



MOIRASHIRE



ENRICHING LIFE ON THE MURRAY

COUNCIL AGENDA

29 March 2016



Discover Moira



44 Station Street
Cobram Vic 3644
www.moira.vic.gov.au
webmaster@moira.vic.gov.au

AGENDA

ORDINARY MEETING OF COUNCIL FOR TUESDAY 29 MARCH 2016 TO BE HELD AT DANCOCKS ROOM, NATHALIA 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, 22 February 2016, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

NIL

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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 29 FEBRUARY 2016

RECOMMENDATION

That Council receives and notes the Financial Position Report as at 29 February 2016.

1. Executive Summary

The February 2016 finance report includes Rates and Charges totalling \$33.21 million (\$26.52 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 February a total of \$0.13 million of receipts were collected for prior year's rate debtors, this brings the year-to-date total collected to \$1.65 million or 71.19% 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 in excess of 30 days are within acceptable levels of 1.94% of total sundry debtors; this represents a figure of \$9,596 out of the total of \$493,409 and is under active management.

Cash and Cash Equivalents balance as at 29 February 2016 is \$30.27 million.

Council's financial position as at 29 February 2016 continues to be satisfactory.

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FINANCIAL POSITION REPORT AS AT 29 FEBRUARY 2016 (cont'd)

Moira Shire Council				
Funding Analysis Summary - February 2016				
Operating Income Statement	Ref	2015/16 Adopted Budget	Forecast Dec 2015	Actuals YTD 2015/16
Income				
Operating Grant		(10,932,084)	(6,163,336)	(4,622,252)
Operating Contributions		(86,962)	(56,500)	(91,842)
Reimbursements		(62,859)	(84,467)	(62,256)
Statutory Fees & Fines		(831,920)	(840,620)	(581,345)
User Charges		(2,731,290)	(2,724,568)	(1,541,131)
Other Revenues (incl. Waste Charges & Environmental Levy)		(7,035,256)	(7,138,369)	(6,894,533)
Interest Income		(350,000)	(350,000)	(309,878)
Net Proceeds - Land for resale		(42,000)	(96,331)	(96,331)
Total Income		(22,072,371)	(17,454,191)	(14,199,568)
Expenditure				
Employee Costs		20,169,063	19,454,338	11,329,193
Contractors		5,875,287	5,892,153	2,648,047
Materials & Services		11,627,863	12,202,328	6,252,830
Utilities		967,359	993,407	594,966
Other Expenses		3,833,926	4,246,380	2,339,049
Interest on Borrowings		464,541	464,541	310,618
Bad & Doubtful Debts		5,000	5,000	-
WDV of Disposal of Assets		60,000	60,000	-
Total Expenditure		43,003,039	43,318,147	23,474,703
Net Operational (Inflow) / Outflow		20,930,668	25,863,956	9,275,136
Net Operational (Inflow) / Outflow		20,930,668	25,863,956	9,275,136
Funding available through				
Rates and charges		26,863,347	26,854,347	26,591,592
Rate funds available for Capital Projects	A	5,932,679	990,391	17,316,456
Capital Expenditure		11,571,406	14,079,696	4,764,405
Capital External funding		(5,313,117)	(6,419,892)	(2,909,971)
Net Council Funding of Capital Projects	B	6,258,289	7,659,804	1,854,434
Surplus of Rate Funds after funding Capital Projects	A - B	(325,610)	(6,669,413)	15,462,022
Equity Inflow / (Outflow)		(829,560)	(829,560)	(436,814)
Net Rate Funds Surplus / (Shortfall)		(1,155,170)	(7,498,973)	15,025,208

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FINANCIAL POSITION REPORT AS AT 29 FEBRUARY 2016 (cont'd)

	2015/16 Adopted Budget	Forecast Dec 2015	Actuals YTD 2015/16
Reconciliation with Income Statement			
Net Rate Funds Surplus / (Shortfall)	(1,155,170)	(7,498,973)	15,025,201
Eliminate Balance Sheet items			
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	4,764,405
Accounting for Non-cash items			
Depreciation Expense and amortisation	(8,886,214)	(8,886,214)	(5,924,143)
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	-
Income Statement Surplus / (Deficit)	1,848,236	(1,987,277)	14,302,277

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FINANCIAL POSITION REPORT AS AT 29 FEBRUARY 2016 (cont'd)

Rates & Other Debtors Report - February 2016			
General Rates & Charges	Feb-15	Feb-16	Year on Year Variance
Rate Debtors Outstanding previous month + New Supplementary Charges	13,629,562	17,649,735	4,020,173
Collection for month	3,802,647	7,177,136	3,374,489
Rate Debtors Outstanding as at end of month	9,826,915	10,472,599	645,684
No. of Rateable Assessments	17,504	17,677	173
Rateable Valuation C.I.V	4,980,978,300	5,076,340,100	95,361,800
Special Scheme Debtors	Jan-16	Feb-16	Monthly Variance
Balance Outstanding	16,953	16,548	405
Sundry Debtors	Jan-16	Feb-16	Monthly Variance
Current	422,687	481,996	(59,309)
30 Days	9,450	1,817	7,633
60 Days	3,481	2,314	1,167
90 Days	1,787	1,579	208
> 90 Days	4,513	5,703	(1,190)
Total	441,918	493,409	(51,491)
Infringements	Jan-16	Feb-16	Monthly Variance
Balance Outstanding	158,840	156,716	2,124

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FINANCIAL POSITION REPORT AS AT 29 FEBRUARY 2016 (cont'd)

