



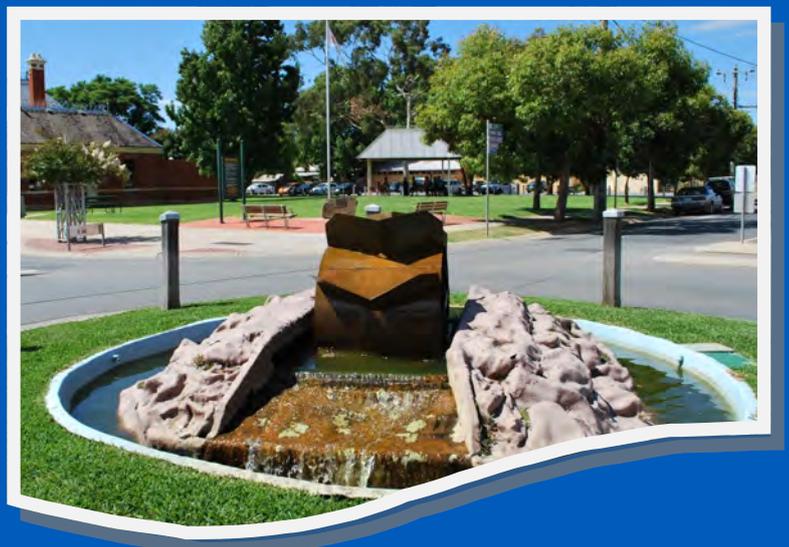
**MOIRA**SHIRE



**ENRICHING LIFE ON THE MURRAY**

## **COUNCIL AGENDA**

**22 February 2016**



**Discover Moira**



44 Station Street  
Cobram Vic 3644  
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## **AGENDA**

**ORDINARY MEETING OF COUNCIL  
FOR  
MONDAY 22 FEBRUARY 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, 14 December 2015, as prepared, be confirmed.”

**8. COUNCILLOR REPORTS**

NIL

**9. OFFICER REPORTS FOR DETERMINATION**

**9.1 CORPORATE**

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**11. NOTICES OF MOTION**

NIL

**12. PETITIONS AND JOINT LETTERS**

NIL

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17. CONFIDENTIAL BUSINESS
18. CONFIDENTIAL ACTION OFFICERS LIST
19. URGENT OR GENERAL CONFIDENTIAL BUSINESS
20. CLOSE OF MEETING

A handwritten signature in black ink, appearing to read 'Mark Henderson', is written over a thin horizontal line.

**MARK HENDERSON**  
**CHIEF EXECUTIVE OFFICER**

FILE NO: 180.11.0002  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## FINANCIAL POSITION REPORT AS AT 31 JANUARY 2016

### RECOMMENDATION

That Council receives and notes the Financial Position Report as at 31 January 2016.

#### 1. Executive Summary

The January 2016 finance report includes Rates and Charges totalling \$33.17 million (\$26.48 million in general rates, municipal charges, interest and legal charges and \$6.69 million in garbage collection charges, recycling and organic waste charges and environmental levy) which is recognised as income at the time of being levied.

For the month of January a total of \$0.08 million of receipts were collected for prior year's rate debtors, this brings the year-to-date total collected to \$1.52 million or 65.50% of the total outstanding as at 30 June 2015. Payments of outstanding rates are being actively managed and any rate payers who are experiencing difficulty are encouraged to contact Council officers to discuss options.

Sundry debtors are within acceptable levels with 2.21% of sundry debtors in excess of 30 days and are under active management. This represents a figure of \$9,781 out of the total of \$441,918.

Cash and Cash Equivalents balance as at 31 January 2016 is \$22.99 million.

Council's financial position as at 31 January 2016 continues to be satisfactory.

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3. OUR COMMUNICATIONS AND PROCESSES

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(TEAM LEADER - FINANCIAL  
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**FINANCIAL POSITION REPORT AS AT 31 JANUARY 2016 (cont'd)**

Moirā Shire Council				
Funding Analysis Summary - January 2016				
Operating Income Statement	Ref	2015/16 Adopted Budget	Proposed Forecast Dec 2015	Actuals YTD 2015/16
<b>Income</b>				
Operating Grant		(10,932,084)	(6,163,336)	(3,287,199)
Operating Contributions		(86,962)	(56,500)	(90,748)
Reimbursements		(62,859)	(84,467)	(57,783)
Statutory Fees & Fines		(831,920)	(840,620)	(511,715)
User Charges		(2,731,290)	(2,724,568)	(1,320,824)
Other Revenues (incl. Waste Charges & Environmental Levy)		(7,035,256)	(7,138,369)	(6,882,671)
Interest Income		(350,000)	(350,000)	(263,058)
Net Proceeds - Land for resale		(42,000)	(96,331)	(96,331)
<b>Total Income</b>		<b>(22,072,371)</b>	<b>(17,454,191)</b>	<b>(12,510,329)</b>
<b>Expenditure</b>				
Employee Costs		20,169,063	19,454,338	10,007,863
Contractors		5,875,287	5,892,153	2,159,497
Materials & Services		11,627,863	12,202,328	5,579,691
Utilities		967,359	993,407	512,210
Other Expenses		3,833,926	4,246,380	2,122,608
Interest on Borrowings		464,541	464,541	272,074
Bad & Doubtful Debts		5,000	5,000	-
WDV of Disposal of Assets		60,000	60,000	-
<b>Total Expenditure</b>		<b>43,003,039</b>	<b>43,318,147</b>	<b>20,653,944</b>
<b>Net Operational (Inflow) / Outflow</b>		<b>20,930,668</b>	<b>25,863,956</b>	<b>8,143,615</b>
<b>Net Operational (Inflow) / Outflow</b>		<b>20,930,668</b>	<b>25,863,956</b>	<b>8,143,615</b>
Funding available through				
Rates and charges		26,863,347	26,854,347	26,538,977
<b>Rate funds available for Capital Projects</b>	<b>A</b>	<b>5,932,679</b>	<b>990,391</b>	<b>18,395,362</b>
Capital Expenditure		11,571,406	14,079,696	4,146,674
Capital External funding		(5,313,117)	(6,419,892)	(1,799,403)
<b>Net Council Funding of Capital Projects</b>	<b>B</b>	<b>6,258,289</b>	<b>7,659,804</b>	<b>2,347,271</b>
<b>Surplus of Rate Funds after funding Capital Projects</b>	<b>A - B</b>	<b>(325,610)</b>	<b>(6,669,413)</b>	<b>16,048,091</b>
Equity Inflow / (Outflow)		(829,560)	(829,560)	(436,814)
<b>Net Rate Funds Surplus / (Shortfall)</b>		<b>(1,155,170)</b>	<b>(7,498,973)</b>	<b>15,611,277</b>

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**FINANCIAL POSITION REPORT AS AT 31 JANUARY 2016 (cont'd)**

	2015/16 Adopted Budget	Proposed Forecast Dec 2015	Actuals YTD 2015/16
<b>Reconciliation with Income Statement</b>			
<b>Net Rate Funds Surplus / (Shortfall)</b>	<b>(1,155,170)</b>	<b>(7,498,973)</b>	<b>15,611,279</b>
<b>Eliminate Balance Sheet items</b>			
Repayment of Loans	829,560	829,560	436,814
Fund from Equity reserves for Capital carryover	-	-	-
Capital Expenditure Capitalised as Assets	11,571,406	14,079,696	4,146,674
<b>Accounting for Non-cash items</b>			
Depreciation Expense and amortisation	(8,886,214)	(8,886,214)	(5,183,625)
Share Profit/Loss Associated Entity	(20,000)	(20,000)	-
Landfill - Interest Unwinding Discount	(491,346)	(491,346)	-
WDV of Infrastructure Replaced	(200,000)	(200,000)	-
Contributions - Non-Monetary Assets	200,000	200,000	-
<b>Income Statement Surplus / (Deficit)</b>	<b>1,848,236</b>	<b>(1,987,277)</b>	<b>15,011,142</b>

**Rates & Other Debtors Report - January 2016**

<b>General Rates &amp; Charges</b>	<b>Jan-15</b>	<b>Jan-16</b>	<b>Year on Year Variance</b>
Rate Debtors Outstanding previous month	14,462,817	18,672,266	4,209,449
Collection for month	833,255	1,069,678	236,423
<b>Rate Debtors Outstanding as at end of month</b>	<b>13,629,562</b>	<b>17,602,588</b>	<b>3,973,026</b>
No. of Rateable Assessments	17,449	17,677	228
Rateable Valuation C.I.V	4,969,769,600	5,054,300,100	84,530,500
<b>Special Scheme Debtors</b>	<b>Dec-15</b>	<b>Jan-16</b>	<b>Monthly Variance</b>
Balance Outstanding	18,607	16,953	1,654
<b>Sundry Debtors</b>	<b>Dec-15</b>	<b>Jan-16</b>	<b>Monthly Variance</b>
Current	74,271	422,687	(348,416)
30 Days	83,057	9,450	73,607
60 Days	29,430	3,481	25,949
90 Days	532	1,787	(1,255)
> 90 Days	3,981	4,513	(532)
<b>Total</b>	<b>191,271</b>	<b>441,918</b>	<b>(250,647)</b>
<b>Infringements</b>	<b>Dec-15</b>	<b>Jan-16</b>	<b>Monthly Variance</b>
Balance Outstanding	158,872	158,840	32

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LEANNE MULCAHY)

**FINANCIAL POSITION REPORT AS AT 31 JANUARY 2016 (cont'd)**

<b>Quarterly Cash Position - Projection as at 31 March 2016</b>	
	<b>\$</b>
<b>Cash and Cash equivalents as per Balance Sheet - 31 Jan 2016</b>	<b>22,996,820</b>
<b>Confirmed inflow/(outflow) recorded in the books of accounts as of date</b>	
Debtors - invoices registered in the system	253,518
Payroll	(3,250,000)
Fire Services levy - due to SRO [net of Creditors & Debtors]	(297,188)
Loan instalment due for the quarter	(151,133)
<b>Estimated future (outflows) and inflows up to 31 March 2016</b>	
Creditors - estimated quarterly payout	(4,000,000)
Rates	6,143,107
Capital Grants	2,453,954
Operating Grants	1,335,318
<b>Projected Cash Balance as at 31 Mar 2016</b>	<b>25,484,396</b>
<b>Following restrictions imposed on Cash and cash equivalents by</b>	
<b>Restricted reserves - Open Space, Car Parking &amp; Net Gain Native</b>	
Vegetation reserves	(1,337,837)
<b>Long Service leave</b>	
Current	(2,007,902)
Non-current	(281,075)
<b>Trust Funds and Deposits</b>	<b>(793,125)</b>
<b>Unexpended Grants [estimated for the year end]</b>	<b>(500,000)</b>
<b>Projected Unrestricted Cash Balance as at 31 Mar 2016</b>	<b>20,564,458</b>

**2. Financial Implications**

There are no financial implications outside of the normal quarterly review.

**3. Risk Management**

Regular monthly financial reporting; increases confidence that the internal controls which ensure accuracy are working effectively.

**4. Internal and External Consultation**

The following members of staff were consulted:

- General Manager – Corporate;
- Financial Accountant;
- Finance Analysts;
- Business Support Officer, Safety Amenity & Environment

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3. OUR COMMUNICATIONS AND PROCESSES

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## FINANCIAL POSITION REPORT AS AT 31 JANUARY 2016 (cont'd)

Council's Financial Position Report is provided on a monthly basis for public viewing in accordance with Council's open and transparent governance policy.

### 5. Regional Context

There are no regional context issues to consider within this report.

### 6. Council Plan Strategy

The report assists Council to deliver on its organisation plan strategy by ensuring sound financial management practices.

### 7. Legislative / Policy Implications

The report complies with:

- the Local Government Act s136;
- Council's Budget and Financial Reporting Policy; and
- Council's 2013-2017 Council Plan strategic objective (Delivering sound financial management) and Strategic Resource Plan

### 8. Environmental Impact

There are no environmental impacts associated with this report.

### 9. Conflict of Interest Considerations

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

### 10. Conclusion

Council's financial position at 31 January 2016 is in line with approved forecast and builds on a strong 2014/15 year end result.

### Attachments

Nil

FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
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## QUARTERLY BUDGET REVIEW - DECEMBER 2015

### RECOMMENDATION

That Council notes and approves the projections for the 2015/16 financial year contained in the December 2015 quarterly budget review.

### 1. Executive Summary

Council continues to actively manage its financial position. While the original budget for 2015/16 was in surplus, 50% of the Victorian Grant Commission funding (\$4.83 million) was received in the previous financial year instead of the budgeted current year, causing the current deficit. This is purely a timing issue and does not affect its overall positive cash position. The council has been able to further reduce its 2015/16 September deficit of \$2.40 million by a further \$0.41 million to \$1.99 million as detailed in Discussion 2.1.

There are a number of challenges in achieving such an extensive and far-reaching capital works program of \$14.08 million in the current year, but with 60% nearing completion, the expectation is full delivery as at 30 June 2016. This is the largest capital program ever committed in one financial year and this cements the council's commitment to improving the Shire, whilst retaining a conservative outlook and strong cash balance for future years.

There is a small increase in the September budget of \$13.99 million of \$80,000 to \$14.08 million for the Witt Street Car Park, but this is funded by additional developer contribution.

The projected cash position as at 30 June 2016 is expected to be \$16.86 million, an increase of \$0.24 million on the figure projected as the September 2015 review.

The movements are detailed in forecast overview table in the next page. Council continues to closely monitor expenditure and income throughout the 2015/16 financial year. Operating cash flow is detailed in table 2.3.

FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
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**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**

The following table summarises the forecast changes or movements arising from the December 2015 review:

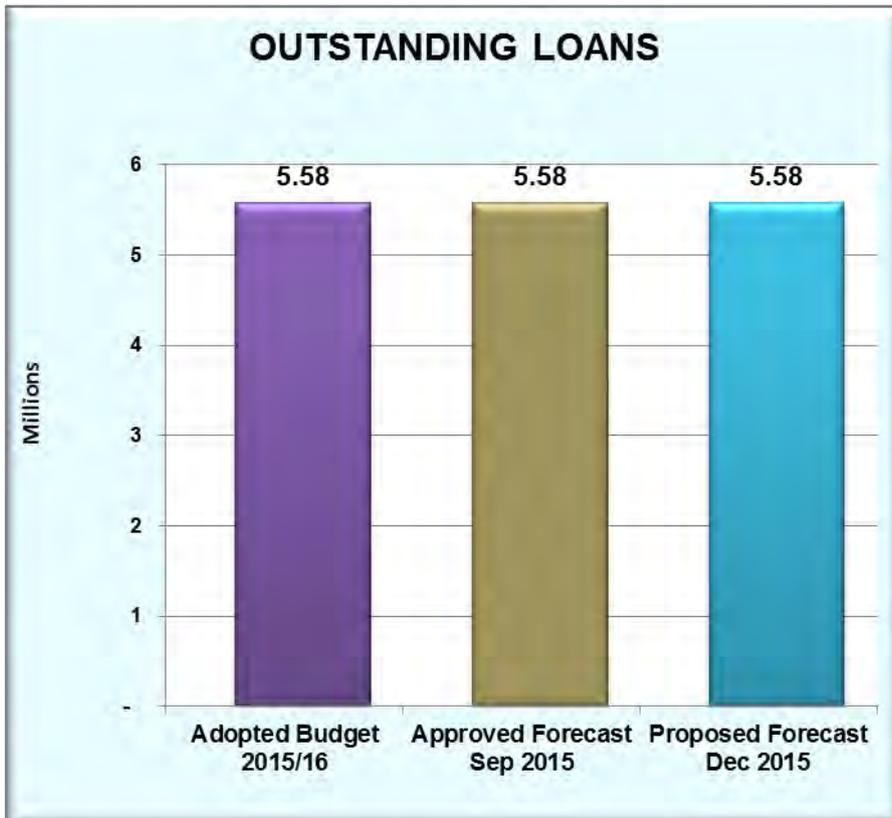
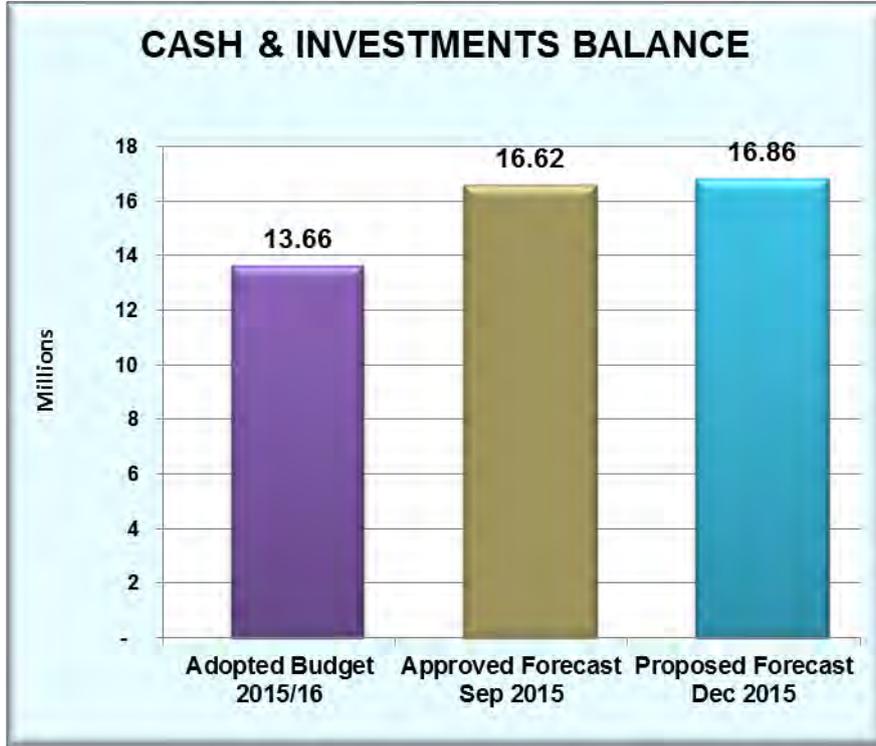
**Table 1.0**

Item	Adopted Budget 2015/16	Approved Forecast Sep 2015	Proposed Forecast Dec 2015	Sep 2015 Forecast Vs Dec 2015 Forecast Favourable / (Unfavourable)	Comments
BALANCE OF CASH & INVESTMENTS	13,657,931	16,616,970	16,860,622	243,653	Variance mainly driven by additional income receipts.
OUTSTANDING LOANS	5,579,446	5,579,446	5,579,446	-	
CAPITAL EXPENDITURE	11,571,406	13,999,696	14,079,696	80,000	Variance driven by additional expenditure on Witt Street Yarrowonga off-street carpark, funded by additional developer contribution.
CAPITAL INCOME (A)	(5,212,617)	(6,339,892)	(6,419,892)	80,000	Variance driven by developer contribution to development of Witt Street Yarrowonga off-street carpark.
OPERATING INCOME (B)	(49,176,218)	(44,220,087)	(44,448,538)	228,451	Variance mainly driven by additional operating grants received including: Roadside Weeds & Pest Control and Numurkah Flood Mitigation Study. Also increased income from the Energy Grants Rebate Scheme.
OPERATING EXPENSES (C)	52,540,599	52,960,099	52,855,707	104,392	Variance mainly driven by decrease in Employee cost due to delay in staffing approved positions.
<b>SURPLUS / (DEFICIT)</b>	<b>(1,848,236)</b>	<b>2,400,120</b>	<b>1,987,277</b>	<b>412,843</b>	<b>A + B + C</b>

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3. OUR COMMUNICATIONS AND PROCESSES

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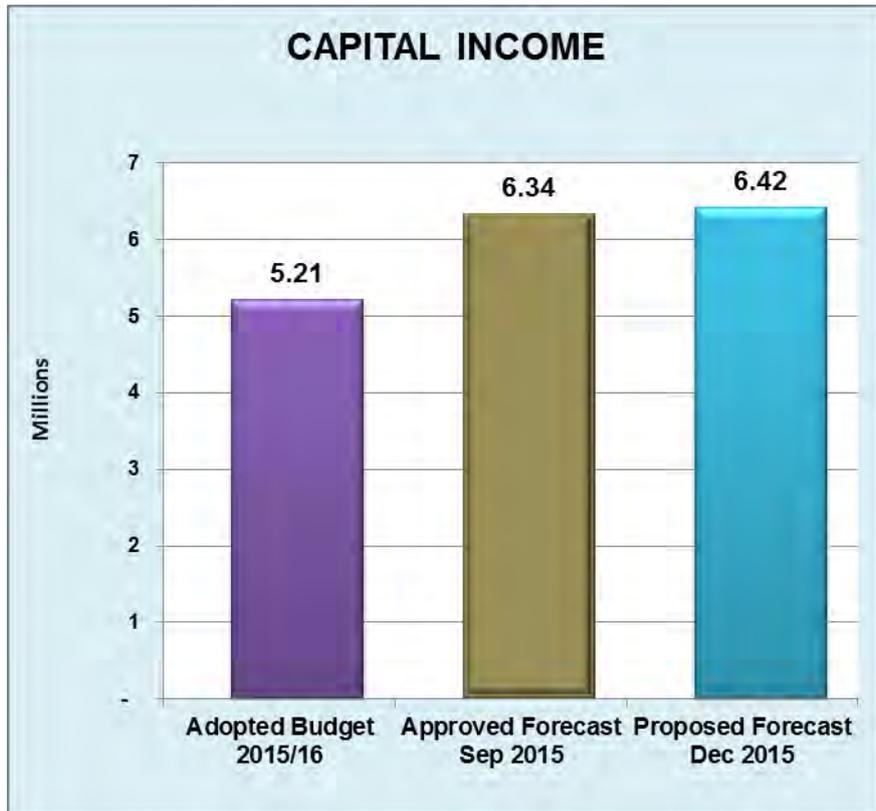
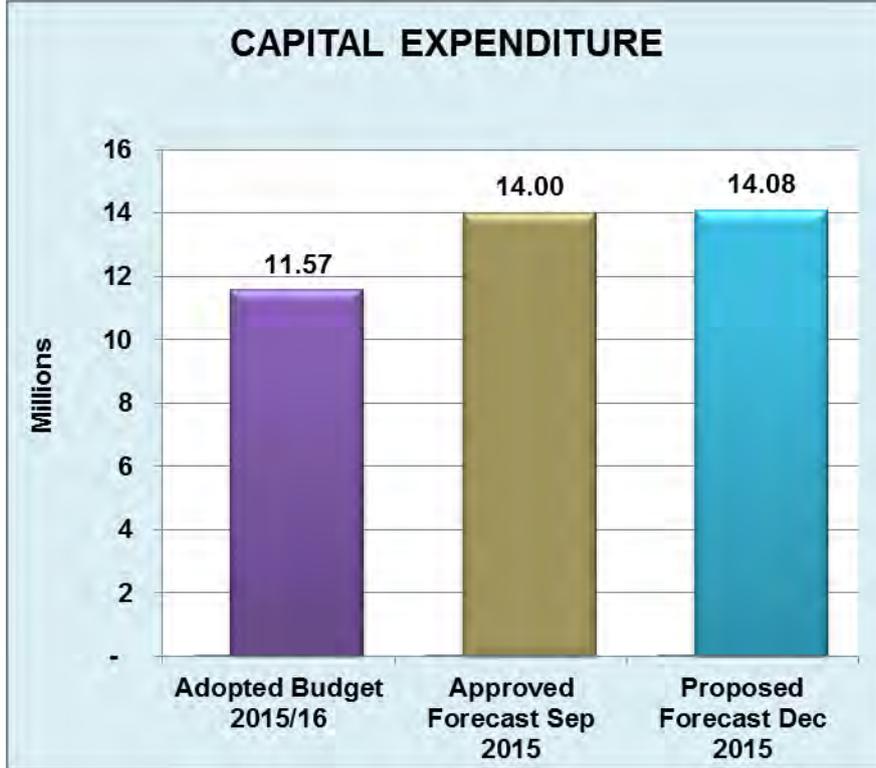
**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**



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3. OUR COMMUNICATIONS AND PROCESSES

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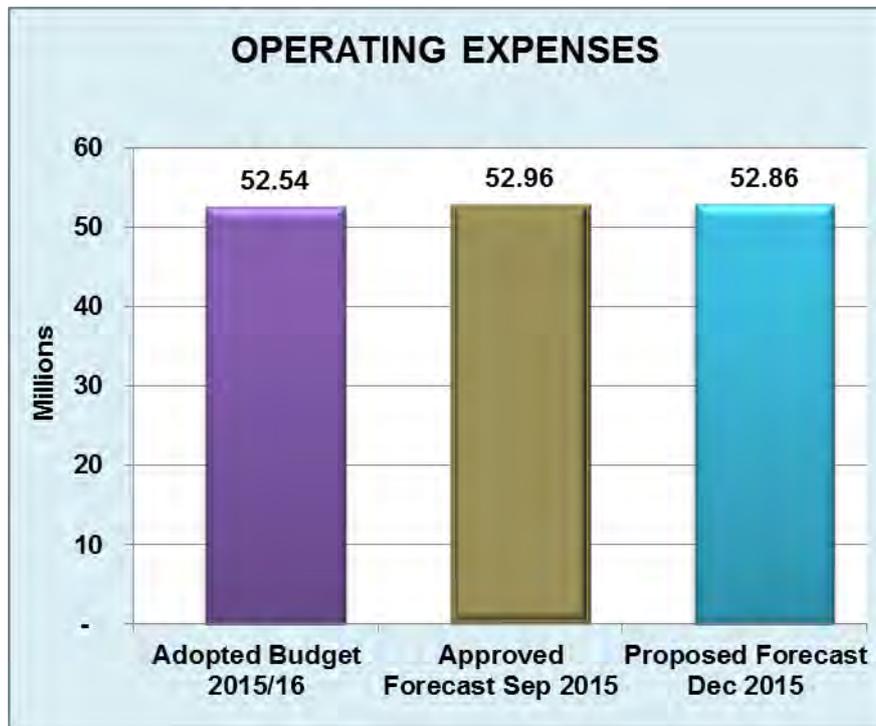
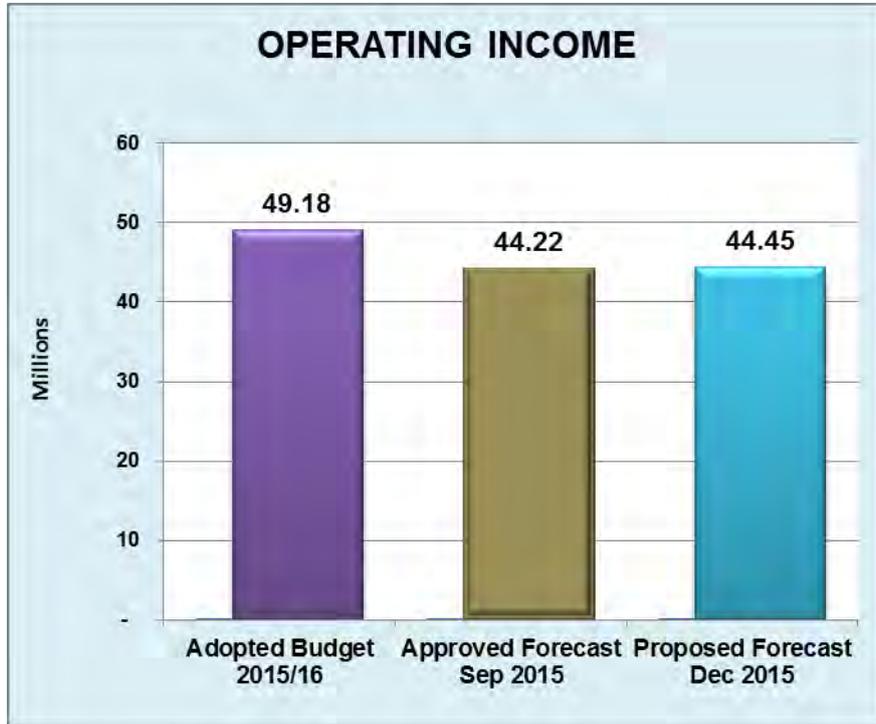
**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**



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3. OUR COMMUNICATIONS AND PROCESSES

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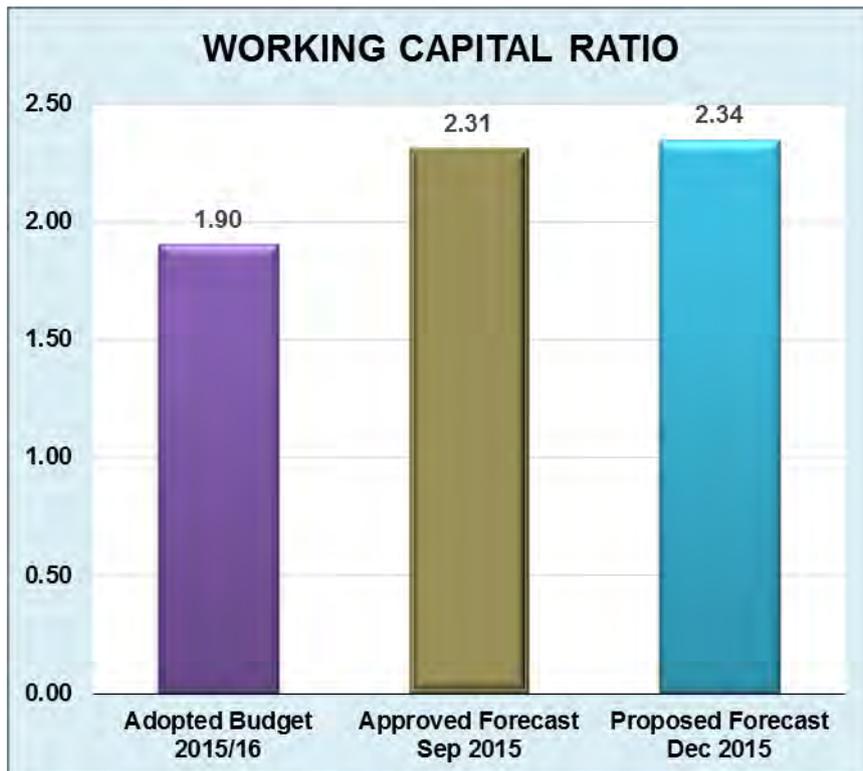
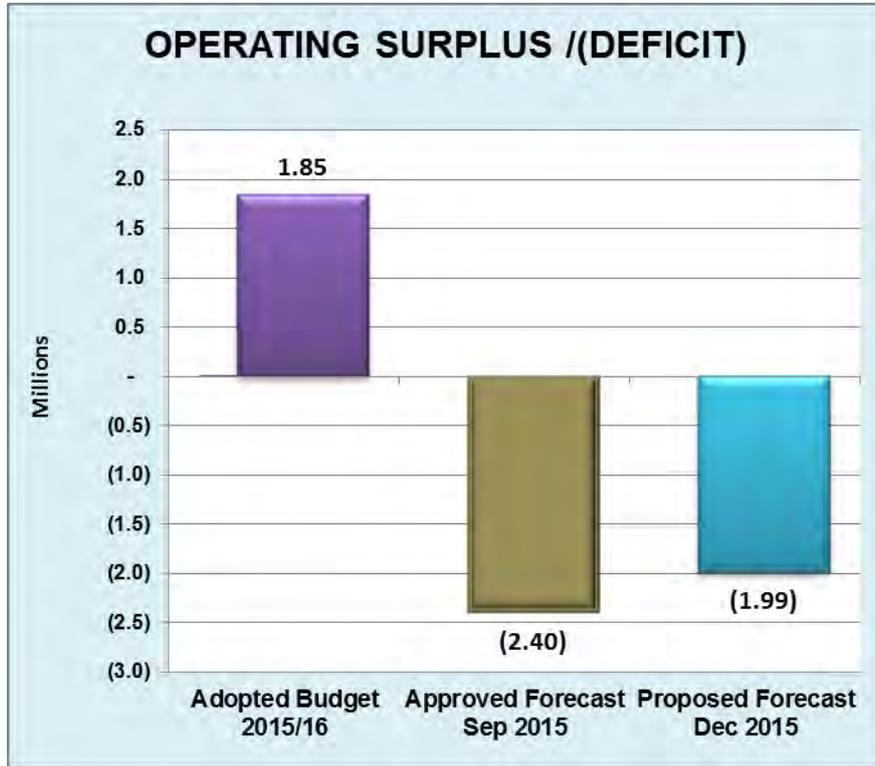
**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**



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3. OUR COMMUNICATIONS AND PROCESSES

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**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**



FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
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**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**

**2. Discussion**

**2.1 Summary of changes to projected operating result for the 2015/16 financial year**

The deficit for the Proposed Forecast December 2015 is expected to be \$1,987,277 - a decrease in the deficit of \$412,843 compared to the Approved September 2015 Forecast deficit of \$2,400,120. The major reasons for the decrease in the deficit are as follows:

Approved Forecast Sep 2015 Vs Proposed Dec 2015 Forecast	(Favourable) / Unfavourable \$
<b>Deficit – Approved Forecast September 2015</b>	<b>2,400,120</b>
Rates Income	-
Capital Income	(80,000)
Operating Grants	(69,436)
Other Operating Income	(159,015)
Employee Costs	(475,245)
Material & Services	129,677
Contract Services	62,924
Other Operating Expenditure	178,252
<b>Proposed December 2015 Forecast Deficit</b>	<b>1,987,277</b>

Council has a forecast deficit of \$1,987,277. The significant points are as follows:

- a) **Capital Income** – Variance driven by additional income from developer contribution to the Witt Street Yarrawonga off-street parking project.
- b) **Operating Grants** – Variance driven by additional Roadside Weeds & Pest Control grant.
- c) **Other Operating Income** – Variance is mainly driven by additional income from the Energy Rebate Grants Scheme, an insurance claim reimbursement and proceeds of the sale of industrial land above budget.
- d) **Employee Costs** – Variance is driven by savings generated from timing differences in backfilling numerous roles during the first half of the financial year. This is partly offset by additional contract services costs.
- e) **Materials & Services** – Variance is mainly driven by additional road maintenance costs offset by reduction in demand for new street lighting in second half of financial year and savings from the implementation of information technology projects.
- f) **Contract Services** – Variance driven by additional consultant fees, required to assist Assets team in the absence of Team Leader, funded from employee cost savings.
- g) **Other Operating Expenditure** – Variance is mainly driven by the cost of the buyout of the property lease for the Cobram Apex Caravan Park.

