhouse
Planning Coordinator
Moirā Shire Council
PO Box 578
Cobram VIC 3643

Email: pstenhouse@moira.vic.gov.au

Dear Peter,

**Re: Proposed Rezoning & Planning Permit Application (Amendment C79)
9 Lot Subdivision - 21 Cullens Road, Yarrawonga
- Further Supporting Information**

Following your email dated 20th September and our subsequent meeting with DELWP on the 11th of October we provide the below additional supporting information to hopefully assist in alleviating the concerns of DELWP and Council with regards to the proposal;

Accumulative impacts from the proposal on the surrounding RLZ:

As discussed we have taken a further look at the surrounding land and development in Charles Court, Tregany Court and Somerset Drive which is currently in two zones and provide the following assessment of the potential impact of the proposed rezoning on these properties.

| Property address | Approx. size (ha) | RLZ:LDRZ (%) | Flood free area (based on RFO) | Comments | Additional lots/dwellings |
|------------------|-------------------|--------------|----------------------------------|---|---------------------------|
| 21 Cullens Rd | 4.0ha | 53 : 47 | 3.4ha (Based on survey 4.0ha) | Under the current planning provisions the land could potentially be subdivided into 5 lots (1 x RLZ & 4 x LDRZ). The proposed rezoning and development will only result in an additional 3 lots. | 4 3 |
| 29 Cullens Rd | 7.3ha | 90 : 10 | 1.0ha | The shape of the property and the location of the existing dwelling and flood free land in the southwest corner of the site, does not lend itself to further subdivision. Potentially 2 additional dwellings/lots could be achieved on flood free land under the current planning provisions but is unlikely to be undertaken. | 2 |
| 7 Charles Cr | 3.6ha | 100 : 0 | 0.54ha | The land is currently all in the RLZ and is less than the minimum lot size of 8.0ha. There is potential for one additional dwelling located on flood free land adjacent to | 1 |

FILE NO: F15/38
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

COMBINED PLANNING SCHEME AMENDMENT C79 AND PLANNING PERMIT APPLICATION 5/2016/173 - REZONING OF LAND AT 21 CULLENS ROAD YARRAWONGA FROM RURAL LIVING TO LOW DENSITY RESIDENTIAL AND 9 LOT SUBDIVISION AT 17 AND 21 CULLENS ROAD YARRAWONGA (cont'd)

ATTACHMENT No [4] - Accumulative Analysis

| | | | | | |
|------------------|--------|---------|------------|--|---|
| 17 Charles Crt | 3.2ha | 100 : 0 | 0.45ha | Charles Court. The land is currently all in the RLZ and is less than the minimum lot size of 8.0ha. There is potential for <u>one</u> additional dwelling located on flood free land adjacent to Charles Court. | 1 |
| 25 Charles Crt | 3.2ha | 100 : 0 | 0.51ha | The land is currently all in the RLZ and is less than the minimum lot size of 8.0ha. A large dwelling is currently under construction on the land close to Charles Crt. There is insufficient flood free land available at the front or side of the new dwelling to provide for additional development on the land. | 0 |
| 27 Charles Crt | 3.7ha | 100 : 0 | 0.65ha | The land is almost all in the RLZ and is less than the minimum lot size of 8.0ha. There is potential for <u>one</u> additional dwelling located on flood free land adjacent to Charles Court. | 1 |
| 29 Charles Crt | 1.0ha | 44 : 56 | Flood free | The land is all flood free and is in two zones. There is potential for <u>one</u> additional dwelling/lot located to the north of the existing dwelling on the land. This could be achieved under the <u>current</u> planning provisions. This property could be considered for rezoning as part of this amendment so that the land is in a single zone. The LDRZ would seem to be the most appropriate zone based on the existing lot size and the fact that the land is completely flood free. | 1 |
| U3/2 Tregany Crt | 0.73ha | 19 : 81 | Flood free | If all zoned to LDRZ lot size is insufficient to provide for further subdivision* | 0 |
| 3 Tregany Crt | 2.9ha | 74 : 26 | 1.0ha | There is a current permit for subdivision of this land into 2 lots (permit 5/2015/144). There is no further potential for development on the land. | 1 |
| 4 Tregany Crt | 2.7ha | 82 : 18 | 0.41 | The land is in two zones. There is potential for 1 additional dwelling/lot located on flood free land adjacent to Tregany Court which could be achieved under the <u>current</u> planning provisions. | 1 |



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ATTACHMENT No [4] - Accumulative Analysis

| | | | | | |
|--|--------|---------|--------|---|----------|
| 5 Tregany Crt | 2.5ha | 84 : 16 | 0.26 | The land is in two zones. There is insufficient flood free land to provide for additional development on the site. | 0 |
| 6 Tregany Crt | 3.0ha | 75 : 25 | 0.58ha | The land is in two zones. There is insufficient flood free land to the south of the existing dwelling to provide for additional development on the site. | 0 |
| 18 Somerset Dve | 0.96ha | 53 : 47 | 0.42ha | The land is in two zones. The site contains a large house, pool and sheds. There is insufficient flood free land to provide for additional development on the site. | 0 |
| 16 Somerset Dve | 0.99ha | 84 : 16 | 0.23ha | The land is in two zones. The site contains a large house and sheds close to Somerset Drive. There is insufficient flood free land to provide for additional development on the site. | 0 |
| 14 Somerset Dve | 0.97ha | 89 : 11 | 0.22ha | The land is in two zones. There is insufficient flood free land to the south of the existing dwelling to provide for additional development on the site. | 0 |
| 12 Somerset Dve | 0.71ha | 89 : 11 | 0.23ha | The land is in two zones. If all zoned to LDRZ lot size is insufficient to provide for further subdivision* | 0 |
| 10 Somerset Dve | 0.57ha | 96 : 4 | 0.20ha | The land is in two zones. If all zoned to LDRZ lot size is insufficient to provide for further subdivision* | 0 |
| 8 Somerset Dve | 0.45ha | 100 : 0 | 0.13ha | The land is all in the RLZ. If all zoned to LDRZ lot size is insufficient to provide for further subdivision* | 0 |
| Number of additional lots/dwellings that could be created under the current planning provisions | | | | | 9 |
| Number of additional lots/dwellings that could be created if all RLZ land was rezoned to LDRZ | | | | | 6 |

*Subject to provision of reticulated sewer which would allow for lots down to 0.2ha in the LDRZ.

None of the existing lots in the RLZ in this area of Yarrawonga currently meet the minimum lot size of 8.0ha for the zone. There is therefore currently no potential for subdivision or additional development on land wholly in this zone.

Based on the above and excluding the subject land, there is potential for an additional 8 dwellings/lots on flood free land in the area. Of this number 5 can already be achieved under the current planning scheme. Two could be created in Tregany Crt (one already has a permit), one at 29 Charles Court and two at 29 Cullens Road (although this is an unlikely scenario).

Of the 5 properties in Charles Court, 3 (no.s 7, 17 & 25) are entirely within the RLZ and one (no. 27) is almost all in the RLZ. These lots are all already less than the 8.0ha minimum lot size for the zone. The land would need to be rezoned to LDRZ or the minimum lot size for the RLZ reduced in order for



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ATTACHMENT No [4] - Accumulative Analysis

the development potential of the land to be realised, however there is only sufficient land above the flood level to provide for the development of 3 additional dwellings/lots.

There is not considered to be any potential for additional development on flood free land within Somerset Drive.

In summary, the proposed rezoning of the subject land will result in the ability to provide an additional 3 lots over what is currently permissible under the planning scheme. If other lots in two zones in Cullens Road, Charles Court, Tregany Court and Somerset Drive were rezoned to LDRZ in their entirety, this would not increase development potential of the land as any of these lots which have development potential could already be subdivided further under the current planning scheme. Only if the land in Charles Court which is entirely (or almost entirely) within the RLZ is rezoned to LDRZ will the development potential in the area be increased however, there is still only sufficient land above the flood level for 3 additional dwellings/ lots.

Alternative options to rezoning

Consideration has been given to alternative options to rezoning however the proposed approach to rezone the land so that it is all in the one zone is thought to be the most practical to achieve a good planning outcome for subdivision and development. As the information above highlights, the proposed rezoning will have little impact on the surrounding RLZ and adjacent properties.

Consideration has been given to the suggestion to amend the Schedule to the RLZ to reduce the minimum lot size for subdivision and the construction of a dwelling without a permit however we don't believe that setting a site specific minimum lot size through the Schedule is a good planning precedent. This could potentially lead to issues for Council down the track whereby Rural Living Zone land throughout the Shire could be considered by developers for a reduced minimum lot size as an amendment to the Schedule.

Furthermore the typical lot size for the RLZ is usually 1 or 2 hectares. A minimum lot size of 0.4 or 0.5ha as suggested is more in keeping with the LDRZ and the surrounding development.

Alternative options for the subdivision layout have been considered. Without undertaking a rezoning the land has the potential for subdivision into 5 lots; 1 in the RLZ and 4 in the LDRZ. A flood level survey of the site has shown that the land is not significantly affected by flooding. The developer has therefore chosen to pursue a rezoning in order to maximise the development potential of the land for an improved planning outcome and the efficient provision of new roads and services.

GBCMA advice

See attached advice from GBCMA regarding the proposal. They have no objection subject to a condition regarding the provision of post and wire fencing below the flood level.

We trust that this additional information provides sufficient justification for the amendment and addresses the concerns of Council and DELWP with respect to the accumulative effects of the proposal. Should you require any further analysis or information to progress the application, please do not hesitate to contact me.

Yours sincerely,



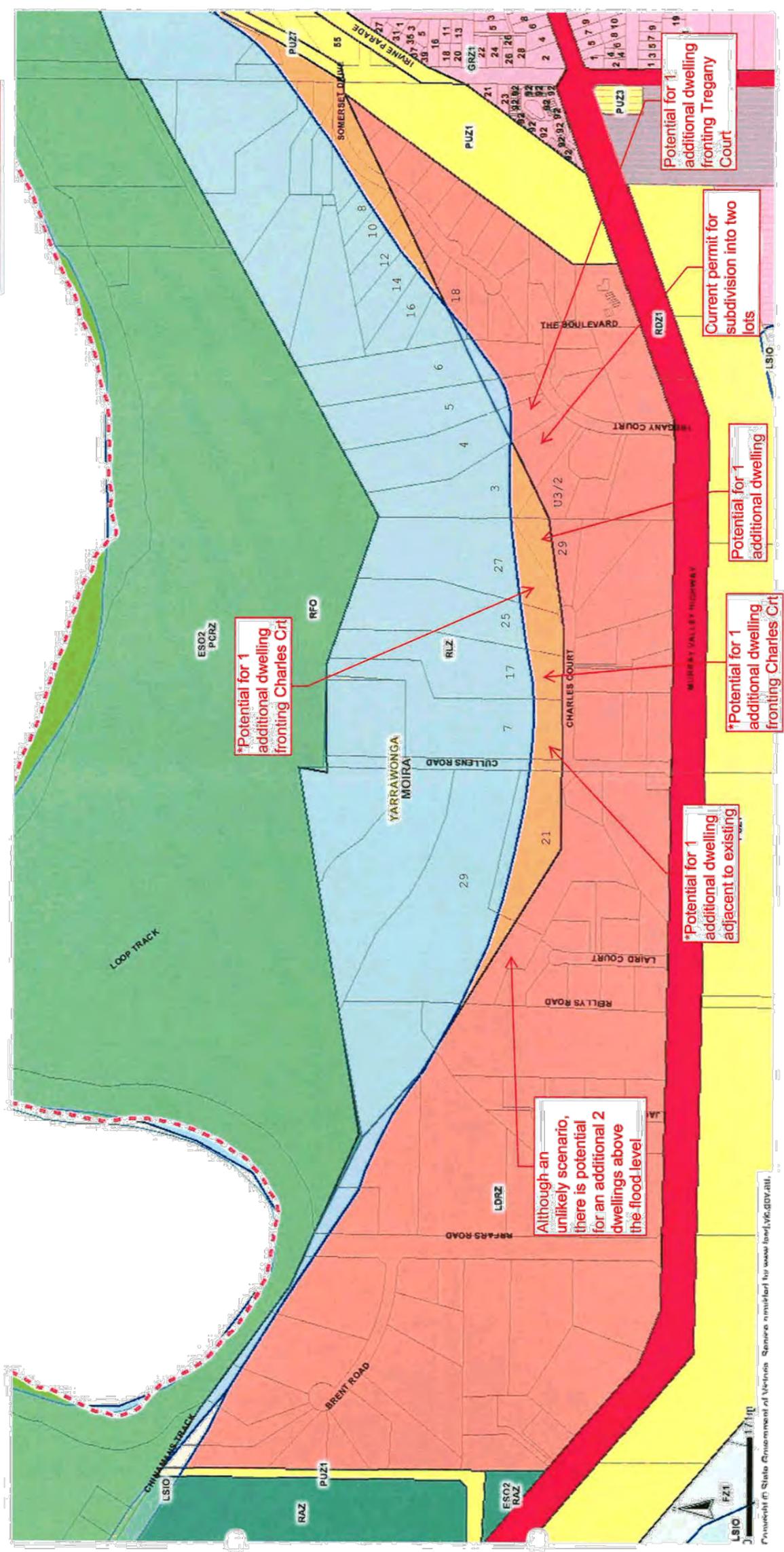
KAREN WATSON

C:\USERS\KAREN\DROPBOX (NESD)\NESD JOB DIRECTORY\M3270-21 CULLENS RD, YARRAWONGA - MATT JUDD\PLANNING\DOCUMENTS\M3270-16.10.24_C79 AMENDMENT & TPA_ADDITIONAL INFORMATION.DOC



NORTH EAST SURVEY DESIGN

* Subject to rezoning to LDRZ



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FILE NO: 5201680
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM

RECOMMENDATION

That Council refuse the application to amend planning permit 5/2016/80 for the use and development of land for a dwelling, shed and pool at 356 Cobram – Koonoomoo Road, Cobram based on the objection from the Goulburn Broken Catchment Management Authority as the recommending authority on the following grounds:

1. The proposal is discouraged within the State Planning Policy Framework and Local Planning Policy Framework.
2. The proposal is not consistent with the Victoria Planning Provisions Practice Note *Applying for a Planning Permit under the Flood Provisions* (DEWLP, 2015).
3. It would result in danger to life, health and safety of the occupants.
4. It would increase demand on the community infrastructure and emergency services, and in community recovery services.
5. Long-term cumulative impacts of such proposals.

1. Executive Summary

An application to amend a planning permit has been received to use and develop land at 356 Cobram – Koonoomoo Road, Cobram for the purpose of a dwelling, shed and pool. The applicant seeks to change the location of the proposed buildings from the small lot (Lot 1 TP226306) to the larger of the two lots (Lot 1 LP132412) and setback further from Cobram – Koonoomoo Road.

The applicant sought comment from the Goulburn Broken Catchment Management Authority (GBCMA) prior to lodgement of the application and the Authority has responded by objecting to the proposed changes.

The application to amend Planning Permit 5/2016/80 is recommended for refusal based on the objection from the GBCMA.

2. Background and Options

Planning Permit 5/2016/80 was considered by Council at its meeting on 25 July 2016. Council resolved to approve the application and issue a Notice of Decision to grant a permit owing to an objection to the application. No appeals were lodged against Council's decision, therefore a Planning Permit was issued on 31 August 2016.

Application Details

| | |
|------------------|---|
| Applicant: | Timothy Lebner |
| Owner: | Mario Santoro and Carmelina Santoro |
| Land Address: | 356 Cobram-Koonoomoo Road, Cobram |
| Title Details: | Lot 1 TP: 226306 and Lot 1 LP: 132412 |
| Total Site Area: | 37.37 hectares |
| File No: | 5201680 |
| Zone: | Farming Zone |
| Overlays: | Rural Floodway, Land Subject to Inundation and Environmental Significance |

Key Issues

- Rural Floodway Overlay

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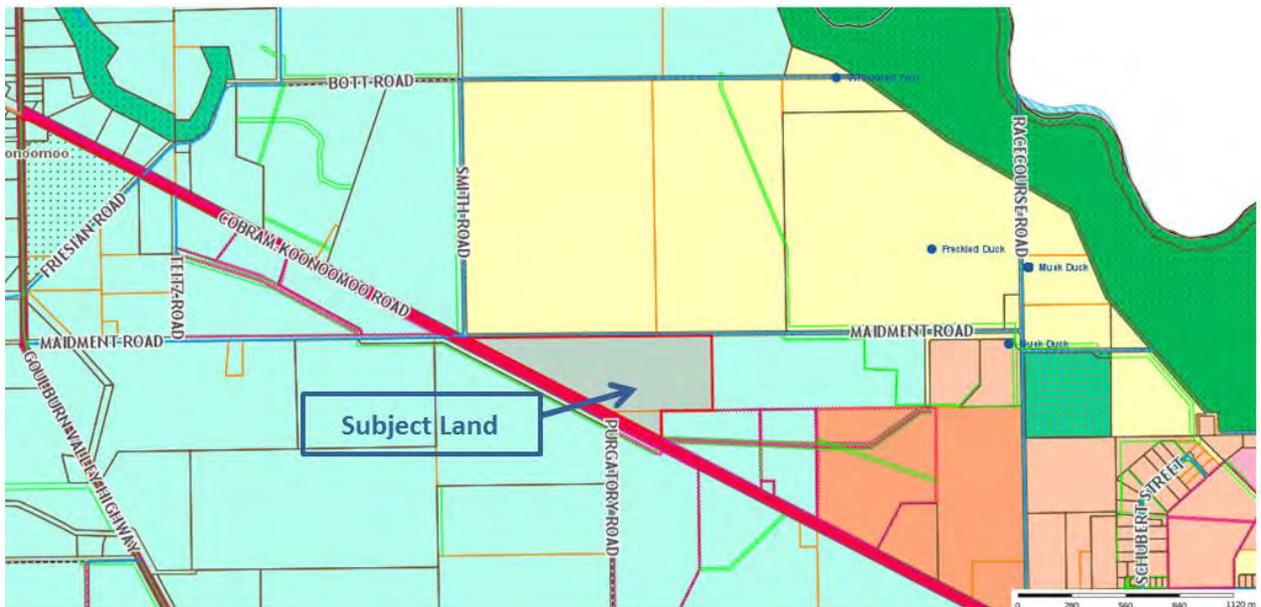
APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)

The subject land is located in the Farming Zone on the north east corner of Cobram-Koonoomoo Road and Maidment Road, approximately 3.5 kilometres north-west of the main town of Cobram.

The subject land consists of Lot 1 TP: 226306 which measures 1.83 hectares and Lot 1 LP: 132412 which measures 35.54 hectares.

The subject land is almost entirely located within the Rural Floodway Overlay with the exception of a very small portion of the land in the south east corner affected by the Land Subject to Inundation Overlay. Access to the property is obtained from the Cobram-Koonoomoo Road. There is a shed/shelter located in the middle of the subject land on Lot 1 LP132412 just to the south of a remnant patch of native trees.

The surrounding area is largely agricultural in nature with Public Use Zones located directly north which are used by Murray Goulburn mainly as a waste water treatment facility. There are a number of other dwellings to the east and south of the subject land.



Proposal

The application to amend the planning permit takes the form of a relocation of the dwelling and ancillary buildings from the small lot being Lot 1 TP226306 to the large lot being Lot 1 LP123412.

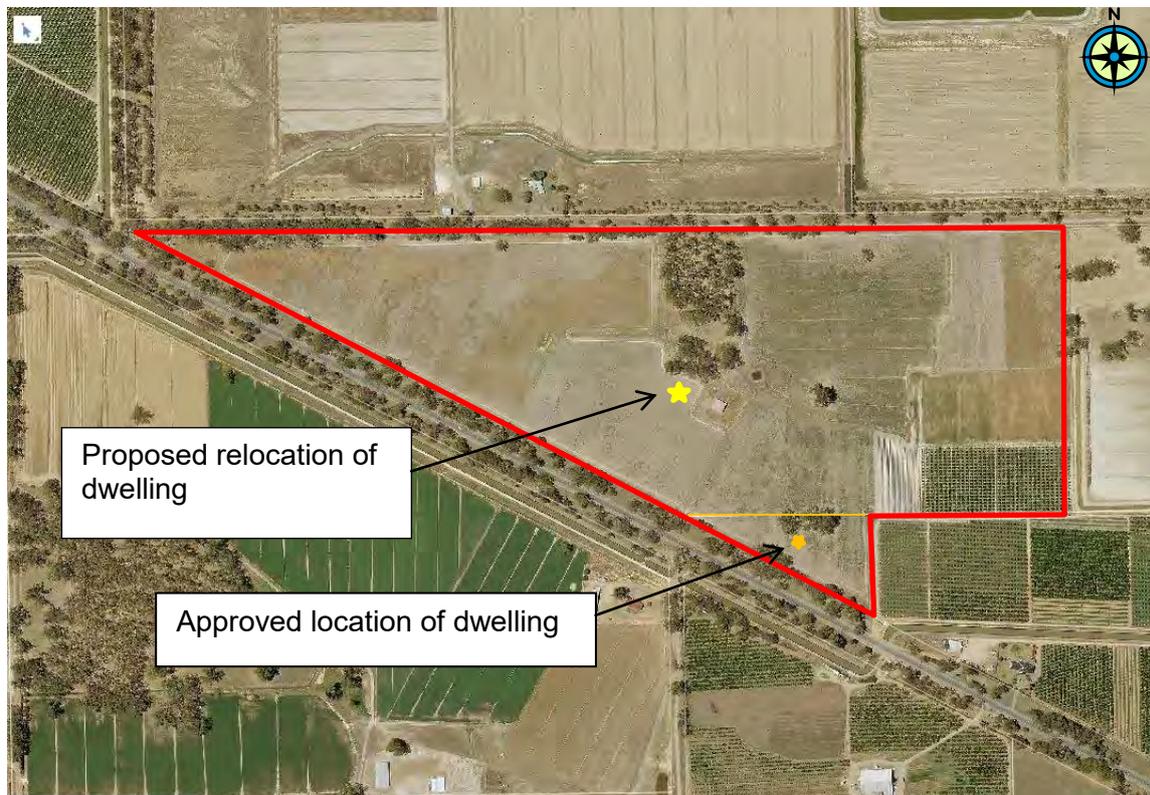
The applicants submit that the information relied upon by the GBCMA has not taken into account the laser grading of the farm indicating that the proposed dwelling site is on average 112.25m reduced from the natural ground level of approximately 112.5m. The flood study conducted in 2008 shows the current surface level and does not take into account the laser grading. The applicants believe this fits in with the GBCMA's parameters for land subject to flooding.

The applicants would raise the finished floor level of the dwelling to the height of 113.35m as required by the GBCMA and is already imposed as a condition on the planning permit.

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**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**



3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

4. Risk Management

If Council decides to grant a permit and conditions are not fulfilled, it may become a compliance issue.

5. Internal and External Consultation

The application has not been advertised or referred internally or externally owing to the comments been received from the GBCMA prior to consideration of referring and advertising the application.

The GBCMA has objected to the proposal to relocate the dwelling to a location it had previously rejected. The grounds of objection are as follows:

1. The proposal is discouraged within the State Planning Policy Framework and Local Planning Policy Framework.
2. The proposal is not consistent with the Victoria Planning Provisions Practice Note *Applying for a Planning Permit under the Flood Provisions* (DEWLP, 2015).
3. It would result in danger to life, health and safety of the occupants.
4. It would increase demand on the community infrastructure and emergency services, and in community recovery services.
5. Long-term cumulative impacts of such proposals.

The applicants have responded to the GBCMA's objection, summarized as follows:

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APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)

- GBCMA need to re-evaluate their procedures to take into account the previous natural ground levels rather than the current land levels that were altered for irrigation purposes;
- the proposal achieves state and local planning policy;
- consistent with Victorian planning provisions for flooding;
- disputes GBCMA's claim that the proposed site would result in danger to life, health and safety of occupants, including emergency services, as the approved and proposed sites are effectively the same;
- The only impacts the proposal will have are positive on both the community and the environment.

A site inspection was carried out by a Council officer to provide an appreciation of the differences between the approved site and the proposed site. It is clear that the land has been laser levelled so that there is fall to the north and the current level at the approved site is higher by some 300mm than the proposed site.

The applicants explained that if there was no land levelling the proposed site would have been at the same or similar level as the approved site, hence would satisfy the GBCMA's criteria.

6. Regional Context

There is no regional context associated with this development, given its small scale and location.

7. Council Plan Strategy

Moira Shire's current Council Plan states that it is a strategic goal of the plan to:

- *Improve Moira's Liveability*

It is considered that the proposal accords with Moira's strategic goal to enhance liveability through safe and welcoming communities. The development will not impact upon the safety of the community.

8. Legislative / Policy Implications

As this application is to amend a planning permit, there is no need or requirement to assess the whole proposal against the provisions of the planning scheme.

The Planning and Environment Act provides the ability for the applicant to apply to amend a planning permit, pursuant to Section 72 and 73 of the Act. The assessment of this application can only focus on those issues requested by the applicant and no other issues. The merits of the overall proposed dwelling cannot be revisited.

9. Environmental Impact

The proposed location of the dwelling and ancillary buildings will be closer to the remnant vegetation, however this does not mean any of this vegetation will be put at risk. If there is any removal of vegetation, it will require a separate planning permit.

10. Conflict of Interest Considerations

There is no officer conflict of interest issues associated with this report.

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**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

11. Conclusion

The application to amend the permit by relocating the dwelling and ancillary buildings to a site that the GBCMA believes is in a worse position from a flooding prospective being between 0.7 to 1.0m deep in a 100 year ARI flood event and has previously rejected this location.

The applicants believe that the discretion should be used in cases where there has land leveling for irrigation purposes and where the natural surface levels achieved the flooding criteria.

Whilst there appears to be little discernable difference in levels between the approved and the proposed sites to the naked eye, consideration should be given to the actual levels that currently exist rather than the previous natural ground levels.

If the levels of the proposed site do not achieve the criteria established by the flood authorities or even the acceptance tolerances for a 100 year flood event, then it is difficult to suggest that approval should be given.

It is considered that the application to amend the permit should be refused on the basis of the GBCMA's objection.

Attachments

- 1 Proposed site description
- 2 Proposed Amended Plans
- 3 GBCMA response to original application
- 4 GBCMA response to Amended Proposal
- 5 Applicants response to GBCMA objection

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**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [1] - Proposed site description

Proposed Planning Permit Amendment - Permit No. 5/2016/80...

Subject: Proposed Planning Permit Amendment - Permit No. 5/2016/80 356 Cobram
Koonoomoo Rd Cobram
From: Tim Lebner [REDACTED]
Date: 13/09/2016 8:15 PM
To: planning@gbcma.vic.gov.au [REDACTED]

Attention Rachel / Guy,

We are writing for you to review our proposal in amending planning permit no. 5/2016/80.

We wish to amend position of dwelling as per plan provided, we have attached a sketch of amended dwelling position and sketch of irrigation layout, listed below are our primary reasons for amendment.

1. Dwelling position most suited for the applicants development, with the location to existing storage shed, power connection, access driveway and central location on the property, the applicant has carefully considered any environmental impacts the dwelling location could cause and believes there will be no significant environmental impacts with this proposal.
2. After an on-site construction survey was undertaken we are advising the current ground height at the proposed dwelling site is on average 112.25m, the land was laser graded from the irrigation channel with fall running south - north to suit Lucerne growing many years ago, this laser grading reduced the natural surface level approx 300mm at the proposed dwelling site, surface erosion would also have occurred over time further reducing the current ground level, the natural surface height of the proposed dwelling site prior to laser grading would have been in the vicinity of 112.5m on average, this is also supported by the fact that the ground level directly south on the southern boundary is approx 112.6m on average, the aerial flood study which was conducted in 2008 shows the current ground levels and does not take into account laser grading of irrigated farm land, the applicant believes this information provided fits within GBCMA parameters for land subject to flooding and the applicant respectfully asks the GBCMA to consider this information and base its opinion on these unique circumstances.
3. The FFL of the house site would be raised to meet GBCMA recommendation of 113.35m.
4. The proposed site is also further away from Main channel No.1 than the approved site, the safety of the applicants small children and pets is of great concern with the approved location being very close to this main irrigation channel, this channel has been plastic lined making it very difficult to extricate in the event of persons or livestock falling in.
5. The proposed site is also further away from the adjoining orchard lessening any chemical exposure to the applicants and their children, the protection from excessive agricultural spray is also something the applicant wishes the GBCMA to take into consideration when reviewing this proposal.

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**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [1] - Proposed site description

Proposed Planning Permit Amendment - Permit No. 5/2016/80...