Quarterly Cash Position - Projection as at 31 March 2016	
	\$
Cash and Cash equivalents as per Balance Sheet - 29 Feb 2016	30,274,647
Confirmed inflow/(outflow) recorded in the books of accounts as of date	
Debtors - invoices registered in the system	467,666
Payroll	(1,950,000)
Fire Services levy - due to SRO [net of Creditors & Debtors]	(1,001,961)
Loan instalment due for the quarter	(74,543)
Estimated future (outflows) and inflows up to 31 March 2016	
Creditors - estimated quarterly payout	(2,000,000)
Rates	603,662
Capital Grants	-
Operating Grants	-
Projected Cash Balance as at 31 Mar 2016	26,319,471
Following restrictions imposed on Cash and cash equivalents by	
Restricted reserves - Open Space, Car Parking & Net Gain Native	
Vegetation reserves	(1,337,837)
Long Service leave	
Current	(2,007,902)
Non-current	(266,252)
Trust Funds and Deposits	(756,091)
Unexpended Grants [estimated for the year end]	(500,000)
Projected Unrestricted Cash Balance as at 31 Mar 2016	21,451,389

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

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FINANCIAL POSITION REPORT AS AT 29 FEBRUARY 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 29 February 2016 is in line with approved forecast and builds on a strong 2014/15 year end result.

Attachments

Nil

FILE NO: F16/18
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

CARETAKER POLICY

RECOMMENDATION

That Council:

1. Adopts the Caretaker Policy attached to this report; and
2. Authorises the Chief Executive Officer to make minor editorial changes to the Caretaker Policy if required.

1. Executive Summary

Council must prepare and adopt an election period policy, more commonly referred to as a caretaker policy, by 31 March 2016. The Caretaker Policy commits Council to meeting statutory requirements and additional recommendations by Local Government Victoria, leading up to and during the election period. Entering into a caretaker role is a moral obligation, followed by federal and state governments, to support probity and confidence in the election process.

Council will be operating in a limited capacity during the election period. Day to day decisions will be made by the Chief Executive Officer or members of Council staff under delegation, provided that a decision would not affect voting in the election.

The Caretaker Policy applies to Councillors, the Chief Executive Officer and members of Council staff or contractors.

2. Background and Options

The *Local Government Act 1989* (the Act) now requires Council to prepare an election period policy to be applied by Council during the election period. The election period starts at midnight on Tuesday 20 September 2016 and ends at 6pm on Saturday 22 October 2016. In 2012 Council adopted an Election Period Caretaker Policy, a practice recommended by Local Government Victoria.

The Caretaker Policy is based on Council's 2012 policy and good practice advice from the Local Government Investigations and Compliance Inspectorate. The new policy complies with statutory requirements and guidance included in the Local Government Victoria guide on *Reforms arising from the Local Government Amendment (Improved Governance) Act 2015*.

The new Caretaker Policy includes the following changes, from the 2012 policy:

- Council will operate in a limited capacity, rather than a business as usual approach.
- Recognition of the moral obligation to enter a caretaker period, a convention followed by federal and state governments.
- Start and finish dates for the 2016 election period are set out within the policy, not just on the front cover.
- Roles and responsibilities for Councillors, the Chief Executive Officer and Council staff (or contractors) are included.
- There will be no Council, Special (section 86) or Advisory Committee meetings held.

FILE NO: F16/18
5. DEMONSTRATING GOOD GOVERNANCE

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CARETAKER POLICY (cont'd)

- Decisions will only be made on day to day operational matters by the Chief Executive Officer or Council staff, provided the matter would not affect voting in the election and cannot reasonably wait until after the election.
- The release of publications and communications will be scheduled to avoid the election period where possible.
- Council's internet and social media sites are listed in the policy and a disclaimer will be included on these sites indicating that Council is in a caretaker role, which is similar to what is done for state government departmental sites during an election.
- For any Council or Special (section 86) Committee meetings that are held (should special circumstances arise requiring a meeting) the content of any agenda will be vetted.
- Council will avoid holding or sponsoring public consultation, events, citizenship ceremonies, functions and meetings.
- Statutory requirements that prevent Councillors from misusing their position, or giving improper direction, or exerting improper influence over a member of Council staff and the associated serious penalties are included.
- Councillors are responsible for expenses that relate to, or could be perceived to relate to, an election campaign.
- Briefing notes or weekly newsletter will not be prepared for Councillors and Council briefing meetings will not be held.

Statutory requirements

Section 94B of the Act requires Council to prepare, adopt and maintain an election period policy that must include the following (as a minimum):

- (a) Procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- (b) Limits on public consultation and the scheduling of Council events;
- (c) Procedures to ensure that access to information held by Council is made equally available and accessible to candidate's during the election.

The adopted Caretaker Policy must be given to each Councillor as soon as practicable after it is adopted, be available for inspection by the public and be published on Council's internet website.

3. Financial Implications

There are no financial implications associated with adopting the Caretaker Policy.

4. Risk Management

The conservative approach proposed for the election period will support probity and confidence in the election process. As a result the risk of Council's actions affecting voting at the election will be mitigated or prevented.

5. Internal and External Consultation

The draft policy has been reviewed internally and cross referenced with drafts from other Councils. Workshops have been attended and this has informed the development of this draft.

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CARETAKER POLICY (cont'd)

6. Regional Context

Other councils in the region have the same obligations during the election period.

7. Council Plan Strategy

Demonstrating good governance.

8. Legislative / Policy Implications

The Caretaker Policy complies with the requirements of the Local Government Act.

9. Environmental Impact

There are no environmental impacts associated with this report.