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**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**

**2.2 Income Statement**

Income Statement	Adopted Budget 2015/16	Approved Forecast Sep 2015	Proposed Forecast Dec 2015	Variance Sep 2015 Forecast Vs Dec 2015 Forecast
<b>Income</b>				
Rates	(33,254,274)	(33,269,860)	(33,269,860)	-
Special Rates	-	-	-	-
Operating Grants	(10,932,084)	(6,093,900)	(6,163,336)	69,436
Capital Grants	(4,525,000)	(5,551,775)	(5,551,775)	-
Capital contributions	(687,617)	(687,617)	(767,617)	80,000
Contributions- cash	(132,837)	(132,837)	(102,375)	(30,462)
Contributions- non - monetary (Donated assets)	(200,000)	(200,000)	(200,000)	-
Reimbursements and Subsidies	(62,859)	(62,859)	(84,467)	21,608
User Charges	(2,933,890)	(2,872,390)	(2,915,168)	42,778
Statutory Fees and Fines	(861,920)	(862,049)	(870,620)	8,571
Interest	(350,000)	(350,000)	(350,000)	-
Other Revenue	(365,854)	(394,192)	(456,381)	62,189
Net Proceeds of Sale of Land Held for Resale	(42,000)	(42,000)	(96,331)	54,331
Net Gain on Disposal of Property, Plant & Equipment	(40,500)	(40,500)	(40,500)	-
Share of Net Profit of Associated Entity	-	-	-	-
Previously Unrecognised Assets	-	-	-	-
<b>Income Total</b>	<b>(54,388,835)</b>	<b>(50,559,979)</b>	<b>(50,868,430)</b>	<b>308,451</b>
<b>Expenditure</b>				
Employee Costs	20,169,063	19,929,583	19,454,338	475,245
Materials & Services	11,517,863	12,072,651	12,202,328	(129,677)
Contract Services	5,707,640	5,829,229	5,892,153	(62,924)
Utilities	967,359	1,001,773	993,407	8,366
Bad and Doubtful Debts	5,000	5,000	5,000	-
Depreciation	8,886,214	8,886,214	8,886,214	-
Other expenses	4,111,573	4,059,762	4,246,380	(186,618)
Interest on Borrowings	464,541	464,541	464,541	-
Interest on Unwinding of Discount of Provisions	491,346	491,346	491,346	-
Written Down Value of Infrastructure Replaced	200,000	200,000	200,000	-
Net Loss on Disposal of Property, Plant & Equipment	-	-	-	-
Share of Net Loss of Associated Entity	20,000	20,000	20,000	-
<b>Expenditure Total</b>	<b>52,540,599</b>	<b>52,960,099</b>	<b>52,855,707</b>	<b>104,392</b>
<b>Operating Result</b>	<b>(1,848,236)</b>	<b>2,400,120</b>	<b>1,987,277</b>	<b>412,843</b>

FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**

**2.3 Statement of Cash Flow**

<b>Statement of Cash Flow</b>	<b>Adopted Budget 2015/16</b>	<b>Approved Forecast Sep 2015</b>	<b>Proposed Forecast Dec 2015</b>	<b>Variance Sep 2015 Forecast Vs Dec 2015 Forecast Favourable / (Unfavourable)</b>
Net cash flows provided by operating activities	11,579,425	7,297,960	7,610,055	312,095
Net cash flow used on investing activities	(11,656,030)	(14,031,320)	(14,099,762)	(68,442)
Net cash flows provided by financing activities	(935,538)	(927,731)	(927,731)	-
<b>Net change in cash held</b>	<b>(1,012,143)</b>	<b>(7,661,090)</b>	<b>(7,417,438)</b>	<b>243,653</b>
Cash at the beginning of the year	14,670,075	24,278,060	24,278,060	-
<b>Cash at the end of the year</b>	<b>13,657,932</b>	<b>16,616,970</b>	<b>16,860,622</b>	<b>243,653</b>

**2.4 Balance Sheet**

<b>Balance Sheet</b>	<b>Adopted Budget 2015/16</b>	<b>Approved Forecast Sep 2015</b>	<b>Proposed Forecast Dec 2015</b>	<b>Variance Sep 2015 Forecast Vs Dec 2015 Forecast Favourable / (Unfavourable)</b>
Current Assets	18,430,733	22,127,426	22,458,953	331,526
Non-Current Assets	503,455,574	505,980,685	506,060,685	80,000
<b>Total Assets</b>	<b>521,886,307</b>	<b>528,108,111</b>	<b>528,519,638</b>	<b>411,526</b>
Current Liabilities	9,681,850	9,579,385	9,578,068	1,317
Non-current Liabilities	12,853,495	15,018,784	15,018,784	-
<b>Total Liabilities</b>	<b>22,535,345</b>	<b>24,598,168</b>	<b>24,596,852</b>	<b>1,317</b>
Equity	499,350,962	503,509,943	503,922,786	412,843

FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
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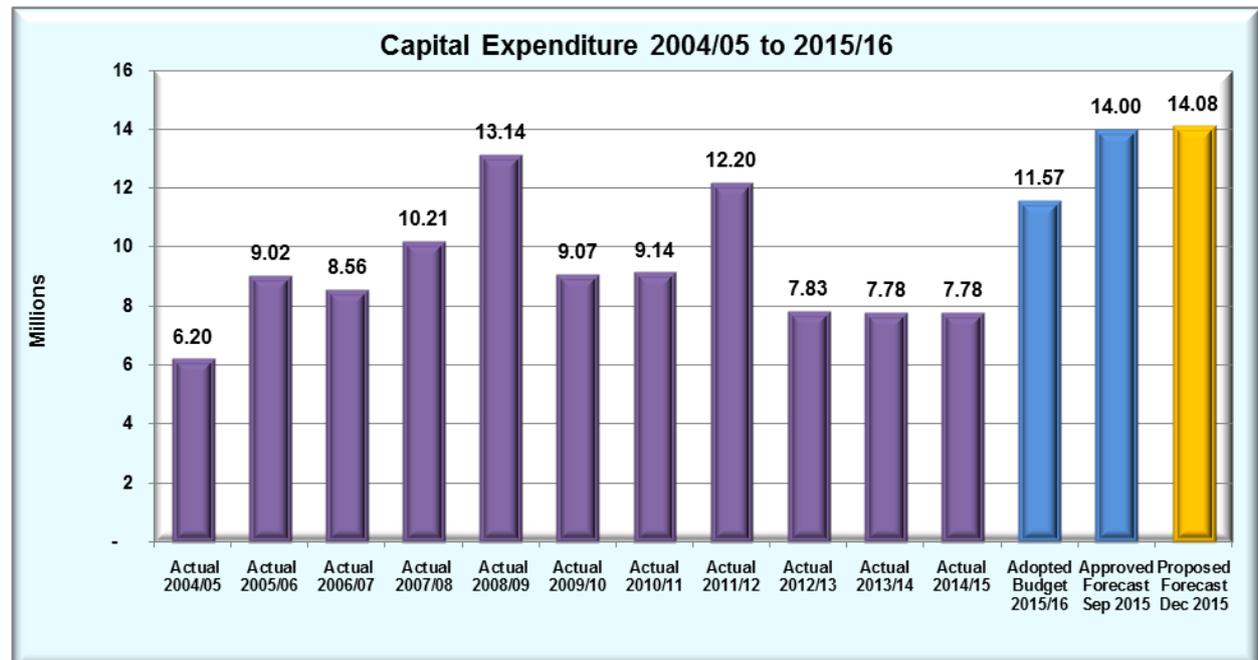
**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**

**2.5 Capital**

	<b>Adopted Budget 2015/16</b>	<b>Approved Forecast Sep 2015</b>	<b>Proposed Forecast Dec 2015</b>	<b>Variance Sep 2015 Forecast Vs Dec 2015 Forecast Favourable /</b>
Total capital income	(5,212,617)	(6,339,892)	(6,419,892)	80,000
Total capital expenditure	11,571,406	13,999,696	14,079,696	(80,000)
<b>Grand Total</b>	<b>6,358,789</b>	<b>7,659,804</b>	<b>7,659,804</b>	<b>-</b>

**2.6 Capital expenditure**

Historical expenditure on capital works:

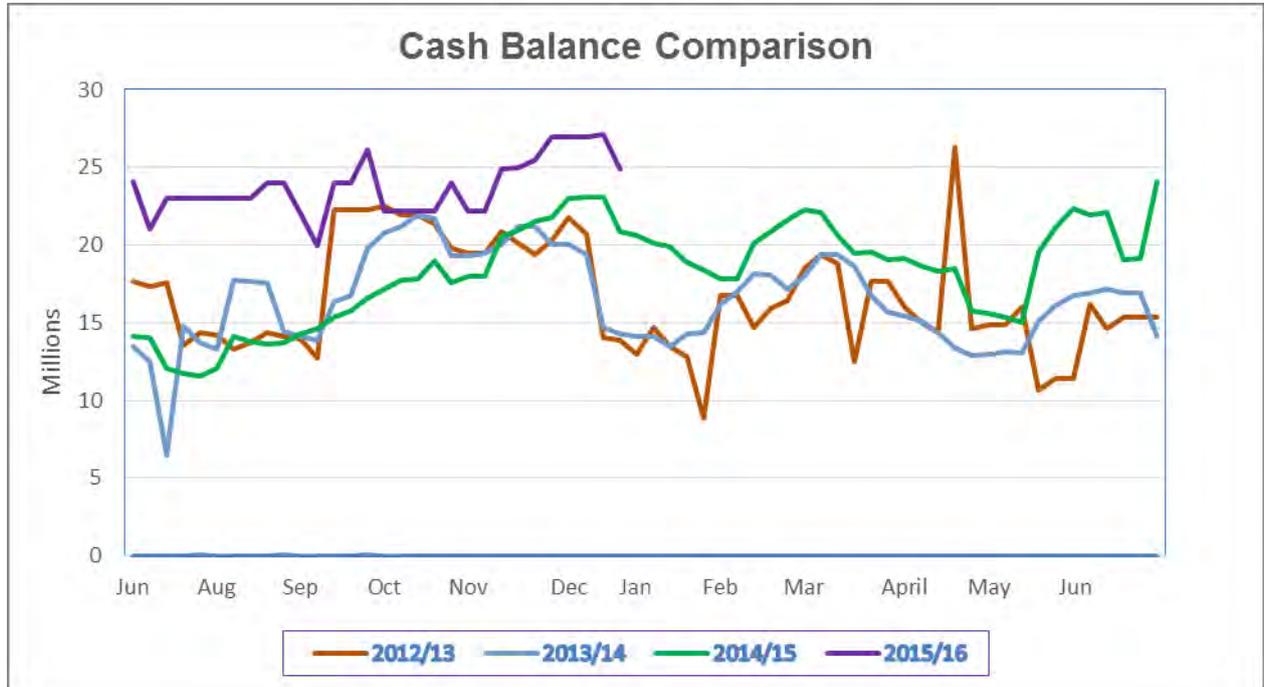


FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
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**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**

**2.7 Cash Balances**



This graph represents the balance of cash assets which comprises cash at bank and on hand plus investments. The balance of cash assets remains in a sound position at \$24.93 million as at 31 December 2015.

**2.8 Working Capital**

Working capital equals current assets (assets which can be turned into cash within one year) less current liabilities (amounts owing by Council which need to be paid within one year).

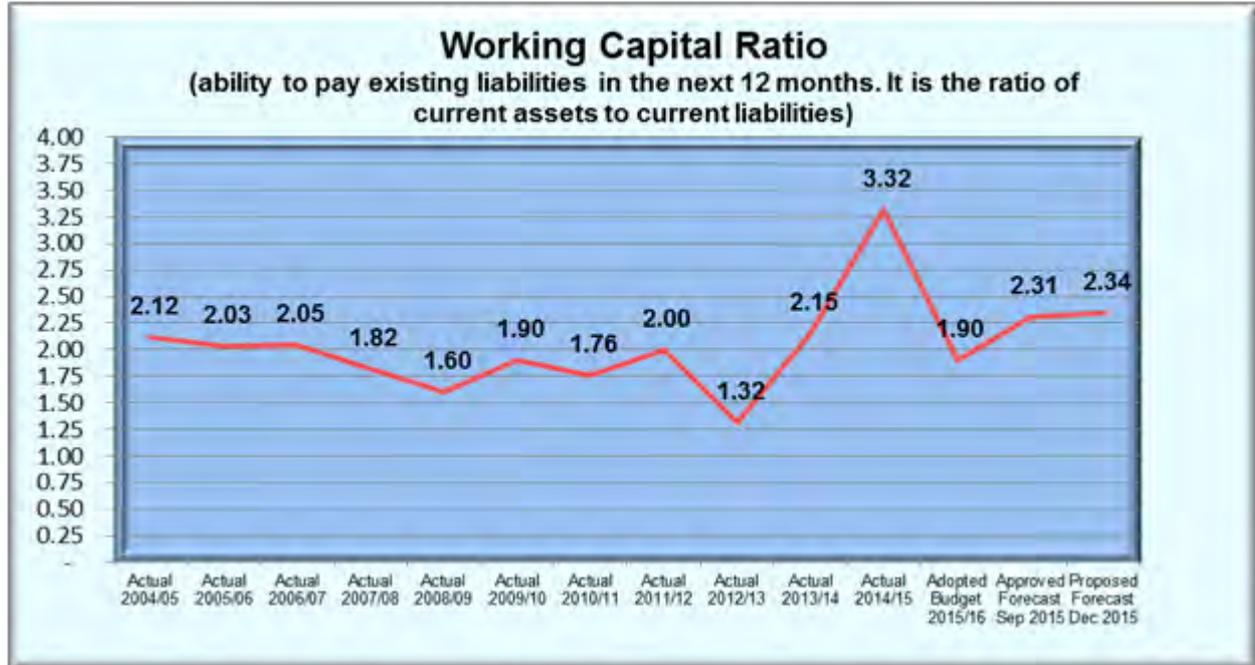
The working capital is projected to be \$12.88 million as at 30 June 2016. This would result in a working capital ratio of 1:2.34, which is above the low risk sustainability indicator of the Victorian Auditor-General's Office of better than 1:1.5. Council will continue to work hard to reduce expenditure and increase income to meet the VAGO ratio benchmark.

The long term financial plan model indicates that the working capital ratio (presently 1:2.34) will continue to meet the VAGO requirement.

FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
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**QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)**



**2.9 Financial Risks**

Moving forward it is appropriate to examine risks as they may impact on the financial position of Council. The areas identified are flagged to highlight potential impacts on Council.

Capital Works

Council's capital works need to be managed prudently to strengthen Council's financial position and ensure Council meets all the low risk financial sustainability indicators as specified by the Victorian Auditor-General's Office.

Grant Income

Council has a significant level of government grants - \$11.71 million (after excluding \$4.83 million received in 2014/15). These grants underpin several capital works projects and operating programs, all of which are of importance to the community. Capital grants, for 2014/15, total \$5.55 million and operating grants \$6.16 million. Due to the current cash-strapped position of the Government there is a declining trend of Grants as a proportion of the total income. The continuation of this level of funding will be monitored closely and to actively look for more income streams.

Underlying Result

In essence, the underlying result is the operating result after eliminating non-cash capital income, which is contributed assets from developers. Projected for 2015/16 this financial indicator is (4.31%) and therefore below the VAGO target of greater than zero; however this is impacted by the receipt of 2015/16 income in the 2014/15 financial year.

Indebtedness (Total long term liabilities / Own source revenue)

This ratio measures the ability for Council to pay its liabilities from its own sources of income, which excludes all grants and contributions. Council's long term liabilities include loans and Council's obligation to rehabilitate landfills.

FILE NO: 180.07.0021  
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2  
(TEAM LEADER - FINANCIAL  
ACCOUNTANT, RAMKI SUBRAMANIAM)  
(GENERAL MANAGER - CORPORATE,  
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## QUARTERLY BUDGET REVIEW - DECEMBER 2015 (cont'd)

To be in the low financial risk category VAGO suggests that the ratio be 40% or lower. Council's ratio is currently 39.37% and reduces gradually as Council's does not plan to avail of new loans.

### 3. Community Consultation

The Council's December 2015 budget review is provided for public viewing in accordance with Council's open and transparent governance policy.

### 4. Internal Consultation

The following members of staff were consulted:

- Corporate Management Team
- All Managers
- Manager Finance
- Financial Accountant

### 5. Legislative / Policy Implications

This report complies with the Local Government Act 1989 and Council's Budget and Financial Reporting policy.

In accordance with Section 138 of the Local Government Act 1989, at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to the Council.

### 6. Environmental Sustainability

Council's sound financial position continues to allow Council to implement and maintain its environmental projects.

### 7. Conflict of Interest Considerations

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

### 8. Conclusion

The projected cash position is \$16.86 million as at 30 June 2016.

An operating deficit of \$1.99 million is forecast as at 30 June 2016.

A capital works program of \$14.08 million is currently forecast to be delivered as at 30 June 2016.

Council continues to face a challenging position and will have to seek additional revenue streams and monitor expenditure as explained earlier.

## Attachments

Nil

FILE NO: 1  
7. DELIVER SOUND FINANCIAL MANAGEMENT

ITEM NO: 9.1.3  
(MANAGER FINANCE, SIMON RENNIE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## INVESTMENT AND CASH MANAGEMENT POLICY

### RECOMMENDATION

That Council adopt the revised Investment and Cash Management Policy.

#### 1. Executive Summary

This report provides the revised Investment and Cash Management Policy which contributes to the safe and effective management of Councils cash resources.

#### 2. Background and Options

The Investment and Cash Management Policy was last updated on 12 December 2011.

This policy provides guidance on the effective and responsible utilisation of Council's surplus cash in accordance with the legislative framework.

#### 3. Financial Implications

To optimise return on investment earnings within approved risk guidelines and ensure the security of funds.

#### 4. Risk Management

Exposure to risk will be minimised by investing in a range of low risk investment products within the constraints of the Local Government Act 1989.

#### 5. Internal and External consultation

The following members of staff were consulted  
Team Leader – Financial Accountant  
Financial Accountant

#### 6. Regional Context

This cash management policy refers to investments in Australian based banks and local credit unions.

#### 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 the following Legislation & Policies:  
Local Government Act 1989, in particular Sections 136 and 143

#### 9. Environmental Impact

Nil

#### 10. Conflict of Interest Considerations

Nil

FILE NO: 1  
7. DELIVER SOUND FINANCIAL MANAGEMENT

ITEM NO: 9.1.3  
(MANAGER FINANCE, SIMON RENNIE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## INVESTMENT AND CASH MANAGEMENT POLICY (cont'd)

### 11. Conclusion

The revised Investment and Cash Management Policy will provide direction for Council on issues involving rates and charges and to contribute to the effective management of Councils financial resources.

### Attachments

- 1 Investment and Cash Management Policy Feb 2016

FILE NO: 1  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.3  
(MANAGER FINANCE, SIMON RENNIE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## INVESTMENT AND CASH MANAGEMENT POLICY (cont'd)

### ATTACHMENT No [1] - Investment and Cash Management Policy Feb 2016



## Investment and Cash Management



<b>Policy type</b>	Council
<b>Adopted by</b>	Moira Shire Council
<b>Responsible director</b>	General Manager Corporate
<b>Responsible officer</b>	Manager Finance
<b>Date adopted</b>	22 February 2016
<b>Scheduled for review</b>	22 February 2019

### PURPOSE

Council is committed to ensuring their investments are managed in an appropriate, transparent and ethical manner.

This policy provides guidance on the effective and responsible utilisation of Council's surplus cash in accordance with the legislative framework,

Particular emphasis is placed with the objective to optimise return on investment earnings within approved risk guidelines and ensure the security of funds.

### OBJECTIVES

To undertake the conservative investment of working capital, long service leave and other available funds with respect to the time horizon required for use of these funds. Whilst exercising the power to invest or manage cash, consideration will be given to preserving capital liquidity and return on investment as follows:

- **Safety:** Preservation of capital and protection of principal is the principal objective of the Council's investment portfolio. Investment is to be performed in a manner that ensures security and safeguards the investment portfolio including managing credit and interest rate risks within identified thresholds and parameters.
- **Maintenance of Liquidity:** The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements as and when they fall due without incurring significant cost due to the unanticipated sale of an investment.
- **Ethical Investment:** Investment must conform to accepted business practices and Council's wider operational sustainability goals, which are included in the Council Plan.
- **Performance:** The investment (net funds invested) is expected to be maximised within the parameters of this policy which takes into account Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

### SCOPE

This policy applies to all investments and cash management activities undertaken by Council.

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FILE NO: 1  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.3  
(MANAGER FINANCE, SIMON RENNIE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## INVESTMENT AND CASH MANAGEMENT POLICY (cont'd)

### ATTACHMENT No [1] - Investment and Cash Management Policy Feb 2016



## Investment and Cash Management

### DEFINITIONS

**Investments:** arrangements that are undertaken or acquired for producing income.

**Counter Party:** a legal and financial term which refers to the other individual or institution to an agreement or contract.

**Interest Rate Risk:** the risk that the fair value or future cash flows of an investment will fluctuate because of changes in market interest rates.

**Investment Portfolio:** a collection of investments.

**Preservation of Capital:** an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

**Speculative:** involves deliberately taking a higher risk in the hope of making an extraordinary gain.

**Surplus Cash:** funds that are deemed surplus to operations for the time being.

**Yield:** the annual rate of return on an investment.

### POLICY

Surplus funds will be invested in a manner which provides the highest investment return with the maximum security, while meeting the daily cash flow demands. This policy will conform to legislation governing the investment of local government funds.

#### 1. Investments

- (a) Diversification will be pursued within the following guidelines with the purpose to reduce overall portfolio risk whilst attaining a maximum rate of return. Investments will be diversified by institution. In selecting authorised investments, consideration will be given to credit rating on the Counter Party.
- (b) The selection and acceptance of an investment offer will have regard not only to the highest rate of interest quoted, but also to the need to 'spread' investments.
- (c) Investments must be made in Australian dollars.
- (d) The term to maturity of any Council investment may range from "at call" to one year, taking into account anticipated cash requirements and prevailing market conditions at the time of the investment.
- (e) Exposure to risk will be minimised by investing in a range of low risk investment products within the constraints of the *Local Government Act 1989*.

#### 2. Diversification by Financial Institution

- (i) When placing an investment, no single institution or corporate shall comprise more than 30% of Council's term deposit portfolio. Where the exposure limit of an investment category is exceeded as a result of the investment being redeemed, the exposure parameters are to be adjusted at the next available opportunity when funds are able to be reinvested.

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FILE NO: 1  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.3  
(MANAGER FINANCE, SIMON RENNIE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## INVESTMENT AND CASH MANAGEMENT POLICY (cont'd)

### ATTACHMENT No [1] - Investment and Cash Management Policy Feb 2016



## Investment and Cash Management

(ii) Investment offers will be obtained by using authorised financial software or transmitting an email financial institutions including those with a local office, inviting quotes and requesting a response within the timeframe specified on the invitation. If appropriate, further negotiation may be entered into.

(a) **Risk Tolerance**

In order to protect the principal amount of investments, funds will, ideally, only be invested with institutions and products with a minimum Standard and Poor's credit rating of AA or better. In addition to the above tolerance an upper limit of \$2 million can be invested with local credit unions.

3. **Return Objectives**

The return on funds invested will be optimised within the parameters of this policy.

4. **Authorised Investment Products**

It is the responsibility of the delegated officer to manage the investment by using these products to the best advantage while operating in the context of this policy:

(a) **Cash/11a.m. – Short term Instrument.** Cash funds are invested on overnight deposit each business day with Councils main banking institution. Notice of withdrawal of funds to be submitted to the bank on the day of deposit.

(b) **Term Deposit** – One of the most common types of investments, term deposits are offered by all banks and are competitive.

(c) **Government Securities** - Long dated maturities with a sovereign debt rating. These are considered to be the most resilient investments in regards to adverse market movements. As a result of the extremely high credit ratings, these bonds have a low return in terms of yield.

5. **Prohibited Investments**

(a) Investing for speculative purposes is prohibited.

(b) The following investments are also prohibited:

(i) Derivative based investments (excluding floating rates notes);

(ii) Principal only investment or securities that provide nil or negative cash flows;

(iii) Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind; and

(iv) Any security issued in non-Australian currency.

(c) The General Manager Corporate may develop an additional list of prohibited investments.

6. **Cash Management:**

The following will apply to cash management practices:

(a) Cash flow and cash balances will be reviewed daily.

Page 3 of 4

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FILE NO: 1  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.3  
(MANAGER FINANCE, SIMON RENNIE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## INVESTMENT AND CASH MANAGEMENT POLICY (cont'd)

### ATTACHMENT No [1] - Investment and Cash Management Policy Feb 2016



## Investment and Cash Management



- (b) The balance of surplus cash funds will be invested according to the guidelines in this policy.
  - (c) All investments will be recorded in Council's investment register.
  - (d) The investment register will record and track movement of investments, interest rates, interest received and maturity dates.
  - (e) The investment register will be reconciled, at the end of each month, with the general ledger and the daily cash position statement.
  - (f) Certificates must be obtained from the Counter Party confirming the amount of investment held on behalf of Council.
  - (g) A report will be submitted quarterly to Council giving the details of current investments and the return on investments for the financial year to date.
- 7. Internal Controls:**  
Internal controls and processes are to be maintained to ensure investment objectives are met and that the investment portfolios are protected from loss, fraud or inappropriate use.

### RELATED POLICIES

*Development of Policy Documents, and Policy Guideline*

### RELATED LEGISLATION

*Local Government Act 1989, in particular Sections 136 and 143  
Local Government (Long Service Leave) Regulations 2002*

### REFERENCES

*Moira Shire Council, Instrument of (Sub) Delegation by Chief Executive Officer*

### REVIEW

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

FILE NO: 123456  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.4  
(TEAM LEADER REVENUE, AMANDA  
CHADWICK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## RATES & CHARGES POLICY

### RECOMMENDATION

That Council adopt the revised Rates & Charges Policy.

#### 1. Executive Summary

This report provides the revised Rates & Charges Policy which contributes to the effective management of Councils financial resources.

#### 2. Background and Options

The Rates & Charges Policy was first adopted by Council in March 2002 with the current version adopted in February 2010.

The Policy provides direction on issues involving rates and charges including Valuations, Supplementary Valuations, Preparing and Issuing Rates Notices, Fire Services Property Levy,

Non-rateable Land, Payment arrangements, Rebates and Concessions, Waiver of Rates, Charges or Interest, Financial Hardship, Interest on Unpaid Rates or Charges, Recovery of Unpaid Rates or Charges and the Rating Strategy.

#### 3. Financial Implications

The financial implications to Council will relate to waiver of fees & charges, rebates & concession, interest, recovering of unpaid rates & charges and payment arrangements.

#### 4. Risk Management

There are no risks associated with the adoption of this revised Policy as it will set guidelines for Council to effectively manage all property rates and charges.

#### 5. Internal and External Consultation

The Rates & Charges Policy was reviewed in consultation with the General Manager Corporate, Manager Finance, Team Leader Revenue and Revenue Officers.

The revised Policy was also considered by the Corporate Management Team.

#### 6. Regional Context

This Policy refers to rates and charges applied to all 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 the following Legislation & Policies:

- Local Government Act 1989
- Valuation of Land Act 1960
- Penalty Interest Rates Act 1983
- State Concessions Act 2004

FILE NO: 123456  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.4  
(TEAM LEADER REVENUE, AMANDA  
CHADWICK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## **RATES & CHARGES POLICY (cont'd)**

- Magistrates Court Act 1989
- Fire Services Property Levy Act 2012
- Cultural and Recreational Lands Act 1963
- Development of Policy Documents and Policy Guidelines
- Financial Hardship Policy - Draft
- Special Rates and Charges Policy

### **9. Environmental Impact**

There will be no environmental impact on Council resulting in the adoption of this revised Policy.

### **10. Conflict of Interest Considerations**

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

### **11. Conclusion**

The revised Rates and Charges Policy will provide direction for Council on issues involving rates and charges and to contribute to the effective management of Councils financial resources.

## **Attachments**

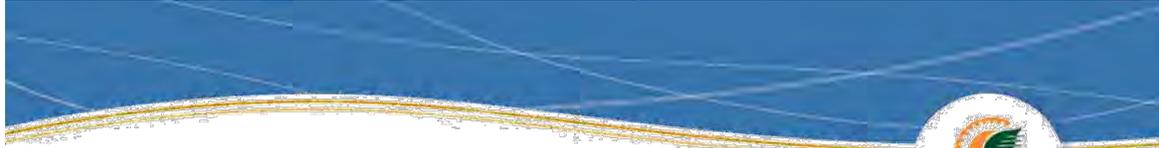
- 1 Revised Rates & Charges Policy

FILE NO: 123456  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.4  
(TEAM LEADER REVENUE, AMANDA  
CHADWICK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## RATES & CHARGES POLICY (cont'd)

### ATTACHMENT No [1] - Revised Rates & Charges Policy



## Rates and Charges

Policy type	Council
Adopted by	Moira Shire Council
Responsible director	General Manager Corporate
Responsible officer	Team Leader Revenue
Date adopted	
Scheduled for review	

### PURPOSE

To provide direction on issues involving rates and charges and to contribute to the effective management of Council's financial resources.

### 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) Valuations

Under s157 of the *Local Government Act 1989*, a Council may use the site value, net annual value, or capital improved value system of valuation.

Council uses the capital improved value system of valuation.

Under s11 of the *Valuation of Land Act 1960*, a general valuation of all rateable land within a municipal district must be made as at 1 January in every even calendar year.

#### 2) Supplementary Valuations

Council will maximise its valuation base by conducting and applying supplementary valuations at least quarterly in accordance with s13DF of the *Valuation of Land Act 1960*.

#### 3) Preparing and Issuing Rate Notices

Under s155 of the *Local Government Act 1989*, a Council may declare the following rates and charges on rateable land (as defined in s154 of the Act and s4 of the *Cultural and Recreational Lands Act 1983*):

- (a) General rates under s158.
- (b) Municipal charges under s159.
- (c) Service rates under s162.

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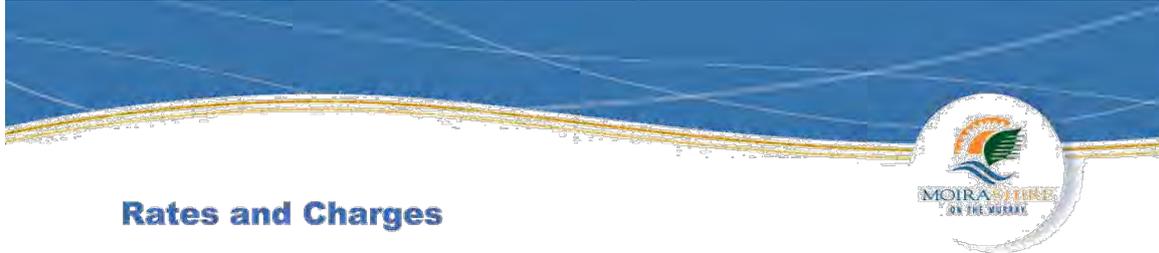
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FILE NO: 123456  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.4  
(TEAM LEADER REVENUE, AMANDA  
CHADWICK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## RATES & CHARGES POLICY (cont'd)

### ATTACHMENT No [1] - Revised Rates & Charges Policy



## Rates and Charges

- (d) Service charges under s162.
- (e) Special rates under s163.
- (f) Special charges under s163.

Where land is defined as recreational land under the *Cultural and Recreational Lands Act 1983*, Council will determine an amount payable giving consideration to s4(1) of that Act.

Under s158 of the *Local Government Act 1989*, a rate notice must be issued at least 14 days before the date on which the first payment of the rate or charge is due.

#### 4) Fire Services Property Levy

Council collects the Fire Services Property Levy (FSPL) in accordance with the *Fire Services Property Levy Act 2012*, which legislates that all Victorian property owners are liable for a financial contribution to the State's fire services. The FSPL is listed on the rate notice as a separate item.

#### 5) Non-rateable Land

Under s154 of the *Local Government Act 1989* certain types of land are considered non-rateable. All applications to have land assessed as being non-rateable shall be in writing and must be accompanied by documentary evidence to support the claim. Approved applications are valid for one year only.

#### 6) Payment Arrangements

Under s167 of the *Local Government Act 1989*, a Council *must* allow a person to pay a rate or charge in four instalments, and *may* allow a person to pay a rate or charge in a lump sum. Instalments and lump sum amounts are due and payable on the date fixed by the Minister by notice published in the Victorian Government Gazette. These dates are listed on rate notices.

Council offers the following payment arrangements:

- a) Quarterly instalments.
- b) Lump sum payment.
- c) 10 instalments (by direct debit only).

#### 7) Rebates and Concessions

Under s169 of the *Local Government Act 1989*, a Council may grant a rebate or concession on any rate or charge in circumstances including, but not limited to:

- (a) To assist the proper development of the municipal district.
- (b) To preserve buildings or places in the municipal district which are of historical or environmental interest.
- (c) To restore or maintain buildings or places of historical, environmental, architectural or scientific importance in the municipal district.
- (d) To assist the proper development of part of the municipal district.

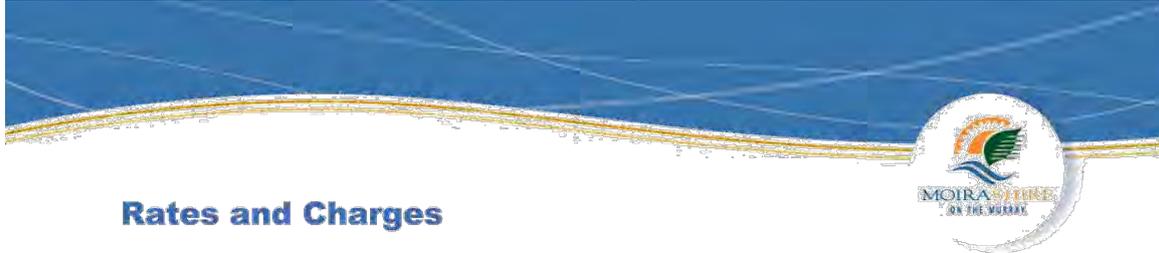
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FILE NO: 123456  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.4  
(TEAM LEADER REVENUE, AMANDA  
CHADWICK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**RATES & CHARGES POLICY (cont'd)**

**ATTACHMENT No [1] - Revised Rates & Charges Policy**



**Rates and Charges**

Council also grants the Municipal Rates Concession, which:

- (a) Is available to homeowners who hold either a Pensioner Concession Card or a Veterans' Affairs Gold Card.
- (b) Provides a 50 per cent discount on council rates up to a specified annual maximum.
- (c) Is available to homeowners in respect of their principal place of residence.

Where a property owner has entered into a conservation covenant with Trust for Nature, Council may also grant a rebate or concession.

**8) Waiver of Rates, Charges or Interest**

Under s171 of the *Local Government Act 1989*, a Council may waive rates, charges or interest in relation to:

- a) An eligible recipient within the meaning of the *State Concessions Act 2004*.
- b) Any other class of persons determined by a Council resolution. This could be applied in declared situations, such as exceptional circumstances resulting from a flood, bushfire or drought event. Objectives to be achieved by the waiver must be included in the Council resolution.

**9) Financial Hardship**

Council recognises that there may be some persons who, due to financial hardship, 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 establishing payment plans and waiving interest payable on overdue accounts.

Further details are available in the *Financial Hardship Policy*.

**10) Interest on Unpaid Rates or Charges**

Under s172 of the *Local Government Act 1989*, a Council is able to charge interest on rates or charges that are not paid by the due date as specified in s167 or s158(4B) of the Act.

Council will charge interest from the due date listed on the rate notice at the rate prescribed under the *Penalty Interest Rates Act 1983* as published in the Victoria Government Gazette.

**11) Recovery of Unpaid Rates or Charges**

Where rates and charges are overdue, Council will work with the ratepayer to establish a payment plan to recover outstanding amounts. Interest will be charged on outstanding amounts as outlined in Clause 10.

In cases where no payment plan has been established Council will, as prescribed in s180 of the *Local Government Act 1989*, commence recovery action for any material amounts outstanding.

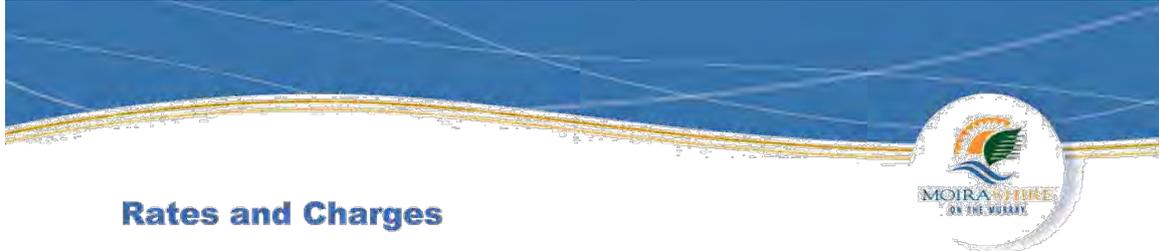
When a debt fails to be recovered by Council or its debt collector, recovery will be sought through the Magistrates' Court.

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**RATES & CHARGES POLICY (cont'd)**

**ATTACHMENT No [1] - Revised Rates & Charges Policy**



## Rates and Charges

If procedures in accordance with s180 of the *Local Government Act 1989* fail, a report will be presented to Council considering the possible sale of the property in accordance with s181 of the *Local Government Act 1989*, if there are three or more years of outstanding rates.

### 12) Rating Strategy

Council will review its rating strategy at least every four years (or earlier if required) in line with the general revaluation of properties in the municipality, with the aim of adopting a fair and equitable method of apportioning rates and charges across the municipality.

### RELATED POLICIES

*Development of Policy Documents, and Policy Guideline*  
*Financial Hardship Policy*  
*Special Rates and Charges*

### RELATED LEGISLATION

*Cultural and Recreational Lands Act 1963*  
*Fire Services Property Levy Act 2012*  
*Local Government Act 1989*  
*Magistrates' Court Act 1989*  
*Penalty Interest Rates Act 1983*  
*State Concessions Act 2004*  
*Valuation of Land Act 1960*

### REFERENCES

*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.

FILE NO: 123456  
7. DELIVER SOUND FINANCIAL  
MANAGEMENT

ITEM NO: 9.1.5  
(TEAM LEADER REVENUE, AMANDA  
CHADWICK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## FINANCIAL HARDSHIP POLICY

### RECOMMENDATION

That Council adopt the 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

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 prepared in consultation with the General Manager Corporate, Manager Finance, Team Leader Revenue and Revenue Officers.

The draft Policy was also considered by the Corporate Management Team.

#### 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.

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7. DELIVER SOUND FINANCIAL  
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## FINANCIAL HARDSHIP POLICY (cont'd)

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The adoption of the 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

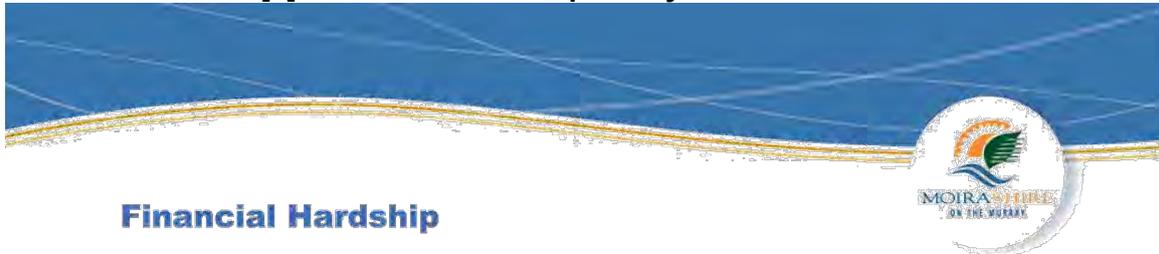
- 1 Financial Hardship Policy - Draft

FILE NO: 123456  
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## FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Financial Hardship Policy - Draft



## Financial Hardship

Policy type	Council
Adopted by	Moira Shire Council
Responsible director	General Manager Corporate
Responsible officer	Team Leader Revenue
Date adopted	
Scheduled for review	

### 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:

- Residential rates and charges only.
- 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.

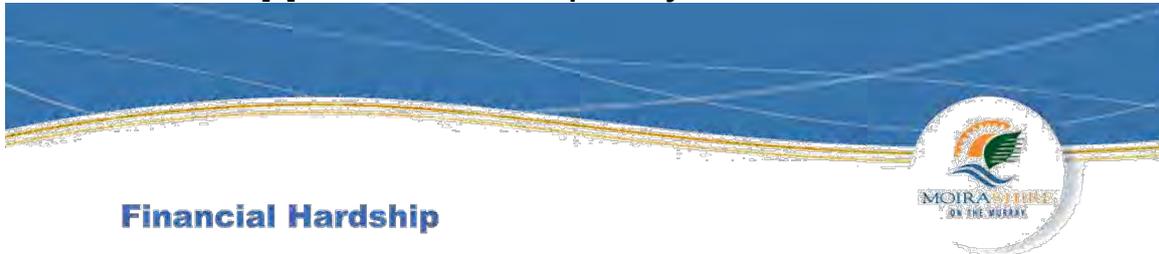
A new application must be submitted for each rating year.

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## FINANCIAL HARDSHIP POLICY (cont'd)

### ATTACHMENT No [1] - Financial Hardship Policy - Draft



## 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: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## COUNCIL PLAN QUARTERLY UPDATE

### RECOMMENDATION

That Council note the progress against the Council Plan 2013-17.

#### 1. Executive Summary

Council adopted a revised Council Plan in June 2015. This report provides an update of progress against the goals and objectives identified in this Plan.