6. Access of Cobram Koonoomoo Rd is direct and there is an existing driveway in place, ground levels of the existing driveway fall in line with GBCMA parameters for land subject to flooding.

7. Powercor asset is approx 300m closer to proposed house site.

8. The proposed site is central and gives full view of property for observing any danger from grass fire or other dangers, this is very important for the client as the central location provides the opportunity for quick response in the case of an emergency situation.

9. The applicant has concerns for the large 3 river red gums close to the approved location, these trees are large and the client has concerns that in the event of a storm, danger to life and property may occur if limbs were to fall, in the applicant's opinion moving the position of the dwelling to the proposed location will significantly reduce danger due to the closest trees being approx 55metres away from the dwelling, the applicant also believes the 3 large river red gums would be best left undisturbed due to their size and age, this being the best outcome to avoid unnecessary environmental impacts.

10. As the planning permit has been approved and all other referral authorities have no objections to the development we ask that the GBCMA take the above information and base its decision on the unique circumstances and favorably agree to the amendment proposal to this planning permit, the applicant is committed to enhancing the agricultural and environmental sustainability of this property and believes the position of the proposed dwelling falls in line with these objectives.

We look forward to your response,

Regards,

Tim & Kate Lebner



Attachments

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**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [2] - Proposed Amended Plans



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**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [2] - Proposed Amended Plans



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APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)

ATTACHMENT No [5] - Applicants response to GBCMA objection

GBCMA Ref: F-2016-0259
Document No: 3

Council Ref: 5/2016/080

Date: 2 May 2016



**GOULBURN
BROKEN**
CATCHMENT
MANAGEMENT
AUTHORITY

www.gbcma.vic.gov.au

Town Planner
Moira Shire Council
PO Box 578
Cobram Vic 3643

Dear [REDACTED]

**Planning Permit Application No. 5/2016/080
Proposed Dwelling, Shed and Pool
Lot 1, TP226306 & Lot 1, LP132412, Parish of Yarroweyah
356 Cobram-Koonoomoo Road, Cobram
Mr Timothy Lebner**

Thank you for your referral under Section 55 of the *Planning and Environment Act, 1987*, received 28 April 2016, regarding the above matter.

The Goulburn Broken CMA's assessment of the above information has determined that the proposed development location is covered by the Farming Zone - Schedule 1 (FZ1), Environmental Significance Overlay - Schedule 2 (ESO2) and Rural Floodway Overlay (RFO) in the Council's Planning Scheme.

The 100-year ARI (1% AEP) flood levels have not been declared for this area under the *Water Act, 1989*, or designated under the *Drainage of Land Act, 1975*.

The Authority's best estimate of the 100-year ARI flood level for the location described above is 113.05 metres AHD, which was established from Murray Regional Flood Study.

The Authority's survey information indicates that flooding characteristics of the larger property, Lot 1 LP 132412, are relatively severe. However, Lot 1 TP 226306 is very close to meeting the flood depth requirement of 500 millimetres, which is within acceptable tolerances for this type of measurement.

As a consequence, the Authority has come to an agreement with the applicant that the two properties be consolidated into one title, thus providing premises for the management of the larger property.

Head Office:
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168 Welsford Street,
PO Box 1752,
Shepparton Vic. 3632
Telephone: (03) 5822 7700
Facsimile: (03) 5831 6254
Benalla
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PO Box 124,
Benalla, Vic. 3672
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Yea, Vic. 3717
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**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [5] - Applicants response to GBCMA objection

In the light of the above information, pursuant to *Section 56 of the Planning and Environment Act 1987*, the Goulburn Broken CMA **does not object** to the granting of a permit **subject to the following conditions:**

1. The two properties (Lot 1 LP 132412 and Lot 1 TP 226306) must be consolidated into one title.
2. The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.05 metres AHD, i.e. 113.35 metres AHD, or higher level deemed necessary by the responsible authority.

Please note that if proposed shed is intended to store high value goods, the Authority would encourage the floor level to be raised, alternatively:

- Adequate storage areas and shelving must be provided at least 300 millimetres above the 100-year ARI flood level for the storage of hazardous materials.
- Electrical fittings should comply with any requirements of the relevant power authority and should preferably be at least 300 millimetres above the 100-year ARI flood level;
- Adequate storage areas and shelving should be provided at least 300 millimetres above the 100-year ARI flood level, for the storage of valuable goods.
- The construction of a levee bank, to protect the building from flooding, would not be supported at a later stage.
- The 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent than the 100-year ARI flood may occur in the future.

In accordance with *Section 66 of the Planning and Environment Act 1987*, please provide a copy of the outcome of this proposal to the Authority for our records.

Should you have any queries, please do not hesitate to contact me on (03) 5822 7700. To assist the CMA in handling any enquiries please quote F-2016-0259 in your correspondence.

Yours sincerely



Guy Tierney
**Statutory Planning and
Floodplain Manager**



F-2016-0259-03

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FILE NO: 5201680
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [5] - Applicants response to GBCMA objection

Information contained in this correspondence is subject to the definitions and disclaimers below.

Definitions and Disclaimers

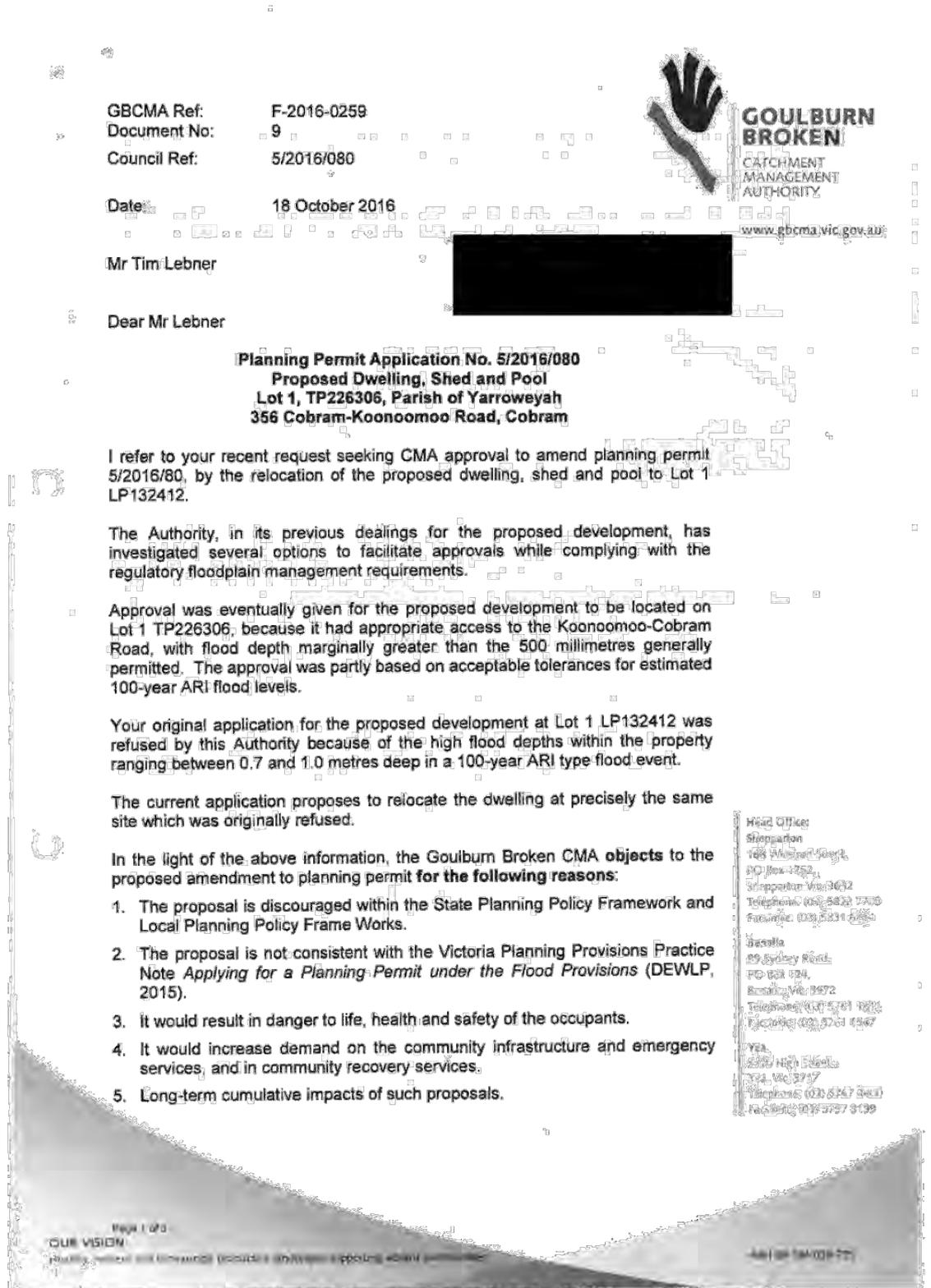
1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. AEP as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).
4. ARI as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100-year ARI flood will occur on average once every 100 years.
5. AHD as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared at the request of local government authority for the purpose of a Section 55 referral under the *Planning and Environment Act 1987*, for a proposed Dwelling, Shed and Pool and is for the use only of the party to whom it is addressed and no responsibility is accepted to any third party for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)

ATTACHMENT No [5] - Applicants response to GBCMA objection



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2. IMPROVING MOIRA'S LIVEABILITY

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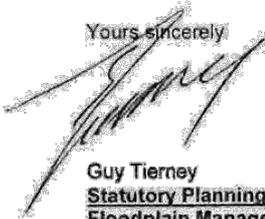
**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [5] - Applicants response to GBCMA objection

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Should you have any queries, please do not hesitate to contact me on (03) 5822 7700. To assist the CMA in handling any enquiries please quote F-2016-0259 in your correspondence.

Yours sincerely,



Guy Tierney
Statutory Planning and
Floodplain Manager



FILE NO: 5201680
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [5] - Applicants response to GBCMA objection

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ITEM NO: 9.2.2

**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [5] - Applicants response to GBCMA objection

Council Ref: 5/2016/080

Date: 30/10/2016

Mr Peter Stenhouse

We are writing in response to GBCMA objection to the proposed planning permit amendment for 356 Cobram Koonoomoo Rd, below we have addressed issues raised by GBCMA, we trust this information will enable the application to be considered favourably for the applicant when reviewed by the Moira shire planning department.

1. It is the applicants opinion that the GBCMA have not taken any of the applicants primary reasons into consideration when reviewing this proposal, the applicant believes the GBCMA need to re evaluate their procedures for accessing applications where land forming for irrigation was undertaken before their aerial survey was conducted in 2008, the proposed house site does fall in line with the flood provisions if it was undisturbed natural ground level contrary to GBCMA statements, there needs to be dispensation and common sense based on these reasons when this application is reviewed by the Moira shire planning department, the applicant requests a site visit with the planning department so as they gain a better understanding of the proposal and site conditions.
2. The GBCMA states that the original application was refused by them because of the high flood depths, once again land forming has reduced the natural ground level by approx 300mm at the proposed site and has not been taken into consideration by the GBCMA, this is also supported by the ground levels around the natural stand of trees to the north of the proposal which has remained undisturbed by land forming and directly to the south of the house site on the southern boundary, they also state that the current proposal is precisely the same location as was originally refused, this statement is incorrect, the original proposal was 200m off the southern boundary, whereas the current proposal is 115m off the southern boundary.
3. The GBCMA state that the proposal is discouraged within the state and local policy frameworks, we challenge this as being incorrect based on the above information and would like an explanation as to why the proposal is discouraged within these frameworks based on the information provided by the applicant.
4. The GBCMA state that the proposal is not consistent with the Victorian planning provisions practice note under the flood provisions, the applicant believes based on the information they have provided that this statement is incorrect as the proposal will fall inline with all the above if it was undisturbed natural ground level.
5. The GBCMA state that the proposal would result in danger to life, health and safety of the occupants, the applicant disputes this as the ground levels of both sites are effectively the same based on the information provided, the applicant would like an explanation of the dangers of life, health and safety between the two sites.
6. The GBCMA state that the proposal would increase demand on the community infrastructure and emergency services, please refer to point no 5. and the applicant requests an explanation of how this differs between both sites.

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ITEM NO: 9.2.2

**APPLICATION TO AMEND PLANNING PERMIT 5/2016/80 - DWELLING, SHED
AND POOL AT 356 COBRAM-KOONOOMOO ROAD, COBRAM (cont'd)**

ATTACHMENT No [5] - Applicants response to GBCMA objection

7. The GBCMA state long term cumulative impacts of such proposals, it is the applicants opinion that the only impacts that the proposal has are positive both for the environment and the community; the proposal is sustainable and viable as stated in their development proposal and business plan.

In closing the applicant asks the planning department to base its decision on the facts provided by the applicant, this is a unique circumstance where the proposed house site would fit into all parameters of the GBCMA if the area had not been land formed for irrigation purposes, this must be taken into serious consideration when reviewing this application, as the Moira shire are the final authority on this subject the applicant asks that the report issued by the planning department have balance and represent all of the applicant's primary reasons for the amendment proposal, it would be an injustice to the applicant and the community if the planning department wholly base their decision on the GBCMA objection without acknowledging the applicant's intentions and objectives to sustain their development with minimal impact on the environment and surrounding land holders, the applicant once again invites a site visit to discuss this application in further detail.

Regards,

Tim & Kate Lebner

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA

RECOMMENDATION

It is recommended that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application 5/2016/133 for use and development, residential village, advertising signage and native vegetation removal 38 Brears Road, Yarrawonga and 5 Jacqueline Court subject to the following conditions:

1. Before the *use and/or development* start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with *the plans submitted with the application* but modified to show:
 - (a) Emergency vehicle access only from Jacqueline Court,
 - (b) All nine (9) recommendations as detailed in Section 5 of the "Traffic Impact Assessment Report" (Project No: 160740, dated 08/09/2016), including timing of works in accordance with proposed staging of the development,
 - (c) An additional amenities block close to the proposed overflow accommodation area,
 - (d) A setback of 2 metres from all lot boundaries,
 - (e) A setback of 10 metres from the southern boundary of 5 Jacqueline Court,
 - (f) Measures, to the satisfaction of the Responsible Authority, to permanently exclude vehicles and campers from the treed areas, and
 - (g) A 1.8 metre high colourbond or similar fence, to the satisfaction of the Responsible Authority, of muted colour, along all lot boundaries with the exception of the northern lot boundary fronting onto Crown Lands which should be a rural style fence, to the satisfaction of the Responsible Authority.
2. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show the design of the gate, to satisfaction of council, demonstrating that access to Jacqueline Court is limited to emergency vehicles only and no pedestrian access will be allowed.
3. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the display or development of advertising sign(s) start(s), or any supporting structure is erected, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) image and design of the proposed and existing signage identifying size, materials, colour and mention of characteristics of the sign as removable or illuminated as applicable.
5. The location and details of sign(s), including those of the supporting structure and advertisement details, as shown on the endorsed plans must not be altered or

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

- modified except with the prior written consent of the Responsible Authority.
6. The sign(s), including its fixtures, advertising a use or a business that no longer exists or advertising a product or service that is no longer provided or sold must be removed within three (3) months of the cessation of the use or closing of the business.
 7. Before the development starts a landscape plan must be submitted to and approved by the responsible authority. The landscape plan must be to the satisfaction of the responsible authority the plan must show:
 - (a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
 - (b) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
 - (c) the method of preparing, draining, watering and maintaining the landscaped area; and
 - (d) a permanent screen of:
 - i. trees and shrubs with a minimum of four rows along the southern lot boundary adjoining 6 Jacqueline Court, Yarrowonga. The planting should be a mixture of local indigenous trees and understorey species to provide a buffer between the park and adjoining land uses, and
 - ii. small trees and shrubs with a minimum of two rows along all other lot boundaries with the exception of the 5 metre wide driveway from Jacqueline Court and the northern boundary with crown lands. The planting should be a mixture of local indigenous trees and understorey species to provide a buffer between the park and adjoining land uses.
 8. Before occupation occurs or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.
 9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including the replacement of any dead, diseased or damaged plants.
 10. The applicant must submit an amended Biodiversity assessment report to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, this Biodiversity assessment report will be endorsed and will then form part of the permit. This Biodiversity assessment report must be generally in accordance with *the Biodiversity assessment report submitted with the application* but modified to show:
 - (a) Inclusion in the Biodiversity assessment report of native trees deemed to be lost and located on the site, identified as indigenous trees numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 25 & 26 in figure 4-2 of the Flora and Fauna Assessment Report submitted in the application.
 - (b) The removal of fourteen (14) scattered trees.
 11. Native vegetation offsets are required to offset the removal of fourteen (14) scattered trees approved as part of this permit. The applicant must provide a native

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vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment, Land, Water and Planning)*:

The offset must:

- (a) Contribute gain of at least the minimum required general biodiversity equivalence units shown in the approved amended Biodiversity assessment report.
- (b) Be located within the Goulburn Broken Catchment Management Authority boundary or Moira Shire Council Municipal district.
- (c) Have a strategic biodiversity score at least equal to the strategic biodiversity score shown in the approved amended Biodiversity assessment report.

12. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment, Land, Water and Planning)*.

Offset evidence can be either:

- (a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register;
- or
- (b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority. The requirements noted in an approved and endorsed Offset Management Plan must not be altered except with the written consent of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

13. The removal of native vegetation must only occur to the extent permitted and shown on the Biodiversity assessment report (whether or not to comply with any statute, statutory rule or regulations or for any other reason), except with the formal written consent of the Responsible Authority.
14. Large limbs and trunks over 250mm diameter and stumps of trees approved for removal must be retained as logs to create habitat and dispersed throughout the offset area or at another location by written agreement with and to the satisfaction of the Responsible Authority.
15. Vegetation removal and disposal must not cause damage to other native vegetation to be retained (including trees, shrubs, herbs and grasses) and to drainage lines and/or watercourses.
16. A 'Tree Protection Zone' (TPZ) must be applied during development and works (including earthworks).
 - (a) The TPZ must have a minimum radius 12x the Diameter at Breast Height (being 1.3 metres from ground level); the TPZ of trees must be no less than 2

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

m or greater than 15 m.

- (b) A TPZ applies to a tree and is a specific area above and below the ground.
- (c) No trenching, soil excavation, stockpiling or dumping of soil or storage of materials, equipment, machinery or waste products is to occur within the Tree Protection Zone except with the written consent of the Responsible Authority.

17. Before works and development start, a native vegetation temporary protection fence must be erected around all native vegetation including remnant patches and the Tree Protection Zone of scattered trees to be retained.

Except with the written consent of the Responsible Authority, within the native vegetation protection fenced area to be retained, the following is prohibited:

- (a) vehicular or pedestrian access;
- (b) trenching or soil excavation;
- (c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- (d) entry and exit pits for underground services
- (e) any other actions or activities that may result in adverse impacts to retained native vegetation.

The temporary protection fence must be constructed of star pickets/chain mesh/or similar to the satisfaction of the Responsible Authority.

A TPZ applies to a tree and is a specific area above and below the ground.

The temporary protection fence must remain in place until all works and development are completed to the satisfaction of the Responsible Authority.

18. Prior to construction commencing on the site for the relevant stage of the development, the applicant must provide a drainage plan that accords with the provisions of Council's Infrastructure Design Manual [IDM], and has been prepared to the satisfaction of the Responsible Authority. In particular:

- (a) unless all storm-water is to be collected for re-use within the subject property, the applicant must demonstrate that the peak discharge rate from the developed site during a 10% AEP event will not exceed the corresponding pre-development peak discharge rate;
- (b) all storm-water deposited upon, and being transferred through, the developed site in a 10% AEP event must be collected and conveyed by underground pipes and/or by constructed channels to a legal point of discharge nominated by the Responsible Authority;
- (c) all storm-water runoff originating from, or currently flowing through, the developed site in a 1% AEP event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority;
- (d) no part of any channel used to convey storm-water through the subject property may pass through the zone of influence of the septic tank absorption field;
- (e) all roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land;
- (f) stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways; and
- (g) how works proposed to be staged in accordance with the endorsed plan.

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19. Prior to the commencement of the use for the relevant stage of the development, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
20. Prior to the commencement of the use for the relevant stage of the development, and in accordance with the Endorsed Plan the developer must undertake, or cause to be undertaken, full construction of all new roads, footpaths, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM]. In particular:
 - (a) detail the nine (9) Recommendations referenced in Section 5 of the "Traffic Impact Assessment Report" (Project No: 160740, dated 08/09/2016); and
 - (b) the internal road including the new vehicle crossing extending from Brears Road through to the Stage 1 area must be maintained to a sealed and drained standard to better manage dust, mud and noise nuisance arising through increased use.
21. Vehicle access and egress from the property must take place in a forward direction at all times.
22. All loading and unloading of vehicles must at all times be undertaken within the curtilage of the subject land, unless agreed otherwise by the Responsible Authority
23. All drains and batters, and all areas disturbed in the course of the works, must be topsoiled and seeded to establish grass cover. Reserve areas must be tidied, levelled and trimmed to a standard capable of being maintained by a small tractor and slasher.
24. All plumbing features must be connected to a reticulated sewerage system operated by North East Water. No new connections are to be made to the existing septic tank system.
25. Within one month of the connection to the reticulated sewerage to the subject land, the existing effluent pond is to be decommissioned and not receive any waste water.
26. Within one month of the connection to the reticulated sewerage to the subject land all existing septic tanks (9) are to be decommissioned, which is to include the pumping out of their contents, breaking the base of the tanks, and backfilling the tanks with rubble and soil.
27. An amended Emergency Management Plan must be submitted and approved prior to the installation of any cabins.
28. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land,
 - (b) appearance of any building, works or materials,
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,

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soot, ash, dust, waste water, waste products, grit or oil, and
(d) presence of vermin.

29. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
30. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
31. All fencing to be completed prior to the any units being occupied.
32. This permit will expire if one of the following circumstances applies:
The development is not started within two years of the date of this permit.
The development is not completed within two years of the date of commencement.
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.
33. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
34. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.
35. All wastewater from the caravan park must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority. The existing wastewater disposal system must be decommissioned to the satisfaction of Council's Environmental Health Department.
36. Prior to the development of the new sites as shown on the site Redevelopment Master Plan appended to the application the applicant shall construct the mitigating works to the satisfaction of and at no cost to Roads Corporation as follows:
 - a) Type AUR right turn treatment at the Murray Valley Highway/Brears Road intersection.
37. The shared boundary with Crown land should be surveyed and if necessary referenced on the correct alignment to the satisfaction of the Public Land Manager in accordance with the *Fences Act 1968* and at the applicant's expense.
Maintaining a boundary fence will deter possible trespassing by public land visitors and provide a marker for the applicant to avoid future illegal occupations and activities within the Crown Land.
38. The boundary fence should not have gates or openings for vehicles to drive from or onto the adjoining Crown land, which would facilitate illegal off-road access.
39. No occupations including materials, machinery, equipment or rubbish are permitted on the adjoining Crown Land.

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

40. Similarly the adjoining Crown Land must not be used for turning areas, entry points, parking areas or any other unauthorised uses during construction or at any other time.
41. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the adjoining Crown Land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.
42. No stormwater is to be discharged to the adjoining Crown Land without the consent of the Public Land Manager.
43. Before the use and development commences the owner must enter into a S173 agreement to the satisfaction of the responsible authority acknowledging that the residential village hereby permitted is not a caravan and camping park for the purposes of the Local Government Act rate provisions and will therefore be assessed for rating purposes as individual permanently occupied dwellings.

Permit Notes

- Consent is required from the beneficiary prior to the undertaking of works in any easement including but not limited to the erection of a temporary structure
- Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
- If internal roads are to be named, they will need to be in accordance with the Guidelines for Geographic Names 2010 Version 2 and be submitted to Council on a plan for approval. This will ensure no duplication of existing road names.
- Building Permits will be required for the Sheds, Camp Kitchen, Community Building and any other permanent buildings or structures
- Before works and development start, the permit holder must advise all persons undertaking works and development (including removal of native vegetation) on site of all relevant permit conditions and associated statutory requirements or approvals.
- Before works and development start, the permit holder must advise all persons undertaking works and development (including removal of native vegetation) on site of all relevant permit conditions and associated statutory requirements or approvals. This is including but not limited to Native Vegetation Protection Zone and Tree Protection Zone.
- In accordance with the Clause 22 (Environment Management During Construction) of Council's Infrastructure Design Manual [IDM], appropriate measures, satisfactory to the Responsible Authority, must be taken to minimise erosion and to retain dust, silt and debris on site, both during and after the construction phase.
- At no time, any such contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.

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- Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
- No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.
- Separate consent for works within the road reserve and the specifications of these works will be required under the Road Management Act. The consent application will be treated as a developer funded application which requires fees and detailed plans.

1. Executive Summary

Planning Permit Application 5/2016/133 is for use and development – residential village, advertising signage and native vegetation removal at 38 Brears Road Yarrowonga and 5 Jacqueline Court, Yarrowonga.

There are 7 triggers for the permit:

- Clause 32.03-1 Use of land for Camping and Caravan Park (Section 2 use in the Low Density Residential Zone).
- Clause 32.03-4 Buildings and works associated with a Section 2 use.
- Clause 35.03-1 Use of land for Camping and Caravan Park (Section 2 use in the Rural Living Zone).
- Clause 35.03-4 Buildings and works associated with a Section 2 use.
- Clause 44.03-1 Buildings and Works in the Rural Floodway Overlay.
- Clause 52.02-9 Business Identification Signage in Category 3 area.
- Clause 52.17-2 Permit required for the removal of native vegetation.

The application was referred and advertised. Advertising consisted of site notices, letters to adjoining property owner/occupiers and a notice in the Yarrowonga Chronicle. Ten (10) objections have been received. The application has therefore been referred to Council for decision.

The key issues are:

- Extension of the established camping and caravan park use as a residential village,
- Connection to reticulated sewer,
- Removal of native vegetation, and
- Access through Jacqueline Court.

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The application has been assessed against the relevant Clauses of the Moira Planning Scheme. The assessment has shown that the proposal accords with the purpose and policies associated with the Low Density Residential Zone, Rural Living Zone, Rural Floodway Overlay and the Particular Provisions for Native Vegetation. The proposal also accords with State or Local Planning Policies.

Accordingly this report recommends that the application be approved and a Notice of Decision to Grant a Permit is issued, subject to conditions.

2. Background and Options

Application details

| | |
|-------------------|--|
| Applicant: | North East Survey Design |
| Owner: | Bressan Parks Land Pty Ltd |
| Property Address: | 38 Brears Road, Yarrowonga and 5 Jacqueline Court, Yarrowonga |
| Title description | Lot 1, PS735246 and Lot 5, PS54713 |
| Site Area: | 6.76ha |
| File No: | 5/2016/133 |
| Zone: | Low Density Residential Zone and Rural Living Zone |
| Overlays: | Rural Floodway Overlay |

Proposal

The application seeks approval for the expansion of the existing camping and caravan park at Brears Road, Yarrowonga by the creation of a residential village for permanent residents.

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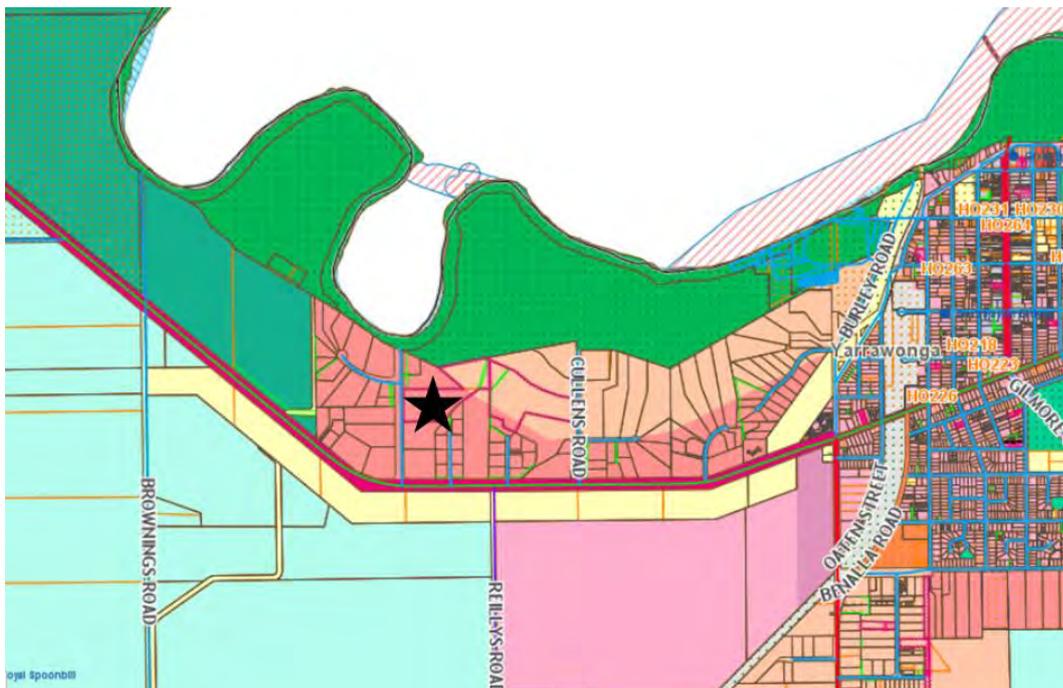
PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

The proposal includes:

- Expansion of the existing use into:
 - Lands to the north east (formerly part of separate lot), and
 - Into 5 Jacqueline Court to the south east.
- The addition of:
 - New accommodation sites at 5 Jacqueline Court,
 - New recreation area/park and overflow tourist accommodation area on lands to the north east,
- Construction of:
 - A new park entry,
 - Fourteen (14) visitor car parking spaces including one space for mobility impaired visitors,
 - A boat/trailer/van storage shed on lands to the north east,
 - Two new workshops, one at the entrance from Brears Road and the other beside the storage shed in the north east,
 - A community hall for the use of park residents,
 - New access roads throughout the park,
 - A splash park,
- Redevelopment of the existing recreation facilities,
- New entry signage,
- Reconfiguration and delineation of existing sites,
- Removal of Native Vegetation.