10. Conflict of Interest Considerations

The Council officers involved with this report do not have any conflict of interest considerations

11. Conclusion

The Caretaker Policy will allow Council to operate in a manner that meets statutory and moral obligations during the election period leading up to the 22 October 2016 general election.

Attachments

- 1 Caretaker Policy

FILE NO: F16/18
5. DEMONSTRATING GOOD GOVERNANCE

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CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy



Caretaker Policy
(Election Period Policy)

Adopted by Moira Shire Council
[] 2016

FILE NO: F16/18
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2
(CORPORATE GOVERNANCE OFFICER,
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CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



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CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



Policy type	Council
Adopted by	Moir Shire Council
Responsible director	Director Corporate Services
Responsible officer	Corporate Governance Officer
Date adopted	29 March 2016
Scheduled for review	Before the commencement of the next general election caretaker period (ie by 22 September 2019)

1. Introduction

Moir Shire Council is committed to providing good governance and to fair and democratic elections and therefore adopts and endorses the principles and procedures within this policy to apply during the 2016 election period. This policy will be maintained and reviewed no later than 12 months before the commencement of each subsequent general election.

Council will be in a caretaker role during the five week election period leading up to the next Council Election to be held on 22 October 2016. During this time Council will operate in a limited capacity to safeguard the authority of the incoming Council, with actions or decisions being rescheduled where possible.

In addition to being a statutory requirement, observance of a caretaker period is important to support probity and confidence in the election process. A caretaker period is a moral obligation that has evolved over time, following federal and state government conventions. It provides fairness to all candidates by preventing elected representatives from receiving an advantage or carrying out inappropriate electioneering.

This policy commits Council to:

- Avoid making significant new policies or decisions that could unreasonably bind a future Council.
- Avoid making inappropriate decisions or using resources inappropriately.
- Rescheduling the release of publications and communications where possible. Any publications and communications must be checked and certified by the Chief Executive Officer as not containing any electoral matter before being released.
- Avoid holding Council meetings, Special (section 86) Committee meetings, Advisory Committee meetings (including the Audit Committee) unless there are special circumstances. Councillors will not attend any Special or Advisory Committee meetings held.
- Avoid holding public consultation, Council events, functions or other meetings.
- Ensuring that public resources, including staff time, are not used in election campaigning, or in a way that may improperly influence the result of an election, or advantage existing Councillors as candidates.
- Ensuring that information held by Council, which would normally be available to Councillors, is made equally available and accessible to all candidates during the election.

2. Definitions

document has the same meaning as the *Interpretation of Legislation Act 1984*

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CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



Election period, in relation to an election, means the period that –

- (a) Starts on the last day on which nominations for that election can be received; and
- (b) Ends at 6 p.m. on election day.

electoral advertisement, handbill, pamphlet or notice, means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

electoral matter, means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election. Without limiting the definition, **electoral matter** is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- (a) the election; or
- (b) a candidate in the election; or
- (c) an issue submitted to, or otherwise before the voters in connection with the election.

inappropriate decisions made by a Council during an election period includes any of the following—

- (a) decisions that would affect voting in an election;
- (b) decisions that could reasonably be made after the election.

publish means publish by any means including by publication on the Internet;

the Act means the *Local Government Act 1989*

3. Start and finish dates

This Caretaker Policy applies for the Election Period which:

- Starts at **midnight on Tuesday 20 September 2016**; the end of the last day for nominations to be received, and
- Finishes at **6.00pm on Saturday 22 October 2016** on Election Day.

4. Roles and Responsibilities

Councillors

- Observe the protocols for interactions with Council staff.
- Avoid misuse of Council resources for electioneering.
- Establish an alternative email and computer network for electioneering to achieve zero use of Council's IT resources.
- Be mindful that when representing Council at external meetings it is not appropriate to use the opportunity for electioneering.
- Do not use the role of Councillor or access to Council staff and resources to gain media attention in support of an election campaign.
- When publishing any campaign material on your own behalf, assume responsibility for compliance and not purport that the material to be originating from, or authorised by Moira Shire Council (eg by use of Council logos).
- Refrain from moving motions or raising matters at a Council meeting that could potentially influence voting in the election (should special circumstances require a meeting to be held).

Chief Executive Officer

- Responsible for overseeing implementation of Council's Caretaker Policy.
- Manage and monitor interactions between staff and Councillors (or candidates).
- Approve and certify publications or communications to be released.
- Ensure that information held by Council, which would normally be available to Councillors, is made equally available and accessible to all candidates.

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CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



Council staff (or contractors)

- Observe the protocols for interaction with Councillors and apply the same to candidates.
- Remain neutral and don't become involved or interested in candidates or the politics of the election.
- Avoid participating in activities which support a candidate, including fundraising or campaign activities.
- Avoid misuse of Council resources, specifically for electioneering by candidates.
- Seek approval from the Chief Executive Officer for any publication or communication that needs to proceed.
- Consider the requirements within this policy before making a decision under delegation.

5. Why is a Caretaker Policy required?

The Act requires Council to prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period leading up to a general election. Council more commonly refers to this policy as the Caretaker Policy.

The policy will safeguard the authority of the incoming council and ensure that elections are not compromised by inappropriate electioneering by existing councillors. These statutory requirements are minimum governance standards.

In addition to meeting legislative requirements, the policy will meet Council's moral obligation of observing a caretaker period. As a result the transparency and accountability of the Council, Councillors, Council staff (or contractors) during the election period will be enhanced.