#### 2. Background and Options

Council's revised Council Plan identifies the projects, programs and outcomes Council intends to deliver over the final two years of the Council Plan period.

Council's success in achieving its Council Plan goals is ultimately measured by the views and feedback from our community. The primary measurement tool is the annual Community Satisfaction Survey that is scheduled to take place in early 2016.

Highlights achieved during the reporting period include:

- Organic waste contamination rates continue to track well below 1% (industry best practice standard) at 0.4% over the summer period.
- More than 1200 Moira Shire students participated in a very successful *Walk to School Day in October*
- Council has commenced a community feedback program to inform the development of the 2016/17 and subsequent budgets. The program provides the community and Council with greater opportunity to understand, discuss and meet community priorities within the constraints of rate capping and changing grant funding.
- Naring Road, Numurkah has been reconstructed and widened from a 4.5 metre seal to a 9.4 metre paved road.
- Council continues to improve its customer service processes with more than 70% of rates and revenue inquiries resolved at first point of contact – saving time for customers and Council.
- Kerb and channel replacement program 50% complete in Numurkah, Nathalia and Cobram.
- Upgraded park furniture at Lions Park Strathmerton, Numurkah rose gardens, Uncle Bob's Park Nathalia, Main Park Katunga, Jack Edwards Park Barmah, and George Graham Park Wunghnu.
- Placed organic compost on various gardens throughout the shire using compost from Council's organic waste collection service.
- Revamped garden areas at Blackwood Park Cobram, Belmore Street median strip Yarrawonga, Train Park Numurkah, Memorial Park and Uncle Bob's Park Nathalia, Yarroweyah Town Hall, and Picola Park.
- Installed and upgraded irrigation at Cobram Civic Centre, Mivo Park Cobram, Lake Mulwala foreshore Yarrawonga, Train Park Numurkah, the Poplar

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

plantation Blake Street Nathalia, Memorial Park Nathalia, and Uncle Bob's Park Nathalia.

Building stronger regional partnerships						
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	to 31 December 2015	
					Progress	Highlights
1	Represent the interests of our community	<i>Community satisfaction survey - advocacy</i>	Develop an advocacy plan focusing on Council's regional opportunities in agriculture, manufacturing and tourism.			
			Actively engage in relevant forums and networks to promote Moira's interests including MAV, HRLGN, Hume RDA and Murray Group of Councils.			
			Liaise with key industry groups about future directions to explore collaborative opportunities and advocate for growth and investment			

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

Improving Moira's Liveability						
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	to 31 December 2015	
					Progress	Highlights
2	Encourage safe and resilient communities	<i>Community satisfaction survey</i> <ul style="list-style-type: none"> <li>• <i>Emergency and Disaster Management</i></li> <li>• <i>Local law enforcement</i></li> </ul> <i>Local Government Performance Reporting Framework (LGPRF)</i>	Assist our communities to prepare, respond and recover from emergencies and natural disasters in line with Moira's Emergency Management Plan		Emergency Relief Centres (ERC) identified across the municipality. Audits underway to confirm their appropriateness for use.	The MEMP has been endorsed and adopted. The 2015 version is currently being distributed to agencies in preparedness for the summer period.
			Implement Domestic Animal Management Plan		Domestic Animal Management Plan is ongoing.	The review of the Victorian Emergency Animal Welfare Plan, a useful resource for councils to assist with planning for emergency events in the lead up to the summer season was due to be released earlier this year.  The most recent advice from DEDJTR is that the final version of the Victorian Emergency Animal Welfare Plan awaits approval within the department and is currently unable to be released.
			Enforce Local Laws in timely and reasonable manner		ongoing.	
			Develop and commence implementation of Community safety plan 2015-2018		Draft Community Safety Plan being finalised.	

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

3	Encourage healthy and active communities	<p><i>Community satisfaction survey</i></p> <ul style="list-style-type: none"> <li>• <i>Elderly support services</i></li> <li>• <i>Sporting facilities</i></li> </ul> <p><i>LGPRF</i></p> <ul style="list-style-type: none"> <li>• <i>Satisfaction with Aquatic facilities</i></li> <li>• <i>Utilisation of aquatic facilities</i></li> <li>• <i>Cost of MaCH service</i></li> <li>• <i>Participation in MaCH programs</i></li> </ul> <p><i>Other Immunisation rates at state average</i></p>	Fulfil obligations under the Public Health and Well Being Act and Food Act		Inspections of all registered premises ongoing.	161 Premises inspections were completed
			Identify and deliver relevant preventative health programs including mosquito monitoring and Syringe disposal		The mosquito monitoring program occurs between November and April	Mosquito monitoring has commenced There were a high numbers of 'floodwater' mosquitoes reported in week 47. The numbers have reduced since that time.
			Develop Early Years Plan 2016 – 2019		Initial consultation with the Moira 0-8 network has commenced. Draft plan not yet started.	
			Implement Youth strategy 2015 – 2018		Not yet started.	
			Implement Municipal Public Health and Wellbeing Plan 2014 – 2017		Activities to increase breastfeeding rates and initiatives to increase fruit and vegetable consumption are ongoing. Initiatives to encourage active transport are also ongoing.	A successful <i>Walk to School Day</i> held October with over 1200 children participating.
			Develop 2015 – 2025 Recreation Strategy		A Draft Strategy has been presented to Council. Community Consultation on the plan expected in the Q1 2016.	
			Implement 2015-2025 Recreation Strategy		Awaiting adoption of the strategy.	
			Review Moira's Walking and Cycling (Tracks'n'Trails) Strategy and prepare construction program		Short and long term Tracks and Trails priorities have been identified. Planning advice being sought prior to delivery of short term priorities. Longer term priorities subject to budget consideration.	

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

4	Support community education and learning	<i>Community Satisfaction survey</i>  <b>LGPRF</b> <ul style="list-style-type: none"> <li>• <i>Cost of Library services</i></li> <li>• <i>Library members</i></li> </ul>	Foster efficient delivery of adult education opportunities across the Shire		Continuous improvement amongst all adult education providers to remain competitive and relevant.	Network meeting held quarterly with resources shared. Two providers are developing community and industry capacity needs surveys.
			Deliver Cobram Library project		Contract to construct was awarded in December 2015. Construction works scheduled to commence in January 2016.	
5	Support inclusive and connected communities	<i>Community satisfaction survey</i> <ul style="list-style-type: none"> <li>• <i>Family support services</i></li> <li>• <i>Disadvantaged age support services</i></li> </ul> <b>LGPRF</b> <ul style="list-style-type: none"> <li>• <i>Community Engagement Policy and Guidelines</i></li> <li>• <i>Access audits</i></li> </ul>	Develop the 2015-2019 Arts and Culture Strategy		Not yet started.	
			Implement Cultural Diversity Action Plan 2014 – 2017		Planning for Cultural Diversity Week-Harmony Day 2016 event ongoing. Discussions on implementation and actions on Human Rights declaration ongoing. Priority actions for 2016 being reviewed.	
			Implement Disability Action Plan 2013 - 2016		Staff awareness training completed through the Cobram Access Challenge.	International day for people with a disability celebrated with the Cobram Access Challenge and Nathalia Access Fishing event conducted.
			Implement 2015 – 2018 Active Aging Strategy		Not yet started.	
6	Provide clean and attractive parks, gardens, streetscapes, reserves and wetlands	<i>Community satisfaction survey</i>	Review the Streetscape Strategy for the four major towns.			
			Undertake the Parks maintenance regime in accordance with the agreed program and budget.			

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

7	Connect our communities via safe and efficient footpath and road networks	<i>Community Satisfaction survey</i>  <i>Compliance with Road Management Plan</i>	Review Moira's Road Management Plan to align with changes in road use and reduced road funding		Scheduled to commence late 2016	
			Develop a foot path strategy to guide Council and community investment		Commenced	
			Commence review of roads hierarchy network plan		Scheduled to commence mid 2016	
8	Well planned, and maintained drainage network	<i>Community Satisfaction survey</i>	Commence implementation of Numurkah Flood Study recommendations			
			Complete Yarrowonga Drainage Study		Ongoing, scheduled for Council consideration in early 2016	
			Review capacity of existing drainage infrastructure to meet community demand and cope with more frequent extreme weather events		Scheduled to commence first town drainage review in late 2016.	
9	Engage and empower the community in working towards a sustainable future	<i>Community satisfaction survey</i> <i>Greenhouse gas emissions</i> <i>Utility accounts</i>	Implement Council's Environmental Sustainability Strategy			<p>Stage 3 of the Watts Works project has commenced with Ironbark Sustainability conducting a feasibility study into the replacement of the decorative lights within the Shire.</p> <p>Moira along with neighbouring Councils are applying for the 2015 Victoria Climate Change Grants to support development of a coordinated environmental sustainability reporting program for several Hume Region Councils</p>

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

10	Deliver effective waste management services	<i>Community satisfaction survey</i> <ul style="list-style-type: none"> <li>• <i>waste services</i></li> </ul> <i>Compliance with the requirements of the EPA</i>	Develop Waste Management Business Plan		Development of Councils Waste Management Business plan is ongoing.	Waste financial model has been completed. Organics service contamination remains low, under 0.4% over the peak period.
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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

Build on our economic strengths in agriculture, manufacturing and tourism						
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	to 31 December 2015	
					Progress	Highlights
11	Strengthen and grow the Moira economy	<i>Customer satisfaction survey</i>  <i>Business and Industry satisfaction survey</i>	Implement Business and Innovation Strategy 2013-2017		Ongoing <ul style="list-style-type: none"> <li>Detailed pipeline of confirmed and potential investments in Moira Shire</li> <li>Three business development workshops held with 70 participants</li> <li>Three Economic Development e-newsletters distributed to business and stakeholder database</li> </ul>	<ul style="list-style-type: none"> <li>12 local businesses graduate from the Business Transformation Scholarship Program with a Mayoral Graduation Ceremony</li> <li>'No flies on us' Queensland Fruit Fly awareness campaign in partnership with Berrigan Shire and local horticultural industry</li> </ul>
			Develop 2017-2021 Economic Development Strategy			
			Develop and implement industrial land development master plan			
12	Strengthen Moira's tourism offer	<i>Customer satisfaction survey</i> <i>Business and Industry satisfaction survey</i>	Develop Moira Shire Tourism and Event Strategy (destination management plan)		Underway	Strategy developed and currently available for stakeholder feedback

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

			Advocate for and support the development of key tourism assets in our region		Ongoing  The Tourism Advisory Committee is meeting regularly and covering a range of topics helping to strengthen tourism in the region.	Prospectus for revamped Farm Gate Trail brochure has been distributed to current and potential participants with increased participation being taken up by local operators  Draft RV Friendly Strategy is out for community consultation after 12 months of development in conjunction with RV Friendly working Group.
13	Anticipate and plan for future land use needs	<i>'Ahead of growth curve'</i>	Develop land use master plan for Yarrawonga		Scheduled to commence 2016	Preliminary industrial land audit underway
			Review Structure plan for Cobram			
			Develop residential land and housing study for the four major towns – Cobram, Nathalia, Numurkah and Yarrawonga		To be undertaken over a period of four years; one study every year.  Numurkah Study progressed and project managed by Economic Development Department	
14	Build community and investor confidence in Council's land	<i>Community satisfaction survey</i>  <i>Business and Industry</i>	Demonstrate best practice in planning and building processes		Ongoing	

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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

	use planning	<i>satisfaction survey</i>	Involve industry and community in the improvement of customer-focused planning and building service delivery		Scheduled for delivery in 2016	
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**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

Smarter delivery of services and programs						
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	31 December 2015	
					Progress	Highlights
15	Consistently deliver high quality customer service across all platforms (online, phone and in person)	<i>Customer satisfaction survey</i>  <i>Business and Industry satisfaction survey</i>  <i>Staff satisfaction survey</i>	Review Council's customer service charter		Commenced	
			Develop end-to-end customer service procedures and service standards for high frequency/high reach customer service activities		Ongoing.	More than 70% of customer inquiries regarding rates were handled at first point of contact.
			Develop customer complaints policy and procedures		underway	
			Deliver online and mobile customer service capabilities			
			Develop 3 year customer service excellence strategy			
			Establish program for testing customer service standards with relevant community audiences			
16	Moirra is a great place to work	<i>Staff satisfaction survey</i> <i>Staff turnover</i> <i>Staff sick leave accrued</i>	Develop and implement People and Organisational Development Strategy		Underway	Currently scoping and developing draft.
			Develop and implement annual internal communications program to support P&OD strategy		CEO blogs	Will follow scoping.

FILE NO: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

			Develop employee reward and recognition program		Staff recognition to be celebrated by individual departments in 2016 and beyond.	5, 10 and 15 years' service recognition celebrated by staff in December.
17	Moir is a safe place to work	<i>Staff satisfaction survey WorkCover Premium lower than the Average Industry Rate No increase in number of Lost Time Injury claims Ratio of OHS near misses to reported incidents 1:1</i>	Develop and implement Occupational Health and Safety strategy		Underway	Draft strategy developed.
			Review and revise safety systems to meet risk and regulatory requirements		Underway	Working through program to implement recommendations.
18	Enhance work place systems to improve business productivity and corporate decision making	<i>Staff satisfaction survey(s)</i>	Maintain effective and efficient financial management and reporting systems		<i>Implementation of improved payroll reporting system and eftpos integration system underway.</i>	
			Develop & implement IT and Information Management Strategy			

FILE NO: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

**Demonstrating good governance**

	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	to 31 December 2015	
					Progress	Highlights
19	Ensure governance and decision making framework meets legislative requirements and community needs	<i>Legislative compliance</i> <i>Meet audit and risk requirements</i> <i>Community satisfaction</i>	Develop a long-term strategic vision to guide Council Planning and decision making.		Consultation underway for Council budget.	
			Improve public access to and involvement in Council Meetings		Regular media releases promoting outcomes of council meetings.	
			Ensure Council's codes, policies and procedures are current, relevant, complete and shared with relevant audiences		Commenced	
			Council's services, programs and procurement fulfil Best Value principles.		Continuous improvement programs underway across various departments of Council.	
			Ensure that all new services, programs and projects are subject to Council's Project Management System.		Project management plan templates developed.	
20	Manage business risks to appropriately safeguard our assets, our community, and our business operations	<i>Legislative and procedural compliance</i>	Review Section 86 committee of management model		Review of Councils 35 committees of management underway with the aim of supporting the committees with less onerous governance requirements.	

FILE NO: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

			Develop Council Grants strategy		For action on appointment of a Grants Officer in 2016.	
			Review and implement risk management framework			
			Annual internal audit program delivered			
21	Ensure compliance with relevant legislation, regulation and standards	<i>No adverse findings or reports from regulatory agencies No breaches of legislation, regulations or standards</i>	Meet legislative and regulatory reporting, monitoring and compliance obligations		All FOI and information requests met within statutory timelines.	
1.			Identify and plan compliance upgrades of Council infrastructure within reduced grant and financial resources.			

FILE NO: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

Involving and communicating with our community						
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	to 31 December 2015	
					Progress	Highlights
22	Support community lead planning and change	<i>Community satisfaction survey</i> <ul style="list-style-type: none"> <li>• <i>Community consultation and engagement</i></li> <li>• <i>Informing the community LGPRF</i></li> </ul>	Revise and implement Council's community engagement strategy			
			Develop Community Plans for towns and townships		Current community plans continue to be implemented. A new community Planning framework is being developed for 2016.	
23	Effectively communicate with our communities and stakeholders	<i>Customer and segment satisfaction with</i> <ul style="list-style-type: none"> <li>• <i>Newsletters</i></li> <li>• <i>Advertising</i></li> <li>• <i>Website</i></li> </ul>	Review Council's communications strategy		Commenced	
			Improve community and stakeholder awareness of Councillors' role and Council's strategic direction, performance, programs and services.		Media and communications program ongoing	

FILE NO: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

Deliver sound financial management						
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator	Actions	2015/16	to 31 December 2015	
					Progress	Highlights
24	Meet the community's needs in a financially sustainable manner	<i>Performance against VAGO indicators</i>  <i>Unqualified audit opinions</i>	Develop long term financial management principles and model		Long term financial plan review commenced.	
			Review revenue rating strategy to align with principles		Project brief completed.	
			Review business systems and operational practices and implement improvements		Process review for Revenue complete; improvements being implemented. Building/Planning review underway with expected completion Q3. MAV statewide Maternal & Child Health software system implemented.	

FILE NO: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**COUNCIL PLAN QUARTERLY UPDATE (cont'd)**

Rebalancing Council's asset mix						
	Strategic Performance Indicator	Measure of the Strategic Performance Indicator		2015/16	to 31 December 2015	
					Progress	Highlights
25	Sustainably meet the community's asset needs	VAGO Indicators  Community satisfaction survey	Review Moira's asset management strategy to align with emerging and future community needs and declining grant and funding resources.		Council commenced EOI process for lease of 5 Council buildings.	
			Deliver capital works to budget and schedule		The schedule created at the start of the financial year has been implemented. Progress at November 30 is to schedule.	\$7.5M of the Capital Works Program has been spent or is committed by end of November 2015
			Develop public pool strategy		Review of industry standards for pool strategy has commenced. Condition audit is required as next step. Project scope currently being developed.	
			Develop Land & Buildings management framework			
			Conduct audit of lease holdings			
			Develop consistent service standards for all Council facilities		Service review template developed.	

**3. Financial Implications**

Financial impact of changes to Council programs and priorities is addressed in Council's regular financial reporting.

FILE NO: 100.01  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.6  
(MANAGER GOVERNANCE AND  
COMMUNICATIONS, LINDA  
NIEUWENHUIZEN)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## COUNCIL PLAN QUARTERLY UPDATE (cont'd)

### 4. Risk Management

Program and project delivery risk is addressed within relevant project management plans.

### 5. Internal and External Consultation

Nil

### 6. Regional Context

Nil

### 7. Council Plan Strategy

Fulfills obligations under Council Plan reporting requirements.

### 8. Legislative / Policy Implications

Nil

### 9. Environmental Impact

Nil

### 10. Conflict of Interest Considerations

Nil

### 11. Conclusion

This report details the achievements by Council against the Council Plan 2013-17 that was adopted in June 2015.

### Attachments

Nil

FILE NO: F15/71  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7  
(MANAGER PROPERTY, RISK AND  
COMPLIANCE, BRUCE BERG VON  
LINDHE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## LEASE OF YARRAWONGA HOLIDAY PARK

### RECOMMENDATION

That Council:

- 1) Receive the submissions in response to the public consultation process.
- 2) Resolve to enter into the lease of the Yarrowonga Holiday Park with the Yarrowonga Caravan Park Committee and seek Ministerial consent of the lease.
- 3) Authorise the CEO to sign and seal the lease document.

### 1. Executive Summary

On 28 September 2015 Council resolved to give public notice of its intention to enter into a 21 year lease of the Yarrowonga Holiday Park with the Yarrowonga Holiday Park Committee Inc (YHPC).

The public consultation process was conducted in accordance with section 223 of the Local Government Act 1989 (LGA). At the close of business on 2 December 2015, Council had received one written submission which did not contain a request to be heard.

### 2. Background and Options

On 4 November 2015, Council advertised its intention to enter into a lease with the YHPC and invited submissions to be lodged by 5pm on 2 December 2015. A register of the submissions received is as follows:

#### Submissions received

No	Name	Issue
1	Mr Rolf Greve - Bayswater	Effect of proposed master plan

A copy of the submission is attached to this report. In summary, Mr Greve was concerned that long term visitors to the park would be displaced by the proposed development of the park. Discussions with Mr Greve relayed to him that the specific future development projects had not yet been confirmed and would be subject to planning and funding considerations, which Mr Greve indicated relieved his concerns.

### 3. Financial Implications

The financial implications associated with the lease were considered by Council on 28 September 2015 and remain unchanged.

### 4. Risk Management

The proposed lease was prepared following extensive consideration of the lease conditions which have been favourably reviewed by the Department of Environment, Water, Land and Planning against the Crown Land Leasing Policy.

### 5. Internal and External Consultation

The proposed lease resulted from negotiations with the YHPC in close consultation with senior Council officers.

FILE NO: F15/71  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7  
(MANAGER PROPERTY, RISK AND  
COMPLIANCE, BRUCE BERG VON  
LINDHE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## LEASE OF YARRAWONGA HOLIDAY PARK (cont'd)

### 6. Regional Context

The Yarrowonga Holiday Park is a significant regional tourist destination and driver for the local economy. Its future management and condition is important to the Council not only as lessor, but as a piece of community infrastructure servicing the local community and regional tourism.

### 7. Council Plan Strategy

Advocate for and support the development of key tourism assets in our region.

### 8. Legislative / Policy Implications

The Yarrowonga Holiday Park is located on Crown Land and subject to the Crown Land (Reserves) Act 1978. As Crown Land Manager, Council is the Lessor to the leasing of this site. Lease arrangements are overseen by the Department of Environment, Land, Water and Planning.

The lease's approval and public consultation requirement has been conducted in accordance with sections 190 and 223 of the Local Government Act 1989 respectively.

### 9. Environmental Impact

Yarrowonga Holiday Park is located on the Murray River and contains significant vegetation, including river red gums. It lies within a multi-use recreational precinct with the potential for conflicting interests. Future management of the park must be cognizant of these circumstances.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

On 28 September 2015 Council resolved to advertise its intention to enter into a 21 year lease with the YHPC. At close of business on 2 December 2015 Council had received one written submission which did not contain a request to be heard.

The submission to Council's proposal to enter into the lease is attached for Council consideration.

Council received one submission expressing concern that long term visitors may be displaced by any proposed development. Proceeding with the lease does not cause that to occur and this matter that would be considered through the statutory planning framework applicable to developments.

It is recommended that Council resolve to enter into the proposed lease of the Yarrowonga Holiday Park with the Yarrowonga Holiday Park Committee Inc.

## Attachments

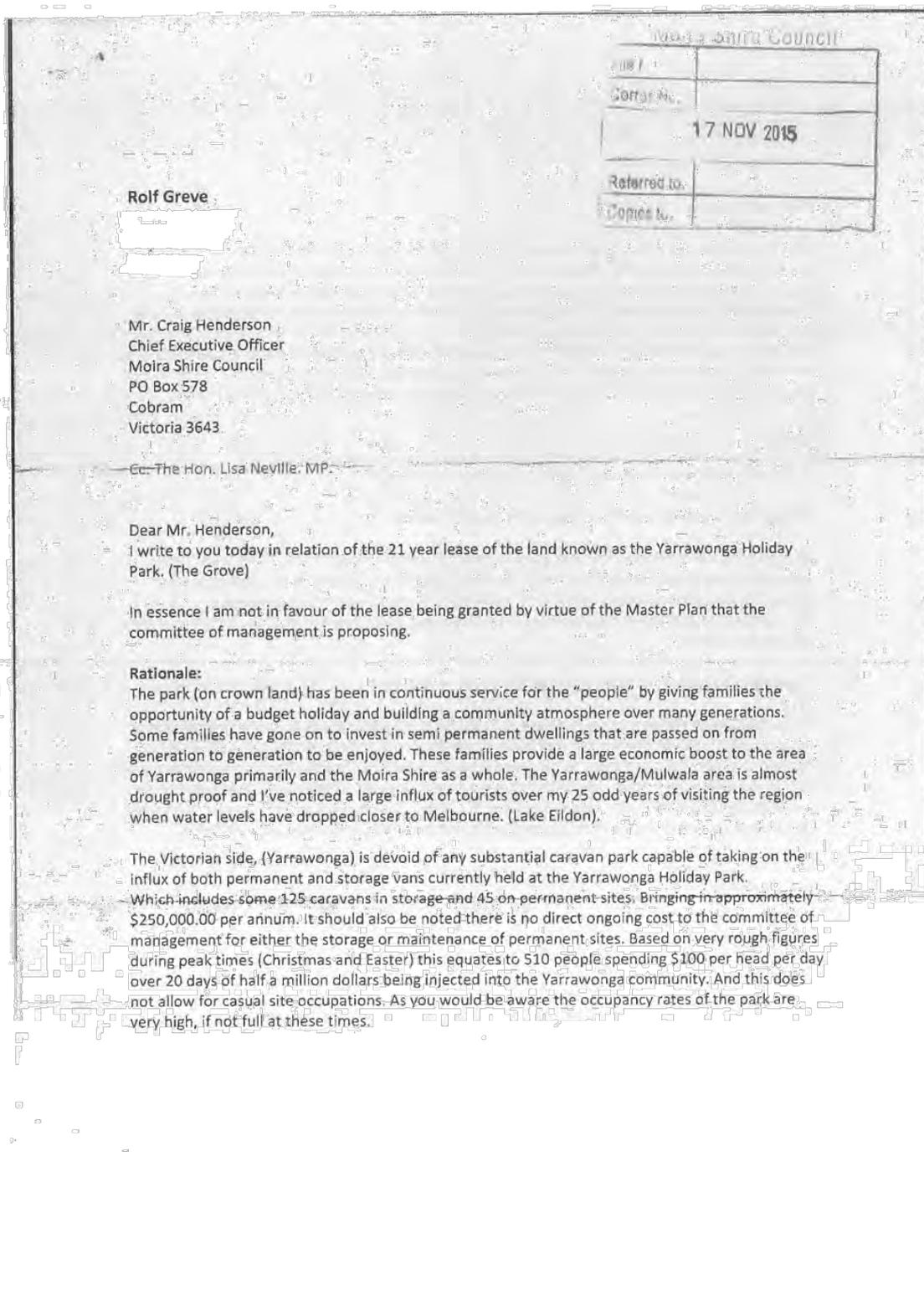
- 1 Yarrowonga Holiday Park - Submission - Mr Rolf Greve

FILE NO: F15/71  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7  
(MANAGER PROPERTY, RISK AND  
COMPLIANCE, BRUCE BERG VON  
LINDHE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**LEASE OF YARRAWONGA HOLIDAY PARK (cont'd)**

**ATTACHMENT No [1] - Yarrawonga Holiday Park - Submission - Mr Rolf Greve**



FILE NO: F15/71  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7  
(MANAGER PROPERTY, RISK AND  
COMPLIANCE, BRUCE BERG VON  
LINDHE)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**LEASE OF YARRAWONGA HOLIDAY PARK (cont'd)**

**ATTACHMENT No [1] - Yarrawonga Holiday Park - Submission - Mr Rolf Greve**

**Preferred outcome:**

That the Yarrawonga Holiday Park continues to offer affordable family Holiday accommodation as it has for some 132 years rather than to loose regular clientele in the hope of attracting something new, for it would be certain that to eject regular visitors to the area will see them not return. A park the size of the Yarrawonga Holiday Park will have a marked effect on money being spent in the town. There is no doubt whatsoever that the amenities of the park are getting tired and in desperate need of a makeover, and perhaps some of the proposed Master plan should be bought to fruition for the benefit of those who return YEAR after YEAR and who have shown real loyalty to the region.

**Closing:**

In line with the Crown Land leasing policy which in part states,

**Principle 1. To provide benefits to the public through leasing.**

By enhancing the facilities of the park you will benefit the many families who have been regular visitors to the area over many many years. By making the park a "resort" type complex you are competing with private enterprise either in planning or already operating in the area. We need only look at the re development of the Dennison County park in Mulwala to see how big a success story that is.

**Principle 2. To ensure consistency and transparency in leasing.**

The committee of the park or council have not contacted regular users of the park for comment or input in relation to the "Master plan" or lease. I had also contacted [redacted] in relation to submissions and while at the time He wasn't sure when public comment would be asked for I have received no further notification of this and have instead stumbled on in through my own research. Perhaps if the Park's committee were more transparent and asked it's regular users what should be done rather than a consultancy firm the outcome may have been very different.

Yours Faithfully

  
Rolf Greve

Please do me the courtesy of sending an e mail to [redacted] as a notice of receipt.  
Thank you.

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.8  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ASSEMBLIES OF COUNCILLORS

### RECOMMENDATION

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

### 1. Executive Summary

The records of the Assembly of Councillors reported during the month of December 2015 are attached to this report. No records of assembly were reported for the month of January 2016.

Inclusion of the attached 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

An Assembly of Councillors is defined under Division 1A – Conduct and interests in section 76AA of the Act:

**assembly of Councillors** (however titled) means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee—

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A of the Act requires the Chief Executive Officer to ensure that a written record of an assembly of Councillors is reported to an ordinary meeting of the Council as soon as practicable. The written record must include whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Section 80A(1) requires that a record is kept of:

- (a) the names of all Councillors and members of Council staff attending;
- (b) the matters considered;
- (c) any conflict of interest disclosures made by a Councillor attending under subsection (3);  
and
- (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

### 3. Financial Implications

There are no financial implications with this report.

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.8  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ASSEMBLIES OF COUNCILLORS (cont'd)

### 4. Risk Management

There are no risk implications with this report.

### 5. Internal and External Consultation

The community are able to access written records of assemblies of Councillors.

### 6. Regional Context

There are no regional contexts associated with this report.

### 7. Council Plan Strategy

Demonstrating Good Governance

### 8. Legislative / Policy Implications

This report complies with the requirements under the *Local Government Act 1989*.

### 9. Environmental Impact

There are no environmental impacts with this report.

### 10. Conflict of Interest Considerations

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

### 11. Conclusion

The Assembly of Councillors records attached to this report are a true and accurate record of all assemblies of Councillors reported during December 2015. No records of assembly were reported for January 2016. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

### Attachments

- 1 Attachment 7
- 2 Attachment 8
- 3 Attachment 14
- 4 Attachment 17

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.8  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [1] - Attachment 7**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	7 December 2015
Name of meeting	Councillor Briefing
Councillors attending	Councillors Gary Cleveland, Marie Martin, Peter Mansfield, Kevin Bourke, Alex Monk, Brian Keenan, Don McPhee, Ed Cox (arrived 11:10am), Wendy Buck (depart at lunchtime)
Council staff attending	Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close, Manager Governance and Communications, Linda Nieuwenhuizen Manager Community Development, David Booth Manager Town Planning and Building, Jorine Bothma Manager Finance, Simon Rennie Manager Economic Development, Jane O'Brien Tourism Development Officer - Louise Munk-Klint
Matters discussed	
	1. Agenda as provided
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
	Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.8  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [2] - Attachment 8**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	8 December 2015
Name of meeting	Disability Advisory Committee
Councillors attending	Councillor Don McPhee
Council staff attending	Community Services Officer, Hayley Benson
Matters discussed	<ol style="list-style-type: none"><li>1. Grant Money for Yarrawonga Playground</li><li>2. Disability Action Plan Update and Redevelopment</li><li>3. International Day of People with Disability Events – Review</li><li>4. Planning for coming year</li></ol>
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

**FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE**

**ITEM NO: 9.1.8  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)**

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [3] - Attachment 14**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	14 December 2015
Name of meeting	Councillor Briefing
Councillors attending	Councillors Gary Cleveland, Peter Mansfield, Kevin Bourke, Alex Monk, Brian Keenan, Don McPhee, Ed Cox and Marie Martin
Council staff attending	Chief Executive Officer, Mark Henderson General Manager Corporate, Leanne Mulcahy General Manager Infrastructure, Andrew Close, Manager Governance and Communications, Linda Nieuwenhuizen Manager Finance, Simon Rennie, Finance Manager Tourism Development Officer, Louise Munk-Klint
Matters discussed	
	1. Agenda as provided
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
	Nil

FILE NO: F13/503  
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.8  
(GOVERNANCE RECORDS OFFICER,  
MARGARET HINCK)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

**ASSEMBLIES OF COUNCILLORS (cont'd)**

**ATTACHMENT No [4] - Attachment 17**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Date held	17 December 2015
Name of meeting	Tourism Advisory Committee
Councillors attending	Councillor Don McPhee
Council staff attending	Chief Executive Officer, Mark Henderson, Manager Economic Development, Jane O'Brien, Tourism Development Officer, Louise Munk Klint, Tourism Support Officer, Kyla Carpinelli
Matters discussed	<ol style="list-style-type: none"><li>1. Tracks and Trails</li><li>2. Recreational Vehicle Strategy</li><li>3. Industry Guest speakers</li><li>4. Special Rate</li><li>5. Local Tourism Association Updates</li><li>6. Marketing</li><li>7. Building Strength in Business</li></ol>
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON**

**RECOMMENDATION**

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52015107 for the Use and Development – Intensive Animal Husbandry (Piggery) at Crown Allotment 7, Section C, Parish of Ulupna also known as 913 Murray Valley Highway, Strathmerton, subject to the following conditions:

1. Before each stage of 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:
  - (a) Final site plans incorporating car parking as required by Condition 4 and loading and unloading areas as required by Condition 6, and
  - (b) Floor plans and elevations of all proposed buildings.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The amenities block, office block or any other proposed structures must not be used for human habitation.
4. No fewer than (20) car spaces must be provided on the land for the use and development, including (1) space clearly marked for use by disabled persons.
5. Before the *use or occupation of the development* starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed
  - (b) properly formed to such levels that they can be used in accordance with the plans
  - (c) provided with a hard standing surface
  - (d) drainedCar spaces, access lanes and driveways must be kept available for these purposes at all times.
6. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bays) and must not disrupt the circulation and parking of vehicles on the land.
7. 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, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) presence of vermin.
8. No native vegetation (including trees, shrubs, herbs and grasses) shall be removed, lopped or destroyed unless a permit has been granted by the Responsible Authority.

FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

9. Earthworks and construction must not cause damage to native vegetation to be retained (including trees, shrubs, herbs and grasses) and to natural drainage lines and/or watercourses.
10. A 'Tree Protection Zone' (TPZ) must be applied during earthworks and construction. A TPZ applies to a tree and is a specific area above and below the ground. The TPZ must have a radius 12 x the Diameter at Breast Height (DBH); the TPZ of trees should be no less than 2 m or greater than 15 m.
11. No trenching, soil excavation, stockpiling or dumping of soil is to occur within the Tree Protection Zone without the written consent of the Responsible Authority.
12. Establishment of landscaping for buffer areas shown on the application plans must include:
  - (a) A minimum of six (6) rows at least three (3) metres apart
  - (b) use of local native (indigenous) species of trees and shrubs at a ratio of 20% and 80% respectively
  - (c) provision of an effective screen between activities on the site and adjoining properties.
13. Within twelve (12) months of the date of this permit or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the application plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, *including any dead, diseased or damaged plants which are to be replaced.*
15. Before the development starts, a native vegetation and habitat management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
  - (a) Actions to ensure maintenance or enhancement of areas of significant native vegetation and threatened species habitats identified in the application
  - (b) Exclusion of the following activities from these areas:
    - 1) Materials or equipment storage Parking, servicing and fueling of equipment and vehicles;
    - 2) Storage of fuel, oil dumps, chemicals or other waste;
    - 3) Open cut trenching, cultivation, grading or excavation works;
    - 4) Alteration to drainage lines;
    - 5) Temporary buildings and works;
    - 6) Removal of fallen timber;
    - 7) Grazing of livestock; and
    - 8) Buildings.
16. Except with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be located outside of any TPZ or bored underground, to the satisfaction of the Responsible Authority.

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17. Prior to construction commencing on the site, the applicant must provide a drainage plan that accords with the provisions of Clauses 17 (Rural Drainage) and 19 (On-site Detention Systems) of Council's Infrastructure Design Manual [IDM] and to the satisfaction of the Responsible Authority. In particular it needs to demonstrate that:
  - 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. where the legal point of discharge is to a natural or constructed open channel, the outlet pipe or pipes must be directed to an appropriate point of concentration, in the form of a pit or an end-wall, and arrangements satisfactory to the Responsible Authority must be made to prevent erosion within the receiving channel;
  - e. 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;
  - f. 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; and
  - g. 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.
18. Prior to the commencement of the use for each stage, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
19. No contaminants will be permitted to enter the storm-water drainage system under any foreseeable circumstances.
20. Prior to the commencement of the use for the first stage, Boothroyds Road must be upgraded from the Murray Valley Highway, extending south to at least, the proposed access to the land. The upgrade must provide for a sealed 4m wide carriageway with 1.5m wide shoulders, providing 200mm compacted thickness crushed rock pavement, as a minimum, in accordance with Clause 12.4 and Standard Drawing SD615 of Council's Infrastructure Design Manual [IDM] and to the satisfaction of the Responsible Authority.
21. Prior to the commencement of the use for the corresponding stage of the development, the internal roads must be constructed to an all-weather standard, and in accordance with Clause 14 (Carparking) of Council's Infrastructure Design Manual [IDM] and to the satisfaction of the Responsible Authority. In particular :

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- a. provision must be made to secure access at any time by emergency vehicles despite the concurrent presence of other traffic. The pavement must be designed and constructed with due regard to traffic concentrations and turning movements by vehicles up to and including a Prime mover and semi-trailer (19m);
  - b. vehicles up to and including a standard Prime mover and semi-trailer (19m) must be able to enter and leave the subject property in a forwards direction at all times. All loading and unloading must take place within the curtilage of the subject property; and
  - c. any internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan are to be constructed and drained in accordance with plans and specifications approved by the Responsible Authority.
22. Prior to the commencement of the use, all new and existing vehicle crossings as shown on the endorsed plan must be constructed and sealed to the standards of Council's Infrastructure Design Manual [IDM] Clause 12.9.2 "Rural Vehicle Crossings", and to the satisfaction of the Responsible Authority. In particular:
- a. works must be in accordance with Council's IDM Standard Drawing SD255.
23. Vehicle access and egress from the property must take place in a forward direction at all times.
24. 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.
25. 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.
26. 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.
27. This permit will expire if one of the following circumstances applies:
- The development and use is/are 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.
- GMW Conditions**
28. Goulburn-Murray Water will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non-approved detergents.
29. No buildings or works may be erected or carried out within 30 metres of any

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Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.