Locality and subject land

The subject land is located in the town of Yarrowonga, close to its western edge between the Murray Valley Highway and the River Murray.



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The subject lots are irregular in shape. The most northern boundary is with crown lands through which the Murray River flows. The south eastern boundary is with the Yarrowonga Westside Caravan Park and residential lands associated with Jacqueline Court. The remaining adjoining lands are in residential use. Brears Road forms the western boundary of the subject lot.

The north western portion of the lot is un-developed and dominated by remnant native vegetation. There is a large water treatment pond connected to a number of on-site septic tanks serving existing cabins. This pond is located between the treed area and established accommodation.



Planning Permit History / Concurrent Application

Planning Permit Application 5/2016/185 for the Buildings & Works (including the Removal of Native Vegetation) associated with the existing caravan park was lodged on 25 August 2016. The proposed buildings / works associated with the placement of 10 cabins on the site.

When application 5/2016/185 was lodged this particular application (5/2016/133) was subject to a detailed further information request, which was likely to delay consideration. Given the potential delay the applicants lodged the application 5/2016/185 in an effort to allow works to begin on the placement of 10 new cabins on the lot in advance of Council determining application 5/2016/133.

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An objection to application 5/2016/185 was received and it was not possible to issue a decision by delegation so a separate Council Report has been prepared. In the interest of clarity reports for both planning permit applications 5/2016/133 and 5/2016/185 were prepared for the December Ordinary Council Meeting.

Options

Council has the option to defer its decision for further assessment, issue a notice of refusal or issue a notice of decision to grant a permit subject to conditions.

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

4. Risk Management

If Council decides to grant a permit and conditions are not fulfilled, it may become a compliance issue.

5. Internal and External Consultation

Internal Consultation

The application was referred internally to Assets, Building, Environmental Health, Infrastructure Planning and Natural Resources Departments. No objections have been raised, however a number of conditions have been recommended should a notice of decision be issued.

A number of key issues have been raised by the referral responses. These relate to:

- Waste Water Treatment,
- Native Vegetation, and
- Access through Jacqueline Court.

Waste Water concerns regarding the existing septic tanks system have been noted. The Environmental Health Department has recommended a number of conditions be applied such that no new plumbing features can be connected to the existing system. Development effectively cannot proceed until such time as the local reticulated sewer is extended to the site.

The Natural Resources Department has indicated that extra trees, in addition to the three specified by the applicant, could be detrimentally affected by the proposal and should therefore be deemed lost. Accordingly conditions will be set out to require a revised biodiversity report and additional offset requirements.

The applicant's masterplan shows emergency and pedestrian access through Jacqueline Court. There is no footpath in the Court which was designed to cater for low density residential development, not a camping and caravan park. The Infrastructure Planning Department have therefore recommended that a condition be placed on the permit restricting pedestrian access to and from the caravan park. This will not affect access in an emergency.

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External Consultation

The application was also referred externally to the Department of Environment, Land, Water and Planning (DELWP), the Goulburn Broken Catchment Management Authority (GBCMA), Goulburn Murray Water (GMW), North East Water (NERWA) and VicRoads.

VicRoads have required the construction of a new right turning lane from the Murray Valley Highway onto Brears Road.

GMW, concurring with the Environmental Health Department's response, recommends that a condition be included that all wastewater must be disposed of via connection to a reticulated sewerage system.

Public Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining landowners in the vicinity of the proposed cabins, and placing a notice on the site. A notice was also placed in the Yarrowonga Chronicle.

The advertising process has been completed and ten (10) objections have been received. One of the objectors has also objected to application 5/2016/133. Most objectors are residents in the vicinity of the subject lot. One of the objections has been received from a business. All of the objections have been appended.

The applicant was sent the objections for comment. The owner of the park has provided a late response which is appended here. It is unlikely considering the objections that mediation would have been successful. Mediation therefore has not proceeded.

| Basis of Objection | Officer's comments |
|--|--|
| Waste Water Treatment | Conditions will be placed on the permit to ensure that all new cabins / facilities will be connected to sewer rather than the existing septic tanks and settling pond system on site. |
| Stormwater / Drainage | Detailed stormwater management plans will be required ensure that drainage on site is well managed. A condition will ensure that all stormwater must be contained on site or directed to a legal point of discharge. |
| Residential Amenity <ul style="list-style-type: none"> • Noise • Air quality • Light • Privacy • Visual | Camping and caravan parks are by nature relatively quiet. Noisy residents are usually controlled by park management. A condition can be placed on the permit protecting general amenity including noise that, should this become a compliance issue, can be used to protect amenity. |

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|--|--|
| <ul style="list-style-type: none"> • Access (Jacqueline Court) | <p>Concerns raised about air quality refer directly to issues with waste water on site. This will be rectified by a condition requiring connection to a reticulated sewer.</p> <p>Light pollution can be controlled by condition to ensure amenity is not affected.</p> <p>A condition will be set out requiring construction of a colourbond fence (or similar) and landscaping to form a buffer to protect protection.</p> <p>The buffer will be wider in the vicinity of Jacqueline Court where the use is being established for the first time. This will reduce the number of sites but will protect amenity of adjoining residential land uses.</p> <p>These measures will also help to reduce the visual impact of the development.</p> <p>Access from Jacqueline Court will be limited to only emergency vehicles by condition. This will detailed in a revised Emergency Management Plan required for the site.</p> |
| <p>Layout / Design</p> <ul style="list-style-type: none"> • Setbacks from boundary • Fences • Easements | <p>The shed / workshop referred to by the one of the objectors will be setback by two meters to allow a vegetation buffer to be planted.</p> <p>There are no minimum setbacks set out for camping and caravan parks. A condition will require a two metre setback from all boundaries along with landscaping to form a buffer to protect adjoining land uses.</p> <p>A condition will be placed on the permit to ensure adequate fencing is provided along all lot boundaries.</p> <p>Any works in an easement must be in accordance with the requirements for the beneficiary of the easement. A note will be placed on the permit to ensure that the applicant is aware that they need to obtain consent from the beneficiary</p> |
| <p>Traffic safety</p> | <p>The subject application was referred to VicRoads who have set out conditions requiring an upgrade to the Brears Road / Murray Valley Highway.</p> <p>A Traffic Impact Assessment was submitted as part of this application. This has been reviewed by Infrastructure Planning who has accepted the</p> |

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| | |
|-------------------------------------|--|
| | <p>recommendations of the report. A condition will be set out to ensure that the recommendations are incorporated into the endorsed plans and will be enforceable.</p> <p>Access to Jacqueline Court will be limited to emergency access only. This will help protect pedestrians and other road users in the Court.</p> |
| Zoning and Density | <p>The zoning of the subject lots have not changed. While the construction of more than two dwellings in the LDRZ is prohibited the cabins that form part of the subject application are not, for planning purposes, defined as dwellings. Rather they are part of a different use – residential village.</p> <p>The use of land in the LDRZ and RLZ as a residential village is not prohibited. This application proposes to establish this use on new lands. The density of the cabins is permissible.</p> |
| Native Vegetation / Flora and Fauna | <p>Conditions will be set out to ensure that an offset will be provided for all trees removed or deemed lost.</p> <p>The trees in the most northern part of the property, bordering crown lands associated with the Murray River, will be retained. A condition will require measures to ensure the exclusion of vehicles and tents from this area.</p> <p>To limit the impact of development a condition will require that the fence along this northern boundary be minimal and in construction.</p> |
| Amenities for overflow | <p>Toilet facilities and other amenities are not conveniently located for visitors using the overflow camping area. A condition requiring a new amenity block, close to the camping area will be set out.</p> |
| Trespassing / Security | <p>While acknowledging the concerns raised this is not a planning consideration.</p> |
| Commercial Impact / Property Value | <p>These are not planning considerations and cannot form part of this assessment.</p> |

6. Regional Context

There is no regional context associated with this development, given its small scale and location.

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7. Council Plan Strategy

Moira Shire's current Council Plan states that it is a strategic goal of the plan to:
*Improve Moira's Liveability, and
Build on our economic strengths in agriculture, manufacturing and tourism.*

It is considered that issuing a permit for the subject application would accord with Moira's strategic goal to build on economic strengths in tourism. Compliance with conditions will ensure that Moira's liveability is not adversely affected.

8. Legislative / Policy Implications

State Planning Policy Framework

It is an objective of the State Planning Policy Framework, set out at Clause 17.03-1:
To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

The subject application accords with this objective.

Local Planning Policy and Municipal Strategic Statement

Clause 21.05-1 of the Moira Planning Scheme states that:

Tourism is an economic and employment growth sector for the Shire and is an important aspect of the social, economic and physical make up of the Shire.

Further it states:

The dominant role of Yarrawonga as a tourist town needs to be recognised and promoted.

The proposed expansion of this established tourist facility accords with this policy.

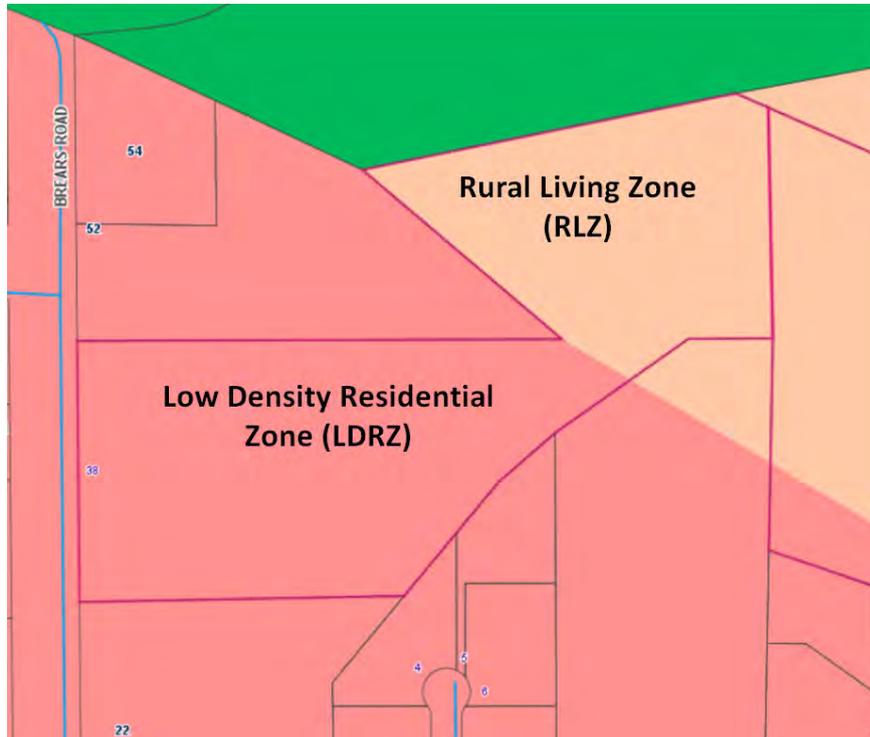
Zoning

The subject lots are affected by two zones, the Low Density Residential Zone (LDRZ) and the Rural Living Zone.

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Low Density Residential Zone

The proposed development is occurring on lands affected in part by the Low Density Residential Zone (LDRZ). The purpose of the LDRZ, set out in Clause 32.03, is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The use of land in the LDRZ as a camping and caravan park, which is one of the *Accommodation* uses, is a Section 2 use and hence requires a planning permit. This use triggers a permit because it could potentially have negative impacts and therefore requires assessment.

Land owners and residents in the LDRZ have an expectation that land will be developed for low density housing. Clause 32.03-1 indicates that the use of a lot in the LDRZ for more than two dwellings is prohibited.

The camping and caravan park use is defined, in Clause 74 as: *Land used to allow accommodation in caravans, cabins, tents, or the like*. Currently the existing use on site provides for cabins, caravans and camping. It therefore can be defined as a camping and caravan park as the dominant land use with a residential village component.

Camping and caravan parks can therefore contain multiple cabins which could lawfully be used all year round as permanent residences. The perception may then be that this is inconsistent with the limits to dwelling numbers as set out in Clause 32.3-1.

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It should however be noted that the use of the land for up to two dwellings is different to the use of the land as a camping and caravan park. The use of the subject lands as a camping and caravan park is therefore not prohibited and a permit can be issued to extend this use.

The subject camping and caravan park is already established on part of Lot 1, PS735246. The first permit trigger is the expansion of the camping and caravan over Lot 5, PS54713 (5 Jacqueline Court).

Clause 32.03-4 states that buildings and works associated with Section 2 uses trigger a planning permit requirement. This is the second trigger for the subject application.

Clause 32.03-6 sets out decision guidelines for applications in the LDRZ. It states that applications must be assessed against Clause 65, the State Planning Policy Framework and the Local Planning Policy Framework and local planning policies. These will be discussed elsewhere in this document.

Rural Living Zone

The subject lands are also affected in by the Rural Living Zone (RLZ). The purposes of the RLZ, set out in Clause 35.03, are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The use of land in the RLZ for accommodation (which includes camping and caravan park), is a Section 2 use and hence requires a planning permit. This is the third trigger for a planning permit as the proposal is extending the camping and caravan park use into the RLZ area by development of a residential village.

Clause 35.03-4 states that a planning permit is required for buildings and works associated with a Section 2 use. This is the fourth trigger for this planning application.

The applicant has submitted that the area within the RLZ will be used for recreation, boat storage, a workshop and as an overflow accommodation area. No sites are proposed in this area.

The decision guidelines for applications within the RLZ are set out in Clause 35.03-5. The key guidelines for assessing this application are:

- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*

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- *The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use or development will require traffic management measures.*

It is considered that the proposed use, buildings and works in this part of the subject lands is in accordance with the purpose and decision guidelines set out here, subject to compliance with conditions. For example as regards compatibility with adjoining land uses a buffer of landscaping will be required to protect residential amenity.

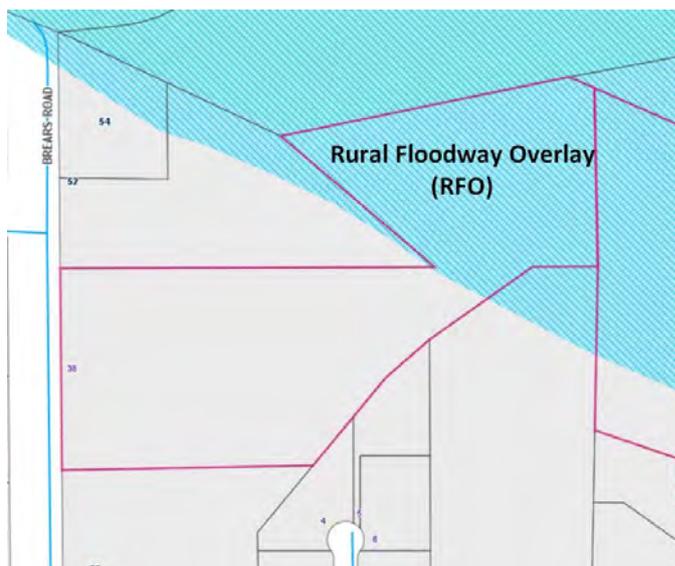
Overlays

Part of the subject lot is affected by the Rural Floodway Overlay (RFO).

Clause 44.03-1 states that a planning permit is required for buildings and works within the RFO. This is the fifth trigger for the planning application.

This application proposes the construction of a storage shed and warehouse within the RFO. Works to provide access to the shed and proposed recreation area may also trigger a permit.

The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who has not objected to the issuing of a permit.



Particular Provisions

Clause 52.05 – Advertising Signs

The proposed signage is located in the Low Density Residential Zone. This is a Category 3 – High amenity area where medium limitation applies. Clause 52.05-9 states that a

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permit is required here for any business identification sign. The dimensions of the proposed sign is 4800mm x 2400mm.

It is considered that this signage accords with the decision guidelines and a condition will be set out to require that plans be submitted for endorsement.

Clause 52.17 – Native Vegetation

Clause 52.17-2 states that a permit is required to remove, destroy or lop native vegetation. This is the seventh trigger for the subject application. The applicant has submitted that 3 trees will be removed.

The application was referred to the Natural Resources Department who has set out conditions to ensure that the required offset is provided. As set out above the referral response indicated that more than 3 trees will be lost and conditions have been set out to ensure that the correct offset requirement is applied.

Clause 65 Decision Guidelines

This Clause states that:

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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*

These matters have been considered and it is concluded that the proposed development, subject to compliance with conditions, accords with the guidelines.

9. Environmental Impact

It is considered that the proposed works and removal of native vegetation, subject to compliance with conditions, will not have an adverse impact upon the environment. The key conditions relate to the requirement for reticulated sewer. Further conditions will require that the sensitive treed area, adjoining crown lands to the north associated with the Murray River, will be protected through measures to exclude vehicles and tents etc.

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10. Conflict of Interest Considerations

There is no officer conflict of interest issues associated with this report.

11. Conclusion

The subject lots are located in the Low Density Residential Zone and the Rural Living Zone. One of the lots is partially affected by the Rural Floodway Overlay.

The caravan and camping park has been in existence for some time and has existing use rights. The subject application extends this use by development of a residential village component and effectively increases capacity on site to 158 sites plus an overflow camping area.

Given that the application accords with the requirements and decision guidelines for development and subject to compliance with conditions it is considered appropriate that a permit be issued.

Attachments

- 1 Objection 1
- 2 Objection 2
- 3 Objection 3
- 4 Objection 4
- 5 Objection 5
- 6 Objection 6
- 7 Objection 7
- 8 Objection 8
- 9 Objection 9
- 10 Objection 10
- 11 Owner's Response to Objectors

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ATTACHMENT No [1] - Objection 1

16th October 2016.

Dear Sir / Madam.

Re: Notice for Planning Permit No.: 5/2016/133

We strongly oppose to the above mentioned Planning Permit for Use & Development – Camping & Caravan Park / Residential Village for the following reasons:

There are already two caravan parks in this area that take up over 22 acres of land. Both parks were established over 30 years ago and council would have granted approval for the parks because they are out of town and housing in the area would have been minimal if any. Since this time many people have moved into the area, including us, and set up homes with the knowledge the parks were there and what their boundaries are. We had a choice if we wanted to live here knowing the size of the park.

In the time we have owned our property we have had two subdivisions in the area. Both subdivisions have been approximately divided into 1 acre lots which come under Moira Planning Scheme Low Density Residential Zoning and on these lots most owners have built their homes and moved into the area. It is our understanding that you can only build one dwelling and two if the second one is a dependant persons unit as long as you meet certain Council requirements.

It is our understanding that land has been purchased and the caravan park in question wants to double in size. To move boundaries and double the number of sites is like a third caravan park moving into the area. This is not what anybody would have expected when they purchased their properties and moved into the area for the last 30 years. We know we certainly didn't. We, like everybody else, moved to the area to live in low density zoning for this exact reason. We could have bought in the middle of town next to numerous flats etc but we chose our land because that's how we want to live our lives in a quiet peaceful area.

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [1] - Objection 1

Yarrawonga VIC 3730 facsimile: (03) 5744-3850
(P.O. Box 75)
Email: lefevre@bigpond.com

If this Permit is approved it will completely change the dynamics of the whole area. Changes would include extra traffic, extra noise, privacy would be gone, security could be a problem and the natural beauty of the forest would be gone not to mention the loss of wildlife.

We certainly know we didn't buy our land in the area for this.

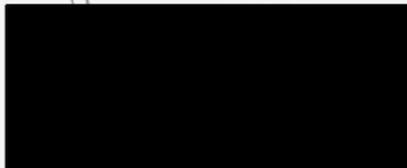
Also what decrease in price are we to expect to the value of our property and the other families in the area. Would potential buyers be put off by a bigger park with extra noise etc? Will land owners be compensated for any losses that will occur?

If this permit goes ahead is our property only good for a caravan park / residential village itself? And will I be able to use the land for this purpose as well as everybody else in the area?

In closing, we can see no benefits to anyone who has bought and moved into the area for the last 30 years. If a caravan park wants to extend existing boundaries this is like changing the goal posts / rules half way through a game.

Council must look at this planning permit as if it was a new caravan park applying to start a new business because that is what it is. 30 years ago Council granted that a caravan park could be established on 10 acres at 38 Brears Road Yarrawonga now the new owner is requesting to double his sites but wants to do this on land he has purchased outside of the 10 acres at Brears Road. How can this be?

Thanking you



FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [2] - Objection 2

D16/70077

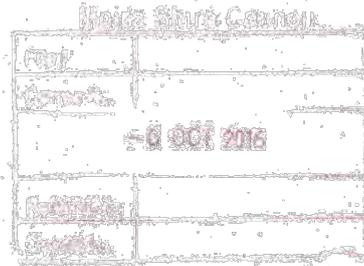
5th October 2016

[REDACTED]

[REDACTED]

[REDACTED]

Town Planner
Moira Shire Council
P.O. Box 578
COBRAM Vic. 3643



Dear [REDACTED]

Re: Notice of Application for Planning Permit No. 5/2016/133
38 Brears Rod, YARRAWONGA 3730

Please find enclosed our objection to the above listed Planning Permit Application (Stage 3).

Would you please advise us when Lot 5 was rezoned to allow such a development to be proposed with multiple dwellings. Our understanding was that only one dwelling per Lot in Jacqueline Court was permissible under planning guidelines.

We wish to advise that we will be overseas from Monday 10th October to Saturday 5th November 2016.

Our Mobile phones will be on International Roaming while away, so we should be contactable during this time.

Please do not hesitate to contact us if you have any queries with our submission.

Thank you.

Yours Sincerely

[REDACTED]

[REDACTED]

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [2] - Objection 2
D16/70077



PLANNING PERMIT APPLICATION SUBMISSION FORM

1. Application Details

| | |
|--------------------------|--|
| Application No: | 5/2016/133 |
| Application Description: | USE & DEVELOPMENT - CAMPING AND CARAVAN PARK / RESIDENTIAL VILLAGE & NATIVE VEGETATION REMOVAL |
| Address(s): | 38 BREARS ROAD, YARRAWONGA 3730 |

2. Your details

| | |
|----------------|------------|
| Title | [REDACTED] |
| First Name | |
| Surname | |
| Email | |
| Postal Address | |
| Town | |
| Postcode | |
| Phone No. | |
| Mobile | |
| Fax | |

3. Your property details

| | |
|--|------------|
| Property address: | [REDACTED] |
| Town | |
| Property no (as appears on your rate notice) | |

Please Turn Over

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [2] - Objection 2

D16/70077



4. Reasons for submission (please add additional pages as required)

PLEASE SEE ATTACHED SHEET

5. How would I be affected if a permit is granted.

PLEASE SEE ATTACHED SHEET

Signature [Redacted]

Date 5 Oct 2016
5th October 2016

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [2] - Objection 2

2016/70077

Objection [REDACTED]

**Re: Notice of Application for Planning Permit No. 5/2016/133
38 Brears Rod, YARRAWONGA 3730**

4. Reasons for Submission.

We bought our property [REDACTED] in good faith in December 2016. We purchased believing it to be a private and quiet Court with no through vehicle traffic and no through pedestrian traffic. We were of the understanding that only one dwelling could be built on Lot 5 as per current planning regulations.

If **Stage 3** of this proposal is allowed to proceed, we have concerns as to the increased amount of vehicle traffic, pedestrian traffic and noise in Jacqueline Court. This increase would occur in the setting up of the Project, on-going maintenance and general vehicle and pedestrian traffic in future years.

We are concerned that our privacy and selected lifestyle will be put at risk if **Stage 3** of this development is allowed to proceed.

5. How we would be affected if a Permit was granted.

We believe noise levels coming from this camping and caravan park would increase (particularly in the holiday period) with the additional residential sites expanding into Lot 5 Jacqueline Court. We also have concerns on the distance from our northern fence that the buildings could be erected and the possible drainage implications on our property. The erection of such buildings will also encroach on the northern natural aspect that we currently enjoy.

There are also serious issues with storm water drainage in Jacqueline Court. Currently water flows from the Murray Valley Highway down Jacqueline Court to the easement point at the border of Lot 4, 5 and 6. We have seen a very good example this year of the water flow exceeding the capacity of infrastructure. This will be compounded even further if **Stage 3** is allowed to proceed.

Whilst the Re-development Master Plan shows Emergency Vehicles only using the easement to Jacqueline Court, we wonder how this would be policed and enforced. Pedestrian traffic would also cause concern as tenants to the Units would be able to use this easement and walk up Jacqueline Court and catch nearby public transport through the Bus Service.

The easement to the west of our property is unfenced. We mow and Spray this easement to keep the front of our property neat and tidy. We have serious doubts that [REDACTED]

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [2] - Objection 2

D16/70077

the Applicants represented intentions in their application would be carried through.

As there is no fence between the easement and the western side of our property, this would cause concern to us with both vehicle and pedestrian traffic. Our privacy would be seriously compromised. In addition to this, approximately one third of our Northern Side fencing is of low level (approx. 1 Metre). This again would take away privacy further with buildings close by.

There is another important health issue factor that could be made worse if **Stage 3** was allowed to proceed. Last Summer (soon after moving in) we noticed a very strong odour/ smell coming from the rear of Lot 5. We investigated further and discovered that sewerage at the Park probably did not comply with existing requirements of Moira Shire and the Environment Protection Authority. It appears that a holding pond is used as a collection point for sewerage which this year with the wet season has been overflowing and entering the Murray River. This environmental health issue greatly concerns us. We do not want to be subjected to health issues every year because of this.

We Strongly oppose this re-development proposal, **Stage 3**, as we feel it abuses the planning scheme currently in place to ensure a harmonious environment for selected lifestyle blocks.

We believe the granting of **Stage 3** of this Planning Permit will also significantly reduce the value of our property that we only purchased in late 2015.



FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [3] - Objection 3

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 18 October 2016 5:09 PM
To: RecordsWebmaster
Subject: Fw: MOIRA SHIRE planning permit 5/2016/133

: MOIRA SHIRE

Att Martina Foley

REF
Planning permit 5/2016/133
38 Brears Rd

[REDACTED]

Concerns re this planning permit

- I. High density housing on this zoning, as a farming zoning can I also install multiple units on my land
- II. Security this brings caravan park residents closer to me with only farm fencing, history shows several break ins theft on my property from this park.
- III. Sewerage from this expansion will it continue to be pumped into our state forest
- IV. Water shed from roads and buildings how will it be treated and directed rather than sent to the next property down hill
- V. Removal of trees and habitat next to forest, flooding of river flats drives native wildlife onto this land eg at present echindas, kangaroos,snakes are seen there
- VI. Increased noise, traffic and light pollution

[REDACTED]

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7797 / Virus Database: 4664/13230 - Release Date: 10/17/16

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [4] - Objection 4

[REDACTED]

From: [REDACTED]
Sent: Sunday, 16 October 2016 11:35 AM
To: RecordsWebmaster
Subject: Notice of Application for Planning Permit No.5/2016/133. Ref5/2016/133

Attention: [REDACTED]
We wish to make you aware of our discomfort and unease with the proposed development. We were the first residents of Jacqueline Ct. in 2009 and purchased our land and built our home with the understanding that Jacqueline Ct. was residential zone not a commercial zone. We are concerned that the proposed development will see an increase in both foot and vehicular traffic ,accessing the proposed Camping &Caravan Park/Residential village in what is basically a quiet family oriented court.
We are also concerned that the proposed development could have an adverse effect on property valuations in Jacqueline Ct. due directly to the increased population density.
We hope that our concerns will be taken into account when Council is considering this application and that we are kept informed during the process.
Regards

[REDACTED]

Sent from my iPad

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.<http://www.mailguard.com.au/mg>
Click here to report this message as spam:
<https://console.mailguard.com.au/ras/1PswfKk064/1SSiBar07cxRRXJqYY8GvN/4.034>

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [5] - Objection 5

9/10/16

Re Planning Permit No.5/2016/133

38 Brears Rd Yarrawonga 3730

To whom it may concern,

I/We 

Owners of  Jacqueline Court Yarrawonga

Object to the planning application to add 14 permanent cabins on Lot 5 Jacqueline Court.