6. Is my proposed action affected by this policy?

The following is a quick reference on where to find guidance:

- You are involved in making a decision for Council (for example under delegation) refer to Section 7
- You are involved in creating any kind of Council publication or communication. refer to Section 8
- You are about to publish material which has reference in it to a candidate (which includes sitting Councillors), or the election, or an issue before the voters in connection with the election. refer to Section 8
- You are involved in preparing an agenda for a Council meeting, Special Committee or Advisory Committee meeting (meetings will only be held under special circumstances) refer to Section 8
- You are involved in planning a public consultation process. refer to Section 9
- You are involved in planning an event, ceremony, function or meeting. refer to Section 9
- You are a sitting Councillor who is planning to attend a function or event. refer to Section 9
- You provide administrative support to Councillors. refer to Section 10
- You are a Councillor or candidate requesting access to Council information. refer to Section 11
- You are a Councillor requesting media advice or services. refer to Section 12
- You have been requested to provide assistance or advice to a candidate refer to Section 13

FILE NO: F16/18
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



7. Decisions

The timing of decisions will be scheduled to avoid the election period when Council is in a caretaker role. During the election period Council commits to only making appropriate decisions, whether for operational purposes or pursuant to a statutory requirement.

There are no Council meetings or Special (section 86) Committee meetings scheduled to be held during the election period. Decisions can also be made by the Chief Executive Officer or a member of Council staff acting under delegation.

Guidance in this policy is not legally binding on the Council. If it becomes important to make a decision contrary to this policy during the election period, the necessity will need to be justified to the Chief Executive Officer or demonstrated to the community.

Prohibited decisions

Section 93A of the Act prohibits major policy decisions being made. Council may apply in writing to the Minister for an exemption if it considers that there are extraordinary circumstances.

Prohibited decisions	Source
Employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer.	Section 93A
Terminating the appointment of a Chief Executive Officer under section 94.	Section 93A
Entering into a contract with a total value exceeding either \$150,000 for goods or services, or \$200,000 for works, or 1% of Council's rates revenue (based on the preceding financial year), whichever is the greater (\$206,086 for 2014/15)	Section 93A
Exercising any power under section 193 of the Act (entrepreneurial powers) where the sum assessed under section 193(5A) in respect of the proposal exceeds either \$100,000 or 1% of Council's rates revenue (based on the preceding financial year), whichever is the greater (\$206,086 for 2014/15)	Section 93A
An irrevocable decision that significantly affects the municipality	Caretaker Policy
Any other significant decisions not specified above which will bind the incoming Council. For example a major planning scheme amendment or a change to the strategic objectives or strategies in the Council Plan.	Caretaker Policy
Allocating community grants or other forms of direct funding for community organisations including the following programs: Community and Events Grants, and Achievers Award Assistance Program.	Caretaker Policy

Allowable decisions

Council will operate in a limited capacity while it is in a caretaker role. Appropriate decisions will be made by Council staff to allow day to day operational matters to continue. Before making a decision the "inappropriate decision" criteria under section 94B(5) will be considered:

- (1) Could the decision reasonably be made after the election;
- (2) Would the decision affect voting at the election.

Advice must be sought from the Chief Executive Officer or their delegate if there is any doubt on where a decision fits within the policy or if it should be made at all.

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5. DEMONSTRATING GOOD GOVERNANCE

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(CORPORATE GOVERNANCE OFFICER,
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CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



8. Publications and Communications

Publications and communications are broadly considered to be documents or information prepared for the community, for example:

- Council newsletters
- Advertisements and notices
- Agendas for Council or Special Committee (section 86) meetings
- Media releases
- Brochures, leaflets and posters
- Mail-outs or emails to multiple addressees
- Material on Council's internet sites
- Social media, blogs etc

Where possible the release of publications or communications will be scheduled to avoid the election period when Council is in a caretaker role.

During the election period all publications and communications must be checked, then signed off and certified by the Chief Executive Officer that they do not contain electoral matter before being released.

Guidance will be provided to recognise electoral matters with instructions on the process to be followed to obtain approval and certification by the Chief Executive Officer.

Statutory requirements

It is prohibited under the Act for Council to:

- (a) print, publish or distribute; or
- (b) cause, permit or authorise others to print, publish or distribute on behalf of the Council,

any advertisement, handbill, pamphlet or notice during the election period unless it has been certified, in writing by the Chief Executive Officer. There is an exception for any document required to be published in accordance with, or under, any Act or regulation.

The Chief Executive Officer must not certify any material about the election, unless it is information about the election process. The power to certify material under s55D of the Act cannot be delegated by the Chief Executive Officer to a member of Council staff or any other person.

Certification of publications and communications by the Chief Executive Officer

The Chief Executive Officer will ensure that information is provided to Councillors and Council staff (or contractors) prior to the election period to preclude unauthorised publication of materials during the election period.

The Chief Executive Officer's certification must be in writing and importantly, cannot be delegated.

Criteria for Chief Executive Officer's approval (certification)

In considering whether to grant approval for the publication of material during the election period, in accordance with the provisions in the Act, the Chief Executive Officer:

- (a) **Must not permit** any materials to be published which include reference to:
 - (i) the election; or
 - (ii) a candidate in the election; or

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5. DEMONSTRATING GOOD GOVERNANCE

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(CORPORATE GOVERNANCE OFFICER,
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CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



- (iii) an issue before the voters in connection with the election; or
 - (iv) a current Councillor; or
 - (v) the strengths or weaknesses of a candidate; or
 - (vi) advocates the policies of the Council or of a candidate; or
 - (vii) responds to claims made by a candidate; or
 - (viii) publicises the achievements of the elected Council.
- (b) **May approve** publication of material which only contains information:
- (i) about the election process itself; or
 - (ii) which is essential for the conduct of Council operations; and
 - (iii) does not include any reference to a current Councillor otherwise precluded by this policy.