30. Any effluent or wastewater generated from the development, including the shed, holding pens or hard stand areas must be discharged to the effluent pond(s) via an appropriate drainage and collection system.
31. The shed floor must be constructed of an impervious surface such as concrete.
32. No works are to be constructed that may impact drainage flows in Goulburn-Murray Water's MV Drain 6 without written approval.
33. An Environmental Management Plan must be prepared and submitted to Goulburn Murray Water for approval prior to the commencement of any works. The plan must include but not be limited to a detailed description of all effluent and stormwater management showing the locations of infrastructure and describing soils and the proposed processes for application to land.
34. Application of effluent to land either directly or through shandying with irrigation water must be done in a manner which optimizes the uptake of water, nutrients and other pollutants such that they don't leach to groundwater or runoff to surface waters. The rate and application method must be consistent with the capability of the land and appropriate for the type of plant grown, the soil type and topography. N, P and K loading rates must not be exceeded. Appropriate harvesting must be undertaken to ensure nutrient removal.
35. The effluent treatment ponds must be constructed with a clay liner (or similar impervious material) to achieve a hydraulic conductivity less than  $1 \times 10^{-9}$  m/s to prevent seepage from the structure.
36. No concentrated animal effluent shall be discharged from the development site or permitted to enter any surface drainage systems.
37. Construction must follow sediment control principles outlined in "Construction Techniques for Sediment Pollution Control" (EPA, 1991). Specifically, the applicant must ensure:
  - Grading, excavation and construction must not proceed during periods of heavy rainfall.
  - Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction.
  - Disturbed areas must be stabilised and revegetated following the completion of works.
38. No direct connection from the effluent system, storage/reuse pond is allowed to any surface drain which exits the subject land.
39. Any chemicals stored onsite must be kept in accordance with the Bunding Guidelines (Environmental Protection Agency Publication 347, 1992).

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40. The development and operation of the Intensive Animal Husbandry must comply with the Code of Practice Piggeries (1992).

EPA Conditions

41. Prior to the commencement of any works associated with the 'use/development', the proponent must apply to the Environment Protection Authority (EPA), to confirm:

- (a) That the 'use/development' is a scheduled activity under the Environment Protection (Scheduled Premises and Exemptions Regulations) 2007, 801 (Intensive animal industry),
- (b) Whether the 'use/development' is eligible for a Works Approval exemption under the Environment Protection Act 1970, or
- (c) Whether the Works Approval can be 'fast tracked'.

42. If a Works Approval is required, submit a Works Approval application to EPA, (giving reference to EPA Publication 1307 Works Approval Application).

43. If a works approval is issued, you must notify EPA when works are completed and prior to any use commencing. EPA will then conduct an inspection and provide written confirmation that works have been completed in accordance with the Works Approval for the site.

44. Offensive odours must not be discharged beyond the boundaries of the premises.

45. Nuisance dust must not be discharged beyond the boundaries of the premises.

46. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

47. Stormwater contaminated with waste oil, grease, chemicals, leachate and/or sediments, must not be discharged beyond the boundary of the premises.

48. Stormwater contaminated with effluent must not be discharged beyond the boundary of the premises.

49. Storage areas/pads for manure, spent litter and/or dead animals, must be bunded and appropriately drained to onsite storages/tanks to prevent potentially contaminated water entering any surface water resources/channel infrastructure.

50. Storage area/pad for manure, spent litter & dead animals must be appropriately compacted with a permeability of  $1 \times 10^{-9}$  m/s and bunded to prevent stormwater access.

51. Management of waste at the premises should be in accordance with EPA Publication IWRG641 Farm Waste Management June 2009 or as amended.

52. Discharge of wastewater to land must not adversely affect the land.

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53. Deposit of animal or organic wastes to land must not adversely affect the land.
54. There must be no discharge or seepage of waste water from the premises to the land or water (including groundwater) environments.
55. Use of reclaimed water must be in line with EPA Publication 464.2 Guidelines for Environmental Management- Use of Reclaimed Water, June 2003.
56. An Environmental Management Plan, in accordance with the Code of Practice Piggeries 1992, must be submitted to, and approved by the Responsible Authority, before the activity begins. Once approved, the Environmental Management Plan can be endorsed and form part of the permit.  
The Environmental Management Plan must include, but is not limited to:
- Wastewater/effluent treatment, storage and reuse plan
  - Treatment of solid wastes, including biosolids
  - Dead animal management
  - A site drainage plan including stormwater drainage and retention plan
  - Groundwater contamination risk register and prevention plan
  - Odour management and response plan
  - Complaint management system.

Vic Roads Condition

57. Prior to the commencement of the use hereby approved, the following roadworks on Murray Valley Highway at the proposed access road intersection must be completed at no cost to and to the satisfaction of VicRoads and the Responsible Authority (Moira Shire). These works will include the following treatment upgrades:
- A basic right turn treatment (BAR) in accordance with figure 7.5 of the Austroads Guide to Road Design - Part 4A.
  - A basic left turn treatment (BAL) in accordance with figure 8.2 of the Austroads Guide to Road Design - Part 4A.

Planning Notes

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

A Consent to Work Within Road Reserve Permit must be obtained from the Responsible Authority prior to the undertaking of works planned within the Road Reserve.

Works to Boothroyds Road and the Murray Valley Highway to facilitate the development and use may result in native vegetation loss or removal. If this occurs it will trigger a planning permit requirement.

The piggery is required to be fully compliant with the Code of Practice Piggeries 1992 before commencing.

GMW Planning Note

Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be

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constructed on a waterway as defined under the *Water Act* 1989. For further information, the applicant should contact Goulburn-Murray Water Diversion Operations on 1800 013 357.

VicRoads Planning Notes

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- a. Rural basic left-turn treatment (BAL)
- b. Rural basic right turn treatment (BAR).

These works will be considered as developer funded project which will require detail designs including specifications and attract design review and certification fees.

### 1. Executive Summary

Planning permit application 5/2015/107 is for Use and Development – Intensive Animal Husbandry (Piggery) at 913 Murray Valley Highway, Strathmerton. The proposal consists of the staged development of a large piggery. It will include:

- Three piggery pens, each housing 840 finishing pigs (total 2520)
- Seven sow pens (total 100 sows)
- Two sheds for weaner and grower pigs (variable total)
- Feed facility
- Earthen water storage (clean water)
- Effluent treatment collection system, solids separation plant, anaerobic ponds
- Concrete bunkers for dry and clean manure
- Access roads
- Staff and visitor amenities block including office, meeting room, bathroom facilities for showers, toilets and kitchen/dining area
- Stone fruit orchard stage 1 comprising over 30,000 trees
- Possible reactor capsule for effluent treatment system

There are 2 triggers for the permit:

- Section 2 use in the Farming Zone and
- Development (Buildings and works) in the Farming Zone

The application was referred and extensively advertised. Advertising consisted of a site notice and a letter to all adjoining property owner/occupiers. Five objections have been received from nearby landowners.

It is considered that the proposed use and development should not create any undue negative amenity impacts. The application satisfies the policies of the Moira Planning Scheme and it is recommended that the application be approved, subject to conditions.

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## 2. Background and Options

### Application Details

Applicant: CAF Consulting  
Owner: Donglin Pty Ltd  
Land Address: 913 Murray Valley Highway, Strathmerton  
Title Details: Crown Allotment 7, Section C, Parish of Ulupna  
Site Area: 129.85ha  
File No: 52015107  
Zone: Farming Zone (FZ)  
Overlays: Nil



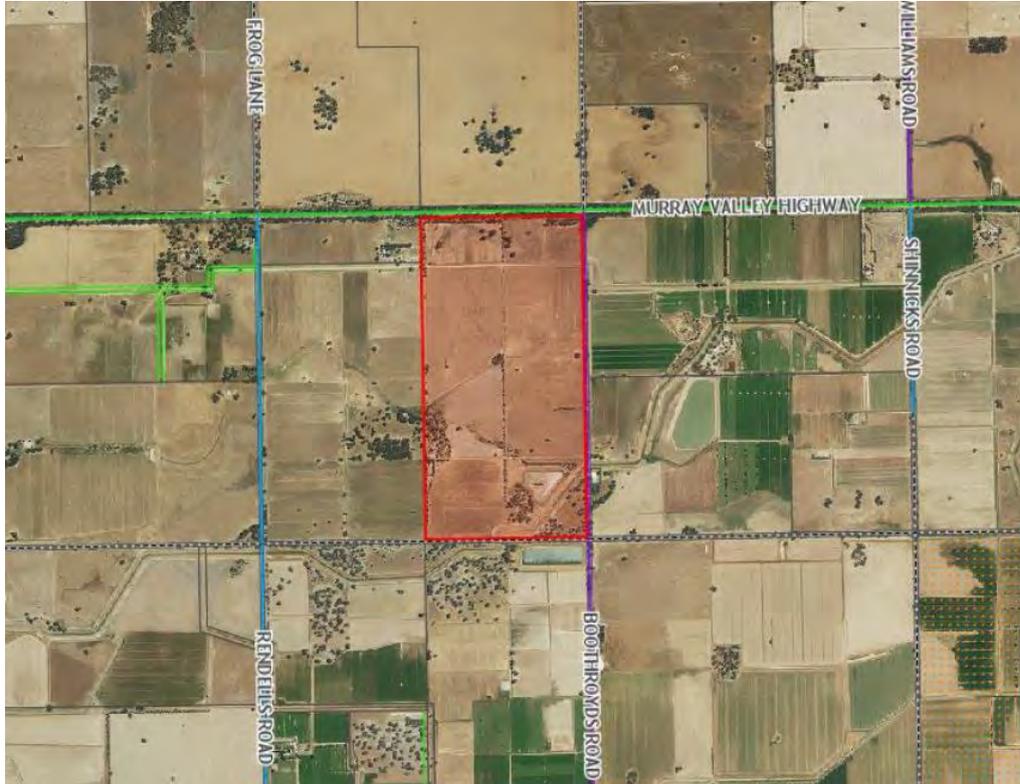
### Background

CAF Consulting lodged the initial planning permit application on 17 April 2015. The application was for a 2520 finisher piggery with associated infrastructure. It was advertised to adjoining landowners. Five objections were received against the original application. The objections were provided to the applicant. In response the applicant submitted a revised application to Council on 20 August 2015 and five new objections from the original objectors were received. This report is assessing the revised proposal. The objections still stand to date as they have not been withdrawn.

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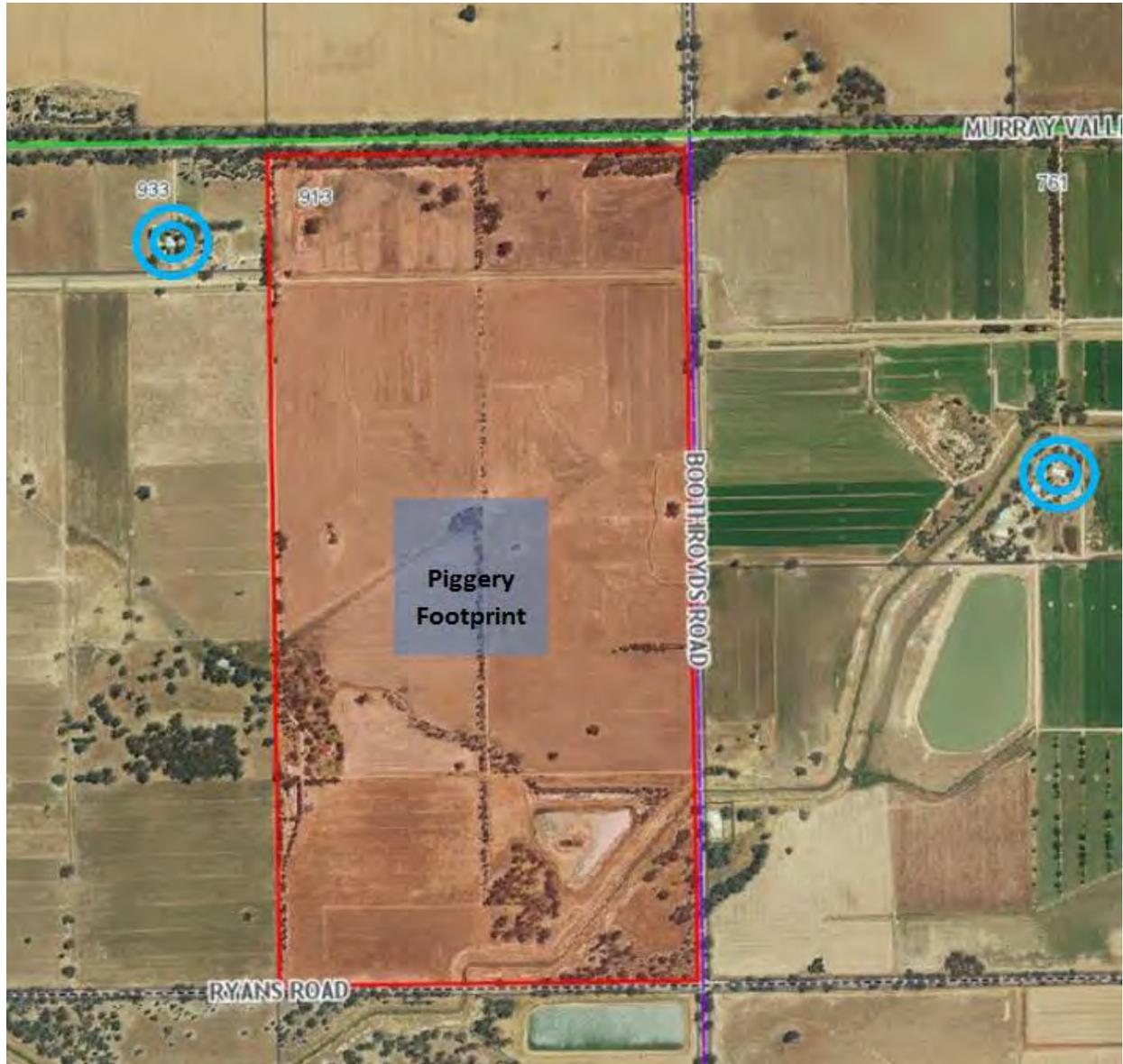
The subject lot is located to the west of Strathmerton. It is bounded to the north by the Murray Valley Highway, to the south by Ryan's Road and to the east by Boothroyds Road. Land to the west is used for agricultural purposes.

This lot under discussion is a large lot and measures 129.5ha. There is a GMW channel running east to west across the top of the lot, approximately 250m south of the highway. A second, larger channel runs diagonally through the south eastern corner of the lot. There is a large dam to the north of the channel.

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Significant native vegetation is present on the site. Council's Natural Resources Officer has indicated that there are several threatened species on the property including native plants. The most significant areas are close to the highway to the north, and in the south eastern corner of the lot, both in the area effectively cut off by the channel and south of the dam.

There are also significant trees in the vicinity of the existing dwelling, located close to the western boundary of the lot and along a gully line that runs from the house to the dam.

There is also significant native vegetation on Boothroyds Road reserve and on the highway reserve which may be impacted by upgrade works required to facilitate the development.

Lands in the vicinity are used for agricultural purposes with many containing a dwelling. The closest dwellings are located approximately 180m to the west and 690m to the east of the subject lot boundary.

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Plans submitted by the applicant show that the footprint of the proposed piggery is located in the centre of the lot, well away from the boundaries. The actual distance from the closest dwellings is approximately 650m from the dwelling to the west and 950m from the dwelling to the east.

A Planning Permit (No. 5/2004/110) was issued on 24 June 2004 for a high flow dam on the subject land.

Proposal

Stage 1, Year 1, consists of:

- The construction of:
  - Three piggery pens, each housing 840 finishing pigs (total 2520)
  - Feed facility
  - Earthen water storage (clean water)
  - Effluent treatment collection system, solids separation plant, anaerobic ponds
  - Concrete bunkers for dry and clean manure
  - Access roads
  - Staff and visitor amenities block including office, meeting room, bathroom facilities for showers, toilets and kitchen/dining area
- Preparation of:
  - Tree buffer planting area by deep ripping
  - Site preparation for stone fruit orchard stage 1 comprising 6000 trees

State 1, Year 2 consists of:

- Complete planting of 33,730 stone fruit trees.

Stage 2, Year 3 consists of:

- The construction of:
  - Three sow pens, for a total of 500 sows
  - Extension to two existing growers sheds
  - Extension to a stock feed facility

Stage 3, Year 4 consists of:

- The construction of:
  - Four sow pens, for an additional 500 sows (total on site to be 1000)
  - Two additional sheds for weaner and grower pigs
  - Possible reactor capsule for effluent treatment system
  - Extension to manure storage bunkers

The proposed sheds are described as being steel framed with corrugated iron roofing, and walls made from precast concrete panels.

They will have sloping concrete floors with collection drainage pits and channels. The sheds will be flushed up to 3 times daily to remove waste which will be conveyed to the effluent treatment plant in enclosed concrete lined channels.

The proposed effluent treatment system will result in clean water for use in orchard irrigation and flushing the sheds. Methane gas will be captured in the anaerobic pond and will be used to offset power consumption costs. Remaining clean solids have value as a fertilising material and will be used in the orchard or sold.

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### 3. Financial Implications

In the event that Council's decision is appealed at VCAT there will be a cost associated with attending and responding to an appeal.

### 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 Shire's Building, Environmental Health, Infrastructure Planning and Natural Resources Departments. No department has objected to the issuing of a permit subject to detailed conditions.

#### External Consultation

The application was also referred, externally, to the Environmental Protection Authority (EPA) and VicRoads under Section 55 of the Act. It was also referred to GMW under Section 52 of the Act. No external authority has objected to the issuing of a permit subject to conditions being placed on the permit. Of particular note here are the detailed conditions required by the EPA.

Further the condition set out by VicRoads requires works to the Murray Valley Highway for a new left and right turn treatment. This condition accords with a condition required by Council's Infrastructure Planning Department that Boothroyds Road be upgraded to a sealed 4m carriageway with 1.5m shoulders. These measures could result in the loss of native vegetation in the road reserve. If native vegetation is to be removed a separate application will be required.

#### Public Consultation

The application was advertised twice under Section 52 of the *Planning and Environment Act 1987*. Five objections against the original application were received by June 2015. A revised application was received and five new objections, from the original objectors, were received. Copies were provided to the applicant on 25 September 2015.

On 11 November 2015 the applicant informed Council that they believed that the revised application and supporting documentation submitted was adequate as a response. They declined to enter into mediation with the objectors.

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The planning related concerns raised by the objectors can be summarised as follows:

- Water
  - drainage,
  - potential for contamination of neighbouring lands, GMW channel and bores in the area,
  - flooding of Boothroyds Road,
  - flooding to the south of the site, and
  - re-use of the existing dam on the site.
- Amenity impacts
  - smell,
  - noise,
  - dust,
  - flies,
  - carcass removal, and
  - health impacts.
- On-site concerns
  - methane
  - ventilation of sheds
  - effluent system
- Impact on habitats
- Potential future expansion

Some of the objectors raised concerns regarding the impact of the proposed development on the value of their properties and whether jobs created will be locally sourced. These are not planning issues and cannot be considered as part of this decision making process.

It is considered that the concerns raised by the objectors can be addressed through conditions. It should be noted that the operation of the piggery will be controlled by the *Code of Practice for Piggeries* (1992) which is governed by the Department of Economic Development, Jobs, Transport and Resources. A condition will be placed on the permit requiring that the piggery comply with the Code. The Code regulates all of the operations associated with piggeries including, but by no means limited to, how and where carcasses can be disposed of, design requirements and buffer distances.

The Environmental Protection Agency has not objected to the issuing of a permit. It has set out 16 conditions, controlling odours, dust, noise, stormwater and waste. Further it requires that a detailed Environmental Management Plan be provided and that, if the relevant thresholds are met, the proponent must apply for works approval.

It is considered that the measures required by the Code and the EPA conditions will effectively control the piggery such that it will not unduly impact on amenity in the area or upon the health of the pigs.

The objectors also raised a number of concerns regarding storm water. The application was referred to Goulburn Murray Water (GMW) and the Infrastructure Planning Department. GMW has set out 13 conditions relating to, but not limited to, protecting their channels and limiting contamination. The Infrastructure Planning Department has recommended that conditions be placed on the permit requiring the submission of detailed drainage plans including computations.

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It is considered that these measures will collectively control potential water related impacts.

Regarding the impact of the proposed development upon important habitats in the area this application was referred to Council's Natural Resources Officer. The response sets out a number of conditions to ensure that the impact of the proposal will be minimised.

A number of objectors had concerns relating to the future of the proposal. They appear to be concerned that the proposed piggery may grow further in the future. This application process can only assess the proposal put forward by the applicant. Any larger future expansion plans will require further permits and consents which will be assessed to ensure ongoing compliance with the relevant controls, policies and requirements.

It is considered that the concerns raised by the applicants will be adequately addressed by the conditions that will regulate the development.

## 6. Regional Context

There is no regional context associated with the proposed development.

## 7. Council Plan Strategy

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

*Build upon our economic strengths in agriculture, manufacturing and tourism.*

The proposed development of an intensive piggery is a large investment in agriculture within the shire and accords with this strategy.

## 8. Legislative / Policy Implications

### Zoning

The subject lands are located in the Farming Zone (FZ). The purposes of the FZ, amongst others, are:

*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.*

In the FZ the use of land for Intensive Animal Husbandry is a Section 2 use and triggers a planning permit requirement (Clause 35.07-1).

Clause 35.07-4 indicates that buildings and works associated with a Section 2 use in Clause 35.07-1 triggers a planning permit requirement.

Clause 35.07-6 sets out the decision guidelines for developments in the FZ. The key decision guidelines to be considered when assessing this application are:

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- *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.*
- *Whether the use or development will support and enhance agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *Whether the use and development will require traffic management measures.*

It is considered that the proposed development accords with the guidelines, subject to compliance with the conditions set out.

Overlays

The subject lot is not affected by any overlays.

State Planning Policies

The Hume Regional Growth Plan forms part of the Planning Scheme. Clause 11.10-1 *Hume Region Growth* indicated that its strategy is to:

*Support clustering of intensive rural industries and agricultural production to take advantage of locational opportunities, including access to key infrastructure such as transport, power, water, information and communications technology, and separation from sensitive land uses.*

Located close to the Murray Valley Highway and its junction with the Goulburn Valley Highway it is considered that the proposed development accords with this strategy.

Local Planning Policy and Municipal Strategic Statement

Clause 21.05-1 sets out that "*Encouraging the on-going development of the Shire's primary production output*"; is one of the key issues and challenges relating to Moira Shire's Economic Development. The proposed development, establishing a new primary production facility, accords with Local Planning Policy and the Municipal Strategic Statement.

FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

Relevant Particular Provisions

Clause 52.06 *Car Parking* sets out that before the floor area of an existing use is increased “*the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:*

- *on the land; or*
- *in accordance with a permit issued under Clause 52.06-3; or*
- *in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.”*

The schedule at Clause 52.06-5 does not include any rate to be applied for intensive animal husbandry. It is considered appropriate therefore that 20 car parking spaces be required to cater for staff and visitors to the site. A condition will be set out requiring a car parking plan be submitted for endorsement.

Clause 52.07 *Loading and Unloading* states that no building may be constructed for the manufacture of goods unless “*space is provided on the land for loading and unloading vehicles*”. The proposed development is associated with a large site where there is ample space and provision for the loading and unloading of vehicles. A condition will be set out to ensure that final plans show an appropriate loading and unloading areas.

The decision guidelines of Clause 65

*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.*

All the matters set out in Clause 65 have been considered. It is considered that the proposed application, subject to compliance with the relevant conditions, accords with Clause 65.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

Nil

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Relevant Planning Scheme amendments

Nil

Incorporated Documents

*Code of Practice, Piggeries, Department of Planning and Housing and Department of Food and Agriculture, 1992*

The Code sets out minimal standards that apply to new piggeries such as the subject application. Part 4.3 of the Code lists buffer zones for piggeries. The proposed piggery complies with these buffers. Part 4.4 details variable buffer zones. Of particular note here is distance from rural dwellings be they isolated dwellings or farmhouses.

The documentation submitted as part of the application states that there are no rural dwellings within the variable buffer distance.

The Department of Economic Development, Jobs, Transport and Resources are the regulatory body with responsibility for ensuring that piggeries comply with all requirements.

## 9. Environmental Impact

The application was referred to the Natural Resources Officer who has set out a number of conditions to ensure that the environmental impact of the proposed development is mitigated.

## 10. Conflict of Interest Considerations

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

## 11. Conclusion

The subject lot is located within the Farming Zone (FZ), in the western part of Strathmerton. A planning permit is required for the use of the lot for intensive animal husbandry – piggery. The buildings and works also trigger a permit requirement.

The purposes of the FZ, amongst others, are:

*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.*

The proposed development accords with these purposes. Further it accords with the decision guidelines for development in the FZ.

The application also accords with State and Local level policies, relevant provisions of the planning scheme, incorporated documents and with proposed planning scheme amendments.

It is considered that the proposed development will produce an acceptable planning outcome and will be of economic benefit and therefore it is recommended that Council approve the issue of a Notice of Decision to Grant a Permit subject to conditions.

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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**Attachments**

- 1 Copy of Objections to Initial Application
- 2 Copy of Objections to Amended Application
- 3 Response to Objections from Applicant
- 4 Concept Site Plan
- 5 Staged Site Plan showing Orchards

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2. IMPROVING MOIRA'S LIVEABILITY

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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

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Moira Shire Council,  
P.O. Box 578,  
Cobram, Victoria 3643.

May 25 2015

Dear Ms Foley,

As one of the surrounding neighbours of the proposed intensive piggery (planning permit no. 52015/107) we would like to register our concerns about this development.

Our main worry is the risk of the drainage channel and nearby land being contaminated in a flood event from the proposed ponds and stock pile. We have enclosed photos taken in March 2012 that show the water levels along Ryans Rd in a flood. If there had been further rain on top of that event there would have been extensive inundation of the south end of 913 Murray Valley Highway.

Our second concern is the smell associated with this type of intensive piggery and the effect that will have on our living conditions and the value of our land. We are concerned at the distance the odours will travel in the strong winds we experience in the heat waves that occur several times a year.

The proposed site is in the flight path of the superb parrot. We have flocks of 20 to 30 parrots that fly through our area of box gums and head north through the tree corridors on the neighbouring property.

There is little detail in the planning proposal regarding the experience of the company with intensive pig farming in Australia. This will be a very complex operation employing people that will need to be skilled in avoiding problems associated with a high density animal production system.

I am sure the surrounding neighbours would be happy to have a meeting with the shire council to canvas our concerns and learn in more detail what the effects of this operation will be. Thank you for your consideration of this matter.

Yours faithfully,



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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

25<sup>th</sup> May

Moira Shire Council  
PO. Box 578  
Cobram Vic 3643

In regards to planning permit No. 52015107  
2520 head piggery

Moira Shire Council	
Permit	52015107
Case No.	D15/29534
27 MAY 2015	
Applicant:	
Contact:	

My concerns with this permit are as follows:

\*Flooding- Access to the farm entrance can be cut off by water over roads. When turning off Murray Valley highway on to Boothroyds road. The road can be flooded approximately 50 metres from highway in big rain event and in wet years can have water running across it for days on end. And also on south side of drainage channel approximately 50 metres from entrance to farm can do the same as it is major drain. What impact is all traffic to the farm (trucks and service vehicles and workers vehicles) going to have on this road? Is Moira Shire going to build roads up and put pipes under roads to make this accessible at all times? As both are natural water ways and cant be blocked.

\*No Farm Plan- Where are they going to use Effluent water? And where is drainage for excess water in rain event. All storage that is being mentioned will be used for effluent dam's treatment and storage of water (recycle dam). Which will have to be full to supply in winter. As there will be no water in GMW channel in of season (winter). Where is farm runoff going to go? With rain after watering there will not be enough storage for water. And this will run back into drainage channel. Is this run-off safe for environment? Is this water safe to run back into the Murray River? How will recycle dam be filled if drainage channel has no water (has been dry and not running in last 13 years several times). There is currently no channel connecting water from GMW channel to dam at present.

\*Stock and Domestic Bore- Have a stock and domestic bore. Will this water have any issues with water from effluent dams? Will that water seep back into the water table from Effluent ponds?

\*Fencing- Currently fences on south side of farm are very bad and falling over. Fences on east side Boothroyds road. They would not keep any pigs in if they escaped by accident and then be on road. I currently take my stock down this road to my other farm and have trouble with stock pushing through fence every pass of the farm. What sort of gate will be on entrance to farm? Will it be closable so stock can pass? Will fences be fixed to a standard that will keep all stock in and out?

\*Is There An Office- Where are all workers to have lunch and breaks? There is no mention of office blocks or roller blocks?

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My farm joins the block of the proposed piggery [REDACTED]. I have lived there all my life and farmed for over 25 years.

It would be greatly appreciated if my concerns were replied to.

Regards:



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**ATTACHMENT No [1] - Copy of Objections to Initial Application**



Dear Martina Foley

We are writing to you to object to an application for a planning permit to install an intensive animal husbandry piggery at 913 Murray Valley Highway Strathmerton. Our points of objection are numerous and complex as we believe that this development will have a significant negative impact on the environment, the local community, wild life, business management and property values.

In brief our key points of objection are as follows:

1. The proposed development is to be located on land which is known to flood and or become severely water logged for extended periods. The local drainage system runs through the property and an open Goulburn Murray Water supply channel also traverses the property. In the proposal there is reference to this Goulburn Murray Water channel being converted to a pipeline. There is no way to confirm that this will ever eventuate. In a flood or inundation event it is highly likely that untreated effluent could enter the drainage system and therefore the Murray River. Also if the same effluent were to enter the Goulburn Murray Water channel numerous properties down stream will be affected by this pollution. This Goulburn Murray Water channel is widely used by other farmers for stock and domestic supply, as well as irrigation.

2. The property located at 913 Murray Valley Highway Strathmerton is heavily treed and offers a significant habitat and refuge for local and migrating native wildlife. In our observations as neighbours it is home to a number of Kangaroos, Koalas and native birds. This development will surely have a negative impact on their habitat.

3. Boothroyds road is the proposed access and egress road for all traffic servicing the proposed new facility. It is an unsealed road with a historically low volume of traffic. The road suffers from inundation at times and in its current condition we believe it would not be capable of supporting the proposed volume of heavy and light traffic. At the intersection of Boothroyds road and the Murray Valley Highway the sides of the road are heavily treed

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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

with red gums native to the area which make visibility an issue for traffic exiting onto the highway. We are concerned for the safety of all motorists exiting Boothroyds road or passing by.

4. We believe that air and sound pollution will extend beyond the proposals stated buffer zones. I have personally visited similar installations and the smell and sound of 2500 pigs can extend for kilometres to say the least. Not to mention the application of effluent to adjacent farm land that is within their properties boundary.

5. The Moira Shire has an obligation to its residents to ensure that their income is not negatively impacted by developments within its boundaries. The construction of this facility next door to us will have a negative impact on the growth in value of our property. We are concerned that it may even detract from its current value significantly. If the piggery were in place before we purchased our property we would not have chosen to buy our property.

6. We farm export dairy heifers on our land holding. During the warmer months as with every where in our region the fly population increases. This can pose an issue with control of the Pink Eye virus. It is costly to treat and can lead to an animal suffering from painful permanent blindness as well as rendering the animal valueless for sale. The extra fly population created by 2500 pigs will make this problem almost impossible to combat. It has the potential to render our stock as unsaleable and will limit potential to contract rear animals for outside vendors as they will not risk sending their stock to our property.

In summary we believe that this development will have a negative financial impact on our family, a negative impact on our livestock venture, a negative impact on our environment, a negative impact on the safety of our roads and who honestly wants to have a piggery installed next door to their home!

Sincerely yours,



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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

Moira Shire Council  
PO Box 578  
Cobram Vic 3643

28/05/2015

Dear Town Planner

Objection to Application for Planning Permit No. 5/2015/107  
913 Murray Valley Highway Strathmerton  
Proposed 2520 Head Piggery

We would like to submit our views and current objections to the proposed planning permit for Use & Development - Intensive Animal Husbandry - Piggery on the land at the above address.

1. Odour

It is our concern that the proposed piggery will cause unacceptable odour emissions to us, the neighbouring farm [REDACTED]

- a) The proponents supporting document used wind data from Kyabram which is approximately 78 km from the proposed piggery. From the Kyabram data they established the predominant wind direction was from the south and used this to establish the buffer zone. I have found wind data readily available from the Bureau of Meteorology (BOM) website for Tocumwal (25 kms away), Shepparton (55kms) and Yarrawonga (51kms). Printouts of these wind rose summaries are attached to this letter as supporting documents. Using the more relevant Tocumwal observations the predominant wind direction and speed is actually from the South East which drives the weather and odours to the north east, which supports the anecdotal evidence of residents, and would therefore directly impact our property and residence. I would hope that a new buffer zone be developed for analysis and consideration with wind data that is more specific to the site.
- b) The proponent states that "the variable buffer zone dimension can be reduced as the piggery will achieve and maintain conditions of a higher quality and efficiency compared to those prescribed for a standard piggery." As the proponent has yet to prepare an

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Environmental Management Plan (EMP) that will address the effluent system and other related factors I argue that this reduced buffer zone cannot be applied.

- c) The carcass management plan has yet to be developed. The proponent states the preferred method will be rendering and composting and a disposal site will be identified on the property when they address the EMP. As a neighbour we have strong concerns as to where a carcass disposal site for a 2520 head piggery in the event of a mass mortality outbreak would be situated, and how the location and related odour emissions will affect us. I would ask that the proponent addresses this issue before any development is approved.

**II. Traffic**

The proposed access to the piggery is via Boothroyds Road from the Murray Valley Highway.

- a) Boothroyds Rd is a gravel road. The anticipated vehicle activities of 132 per week including semitrailers will result in its rapid deterioration. The resultant dust combined with the predominant wind direction will create a huge **dust / air quality issue** on our property and to our residence and living standards.
- b) There is a naturally occurring depression that runs in times of significant wet weather (approximately every 4 years) from the North West corner of our property, across Boothroyds Rd and then through Northern part of the property of 913 Murray Valley Highway. Locals have always called this waterway the Pyrie Creek and I have in the past seen this name on an old map. After significant wet weather Boothroyds road may have the Pyrie creek running across it for weeks. Locals have then chosen to find other routes to use while it runs. We raise serious concerns as to the damaging effect of the proposed traffic following wet weather and when the Pyrie Creek is running.

We would suggest to council that the above traffic issues would indicate that Boothroyd's road is not a suitable road for the proposed level of piggery traffic.

**III. Environmental Impacts**

We have the following objections based on environmental impacts. We note that the proponent has not provided an assessment of Environmental impacts or prepared an Environmental Management Plan.

- a) The effluent disposal system, distribution of effluent and nutrient management issues has not been satisfactorily addressed. Poor management of an effluent disposal system can result in contamination of land and water (source: sustainable reuse of Piggery Effluent Fact Sheet). As the proponent has yet to state where it plans to distribute the effluent on the farm and has not developed a whole farm plan which would determine factors such as run off and drainage, it is impossible to predict where the proposed effluent would end up. The existence of the natural depression and naturally occurring drainage need to be considered when applying nutrients and

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effluent. We ask that the proponent satisfactorily prepare a whole farm plan and their EMP so that the effluent disposal system can be evaluated to determine that it does not result in contamination of the drainage channel and waterways which all lead back to the Murray River.

b) Wildlife. The property of 913 Murray Valley Highway was previously part of the Land for Wildlife (Victoria) program which is a State government program supporting landholders or managers who provide habitat for native wildlife on their land. Through this program funding was obtained to re-vegetate the tree corridors which go through the centre of the property and link up the corridor along the Murray Valley Highway to the north and the remnant vegetation along Ryans Road to the south and the remnant box stands surrounding the property's house as well as the neighbours property to the West. While the property was part of land for wildlife it was of major significance due to the rare breeding of the Bush Stone Curlew. The Bush Stone Curlew (*Burhinus grallarius*) is still on the endangered list of "the advisory list of threatened vertebrate fauna in Victoria 2013". The observation of the birds breeding was of great significance and resulted in many visits by the DPI at the time. The property has been home to significant wildlife including, Brolgas (threatened), goannas, bettongs, pallid cuckoo's, and Eagles which have also regularly bred there. I am attaching photographic evidence of a small selection of the birds at the property. These photos were taken by me or my parents while they owned the property. In view of this history, I implore the council to ensure that a risk assessment is carried out and that an Environmental Management Plan is satisfactorily prepared so as to ensure that the impact on the wildlife and remnant native vegetation will not be adversely affected.

**IV. Water Supply**

The proponent plans to provide the water requirements of the piggery by filling the existing turkey nest dam. The dam was built under the nutrient removal grants scheme 2004/5 to pump water out of MV/6 drainage channel in times of high flow (following a significant rain event) This was to stop nutrients being carried in floodwater and instead captured, stored and reused on farms instead of entering the Murray system. Last year the MV/6 drain did not run at a level that would have allowed any pumping into the storage dam. How is the proponent planning to fill the dam with water when the supply from the drain is so unreliable? Will it mean increased vehicle activity as they are required to truck water in? Will they need to create channels or pumping arrangements from the GMW irrigation channel at the front of the property which has no backbone connection agreement and as far as we know no water entitlement? What are the implications to drainage, run off, effect on neighbouring properties etc. for these potential works without a whole farm plan being prepared? We would like to consider the impacts of a realistic water supply to the property and how that would affect us as neighbours, before any planning permit was approved.

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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

We thank council for the opportunity to express our objections and look forward to a satisfactory outcome.



Attachments:

- Tocumwal Airport Rose of Wind direction versus wind speed 9am observations
- Tocumwal Airport Rose of Wind direction versus wind speed 3pm observations
- Kyabram Rose of Wind direction versus wind speed
- Photographs of wildlife taken at property 913 Murray Valley Highway

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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

Rose of Wind direction versus Wind speed in km/h (01 Dec 1970 to 30 Sep 2010)

TOCUMWAL AIRPORT

Any asterisk (\*) indicates that data is less than 0.5m.  
Other important info about this analysis is available in the accompanying notes.