Jacqueline court is a low residential area and we question how the planning permit can allow 14 cabins on a residential block.

Extension of the park with 14 cabins on Lot 5 will impact our residential area with unwanted noise and traffic, from vehicles, bicycles and pedestrians.

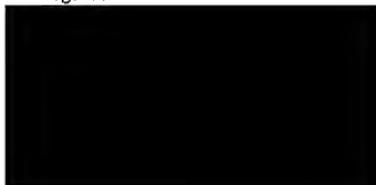
By allowing access via Jacqueline court to cabins on Lot 5, the application states it would prohibit general access by motor vehicles,

This will not stop the court being accessed by vehicles using it as a short cut or parking area for visitors of permanent residents in cabins located on Lot 5.

We feel all access to the park should only be accessed through the main entrance of the park which would be fair to all parties concerned.

The plans regarding future development of 38 Brears Rd should not be allowed to have an unwanted impact on the residents of Jacqueline court.

Regards



FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [6] - Objection 6

16th October 2016.

Dear Sir / Madam,

Re: Notice for Planning Permit No.: 5/2016/133

We strongly oppose to the above mentioned Planning Permit for Use & Development – Camping & Caravan Park / Residential Village for the following reasons:

When we purchased our business [REDACTED] one of the major reasons was that the main residence is situated at the back of the park. The location of the house with its big back yard is a way we as a family can escape the park and unwind after spending long hours a day, 7 days a week working in the park. It is a place for the kids to play and for us to have some privacy and unwind. We have natural bushland at the back of the property with the state forest behind that. We spend a lot of time admiring the scenery and wildlife and if this planning project was to go ahead this will all change. We will have no privacy with an extra 20 or so cabins on our doorstep and who knows what will happen to the natural bush views and the wildlife etc. If we had of been aware of the project and extension of the above mentioned caravan park when purchasing our business it would have made a difference to our decision.

Both caravan parks were established over 30 years ago and council would have granted approval for the parks because they are out of town and housing in the area would have been minimal if any. Since this time many people have moved into the area and set up homes and businesses with the knowledge the parks were there and what their boundaries are.

In recent years there have been two subdivisions in the area. Both subdivisions have been approximately divided into 1 acre lots which come under Moira Planning Scheme Low Density Residential Zoning and on these lots most owners have built their homes and moved into the area. It is our understanding that you can only build one dwelling and two if the second one is a dependant persons unit as long as you meet certain requirements.

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [6] - Objection 6

[REDACTED]

It is our understanding that land has been purchased and the caravan park in question wants to double in size. To move boundaries and double the number of sites is like starting a whole new caravan park business. This is not what anybody would have expected when they purchased their properties and moved into the area for the last 30 years. We know we certainly didn't. We purchased our business and chose to live here because that's how we want to live our lives in a quiet peaceful area where we can get away from the day to day runnings of the park and relax and unwind.

If this Permit is approved it will completely change the dynamics of the whole area. Changes would include an increase in Traffic to the area, Privacy will be taken away, with the increase in people, there will be a need to increase security and the natural beauty of the bush will be gone and replaced with cabins. And not to mention what will happen to the wildlife already living in these areas. We certainly know we didn't buy our business to have this on our back door step.

What decrease in price are we to expect to the value of our Business and what decrease are the other families in the area to expect to their properties. Would potential buyers be put off by a bigger park with extra noise etc? Will land owners and businesses be compensated for any losses that will occur?

If this permit goes ahead can our business purchase more land and extend the boundaries of our business and add more cabins on the acreage adjoining the park in Jacqueline Court? Will I be able to use the land for this purpose as well as everybody else in the area?

In closing, we can see no benefits to anyone who has bought and moved into the area for the last 30 years. If a caravan park wants to extend existing boundaries this is like changing the goal posts / rules half way through a game. Council must look at this planning permit as if it was a new caravan park applying to start a new business because basically that is what it is. The caravan park in question has purchased land in Jacqueline Court that comes under Moira Planning Scheme Low Density Residential Zoning and acreage at the back of Westside Caravan Park that is rural zoning so they can expand their business. 30 Years ago Council granted Jelara Caravan Park approval to set up business on 10 acres at 38 Brears Road Yarrawonga so how can the owner now purchase property in an area where only 1 dwelling can be built and expect to be able to put multiple dwellings on it. How is this fair to everybody living around the area? How can you purchase extra land and say I am changing my boundaries. This is no longer the Caravan Park that was established 30 years ago it will be a whole new business. We do not have a problem with the

FILE NO: 52016133
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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [6] - Objection 6

[REDACTED]

Caravan Park in question developing and improving their business as long as it is within the 10 acres that the park was originated from 30 Years ago.

[REDACTED]

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [7] - Objection 7

18/10/2016



Notice Of Application for Planning Permit No. 5/2016/133

33 Brears Rd , Yarrawonga Vic 3730

Dear Martina,

We are the owners of [redacted] Jacqueline Court Yarrawonga, our concerns are the emergency access down our road to 5 Jacqueline Court Lot 5 PS 5417135 , we understand this will only be used as an emergency access , however please advise how this will stop traffic and foot traffic. We live in a very quite street and I am worried having this access will still encourage this access to be used and we do not wish for your street to change as it is such and quite haven.

I look forward to your response in this matter.

Regards,



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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [8] - Objection 8

D16/73920

Attention [REDACTED]
Moirā Shire
PO Box 578
Cobram 3643

Dear [REDACTED]

Re: Planning Permit 5/2016/133, 38 Brears Rd & 5 Jacqueline Crt Yarrowonga.
Camping Caravan Park/Residential Villiage.

We have some concerns and suggestions regarding this permit application. Our property at [REDACTED] Jacqueline Court was purchased by us last year and is where we plan to spend our retirement years.

Re: Zoning. We have never been notified that the block at 5 Jacqueline Court had been purchased and rezoned from Residential.

Re: Sewerage and Drainage. Can we be assured that this issue will be adequately addressed for such a project. Currently, from time to time there is a strong sewerage smell from the caravan park, can we be guaranteed that this will not happen?

Re: Emergency Pedestrian Access to Jacqueline Court. To remain a NON VEHICLE access for now and in the future.

Re Fencing. A two metre solid fence aesthetically pleasing to the environment be constructed on the park boundary side that faces Jacqueline Court. This would provide privacy to all concerned.

FILE NO: 52016133
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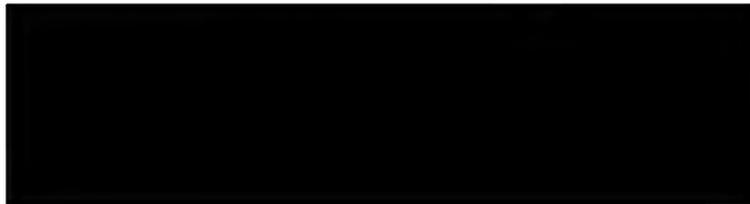
PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [8] - Objection 8

D16/73920

Re: Traffic. With two caravan parks bordering the residents of Jacqueline Court and the planned increased traffic flow, we would like the Speed Limit of the Murray Valley Highway reduced from 80 to 60 klm per hour passed both Brears Road and Jacqueline Court. This would reduce the traffic noise level considerably and make coming and going from both exits less dangerous.

Yours sincerely



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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [9] - Objection 9

D16/73565

Re: Objection To Planning Permit 5/2016/133.

Dear Sir/Madam,

I am writing once again to raise my concerns, this time regarding planning permit number 5/2016/133 for 38 Brears Rd Yarrowonga-Yarrowonga Riverlands Holiday Park.

I would like to know how holiday units can be built on a block which is zoned Low Density Residential. As per the information that I have attached it clearly states that land zoned Low Density Residential 32.03_2. (A lot may be used for one or two dwellings). Please refer to attachment 1.

There is no real information as to what is happening on the block marked as Stage 1 proposed recreation area/park and overflow accommodation, except for the storage sheds and workshop. What exactly will this land be used for, the permit states for overflow accommodation, once the park is full. If this happens where are the amenities to accommodate the overflow?

The storage sheds appear to be right against our fence line. Why is this being allowed when we had to abide by the rules. ie: 20m or 10m from the fence line depending on which boundary. Please refer to attachment 2 permit number [REDACTED]

If this area is going to be used for recreation, I need to be sure that we will be screened off properly, with a colourbond fence, as I cannot risk my horses being hit by flying golf balls, as this is already an ongoing problem.

I also have concerns about access in to the river bends. Will there be vehicle access or only pedestrian?

This also brings me back to my first objection letter for permit 5/2016/185 dated 8th September 2016, why is it being permitted to place cabins 1 metre from our fence line? Surely the caravan park should be made to put a buffer between our property of either advanced trees or a colourbond fence. I have tried over the past 3 years to plant trees, spending thousands of dollars, but due to the grey water and storm water being diverted on to our property this has been unsuccessful. Before the existing shrubs and trees were removed from the park, prior to the planning permits being submitted, we had a bit of a screen. However now I have the toilet lights shining in our windows all night long and I get a lovely view of clothes lines loaded with washing during the day. Please refer to attachment 3.

There appear to be a lot of cabins being built on an easement along Brears Rd, I believe this easement is for water supply and drainage, can you explain where the water is intended to drain to once this is built on? There is already water laying along the road with nowhere to go, this will just enhance the problem once the ground is built up/concreted for the cabins.

This permit does acknowledge the sewer issues, which I did raise in the last letter, however there is no guarantee as to when this will occur. I would like confirmation that there is a time frame for this to happen.

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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [9] - Objection 9
D16/73565

The traffic works report is of concern, the corner of Brears Rd and the Murray Valley Highway is a disaster waiting to happen. The report has only listed 2 accidents within the vicinity, but they are only the 2 that have been attended to by the police. My husband was involved in an accident at that corner 3 years ago and was extremely lucky to walk away from it. His car and trailer were written off. He was coming from Yarrawonga, turning right into Brears Rd, when a B Double attempted to overtake him just as he had started the turn, he was T-Boned and sent airborne in to the gutter. Please refer to attachments 4, 5 & 6. This happened on a clear day, the truck had nowhere to go as there is no turning lane. All of the other roads between Yarrawonga and Brears Rd have turning lanes and this one would have to be the most dangerous as it is at the beginning of a sweeping bend. Coming from the Cobram direction is nearly as bad, because it is such an acute angle, you practically have to stop to get around the corner safely. If you have a car or truck behind you it can become very scary. I have seen many near misses at this intersection and believe it should be a priority to have something done there immediately. Cars towing caravans are a worry at the best of time, and negotiating this corner would become an ongoing hazard.

In summary this is a park which currently has 78 sites wishing to increase to 158 sites, with promises being made but no timeline as to when these things will be completed, especially the sewer (or lack of), drainage and the zoning issue.

Item 3.2 Immediate neighbours. I believe no consideration has been given to the impact this massive increase will have on neighbours. With the current 78 sites, we have experienced children coming on to our property during holiday periods to pat our horses, (which is not a safe thing to do, if you don't know an animal you should never trust it). I can just imagine how many more trespassers and golf balls we will have to deal with when the park doubles in size.

I will continue to object to the 2 planning permits until the above matters can be suitably addressed.



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PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [9] - Objection 9

D16/73565

ATTACHMENT 1

32.03
15/07/2013
VC100

LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

32.03-1
15/07/2013
VC100

Table of uses

Section 1 - Permit not required

| Use | Condition |
|---|---|
| Animal keeping (other than Animal boarding) | Must be no more than 2 animals. |
| Bed and breakfast | No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Dependent person's unit | Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 32.03-2. |
| Dwelling (other than Bed and breakfast) | Must be the only dwelling on the lot. Must meet the requirements of Clause 32.03-2. |
| Home occupation | |
| Informal outdoor recreation | |
| Medical centre | The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone. |
| Minor utility installation | |
| Railway | |
| Tramway | |
| Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01. |

Section 2 - Permit required

| Use | Condition |
|---|-----------|
| Accommodation (other than Dependent person's unit and Dwelling) | |
| Agriculture (other than Animal keeping, | |

FILE NO: 52016133
2. IMPROVING MOIRA'S LIVEABILITY

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ATTACHMENT No [9] - Objection 9

D16/73565

| Use | Condition |
|--|---|
| Apiculture and Intensive animal husbandry) | |
| Animal boarding | |
| Animal keeping (other than Animal boarding) – if the Section 1 condition is not met | Must be no more than 5 animals. |
| Car park | Must be used in conjunction with another use in Section 1 or 2. |
| Car wash | The site must adjoin, or have access to, a road in a Road Zone. |
| Community market | |
| Convenience restaurant | The site must adjoin, or have access to, a road in a Road Zone. |
| Convenience shop | |
| Dependent person's unit – if the Section 1 condition is not met | Must meet the requirements of Clause 32.03-2. |
| Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met | Must result in no more than two dwellings on the lot. Must meet the requirements of Clause 32.03-2. |
| Food and drink premises (other than Convenience restaurant) | |
| Leisure and recreation (other than Informal outdoor recreation and Motor racing track) | |
| Place of assembly (other than Amusement parlour, Carnival, Circus and Nightclub) | |
| Plant nursery | |
| Service station | The site must either: <ul style="list-style-type: none"> Adjoin a commercial zone or industrial zone. Adjoin, or have access to, a road in a Road Zone. The site must not exceed either: <ul style="list-style-type: none"> 3000 square metres. 3600 square metres if it adjoins on two boundaries a road in a Road Zone. |
| Store | Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| Utility installation (other than Minor utility installation and Telecommunications facility) | |
| Any other use not in Section 1 or 3 | |

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Section 3 – Prohibited

Use

Amusement parlour
Brothel
Cinema based entertainment facility
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Food and drink premises and Plant nursery)
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

32.03-2
19/01/2006
VC37

Use for one or two dwellings or a dependent person's unit

A lot may be used for one or two dwellings provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage. If available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.
- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person's unit.

32.03-3
15/07/2013
VC100

Subdivision

Permit requirement

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

LOW DENSITY RESIDENTIAL ZONE PAGE 3 OF 5

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32.03-4 Buildings and works

15/07/2013
VC100

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

32.03-5 Application requirements

15/07/2013
VC100

Subdivision

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- Show for each lot:
 - A building envelope and driveway to the envelope.
 - Existing vegetation.
 - In the absence of reticulated sewerage, an effluent disposal area.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

32.03-6 Decision guidelines

15/07/2013
VC100

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

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

Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage:
 - The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

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- The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).
- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

32.03-7 Advertising signs

15/07/2013
VC100

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

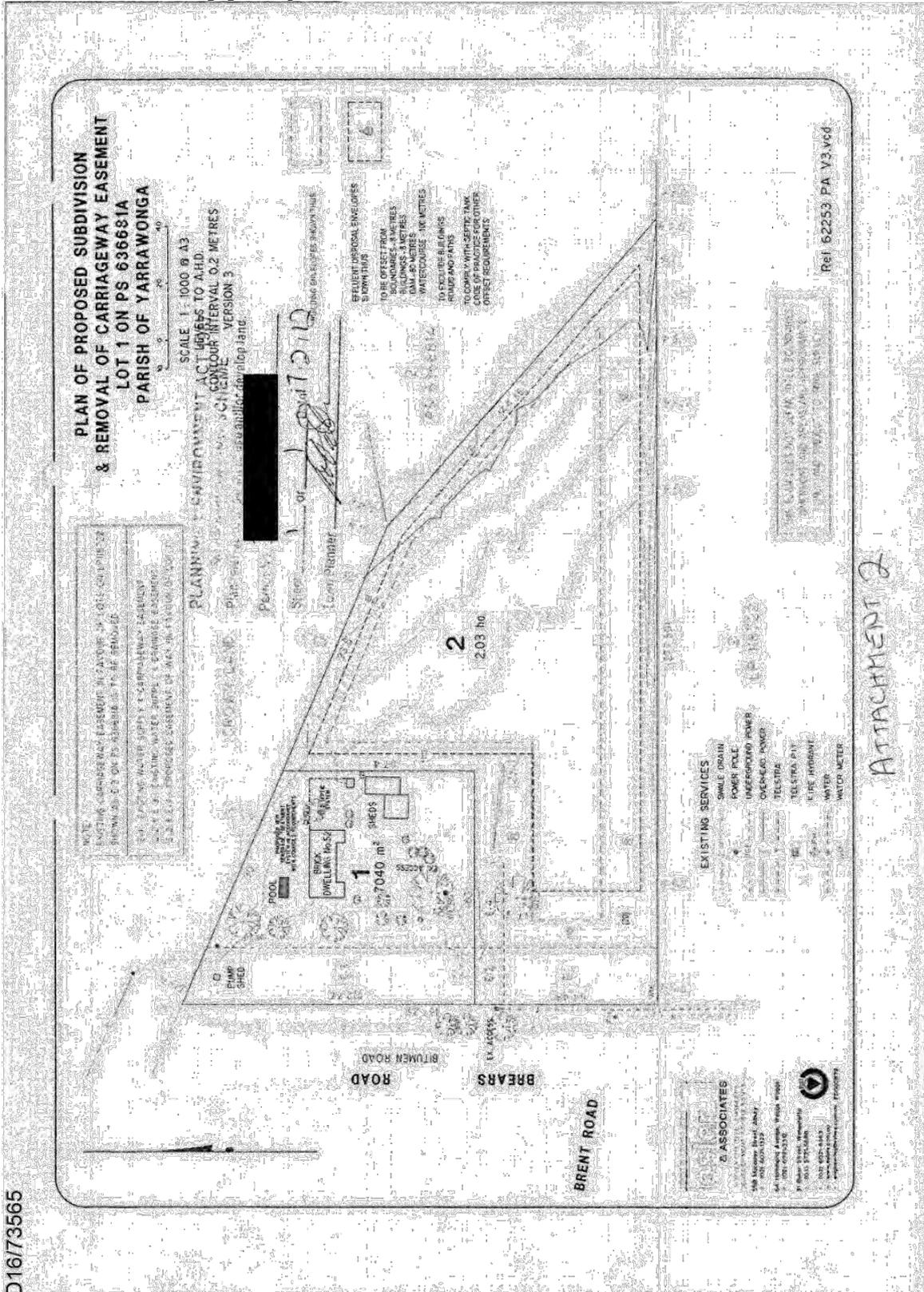
Other requirements may also apply. These can be found at Particular Provisions.

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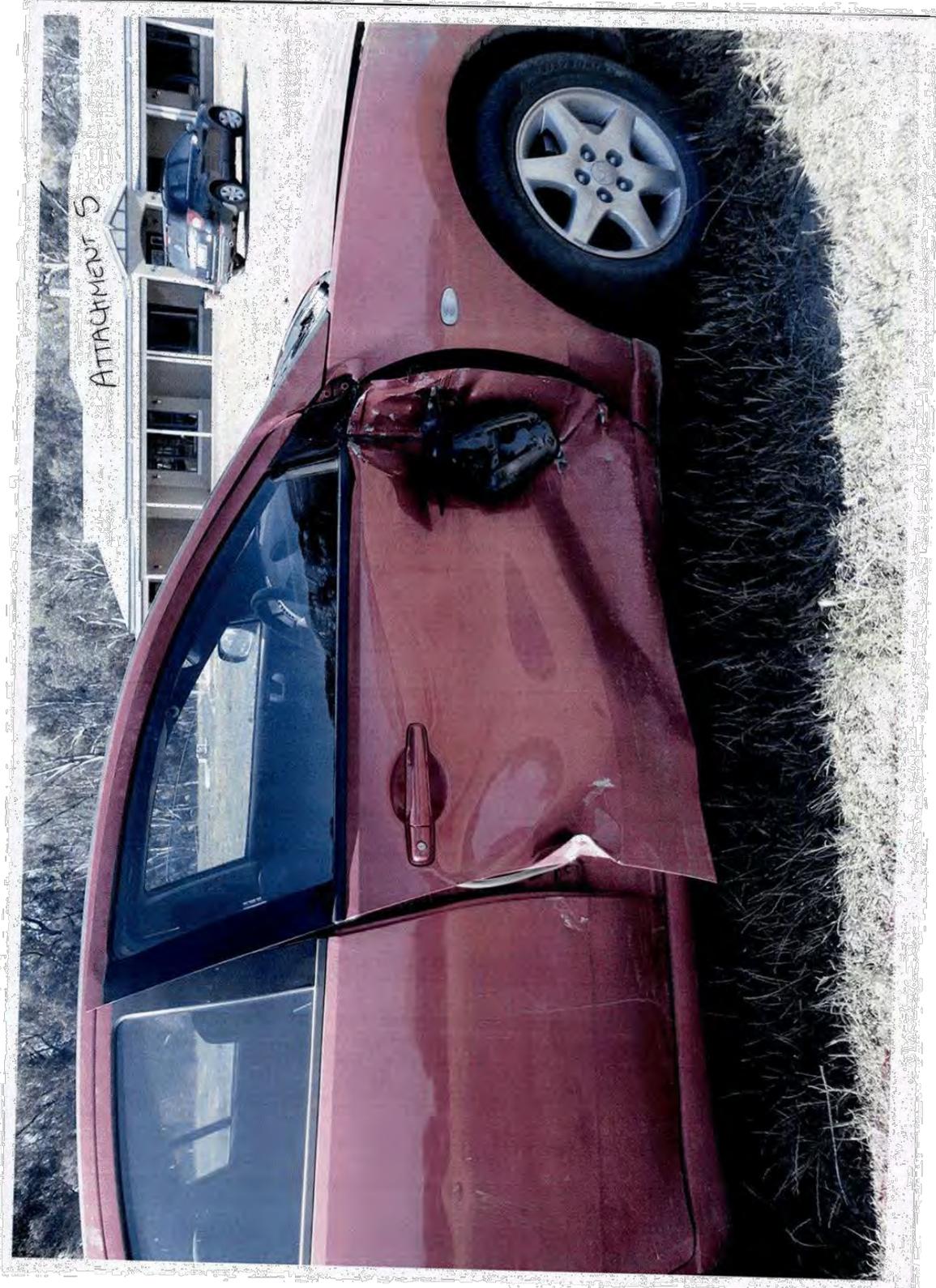


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ATTACHMENT No [10] - Objection 10
D16/72903

8th October 2016



Town Planner
Moirā Shire Council
PO Box 578
COBRAM VIC 3643

Dear [REDACTED]

Re: Notice of Application for Planning Permit Lot 5 PS 5417135
5 Jacqueline Court, Yarrowonga, 3730.

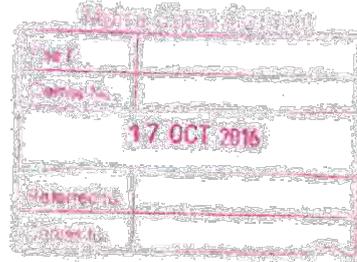
Please find attached objection to the above listed planning permit application (Stage 3).
I was of the understanding that this area was classified as low density residential, but see by the plan of the proposed addition to the Caravan Park that there are 14 proposed residential buildings on Lot 5.

If this area was rezoned to accommodate this number of dwellings I would be interested to know when that took place and why was there no notification.

Please do not hesitate to contact me if you have any queries regarding my submission.

Thank you

Yours Sincerely



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ATTACHMENT No [10] - Objection 10
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PLANNING PERMIT APPLICATION SUBMISSION FORM

1. Application Details

| | |
|--------------------------|--|
| Application No: | 5/2016/133 |
| Application Description: | USE AND DEVELOPMENT - CAMPING AND CARAVAN PARK/RESIDENTIAL VILLAGE AND NATIVE VEGETATION REMOVAL |
| Address(s): | 38 BREARS ROAD, YARRAWONGA 3730 AND LOT 5 JACQUELINE COURT, YARRAWONGA 3730 |

2. Your details

| | |
|----------------|--|
| Title | |
| First Name | |
| Surname | |
| Email | |
| Postal Address | |
| Town | |
| Postcode | |
| Phone No | |
| Mobile | |
| Fax | |

3. Your property details

| | |
|--|--|
| Property address | |
| Town | |
| Property no (as appears on your rate notice) | |

Please Turn Over

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4. Reasons for submission (please add additional pages as required)

SEE ATTACHED SHEET

5. How would I be affected if a permit is granted

SEE ATTACHED SHEET

Signature 

Date 8/10/2016

2

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4. REASON FOR SUBMISSION

We purchased [REDACTED] Jacqueline Court thinking it would be a quiet, peaceful area without through traffic – pedestrian or otherwise. If this proposal is permitted to proceed it would culminate in an increase of vehicle and pedestrian traffic as there would no doubt be additional maintenance and security needs as well as pedestrian traffic making their way to a bus shelter.

Viewing the plan it is very obvious to me that drainage is going to be a major problem. The stormwater easement down Jacqueline Court is under stress without the addition of numerous other dwellings that are proposed.

The stench from sewerage settling ponds at present will be unbearable with the proposed additions.

5. HOW WE WOULD BE AFFECTED IF A PERMIT WAS GRANTED

Noise levels would increase during the holiday periods with extra campers, holiday makers etc. We moved from Melbourne because of the noise factor.

Security and privacy would be undermined. There has been no mention of fencing – height or style.

Outlook from our home would be greatly compromised by the many dwellings – instead of trees it would be blank walls etc.

I feel that the value of my property will be greatly compromised if this proposal is granted.



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ATTACHMENT No [11] - Owner's Response to Objectors



**YARRAWONGA
RIVERLANDS**

Yarrowonga Riverlands
38 Brears Road
Yarrowonga Vic 3730
Ph: (03) 5744 2461

www.yarrowongariverlands.com.au
ACN 606 873 536

25 November 2016

Moira Shire Councillors
C/O Mayor Gary Cleveland
Moira Shire Council

Via email C/O [REDACTED]

**RE Yarrowonga Riverlands Park
Planning Permit Application 5/2016/133**

Dear Councillors,

As you know, the ownership of the former "Jelara Caravan Park" changed on 1 July 2015. It is now owned by Bressan Parks Business Pty Ltd, and one of three parks owned in Victoria.

Jelara was a park in a very poor state. Over the last year we have rectified many issues of non-compliance and regulations as well as removal of old cabins and caravans, fallen trees etc.. as part of the clean-up.

As part of our future development, a masterplan has been prepared for the whole of the site, Planning Permit Application 5/2016/133 which is currently before you.

Thus far we have answered Councils Request For Further Information as well as endeavoured to alleviate community concerns. As per the attached document, which is a compilation of concerns & of our replies to be sent out.

We have also successfully negotiated with North East Water a conditional contract for the extension of town sewer along Jacqueline Court to our park. This will represent a "leap-frog" development to this part of Yarrowonga.

We have a vision to upgrade and expand the park to provide modern good quality dwellings and facilities for tourists and permanent residents.

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Thus far we have spent close to \$2 million dollars in Yarrawonga since July 2015, which has benefits to the local economy.

Case in point, is the purchase of five cabins from Yarrawonga Manufactured Homes.

In the long term, a favourable outcome of our Planning Permit Application will be beneficial not only to us but also to the local economy.

Councillor's support of our proposed development and master plan would therefore be much appreciated.