Council's internet and social media sites

In the months leading up to the election period Council's internet and social media sites will be examined and where appropriate any material that might reasonably influence voters in connection with the election will be temporarily withdrawn.

Social media includes, but is not limited to Facebook, Instagram, Twitter, YouTube, Flickr, LinkedIn, Pinterest. Council sites include:

Moira Shire Council

<http://www.moira.vic.gov.au/>
<https://www.facebook.com/pages/Moira-Shire-Council/110894715596465>

Sun Country on the Murray

<http://www.suncountryonthemurray.com.au/>
<https://www.facebook.com/suncountryonthemurray>

<http://www.cobrambarooga.org.au/>
<http://www.cobrambrooga.com.au>
<https://www.facebook.com/cobrambarooga/>

<http://nathaliabarmah.com.au/>
<https://www.facebook.com/NathaliaBarmahTourism>

<http://www.numurkahtourism.com/>
<https://www.facebook.com/NumurkahTourism>

<http://www.farmgatetrail.com.au>

<http://www.yarrawongmulwala.com.au/> *
<https://www.facebook.com/yarrawongmulwalatourism/> *

* collaborate with Yarrawonga Mulwala Tourism on their site

During the election period Council internet and social media sites will not contain material which contravenes this policy. Any references to the election will only relate to the election process. Information about Councillors will be restricted to their name, a photograph, contact details, title, membership of special committees and other bodies to which they have been appointed by the Council.

A disclaimer will be included on the front page of Moira Shire Council internet and social media sites indicating that during the election period, while Council is in a caretaker role, content will only be added to this site in accordance with Council's Caretaker Policy.

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5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



Council meeting agendas

Council meetings will not be held during the election period. However, should special circumstances require that a meeting be held, the content of the agenda will be checked to ensure that no agenda item would potentially:

- (a) influence voters' intentions; or
- (b) encourage use by councillor candidates for electioneering.

Once checked the agenda will require certification by the Chief Executive Officer before distribution.

Council's Annual Report

Information about Councillors in the 2015-16 Annual Report will be restricted to names, photographs, contact details, titles and membership of special committees and other bodies to which they have been appointed by the Council.

Email usage

The Chief Executive Officer will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials via Council's email system during the election period.

Council notice boards and buildings

During the election period Council noticeboards and buildings will not be used to display electoral matter.

9. Public Consultation, Events, Functions and Meetings

Council will avoid holding or sponsoring public consultation, events, citizenship ceremonies, functions and meetings while Council is in a caretaker role. The timing of these activities will be scheduled to be held before the election period or after the new Council is elected.

If special circumstances require public consultation to be held, Council will justify to the community why it is necessary and how the risks of affecting voting at the election will be mitigated or prevented.

If special circumstances require an event, function or meeting to be held the reasons must be justified and any risk of affecting voting at the election will need to be mitigated, or prevented, to the satisfaction of the Chief Executive Officer.

Council, Special (section 86) Committee and Advisory Committee meetings

Meetings are not scheduled to be held during the election period. If special circumstances require a Special (section 86) or Advisory Committee meeting to be held the Councillor representative will not attend.

Events staged by external bodies

Councillors may continue to attend events and functions during the election period. However, Councillors need to be mindful that they are representing Council and not use the opportunity for electioneering.

Speeches or keynote addresses

Councillors should not give welcome speeches, speeches or keynote addresses at any events, whether organised by Council or by an external body.

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5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



Recording of attendance at external meetings and functions

The presence of Councillors at external meetings and functions may be recorded in attendance records, except where this record of attendance is in conjunction with information or promotional material (text or images) that may be considered as electoral material.

Publication of promotional material

Any material promoting an event, function or meeting that has permission to proceed from the Chief Executive Officer must be consistent with the controls under section 8 – Publications and Communications.

10. Council resources

Council resources refer to anything owned, purchased, leased or paid for by Council. For example council vehicles, buildings, property, equipment, stationery, hospitality, email, phones, Council employees or contractors.

Due propriety will be observed in the use of Council resources. Councillors, Council staff and contractors are required to exercise appropriate discretion and diligence in that regard.

Council staff and contractors must avoid assisting the Mayor or Councillors in ways that could be perceived as being connected directly or indirectly with an election campaign.

Guidance on the use of resources will also be taken from Local Government Victoria's Governance Practice Note No. 5 on Election Caretaker Arrangements.

Support to the Mayor and Councillors

Support services to the Mayor and Councillors will be kept to a minimum. Council staff, including support staff for Mayor and Councillors, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

Correspondence

The Mayor will avoid sending correspondence during the election period. If a response is required it will be made by the Chief Executive Officer or their delegate, provided it meets the criteria for certification under section 8 – Publications and communications.

Council branding and stationery

No Council logos, letterheads, or other Moira Shire Council branding will be used for, or linked in any way, to a candidate's election campaign.

Councillor photographs

Councillors are not permitted to use photos or images taken by, or provided by Council, for the purposes of their election campaign (including photographs that appear on Council's websites).

Use of Council equipment and services by Councillors

Councillors may continue to use any equipment and services provided to them to facilitate their duties in accordance with Council's Reimbursement of Expenses and Support Policy. When using Council equipment and services during and leading up to the election period Councillors should avoid incurring costs to Council which are or could be perceived to be for election related purposes.

Expenses incurred by Councillors

Payment or reimbursement of costs must relate to actual out-of-pocket expenses that are necessary in the performance of Council duties. Councillors are responsible for expenses that relate to, or could be perceived to relate to, an election campaign.