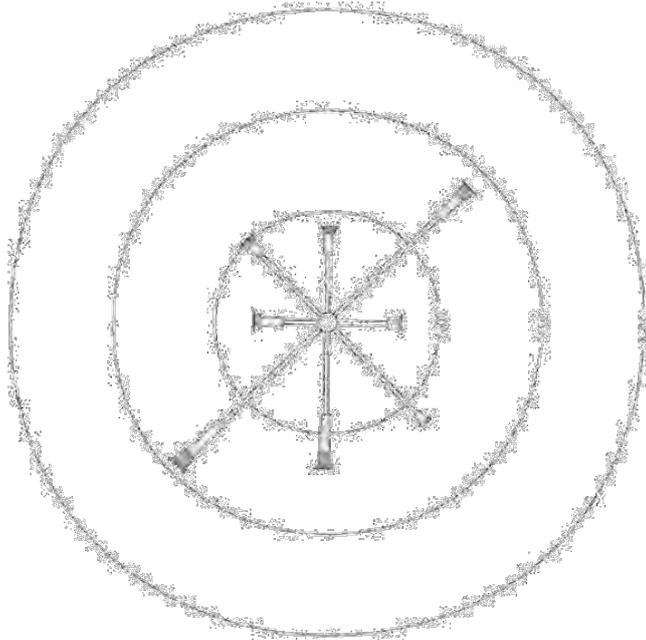


410 East Observation

10000

1

1



Copyright in Commonwealth of Australia 2014. Prepared on 02 Feb 2014.  
Produced by National Disaster Centre of the Bureau of Meteorology.  
Contact us by phone on 1300 656 437, or on 1300 7622 4111, or by email on [disaster@bom.gov.au](mailto:disaster@bom.gov.au).  
We have endeavoured to ensure that this information is as accurate as possible.



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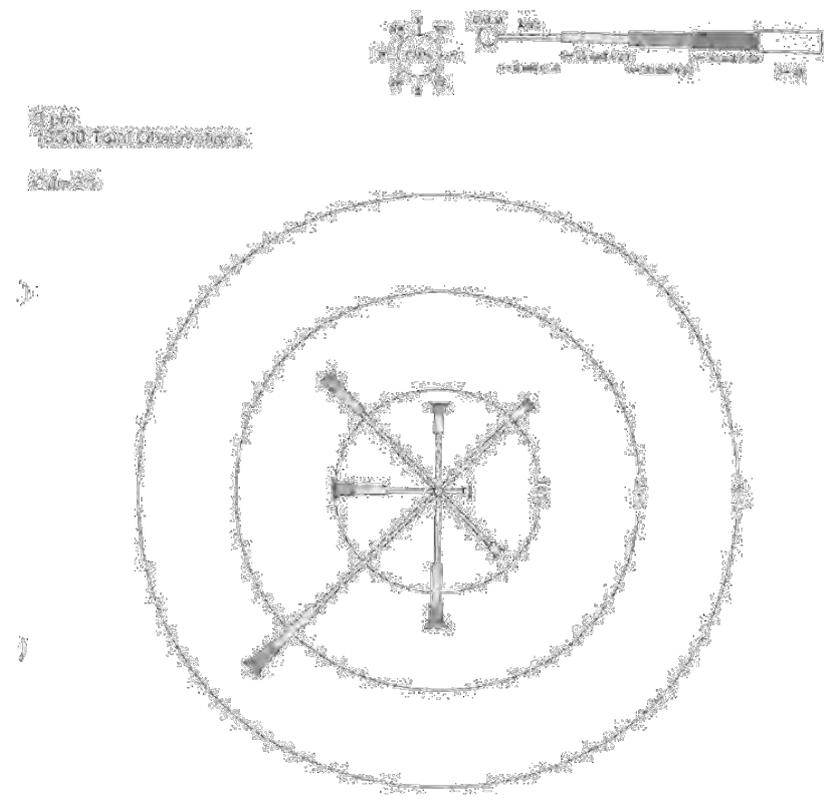
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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

Range of Wind direction versus Wind speed in km/h (01 Dec 1970 to 30 Sep 2010)

**TUCUMWAL AIRPORT**  
Site No: 674728 - Deleted Jan 1987 - SE Open - Lat: 35.21° - Longitude: 148.00° - Elevation: 114m  
An asterisk (\*) indicates that calm is less than 0.5 m/s.  
Other important info about this analysis is available in the accompanying notes.





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**ATTACHMENT No [1] - Copy of Objections to Initial Application**

Photographic evidence of wildlife at property 913 Murray Valley  
Highway Strathmerton.

Bush Curlews – breeding pair and chick



Eagle – nesting



Pallid Cuckoo on fountain in garden



Parrots



Brolga



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Azure Kingfisher



Egret



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(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [1] - Copy of Objections to Initial Application**



IN REFERENCE TO A LETTER SENT TO US REGARDING AN APPLICATION FOR A PERMIT-5/2015/107- TO ERECT A PIGGERY AT 913 MURRAY VALLEY HIGHWAY, WE ARE VERY CONCERNED WITH THE EFFECT THIS PIGGERY WOULD HAVE ON OUR PROPERTY AT [REDACTED] STRATHMERTON, WHICH JOINS THE ABOVE ADDRESS. OUR PROPERTY CONSISTS OF [REDACTED] AND CARRIES AROUND 80 HEAD OF BEEF CATTLE.

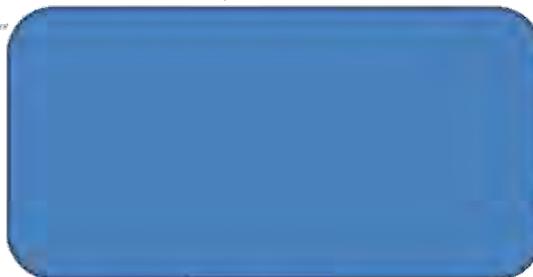
OUR CONCERN IS EXTRA WATER FROM THE PIGGERY DRAINING INTO A NATURAL WATER COURSE WHICH TRAVELS FROM AROUND WHERE THE PIGGERY WOULD BE SITUATED, THEN CONTINUES RIGHT THROUGH OUR PROPERTY AND FURTHER ON.

IN 2012 OUR PASTURE WAS RUINED FROM EXCESS FLOODING DUE TO HEAVY RAIN IN THE AREA AND TAKING TOO LONG TO DRAIN AWAY.

THEREFORE IT WOULD BE DETRIMENTAL TO OUR FARM SHOULD MORE WATER BE DRAINED INTO THIS WATER COURSE.

WE ARE ALSO CONCERNED WITH THE SMELL A PIGGERY WOULD CAUSE.

SINCERELY,

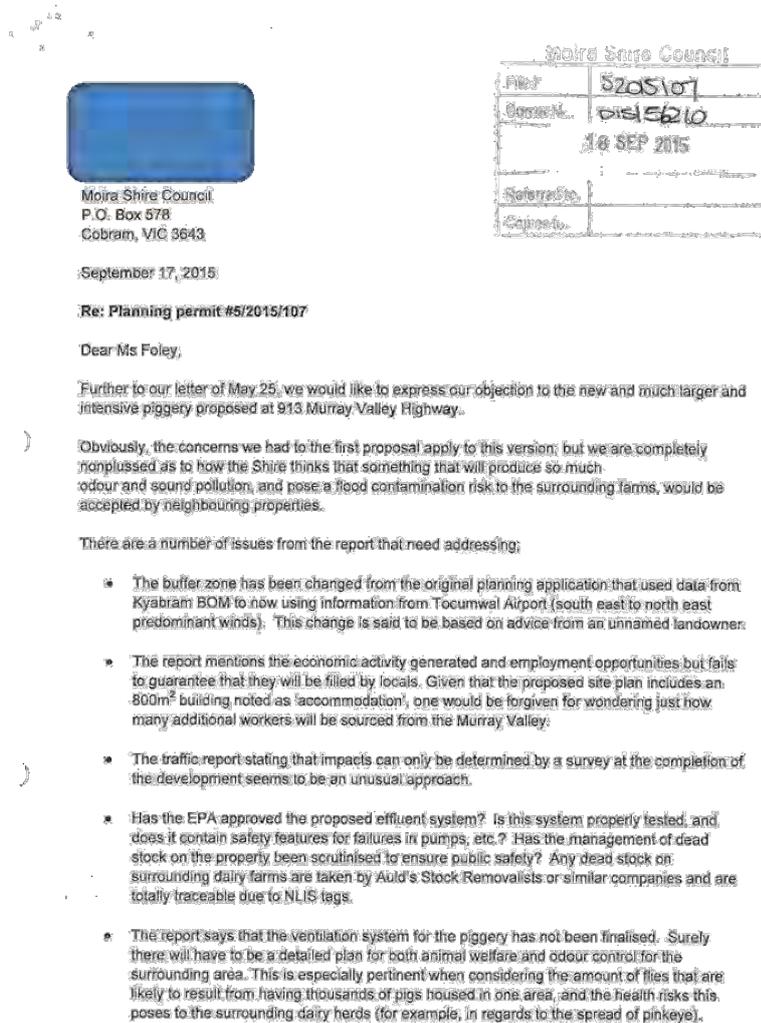


FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**



FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

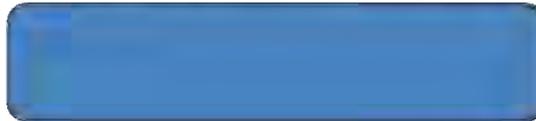
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

Finally, as well as the concerns in our first letter regarding flooding, odours, the flight path of the endangered superb parrot, and the company's expertise in intensive pig farming, can we also state that the proposed operation will significantly reduce the value of the surrounding farms and very much reduce the saleability of the properties. If there is a choice of a dairy surrounded by other dairies and cropping enterprises (as ours has been until this proposal) and one next to an intensive pig operation with noise, odour and flood risk issues amongst other concerns then it is easy to see which property would sell. We have all invested heavily in our properties and having just come out of an eight year drought in 2009, we don't need this problem casting doubt over our future land values.

As we said in the first letter, all the surrounding neighbours are keen to meet with the council to discuss this further.



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(TOWN PLANNER, MARTINA FOLEY)  
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

These photos show just what happens when the GW Water Drainage channels flood. The photos that you originally received showed the main #6 drain on Ryans Road. This is the next drain down that has also burst its banks and is overflowing down the table drains on the side of Rendells Road. A spill from the proposed piggery effluent system or a rain event that caused the flooding of March 2012 would end up everywhere.



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(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**



FILE NO: 52015107  
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ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
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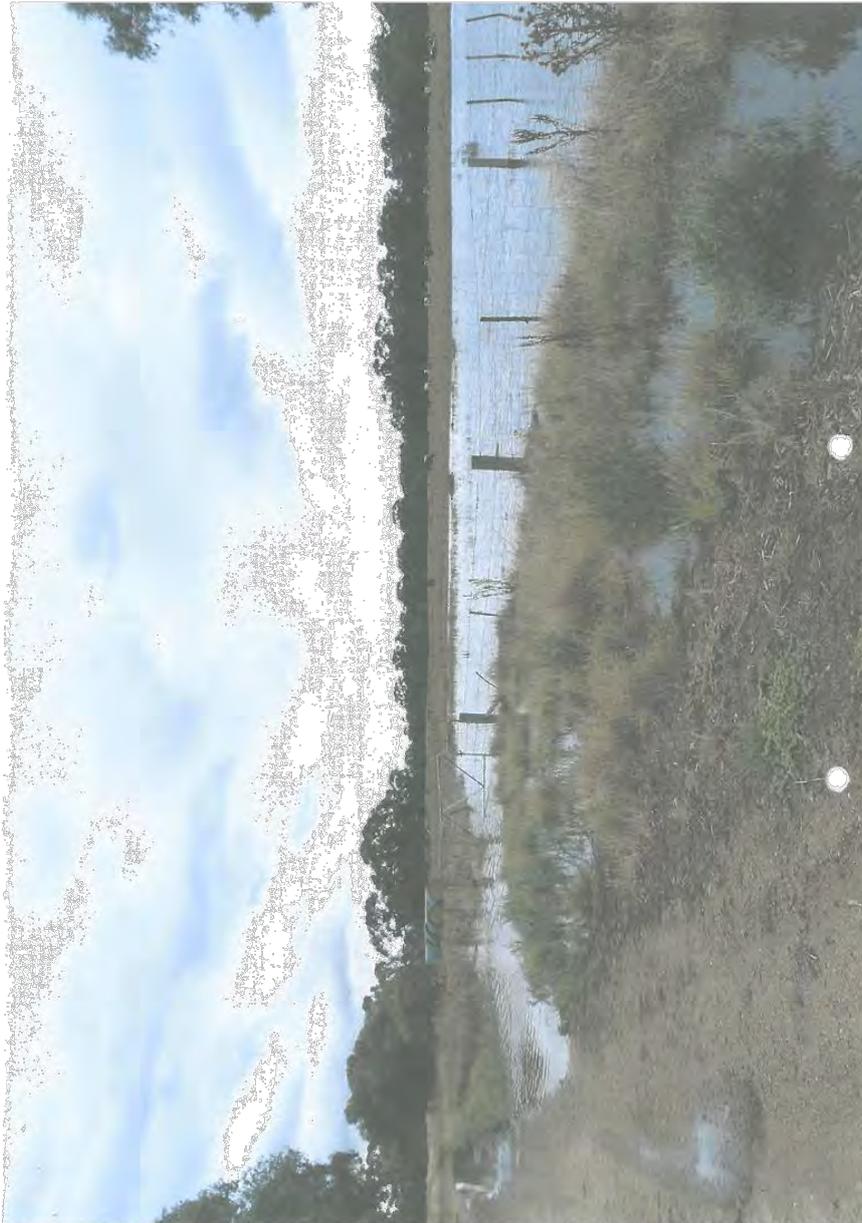


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(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**



FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

17<sup>th</sup> September

Moira Shire Council  
PO. Box 578  
Cobram Vic 3643

In regards to planning permit No. 5/2015/107  
2520 head piggery

My concerns with this permit are as follows:

\*Flooding-Access to the farm entrance can be cut off by water over roads. When turning off Murray Valley highway on to Boothroyds road. The road can be flooded approximately 50 metres from highway in big rain event and in wet years can have water running across it for days on end. And also on south side of drainage channel approximately 50 metres from entrance to farm can do the same as it is major drain. What impact is all traffic to the farm (trucks and service vehicles and workers vehicles) going to have on this road? Is Moira Shire going to build roads up and put pipes under roads to make this accessible at all times? As both are natural water ways and can't be blocked.

\*Stock and Domestic Bore- I have a stock and domestic bore. Will this water have any issues with water from effluent dams? Will that water seep back into the water table from Effluent ponds?

\*Fencing-Currently fences on south side of farm are very bad and falling over. Fences on east side Boothroyds road. They would not keep any pigs in if they escaped by accident and then be on road. I currently take my stock down this road to my other farm and have trouble with stock pushing through fence every pass of the farm. What sort of gate will be on entrance to farm? Will it be closable so stock can pass? Will fences be fixed to a standard that will keep all stock in and out?

\*What happens in years to come when my son wants to build house on my current farm. Will he still be able to do that because of exclusion zone for houses?

\*What is the land value of my farm going to do. How much will this devalue my farm? Who will want to buy farm beside a piggery that smells.

\*The 1<sup>st</sup> application was just 2520 pigs and now it's extended to 1000 sows as well. Where is it going to stop?

\*My wife and son are both asthmatics. Will the smell be of any trouble to them?

\*The water they are proposing to use. Have they got enough delivery shares to do this?

File #	52015107
Doc #	5/15/5681
21 SEP 2015	
Referred to:	
Colours:	

FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

We as farmers here at present do not even know where or how our water will be delivered. With the reconfiguration that is happening from goulburn Murray water. Will there be enough supply to this farm.

As I can see, the plans that were first applied for were very ordinary. Now the 2<sup>nd</sup> application they have changed it. They have no respect for farms or houses in the near vicinity. Why is a farm like this built around other houses and where people live? There would be more suitable places to build a piggery where there are no people living in the near vicinity. It started out small on 1<sup>st</sup> application. Now it's getting bigger. Where does it stop? Would you like a piggery to start up next door to you?

My farm joins the block of the proposed piggery on the south east corner. I have lived there all my life and farmed for over 25 years.

Regards

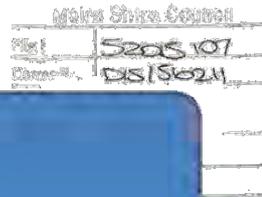


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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**



18 September 15  
Martina Foley  
44 Station Street  
Cobram Victoria, 3644

Dear Martina Foley

We are writing to you to object to an application for a planning permit to install an intensive animal husbandry piggery at 913 Murray Valley Highway Strathmerton. Our points of objection are numerous, and complex as we believe that this development will have a significant negative impact on the environment, the local community, wild life, business management and property values.

In brief our key points of objection are as follows:

1. The proposed development is to be located on land which is known to flood and or become severely water logged for extended periods. The local drainage system runs through the property and an open Goulburn Murray Water supply channel also traverses the property. In the proposal there is reference to this Goulburn Murray Water channel being converted to a pipeline. There is no way to confirm that this will ever eventuate. In a flood or inundation event it is highly likely that untreated effluent could enter neighbouring properties or the drainage system and therefore the Murray River. Also if the same effluent were to enter the Goulburn Murray Water channel numerous properties downstream will be affected by this pollution. This Goulburn Murray Water channel is widely used by other farmers for stock and domestic supply, as well as irrigation. We know the amended application has attempted to answer these concerns but we are not convinced as this is an unapproved management system with no controls prescribed.
2. How would ground water be monitored for effects? And by who?
3. How would surface water be monitored for effects? And by who?
4. How would soil nutrients be monitored? And by who?
5. Will a licensed spreading contractor be employed to spread the waste at monitored rates?

FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

6. The property located at 913 Murray Valley Highway Strathmerton is heavily treed and offers a significant habitat and refuge for local and migrating native wildlife. In our observations as neighbours it is home to a number of Kangaroos, Koalas and native birds. This development with increased vehicle and human traffic will surely have a negative impact on their habitat.
7. Boothroyds road is the proposed access and egress road for all traffic servicing the proposed new facility. It is an unsealed road with a historically low volume of traffic. The road suffers from inundation at times and in its current condition we believe it would not be capable of supporting the proposed volume of heavy and light traffic.
8. At the intersection of Boothroyds road and the Murray Valley Highway the sides of the road are heavily treed with protected red gums native to the area which make visibility an issue for traffic exiting onto the highway. We are concerned for the safety of all motorists exiting Boothroyds road or passing by.
9. The traffic report in the amended proposal states that traffic distribution and impact can only be determined by survey after the development has been completed. This contradicts the basis of having the report in the first place.
10. This report estimates economic activity of \$7.5 million being generated for the region but there is no economic modelling provided.
11. The report mentions employment opportunities but does not state that employment will be generated from the local work force.
12. We believe that air and sound pollution will extend beyond the proposals stated buffer zones. I have personally visited similar installations and the smell and sound of thousands of pigs can extend for kilometres to say the least. Not to mention the application of effluent to adjacent farm land that is within their properties boundary.
13. The buffer zone has been changed to use Tocumwal BOM data from the original application which used Kyabram BOM data. This change by CAF is based on the advice of an un-named land owner within the study area. Hardly adequate scientific data!! Perhaps the two zones should be compared or a proper site specific assessment should be made.
14. The report states that no design for the ventilation system for the piggery has been finalized. One would consider this to be essential to the report in the management of odors.
15. There is no evidence of approval by the EPA of the proposed effluent management system.
16. While researching similar proposals we have noted that the EPA have imposed a buffer zone with a one kilometer buffer zone radiating from the proposed piggery site which excludes new development within neighboring properties. Will this exist around this proposed site?

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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

17. We believe that there could be possible issues with carcass management on site. Diseases such as anthrax are uncommon but can occur from soil contamination caused by dead stock not being removed from site. Perhaps we need to compare this with practices legally required when dealing with cattle and sheep industries.
18. The Moira Shire has an obligation to its residents to ensure that their income is not negatively impacted by developments within its boundaries. The construction of this facility next door to us will have a negative impact on the growth in value of our property. We are concerned that it will detract from its current value significantly. If the piggery were in place before we purchased our property we would not have chosen to buy our property.
19. We are concerned about the negative impact on the future salability of our property. How many people would want to buy a small rural holding next door to a piggery?
20. It is noted in the report that native vegetation will be planted to screen the facility. This should be the first thing to be established as the facility would obviously be an eyesore if it is deemed to require screening.
21. On a site plan provided in the application there is a building with an approximate size of 800 square metres noted as accommodation. No application has been made to construct a dwelling. Who and how many would live there?
22. On a site plan provided in the application a power generation plant is noted. No application has been made to construct this.
23. How is it they propose to "flare off" the captured methane gas during extended total fire ban periods? I understand that this would be vital in the plan to reduce odors.
24. This proposed installation is not compatible with adjoining and nearby land uses and does not match with the heritage of the site or neighboring properties.
25. There would not be adequate electricity to the proposed site.
24. The covering letter states that Donglin are committed to farming practices that will improve the health and wellbeing of animals, staff and neighbors. We fail to see how this intensive method of livestock management can improve the health and wellbeing of any referred to.
26. Does the RSPCA approve of the farming methods that Donglin propose?
27. We do not believe that the proposed development could legally or humanely house the potential offspring arising from one thousand breeding sows.
28. Nowhere in the permit application does it mention the installation of methane gas storage tanks. Once again these would seem to be essential?

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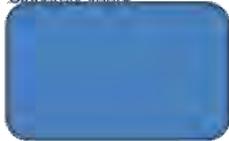
**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

27. This development has the potential to limit the operation and expansion of neighbouring farming enterprises. We farm dairy heifers on our land holding. During the warmer months as with everywhere in our region the fly population increases. This can pose an issue with control of the Pink Eye virus. It is costly to treat and can lead to an animal suffering from painful permanent blindness as well as rendering the animal valueless for sale. The extra fly population created by thousands of pigs will make this problem almost impossible to combat. It has the potential to render our stock as unsaleable and will limit potential to contract rear animals for outside vendors as they will not risk sending their stock to our property.

In summary we believe that this development will have a negative financial impact on our family, a negative impact on our livestock venture, a negative impact on our environment, a negative impact on the safety of our roads and who honestly wants to have a piggery installed next door to their home.

Sincerely yours



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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

Moira Shire Council  
PO Box 578  
Cobram Vic 3643

17/09/15

Dear Town Planner

**Objection to Application for Planning Permit No. 5/2015/107  
913 Murray Valley Highway Strathmerton  
Proposed 2520 Head Piggery**

We would like to submit objections to the proposed planning permit for Use & Development - Intensive Animal Husbandry - Piggery on the land at the above address.

We have recently built on our property a beautiful home for our family. It has been designed to make the most of our country lifestyle with a large outdoor entertaining area and pool. We love where we live. The proposed piggery would have a massively detrimental effect on our amenity, our lifestyle and our health. We submit the following objections.

**1. Loss of amenity**

The proposed development will result in a massive reduction in amenity.

- a. The character and appearance of our area will significantly change from one of low impact agriculture to that of an intensive industry. The physical charms of the area would be forever gone.
- b. The increase in noise, unsightliness of the intensive buildings and effluent ponds, reactors etc. and the predicted offensive odours and dust will have a huge adverse effect on our amenity.
- c. The benefits, features and advantages inherent in our environment are why we were drawn to purchasing our property 20 years ago. We have built our life here. The changes proposed would absolutely change the environment of where we live.
- d. The social considerations of living next door to a potential 3520 head piggery will also impact on our amenity.

Objection to Application for Planning Permit No. 5/2015/107

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FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

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(TOWN PLANNER, MARTINA FOLEY)  
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

**II. Odour**

It is our concern that the proposed piggery will cause unacceptable odour to us, the neighbouring farm to the East.

- a) Buffer zones have been established to support the proposed 2520 grower piggery. Two 550 sow extensions are proposed which would increase the size of buffer zones. These have not been presented to us but we would anticipate that they would result in a significant increase of their size.
- b) The existing buffer zones greatly impact on our neighbouring land and any future developments.
- c) The prevailing wind buffer zones have been determined and show a significant impact on our property and confirm the odour from the piggery on our house. The buffer zones have been determined using wind data from Tocumwal which is 28km away. If a wind study at the site was conducted we would anticipate that the impact of odour could be even greater as anecdotal evidence suggests many strong winds coming from that direction.
- d) The proposal has yet to produce an Environmental Management Plan (EMP) which would allow us to have a greater understanding of the effects the effluent reuse system proposed would have on odour
- e) At this stage we have no feedback whether the EPA has approved the above proposal and whether the proposal complies with their requirements

**III. Property Value**

We have invested heavily in our farm. The development of the piggery would have a substantial adverse effect on the value of our property.

**IV. Traffic**

The proposed access to the piggery is via Boothroyds Road from the Murray Valley Highway. We have read the traffic impact statement. We believe the company has not been realistic with increased traffic estimates resulting from the piggery. The full impact has been undervalued. The increased traffic on the unsealed Boothroyds Rd will increase dust and noise that impacts on us and our property.

**V. Dust and Noise**

Dust and noise from the piggery and from the increased road use will have an adverse effect of our crops, pastures, livestock and workers. The increase in dust and noise will have a damaging effect to the health and wellbeing of our family.

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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

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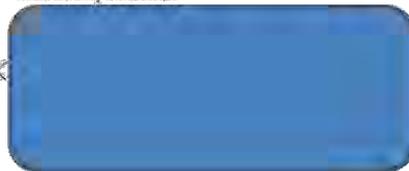
**VI. Environmental Impacts**

An Environmental Management Plan has yet to be presented. We would expect that for an intensive piggery of this size this should be created before any planning permit was issued. Only then would we be more informed to consider the impacts to our environment.

**VII. Future Development**

As the buffer zones effect a large portion of our farm any future development may be limited.

We thank council for the opportunity to express our objections and look forward to a satisfactory outcome.



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ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY (PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [2] - Copy of Objections to Amended Application**

MARTINA FOLEY,  
TOWN PLANNER

Maira Shire Council	
File #	52015107
Comp. No.	Dis/58126
	24 SEP 2015
Refered to	
Copy to	

IN REFERENCE TO AN APPLICATION FOR A PERMIT TO ERECT A PIGGERY AT 913 MURRAY VALLEY HIGHWAY WE OBJECT TO THIS PIGGERY BEING BUILT.

WE HAVE SEVERAL CONCERNS WITH THE EFFECT THIS PIGGERY WOULD HAVE ON OUR JOINING PROPERTY AT [REDACTED] AND CARRIES AROUND 80 HEAD OF BEEF CATTLE.

OUR MAIN CONCERN AT THIS TIME IS FOR THE SALE OF OUR PROPERTY TO A POTENTIAL BUYER WHO IS ONLY INTERESTED IN PURCHASING IF THE PIGGERY DOESN'T GO AHEAD AS HE INTENDS TO PUT UP A NEW HOME.

ALSO IT WOULD BE DETRIMENTAL SHOULD MORE WATER BE DRAINED FROM THE PIGGERY INTO A NATURAL WATER COURSE WHICH GOES THROUGH BOTH PROPERTIES AND FURTHER.

IN 2012 OUR PASTURE WAS RUINED FROM EXCESS FLOODING DUE TO HEAVY RAIN AND TAKING TOO LONG TO DRAIN AWAY.

WE ARE ALSO CONCERNED WITH THE SMELL A PIGGERY WOULD CAUSE.



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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [3] - Response to Objections from Applicant**



Our Reference: 2686

9/11/2015

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

Phone: 03 503 1000  
100 Wyndham Street, Shepparton  
P.O. Box 1946, Shepparton, VIC 3602  
Tel: 03 503 1000  
Fax: 03 503 1000  
info@cafconsulting.com.au  
www.cafconsulting.com.au

Dear Martina,

**Re: Application Number 5/2005/107  
Donglin International Pty Ltd**

I wish to advise on behalf of the Management Group for Donglin International P/L they have made a decision and instructed CAF Consulting they do not wish to proceed to mediate with objecting landholders.

Donglin Management believe all aspects of the objections concerns in particular the relevant issues have been addressed with the amended application.

This proposal itself signifies a shift in the existing farming operations in Murray Valley to that of an Intensive animal husbandry – piggery.

Whilst it is a new concept for the shire, such farming practices have been established elsewhere in Victoria and across Australia due to a shift in environmental sustainable farming.

Local Planning Policy Framework would strongly acknowledge and support the position of agricultural industries in the shire. It is the shires economic base centred on the agricultural industry, value added processing industries, small scale industries which is what the proposal represents. The farm in its existing state is very much a conventional layout and its primary use in recent years has been supporting small numbers of beef cattle.

The proposal achieves the objectives specific to the recognition of quality agricultural land in the shire; discourage conversion to less productive land uses and maintaining farms of a viable size.

The proposal outlines its management of effluent and mortality of pigs and the has adopted a more sustainable approach to intensive animal husbandry where it is value adding to the project by using the methane gas produced within covered ponds and utilised for generating power for the farm operation.

Dry treated waste with hydrogen sulphides removed eliminates odour and would be used in the farms orchard as fertiliser as well as exported off the property to landholders wanting to incorporate the waste into wind row composting to spread over broad acre cereal and summer crop producing properties.

A third use for the treated water is to possibly farm fish, however this activity has not been fully researched but it is a practice that Donglin undertake with their China piggeries.

The technology proposed to be utilised with animal husbandry – piggery is world class industry standards whereas the majority of piggeries in Australia are operating within the industries standard practices for animal welfare and management of effluent from piggeries.

Donglin International believe the proposal meets the Agricultural Issues where the proposed development is adding value to the property and the region and will also support and enhance

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FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
(CHIEF EXECUTIVE OFFICER, MARK  
HENDERSON)

**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY  
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

**ATTACHMENT No [3] - Response to Objections from Applicant**



agricultural production. And it has the capacity of the site to sustain the agricultural use and it has an integrated land management plan prepared for the property.

The Environmental Issues will not impact on the flora and fauna on the site and its surrounds and Donglin International will be protecting and enhancing the biodiversity of the area, including retention of vegetation and faunal habitat and the need to revegetate land as buffers, on property boundaries and within the piggery development area. The location of the on-site effluent disposal area is centrally located and will not enter impacting waterways and native vegetation.

Design and siting of the proposed piggery will not impact on the character and appearance of the area or features architectural historic or scientific or of natural beauty or importance.

Traffic management issues will be addressed as per the Traffic Management Report prepared for the Moira Council at their request.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

With planning issues Donglin International proposes to improve the existing land for agriculture and is developing the land based on experience with similar animal husbandry activities and sustainable land management practices.

Donglin International P/L look forward to a decision for the proposal as they wish to operate their intensive animal husbandry operation within the Moira Shire.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Col Findlay', written over a horizontal line.

Col Findlay  
Consultant  
CAF Consulting



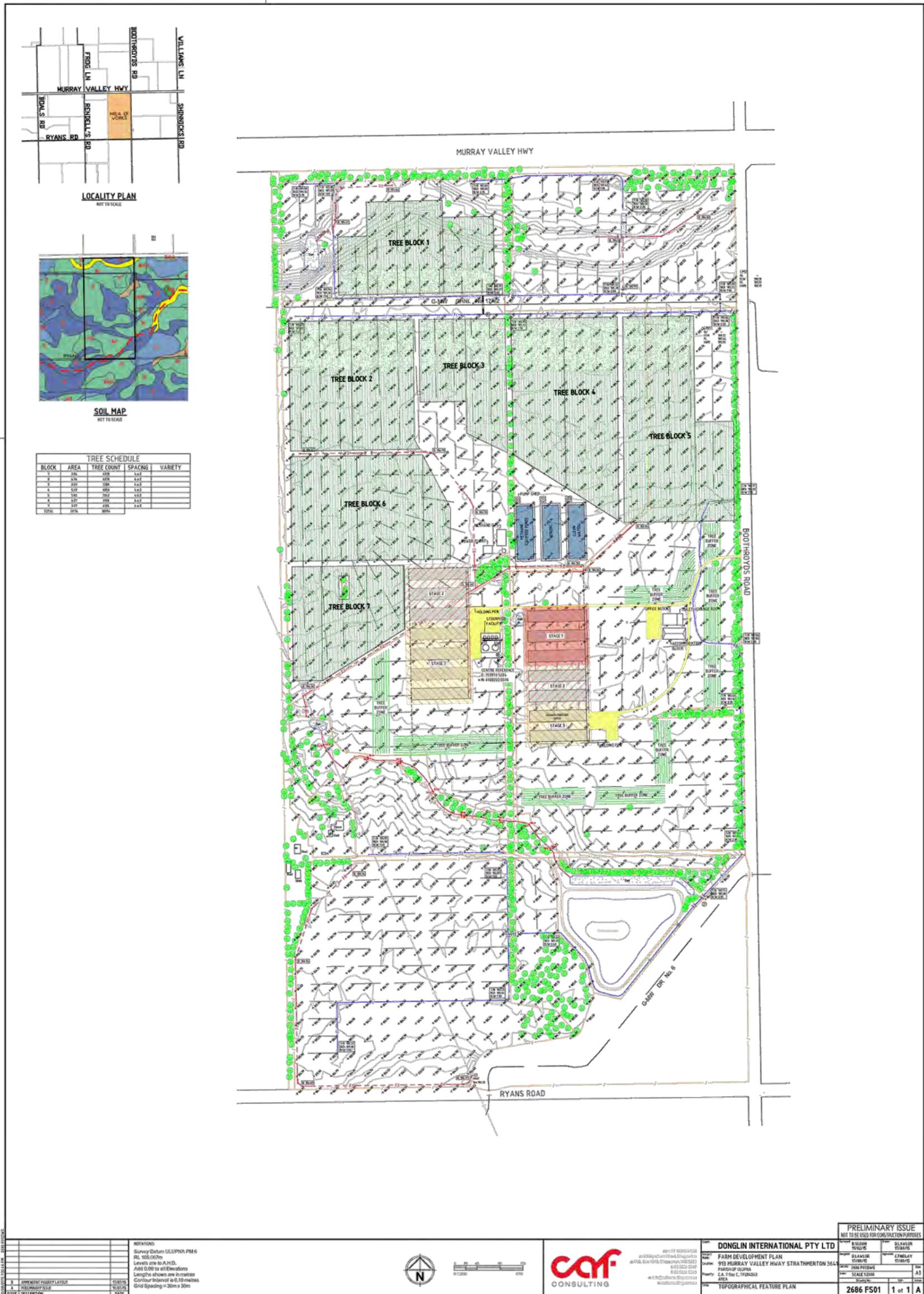


FILE NO: 52015107  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1  
(TOWN PLANNER, MARTINA FOLEY)  
(CHIEF EXECUTIVE OFFICER, MARK HENDERSON)

**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY (PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

ATTACHMENT No [5] - Staged Site Plan showing Orchards



FILE NO: 52015303  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**52015303 - APPLICATION FOR A BOUNDARY REALIGNMENT AND  
VARIATION OF AN EASEMENT - 68 & 138 KEMPS ROAD, KATUNGA**

**RECOMMENDATION**

That a Notice of Refusal be issued for Planning Permit Application No. 5/2015/303 on the following grounds:

1. The proposal is premature.
2. The proposal contravenes a condition on a recently granted permit relating to subject land.
3. The proposal does not satisfy the Decision Guidelines for Subdivision in Clause 65.02 of the Moira Planning Scheme.

**1. Executive Summary**

Planning Permit Application 5/2015/303 is an application for a boundary realignment and variation of an easement. One of the lots involved is subject to an active permit application for a separate boundary realignment, Planning Permit 5/2015/15. As this permit is still active and no certified plan or statement of compliance being issued, the lot which is involved in this application, 5/2015/303, has not been created. Application 5/2015/303 is founded upon the lots created under Application 5/2015/15.

Further complicating matters is a condition on Permit 5/2015/15 requiring a Section 173 Agreement that prohibits any further subdivision. While the intent of the condition is to prevent the lots that are party to Permit 5/2015/15 from being further subdivided, it has the unintended consequence of also prohibiting the boundary realignment sought under this planning permit application 5/2015/303.

Therefore, it is recommended that the Permit Application 5/2015/303 for boundary realignment is refused given that the proposal is premature, contravenes a condition on a recently granted permit and does not satisfy the Decision Guidelines for Subdivision.

**2. Background and Options**

Application Details

Applicant: Onley Consulting  
Owners: Arthur Howden, John Milne, Susanne Milne and Julie Ogden  
Land Address: 138 & 68 Kemps Road, Katunga  
Title Details: Lots 1 & 3 PS347725  
Site Area: Lot 1 – 22.38ha & Lot 3 – 17.30ha  
File No: 5/2015/303  
Zone: Farming Zone  
Overlays: Nil

Key Issues

- Permit 5/2015/15
- Section 173 Agreement

FILE NO: 52015303  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**52015303 - APPLICATION FOR A BOUNDARY REALIGNMENT AND VARIATION OF AN EASEMENT - 68 & 138 KEMPS ROAD, KATUNGA (cont'd)**

Proposal

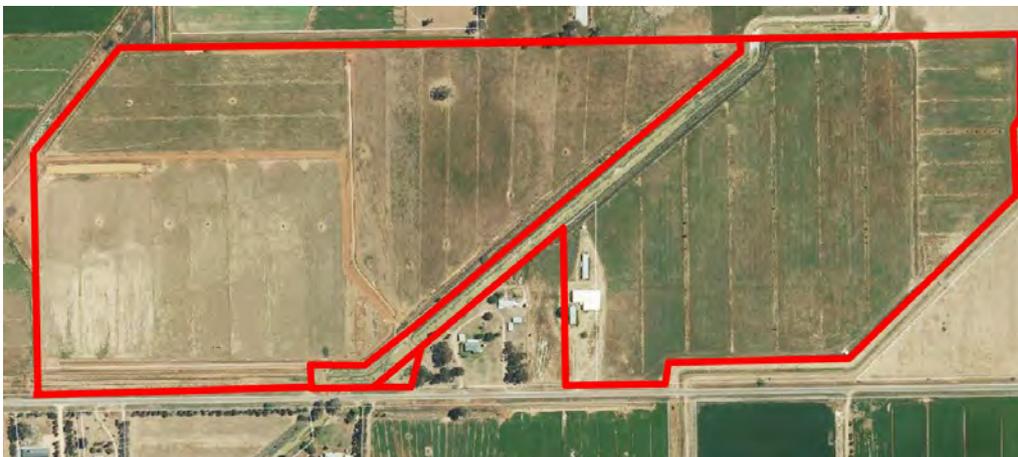
The purpose of this application is to realign a boundary between two lots which will in effect allow land to be exchanged from Lot 1 to Lot 3 on PS347725. The current application (5/2015/303) also includes variation to an existing easement.