Yours Sincerely


Director

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ATTACHMENT No [11] - Owner's Response to Objectors

| OBJECTIONS AND CONCERNS | REPLIES |
|--|--|
| <p>OBJECTIONS AND CONCERNS</p> <p>(1) Change of zoning for 5 Jacqueline court, one dwelling permissible</p> <p>(2) Privacy concerns</p> <p>(3) Strong odour concerns and overflow of settling ponds</p> | <p>REPLIES</p> <p>(1) No changes of zoning, although Moira Shire Council may allow amalgamation of land. Similar zoning as Westside Caravan Park.</p> <p>(2) Currently numbers 6-9 Jacqueline Court (inclusive) back onto and overlook into Westside Caravan Park, which has 89 older cabins and 15 camping sites and a Planning Permit for another 70 building sites which sets a precedent. Our proposed development, would bring modern good quality cabins, landscaping and aesthetically be an upgrade to the surrounding built up environment.</p> <p>The tourist section will be located at the front of the park in Brears Road. Lot 5 will have only modern high quality privately owned relocatable dwellings.</p> <p>(3) Previous owners of old Jelara Caravan Park defaulted in properly maintaining the park sewer system. As a condition of our purchase the sewer system was properly setup in compliance with EPA and has since been religiously maintained by us. There is no visible overflow nor extraordinary smell – see letter from Darren Old. The pond level is maintained by treating the overflow before it is pumped/sprayed on to our park land with the use of electric pumps. Please keep in mind that Westside Caravan Park has two similar settling ponds adjoining our pond - See aerial photo</p> <p>We also have a Conditional Agreement with North East Water to extend the town sewer system along Jacqueline Court to our park.</p> <p>Our park was in existence long before this residence was built</p> |
| <p>OBJECTORS DETAILS</p> <p>[REDACTED]</p> | <p>REPLIES</p> <p>(1) Change of zoning for 5 Jacqueline court</p> <p>[REDACTED]</p> |

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ATTACHMENT No [11] - Owner's Response to Objectors

| | |
|--|--|
| <p>(2) Drainage</p> <p>(3) Sewerage and smells</p> <p>(4) Emergency and pedestrian access to Jacqueline Court</p> <p>(5) 2m Fence constructed on the park boundary facing Jacqueline Court</p> <p>(6) Speed limit reduce from 80km to 60Km</p> | <p>(1) No changes to zoning, although Moira Shire Council may allow amalgamation of Land. Similar zoning as Westside Caravan Park which has 89 occupied sites and a further approval for 70 more building sites.</p> <p>(2) Lot 5, drains towards existing park away from Jacqueline Court.</p> <p>(3) Previous owners of old Jelara Caravan Park defaulted in properly maintaining the park sewer system. As a condition of our purchase the sewer system was properly setup in compliance with EPA and has since been religiously maintained by us. There is no visible overflow nor extraordinary smell – see letter from Darren Old. The pond level is maintained by treating the overflow before it is pumped/sprayed on to our park land with the use of electric pumps. Please keep in mind that Westside Caravan Park has two similar settling ponds adjoining our pond - See aerial photo Our park was in existence long before their residence was built</p> <p>(4) The Emergency entrance in Jacqueline Court will be controlled and locked. The main entrance to our park is in Brears Road, where there is a bus shelter. It is much shorter walking distance than using Jacqueline Court to a bus shelter.</p> <p>(5) We are well aware and sensitive towards aesthetical aspects of our parks and the need of landscaping consisting of planting trees and shrubs to create a buffer.</p> <p>(6) Traffic looking at turning into these parks would not be turning at 80Ks. Speed limit on highway is an issue for Vic Roads</p> |
|--|--|

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| | |
|--|---|
| <p>(1) The main entrance to our park is in Brears Road. Emergency vehicles would also continue to use this as preferred entrance as it is located next to the Managers office and residence. The Emergency entrance in Jacqueline Court will be controlled and locked.</p> <p>(2) The distance along Jacqueline Court to the bus shelter is far greater than to the Brears road bus shelter next to the main entrance. Pedestrian traffic will prefer the shorter distance and will be directed to use the main entrance, as a matter of policy.</p> <p>(3) Lot 5, drains towards existing park away from Jacqueline Court</p> <p>(4) Previous owners of old Jelara Caravan Park defaulted in properly maintaining the park sewer system. As a condition of our purchase the sewer system was properly setup in compliance with EPA and has since been religiously maintained by us. There is no visible overflow nor extraordinary smell - see letter from Darren Old. The pond level is maintained by treating the overflow before it is pumped/sprayed on to our park land with the use of electric pumps. Please keep in mind that Westside Caravan Park has two similar settling ponds adjoining our pond - See aerial photo. Our park was in existence long before their residence was built.</p> <p>(5) Our park is well run with established noise policies. Night curfews enforced. Boom gate stops unauthorised vehicles travelling in park. The tourist section is at the front of the park. Only permanent residents will be living on and near Lot 5 in high quality modern dwellings. Our park was in existence long before their residence was built.</p> <p>(6) When completed our park will have full landscaping, town reticulated sewage and beautiful modern dwellings. It will be a well set out development with the tourist section located at the front of the park. Lots will have modern high quality dwellings owned by permanent residents.</p> <p>A greater concern may be possible bushfire from their Western side due to years of uncut grass.</p> | |
| <p>(1) Increased number of traffic</p> <p>(2) Pedestrian traffic making their way to a bus shelter</p> <p>(3) Drainage/storm water</p> <p>(4) Stench from sewage will be unbearable</p> <p>(5) Noise level increase</p> <p>(6) Outlook from home will be compromised</p> |  |

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ATTACHMENT No [11] - Owner's Response to Objectors

| | |
|--|---|
| <p>(1) Increased number of traffic</p> <p>(2) Increased number of foot traffic</p> | <p>(1) The Emergency entrance in Jacqueline Court will be controlled and locked. The main entrance to our park is in Brears Road. Emergency vehicles would also continue to use this as preferred entrance as it is located next to the Managers offices and residence.</p> <p>(2) The distance along Jacqueline Court to the bus shelter is far greater than to Brears road bus shelter. Pedestrian traffic will prefer the shorter distance. Because of this we expect minimal increase in pedestrian or bicycle traffic.</p> <p>The tourist section is at the front of the park. Only permanent residents will be living on or near Lot 5.</p> <p>(1) No changes to zoning, although Moira Shire Council may allow amalgamation of land. Similar zoning as Westside Caravan Park.</p> <p>(2) The Emergency entrance in Jacqueline Court will be controlled and locked. The main entrance to our park is in Brears Road. Emergency vehicles would also continue to use this as preferred entrance as it is located directly next to Managers offices and residence.</p> <p>(3) The distance along Jacqueline Court to the bus shelter, is far greater than to Brears road bus shelter. Pedestrian traffic will prefer the shorter distance and will be directed as a matter of policy to use the main entrance. Because of this we expect minimal increase in pedestrian or bicycle traffic.</p> <p>The tourist section is at the front of the park. Only permanent residents will be living on and near Lot 5.</p> |
| <p>(1) Change of zoning for 5 Jacqueline court</p> <p>(2) Increased number of traffic from vehicles</p> <p>(3) Increased number of bicycles and pedestrian</p> <p>(4) Jacqueline Court use as car park</p> | <p>(1) Change of zoning for 5 Jacqueline court</p> <p>(2) Increased number of traffic from vehicles</p> <p>(3) Increased number of bicycles and pedestrian</p> <p>(4) Jacqueline Court use as car park</p> |

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|--|--|--|
| <p>(4) Guests will be encouraged and controlled to use the main entrance in Brears Road and park in designated visitor parking areas. As well, the Emergency entrance in Jacqueline Court will be controlled and locked.</p> | <p>(1) Main House of [REDACTED] overlooks into their two evaporation ponds and ours. Far in the distance, is the natural bushland and wildlife – See aerial photo</p> <p>(2) Currently [REDACTED] has 89 cabins and 15 camping sites and Planning Permit for another 70 dwelling sites (Planning Application No TP 1000242) to be built at the rear and around the Main House. It sets a precedent</p> <p>(3) The Emergency entrance in Jacqueline Court will be controlled and locked. The main entrance to our park is in Brears Road. Emergency vehicles would also continue to use this as preferred entrance as it is located directly in front of the Managers offices and residence.</p> <p>(4) Jacqueline Court end of our park is planned for modern high quality lifestyle dwellings. We have a Conditional Agreement with North East Water to extend the town sewerage system along Jacqueline Court to our park. It will no doubt increase the value of properties with the potential to subdivide</p> | <p>(1) No changes to zoning, although Moira Shire Council may allow amalgamation of land. Similar zoning as Westside Caravan Park.</p> |
| <p>[REDACTED]</p> | <p>(1) Main house of [REDACTED] located at the back for serenity and overlooking natural bushland and wildlife</p> <p>(2) Expansion of park</p> <p>(3) Increase traffic</p> <p>(4) Deterioration of property values</p> | <p>(1) Change of zoning for 5 Jacqueline court</p> <p>(2) Increased in foot traffic</p> |
| <p>[REDACTED]</p> | <p>[REDACTED]</p> | <p>[REDACTED]</p> |

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION NO. 52016133 - USE AND DEVELOPMENT - RESIDENTIAL VILLAGE, ADVERTISING SIGNAGE AND NATIVE VEGETATION REMOVAL AT 38 BREARS ROAD, YARRAWONGA AND 5 JACQUELINE COURT, YARRAWONGA (cont'd)

ATTACHMENT No [11] - Owner's Response to Objectors

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| <p>(2) The distance along Jacqueline Court to the bus shelter is much greater than to Brears road bus shelter, foot traffic will prefer the shorter distance. Because of this we expect minimal increase in foot traffic.</p> <p>(3) The Emergency entrance in Jacqueline Court will be controlled and locked. The main entrance to our park is in Brears Road. Emergency vehicles would also continue to use this as preferred entrance as it is located directly in front of the Managers offices and residence.</p> <p>(4) Jacqueline Court end of our park is planned for modern high quality lifestyle dwellings. We have a Conditional Agreement with North East Water to extend the town sewerage system along Jacqueline Court to our park. It will no doubt increase the value of properties with the potential to subdivide.</p> | <p>(1) No changes to zoning, although Moira Shire Council may allow amalgamation of land. Similar zoning as Westside Caravan Park.</p> <p>(2) We understand that it is a vacant property with only a shed. We are not aware of anyone from our park being questioned or charged in our time. We will have a secure well managed modern park. The tourist section is at the front of the park and will not impact on Jacqueline Court</p> <p>(3) Previous owners of old Jelara Caravan Park defaulted in properly maintaining the park sewer system. As a condition of our purchase the sewer system was properly setup in compliance with EPA and has since been religiously maintained by us. There is no overflow nor extraordinary smell. The pond level is maintained by treating the overflow before it is pumped/sprayed on to our park land with the use of electric</p> |
| <p>(3) Increase in vehicular traffic</p> <p>(4) Reduce value of home</p> | <p>(1) Change of zoning</p> <p>(2) Security</p> <p>(3) Sewage pumped into state forest</p> <p>(4) Discharge of storm water</p> <p>(5) Removal of trees and habitat next to forest</p> <p>(6) increase noise, traffic & light pollution</p> |
|  |  |

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ATTACHMENT No [11] - Owner's Response to Objectors

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|---|
| <p>pumps. Please note that Westside Caravan Park has two similar settling ponds – see aerial photo.</p> <p>(4) Our park has a storm water drainage easement on its Eastern and Western boundaries draining water away from Jacqueline Court.</p> <p>(5) Under the Planning Scheme a permit is only required for the removal of native vegetation. Any tree and or shrub which may have been cleared from the park by us, were diseased and or were planted and non-native vegetation which does not require a permit for removal. As an important part of the master plan, we propose to extensively “green up” the park by the massive planting of trees, shrubs and grasses including many natives.</p> <p>(6) The main entrance to our park is in Brears Road. While the distance along Jacqueline Court to the bus shelter is far greater than to Brears road bus shelter, foot traffic will prefer the shorter distance and will be directed as a matter of policy, to us the main entrance. Because of this we expect minimal increase in foot traffic. Please note, our park guests and residents have complained on several occasions about the noise from their property due to unregistered vehicles racing around the vacant land and loud music played sometimes, from Friday to Sunday mornings.</p> |
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| |

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ATTACHMENT No [11] - Owner's Response to Objectors

| | |
|---|---|
| <p>(1) Zoning Change</p> | <p>(1) No changes to zoning, although Moira Shire Council may allow amalgamation of land. Similar zoning as Westside Caravan Park.</p> |
| <p>(2) Stage 1 – overflow accommodation</p> | <p>(2) In peak periods it may be used to accommodate tents and vans with use of portable loos.</p> |
| <p>(3) Buffer</p> | <p>(3) Trees and shrubs will be planted along our Northern boundary to create 2 way privacy.</p> |
| <p>(4) Grey Water and Storm Water</p> | <p>(4) The cause of it has already been remedied. Under the new development, it will all be legally drained.</p> |
| <p>(5) Removal of trees and shrubs</p> | <p>(5) We have not illegally removed any trees or shrubs.</p> |
| <p>(6) Toilet lights</p> | <p>(6) Toilet lights have been rearranged, since becoming aware of the problem</p> |
| <p>(7) Cabins on Easement</p> | <p>(7) They are relocatable dwellings and not a permanent fixture. They will not interfere with drainage of storm water</p> |
| <p>(8) Sewer</p> | <p>(8) Previous owners of old Jelara Caravan Park defaulted in properly maintaining the park sewer system. As a condition of our purchase the sewer system was properly setup in compliance with EPA and has since been religiously maintained by us. There is no visible overflow nor extraordinary smell – see letter from Darren Old. The pond level is maintained by treating the overflow before it is pumped/sprayed on to our park land with the use of electric pumps. Please note that Westside Caravan Park has two similar settling ponds adjoining our pond - See aerial photo.</p> |
| <p>(9) Traffic</p> | <p>Our park was in existence long before their residence was built.</p> |
| <p>(10) Trespasses</p> | <p>(9) Accidents can occur anywhere. It's a matter for Vic Roads</p> |

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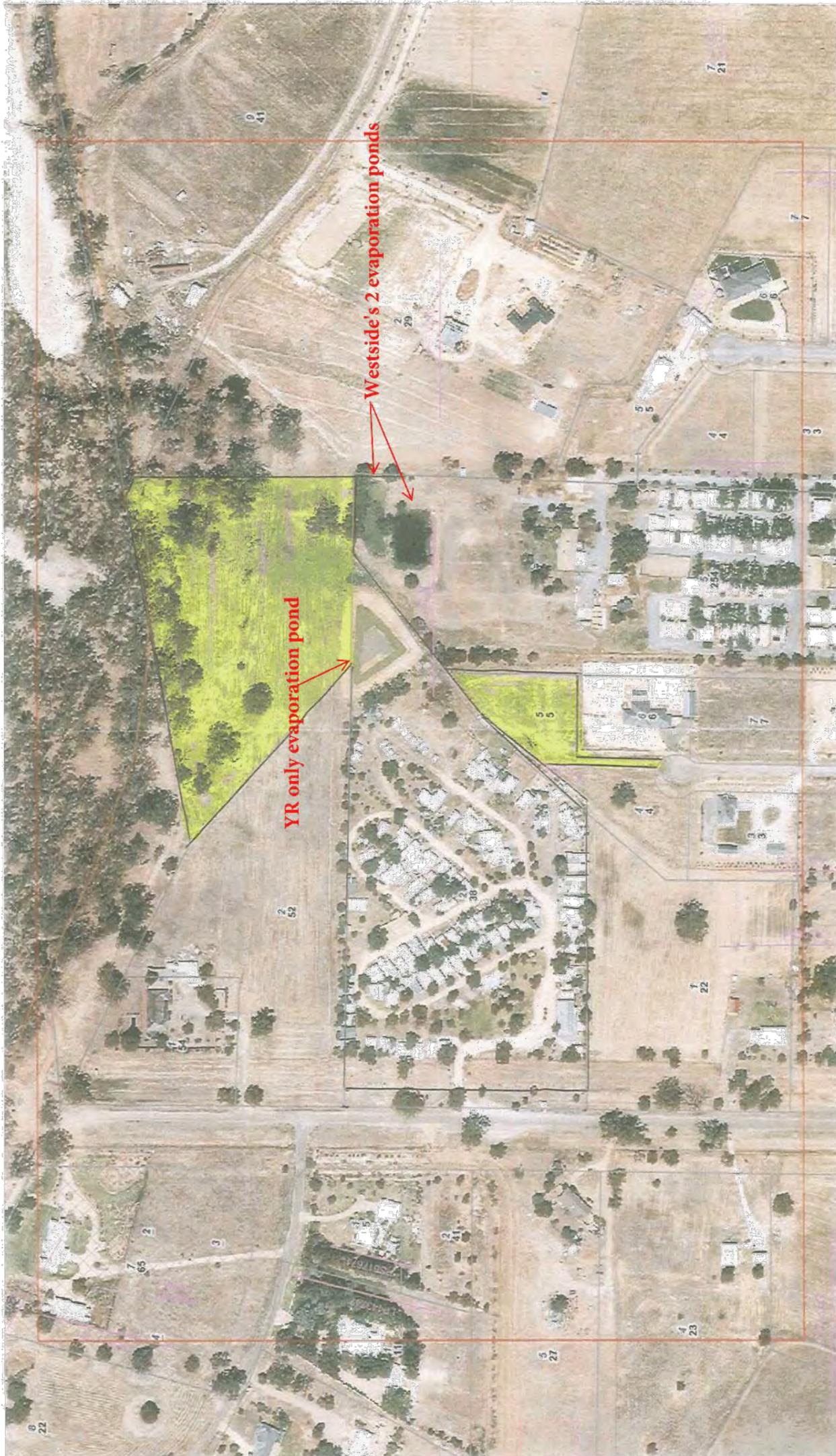
ATTACHMENT No [11] - Owner's Response to Objectors

(10) The fence will be properly repaired or replaced and managed. If there are future problems, we need to be made aware of them. We are not aware that the problems with the horses, golf balls etc. have occurred since July 2015.

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Yarrawonga Riverlands

From: Yarrawonga Riverlands
Sent: Wednesday, 23 November 2016 3:09 PM
To: Yarrawonga Riverlands
Subject: FW: YR Sewer & Darren Olde



TO WHOM IT MAY CONCERN

23 November 2016

RE: Yarrawonga Riverlands Park (YR)
(formerly known as Jelara Caravan park)

My wife ([REDACTED]) & I have been living at our above address for about 12 years.
Last August 2016, we finalised the sale of the back part of that property to Bressan Parks Land P/L (BPL). It has an easement for "water supply & drainage" running through it, coming from along the eastern boundary, passed the sewer pond of the adjoining YR.
Since BPL took over YR in July 2015 there has not been any overflow from the pond into the easement.
Yours faithfully



Sent from my iPad

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ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 52016185 - BUILDINGS & WORKS
(INCLUDING THE REMOVAL OF NATIVE VEGETATION) ASSOCIATED WITH
THE EXISTING CARAVAN PARK AT 38 BREARS ROAD, YARRAWONGA**

RECOMMENDATION

It is recommended that Council Issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application 5/2016/185 for Buildings & Works (including the Removal of Native Vegetation) associated with the existing caravan park at 38 Brears Road, Yarrowonga subject to the following conditions:

1. Before the *use and/or development* start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with *the plans submitted with the application* but modified to show:
 - a) A 2 metre setback from all lot boundaries, and
 - b) A 1.8 metre high colourbond or similar fence, of muted colour, along the lot boundary in the vicinity of the proposed cabins.
2. Before the *use and/or development* start(s), plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show details of the ground preparation works for the proposed cabins.
3. Before the development starts a landscape plan must be submitted to and approved by the responsible authority. The landscape plan must be to the satisfaction of the responsible authority the plan must show:
 - a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
 - b) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
 - c) the method of preparing, draining, watering and maintaining the landscaped area; and
 - d) a permanent screen of small trees and shrubs with a minimum of two rows along the lot boundary to the north and south in the vicinity of the new cabins. The planting should be a mixture of local indigenous trees and understory species to provide a buffer between the park and adjoining land uses.
4. Before occupation occurs or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including the replacement of any dead, diseased or damaged plants.
6. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

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7. Prior to the commencement of the use, all internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan must be constructed, drained and illuminated in accordance with plans and specifications approved by the Responsible Authority. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM].
8. All roof water from buildings and surface water must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land.
9. No native vegetation (including trees, shrubs, herbs and grasses) must be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.
10. Earthworks and works must not cause damage to native vegetation retained (including trees, shrubs, herbs and grasses) and to natural drainage lines and/or watercourses.
11. The removal of native vegetation must only occur to the extent permitted as shown on the endorsed plan/s (whether or not to comply with any statute, statutory rule or regulations or for any other reason), except with the formal written consent of the Responsible Authority.
The removal must not cause damage to other native vegetation to be retained and to drainage lines, waterways and/or watercourses.
12. Native vegetation offsets are required to offset the removal of one (1) scattered tree approved as part of this permit.
The applicant must provide native vegetation offsets that meet the following requirements, and is in accordance with the '*Permitted clearing of native vegetation – Biodiversity assessment guidelines*' and the '*Native vegetation gain scoring manual*' (Department of Environment, Land, Water and Planning)
The offset must:
 - a) Contribute gain of at least 0.021 general biodiversity equivalence units
 - a) Be located within the Goulburn Broken Catchment Management Authority boundary or Moira Shire Council Municipal district
 - b) Have a strategic biodiversity score of at least 0.782
13. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment, Land, Water and Planning).
Offset evidence can be either:
An allocated native vegetation credit register extract from the Native Vegetation Credit Register;
or
A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the

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Responsible Authority. The requirements noted in an approved and endorsed Offset Management Plan must not be altered except with the written consent of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

14. Large limbs and trunks over 250mm diameter and stumps of trees approved for removal must be retained as logs to create habitat and dispersed throughout the offset area or at another location by written agreement with and to the satisfaction of the Responsible Authority.
15. Prior to the installation of any cabins, details must be provided of each cabin's compliance plates.
16. All plumbing features must be connected to a reticulated sewerage system operated by North East Water. No new connections are to be made to the existing septic tank system.
17. An amended Emergency Management Plan must be submitted and approved prior to the installation of any cabins.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

Permit Notes

Consent is required from the beneficiary prior to the undertaking of works in any easement including but not limited to the erection of a temporary structure

Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.

Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.

No construction materials or earth is to be placed or stored outside the site area or on adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of this permit.

Before works and development start, the permit holder must advise all persons undertaking works and development (including removal of native vegetation) on site of all relevant permit conditions and associated statutory requirements or approvals. This is

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including but not limited to Native Vegetation Protection Zone and Tree Protection Zone.

1. Executive Summary

Planning Permit Application 5/2016/185 is for buildings and works (including the removal of native vegetation) associated with the existing caravan park.

There are 2 triggers for the permit:

Clause 32.03-4 – Permit required for buildings and works associated with a Section 2 use in the Low Density Residential Zone.

Clause 52.17-2 – Permit required for the removal of native vegetation

The application was referred and advertised. Advertising consisted of a site notice and a letter to adjoining property owner/occupiers. One (1) objection has been received. The application has therefore been referred to Council for decision.

The application has been assessed against the relevant Clauses of the Moira Planning Scheme. The assessment has shown that the proposal accords with the purpose and policies associated with the Low Density Residential Zone and the Particular Provisions for Native Vegetation. The proposal also accords with State or Local Planning Policies.

Accordingly this report recommends that the application be approved and a Notice of Decision to Grant a Permit be issued.

2. Background and Options

Application details

| | |
|-------------------|--|
| Applicant: | North East Survey Design |
| Owner: | Bressan Parks Land Pty Ltd |
| Property Address: | 38 Brears Road, Yarrowonga |
| Title description | Lot 1, PS735246 |
| Site Area: | 6.332ha |
| File No: | 5/2016/185 |
| Zone: | Low Density Residential Zone and Rural Living Zone |
| Overlays: | Rural Floodway Overlay |

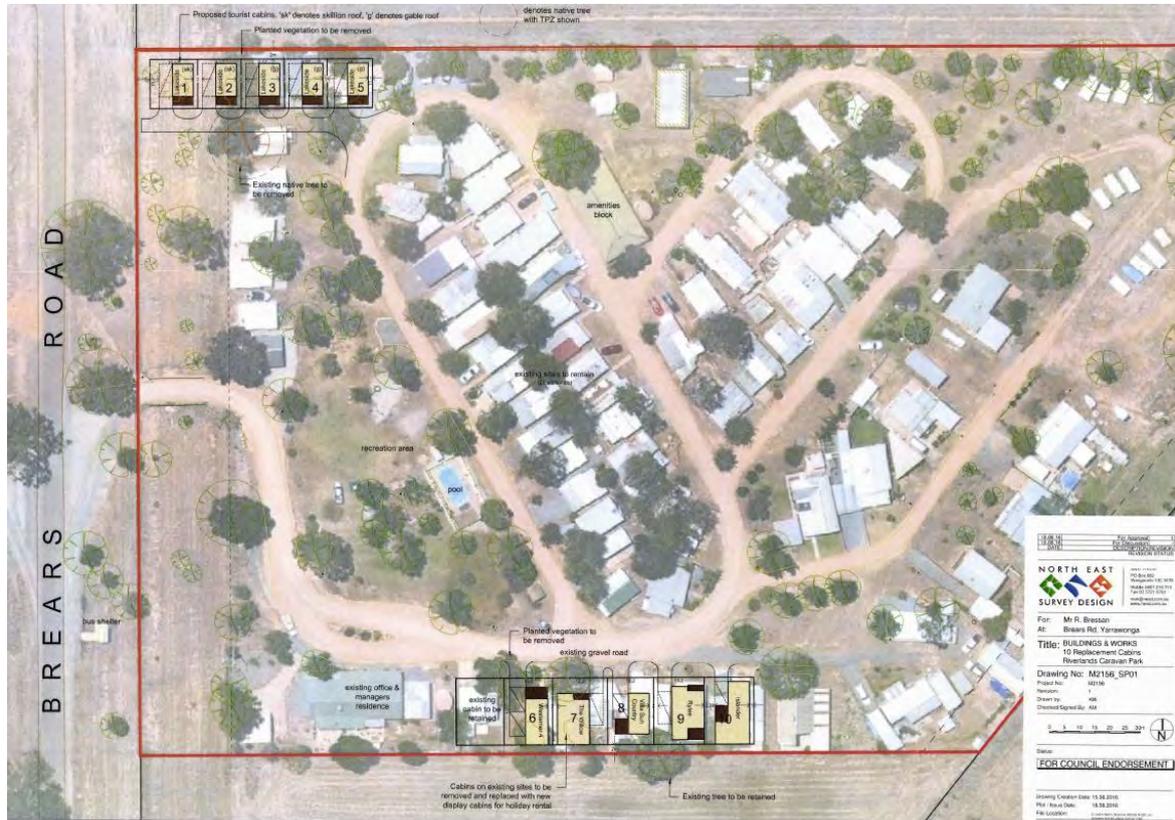
Proposal

The application seeks approval for the undertaking of works to facilitate the erection of 10 cabins along with the removal of a single native tree. The placement and use of the cabins do not trigger a permit. The ground preparation works however, footings etc., requires a permit.

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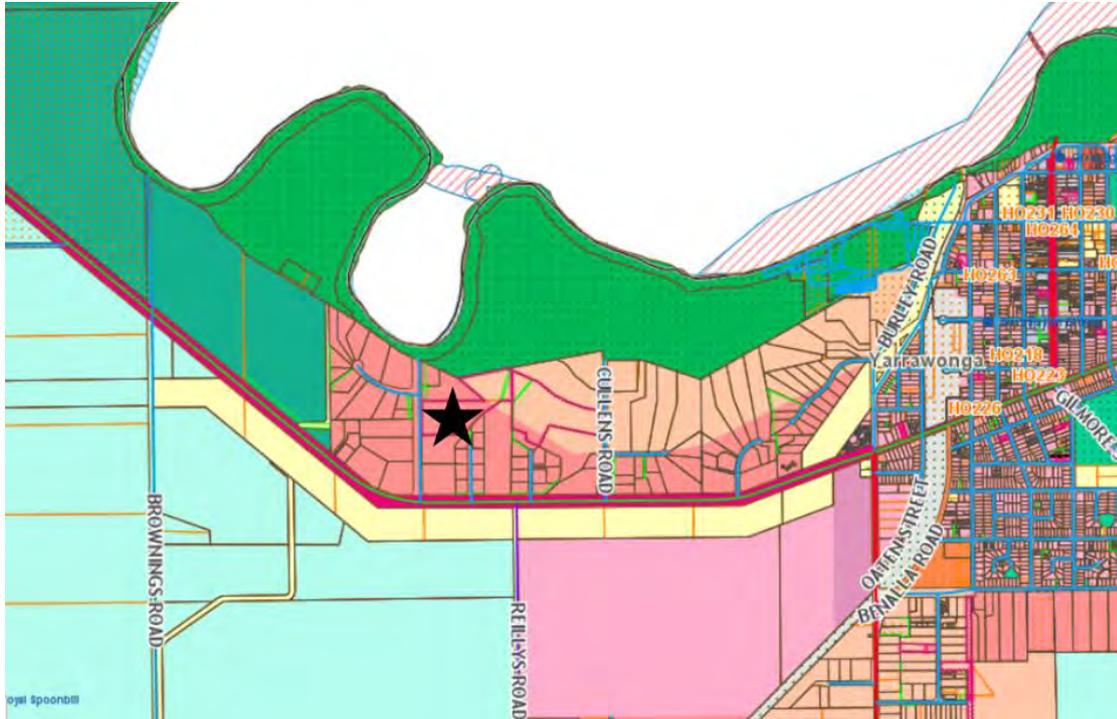
Locality and subject land

The subject land is located in the town of Yarrawonga, close to its western edge between the Murray Valley Highway and the River Murray.