FILE NO: F16/18
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



If it can be demonstrated that an expense covers both Council and electoral business the Chief Executive Officer may approve partial payment or reimbursement for Council duties.

Councillors will be required to make a declaration that any expenses incurred accord with this policy, when:

- making a claim for out-of-pocket expenses; or
- making requests for Council payment for services.

Forums

No local community forums, including opportunities for discussion, meet and greet sessions or community afternoon teas will be organised for Councillors during the election period.

11. Access to Council information

Information held by Council, **which would normally be available to Councillors**, will be made equally available and accessible to candidates during the election.

There will be transparency in the provision of all information and advice during the election period. Where practicable, and not prohibited by legislation, information that is made available to Councillors will also be made available to candidates.

Preparation of briefing notes and weekly newsletter for Councillors will be suspended during the election period, and Council briefing meetings will not be held.

Requests for information will be directed to the Chief Executive Officer or their delegate for determination and distribution to all Councillors and candidates, if appropriate. Once approved and certified by the Chief Executive Officer the information will be circulated, usually via an email or by publishing on Council's internet site.

12. Media and corporate communications

During the election period Council's media and corporate communications will be restricted to essential advice for the community and must not be used in any way that might favour a candidate.

Media advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer or their delegate. No media advice or assistance will be provided on election issues or publicity that involves specific Councillors.

Media releases/spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer will determine the appropriate person. A media release must be certified and approved by the Chief Executive Officer before being released.

Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election will be avoided. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer or their delegate.

Councillors

Councillors will not use their access to Council staff and other Council resources, to gain media attention in support of an election campaign.

FILE NO: F16/18
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.2
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

CARETAKER POLICY (cont'd)

ATTACHMENT No [1] - Caretaker Policy

Caretaker Policy



Council employees

During the election period employees must not make any public statement that relates to an election issue unless statements have been approved and certified by the Chief Executive Officer.

13. Misuse of position (by a Councillor)

Section 76D prevents Councillors from misusing their position, and section 76E prevents Councillors giving improper direction, or exerting improper influence over a member of Council staff. Penalties apply for breaching these sections and the penalty for 76D includes possible imprisonment.

14. Equity in assistance to candidates

The Council affirms that all candidates for the Council election will be treated equally.

Candidate assistance and advice

Any assistance and advice provided to a candidate as part of the conduct of the Council election will be provided equally to all candidates.

Election process enquiries

Enquiries from Councillors or candidates relating to the election process will be directed to the Returning Officer appointed by the Victorian Electoral Commission. Where the matter is outside the responsibilities of the Returning Officer, enquiries will be referred to the Chief Executive Officer or their delegate.

15. Breach of policy

Any breach of this policy relating to staff conduct is to be referred to the Chief Executive Officer.

Alleged breaches relating to all other matters are to be referred to the Local Government Investigations and Compliance Inspectorate at <http://www.dtpli.vic.gov.au/local-government/local-government-inspectorate> or (03) 9665 9555.

16. Related Policies

Reimbursement of Expenses and Support
Checking and Certifying Publications – CEO Policy

17. Related Legislation

Local Government Act 1989

18. References

Moira Shire Council
Employee Code of Conduct / Ethical Behaviour 2009
Councillor Code of Conduct 2013
Local Government Victoria
Reforms arising from the Local Government Amendment (Improved Governance) Act 2015 - A guide for councils
Governance Practice Note No. 5 – Election Caretaker Arrangements

19. Review

This policy will be reviewed before the commencement of the next general election caretaker period (ie by 22 September 2019) as required under section 93B of the *Local Government Act 1989*, with operational amendments as required in accordance with Council's approval.

FILE NO: 100.01.002
6. GOVERNANCE

ITEM NO: 9.1.3
(MANAGER GOVERNANCE AND
COMMUNICATIONS, LINDA
NIEUWENHUIZEN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

AMENDMENT TO COUNCIL MEETING SCHEDULE 2016

RECOMMENDATION

That: Council

1. Council endorse the amendments to the previously adopted Council Meeting schedule for 2016.

1. Executive Summary

Since Council adopted the 2016 Council Meeting schedule a range of developments have required Council to revise a small number of the proposed dates. This report details these proposed amendments and seeks Council endorsement of the dates, times and locations.

Council is required to provide a minimum of seven days notice of a meeting. Confirming the schedule will ensure this can occur in a timely manner.

2. Background and Options

The following table details the proposed changes to the 2016 Council meeting schedule that was adopted by Council in late 2015. All other meeting dates, times and venues are unchanged.

The April and May Special and Ordinary meeting date amendments will ensure sufficient time for Councillors to

- inform preparation of the draft Budget before authorising the commencement of community consultation, and
- to consider feedback received through the statutory consultation process including the hearing of submissions.

The October and November meeting dates have been amended in response to the Council Elections that take place on Saturday 22 October. The new dates allow

- further time should there be a delay to declaring the results and
- sufficient time to conclude the necessary steps that allow successful candidates to assume their position as Councillor in the chamber.