The subject application is founded on a previous permit - Planning Permit 5/2015/15. This permit was issued on 10 March 2015 for a separate boundary realignment. Permit 5/2015/15 was a re-application following the lapse of a previous permit, issued in April 2008. This indicates that there is a history of non-implementation of permits associated with this boundary realignment.

Permit 5/2015/15 affects Lots 2 & 3 on PS347725. Application 5/2015/303 (the subject application) proposes to take the revised Lot 3, once it has been created, and further realign the boundary between it and Lot 1 on PS347725.



**Boundary Proposed as part of the Permit 5/2015/15**



**Boundaries as Proposed by Subject Application – 5/2015/303**

FILE NO: 52015303  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**52015303 - APPLICATION FOR A BOUNDARY REALIGNMENT AND  
VARIATION OF AN EASEMENT - 68 & 138 KEMPS ROAD, KATUNGA (cont'd)**

At this time an application to certify the Plan of Subdivision (Permit 5/2015/15) has not yet been received nor has any attempt been made to comply with conditions on this particular permit.

Condition 2 on Permit 5/2015/15 states that:

*Prior to the release of the Statement of Compliance, the applicant must enter into an agreement under Section 173 of the Act with the Responsible Authority to provide for the following:*

- a) *No further subdivision of any of the lots created except where the new lots would be equal to or greater than the minimum lot size as specified in the Planning Scheme.*
- b) *The landowner of lot 1 acknowledges the impacts of nearby agricultural activities.*

Currently the minimum lot size as specified in the Moira Planning Scheme is 60ha. The subject application proposes lots that is less than 60ha and would not be allowed by the Section 173 Agreement.

Accordingly, a permit cannot be issued for application 5/2015/303 as it is premature and would contravene a condition on Permit 5/2015/15.

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 planning permit.

**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**

Pre-Lodgement Consultation

There was no pre-lodgement consultation undertaken by the Applicant.

Internal Consultation

The application was not referred internally.

External Consultation

The application was referred to Goulburn Murray Water. They have not objected to the issuing of a permit.

The applicant has been informed that the Planning Department is recommending refusal. It was requested that the applicant consider applying to amend Condition 2 on Permit 5/2015/15. They have indicated that they are unable to obtain the consent of the Applicant for Permit 5/2015/15 to do so.

FILE NO: 52015303  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**52015303 - APPLICATION FOR A BOUNDARY REALIGNMENT AND  
VARIATION OF AN EASEMENT - 68 & 138 KEMPS ROAD, KATUNGA (cont'd)**

**6. Regional Context**

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

**7. Council Plan Strategy**

The proposed boundary realignment and removal of part of an easement does not align with any Council Plan Strategy.

**8. Legislative / Policy Implications**

Zoning

The subject land is located in the Farming Zone (FZ). Clause 35.07-3 of the Moira Planning Scheme states that a permit is required to subdivide land. This is the trigger for this planning permit application.

In the FZ each new lot created must be over 60ha unless a lot is required by a utility provider, the subdivision is to create a lot for an existing dwelling or it is a restructuring or realignment of boundaries where no new lots are created.

There are no overlays affecting the subject lot.

State Planning Policy Framework SPPF

It is considered that the proposed subdivision accords with the spirit of the SPPF.

Local Planning Policy and Municipal Strategic Statement

The proposed boundary realignment accords generally with the purpose and decision guidelines of the Agricultural Policy.

Particular Provisions – Clause 52.02 Easements, Restrictions and Reserves

Clause 52.02 states that a planning permit is required to create, vary or remove an easement. It is considered that the proposed removal of part of an easement accords with this Particular Provision.

The decision guidelines of Clause 65.02

Clause 65.02 of the Moira Planning Scheme sets out decision guidelines for Subdivisions. Of key relevance here are the following considerations:

- *The suitability of the land for subdivision.*  
It is considered that the subject land is not suitable, at this time, for subdivision. The application relies upon Permit (5/2015/15) which, when implemented, will include a Section 173 agreement that in effect prohibits the proposed boundary realignment (5/2015/303).
- *The existing use and possible future development of the land and nearby land.*  
Permit 5/2015/15 is in effect 'possible future development of the land and nearby land' which will, if implemented, effectively prohibit the proposed boundary realignment through a Section 173 agreement.

FILE NO: 52015303  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2  
(TOWN PLANNER, MARTINA FOLEY)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**52015303 - APPLICATION FOR A BOUNDARY REALIGNMENT AND  
VARIATION OF AN EASEMENT - 68 & 138 KEMPS ROAD, KATUNGA (cont'd)**

- *The area and dimensions of each lot in the subdivision.*  
The dimensions shown in the proposed plan of the boundary realignment are those that will be created by Permit 5/2015/15 so the realignment cannot be achieved until this Permit is implemented. The area and dimensions of the lots in the subdivision will be contrary to the Section 173 agreement required by the Permit 5/2015/15.

Overall the proposed realignment is contrary to the decision guidelines of Clause 65.02 because it is premature and would be effectively prohibited by a Section 173 agreement.

### **9. Environmental Impact**

It is considered that the proposed development will have no impact upon the environment.

### **10. Conflict of Interest Considerations**

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

### **11. Conclusion**

The proposed boundary realignment accords generally with the provisions of the Farming Zone, and both state and local policies. In normal circumstances a permit could be issued by delegation.

In this instance however it has been shown that the proposed boundary realignment cannot be issued with a permit. It is premature and contravenes a condition on Permit (5/2015/15). As a result the proposal does not accord with the decision guidelines as set out in the Moira Planning Scheme for subdivisions.

It is therefore recommended that planning permit application 5/2015/303 should be refused.

### **Attachments**

Nil

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH**

**RECOMMENDATION**

That a Notice of Refusal be issued for Planning Permit Application No. 52015232 on the following grounds:

1. The proposal is not consistent with State Planning Policy.
2. The proposal is not consistent with the Local Planning Policy, in particular the objectives of the *Agricultural Policy* set out in Clause 22.01.
3. The proposal does not accord with the decision guidelines of the Farming Zone and Land Subject to Inundation Overlay.
4. The proposal does not achieve the purpose of the Farming Zone.
5. The Applicant has not provided adequate detail to allow the proposal to be assessed.
6. The Applicant has not demonstrated that the proposal is consistent with State Planning Policy.
7. The Applicant has not demonstrated that the proposal is consistent with the Local Planning Policy, in particular the objectives of the *Agricultural Policy* set out in Clause 22.01.
8. The Applicant has not demonstrated that the proposal is consistent with the purpose or the decision guidelines of the Farming Zone. In particular the application has not complied with Clause 35.07-5 – Application requirements for dwellings.

**1. Executive Summary**

Planning Permit application 5/2015/232 was received on 24 July 2015 and seeks approval for the use and development of land at 6915 Goulburn Valley Highway, Yarroweyah for a dwelling in the Farming Zone and the Land Subject to Inundation Overlay. The land was being used for the breeding of alpacas.

The use of the land for a dwelling is a Section 2 – Permit Required Use within the Farming Zone. Any buildings and works associated with a Section 2 Use triggers a planning permit. Further, the subject lot is located within the Land Subject to Inundation Overlay, a permit is required to construct a building or to construct or carry out works; this includes a habitable building. Therefore, there are three triggers for the subject application.

The application was advertised and referred internally and externally to relevant authorities. At the time of writing this report, two objections have been received.

The application submitted did not include the application requirements specified for the Farming Zone. On two separate occasions further information requests were sent to the Applicant to provide the information required.

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

The responses provided were lacking in detail, to the extent that the applicant has not satisfactorily demonstrated that a dwelling is reasonably associated with the agricultural use on the land and therefore it is considered that the proposal is not consistent with the Moira Planning Scheme.

The subject land in its entirety is subject to inundation and not appropriate for residential use. The application was referred to the Goulburn Broken Catchment Management Authority. The Authority has objected to the granting of a permit due to the flooding regime of the subject lot. A second objection was received by a neighbour.

It is therefore recommended that Council refuse the application.

## 2. Background and Options

### Application Details

Applicant: Luigi Vitullo  
Owner: Reginald and Jillian-Lee Poulton  
Land Address: 6915 Goulburn Valley Highway, Yarroweyah  
Title Details: Lot 1 TP160556  
Site Area: 4.951ha  
File No: 52015232  
Zone: Farming Zone  
Overlays: Land Subject to Inundation

### Key Issues

- State Planning Policy
- Local Planning Policy
- Agricultural Policy
- Farming Zone
- Land Subject to Inundation Overlay

The application was received from Mr Vitullo on 24 July 2015 who was the Applicant and Owner at the time. It should be noted that on 23 July 2015 Mr. R & J Poulton purchased the property from Mr Vitullo. The property has since been registered in the new owner's name.

The subject land is located in the Farming Zone to the south west of Maidment Road and the Goulburn Valley Highway, approximately 2.8 kilometres north east of the main town of Yarroweyah.

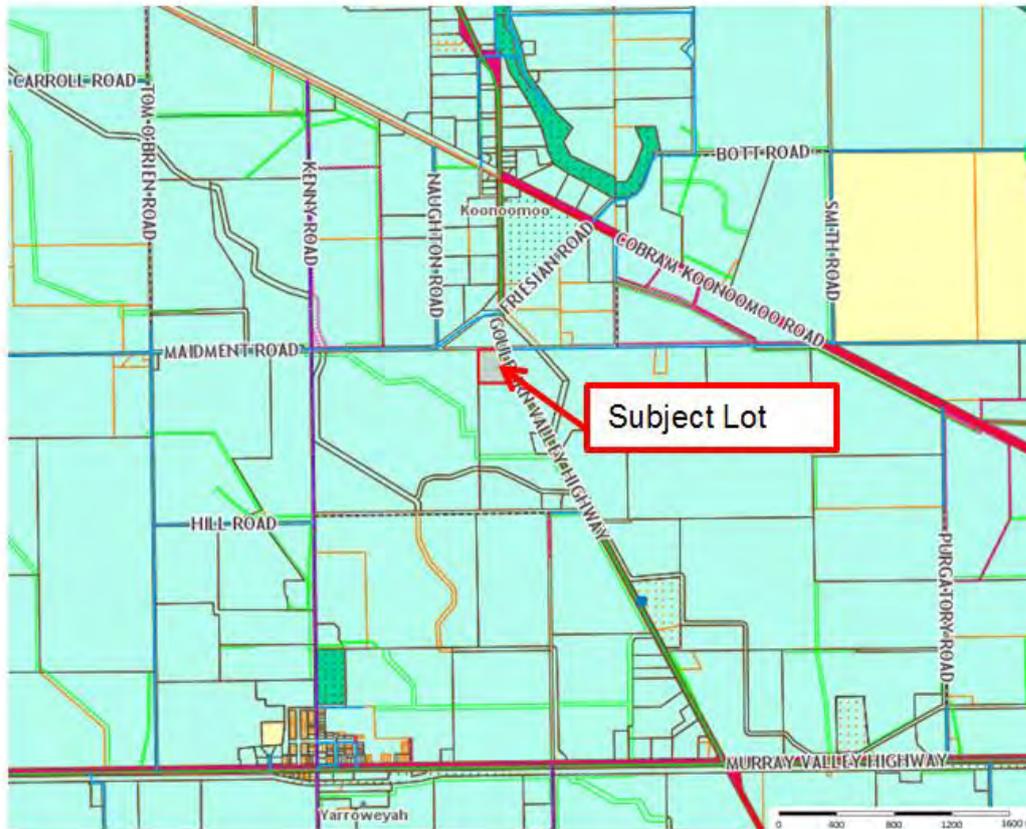
The land measures 4.91ha and is entirely located within the Land Subject to Inundation Overlay. Access to the property is obtained from the Goulburn Valley Highway. There is a shed on the south western boundary of the lot which is associated with the alpaca business. There are also a number of small paddocks used for the alpacas.

The surrounding area is largely agricultural in nature. There are a number of other dwellings to the east and to the north of the subject land.

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**



FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

Proposal

The proposal is for the use and development of the land for a dwelling. The proposed dwelling is a relocatable home, consisting of 2 bedrooms, a kitchen, dining and living room, laundry and one bathroom.

The application did not include the application requirements for a dwelling in the Farming Zone.

1<sup>st</sup> Request for Further Information

On 05 August 2015 a request for further information was issued requesting:

- A written response as required by Clause 35.07-5 of the Moira Planning Scheme.
- Any training or memberships that show that proponent has a strong association with the alpaca trade.
- A 5 year business plan for your alpaca business. The plan should include any capital improvements associated with the business proposed for the lot.
- A site plan, to scale and dimensioned, showing all existing and proposed structures, fences, paddocks etc. signage etc. to be used for the alpaca business or associated with the proposed domestic use.
- The purpose of all sheds must be marked.
- Indication as to whether a water tank will be placed on the property.
- Indication as to whether any further works are proposed on the vehicular crossing to the property or in the Goulburn Valley Highway road reserve.
- Details as to why a dwelling is needed on the site – its direct link to the Alpaca business.

Response

In a response submitted on 26 August 2015 the Applicant did not provide a written response as required by Clause 35.07-5 of the Moira Planning Scheme or a 5-year business plan for the alpaca business. The Applicant did however provided a site plan showing: the alpaca paddocks, purposes of the shed, and location of proposed water tank. Photos of the property and alpacas, registration of the alpaca herd on the International Alpaca Register, as well as tax invoices and email correspondence from the Australian Alpaca Association Ltd. (See Attachment 1).

The letter supplied with the response indicated that the business began in 2012 with 3 alpacas and the business has now grown to approximately 40 alpacas. The Applicant stated that they plan to build their business and a dwelling would be required to have a manager or host family to help with the everyday running of the alpaca farm. Additionally, the female alpacas were set to give birth between October-November and it was vital that someone was on hand to care for them.

2<sup>nd</sup> Request for Further Information

On 02 September 2015, a second request was made for further information since a written response to Clause 35.07-5 and a business plan were not responded to in the first request for information. The letter indicated that the following was still required:

- A written response which explains how the proposed dwelling responds to the decision guidelines, as required by Clause 35.07-5 of the Moira Planning Scheme (Please see the attached Decision Guidelines that are required to be addressed as part of your written statement).
- A 5 year business plan for your alpaca business. The plan should include any capital

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

improvements associated with the business proposed for the lot.

Office Meeting – 08 September 2015

The Applicant attended the Cobram Service Centre on 08 September 2015 and discussed the letter he received regarding further information. The Applicant believed that what he supplied in his previous response was sufficient and was reluctant to supply anything further. The Town Planner explained that the written response was an application requirement set out at Clause 35.07-5 and was required as part of his application. The Applicant did not want to provide a business plan; the Town Planner advised that it was in his best interest to supply one as it would give officers more information to assess his proposal against. At this meeting, the Applicant requested an extension of time for the response to further information. The extension was granted.

Site Visit – 11 September 2015

A site visit was undertaken on 11 September 2015, it was clear that there were paddocks set out and alpacas were present on the land. A business identification sign was located at the entrance to the property along with a number of real estate sale signs.



*View Looking South*

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**



*View Looking West*

Response to 2<sup>nd</sup> Request for Information

A response was received from the Applicant on 08 October 2015 (See Attachment 2). The response provided did not contain adequate information and did not entirely address the issues set out in the decision guidelines of the Farming Zone. The responses provided were very brief and provided minimal detail.

Overall, the information received from the Applicant through both attempts at requests for further information was low level. The proposal could not be properly assessed due to the absence of sufficient information. It was considered that a third attempt for further information would not have resulted in a different outcome. Furthermore, in written and verbal interaction with Council the Applicant maintained that the dwelling was necessary for their current alpaca business being conducted on the property, this contradicts the fact that the property was in the process of being sold at the time the application was submitted to Council. The Applicant did not make Council aware of this until 23 November 2015.

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 planning permit.

**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.

It is considered that Council have a duty of care to ensure that any new development will not give rise to hazards. The State Planning Policy Framework states (in Clause 13.02-1 of the Moira Planning Scheme) that Councils should:

- *Avoid intensifying the impacts of flooding through inappropriately located uses and developments.*

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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

## 5. Internal and External Consultation

### Pre-Lodgement Consultation

There was no pre-lodgement consultation undertaken by the Applicant.

### Internal Consultation

The application was referred internally to Environmental Health, Infrastructure Planning and Natural Resources. No objections have been raised however a number of conditions have been recommended if any permit is issued. The conditions relate to septic system, vehicular access and landscaping.

### External Consultation

The application was also referred externally to the Goulburn Broken Catchment Management Authority (GBCMA), Goulburn Murray Water (GMW) and VicRoads. GMW and VicRoads did not object to a permit being issued subject to conditions being placed on the permit. The GBCMA objected to the granting of a permit (See Attachment 3). The basis of the objection was on the following grounds:

1. The proposal is discouraged within the State Planning Policy Framework and Local Planning Policy Framework of the Council's Planning Scheme.
2. The proposal is not consistent with the Victoria Planning Provisions Practice Note *Applying for a Planning Permit under the Flood Provisions* (DOI, 2000).
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 referral response received from the GBCMA also specified that survey information from the Murray Regional Flood Study indicated the average flood depth to be about 1.5m. Further, as per the Victoria Planning Provision Practice Notes, "*Applying for a Planning Permit under Flood Provisions*" a development should be refused in the following situations:

- a) *It is likely to result in danger to life, health and safety of the occupants due to flooding of the site.*
- b) *It relies on low level access (i.e. floods by more than 500 millimetres for a 100-year ARI flood event) to and from the site.*
- c) *It is likely to increase the burden on emergency services and risk to emergency personnel.*

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining landowners within 100m of the proposed dwelling. An objection was received on 06 November 2015 from a neighbour (See Attachment 4). Concerns raised by the neighbour, included:

- *The alpaca business is no longer operating on the property (alpacas removed from site and all signage taken down)*
- *The property was for sale*
- *Flooding issues, property flooding after significant rainfalls*

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

The objections received were provided to the Applicant providing an opportunity to respond to the concerns raised.

On 23 November 2015 the Applicant provided a letter in response to the objections raised by the GBCMA and the neighbour (See Attachment 5). Mr Vitullo has stated that the subject land floods due to the earthworks performed on the neighbouring property and a recycling dam that overflows. He also mentioned in his letter that the property was sold and the new owners want to continue with alpaca breeding.

The response letter received from Mr. Vitullo was provided to both objectors. Council's letter to the objectors gave them the opportunity to withdraw their objection if they were satisfied with the response provided or have Council proceed to make a decision at the next available council meeting.

The neighbour returned their Objector's Response Form on 11 January 2016, the form indicated that they did not wish to withdraw their objection (See Attachment 6).

The response submitted by the GBCMA maintained that the drainage issues outlined in Mr. Vitullo's response letter are insignificant to the flooding regime of the property; the property is low-lying and is situated within a major flood corridor. The GBCMA have also made clear that the flood study for this specific region is the most comprehensive flood information available. For the reasons outlined in their letter, the GBCMA did not withdraw their objection (See Attachment 6).

It must also be noted, that a letter was sent to the Applicant on 10 December 2015. Since the property was in another ownership, the letter requested that written confirmation be provided that Mr. Vitullo would remain the Applicant on file or that the current landowners were to be the new applicants. The letter indicated that in the absence of any written confirmation, Mr. Vitullo would remain the Applicant. At the time of writing this report, no written confirmation has been received by Council.

## **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 upon the safety of the community and would not be best practice.

## **8. Legislative / Policy Implications**

### Zoning

The subject land is located in the Farming Zone (FZ). The purpose of the FZ, amongst others, is:

*"To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture."*

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

The proposed development is to construct a dwelling on the subject lot. It must therefore be assessed against the policies set out to control residential development in the FZ.

In Clause 35.07-1 and the Schedule to the FZ, the use of a lot of less than 80ha for a dwelling is a Section 2 use. The subject lot is 4.951ha. This is the first trigger for the subject application. Clause 35.07-4 states that a permit is required for buildings or works associated with a use in Section 2. This is the second trigger for this application.

Clause 35.07-6 sets out the decision guidelines for developments in the FZ. The following relates to the protection of agricultural uses:

*"Agricultural issues*

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use."*

The Applicant has not provided significant justification in relation to the above issues. The Applicant submits that they are only using a small amount of land for the dwelling and that the capacity of the site to sustain the agricultural use will remain the same as it currently stands.

It is concluded that the proposed use and development will result in a limited hobby farm use that will potentially impact on the ability of nearby agricultural uses to expand or intensify.

The following guidelines relate to residential development:

*"Dwelling issues*

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture."*

It is considered that the proposed dwelling could result in the loss or fragmentation of agricultural land. The lot is surrounded by larger agricultural lots that could potentially be consolidated to form a larger agricultural holding.

It is likely that the dwelling would be adversely affected by agricultural activities on adjacent and nearby land. Applications of this type are normally conditioned with the requirement of Section 173 Agreements to be prepared that the owners of the land acknowledge the impacts of nearby agricultural activities. This would be a requirement if a permit were granted.

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(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

Further, it is not considered that a dwelling on the subject lot is justified through the specified agricultural use. Granting a permit for a dwelling at this location could potentially create an undesirable planning precedent for any similar future development.

It is concluded that this proposal does not meet the requirements of the FZ and should not be supported.

Overlays

The subject lot is located within the Land Subject to Inundation Overlay (LSIO). The purpose of the LSIO, amongst others, is:

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

A permit is required to build or carry out works within the LSIO. This is the third trigger for this application. In accordance with the Moira Planning Scheme, the application was referred to the GBCMA.

The Authority has objected to the development as mentioned previously in this report.

Clause 44.04-6 sets out the decision guidelines for developments in the LSIO. The Responsible Authority must consider the following, amongst others:

- *Any local floodplain development plan.*
- *Any comments from the relevant floodplain management authority.*
- *The existing use and development of the land*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay*
- *The potential flood risk to life, health and safety associated with the development.*  
*Flood risk factors to consider include:*
  - *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
  - *The flood warning time available.*
  - *The danger to the occupants of the development, other flood plain residents and emergency personnel if the site of accessway is flooded.*

It is considered that the proposal does not accord with the purpose or guidelines of the LSIO.

State Planning Policies

Clause 11.05-3 "Rural Productivity" seeks to manage land use change and development in the rural areas to promote agricultural and rural production. The strategies of this objective include:

- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*

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**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

- *Encouraging consolidation of existing isolated small lots in rural zones.*

The objective of Clause 14.01-1 "*Protection of Agricultural Land*" aims to protect productive farmland which is of strategic significance in the local or regional context. Some of the strategies of this state policy include:

- *Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *In considering a proposal to subdivide or develop agricultural land, the following factors*

*must be considered:*

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability.*

Considering the subject land is a small scale single lot in the FZ, it could be consolidated with larger lots in the vicinity. The addition of a dwelling would permanently change the land use and could impact on the continuation and/or intensification of agricultural activities on adjacent land. Although the breeding of alpacas is considered an agricultural use, the expressed need for a dwelling on the lot cannot be justified. The proposal only generally accords with the objectives of the State Planning Policy.

Local Planning Policy and Municipal Strategic Statement

Clause 22.01 sets out Moira Shire's Agricultural Policy. The purpose of the policy is to address two separate issues: being rural subdivision and rural dwellings. Here the focus is upon preventing the loss of agricultural lands through inappropriate subdivision or the proliferation of dwellings.

Clause 22.01-3 states that it is policy to:

- *Discourage a dwelling not associated with or required for the agricultural use of the land.*
- *Ensure that the agricultural use has been established on the land (or an Integrated Land Management Plan under Clause 35.07-6 is in place) prior to the construction of a dwelling.*

The agricultural use has been established on the subject land. It is considered a dwelling is not required to support the agricultural use that was being conducted on the land.

Clause 22.01-4 sets out that when considering an application for a dwelling in the FZ we must consider a number of decision guidelines. The following are of key importance when considering the subject application:

- *The relationship between the proposed dwelling and the agricultural activity on the land.*

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- *Evidence of an Integrated Land Management Plan under Clause 35.07-6 or similar, addressing the relationship between agricultural activities on the land and the proposed dwelling*
- *The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.*
- *Whether the dwelling will result in a rural living or rural residential outcome in the area.*

It is considered that the proposed dwelling is not associated with or required for the agricultural use of the land. Other than the need to be on the property when the cria are born, the Applicant has not provided any additional justification, that the nature of the activities on the land requires continuous 24 hour care. The applicant could easily live in an existing dwelling in nearby towns. It is considered that the proposed development could result in a rural residential outcome rather than being in support of the agricultural use of the land.

It is concluded that the subject application does not accord with Local Planning Policy.

The decision guidelines of Clause 65

*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.*

All the matters set out in Clause 65 have been considered. The matters above that most closely relate to the proposed development, namely the purpose of the zone, overlay or other provisions, together with the orderly planning of the area and the effect on the amenity of the area have been addressed elsewhere in this report.

## **9. Environmental Impact**

Viewed alone the proposed development may be considered to be sustainable if the proposed development was not located within the FZ. The cumulative impact of the planning precedent that granting a permit would establish should however be considered.

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The granting of a permit would result in the loss of agricultural land and would overall create an unsustainable outcome.

**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. Dwellings in the Farming Zone are discouraged if they are not reasonably associated with an agricultural use on the lot. Although two requests for information were sought by Council, the information provided by the Applicant was considered unsatisfactory and did not entirely justify the association between a dwelling and the agricultural activities, that being alpaca breeding.

The GBCMA have recommended refusal of this application given that the lot is low-lying and located in a major flood corridor and could result in danger to the life, health and safety of occupants.

Further, the property has since been sold; if a permit were granted, a dwelling on the lot would not be associated with any current agricultural activities and would therefore not accord with the Farming Zone or State and Local Policies set out in the Moira Planning Scheme.

It is recommended that the application for the use and development of a dwelling on the subject land be refused.

**Attachments**

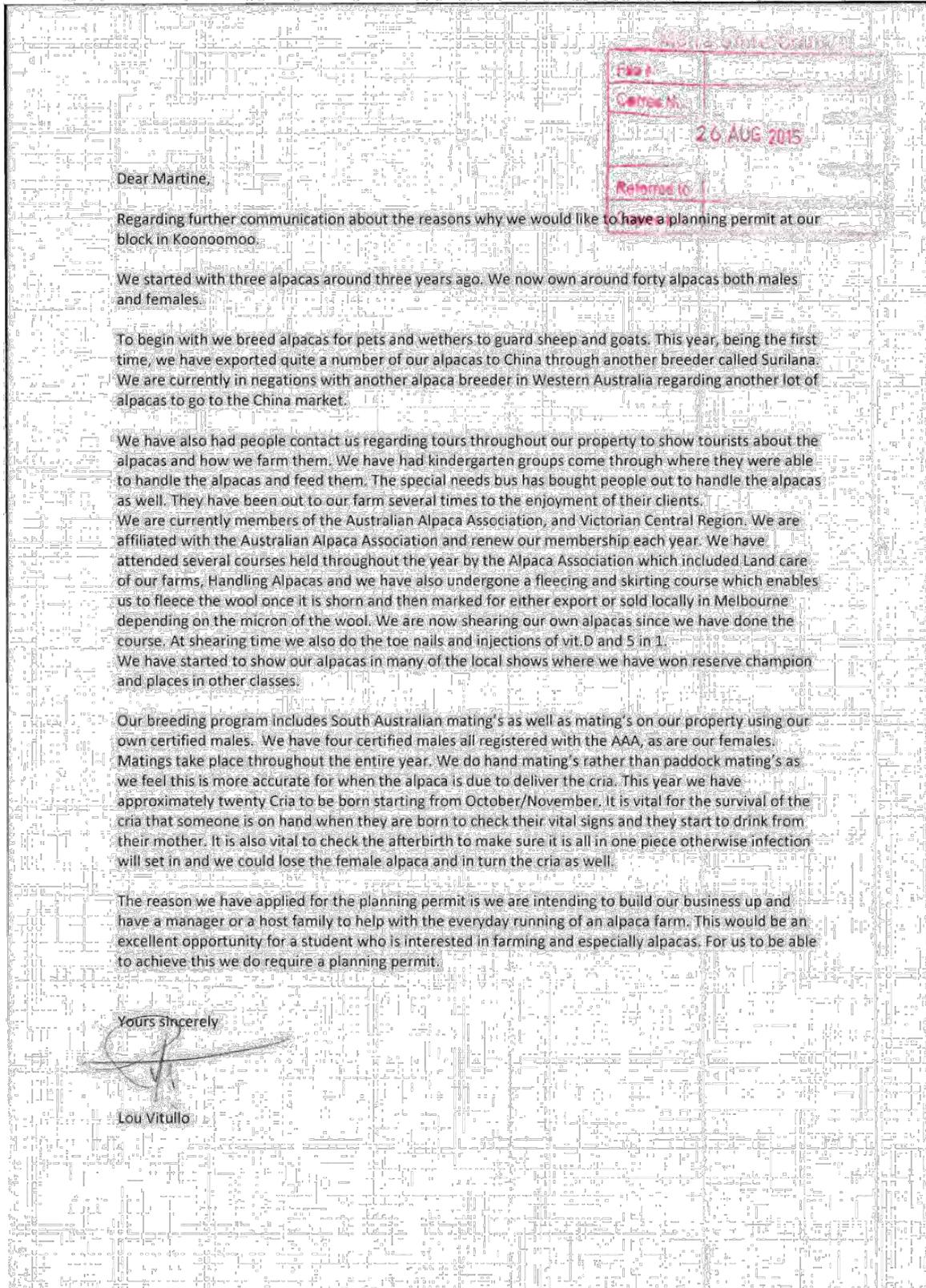
- 1 Attachment 1 - First Response to Further Information
- 2 Attachment 2 - Second Response to Further Information
- 3 Attachment 3 - GBCMA Objection
- 4 Attachment 4 - Objection from Neighbour
- 5 Attachment 5 - Applicant Response to Objections
- 6 Attachment 6 - Objector's Response Forms

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**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE  
DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

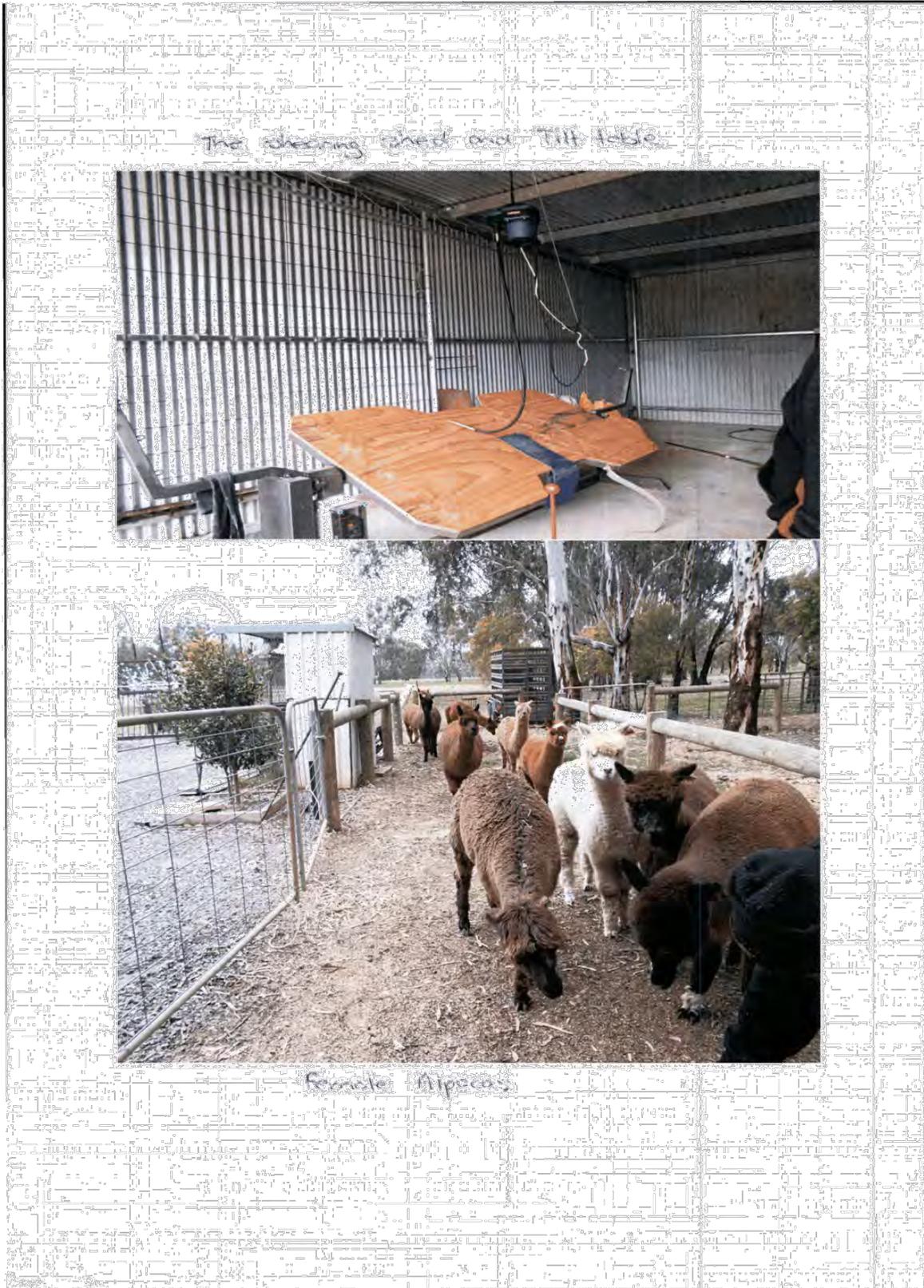


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**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

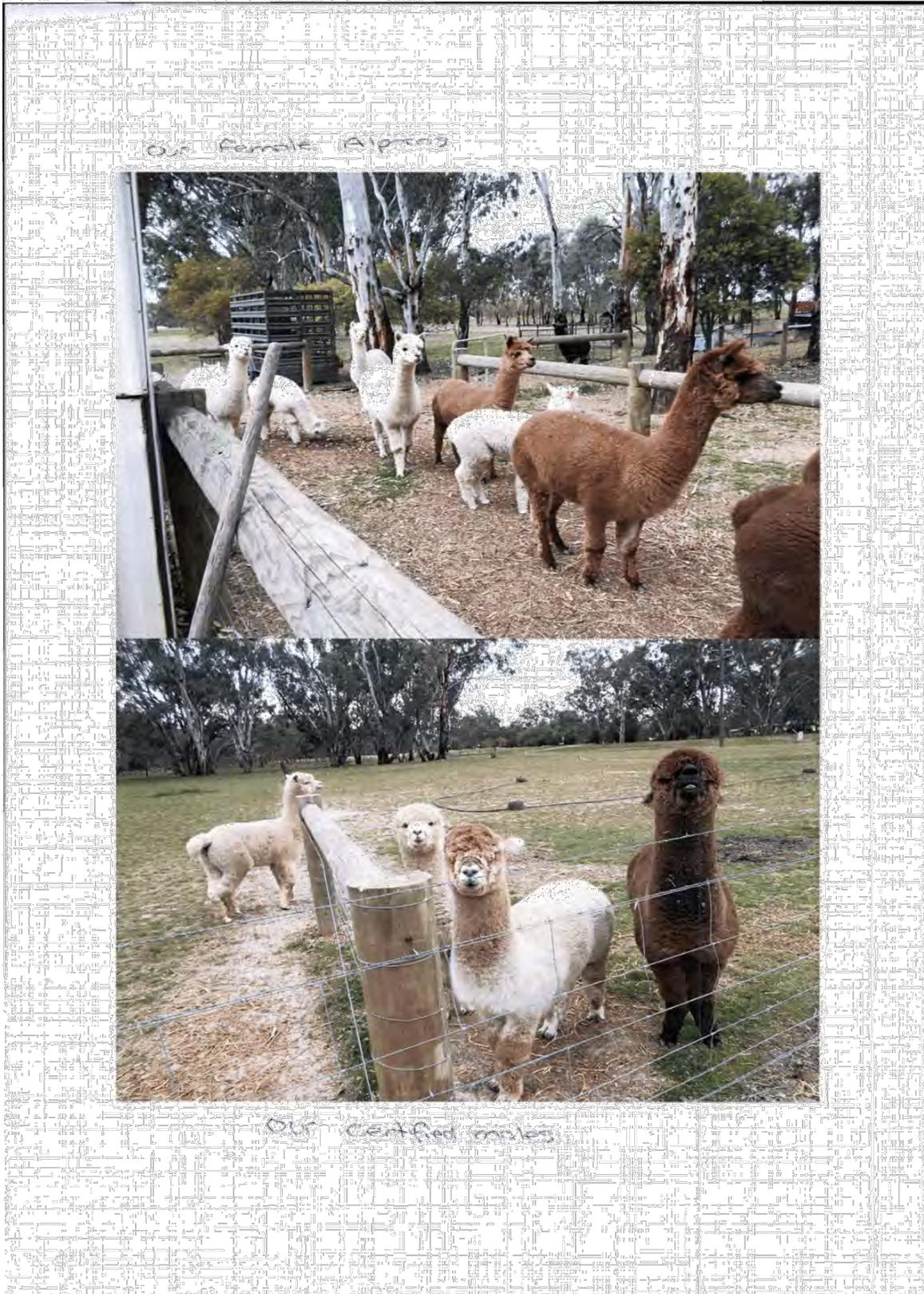


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More young alpacas

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**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

The image shows a document titled "Record of Registration for Business Name" for the business "Koonapacas". The document is issued by ASIC (Australian Securities & Investments Commission) on 23 October 2012. It includes the ASIC logo, the Australian coat of arms, and a signature of Rosanne Bell, Senior Executive Leader, Registry Services and Licensing. The document also states the date of registration (22 October 2012) and the next renewal date (22 October 2015). The background of the document is a faint, grid-like pattern.