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The subject lot is irregular in shape. The most northern boundary is with crown lands through which the Murray River flows. The south eastern boundary is with the Yarrowonga Westside Caravan Park and residential lands associated with Jacqueline

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Court. The remaining adjoining lands are in residential use. Brears Road forms the western boundary of the subject lot.

The north western portion of the lot is un-developed and dominated by remenant native vegetation. There is a large water treatment pond between the treed area and established accommodation.

Key Issues

- Established Use
- Objection

Planning Permit History / Concurrent Application

Planning Permit Application 5/2016/133 for the Use and Development - Camping and Caravan Park, Advertising Signage and Native Vegetation Removal was lodged on 21 June 2016. This application incorporates an additional lot at 5 Jacqueline Court where the camping and caravan park use has not yet been established.

In July 2016 a request for further information was issued. Given the delay this placed on issuing the permit the applicants lodged the subject application 5/2016/185 in an effort to allow works to begin on the placement of 10 new cabins on the lot in advance of Council determining application 5/2016/133.

As an objection has been received against application 5/2016/185 it is not possible to issue a decision by delegation so this Council Report has been prepared. In the interest of clarity please note that application 5/2016/133 has also been referred to Council for decision and is subject to a separate Report.

Options

Council has the option to defer its decision for further assessment, issue a notice of refusal or issue a notice of decision to grant a permit subject to conditions.

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

4. Risk Management

If Council decides to grant a permit and conditions are not fulfilled, it may become a compliance issue.

5. Internal and External Consultation

Internal Consultation

The application was referred internally to Building, Environmental Health, Infrastructure Planning and Natural Resources Departments. No objections have been raised however a number of conditions have been recommended if any permit is issued.

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A key issue has been connection to the existing waste water treatment systems on site. The Environmental Health Department's response states that:

Any new plumbing connections to the existing septic tank system, in the absence of permits, will constitute a breach of the EP Act 1970.

The Department has not objected to the issuing of a permit provided that a condition be set out such that any new plumbing fixtures associated with the new cabins must be connected to sewer, not the existing septic tank system.

External Consultation

The application was also referred externally to North East Water (NERWA). NERWA has not objected to the issuing of a permit.

Public Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining landowners in the vicinity of the proposed cabins, and placing a notice on the site.

The advertising has been carried out and one objection has been received. The applicant was sent the objections for comment. The applicant responded and the objector has indicated that they are not satisfied with the response. It is noted that the objector has highlighted the placement of earth on site as part of their final correspondence. This matter was referred to our Compliance Officer.

All relevant correspondence has been appended.

| Basis of Objection | Officer's comments |
|--|--|
| Waste Water Treatment | Conditions will be placed on the permit to ensure that the 10 new cabins will be connected to sewer rather than the existing septic tanks and settling pond system on site. |
| Stormwater | A condition will ensure that all stormwater must be contained on site or directed to a legal point of discharge. |
| Layout / Design <ul style="list-style-type: none"> • Setbacks • Fences • Easements from | <p>The shed / workshop referred to by the objector does not form part of this application and will be assessed separately as part of application 5/2016/133.</p> <p>There are no minimum setbacks set out for camping and caravan parks. The proposed cabins replicate the setbacks established by the existing cabins on site. It is considered therefore that the setback is appropriate. A condition will require a two metre setback. This will link to a condition for landscaping to form a buffer to protect adjoining land uses.</p> <p>A condition will be placed on the permit to ensure adequate fencing is provided along the lot boundary.</p> <p>Any works in an easement must be in accordance with</p> |

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| | |
|-------------------|---|
| | the requirements for the beneficiary of the easement. A note will be placed on the permit to ensure that the applicant is aware that they need to obtain consent from the beneficiary |
| Native Vegetation | The subject application includes the removal of one (1) tree. It is noted that a detailed survey of all vegetation on site has been submitted as part of the application. Conditions will be set out to ensure that the required offset for the tree is provided. A condition will require landscaping to create a buffer between the subject lot and adjoining uses. |
| Baiting | This is not a planning issue. |

6. Regional Context

There is no regional context associated with this development, given its small scale and location.

7. Council Plan Strategy

Moira Shire's current Council Plan states that it is a strategic goal of the plan to:
*Improve Moira's Liveability, and
Build on our economic strengths in agriculture, manufacturing and tourism.*

It is considered that issuing a permit for the subject application would accord with Moira's strategic goal to build on economic strengths in tourism. Compliance with conditions will ensure that Moira's liveability is not adversely affected.

8. Legislative / Policy Implications

State Planning Policy Framework

It is an objective of the State Planning Policy Framework, set out at Clause 17.03-1:
To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

The subject application accords with this objective.

Local Planning Policy and Municipal Strategic Statement

Clause 21.05-1 of the Moira Planning Scheme states that:

Tourism is an economic and employment growth sector for the Shire and is an important aspect of the social, economic and physical make up of the Shire.

Further it states:

The dominant role of Yarrawonga as a tourist town needs to be recognised and promoted.

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The proposed new cabins accord with these local policies.

Zoning

The proposed works are occurring on lands affected by the Low Density Residential Zone (LDRZ). The purpose of the LDRZ, set out in Clause 32.03, is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The use of land in the LDRZ as a Camping and Caravan Park, which is one of the *Accommodation* uses, is a Section 2 use and hence requires a planning permit. The subject camping and caravan park however is already established and has existing use rights.

Clause 32.03-4 states that buildings and works associated with Section 2 uses trigger a planning permit requirement. This is the first trigger for the subject application.

Clause 32.03-6 sets out decision guidelines for applications in the LDRZ. It states that applications must be assessed against Clause 65, the State Planning Policy Framework and the Local Planning Policy Framework and local planning policies. These will be discussed elsewhere in this document.

Overlays

The subject lot is affected by the Rural Floodway Overlay (RFO). The proposed works are however outside of the overlay. There is no trigger for a permit in the RFO.

Particular Provisions

Clause 52.17 – Native Vegetation

Clause 52.17-2 states that a permit is required to remove, destroy or lot native vegetation. This is the second trigger for the subject application. The application was referred to the Natural Resources Department who has set out conditions to ensure that the required offset is provided.

Clause 65 Decision Guidelines

This Clause states that:

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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*

FILE NO: 52016185
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 52016185 - BUILDINGS & WORKS
(INCLUDING THE REMOVAL OF NATIVE VEGETATION) ASSOCIATED WITH
THE EXISTING CARAVAN PARK AT 38 BREARS ROAD, YARRAWONGA
(cont'd)**

- *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.*

These matters have been considered and it is concluded that the proposed development, subject to compliance with conditions, accords with the guidelines.

9. Environmental Impact

It is considered that the proposed works and removal of single tree is minor in nature and, subject to compliance with conditions, will not have an adverse impact upon the environment.

10. Conflict of Interest Considerations

There is no officer conflict of interest issues associated with this report.

11. Conclusion

The subject lot is located in the Low Density Residential Zone and is affected by the Rural Floodway Overlay.

The caravan and camping park has been in existence some time and has existing use rights. The subject application, for works to prepare for the installation of 10 new cabins and the removal of a single native tree, is minor in nature.

Given that the application accords with the requirements and decision guidelines for development and subject to compliance with conditions it is considered appropriate that a permit be issued.

This report therefore recommends that a planning permit should be issued.

Attachments

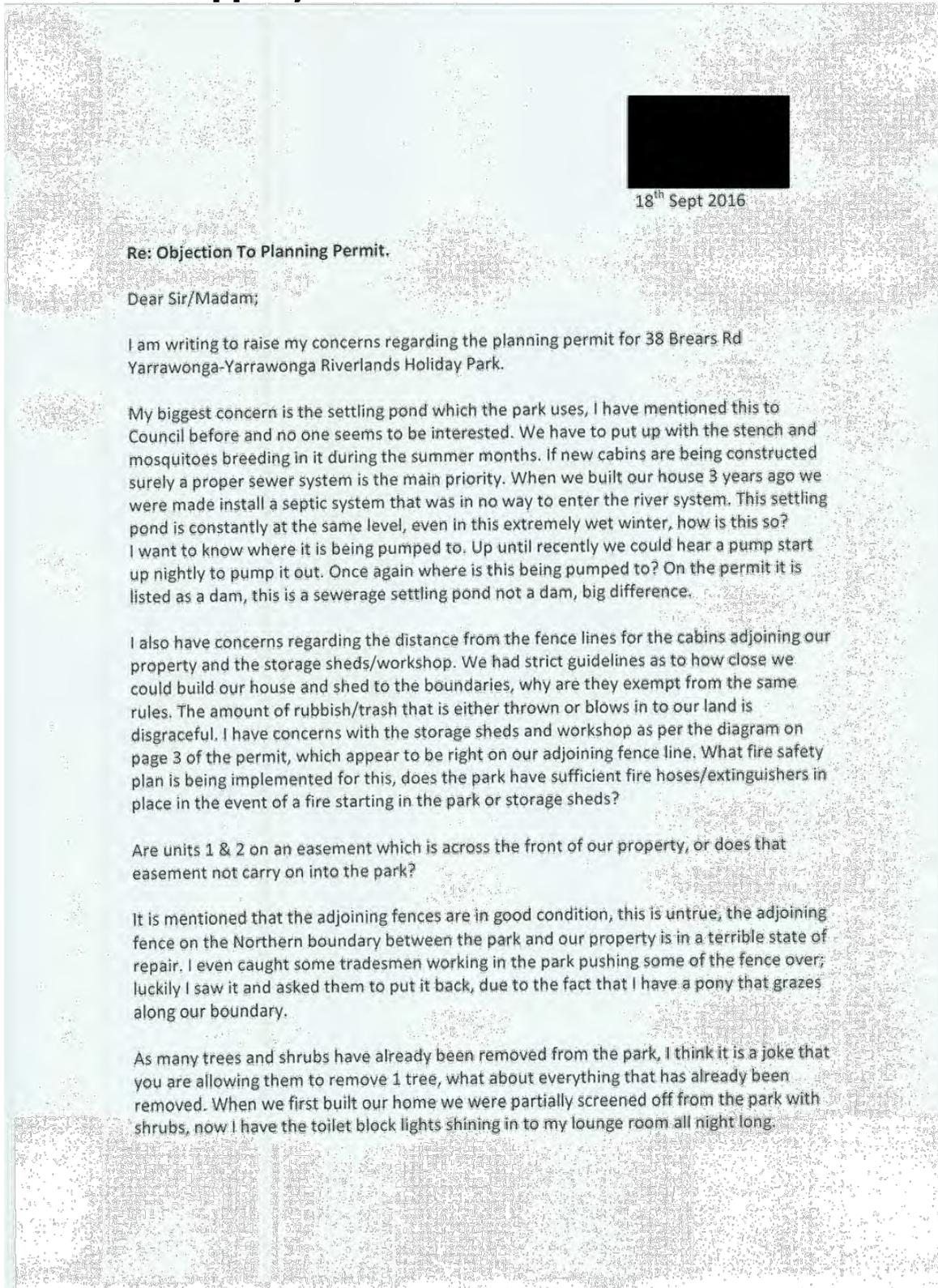
- 1 Objection
- 2 Applicant's Response to Objection
- 3 Objector - No to Withdrawal

FILE NO: 52016185
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

**PLANNING PERMIT APPLICATION NO. 52016185 - BUILDINGS & WORKS
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(cont'd)**

ATTACHMENT No [1] - Objection



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(cont'd)**

ATTACHMENT No [1] - Objection

I have attempted to grow trees and shrubs along my side of the fence which has cost me many thousands of dollars, however due to storm water from the old cabins being directed via their downpipes on to my property and grey water coming from pipes connected to caravans also coming on to my ground, very few have survived. I need to know where this water is going to be directed to once the new cabins go up.

In regards to the eradication of foxes, rabbits, hares etc. it is suggesting baiting. I trust that all neighbours will be notified of when this will happen due to most neighbours owning domestic dogs and cats.

There is not much mention in this application of what the plans are for the area which abuts the public land along the Murray River, which has recently been acquired by the caravan park. I trust we will be given the future plans for this in due course.

Due to the above concerns I am objecting to this permit until I can have my concerns addressed.

I trust that these concerns/objections will be passed on to the appropriate departments and we will be informed of all developments regarding this permit.

Yours Faithfully



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2. IMPROVING MOIRA'S LIVEABILITY

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THE EXISTING CARAVAN PARK AT 38 BREARS ROAD, YARRAWONGA
(cont'd)**

ATTACHMENT No [2] - Applicant's Response to Objection



www.nesd.com.au

PO Box 882
Wangaratta VIC 3676
Ph 0407 216 710
Fax 03 5721 6701
matti@nesd.com.au

PO Box 265
Yarrowonga VIC 3730
Ph 0417 216 710
Fax 03 5744 2386
andrew@nesd.com.au

PO Box 2223
Echuca VIC 3564
Ph 03 5480 0688
Fax 03 5480 0788
stephen@nesd.com.au

M2156

28th September 2016

[REDACTED]
[REDACTED]
Town Planner
Moira Shire Council
PO Box 578
COBRAM VIC 3644
[REDACTED]

Dear [REDACTED]

**Re: Planning Permit Application 5/2016/185
Buildings & Works (10 Replacement Cabins) & Removal of Native Vegetation
38 Brears Rd, Yarrowonga - Yarrowonga Riverlands Holiday Park
- Response to Objection**

Council has advised us of your objection to the above Application for the development involving the replacement 10 cabins for the Yarrowonga Riverlands park. In response we provide the following additional information and clarifications which will hopefully alleviate your concerns;

Background to the Application

As you may be aware, ownership of the former Jelara Caravan Park has relatively recently changed and the property is now owned by Bressan Parks Business Pty Ltd. The new owner has a vision to upgrade and expand the park to provide improved cabins and facilities offering a range of accommodation options for tourists and permanent residents.

A master plan has been prepared for the whole of the site which is currently being considered by Council as part of a separate planning Application (Ref. 5/2016/133). Council has requested further information from the applicant regarding that Application and we are currently working through this before Council will allow the master plan to be formally circulated to surrounding landowners for comment.

You will have noticed that some removal of old cabins and caravans, fallen trees etc. has been occurring to clean up the site. This has resulted in a reduced number of occupied sites to currently about 40 within the park however the current number of permitted sites is 78.

As the popular summer holiday season fast approaches the landowner is very keen to replace some of the old cabins/vans which have been removed, with new ones. The planning Application for the master plan will take time to consider fully and therefore this simple separate Application has been submitted for the 10 new cabins which can hopefully be decided without delay and allow the new cabins to be installed as soon as possible.

The proposed new cabins will be located in areas of the park which previously had old cabins and vans on them and are therefore considered to be an improvement to the park.

Please understand that this application is for **only** the 10 new replacement cabins and possible removal of one native tree and will not result in an increase in the number of sites permitted nor an expansion of the current footprint of the park.

All future works are part of the master plan and are subject to separate planning permit Application (Ref. 5/2016/133).

Further, we hope that the below information suitably addresses your particular concerns.

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2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING PERMIT APPLICATION NO. 52016185 - BUILDINGS & WORKS
(INCLUDING THE REMOVAL OF NATIVE VEGETATION) ASSOCIATED WITH
THE EXISTING CARAVAN PARK AT 38 BREARS ROAD, YARRAWONGA
(cont'd)**

ATTACHMENT No [2] - Applicant's Response to Objection

Settling Pond

The settling pond/dam currently utilised by the park as part of its effluent disposal system has been in operation in the park since its inception in 1984/1985. We acknowledge that there have been some issues in the past. However, the current owner has upgraded the system it and the pond are now functioning properly in accordance to EPA requirements.

The pond level is maintained by treating the overflow before it is pumped/sprayed on to park land with the use of electric pumps

As outlined above the 10 proposed new cabins which are the subject of this Application, are only replacement cabins for those that have been removed and will not increase the number of sites within the park, above what is already permitted nor increase pressure on the existing waste water treatment system.

As part of the overall master plan to redevelop and expand the park, the landowner is proposing to provide reticulated sewerage or other suitable system.

Offsets from boundaries

There is no minimum boundary offset requirement under the Planning Scheme for sheds or dwellings in the Low Density Residential Zone. The proposed 5 cabins adjacent to the northern boundary of the Park will be offset by approx. 1.2m - 2m which is more than the original cabins in that location.

Rubbish/Trash

The landowner has advised that the existing fencing will be repaired or replaced over time. It has asked that you please advise park management if there is rubbish blowing onto your land and they will have it collected.

Fire Safety

The proposed storage sheds are not part of this application.

Compliant fire safety services are currently provided and will continue to be provided throughout the park and to the storage shed area in accordance with CFA requirements as part of the future master plan works if approved.

Easements

There are number of easements affecting the land including an easement for water supply and drainage along the Brears Road frontage of the site. Due to the removable nature of the cabins it is permissible for them to be located over this easement unlike a permanent dwelling or shed.

Fences

The landowner has advised that the existing fencing will be repaired or replaced over time. If you have any further issues with contractors working on the site, please notify the park management.

Removal of Vegetation

Under the Planning Scheme a permit is only required for the removal of native vegetation and only one native tree is proposed to be possibly removed as part of these works as indicated on the plan. Any tree and or shrub which may have been cleared from the park by the current owner, were diseased and/or were planted and non-native vegetation which does not require a planning permit for removal.

As an important part of the master plan, the owner proposes to extensively "green up" the park by the massive planting of trees, shrubs and grasses including many natives.

Lighting

The landowner proposes to rearrange and/or to redirect the toilet lights away from your dwelling to alleviate the issue of light shining into your lounge room.



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(cont'd)**

ATTACHMENT No [2] - Applicant's Response to Objection

Stormwater

Stormwater and grey water from the proposed new cabins will be directed to the legal point of discharge for the site via underground pipes and/or grassed swales and will not be permitted to flow onto your land.

Any other current issue surrounding drainage affecting your land, will be addressed in due course by the landowner as part of the master plan redevelopment of the park.

Baiting

In accordance with legislative requirements you will definitely be notified if baiting is required to be undertaken on the site.

Future Plans

Development on the recently acquired land to the north of the existing park area is not part of this Application. The future use and development of this land is subject to the said separate planning permit Application.

We hope that the above information alleviates your concerns. We kindly seek that at this stage you only consider the 10 new cabins proposed in this Application. You will be provided with an opportunity to raise any further issues surrounding the master plan for the site at a later stage.

As you are no doubt aware, the landowner has inherited the park in a very poor state. It has already rectified many issues of compliance and proposes to continue to develop the park, in compliance with laws and regulations.

Its intentions are to invest heavily in new cabins and facilities to revitalise and modernise the park over the coming years.

Should you wish to conduct further mediation in the form of a meeting please advise Council to arrange it ASAP. Alternatively, your objection to this Application can be withdrawn.

You will have an opportunity to comment on the separate master plan Application at a later date.

Yours sincerely,

[Redacted signature]

C:\USERS\KAREN\DROPBOX (NED)\NED JOB DIRECTORY\M2156-JELARA CARAVAN PARK REDEVELOPMENT, BREARS ROAD YARRAWONGA-ROBERT BRESSANI\PLANNING\DOCUMENTS\TPA 10 CABINS SUBMISSION\M2156-16.09.28-MOIRA-RESPONSE TO OBJECTION TO PLN APP 5-2016-185.DOC



FILE NO: 52016185
2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING PERMIT APPLICATION NO. 52016185 - BUILDINGS & WORKS
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(cont'd)**

ATTACHMENT No [3] - Objector - No to Withdrawal

From: [REDACTED]
Sent: Monday, 24 October 2016 1:44 PM
To: Martina Foley
Subject: Brears Rd planning application 5/2016/133 and 52016185
Attachments: Brears Rd1.jpg; Brears Rd3.jpg
Importance: High

Hi [REDACTED],

As far as I know this planning permission has not been approved as yet, to me it looks like work is beginning. I have had no resolution to my concerns, and with all of this sand being delivered the drainage issues are of greater concern.

I would appreciate it if you could let me know what is happening please. I have more photos if required.

Kind Regards
[REDACTED]

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

FILE NO: 52016185
2. IMPROVING MOIRA'S LIVEABILITY

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**PLANNING PERMIT APPLICATION NO. 52016185 - BUILDINGS & WORKS
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(cont'd)**

ATTACHMENT No [3] - Objector - No to Withdrawal



FILE NO: 52016185
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**PLANNING PERMIT APPLICATION NO. 52016185 - BUILDINGS & WORKS
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(cont'd)**

ATTACHMENT No [3] - Objector - No to Withdrawal



FILE NO: 52016170
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD,
INVERGORDON**

RECOMMENDATION

That a Notice of Refusal be issued for Planning Permit Application No. 5/2016/170 to use and develop land at 869 Union Road, Invergordon for Use and Development – Animal Keeping:

1. The proposal is not consistent with the State Planning Policy Framework;
2. The proposal is not consistent with the Local Planning Policy Framework in particular in Clause 21.05-3;
3. The proposal does not accord with the Decision Guidelines for the Farming Zone.
4. The proposal will have a detrimental impact on the amenity of surrounding uses.

1. Executive Summary

Planning Permit Application 5/2016/170 is an application for the use and development of a lot at, 869 Union Road, Invergordon, for the use and development of the property for animal keeping. The applicant proposes to keep 16 dogs and 2 cats.

The application was advertised and three objections have been received.

The application was referred internally and externally. None of the Referral Authorities objected to the issuing of a permit.

The application has been assessed against the State and Local Planning Policies and provisions as set out in the Moira Planning Scheme. It was found to be inconsistent with the planning scheme. Importantly the proposed development could negatively impact upon the residential amenity enjoyed by near neighbours.

Therefore, it is recommended that the Permit Application 5/2016/170 for use and development of the lot for the purposes of animal keeping be refused.

2. Background and Options

Application details

Owner/Applicant: Stephen Cartwright
Property Address: 869 Union Road, Invergordon
Title description: Lot 1 PS522088
Site Area: 1.840ha
File No: 5/2016/170
Zone: Farming Zone
Overlays: Nil

Locality and subject land

The subject land is located on Union Road approximately 1 km north of its junction with the Katamatite-Shepparton Road in Invergordon. To the north of the lot is a GMW channel and the Wunghnu Road.

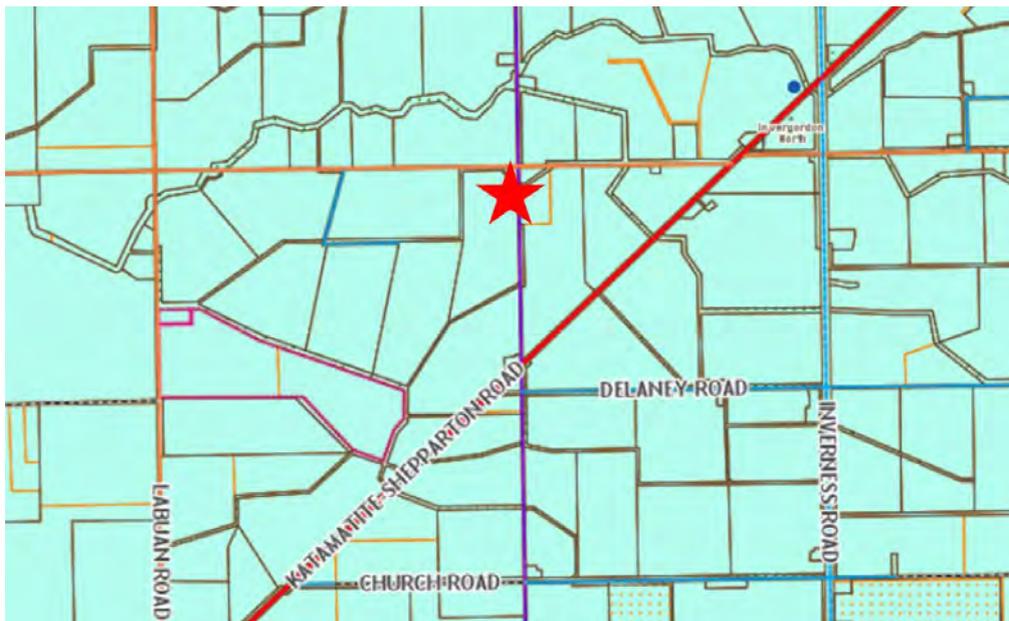
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**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
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INVERGORDON (cont'd)**

It is a relatively small lot being 1.84ha. It is surrounded by larger lots, in agricultural use. There are two smaller lots, associated with residential uses, on the northern side of the channel. These dwellings are located approximately 60-70 metres from the subject lot.

Location of Subject Lot

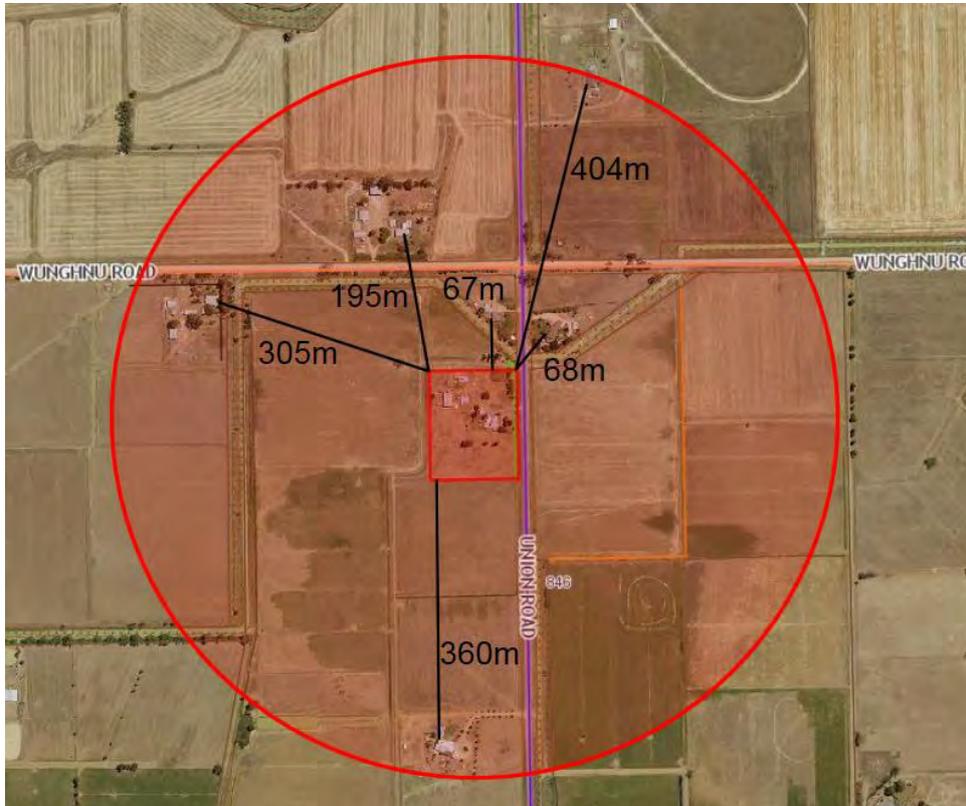


Distance to Six Dwellings within 500m of Subject Lot

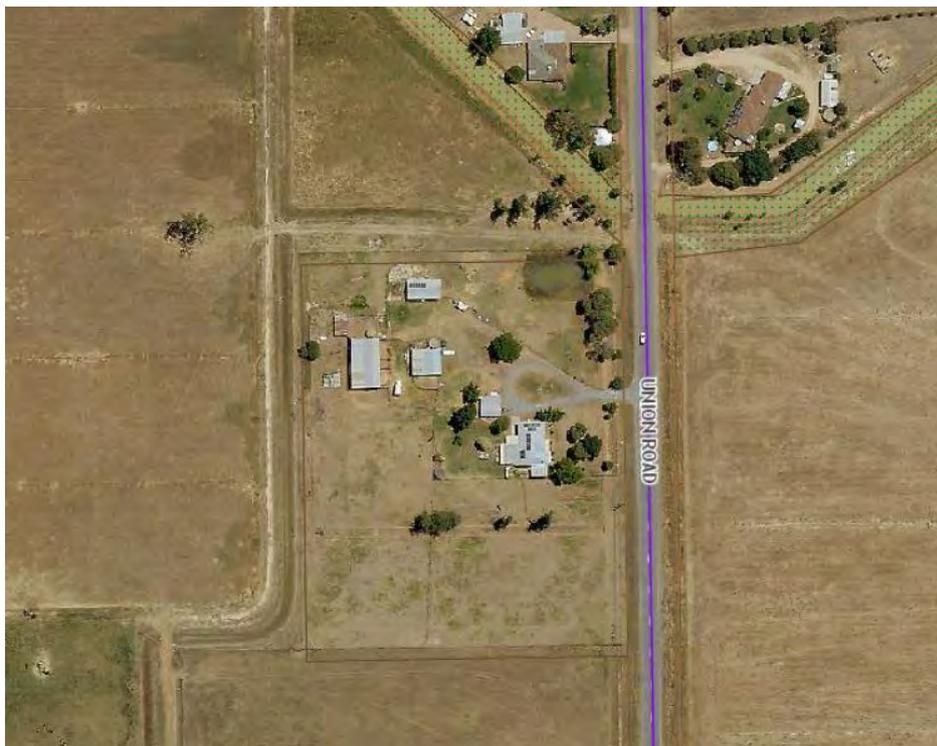
FILE NO: 52016170
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**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD,
INVERGORDON (cont'd)**



Subject Lot at 869 Union Road



Proposal

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**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD,
INVERGORDON (cont'd)**

The application seeks approval for the use and development of the land for animal keeping. It is noted that this use has been established and the application was lodged as a result of a compliance related investigation. The applicant proposes to keep 16 dogs and 2 cats. The dogs are pets used for sled dog racing. Further the applicant proposes to breed 1 litter every two years.