Proposed change	Date	Venue
New meeting - Special Meeting of Council to endorse commencement of community consultation for Council's proposed 2016/17 Budget.	Midday (12:00 PM) Monday 11 April	Numurkah – Presidents Room
Cancel existing Ordinary Council Meeting	Monday 23 May 2016	Numurkah – Presidents Room
New meeting - Ordinary Council Meeting	5:00 PM Monday 30 May 2016	Numurkah – Presidents Room
Cancel existing Ordinary Council Meeting	Monday 24 October 2016	Numurkah – Presidents Room
New meeting - Special Council Meeting to swear in new Councillors and Mayoral Election	5:00 PM Monday 7 November 2016	Numurkah – Presidents Room
Cancel existing Special Council Meeting – Mayoral Election	Monday 14 Nov 2016	Numurkah – Presidents Room
New meeting - Ordinary Council Meeting	5:00 PM Monday 21 November 2016	Numurkah – Presidents Room
Cancel existing Ordinary Council Meeting	Monday 28 Nov 2016	Numurkah – Presidents Room

FILE NO: 100.01.002
6. GOVERNANCE

ITEM NO: 9.1.3
(MANAGER GOVERNANCE AND
COMMUNICATIONS, LINDA
NIEUWENHUIZEN)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

AMENDMENT TO COUNCIL MEETING SCHEDULE 2016 (cont'd)

3. Financial Implications

Council meeting expenses are included in the adopted budget..

4. Risk Management

Addresses risks of delays to declaration of Council Election results

5. Internal and External Consultation

Internal

6. Regional Context

Nil.

7. Council Plan Strategy

Demonstrate good governance

8. Legislative / Policy Implications

Under Part 3, Section 8(1) of Council's Meeting Procedures Local Law 2001 (No. 1 of 2007 amended 22 July 2008) Council is required to set the date, time and place for Council Meetings.

9. Environmental Impact

Nil

10. Conflict of Interest Considerations

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

11. Conclusion

Since Council adopted the 2016 Council Meeting schedule a range of developments have required Council to revise a small number of the proposed dates.

This report details these proposed amendments and seeks Council endorsement of the dates, times and locations.

Council is required to provide a minimum of seven days notice of a meeting. Confirming the schedule will ensure this can occur in a timely manner.

Attachments

Nil

FILE NO: F13/378
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.4
(ECONOMIC DEVELOPMENT OFFICER,
FRANK MALCOLM)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

SALE OF SALEYARDS SITE MILL STREET COBRAM

RECOMMENDATION

That:

1. Pursuant to Section 189 of the Local Government Act 1989 Moira Shire Council declares that the old sale yard site at Mill Street Cobram is no longer required for municipal purposes and give notice of its intention to sell the land.
2. Submissions be invited in relation to the proposed sale in accordance with Section 223 of the Act and
3. A committee comprising of Councillors _____, _____ and the General Manager Infrastructure be appointed to consider any submissions received

1. Executive Summary

At its meeting on the 19th August 2013 Council supported a motion to close the Cobram sale yards. Council officers have subsequently facilitated the removal of the sale yards infrastructure from the site and are finalizing preparations for its possible sale.

If Council supports the sale of this land a Section 223 process must be implemented before any sale process is undertaken.

2. Background and Options

Due to competition from other sale yards, on line selling and over the hooks purchasing by abattoirs the viability of the Cobram sale yards, Mill Street Cobram (between Terminus and Dillon Streets) caused Council to move to close the sale yards at its 19th August 2013 meeting with the subsequent sale and removal of infrastructure occurring.

3. Financial Implications

The cost of clearing the site was largely met by the value of the steel. If Council determines to sell the site following the Section 223 process it is expected that the value of the land will exceed any development costs.

4. Risk Management

Testing market interest in the site through an expression of interest (EOI) will reduce any future development risk.

5. Internal and External Consultation

A full Section 223 process will occur.

6. Regional Context

Nil

7. Council Plan Strategy

Infrastructure: Moira will be a desirable place to live, work and visit in North Central Victoria supported by its infrastructure, assets and facilities. It will proactively fund, maintain and develop Council's assets and facilities to meet its community's current and future needs in partnership with private development.

FILE NO: F13/378
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.4
(ECONOMIC DEVELOPMENT OFFICER,
FRANK MALCOLM)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

SALE OF SALEYARDS SITE MILL STREET COBRAM (cont'd)

8. Legislative / Policy Implications

Ensure that "Section 189 Restriction on power to sell land" of the Local Government Act 1989 is complied with.

9. Environmental Impact

The site is being assessed for possible contamination issues and that information will be available shortly.

10. Conflict of Interest Considerations

Nil

11. Conclusion

There are several options available to dispose of this site subject to the outcome of the Section 223 process.

Attachments

Nil

FILE NO: 100.01.001
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.5
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

2016 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY HOLIDAY REQUEST

RECOMMENDATION

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Innovation, Services and Small Business to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 19 October 2016 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2016. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

1. Executive Summary

On 17 February 2016, Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2016 Numurkah Show which will be held on Wednesday 19 October 2016.

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past Council has requested that a public holiday be declared for the last five Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2016.

2. Background and options

The Public Holidays Act 1993 was amended in 2008 and as a result Melbourne Cup Day was automatically made a public holiday across the entire State of Victoria. This change ensured that all Victorians receive the same number of public holidays each year, regardless of where they live.

The Public Holiday Amendment Bill, May 2011 amended section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8A states that Councils may request substitute public holiday days for Melbourne Cup Day.

Under the amended Act, non-metropolitan Councils may request in writing that the Minister make a declaration under Section 8(1),

- a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- b) that another day or 2 half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

In years prior to 2008, Council declared a half day public holiday in the Numurkah district, as it existed prior to amalgamation, in recognition of the local Numurkah Show. However no alternate arrangements were declared in any other area.

FILE NO: 100.01.001
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.5
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

2016 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY HOLIDAY REQUEST (cont'd)

On 17 February 2016, Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council recommend, under the Public Holiday Amendment Bill 2011, that the Society be granted a Public Holiday for the 2016 Numurkah Show which will be held on Wednesday 19 October 2016.