  **ASIC**  
Australian Securities & Investments Commission

## Record of Registration for Business Name

Business name information for:

### Koonapacas

This Record of Registration contains information recorded on the Australian Securities and Investments Commission's (ASIC) register under section 33(8) of the Business Names Registration Act 2011.

**Date:** 22 October 2012  
**Next renewal date:** 22 October 2015

Record of registration issued by the Australian Securities and Investments Commission on 23 October 2012

  
Rosanne Bell  
Senior Executive Leader  
Registry Services and Licensing

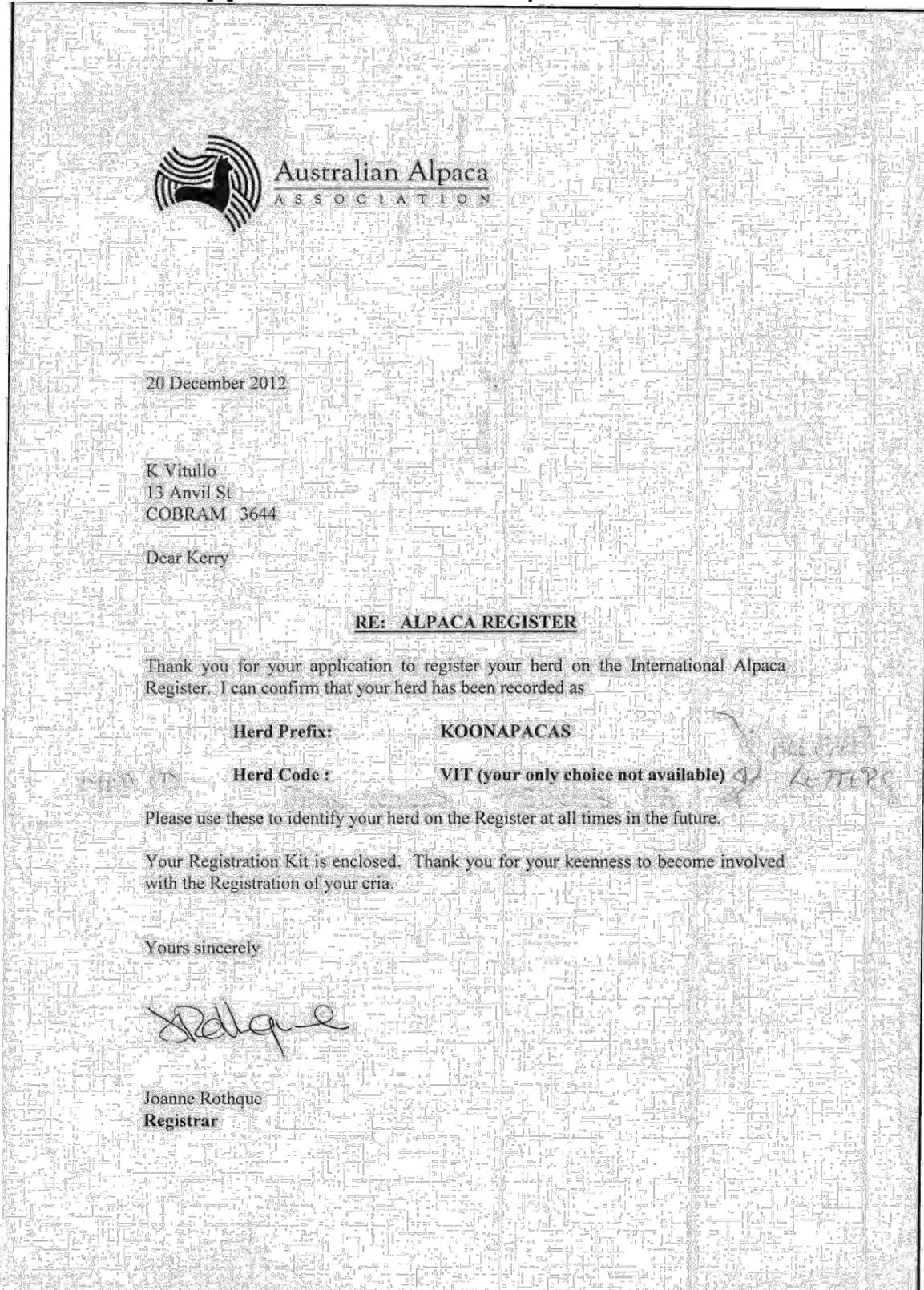
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**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

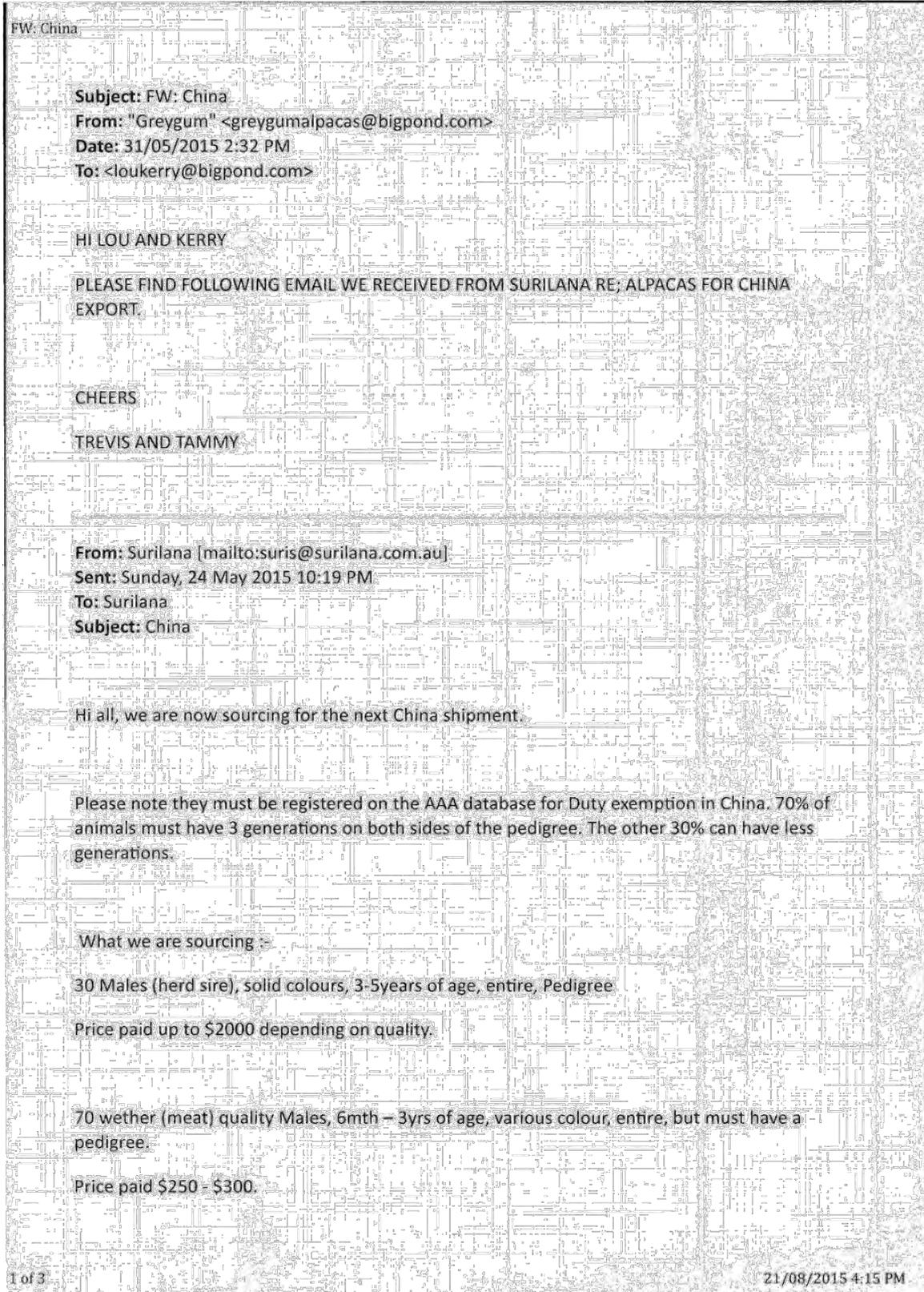


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**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

FW: China

500 Breeder (Lesser quality) Females, 2 – 5 years of age ( but include females born between 1/1/2010 - 30/10/2014, various colours, Pedigree

Price paid \$300-\$1300 depending on quality

Various colour: white, black, brown, fawn, grey etc., can be broken color (small spots and uneven colour but not multi)

Any micron

Pregnancy - can be pregnant but only if mated this calendar year.

Cria - if they have a cria at foot please indicate sex and DOB

If you can please send us a list including Name, IAR, DOB, Colour. Sheet attached.

ATT00019.htm

Please let your friends know.

Regards

Ian and Angela Preuss  
Surlana  
email:  
Phone: +61 3 5790 5394  
Mobile: 0407931789

[www.surlana.com.au](http://www.surlana.com.au)

\* If this email contains pricing for alpacas then these prices are valid for 21 days.

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**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

Alpaca Classer Training Courses

**Subject:** Alpaca Classer Training Courses  
**From:** Australian Alpaca Association <info@alpaca.asn.au>  
**Date:** 31/10/2014 12:52 PM  
**To:** <loukerry@bigpond.com>

[www.alpaca.asn.au](http://www.alpaca.asn.au)

**Alpaca Classer Training Courses - Places available in Hamilton, VIC and Goulburn, NSW.**

The AAA is pleased to announce that a second Alpaca Classer Training Course has been scheduled, this time in Goulburn NSW. Details for both courses are given below.

**22-23 November 2014**  
**South West TAFE, 36 Hammond Street, Hamilton, Victoria**  
(Completed application form due to AAA office by **COB 7 November 2014**)

**5-7 December 2014**  
**NSW Tafe, Illawarra Institute, Cnr Verner and View St, Goulburn NSW**  
(Completed application form due to AAA office by **COB 21 November 2014**)

Both courses cover the two alpaca units required to become a registered alpaca classer following completion of the necessary wool classing courses.  
The two units are:

- AHCWOL204A - Undertake basic skirting of alpaca fleece – Cert II level
- AHCWOL313A - Class alpaca fleece – Cert III level

Training will be conducted by highly knowledgeable industry classers with many years of practical experience in classing and early and later stage processing.

The course is aimed at:

1. Registered Wool Classers looking to become Professional Alpaca Classers
2. TAFE or Registered Training Organisation (RTO) teachers.
3. Any person currently studying Wool Preparation (Cert III Level) or Wool Classing (Cert IV Level).
4. Members with industry experience looking to further enhance their knowledge of fleece classing.
5. Members who may be interested in undertaking future Wool Preparation and Wool Classing qualifications.

Obtaining this qualification together with either Wool Preparation or Wool Classing will enable successful students to apply for AWEX registration and class their own

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**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

[VCRmembers] Fwd: February Breeding Strategy Workshop

Subject: [VCRmembers] Fwd: February Breeding Strategy Workshop  
From: Heather Burn <heburn1958@gmail.com>  
Date: 14/01/2015 10:53 PM  
To: "vcrmembers@googlegroups.com" <vcrmembers@googlegroups.com>

Hello all and a Very Happy New Year to everyone. I hope your summer cria drop have arrived safe and sound and you're looking forward to a new prosperous year in 2015.

Our events calendar has commenced with show dates being advised to AAA office for inclusion on the website and our very own web guru Roger has included the VCR show details into the calendar on our website as well.

Sian has organised the first workshop for the year to be held at the beautiful picturesque rolling hills of Bywong Alpacas just outside Lancefield.

The details are in the attached flyer, so if you are interested please contact Sian and book in early. Fantastic value at only \$30/head with lunch and lecture notes included in that price. (Of course, if you are a super cook of delicious pastries or sweets I'm sure no-one would object if you bought some samples along to share - eh Joe???)

The presenter is the very entertaining and highly informative Robert Gane from Canchones Alpacas and NEO alpacas. This will be a great workshop for both new and experienced breeders so get your RSVPs in quickly.

Look forward to catching up with you again soon.

Heather Burn

*BreenBurn Alpacas*  
*VCR Secretary*  
*New Gisborne VIC 3438*  
*0425781641*

Message sent to all VCR members only. You may post to this group by sending emails to vcrmembers@googlegroups.com. Guidelines on email use are posted on the VCR website.

UNSUBSCRIBE: If you do not wish to receive VCR related information and updates on shows, workshops, events and other industry related activities, send an email to the VCR Secretary heburn1958@gmail.com with the title/heading 'REMOVE FROM E-MAIL LISTING'.

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**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

TAX INVOICE /PAYMENT SUMMARY						
(Listing for transactions conducted from 1/09/2014 to 30/09/2014)						
Statement Date	Member Id.	ACN 067 146 481 ABN 30 067 146 481				
7 Oct 2014	VIT	<b>AUSTRALIAN ALPACA ASSOCIATION LTD</b>				
		PO BOX 1076 MITCHAM NORTH, VIC 3132 Phone: 03 9873 7700 Fax: 03 9873 7711				
	<b>K VITULLO 13 ANVIL ST COBRAM, VIC 3644 AUSTRALIA</b>					
						Page No: 1
Date	Ledger	Transaction Description	Charges	GST	Credits	Balance
					Opening Balance	-5.50
15/09/2014	Cheques In	001409 BEND BENDIGO K VITULLO			95.00CR	100.50CR
15/09/2014	Animal transfer	1 FEMALE TRANS	86.36	8.64		5.50CR
22/09/2014	Cheques In	001400 BENDIGO BENDIGO LR AND KA VITULLO			700.00CR	705.50CR
22/09/2014	Event - Silent Auction Income	NSS SILENT AUCTION WYTERRICA PROPAGANDA	636.36	63.64		5.50CR
30/09/2014	Cheques In	001411 BEND BENDIGO L&K VITULLO			264.00CR	269.50CR
30/09/2014	Registration - other	1 MALE CERT	200.00	20.00		49.50CR
30/09/2014	Animal Registration DNA	1 DNA RECORDING	40.00	4.00		5.50CR

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**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

TAX INVOICE /PAYMENT SUMMARY						
(Listing for transactions conducted from 1/02/2015 to 28/02/2015)						
Statement Date	Member Id.	ACN 067 146 481 ABN 30 067 146 481				
3 Mar 2015	VIT	AUSTRALIAN ALPACA ASSOCIATION LTD				
		PO BOX 1076 MITCHAM NORTH, VIC 3132 Phone: 03 9873 7700 Fax: 03 9873 7711				
	K VITULLO 13 ANVIL ST COBRAM, VIC 3644 AUSTRALIA					
						Page No: 1
Date	Ledger	Transaction Description	Charges	GST	Credits	Balance
					Opening Balance	- 5.50
1/02/2015	Web Credit Card Payments				60.50CR	66.00CR
1/02/2015	Web Animal Registration	CC - B65317: 5 Registrations) 3 M 2 F	55.00	5.50		5.50CR
25/02/2015	Web Credit Card Payments				27.50CR	33.00CR
25/02/2015	Web Animal Registration	CC - B65836: 2 Registrations) 1 M 1 F	25.00	2.50		5.50CR

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INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

TAX INVOICE /PAYMENT SUMMARY						
(Listing for transactions conducted from 1/12/2012 to 31/12/2012)						
Statement Date	Member Id.	ACN 067 146 481 ABN 30 067 146 481				
8 Jan 2013	VIT	<b>AUSTRALIAN ALPACA ASSOCIATION LTD</b>				
		PO BOX 1076 MITCHAM NORTH, VIC 3132 Phone: 03 9873 7700 Fax: 03 9873 7711				
K VITULLO 13 ANVIL ST COBRAM, VIC 3644 AUSTRALIA						
						Page No: 1
Date	Ledger	Transaction Description	Charges	GST	Credits	Balance
Opening Balance						
20/12/2012	Merchandise Sales	20 TAGS	20.00	2.00		22.00
20/12/2012	Registration - other	HERD REGISTRATION	127.27	12.73		162.00
20/12/2012	Cheques In	001365 BEND BENDIGO L&K VITULLO			162.00CR	0.00

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [1] - Attachment 1 - First Response to Further Information**

TAX INVOICE /PAYMENT SUMMARY						
(Listing for transactions conducted from 1/02/2015 to 28/02/2015)						
Statement Date	Member Id.	ACN 067 146 481 ABN 30 067 146 481				
3 Mar 2015	VIT	<b>AUSTRALIAN ALPACA ASSOCIATION LTD</b>				
		PO BOX 1076 MITCHAM NORTH, VIC 3132 Phone: 03 9873 7700 Fax: 03 9873 7711				
K VITULLO 13 ANVIL ST COBRAM, VIC 3644 AUSTRALIA						
						Page No: 1
Date	Ledger	Transaction Description	Charges	GST	Credits	Balance
						Opening Balance:
						-5.50
1/02/2015	Web Credit Card Payments				60.50CR	66.00CR
1/02/2015	Web Animal Registration	CC - B65317: 5 Registration(s), 3 M 2 F	55.00	5.50		5.50CR
25/02/2015	Web Credit Card Payments				27.50CR	33.00CR
25/02/2015	Web Animal Registration	CC - B65836: 2 Registration(s), 1 M 1 F	25.00	2.50		5.50CR

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

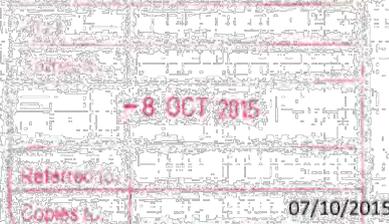
**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [2] - Attachment 2 - Second Response to Further Information**



ABN: 54684019240

Address: 6915 Goulburn Valley Highway,  
Yarroweyah, VIC 3644  
Mobile: 0408 579 022



Attention: Town Planner – Melissa Lotito

Regarding property address 6915 Goulburn Valley Highway, Yarroweyah use and development dwelling.

Once again I am writing and filling in more paperwork for the third time for the proposed planning permit for 6915 Goulburn Valley Highway, Yarroweyah Section 35.07.05 application requirements for dwellings 30.07.06 decision of guidelines.

At this stage in proceedings we need to know if we can get a planning permit for this property. We have already submitted building plans, location of dwelling etc. but we need to know if in the future we will be able to construct this dwelling which we have already provided to the council.

**GENERAL ISSUES:**

- The state planning policy framework and the local planning policy framework, including the municipal strategic statement and local planning policies. **Already submitted.**
- Any regional catchment strategy and associated plan applying to the land. **Not applicable.**
- The capability of the land to accommodate to the proposed use or development including the disposal of effluent. **Already submitted.**
- How the use or development relates to sustainable land management. **Already submitted.**
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. **Not applicable.**
- How the use and development makes use of existing infrastructure and services. **Already submitted.**

**AGRICULTURAL ISSUES AND THE IMPACTS FROM NON-AGRICULTURAL USES:**

- Whether the use or development will support and enhance agricultural production. **Already submitted.**
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. **We are only taking a small amount of land for dwelling.**
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses. **Not applicable.**
- The capacity of the site to sustain the agricultural use. **This will remain the same as is.**

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [2] - Attachment 2 - Second Response to Further Information**

- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure. **This will remain the same as is.**
- Any integrated land management plan prepared for the site. **No, this will depend on the council.**

**DWELLING ISSUES:**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land. **Vary minimal.**
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. **Not applicable.**
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses. **Not applicable.**
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agricultural. **We are only putting one unit on the land.**

**ENVIRONMENTAL ISSUES:**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. **This will not change.**
- The impact of the use or development on the flora and fauna on the site and its surrounds. **We plan on building around the dwelling.**
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. **We will still stay the same.**
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation. **Will be broken down and recycled.**

**DESIGN AND SITING ISSUES:**

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. **The impact will be very minimal but in the long term it will be better and beneficial because more trees and shrubs will be put in.**
- The impact of the siting, design, height, bulk, colours, and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts. **Altered access is already there and nothing has changed.**
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance. **This will be a lot better for the area.**
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities. **Roads, water, drainage, telecommunications already exist and the sewerage will be to the shires specifications.**
- Whether the use and development will require traffic management measures. **Not applicable.**

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [2] - Attachment 2 - Second Response to Further Information**

**DECISION GUIDELINES – RURAL DWELLING:**

- Whether the proposed new dwelling is located on a lot that has legal frontage to a road, a satisfactory frontage to depth ratio, suitable two way vehicle access via an all-weather road, adequate buffers to protect residential amenity from the impacts of agricultural activity. **Not applicable.**
- The relationship between the proposed dwelling and the agricultural activity on the land. **Not applicable.**
- Evidence of an Integrated Land Management Plan under Clause 35.07-6 or similar, addressing the relationship between activities on the land and the proposed dwelling. **Not applicable.**
- The agricultural productive capacity or the agricultural potential of the land. **Not applicable.**
- The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land. **Not applicable.**
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security. **Not applicable.**
- The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land. **Not applicable.**
- The lot size, context and physical characteristics of the land. **Not applicable.**
- Whether the dwelling will result in a rural living or rural residential outcome in the area. **Not applicable.**
- The potential for land to be consolidated with other land to enhance agricultural productivity. **Not applicable.**
- Whether the planning scheme identifies a 'non-agricultural' future for the land and the implications of development on future development options. **Not applicable.**

Thank you.

Regards

Lou Vitullo  
Manager of Koonapaca Alpacas.

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [2] - Attachment 2 - Second Response to Further Information**



ABN: 54684019240

Address: 6915 Goulburn Valley Highway,  
Yarroweyah, VIC 3644  
Mobile: 0408 579 022

07/10/2015

Attention: Town Planner – Melissa Lotito

Regarding property address 6915 Goulburn Valley Highway, Yarroweyah use and development – dwelling

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Section 35.07.05 application requirements for dwellings  
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At this stage in proceedings we need to know if we can get a planning permit for this property. We have already submitted building plans, location of dwelling etc. but we need to know if in the future we will be able to construct this dwelling which we have already provided to the council.

**GENERAL ISSUES:**

- ☐ The state planning policy framework and the local planning policy framework, including the municipal strategic statement and local planning policies. **Already submitted.**
- ☐ Any regional catchment strategy and associated plan applying to the land. **Not applicable.**
- ☐ The capability of the land to accommodate to the proposed use or development including the disposal of effluent. **Already submitted.**
- ☐ How the use or development relates to sustainable land management. **Already submitted.**
- ☐ Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. **Not applicable.**
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FILE NO: 5/2015/232  
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ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
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**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [2] - Attachment 2 - Second Response to Further Information**

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FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
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**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [2] - Attachment 2 - Second Response to Further Information**

**DECISION GUIDELINES – RURAL DWELLING:**

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- Whether the planning scheme identifies a 'non-agricultural' future for the land and the implications of development on future development options. **Not applicable.**

Thank you.

Regards



Lou Vitullo  
Manager of Koonapaca Alpacas.

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE  
DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [3] - Attachment 3 - GBCMA Objection**



GBCMA Ref: F-2015-0781  
Document No: 6  
Council Ref: 5/2015/232  
Date: 10 November 2015

Ms Melissa Lotito  
Town Planner  
Moira Shire Council  
PO Box 578  
Cobram Vic 3643

Dear Ms Lotito

**Planning Permit Application No. 5/2015/232  
Proposed Dwelling  
Lot 1, TP160556, Parish of Yarroweyah  
6915 Goulburn Valley Highway, Koonoomoo  
Luigi Vitullo**

Thank you for your referral under Section 55 of the *Planning and Environment Act, 1987* dated 22 October 2015 and received 26 October 2015, 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) and Land Subject To Inundation Overlay (LSIO) 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 112.0 metres AHD, which was established from Murray Regional Flood Study.

Survey information from the Murray Regional Flood Study indicates flood depths of up to 1.8 metres in a 100-year ARI type flood event, with average flood depth about 1.5 metres.

The Victoria Planning Provision Practice Notes, "*Applying for a Planning Permit under Flood Provisions*" state that a development should be refused in the following situations:

- It is likely to result in danger to life, health and safety of the occupants due to flooding of the site.*
- It relies on low level access (i.e. floods by more than 500 millimetres for a 100-year ARI flood event) to and from the site.*
- It is likely to increase the burden on emergency services and risk to emergency personnel.*

**Head Office:**  
Shepparton  
168 Welford Street,  
PO Box 1752,  
Shepparton Vic. 3632  
Telephone: (03) 5822 7700  
Facsimile: (03) 5831 6264

**Benalla:**  
89 Sydney Road,  
PO Box 124,  
Benalla, Vic. 3672  
Telephone: (03) 5761 1611  
Facsimile: (03) 5761 1547

**Yea:**  
5/10 High Street,  
Yea, Vic. 3717  
Telephone: (03) 5767 4400  
Facsimile: (03) 5797 3199

OUR VISION Page 1 of 3  
Healthy, resilient and increasingly productive landscapes supporting vibrant communities

ABN 89 184 039 725

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [3] - Attachment 3 - GBCMA Objection**

In the light of the above information, and pursuant to *Section 56* of the *Planning and Environment Act 1987*, the Goulburn Broken CMA objects to the granting of a permit on the following grounds:

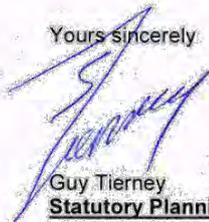
1. The proposal is discouraged within the State Planning Policy Framework and Local Planning Policy Framework of the Council's Planning Scheme.
2. The proposal is not consistent with the Victoria Planning Provisions Practice Note *Applying for a Planning Permit under the Flood Provisions* (DOI, 2000).
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.

Please note that 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-2015-0781 in your correspondence.

Yours sincerely,



Guy Tierney  
**Statutory Planning and  
Floodplain Manager**

c.c. Luigi Vitullo [loukerry@bigpond.com](mailto:loukerry@bigpond.com)

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE  
DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [3] - Attachment 3 - 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 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.

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [4] - Attachment 4 - Objection from Neighbour**

Moira Shire Council

File #	
Case No.	
- 6 NOV 2015	
Referred to.	
Case No.	
	Email

6/11/15



Dear Melissa Lotito,

*I am objecting to the following planning permit*  
I write this letter in regard to the correspondence I have received in relation to the application for planning permit no. 5/2015/232.

After reviewing the information provided by the moira shire I have a number of concerns with this application to which I would like to be considered in the final outcome of a decision. These concerns are:

-that the property is no longer home to the alpaca business as stated in the application and has moved to a new location(all signage has gone)

-that the property is for sale and could be sold any day.

-my main concern is that the mentioned property is very low lying in its position relative to surrounding properties(including mine) and there is no natural drainage and the gv highway actually forms a levee where any excess water from high intensity rainfall runoff might drain. This has been an issue on at least three occasions in the almost 2 years that I have owned the adjoining property, with water from my property flooding into Mr. Vitulo's property, including the past few days after significant rainfall.

if the application is granted I would like to see some conditions be put in place to exempt me from any litigation in the event of runoff from high intensity rain, which from scientific information could be more prominent in the future.

Yours sincerely



FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [5] - Attachment 5 - Applicant Response to Objections**

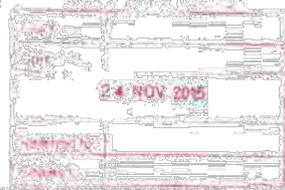


ABN: 54684019240

Referring to address: 6915 Goulburn Valley Highway,  
Yarroweyah VIC 3644  
Mobile: 0408 579 022

23/11/2015

Attention: Town Planner - Melissa Lotito,



Referring to the Planning Permit Application No. 5/2015/232 regarding the 100yr ARI flood levels. Of course the buildings will be regulation. No one in their right mind would spend money on a dwelling knowing it would put other people's lives at risk. If a dwelling is going to be built it would be through the correct channels.

As for [redacted] saying the land in question is lower than his and he has had problems on at least three occasions. That seems to be since he has had his land lasered and the land is lasered to go into his recycling dam, which is all very well if that recycling dam had a pump to pump the water out but it doesn't. So 500 acres of land lasered to the recycling dam, a large amount of rain and of course it will flood into the next property. We have also on several occasions spoken to a Patrick DeBuc (not sure of the spelling) at the shire and he is aware that there is no pump.

As [redacted] has stated his water flooded into our property in the last few days, well yes it did but [redacted] forgot to mention his recycling dam was full to capacity prior to the heavy rain. I feel Mr [redacted] wants conditions put in place to exempt him from any litigation as he knows full well his recycling dam will over flow into the property next door because he still hasn't put a pump on his recycling dam and by all accounts he is not going to.

Also I would just like to state we had no problems of flooding when the previous owners Mrs Jenny Noonan was the owner.

I would also just like to mention that we have sold the block in question but we had already applied for a building permit prior to and one was granted to the previous owner before us and the new owners want to continue on with alpaca breeding therefore requiring a planning permit.

Thank you for taking the time to read through my concerns. I look forward to hearing a response.

Yours sincerely

Luigi Vitullo  
Manager of Koonapaca Alpaca

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [6] - Attachment 6 - Objector's Response Forms**

Date 1/1/16

Moira Shire Council  
Att: Melissa Lotito  
PO Box 578  
COBRAM 3644

Dear Melissa,

**Objectors Response to Application for Planning Permit 5/2015/232**

After further consideration of the application:

We wish to now withdraw our / my objection to the above mentioned application.

We / I do not wish to withdraw our / my objection and would like Council to make a decision on the application at the next available Ordinary Council Meeting.

Please tick one of the boxes above.

Signed: [Redacted]  
Name(s): [Redacted]  
Date: [Redacted]

11 JAN 2016

FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [6] - Attachment 6 - Objector's Response Forms**



GBCMA Ref: F-2015-0781  
Document No: 7

Council Ref: 5/2015/232

Date: 22 December 2015

www.gbcma.vic.gov.au

Ms Melissa Lotito  
Town Planner  
Moira Shire Council  
PO Box 578  
Cobram Vic 3643

Dear Ms Lotito

**Planning Permit Application No: 5/2015/232  
Proposed Dwelling  
Lot 1, TP160556, Parish of Yarroweyah  
6915 Goulburn Valley Highway, Koonoomoo**

I refer to your letter of 10 December 2015 which included a letter from the applicant detailing significant local drainage issues in the neighbourhood.

However, the drainage issues to which the applicant refers play an insignificant part in the flooding regime of the subject property.

The property is relatively low-lying land that is situated within a major flood corridor, which operates when flood waters spill over the Dicks Levee. Dicks Levee has been designed to overflow when floods with greater than 30-year ARI occur in order to protect the township of Cobram from flooding.

The flood levels quoted (and associated flood depths) have been established by an extensive flood study for the region titled Murray River Regional Flood Study and is the most comprehensive flood information available for this region.

In the light of the above information, the Goulburn Broken CMA **cannot withdraw its objection** to the granting of a permit.

Please note that 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.

Head Office:  
Shepparton  
168 Winton Street  
PO Box 1292  
Shepparton Vic 3633  
Telephone: (03) 5821 2200  
Facsimile: (03) 5821 8252

Branch:  
88 Sydney Road  
PO Box 123  
Moriah Vic 3632  
Telephone: (03) 5761 1611  
Facsimile: (03) 5761 9547

Via:  
570 High Street  
W.V. Vic 3717  
Telephone: (03) 5762 4400  
Facsimile: (03) 5762 3109

OUR VISION 1 of 2  
Healthy, resilient and economically productive landscapes supporting rural communities

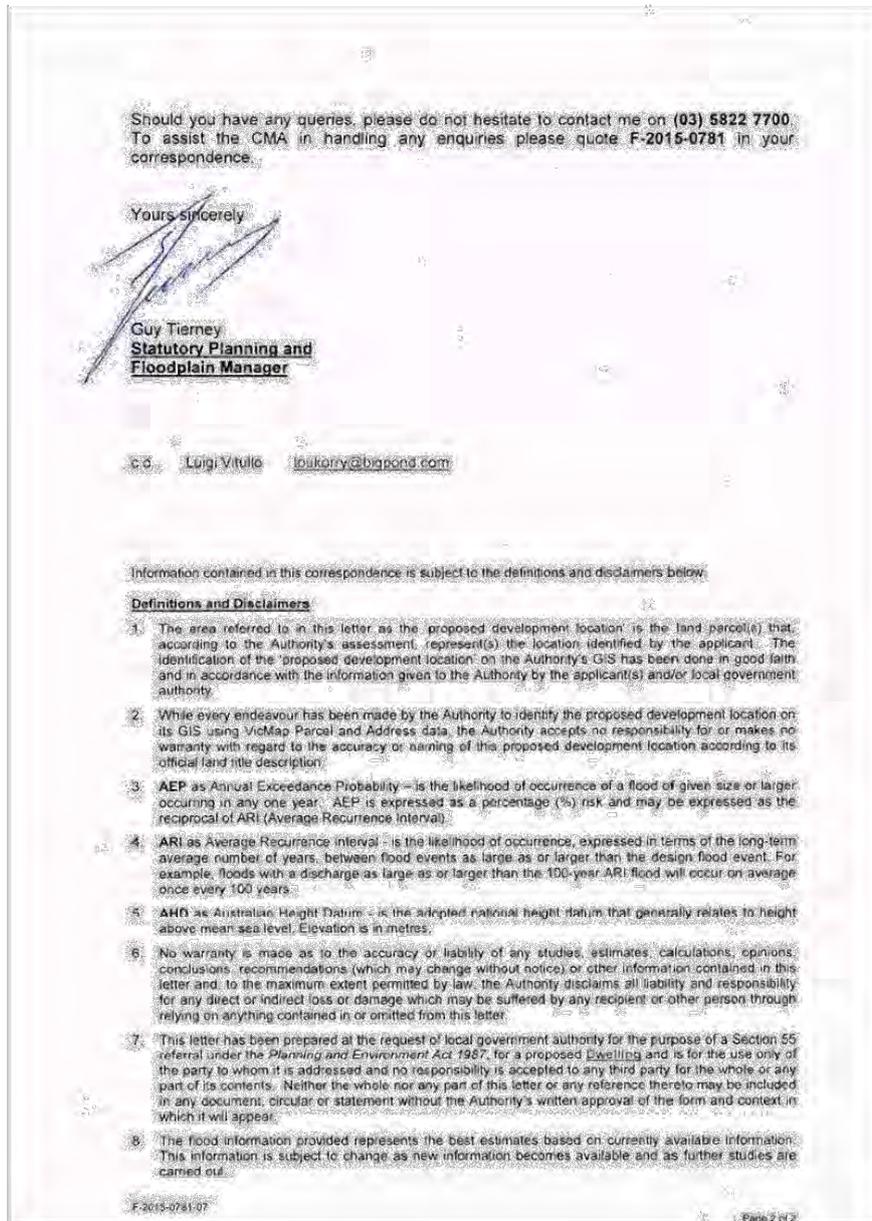
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FILE NO: 5/2015/232  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3  
(TOWN PLANNER, MELISSA LOTITO)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**APPLICATION FOR THE USE AND DEVELOPMENT OF LAND FOR A SINGLE DWELLING - 6915 GOULBURN VALLEY HIGHWAY, YARROWEYAH (cont'd)**

**ATTACHMENT No [6] - Attachment 6 - Objector's Response Forms**



FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH

### RECOMMENDATION

That Council approve the Development Plan for Banksia Close showing 7 lots with vehicular access from Russell Street and Maple Crescent and pedestrian access from Banksia Close.

#### 1. Executive Summary

A request has been received to approve a Development Plan for an infill site in Banksia Close Numurkah. The proposed plan contains 7 lots.

The Development Plan was not required and has not been referred or specifically advertised.

The Development Plan has been reviewed and assessed by the Development Assessment Team.

The Development Plan has generally satisfied the requirements of the Development Plan Overlay of the Planning Scheme.

It is recommended that the Development Plan for Banksia Close be approved.

#### 2. Background and Options

Planning Permit Application TP1100198 was submitted on 8 August 2011 for the purpose of subdividing land into 19 residential lots having areas of between 410 to 650 square metres.

The application was advertised and referred. A total of 9 objections were received mainly relating to drainage, traffic, access and size of lots not being consistent with its surrounds.

The application was amended on 24 February 2012 to make changes to vehicular access and traffic flow, also the provision of more drainage information and to include the removal of an easement. The application was re-advertised and no objections were withdrawn.

Since the application was submitted, the Moira Planning Scheme has been amended via Amendment C63 (approved 26 July 2012) implementing the Numurkah Strategy Plan. One of the changes involved the imposition of a Development Plan Overlay over part of the subject land and other parcels of land elsewhere in the town for residential and industrial purposes.

A number of meetings with the developer have since taken place which has brought about a drainage design, submission of a traffic impact assessment report and a re-evaluation of the proposed subdivision, particularly in relation to the Development Plan Overlay.

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)**

The developer finally withdrew the application with a view to submitting a Development Plan showing a subdivisional layout design with substantially less lots and road works. All the objectors to the application were advised of the withdrawal including the process of the Development Plan and provision of a proposed layout.

A proposed layout plan was submitted showing 5 lots with access from three locations (Banksia Close, Russell Street and Maple Crescent). This layout design was assessed and determined that it was not appropriate in terms of the surrounding settlement pattern and the underutilization of the site. This plan was more like a low density residential subdivision rather than a conventional subdivision with residential sized lots.

A revised layout plan has been submitted showing 7 lots ranging in size from 1220 to 3640m<sup>2</sup> with vehicular access from Russell Street (including a court bowl) and Maple Crescent. Only pedestrian access is proposed from Banksia Close. This revised plan is considered to be more appropriate. The developer is therefore seeking Council approval as the Development Plan for this site.