At the time of submitting further information to Council in September there was an additional single rescue dog on site. The applicant has indicated that he will be re-homed soon and no new foster animals will be accepted.

The dogs are housed in dog runs of 12m x 5m. The applicant has indicated that the runs are mostly undercover inside existing sheds.

When asked to describe proposed noise attenuation measures on site the applicant indicated that they are in the process of planting a single row of fast-growing hedged. The site plan submitted shows a tree line to the north and south of the dog runs.



Key Issues

- State Planning Policy
- Local Planning Policy
- Farming Zone
- Objections received
- Protection of Amenity

Options

Council has the option to defer its decision for further assessment, issue a notice of refusal or issue a notice of decision to grant a permit.

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PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD, INVERGORDON (cont'd)

3. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

4. Risk Management

If Council decides to grant a permit and conditions are not fulfilled, it may become a compliance issue.

5. Internal and External Consultation

Post-Lodgement Consultation

A further information request was issued on 18 August 2016 requiring:

- Confirmation that property will not be used for boarding or "rescue" dogs
- Proposal description to include:
 - number of animals, number of entire dogs, number of pups per year,
 - number of people coming to and from the site, hours of operation,
 - waste treatment proposal including a description of how waste will be handled, waste disposal proposal, drainage proposal,
 - description of animal housing, noise attenuation measures and fencing type

The applicant's response is attached. Following receipt of this information the assessment proceeded.

Internal Consultation

The application was referred internally to Environmental Health, Infrastructure Planning and Safety and Amenity Departments. No objections have been raised however a number of conditions have been recommended if any permit is issued.

External Consultation

The application was also referred externally to Goulburn Murray Water (GMW). GMW has not objected to the issuing of a permit, subject to a number of conditions.

Public Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining landowners and placing a notice on the site.

The advertising has been carried out and three objections have been received (appended). The applicant was sent the objections for comment. At the time of writing this report no response has been received from the Applicant.

The basis of these objections are summarised and officer's comments are provided in the following table.

| Basis of Objection | Officer's comments |
|---------------------------|---|
| Noise Levels | All objector's raised concerns regarding the impact of noise on their residential amenity. The EPA's <i>Noise Control Guidelines 2008</i> state that: <i>The problems caused by the perpetual barking of dogs has</i> |

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PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD, INVERGORDON (cont'd)

| | |
|------------------|--|
| | <p><i>been known to exist at distances as far as 500 metres from the actual source.</i></p> <p>It recommends that Kennels should be located at least 500 metres from residential areas. VCAT has previously stated that scattered dwellings in a Farming Zone, such as those located around the subject lot, are not considered to be a residential area (<i>Ward v Baw Baw SC & Ors [2010] VCAT 1533</i>).</p> <p>The closest dwellings to the proposal are less than 70m from the subject lot. There are 5 dwellings within 400m and 6 within 500m.</p> <p>The applicant, in response to a request for further information has indicated that a hedge will be planted that, when grown, should muffle sound.</p> <p>It is considered that given the proximity of the dwellings it is unlikely that the requirements set out by the EPA in <i>Noise from Industry in Regional Victoria 2011</i> can be met.</p> |
| Waste Management | <p>The applicant has submitted that the dogs' waste is stored in a skip onsite which is emptied every 8 weeks. The runs are cleaned by removing waste regularly and replacing the sand every few months.</p> <p>If a permit were to be issued conditions regarding the treatment of waste should be set out in order to protect residential amenity from odour etc.</p> |
| Light pollution | <p>If a permit were to be issued a condition limiting the use of lighting could be required.</p> |
| Use of land | <p>One objector indicated that the change of use from agriculture to intensive animal keeping will have a negative impact upon agriculture.</p> <p>It is noted that the established primary use of the subject lot and the two lots to the north is residential, not agricultural.</p> <p>The proposal would not impact on adjoining lots to be used for crop raising but the presence of a significant number husky dogs on site may impact on the capacity of the land for livestock. On balance therefore the use of the land will have a minor negative impact upon agriculture.</p> |
| Safety concerns | <p>Two of the objectors have referred to the nature of husky dogs, as pack animals, potentially giving rise to concerns regard in the safety of livestock and children.</p> <p>While these concerns are acknowledged this is not a planning consideration.</p> |

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PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD, INVERGORDON (cont'd)

| | |
|----------------|---|
| | |
| Health of dogs | One objector has raised concerns regarding the health of the animals. Again this is not a planning consideration. |

6. Regional Context

There is no regional context associated with this development, given its small scale and location.

7. Council Plan Strategy

Moira Shire's current Council Plan states that it is a strategic goal of the plan to:
Improve Moira's Liveability

It is considered that issuing a permit for the subject application would not accord with Moira's strategic goal to enhance liveability through safe and welcoming communities. If a permit were granted, the development may impact on the quality of life of nearby residents.

8. Legislative / Policy Implications

State Planning Policy Framework

It is a strategy of the State Planning Policy Framework to:
Ensure that development is not prejudiced that community amenity is not reduced by noise emissions

While this strategy relates primarily to decisions about zoning it is clear that the impact of noise on amenity is recognised at the state level.

Local Planning Policy and Municipal Strategic Statement

Clause 21.05-3 states that it is an Economic Development Objective within Moira:
To ensure that the environmental impacts of industrial and commercial developments are in compliance with the relevant State Environmental Protection Policies and EPA guidelines.

The proposed use of the subject lot does not meet the State level EPA setback from residential areas. The proposal therefore does not accord with this Local Policy objective.

Zoning

The subject land is located in the Farming Zone (FZ). The purpose of the FZ, amongst others, is:

*To provide for 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*

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**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD,
INVERGORDON (cont'd)**

In Clause 35.07-1 the use of the land the keeping of more than 5 dogs is a Section 2 – Permit Required Use. This is the first trigger for the subject application.

Clause 35.07-4 states that a permit is required for buildings and works associated with a use in Section 2. This is the second trigger for this application. It is noted that the works have already taken place on site with the erection of fencing. The shedding was already in place when the use began.

Clause 35.07-6 sets out the decision guidelines for developments in the FZ. The following guidelines relate to the subject application:

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

It is considered that the proposal is incompatible with adjoining residential land uses and could give rise to concern regarding the disposal of effluent. It is concluded that the proposal is not consistent with the decision guidelines within the Farming Zone.

Overlays

The subject lot is not affected by any overlay.

9. Environmental Impact

It is considered that the applicant's proposal for waste treatment and the absence of significant noise mitigation measures could impact negatively upon the environment. This could result in a direct impact upon the amenity of nearby residences. Further, if waste becomes an issue, odour and potential contamination could result.

10. Conflict of Interest Considerations

There is no officer conflict of interest issues associated with this report.

11. Conclusion

The subject lot is located within the Farming Zone. The use of Farming Zone animal keeping of more than 5 dogs is generally considered appropriate but in this instance it is considered that there may be a detrimental impact on residential amenity of adjoining and nearby properties.

The site is located too close to at least two residences and could affect the resident's enjoyment of their property. There are multiple residences in the wider vicinity, within 400m that may also be impacted.

The applicant's proposed mitigation measures are unlikely to reduce the impact of the noise from barking dogs. It is considered that it not possible to draft conditions that would sufficiently protect residential amenity in the vicinity of the site.

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**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
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INVERGORDON (cont'd)**

Accordingly the proposed development does not accord with the Planning Scheme and this report recommends that planning permit application 5/2016/170 should be refused.

Attachments

- 1 Response to Further Information
- 2 Objection 1
- 3 Objection 2
- 4 Objection 3

FILE NO: 52016170
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PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD, INVERGORDON (cont'd)

ATTACHMENT No [1] - Response to Further Information

[REDACTED]

From: [REDACTED]
Sent: Monday, 26 September 2016 4:55 PM
To: RecordsWebmaster
Subject: 5/2016/170 - 869 Union Road, Invergordon
Attachments: Planning Application - Moira Shire - Cartwright.docx

Dear [REDACTED],

Please note that the number of dogs that we would like the permit for is incorrect on our letter in our previous email. We have a couple of dogs currently residing with our breeder and would like them to come home so we need to include them on the permit.

The number we are applying for is 2 cats and 16 dogs.

Kind regards,

[REDACTED]
----- Original Message -----

To: info@moira.vic.gov.au
Sent: Thu, 22 Sep 2016 18:16:35 +0800
Subject: 5/2016/170 - 869 Union Road, Invergordon
Dear [REDACTED],
Please find attached letter regarding the questions you required answers to for our planning permit application.
If you have any further questions please let me know.
Regards,
[REDACTED]

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FILE NO: 52016170
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD,
INVERGORDON (cont'd)**

[REDACTED]
Moirā Shire Council
Planning Department
PO Box 578
COBRAM VIC 3643

20 September 2016

Dear [REDACTED],

Re: Planning Application – 869 Union Road, Invergordon

Please find information requested below:

1. Confirmation that property will not be used for boarding or "rescue" dogs.
 - a. We still have 1 dog that we are attempting to find a home for, however we hope to have him rehomed soon. We are no longer accepting rescue dogs, and will not be accepting them in the future. We recommend that people send their animals to Shepparton Animal Rescue or to the local pound if they require rehoming services for their dogs.

2. Number of animals, number of entire dogs, number of pups per year:
 - a. 2 cats, 13 dogs. Of those animals, 8 dogs are entire. This includes 5 entire bitches. We will be having 2 of those bitches desexed when funds allow. The others are entire due to being show dogs and dogs are required to be entire to enter conformation shows. We do not intend to breed any more litters in the future. If we do, we might have 1 litter every 2 years at the most however this is not likely to happen.

3. Number of people coming to and from the site and hours of operation:
 - a. We do not operate a business from home, so there are no people coming and going from the site.

4. Waste treatment proposal including a description of how waste will be handled, waste disposal proposal, drainage proposal:

FILE NO: 52016170
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD,
INVERGORDON (cont'd)**

- a. We hire a skip bin to dispose of the dog waste. This is emptied every 8 weeks. Due to the purely raw food diet that our dogs are currently on, there is not a lot of poop. The dog runs are cleaned regularly by removing waste and each run is given a clean layer of sand every few months.

5. Description of animal housing, noise attenuation measures and fencing type:

- a. The dogs are housed in dog runs (12m x 5m) with secure 6ft high chain mesh fencing surrounding them and electric fencing wire around the base of each run. The runs are mostly undercover, inside existing shedding. The runs and the exercise yard are surrounded by a secondary fence. Each run houses 3 dogs and is 75% undercover with off-ground bedding in each. The floor is primarily dirt with river sand on top to allow for easy drainage and clean-up of dog waste. The dogs also have a large exercise yard which is fully grassed and they are all given ample time each day/night to run around there. We are also planning to add a second running yard inside one of our paddocks to allow a bigger training space.
- b. We are in the process of planting a row of fast-growing hedges to muffle any noise coming from the dog runs. We are also searching for a new home for one of our dogs as he has proven to us that he is unable to fit into a farm environment and prefers to be an inside dog as he barks at the horses on our property. We have attempted to use a bark collar on him however it does not work, so we are searching for a new home for him that is able to keep him inside, and away from larger animals. Most noise from the dogs comes when it is dinner time and they are being fed.

I hope this is to your satisfaction. Please advise if there is anything else that you need to know. We have already answered these questions in our previous application so hopefully you have everything that you need now.

Regards,

██████████

FILE NO: 52016170
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD, INVERGORDON (cont'd)

ATTACHMENT No [2] - Objection 1

[REDACTED]

From: [REDACTED]
Sent: Friday, 12 August 2016 8:47 AM
To: RecordsWebmaster
Subject: [REDACTED] - Union Road Invergordon

Hi [REDACTED],

I have now been in contact with the council since November last year in regards [REDACTED] I understand he has now put his application in (for the second time) to house the dogs kept on his property, I have called nearly every week and spoken to a number of your staff [REDACTED] [REDACTED] to find out where this is at only to get the run around and now be told by you this week that it will take a further 60 days (pending there is no more information required) to have this matter finalized and even then he does not have to remove the dogs until the matter is finalized. I would now like to make another formal complaint about the above mentioned property in regards to him keeping so many dogs on his property (24-26) that he was supposed to have removed as per first planning permit that [REDACTED] had cancelled and said he would move the dogs to another property, As I live across the road and can hear the dogs barking at all hours of the day and night and the smell of dog feces wafting through is getting beyond a joke. I can not understand why this matter has taken so long to be resolved by the Moira Shire? If you have any queries please don't hesitate to contact me on the number below.

Regards,
[REDACTED]

FILE NO: 52016170
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

**PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT
FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD,
INVERGORDON (cont'd)**

ATTACHMENT No [3] - Objection 2

October 28/10/2016.

[REDACTED]
[REDACTED]
[REDACTED]

To [REDACTED]

In reference to the planning application permit no 5/2016/170; I [REDACTED] would like my views and objection to this planning application to be considered. The reasons for my objection are as follows.

- **Noise** - as we are close neighbours the noise the dogs make early in the morning and during the evenings impacts on our living environment, and also impacts on our cattle when they are grazing in nearby paddocks.
- **Types of dogs** – Huskies are known as a pack animal, and once again this is a concern as it impacts on our livestock business.
- **Effluent** – there doesn't appear to be any consideration in the planning application to show how it is being disposed of. The run off which according to the natural fall of the land, drains into and through our property, the long term ramification of this needs to be thoroughly investigated.
- **Lighting** – Lights are on for long hours into the night, effecting grazing stock.
- **Use of Land** – If this application is successful, the use of the land will become irreversible effecting many neighbours. The permit will change the land from agriculture farming land to intensive animal keeping. **Agriculture** is very important to us, we work hard and spend a lot of money on our land, to save water, reduce weeds etc., in order to preserve and maintain the land for future farming generations.

Thank you for your consideration regarding this matter, please don't hesitate to contact me if you require any further information.

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

FILE NO: 52016170
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD, INVERGORDON (cont'd)

ATTACHMENT No [4] - Objection 3

[REDACTED]

From: [REDACTED]
Sent: Sunday, 30 October 2016 4:57 PM
To: RecordsWebmaster
Subject: Planning submission form Submitted

Application No: 5/2016/170
Application Description: Animal keeping - 869 Union Road Invergordon
Address(s): 869 Union Road Invergordon
Title: [REDACTED]
First name: [REDACTED]
Surname: [REDACTED]
Email: [REDACTED]
Postal address: [REDACTED]
Phone: [REDACTED]
Mobile: [REDACTED]
Fax: N/A
Property address: [REDACTED]
Property No. (as is appears on your rate notice) N/A

4. Reasons for submission Unacceptable noise limits, Risk to property, Stock and Kids, Unacceptable planning for Waste Management. Concern for Water Storage and delivery for animals. Animals are penned at all times without runs.
5. How would I be affected if a permit is granted? There are three people living at this address who do shift work with a rotating roster, two of which are truck drivers who cannot get regular sleep due to loud "howling" at all hours which creates an issue with fatigue and fatigue management/ OH&S. The Smell from waste is evident at certain times.

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FILE NO: 52016170
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5

PLANNING PERMIT APPLICATION NO.52016170 - USE AND DEVELOPMENT FOR THE PURPOSES OF ANIMAL KEEPING AT 869 UNION ROAD, INVERGORDON (cont'd)

ATTACHMENT No [4] - Objection 3

[REDACTED]

From: [REDACTED]
Sent: Sunday, 30 October 2016 5:32 PM
To: RecordsWebmaster
Cc: [REDACTED]
Subject: Planning Application for 5/2016/170 - Animal keeping - 869 Union Road Invergordon

Good Afternoon,

I am writing to you in regards to the Planning Permit for the Animal Upgrade at 889 Union Road, Invergordon VIC 3636. I believe that this, if approved will impact myself and my family at this location ([REDACTED]) which is situated next to the property in question.

The animals in question have been situated there for the last few years with no permit or sanction provided. This has affected us as both myself and my father drive heavy vehicles on rotating shifts and cannot get complete and regular sleep due to "howling". The dogs regularly howl at odd times which wake up everyone in the house throughout the Days and Nights. My mother works as a nurse in Numurkah and also partakes in odd shifts and this affects her as she cannot regularly get complete and regular sleep. This poses a risk to us with Fatigue and Fatigue Management as we need complete sleep to function safely on the road and in the hospital.

On top of this, I have concerns in regards to safety, The dogs have escaped previously resulting in an animal (Goat) being chased onto the road and being hit by the car. (My father had to put the animal down on the side of the road). I feel the need to stress that these are "Not" pets. These are wild animals that operate in a pack with a pack mentality. I have concern is for the kids living there and also for the two young kids living over the road and my dogs and stock if they ever get out again.

Following on from this, There have been regular times particularly in warm or hot weather when the smell of the animal waste is very evident. I don't consider this to be healthy. I have yet to see any of the dogs that are regularly housed there let out for runs and exercised.

To finish, i am aware with every planning permit you have to have the permit in place and accepted by council before you can complete the works. We have not had any notice in regards to this as they moved in and brought the animals straight away, this has been particularly unfair as we were not informed and have had to put up with this over the last few years. The permit speculates 20 animals for the purpose of racing/ sport, will you need to take into consideration the additional 8 Dogs as pets in the back yard and numerous other animals (Goats, Sheep, Chickens, Horses) for the size of the block and the waste management required to support the high volume of animal Stock?

If you have any questions in regards to the above, please do not hesitate to contact me directly on [REDACTED].

Kind Regards.

[REDACTED]

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FILE NO: F13/858
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.6

DISCONTINUANCE OF LANEWAY IN COBRAM

RECOMMENDATION

That:

1. Resolves to commence the statutory process to discontinue the laneway located behind the properties of No 5 to 9 Murray Street and No. 48 to 70 Station Street, Cobram under the Local Government Act and the Road Management Act.
2. Publish a Public Notice in local papers advising of Council's intention, setting out the details and informing people they have a right under Section 223 of the Local Government Act and Section 12 of the Road Management Act to make a submission regarding the proposed road discontinuance.
3. Write letters to adjoining property owners advising them of Council's proposal and also that they have a right to make a submission regarding the proposed road discontinuance.
4. Appoint a Committee of Council comprising Cr....., Cr..... and the General Manager Infrastructure under Section 223(1)(b)(i) of the Local Government to hear any persons who in their written submissions under Section 223 of the Act have requested that they be heard in support of their submissions.
5. Authorise the Chief Executive Officer to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act and the Road Management Act.
6. Dispose the land by selling the land in accordance with Section 189 of the Local Government Act 1989

1. Executive Summary

Council has received interest from the property owner of No.7 – 9 Murray Street, Cobram, in taking over the usage of the unnamed laneway located behind their property and that of the properties No. 5 Murray Street and behind the Station Street properties of No. 48-54 and 56-70 Station Street, Cobram. This will require the discontinuation of the laneway on a permanent basis and dispose the discontinued road reserve by means of sale of land.

Under Schedule 10 Clause 3 of the Local Government Act (the Act), Council has the power to discontinue a road by a notice published in the Government Gazette. Before this power can be exercised, the public has the right to make a submission on the proposed road discontinuance under Section 223 of the Act.

Under Section 189 of the Local Government Act, Council is able to sell land that formed part of a road that has been discontinued and which Council has resolved to sell as a result of exercising its powers under Schedule 10 Clause 3 of the Local Government Act (the Act),

It is therefore recommended that Council undertake the required consultation process to gauge the community's views about the discontinuation of the laneway and disposal of the land by means of sale.

FILE NO: F13/858
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.6

DISCONTINUANCE OF LANEWAY IN COBRAM (cont'd)

2. Background and Options

The laneway is a no through road commencing from Queen Street and stopping at the southern boundary of No. 9 Murray Street as shown on the map below.

The owner of No. 7 – 9 Murray Street has expressed interest in taking over the use of the unused laneway as part of their future development of their property.

Under the Council's Road Hierarchy, this laneway is classified as a Residential Road although none of the residents actually have primary access off the laneway. The laneway is unconstructed and is temporarily closed to through traffic as the owner of No. 5 Murray Street had a 12 month agreement with Council to use the section of laneway behind their property as a temporary storage space. This agreement has now expired.

Council has no assets within the road reserve. However there are other service authority assets within the road reserve that will require access to be protected through the establishment of an easement over their assets should the closure proceed.

The road reserve land is owned by Council and Council has the option to dispose the land by selling in accordance with Section 189 of the Local Government Act 1989.

FILE NO: F13/858
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.6

DISCONTINUANCE OF LANEWAY IN COBRAM (cont'd)



3. Financial Implications

This road reserve is recorded as a Council asset on the Council's asset register and Public Road Register and does financially contribute to Council's total value of its assets in terms of depreciation. The discontinuation of this road will reduce the total valuation of Council's assets in terms of depreciation.

As the road reserve land is in Council ownership and not listed as a government road, Council does have the option to dispose the land by means of sale of land and receive an income from the proceeds of the land sale. However, there will be costs involved in the transfer of land ownership such as lodgment of titles fees, land valuation report and associated legal fees.

The Section 223 process allows for persons to make submissions regarding to this proposal.

FILE NO: F13/858
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.6

DISCONTINUANCE OF LANEWAY IN COBRAM (cont'd)

4. Risk Management

There is minimal risk to Council with the discontinuance of the laneway as the laneway is unconstructed even though it is listed on Council's Register of Public Roads.

5. Internal and External Consultation

Council's Operations and Assets and Construction departments were consulted regarding this proposal and they concluded that provided Council's drainage assets are protected and legal access is maintained, they have no objection to the proposal.

Service authorities will be consulted about the proposal should Council determine to commence the process to discontinue the road as there is a sewer main asset located within the laneway. All other service authority assets will require protection

Council's Planning Department has advised that the laneway is contained within the Commercial 1 Zone and is affected by the Parking Overlay of the Planning Scheme. Adjoining the laneway is land within the Commercial 1 Zone and Public Use Zone (Local Government). There appears to be no planning impediment to close the road reserve.

Council's Commercial Services Manager has advised that it is not preferable to commence negotiations for the sale of the land prior to the completion of the public consultation process under Section 223 of the Local Government Act. The reason is that people have the right to make submissions and be heard, and Council must be prepared to consider alternative proposals – not advertise a pre-negotiated result and then ignore other options.

The preferred option for the disposal of the land is that a Council Resolution be approved by Council to advertise our intent to sell by tender or Expression of Interest. Then Council is able to negotiate with the bidders for the purchase of the land. This process will ensure that Council is compliant with Section 189 of the Local Government Act and Local Government Best Practice Guidelines for the Sale, Exchange & Transfer of Land.

6. Regional Context

The discontinuation of this laneway will have minimal impact on the overall road network for the Cobram township.

7. Council Plan Strategy

The proposal under consideration in the report supports Council Plan Strategic Theme – Rebalancing Council's asset mix, Item 25 - Sustainably meet the community's assets needs.

8. Legislative / Policy Implications

Schedule 10 Clause 3 of the Local Government Act 1989 (the Act) outlines Council's power to discontinue roads by a notice published in the Government Gazette. Section 207A of the Act states that when exercising a power under Schedule 10 Clause 3, a person may make a submission under Section 223 of the Act.

Section 223 of the Act outlines a process whereby Council is required to publish a notice of its intention to exercise its power under Schedule 10 Clause 3 and persons are given the right to make a submission concerning the matter. The period for receiving submissions is not to be less than 28 days from when the notice is published.

FILE NO: F13/858
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.2.6

DISCONTINUANCE OF LANEWAY IN COBRAM (cont'd)

Should Council determine to commence the process toward discontinuing this laneway, then a Section 223 process will be undertaken in accordance with the guidelines and the Local Government Act.

Selling or exchange of land ownership is to comply with Section 189 of the Local Government Act. Under this Section, Council must ensure that a public notice of intention to do so is given 4 weeks prior to selling or exchanging the land. Council is also required to obtain a valuation of the land which is made not more than 6 months prior to the sale or exchange.

9. Environmental Impact

There are no environmental implications associated with Council resolving to commence the process to discontinue this unused road reserve.

10. Conflict of Interest Considerations

There are no Council officer conflict of interest issues to consider within this report.

11. Conclusion

It is recommended that Council resolve to commence the process to discontinue this laneway south of Queen Street, Cobram, under Schedule 10 Clause 3 of the Local Government Act and conduct a community consultation process in accordance with section 223 of the Local Government Act 1989.

It is also recommended that Council appoint a Committee of the Council, to consider submissions and hear any person who may wish to be heard in support of their submission regarding the proposed discontinuance of the laneway south of Queen Street behind the properties of No 5 to 9 Murray Street and No. 48 to 70 Station Street, Cobram and to hear submissions on a date, time and place set by the Chief Executive Officer.

It is also recommended that Council dispose the land by selling or exchange of land ownership in accordance with Section 189 of the Local Government Act.

Attachments

Nil

FILE NO: F/300
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 10.1

ACTION OFFICERS' LIST.

RECOMMENDATION

That Council receive and note the Action Officers' List.

Meeting: 19 September 2016

Subject: General Business

MOTION

That Megan Schutz be invited to brief Council on her company's views on the green and grey routes for the proposed Yarrowonga Mulwala Bridge.

(CARRIED)

Completed

Briefing scheduled for 5 December 2016.

Meeting: 25 July 2016

Subject – General Business

MOTION

That Council be advised as to the water allocation and extraction licence assets held by Council, the trading actions achieved over the past three seasons and the demand required to meet community needs.

(CARRIED)

Activity

Information being gathered.

Meeting: 20 June 2016

Subject – Sale saleyards land at Mill Street Cobram.

MOTION

1. That following consideration of submissions received under Section 223 of the Local Government Act Council resolve to sell the former saleyards land at Mill Street Cobram.
2. That the Chief Executive Officer be authorised to sell the land.

(CARRIED)

Activity

- Sale negotiations completed with selected EOI's
- Anticipate all land will be sold concluding Councils ownership of the site
- Working on subdivision and issue of separate titles

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| FILE NO: F/300 5. DEMONSTRATING GOOD GOVERNANCE |
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| ITEM NO: 10.1 |
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ACTION OFFICERS' LIST.
(cont'd)

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| Meeting: Ordinary Council Meeting 23 November 2015 |
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| Subject – General Business |
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| MOTION |
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|--|
| <p>That Council staff prepare a submission to the Planning Minister championing the green option for the Yarrowonga Mulwala Bridge to be presented when appropriate.</p> |
|--|

| |
|---|
| <p style="text-align: right;">(CARRIED)</p> |
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| |
|-----------------|
| Activity |
|-----------------|

| |
|---|
| <p>The budget includes funding to support Councils submission to the planning process that Vicroads will establish through DELWP. The Planning Minister has acknowledged Councils request that the EES / Planning Amendment consider both the green and the grey routes but has not indicated his intended decision at this stage. Vicroads currently preparing concept plans for the grey route.</p> |
|---|

Attachments

Nil

FILE NO: D16/73600
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 12.1

PETITION - FENCING LINTHORPE DRIVE, YARRAWONGA

RECOMMENDATION

That Council

1. Consider a project to install treated pine fencing on Linthorpe Drive Park in accordance with the petition request as part of the 2017/18 Capital Budget.
2. Thank the petitioners for their petition and advise the first named petitioner of Council's decision.

1. Executive Summary

A petition has been received to install a fence on Park Land at Linthorpe Drive in Yarrawonga.

The 2016/17 Budget does not include funds to undertake the request, it is considered that a project to undertake the request could be prepared and considered for incorporation into the 2017/18 Capital Budget.