The options available to Council with respect to this proposed Development Plan are:

- 1) Approve the Development Plan
- 2) Refuse the Development Plan
- 3) Defer consideration

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

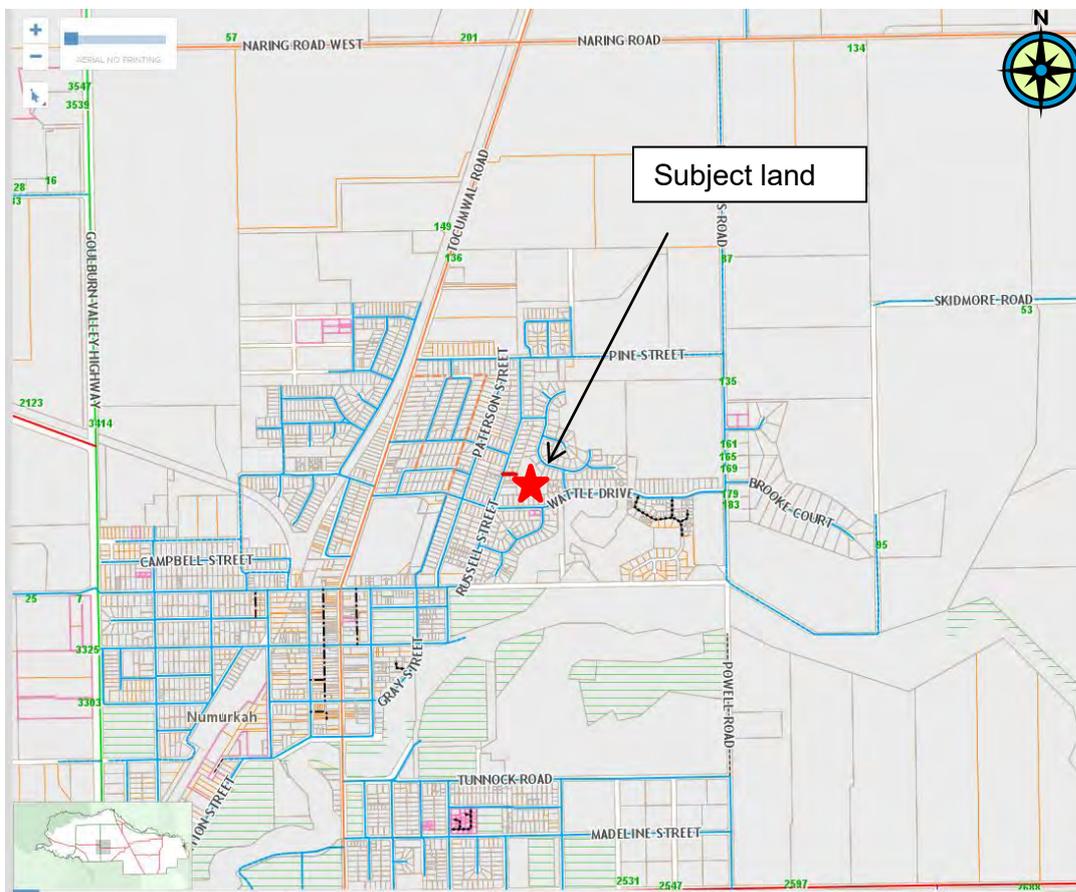
ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)**

**3. Subject land and locality**

The land is located in between Russell Street, Banksia Close and Maple Crescent. The land currently consists of 2 allotments, Lot A PS304208G and Lot 1 PS330930L and has a total area of 1.428ha. It is contained within the General Residential Zone under the Moira Planning Scheme and is partially affected by the Development Plan Overlay.

The land is currently vacant and is surrounded by dwellings on conventional residential lots each containing single dwellings except for one allotment which contains multiple dwellings.



FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)**



#### 4. Planning Scheme Provisions

The purpose of the Development Plan Overlay is:

*To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*

Schedule 11 to the Overlay specifically outlines what is required to be contained in Development Plan, namely:

- *The Development Plan should be accompanied by the following information to the satisfaction of the Responsible Authority:*
  - *An Environmental Assessment of the land,*
  - *An archaeological survey and heritage assessment*
  - *A Stormwater Management Plan*
  - *A Drainage Management Plan,*
  - *A Preliminary Soil Assessment*
  - *A Traffic Management and Impact Mitigation Plan*

*The development plan should show or include the following details to the satisfaction of the Responsible Authority:*

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

### DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)

- *The proposed development of each part of the land.*
- *The relationship of the land to the adjoining land, particularly any residential/nonresidential interface.*
- *The layout of the subdivision and development of the land including roads, lot boundaries, building envelopes and areas of open space.*
- *Provision of public open space that:*
  - *Has an area no less than 5% of the land to be used for residential, purposes.*
  - *Provides appropriate interfaces between residential areas and surrounding areas.*
  - *Provides for connectivity both internally and externally.*
  - *Incorporates low-lying areas.*
  - *Incorporates large existing trees wherever appropriate.*
  - *Recognises important landscape views and vistas.*
  - *Is landscaped and planted out with lawn areas, native grass areas and trees and shrubs of local provenance.*
  - *Ensures that where land adjoins the Goulburn Valley Highway and where no service or access road exists immediately adjoining the Highway road reserve, it is provided with a landscape buffer treatment a minimum of 10 metres wide.*
  - *Provision is made for the watering of existing and proposed vegetation.*
  - *Is based on a landscape design prepared by a suitably qualified person.*
- *Areas for any recreational uses including sporting facilities, walking and cycling tracks and internal water features.*
- *The provision of safe and efficient vehicle and pedestrian access to and from the land.*
- *Provision for public transport throughout the neighbourhood with appropriately located and designed bus stops.*
- *How the proposed development addresses any flood or inundation impacts on the land.*
- *The proposed street tree and planting regime with preference given to vegetation of local indigenous species.*
- *An assessment of required social services and community infrastructure and the means by which the services and infrastructure are to be provided including, but not limited to, the type of community, commercial and recreational facility, locations, timings and means of delivery.*
- *An environmental assessment of the flora, fauna and habitat significance of the land which includes recommended actions for management, revegetation and restoration of conservation and vegetation protection areas and the links between such areas.*
- *Retention and integration of individual and stands of mature trees, particularly indigenous trees. An arboriculture survey of all existing trees on the land and their condition, health and integrity including appropriate measures for the long term preservation of the tree(s) having regard to their proposed open space or development context.*
- *A "Net Gain" assessment and analysis of any native vegetation to be removed. The assessment and analysis must have regard to Victoria's Native Vegetation Management – A Framework For Action, and include how vegetation loss will be avoided or minimised. Where there is no alternative to vegetation removal, the details must include the location of the required offsets. This assessment must be to the satisfaction and approval of the Department of Sustainability and Environment.*

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2. IMPROVING MOIRA'S LIVEABILITY

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COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)

- *Opportunities for a diverse range of allotment densities and dwelling types. A statement of housing outcomes, population and lot yield targets must be submitted.*
- *An environmental assessment identifying any environmental hazards or contamination on the land and proposed treatments, if any; or a qualified statement indicating the absence of such hazards or contamination.*
- *Where land abuts a road in a road zone, new street access to the road is to be minimized and/or managed in line with the requirements of VicRoads.*
- *In rural residential areas, appropriate transitional arrangements are required at the interface of land zoned for Low Density Residential and Residential 1 being either a graduated decrease in lot size from the larger lots to the smaller lots or the provision of public open space at the interface.*

*Any development plan that is prepared and approved must include:*

- *Processes for making changes to the development plan, including, if appropriate, a public consultation period and a requirement that the responsible authority approve any changes to the development plan.*

The applicant submits the following to address the provisions of the overlay:

### Environmental Assessment

*The subject land is in a very modified state, having been long-since cleared, regraded and constantly disturbed for agricultural production. The land was then further disturbed and re-formed as part of residential development on surrounding land. To this end, landholder submits that there are no areas of biodiversity significance or habitat value that need to be protected or incorporated into the development.*

### Archaeological survey

*The subject land is mapped as being partially within an area of cultural heritage sensitivity on published Victorian Government data, most-likely due to its proximity to a former watercourse. Under Section 6 of the Aboriginal Heritage Regulations 2007, preparation of a Cultural Heritage Management Plan (CHMP) is mandatory before approval of a 'high impact activity' on land within an area of cultural heritage sensitivity. However, land within 200m of a named watercourse that has been subject to 'significant ground disturbance' is considered to not be an area of cultural heritage sensitivity. The owner submits that the land has been subject to significant ground disturbance - as defined in the Aboriginal Heritage Regulations - including being cleared, deep ripped and re-formed for agricultural use; then stripped of all topsoil and filled as part of its transformation to an urban area. Therefore, the owner considers it highly unlikely that there would be any remains of Aboriginal archaeological sites on the land.*

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

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(STATUTORY PLANNING  
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(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)

### Stormwater and Drainage Management Plan

*A revised Conceptual Stormwater Drainage Layout Plan CS&A Drawing No. 12037/CD01; Rev. 7, is attached herewith. This plan is based on retention calculations (for runoff coefficients for assumed post-development surface areas) to achieve the post-development discharge set out on the plan and MUSIC modelling to ensure storm water emanating from the site will achieve "Best Practice" guidelines for water quality.*

### Preliminary Soil Assessment

*This is not warranted as the land has long-since been converted to an urban use, even though it has remained vacant, pending development since the 1980s. There are no visual signs of contamination such as dying vegetation or scattered debris and there are no known fill sites on the land.*

### Traffic Management and Impact Plan

*A Traffic Impact Assessment Report (TIAR) was prepared by Paffrath Consulting (dated January 2013) and submitted as part of an application for planning permit for a 16 lot residential development of the site (subsequently withdrawn). That report concluded that the proposed development could utilise the existing connections to Russell Street and the existing road network without any noticeable adverse impacts on traffic amenity levels. It is submitted that the results of this previous TIAR provides confidence that the latest revised layout – with 5 lots accessing Russell Street – will not cause adverse amenity impact on the surrounding road network.*

*The layout also provides for two lots to be accessed from Maple Crescent, via a common property driveway. It is also submitted that these additional two lots will not have any noticeable impact on the continued safe operation of Maple Crescent.*

*The DP includes creation of a new road, which will be an "access place" cul-de-sac. The road will be designed to cater for two-way traffic with a court bowl turning area at the terminal end with a radius of 10 metres (which accords with the IDM). It is submitted that this access place will provide safe and logical access to the five proposed lots for residents, visitors and service vehicles (including garbage trucks).*

Given that the land is not a 'green field' site, rather, a site for infill development, it is considered that the information that has been submitted is a reasonable response to satisfy the requirements of the Overlay. Any detailed information in relation to infrastructure or the like could be submitted as part of any planning permit application.

Based on the above, the Development Plan has demonstrated that there are no environmental issues; no cultural heritage issues; no soil issues; that the site can be accessed and without noticeable adverse traffic impacts; and that stormwater and drainage issues can be addressed by appropriate designs to achieve the required standards.

## **5. Financial Implications**

The approval of the Development Plan will allow the proponent to lodge planning permit applications for the subdivision of land. Statutory fees will apply to any planning permit application and the certification of plans of subdivision.

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)

Any development costs associated with the subdivision of land ie construction of roads, drainage, provision of services (electricity, water, sewerage, telecommunications, gas) are borne by the developer.

Once the roads, drainage system and any public open space reserves are constructed and installed following a maintenance and defect liability period, these assets and infrastructure will become Council's responsibility to maintain. Operational budgets will be adjusted accordingly.

Naturally, Council rates will apply to the creation of any new lots and improvement to these lots (ie construction of dwellings).

### 6. Risk Management

The Development Plan provides the opportunity for future development that must produce assessments or reports on various aspects mentioned elsewhere in this report. Any problem with development in this area would be identified and therefore could be addressed through the planning permit process.

### 7. Internal and External Consultation

The previous Planning Permit application for 19 lots, that has subsequently been withdrawn, was referred to all required servicing authorities and relevant internal departments and no objections were received, subject to conditions.

The proposed draft Development Plan containing 5 lot was reviewed by the Development Assessment Team and was not supported as it was not in keeping with the surrounding settlement pattern.

The proponent subsequently revised the Development Plan (final draft ) to include two additional lots and vehicular access which was considered acceptable to the General Manager Infrastructure.

The Development Plan was not required to be referred to servicing authorities given that there was no objection to the previous planning application. Any future planning permit application will be referred to referral (servicing) authorities.

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)

### 8. Community Consultation

There are no statutory processes in exhibiting a Development Plan or for making submissions. Such plan is prepared only to the 'satisfaction of the Responsible Authority' without the requirement to give notice, ability to consider objections or provide a right of review.

As previously stated the planning permit application for a 19 lot subdivision was submitted prior to the Development Plan Overlay being implemented, which was advertised and attracted objections, mainly relating to traffic, access and drainage. These issues have been given attention by the proponent to the extent that a traffic report and stormwater and drainage strategy have been prepared.

Whilst these reports and strategies formed part of the application, it is clear that the proposed Development Plan is significantly reduced in terms of the number of lots, the amount of traffic it will generate and less stormwater generation from subsequent residential development on the lots, meaning that there will be less pressure on the drainage system.

The concerns expressed by the previous objectors to the permit application are therefore considered to be substantially reduced. It is noted that the objectors were informed of the withdrawal of the application and the submission of the then proposed draft Development Plan showing 5 lots.

### 9. Regional Context

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

### 10. Council Plan Strategy

It is considered that the proposed development is generally consistent with the following strategies set out in the Council Plan:

- *Environment* – that Moira will responsibly manage its environment.
- *Development* – that Moira will be a great place to live.

### 11. Legislative / Policy Implications

The Moira Planning Scheme requires that prior to any approval of a planning permit, a Development Plan be approved under Clause 43.04 of the Scheme.

As previously stated there is no statutory process in approving a Development Plan, exhibiting a Plan or for making submission to a Plan.

Once a Development Plan is approved a planning permit application is able to be lodged for consideration. Such application must generally accord with the approved Development Plan.

If the planning permit application accords with the approved Development Plan, it is exempt from the Public Notice requirements and appeal rights, pursuant to Clause 43.04-2 of the Planning Scheme.

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)**

**12. Environmental Impact**

The approval of this Development Plan is unlikely to result in an adverse effect on the environment.

**13. Conflict of Interest Considerations**

No officer conflict of interest applies to the matters in this report

**14. Conclusion**

The subject land is located within an established residential area and has frontage to three roads.

The land has been subject to a planning permit application containing 19 lots that attracted a number of objections. Prior to the withdrawal of the application a Development Plan Overlay was imposed over a portion of the site.

In order to advance on any subsequent planning permit application to develop the land, a Development Plan has to be prepared.

After a few draft subdivisional layouts, a plan showing 7 lots has been prepared that is considered reasonable, being substantially less than the previous 19 lot subdivision and more in keeping with its surrounding settlement pattern. It will also substantially reduce any traffic and drainage impacts than the 19 lot subdivision would have produced.

It is considered that the Development Plan has satisfied the requirements of the Development Plan Overlay, therefore it should be approved.

**Attachments**

- 1 Planning Permit Application 52011198 - 19 lot Subdivision
- 2 Development Plan - draft 1
- 3 Development Plan - draft 2
- 4 Development Plan - draft 3 - Final
- 5 Development Plan Overlay Map - Numurkah









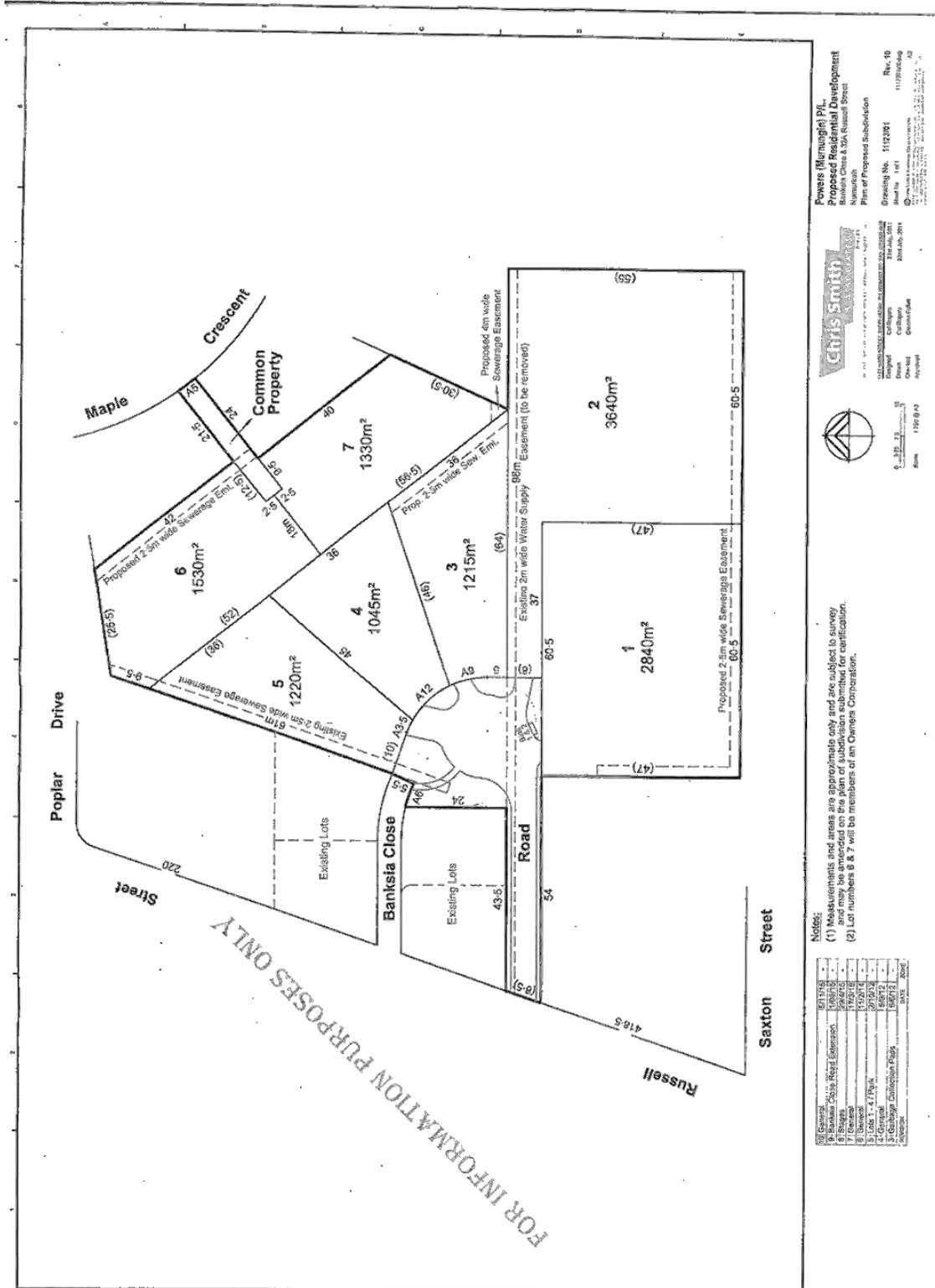


FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)**

ATTACHMENT No [4] - Development Plan - draft 3 - Final

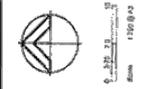


**Chris Smith**  
CONSULTANTS  
122 WOODVILLE ROAD, WOODVILLE, SA 5011  
Tel: 08 8333 3333  
Fax: 08 8333 3334  
www.chris-smith.com.au

**Powrie (Managing) Pty Ltd**  
Proposed Residential Development  
Banksia Close & Saxton Street  
Numurkah  
Plan of Proposed Subdivision

Grading No. 112281  
Sheet No. 1 of 1  
Drawn by: JST  
Checked by: JST  
Date: 11/12/2014

Scale: 1:100 @ A3



Notes:  
(1) Measurements and areas are approximate only and are subject to survey and may be amended on the plan of subdivision submitted for certification.  
(2) Lot numbers 6 & 7 will be members of an Owners Corporation.

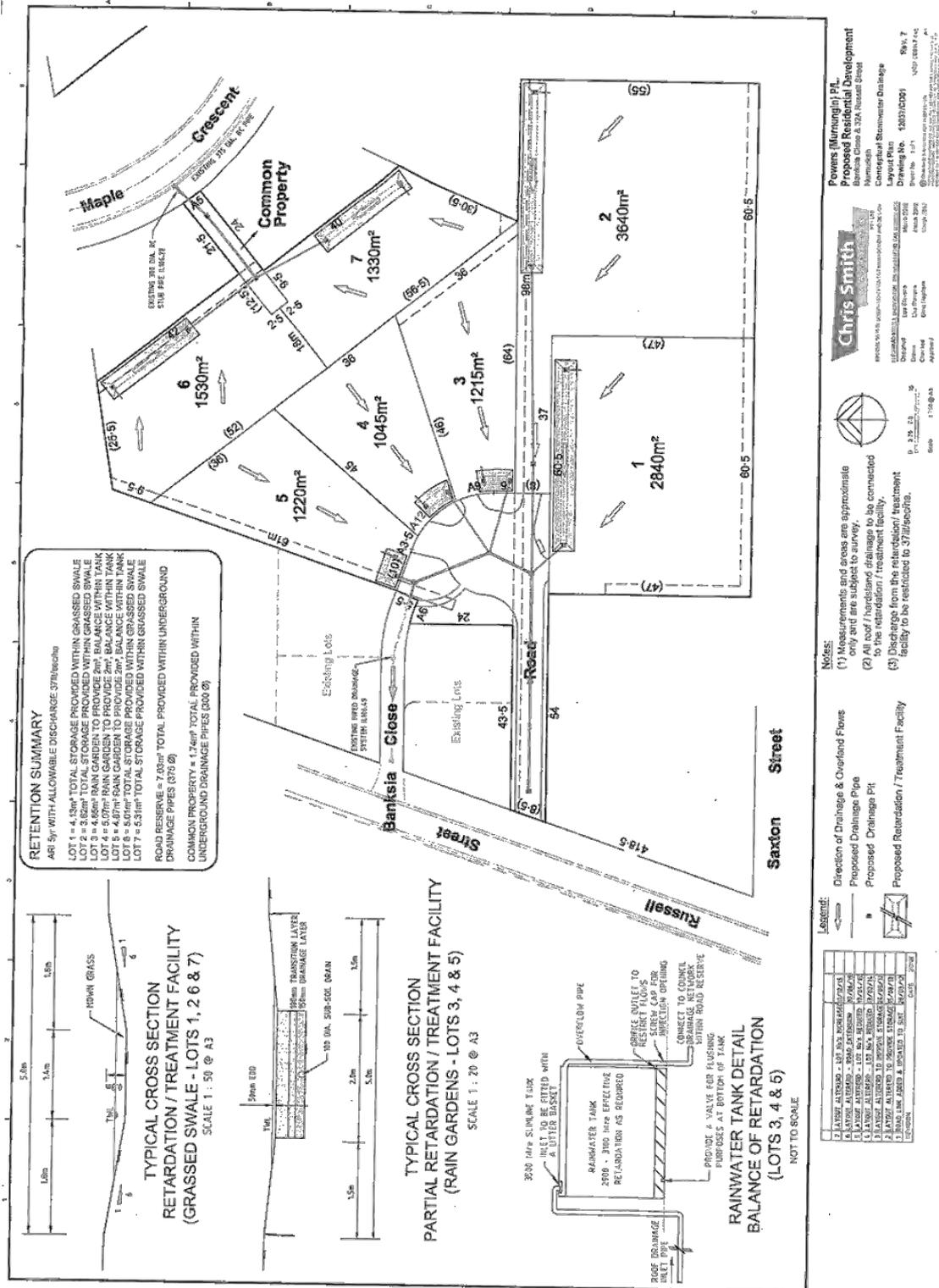
Lot	Area (m <sup>2</sup> )	Area (Acres)
1	2840	0.65
2	3640	0.83
3	1215	0.28
4	1045	0.24
5	1220	0.28
6	1530	0.35
7	1330	0.30
<b>Total</b>	<b>15220</b>	<b>3.53</b>

FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)**

**ATTACHMENT No [4] - Development Plan - draft 3 - Final**

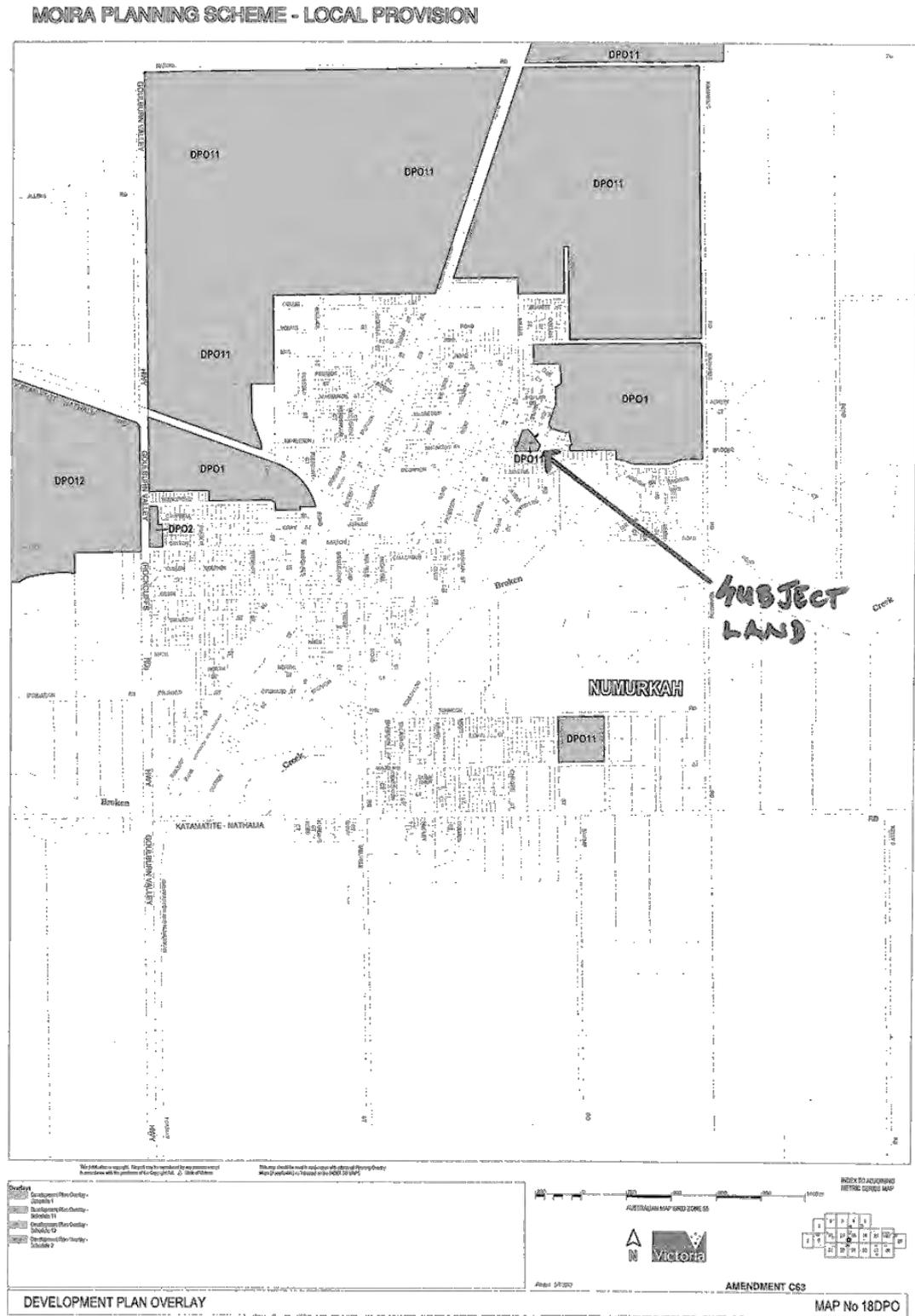


FILE NO: F15/204  
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4  
(STATUTORY PLANNING  
COORDINATOR, PETER STENHOUSE)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

**DEVELOPMENT PLAN - BANKSIA CLOSE, NUMURKAH (cont'd)**

**ATTACHMENT No [5] - Development Plan Overlay Map - Numurkah**



FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 10.1  
(EXECUTIVE ASSISTANT TO CEO,  
ROBYN BONADDIO)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST

### RECOMMENDATION

That Council receive and note the Action Officers' List.

### Executive Summary

The attached Action Officers' List provides an update on the status of actions from previous Council meetings. It is provided to Councillors in order to keep them informed of progress.

### Attachments

- 1 Action Officers' List

FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 10.1  
(EXECUTIVE ASSISTANT TO CEO,  
ROBYN BONADDIO)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers' List

Action Officers List – February 2016

<b>Meeting:</b> 14 December 2015
<b>Subject:</b> Recreation Vehicle Strategy
<p><b>MOTION</b></p> <p>CRS BRIAN KEENAN / KEVIN BOURKE</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>Promotes Moira Shire in partnership with the tourism industry as a destination that welcomes tourists travelling with Recreational Vehicles (RVs) and highlights the relevant facilities and experiences encouraging visitation and increased length of stay.</li> <li>Release the draft Recreational Vehicle (RV) Strategy for stakeholder feedback.</li> <li>Thank the RV Friendly Working Group for its development of the draft strategy</li> </ol> <p style="text-align: right;">(CARRIED)</p>
<p><b>Activity</b></p> <ul style="list-style-type: none"> <li>Recreation Vehicle Strategy released and feedback received from the community. Next step is to review the feedback and present to Council.</li> <li>Letters thanking the working group have been sent.</li> </ul>
<b>Meeting:</b> Ordinary Council Meeting 23 November 2015
<b>Subject –</b> General Business
<p><b>MOTION</b></p> <p>CRS PETER MANSFIELD / BRIAN KEENAN</p> <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>
<p><b>Activity</b></p> <p>Submission will be provided on advice of the intended planning process.</p>
<b>Meeting:</b> Ordinary Council Meeting 23 November 2015
<b>Subject –</b> General Business
<p><b>MOTION</b></p> <p>CRS PETER MANSFIELD / DON MCPHEE</p> <p>That Council establish a steering committee of stakeholders on the future options for the Yarrowonga Library to be considered during the budget process for 2016/2017.</p> <p style="text-align: right;">(CARRIED)</p>
<p><b>Activity</b></p> <p>General Manager Corporate currently establishing steering committee with the initial meeting date to be confirmed shortly.</p>

FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 10.1  
(EXECUTIVE ASSISTANT TO CEO,  
ROBYN BONADDIO)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers' List

Action Officers List – February 2016

<b>Meeting:</b> Ordinary Council Meeting 26 October 2015
<b>Subject</b> – Notice of Motion
<p><b>MOTION</b></p> <p>CRS DON MCPHEE / BRIAN KEENAN</p> <p>That the sum of \$200,000 previously allocated for the Yarrawonga foreshore all abilities playground be now allocated to playground in Yarrawonga with the emphasis on disability playground equipment.</p> <p style="text-align: right;">(CARRIED)</p>
<b>Activity</b> Project to be scoped and reported to Council.
<b>Meeting:</b> Ordinary Council Meeting 26 October 2015
<b>Subject</b> – Moira Shire Community Safety Plan
<p><b>MOTION</b></p> <p>CRS KEVIN BOURKE / ALEX MONK</p> <p>That the report to be deferred to such time that the information from the Community Safety Forum is considered.</p> <p style="text-align: right;">(CARRIED)</p>
<p><b>Activity</b></p> <ul style="list-style-type: none"> <li>• Safety Forum held 16 December 2016</li> <li>• Information received from workshop currently being collated by consultant with some follow up work being done with relevant stakeholders who attended</li> <li>• Draft plan expected Mid-February</li> <li>• Draft plan to be presented at next Local Safety Committee meeting to be held in Cobram on in March.</li> </ul>

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6. GOVERNANCE

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## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers' List

Action Officers List – February 2016

<b>Meeting:</b> Ordinary Council Meeting 28 September 2015
<b>Subject:</b> Yarrowonga Holiday Park Lease
<p><b>MOTION</b></p> <p>CRS DON MCPHEE / PETER MANSFIELD</p> <p>That:</p> <ol style="list-style-type: none"> <li>1. Council give notice of its intention to enter into a lease of the Yarrowonga Holiday Park with the Yarrowonga Holiday Park Inc (YHP Inc) in accordance with the Local Government Act;</li> <li>2. In the interim period from when the existing lease expires on 30 November 2015 until a new lease is established, Council grant the YHP Inc a licence to continue to manage the Park on equivalent terms to the current lease.</li> </ol> <p style="text-align: right;">(CARRIED)</p>
<b>ACTIVITY</b> Report in the 22 February 2016 Ordinary Council Meeting Agenda.
<b>Meeting:</b> Ordinary Council Meeting 27 July 2015
<b>Subject:</b> Lott Street Yarrowonga
<p><b>MOTION</b></p> <p>CRS WENDY BUCK / BRIAN KEENAN</p> <p>That:</p> <ol style="list-style-type: none"> <li>1. Council consult with the Yarrowonga community about the Lott Street residents proposal to remove semi mature spotted gum trees from Lott Street, Yarrowonga and replant the street with Griffith Pink Brachychitron trees, and that consultation be done in conjunction with seeking a Town Planning Permit to undertake the works.</li> <li>2. Council consider the project as part of future budget reviews and capital programs, subject to the outcome of a wider consultation program to be done as part of the Town Planning process.</li> <li>3. Council thank the residents who participated in the consultation program, and advise them of Council's decision.</li> </ol> <p style="text-align: right;">(CARRIED)</p>
<p><b>ACTIVITY</b></p> <ul style="list-style-type: none"> <li>• A Town advertising and feedback process will follow the assessment.</li> <li>• Planning permit has been applied for.</li> <li>• The assessment of Native Vegetation is currently being carried out</li> <li>• Advertisement to be done February/March</li> </ul>

FILE NO: 11.1  
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(EXECUTIVE ASSISTANT TO CEO,  
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LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers' List

Action Officers List – February 2016

<b>Meeting:</b> Ordinary Council Meeting 27 July 2015
<b>Subject:</b> General Business
CRS KEVIN BOURKE / BRIAN KEENAN
That Council work with St Mary's of the Angels and Nathalia Secondary College to erect a school crossing in Pearce Street Nathalia. (CARRIED)
<b>ACTIVITY</b>
<ul style="list-style-type: none"> <li>• School crossing was discussed with Vicroads at Traffic Liaison Committee.</li> <li>• Proposed location, Pearce Street, west of Chapel Street, sent to Vicroads for comments.</li> <li>• Comments / advice received 2 February 2016 from Vicroads on installation requirements. These will be followed up by Construction &amp; Assets Department.</li> </ul>
<b>Meeting:</b> Ordinary Council Meeting 27 July 2015
<b>Subject:</b> General Business
<b>MOTION</b>
CRS WENDY BUCK / DON MCPHEE
That Council Officers investigate and report to Council on options relating to all ability playground equipment in Yarrawonga. (CARRIED)
<b>ACTIVITY</b>
Report to be presented in conjunction with the Recreation Strategy, to ensure that the report and any recommendation is complementary to the Recreation Strategy.

FILE NO: 11.1  
6. GOVERNANCE

ITEM NO: 10.1  
(EXECUTIVE ASSISTANT TO CEO,  
ROBYN BONADDIO)  
(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers' List

Action Officers List – February 2016

<b>Meeting:</b> Ordinary Council Meeting 23 March 2015
<b>Subject:</b> Petition Maple Crescent Park, Numurkah
<p><b>MOTION</b></p> <p>CRS ALEX MONK / KEVIN BOURKE</p> <p>That:</p> <ol style="list-style-type: none"> <li>1. The local community be consulted and participate in development of a plan, as well as works to implement the plan, to develop the Maple Crescent Park.</li> <li>2. The petition organizer be thanked for their time and effort taken to prepare and circulate the petition.</li> </ol> <p style="text-align: right;">(CARRIED)</p>
<p><b>ACTIVITY</b></p> <p>Residents have accepted a concept design. Meeting to be organised regarding costing and implementation.</p>

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(EXECUTIVE ASSISTANT TO CEO,  
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(GENERAL MANAGER - CORPORATE,  
LEANNE MULCAHY)

## ACTION OFFICERS LIST (cont'd)

### ATTACHMENT No [1] - Action Officers' List

Action Officers List – February 2016

<b>Meeting:</b> Ordinary Council Meeting 23 February 2015
<b>Subject:</b> Lease to Telstra Corporation Limited - Nathalia Telecommunications Tower
<p><b>MOTION</b></p> <p>CRS KEVIN BOURKE / DON MCPHEE</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Resolve to enter into a lease with Telstra Corporation to occupy part of the Moira Shire Council telecommunications tower and land located at 77 Blake St Nathalia.</li> <li>2. Authorise the CEO to sign and seal the lease proposal and lease documents.</li> </ol> <p style="text-align: right;">(CARRIED)</p>
<b>ACTIVITY</b>
Draft lease received for review. Await amended plans.
<b>Meeting:</b> Ordinary Council Meeting 12 December 2011
<b>Subject:</b> Local Law 2007 Meeting Procedure
<p><b>MOTION</b></p> <p>That Council review the Local Law 2007 Meeting Procedure.</p> <p style="text-align: right;">(CARRIED)</p>
<b>ACTIVITY</b>
Preliminary review complete and will be presented to Councillors before mid-year.

FILE NO: D15/78411  
3. BUILD ON OUR ECONOMIC STRENGTHS  
IN AGRICULTURE, MANUFACTURING AND  
TOURISM

ITEM NO: 13.1  
(MANAGER STRATEGIC PROJECTS,  
MARK FOORD)  
(GENERAL MANAGER  
INFRASTRUCTURE, ANDREW CLOSE)

## MURRAY GOULBURN RECYCLED WATER SUPPLY

### RECOMMENDATION

That Council authorise the Chief Executive Officer to sign and attach the Council seal to documents in relation to the supply and delivery of recycled water from the Murray Goulburn plant in Cobram to surrounding farm properties.

An agreement has existed for many years for the transfer of recycled waste water from the Murray Goulburn site in Cobram to farms in the area. The supply and use of the water has been successful and has been operating for some time. A change of ownership of one of the farms has occurred and the agreement for this farm is to be signed in accordance with past practice.

### Attachments

Nil

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) (b) (d) 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.