2. Background and Options

A petition has been received that requests that a fence be erected on the foreshore and adjacent park land, from Linthorpe Drive east of the toilets to the existing fence along the frontage of Lake Mulwala. The petition suggests that the same material as used in other sections of fence along the foreshore could be used, that is, treated pine posts and logs.

Such a fence would restrict vehicles accessing the foreshore area at the "end" of Linthorpe Drive.



It is alleged that motor cyclists, campers and undesirable people are coming to the area and that access needs to be restricted.

FILE NO: D16/73600
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 12.1

PETITION - FENCING LINTHORPE DRIVE, YARRAWONGA (cont'd)

3. Financial Implications

The length of fence requested is approximately 150 metres long. The request would cost in excess of \$5,000. This amount is considered to be a capital cost. There is no item within the current financial year budget to carry out this work.

A request for capital expenditure could be made to the 2017/18 budget.

4. Risk Management

Risk with respect to this report could encompass matters with respect to the consideration of the request and treatment of the petition – matters of Governance. These risks have been mitigated by ensuring that Council's Local Law with respect to petitions has been followed.

There may also be risk associated with restricting or not restricting access to the park. A risk assessment of the requested works will be undertaken as part of the assessment of the project for the 2017/18 budget.

5. Internal and External Consultation

The Operations Department has been consulted and has advised that the area is maintained regularly. The issues raised in the petition, have not been observed by the Operations Department.

Goulburn Murray Water which is responsible for the area of land adjacent to the Lake has been consulted regarding the issue and has no strong opinions regarding the need for a fence.

6. Regional Context

There are no regional issues to consider with respect to this report.

7. Council Plan Strategy

The Strategic Goal of Improving Moira's Liveability is relevant to this report, and the Enabling Objective of Demonstrating Good Governance is also relevant. There are no specific actions with respect to the request raised in the petition.

8. Legislative / Policy Implications

The area of land referred to in the petition is partly controlled by Goulburn Murray Water and partly by Council. The area adjacent to Lake Mulwala is controlled by GMW. The area to the north of Lindthorpe Drive is Council owned park.

Council has a Local Law with respect to petitions which has been followed with respect to this petition.

The land referred to in the petition is Council Land that is subject to Council's Local Laws. The Recreation Reserves Local Law 2009 and the Community Safety and Environment Local Law 2013 provide Council with power to control activities upon Council Land.

9. Environmental Impact

There are really no environmental issues to consider with respect to this report. The use of treated pine, as recommended within the petition, has been discussed as an

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| FILE NO: D16/73600 6. INVOLVING AND COMMUNICATING WITH OUR COMMUNITY | ITEM NO: 12.1 |
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PETITION - FENCING LINTHORPE DRIVE, YARRAWONGA (cont'd)

environmental issue. Treated pine is a farmed timber and is an excellent durable product for use as fencing.

10. Conflict of Interest Considerations

There are no Officer conflict of interest considerations with respect to this report.

11. Conclusion

The petition requests that Capital works be undertaken for which there is currently no budget. A proposal to undertake the request could be considered for incorporation into the 2017/18 budget.

Attachments

1 Petition

FILE NO: D16/73600
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 12.1

PETITION - FENCING LINTHORPE DRIVE, YARRAWONGA (cont'd)

ATTACHMENT No [1] - Petition

D16/73600

19 OCT 2016

YARRAWONGA 3730
12-10-16

To
C.E.O. and COUNCILLORS

AS RATEPAYERS AND RESIDENTS OF LINTHORPE DRIVE, YARRAWONGA ADJACENT TO THE LAKE, HOGANS ROAD BOAT RAMP & PARK WE WISH TO ADVISE THAT BECAUSE OF A MINORITY OF RECKLESS AND IRRESPONSIBLE COMMUTERS TO THE PARK WE URGE YOU TO FENCE THE AREA FROM LINTHORPE DRIVE EAST OF THE TOILETS AND PLAYGROUND DOWN TO THE EXISTING FENCE ALONG THE LAKE

THE SAME MATERIALS OF TREATED PINE AS THOSE CURRENTLY EXISTING WHICH WOULD NOT BE AN EXPENSIVE BUT EFFECTIVE OUTLAY.

PREVIOUS LETTERS OF REQUEST HAVE BEEN SENT BUT TO DATE NO ACTION WITH INCREASING NUMBERS OF VEHICLES, MICHIGANS & CAMPERVANS ETC THERE IS INCREASING BEATANT AND UNDESIRABLE PEOPLE COMING TO THE AREA WHICH CANNOT BE SUPERVISED OR MONITORED. WE THEREFORE REQUEST COUNCIL ELIMINATE THE PROBLEM AS REQUESTED

Yours faithfully,
[REDACTED]

ON ODD OCCASSIONS
E.G. COX OPENING
DAY AN OPEN GATE
COULD BE PROVIDED
FOR BOAT TRAINER
ETC PARKIN ON
ARENA.

FILE NO: D16/77079
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 12.2

PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST JAMES

RECOMMENDATION

That Council:

1. Thank the petitioners for their work and advise the first mentioned petitioner, as well as the authors of the attached letters, of Council's decision,
2. Note that Council's Operations Department will undertake works to clear a pathway from Number 41 to 49 Devenish Road, St James.
3. Advise the residents of the process and likely costs for installing infrastructure and their opinions sought regarding a potential scheme to provide the requested infrastructure.

1. Executive Summary

Sections of Devenish Road, St James do not have footpaths, kerbs or drains. A petition has been received requesting that Council construct the infrastructure.

The process that is outlined in the Local Government Act and widely used for retrofitting infrastructure to developed areas is the Special Charge Scheme. Council could construct the infrastructure and the costs would be distributed amongst the abutting property owners as per the legislation and Council Policy.

Residents could be asked about a Scheme for construction of permanent infrastructure. However, residents seem mainly concerned about the need for a "path" or space on the road side to travel to their houses.

Council could provide a space by clearing vegetation and the resulting area could be maintained by the residents, as is the usual case with nature strips. This solution would solve the main issue for residents at minimal cost to both Council and the residents. Residents could be asked about a potential scheme via a short questionnaire in accordance with Council's procedures regarding Schemes.

2. Background and Options

a. Petition

A petition has been received from residents and others, of St James to install a footpath, kerb and guttering as well as drainage in Devenish Road from Number 41 to 49.

There are several letters accompanying the petition. In excess of 20 signatures are apparent within the documentation.

b. Footpath

The residents are concerned that they have to walk upon Devenish Road, especially during harvest time when there are many trucks travelling to the Graincorp Bunkers, located to the north of the section of Devenish Road outlined in the petition.

A key issue with the residents seems to be the perception that there is conflict between the heavy vehicles and use of the road way as a footpath. The lack of a footpath and the subsequent need to walk upon the road may be able to be solved by ensuring that there is sufficient space on the "nature strip" for pedestrians to travel. If an area or space could be provided and subsequently maintained by the residents, as is the usual case in any residential area, the situation may be improved.

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6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 12.2

**PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST
JAMES (cont'd)**



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| FILE NO: D16/77079 6. INVOLVING AND COMMUNICATING WITH OUR COMMUNITY |
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PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST JAMES (cont'd)**c. Kerb and Channel**

Kerb and channel has not been constructed in the southern section of Devenish Road. The number of properties involved is different to that of the footpath request.

The issue of drainage is raised within the documentation supplied by the residents as is the need to widen the road way to provide space for parked cars.

d. Installation of Infrastructure

Kerb and channel, drainage and footpaths are normally installed by developers when land is developed. The cost of this infrastructure is met by the developers and hence the owners of the land, as all of the costs of development are incorporated into the land price.

In the past, some subdivision has occurred and infrastructure has not been installed, particularly in some of Moira's smaller towns. This indicates a choice made at the time to allow development of a different standard to occur. As standards and community expectations rise and/or the areas are subsequently subdivided, infrastructure can be retrofitted to these areas.

The Local Government Act provides legislation that enables Council to install infrastructure and then to pass the costs of any special benefit to the owners of adjacent land. The legislation is well known, often used and is the cornerstone of fitting infrastructure to areas that have been developed without complete infrastructure.

e. Construction materials

With respect to footpaths there are several choices of construction materials and several solutions available that may help satisfy the requirements of the residents.

A footpath could be constructed to a "temporary" standard of crushed rock, or more permanently from a material such as granitic sand. The two common options for surfacing are sprayed bitumen and concrete.

Council has provided all of the options successfully in the past at various locations and for various reasons. It has been the practice to provide bitumen footpaths where grants were available, gravel where the costs were met by Council and concrete where the costs were shared between Council and the residents. Council has also provided a choice of either asphalt or concrete to residents in Numurkah.

3. Financial Implications

The financial implications of this report are significant. The cost of implementing schemes is large, as are the associated costs of Council meeting charges within the Scheme that are attributable to the general community.

It is difficult at this stage to gauge the likely costs, but current construction costs and previous schemes undertaken in Cobram and Numurkah would indicate that the cost of a concrete footpath would be of the order of \$50,000. Under Council's current Policy, Council would meet half of the cost of a footpath within the residential area.

The petition also requests kerb and channel as well as drainage. The cost if this work is very difficult to estimate without knowing the details, but the kerb and channel likely to be in the order of \$50,000 for one side of the road. The owners of adjacent land would have to meet most of this cost, under the guidelines for apportionment issued by the Minister for Local Government.

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The cost for works to clear a pathway from Number 41 to 49 Devenish Road, St James will be met from Council's maintenance budget.

4. Risk Management

The issues with respect to risk management to be considered as a result of this report are;

The risk of **not constructing a footpath**, where there is a need for it by virtue of use, significant traffic volumes or of insufficient space for pedestrians. In other words, if there is a need for the footpath and Council does not proceed with a scheme for construction. This risk can be mitigated by conducting community surveys as well as traffic and pedestrian counts, or, if necessary, by construction of the footpath.

There are **financial risks** to Council with construction works and with undertaking the Special Charge Scheme process. These risks are mitigated by ensuring that Council's Special Charge Scheme Policy is followed along with the requirements set out in relevant legislation.

There are risks, with regard to the **perceptions** schemes may create within the community. Some residents may believe that the Council's General Rate covers the cost of provision of new infrastructure, whereas this is not the case. The General Rate is to cover services that are available generally within the community. Services such as the provision of new footpaths that benefit a small minority of property owners, that is, those that receive special benefit are provided by Special Charge Schemes.

The other aspect to consider is those other property owners who have paid for their footpaths and road infrastructure within the cost of land following subdivision. It is **unfair** that the General Rate be used to provide infrastructure when many have paid for the full cost of infrastructure when they purchased a block of land that is supplied with all infrastructure.

5. Internal and External Consultation

This report is regarding a consultation process. If Council were to proceed with a scheme extensive additional consultation would be required with the scheme contributors.

Schemes are not popular because they result in property owners having to pay for the special benefit that they receive. The consultation regarding schemes needs to be mindful of this fact, and also needs to ensure that property owners are provided with information that is correct, up to date and that should any scheme be considered for implementation, Council is required to undertake a legal process that is lengthy and time consuming.

6. Regional Context

There are no regional implications for this report.

7. Council Plan Strategy

There are direct links to Council's Plan in relation to the Strategic Goals of Improving Moira's Liveability, and Demonstrating Good Governance. The specific indicator that best aligns with the issues discussed in this report is;

7.0 Connect our communities via safe and efficient footpath and road networks

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PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST JAMES (cont'd)

And the subsequent actions of; Reviewing the Road Management Plan to align with changes in road use and reduced road funding, and Development of a foot path strategy to guide Council and community investment.

8. Legislative / Policy Implications

Council has a Policy with respect to the installation of footpaths – the Special Rates and Charges Policy. Under this Policy Council will meet half the cost of new footpaths in residential areas with the remaining half met by owners of abutting properties.

Council has an extensive Quality Assurance Procedure with respect to the development of Special Charge Schemes to help ensure that any Scheme is carried out in accordance with the requirements of the Local Government Act.

Any special charge scheme would be developed in accordance with the relevant provisions of the Local Government Act 1989, Ministerial Guidelines and Council' Special Rates and Charges Policy 2009.

The procedure and limits to Council's power to impose a scheme are stipulated in the Local Government Act 1989.

9. Environmental Impact

There would be some impact upon the vegetation along the property line if construction of a footpath were to proceed. Full construction, including drainage as well as kerb and channeling would require removal of some vegetation. The removal of native vegetation may require a Town Planning Permit which would be sought if necessary.

10. Conflict of Interest Considerations

There are no Officer conflicts of interest with respect to this report

11. Conclusion

Residents and others have requested that Council consider construction of a footpath, kerb and channel as well as drainage along Devenish Road, at St James.

Construction would be expensive, and the area, while within the township zone, is not fully developed. Charges to landholders would therefore be comparatively high as there are relatively few land holders to share the costs. There are very few beneficiaries (6) to the Scheme.

As development occurs, the land holders will have to install the associated infrastructure, and this will help provide the services requested by the residents over a period of time.

Residents seem mainly concerned about the need for a "path" or space on the road side to travel to their houses. Council could provide a space by clearing vegetation and the resulting area could be maintained by the residents, as is the usual case. This solution would solve the main issue for residents at minimal cost to both Council and the residents.

The residents could be asked about their willingness to contribute to the cost of infrastructure such as; footpath, kerb and channel as well as drainage, via a questionnaire. Further work would be dependent upon the outcome of the questionnaire.

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**PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST
JAMES (cont'd)**

Attachments

1 Petition

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6. INVOLVING AND COMMUNICATING WITH
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ITEM NO: 12.2

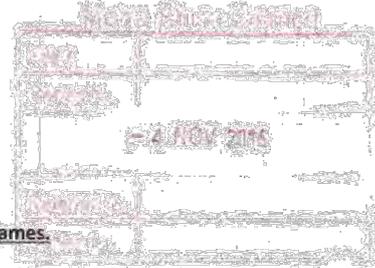
PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST JAMES (cont'd)

ATTACHMENT No [1] - Petition
D16/77079

24/10/16

Att: Mayor

Moira Shire Council
44 Station Street
Cobram Vic 3643



RE: Request for extension of Footpath 41-49 Devenish Road, St James.

RE: Request for Guttering and drainage from 47 – 49 Devenish Road St James.

My name is [REDACTED], together with other residents from 41-49 Devenish Road St James, would like to request an extension of the current footpath from number 41 to 49 Devenish Road.

We at number 49 and the resident at number 47 would also like to request the extension of the drainage and guttering to go past our properties. At the moment we have no gutters or drainage and the amount of water that pools up out the front of our properties is appalling. The mosquitos are a huge concern as the water has nowhere to drain, so sits there until it evaporates, it gets quite smelly also. We feel as rate payers we should be entitled to this guttering and proper drainage.

We have been residents here for 5 years, we now have two young children aged 4yrs and 2yrs. In order for us to safely walk down to the town amenities eg: post boxes and park. We have to use the main road until we get to the existing footpath outside number 41. My 4 yr old enjoys riding her bike now and I feel quite uneasy having to ride on the road. There is quite a sharp bend in the road before you get to the footpath and it is very dangerous as you cannot see traffic coming the other way. Therefore, posing a danger to us, and other pedestrians. We also have the Graincorp bunker next to our residence, in the busy harvest season we are unable to walk safely on the road as large grain trucks are either constantly using this section of road or trucks are parked on the side of the road. To use the side of the road is unsafe as it is uneven and is usually full of water.

We all feel that the extension of the footpath and the application of drainage and guttering would be so much safer for all concerned.

Please find enclosed, letters of support from those residents and also a list of signatures from other residents in the town to support this request.

We strongly urge you to consider this request. I would also like to attend the council meeting that this request will be discussed. Could I please be notified of when this meeting will be taking place?

Thank you



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**PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST
JAMES (cont'd)**

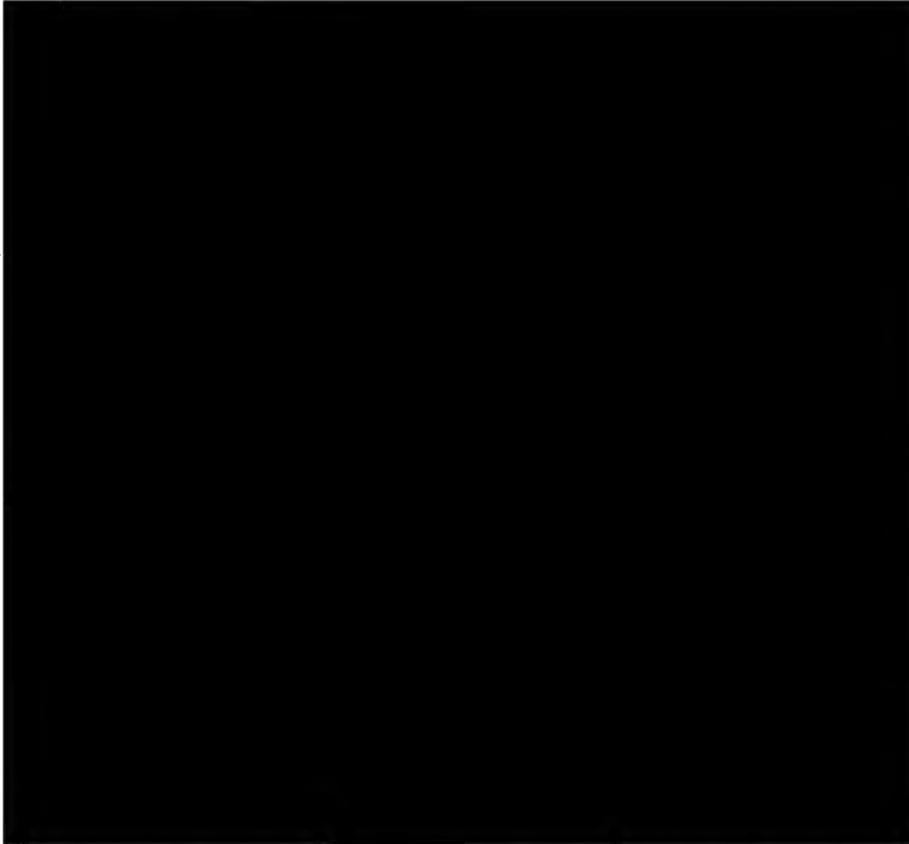
ATTACHMENT No [1] - Petition

D16/77079

RE: Request for Extension of footpath 41-49 Devenish Road, St James

We the undersigned residents of St James, are in full support of an extension of the current footpath from 41-49 Devenish Road, St James Vic 3727.

We feel this extension would benefit our community and allow all residents and visitors to walk safely around our beautiful town. Without this footpath, it poses a real danger for adults and children having to walk/ ride bikes etc, on the busy road with a blind corner and heavy traffic flow.



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Request Footpath St James
[Type text]

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6. INVOLVING AND COMMUNICATING WITH
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ITEM NO: 12.2

PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST JAMES (cont'd)

ATTACHMENT No [1] - Petition

D16/77079

27.9.16



To Moira Shire Council,

I moved into St. James in March this year and living here for the last six months has increased my awareness of the dangers of being so close to the bend in the road at the railway yard.

My property lines up with the end of the widened, guttered road and I have no footpath. My place and that of my neighbour at 49 are the only two houses past the narrowing of the road and the footpath ends at house no. 39.

Extending the footpath around the bend to finish at the end of no. 49 Devenish Rd (Main St.) would increase our safety. Cars and especially trucks go quite fast around the bend and having to walk on the road with my dogs is dangerous. I have found the nature strips full of bindies, corkscrew weeds and others I cannot name, that get into my dogs feet and coats. Recently with the rain, the nature strips are soggy, retain water and not

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PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST JAMES (cont'd)

ATTACHMENT No [1] - Petition

[REDACTED]

possible to walk on.

Having the footpath extended would enable us to walk safely into town for the park, or to neighbours and them to us.

I often see my neighbour from 49 walking on the road pushing a pram and toddler riding her bike along side.

Living on the road narrowing restricts anyone from being able to park on the road at my house due to the risk of being hit if a car is travelling to quickly. My neighbours at 45 park cars out front making it difficult for me to leave my driveway when going out as I cannot see if traffic is coming.

I feel we need the extention of the footpath in addition to the road widening and gutters, the footpath would immediately reduce the danger of the traffic and increase our ability to walk around, increase activity and socialise with neighbours.

I am looking forward to a response and hope the safety issue can be rectified initially with a footpath extension.

[REDACTED]

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**PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST
JAMES (cont'd)**

ATTACHMENT No [1] - Petition

Handwritten signature

To whom it may concern

My name is [redacted] I reside at 49 Devenish road St James

I am writing this letter in regards to the proposal to extend the current footpath from 33 Devenish road to 49 Devenish road

I agree with the proposal as it would be a lot safer for my self and those other residents to walk here on our way to the mail box with out needing with cars and trucks that have the road so with that come being blind it is hard to see and talkie coming other way

Also during harvest seasons when on my gate also there could be up to 10 trucks waiting to be collected or whether it is even more obvious at least with a footpath we will not have to be clocking in our car at trucks to get to the post or post boxes

If the council does not see fit to extend a foot path I would then propose a full walking path to be put around the old golf course so the children have some where to ride their bikes on in safety and the whole town could use it to walk animals

But for the safety of all I support the proposal of an extension of the foot path

Yours sincerely

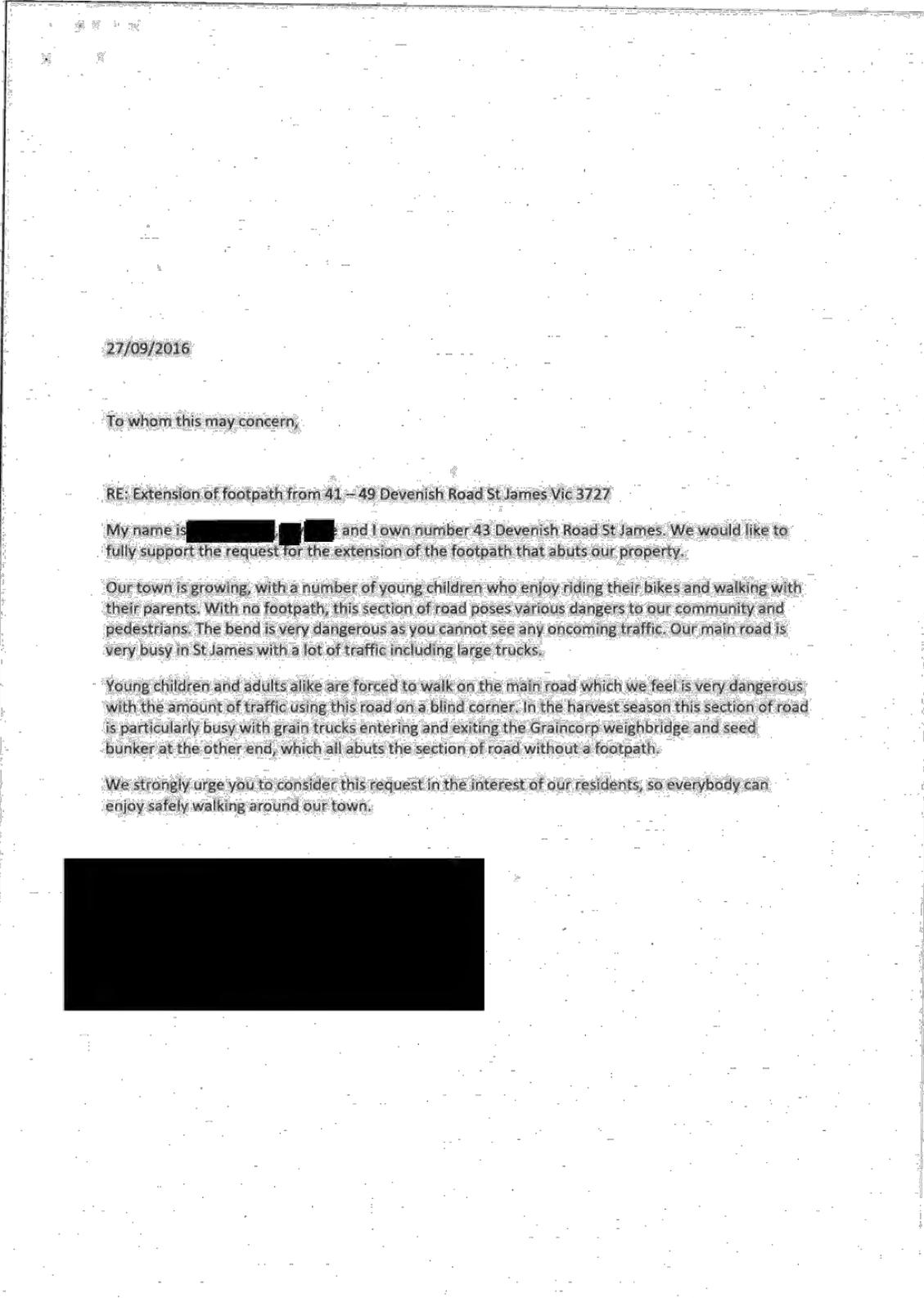
[redacted signature]

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**PETITION - FOOTPATH, GUTTERING AND DRAINAGE, DEVENISH ROAD, ST
JAMES (cont'd)**

ATTACHMENT No [1] - Petition



27/09/2016

To whom this may concern,

RE: Extension of footpath from 41 - 49 Devenish Road St James Vic 3727

My name is [REDACTED] and I own number 43 Devenish Road St James. We would like to fully support the request for the extension of the footpath that abuts our property.

Our town is growing, with a number of young children who enjoy riding their bikes and walking with their parents. With no footpath, this section of road poses various dangers to our community and pedestrians. The bend is very dangerous as you cannot see any oncoming traffic. Our main road is very busy in St James with a lot of traffic including large trucks.

Young children and adults alike are forced to walk on the main road which we feel is very dangerous with the amount of traffic using this road on a blind corner. In the harvest season this section of road is particularly busy with grain trucks entering and exiting the Graincorp weighbridge and seed bunker at the other end, which all abuts the section of road without a footpath.

We strongly urge you to consider this request in the interest of our residents, so everybody can enjoy safely walking around our town.



FILE NO: VARIOUS

ITEM NO: 14

GENERAL BUSINESS**Clause 62 of Council's "Meeting Procedures Local Law 2007 (No 1 of 2007) states:****62. Urgent or general business**

1. Business which has not been listed on a meeting agenda may only be raised as urgent or general business if the majority of Councillors are present and it is agreed to by a resolution of the Council.
2. Notwithstanding sub-clause (1), if all Councillors are not present, the Chairperson may rule the matter is of urgency and accept an urgency motion to deal with the business which has not been listed on the meeting agenda.
3. An urgency motion can be moved without notice.
4. Only the mover of an urgency motion may speak to the motion before it is put

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Clause 63 of Council's "Meeting Procedures Local Law 2007 (No. 1 of 2007) states:

63. Question Time

1. At every ordinary meeting of the Council a maximum of 30 minutes may be allocated to enable members of the public to submit questions to Council.
2. The time allocated may be extended by unanimous resolution of Council.
3. Sub-clause (1) does not apply during any period when the Council has resolved to close a meeting in respect of a matter under section 89 (2) of the Act.
4. To assist the accurate recording of minutes and addressing any questions that may require written response or follow up, the Chief Executive Officer may require questions to be submitted in writing on a form approved or permitted by Council.
No person may submit more than two (2) questions at any one (1) meeting.
The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.

No question must be so read unless:

- (a) the person asking the same is in the gallery at the time it is due to be read;
and
- (b) the person asking the question reads the same when called upon by the Chairperson to do so.

A question may be disallowed by the Chairperson if it:

- (a) relates to a matter outside the duties, functions and powers of Council;
- (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (c) deals with a subject matter already answered;
- (d) is aimed at embarrassing a Councillor or a member of Council staff;
- (e) relates to personnel matters;
- (f) relates to the personal hardship of any resident or ratepayer;
- (g) relates to industrial matters;
- (h) relates to contractual matters;
- (i) relates to proposed developments;
- (j) relates to legal advice;
- (k) relates to matters affecting the security of Council property; or
- (l) relates to any other matter which Council considers would prejudice Council or any person.

All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.

The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.

A Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.

A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of Council staff must state briefly the reason why to reply should be so given and, unless Council resolves to the contrary the reply to such question must be so given.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT

RECOMMENDATION

That the meeting be adjourned for 10 minutes.

RECOMMENDATION

That the meeting be resumed.

RECOMMENDATION

That pursuant to Sections 89(2) (d) (f) and (h) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss personnel and contractual matters which the Council considers would prejudice the Council or any person..

RECOMMENDATION

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve to continue in open session.

RECOMMENDATION

That the recommendations of the "Closed" Meeting of Council be adopted and the award of tenders disclosed in the open minutes.