Since 2011 Council has requested that a public holiday be declared for the Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2016

3. Financial Implications

There are no identified financial implications to Council in relation to this decision as the annual budget has taken into account all entitled public holidays.

4. Risk Management

There are no risk management issues associated with this report.

5. Internal and External Consultation

A petition was received by Council in early 2011. Council received a delegation from the Numurkah Agricultural and Pastoral Society on the 21st of March 2011 seeking support for the Show Day public holiday. Council has received letters dated 5 November 2012, 30 October 2013, 8 November 2014 and 17 February 2016 requesting that Council recommends a Public Holiday for 2013.

6. Regional Context

Regional councils have the ability to nominate a full-day public holiday or two half-day public holidays in different parts of their municipality for agricultural and pastoral shows or regional race days, following the amendment to the Public Holidays Act.

7. Council Plan Strategy

Community: Moira will be a Shire where all its people and communities are happy, healthy and safe with the ability and the opportunity to integrate, participate, connect and contribute to their communities.

8. Legislative / Policy Implications

The Public Holiday Amendment Bill, May 2011 amends section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8 A councils may request a substitute holiday for Melbourne Cup Day.

Under the amended Act, non-metropolitan councils may request in writing that the Minister make a declaration under Section 8(1):

(a) that the day appointed under section 6, being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and

(b) that another day or two half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or two public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

FILE NO: 100.01.001
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.5
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

**2016 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY
HOLIDAY REQUEST (cont'd)**

9. Environmental Impacts

There are no identified environmental implications associated with this report.

10. Conflict of Interest Considerations

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

11. Conclusion

Council is aware that changes to the Public Holidays Act 1993, amended in 2011, creates an opportunity to support the Numurkah Show as a public holiday and that strong representations have been made, particularly from the Numurkah Agricultural and Pastoral Society in relation to Council's ability to support the event and the public holiday in the area.

Moira Shire Council did request the substitute public holiday for the 2011, 2012, 2013, 2014 and 2015 Numurkah Annual shows and it is recommended that Council support the full day public holiday for the Numurkah Show in 2016.

Attachments

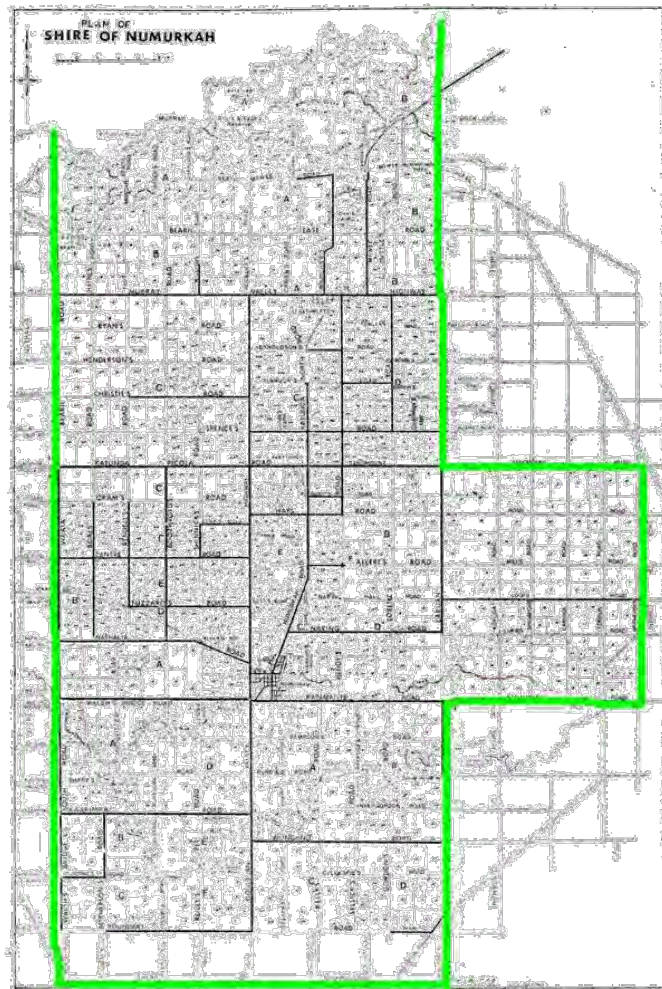
- 1 Map of Numurkah Boundary

FILE NO: 100.01.001
6. INVOLVING AND COMMUNICATING WITH
OUR COMMUNITY

ITEM NO: 9.1.5
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

**2016 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY
HOLIDAY REQUEST (cont'd)**

ATTACHMENT No [1] - Map of Numurkah Boundary



FILE NO: F14/232
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.1.6
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

TOURISM ADVISORY COMMITTEE REPRESENTATIVE APPOINTMENTS - AMENDMENTS

RECOMMENDATION

That Council:

1. Accept the resignations of the following persons representing Local Tourism Associations and/or Community on the Tourism Advisory Committee for the remainder of the term, ending 30th June 2016 and send a letter of thanks.
 - (a) Renae Macheda, Cobram Barooga Business and Tourism Development Inc.
2. Approve the appointments of the following persons representing Local Tourism Associations and/or Community on the Tourism Advisory Committee for the remainder of the term, ending 30th June 2016
 - (a) Don Rudd, Cobram Barooga Business and Tourism Development Inc.
3. Authorise the Mayor and CEO to approve any further appointments.

1. Executive Summary

At Council's meeting held 20 October 2014, Council resolved to appoint persons as Community representatives on Moira Shire Council's Tourism Advisory Committee (TAC) for a period ending 30th June 2016. Council resolved to appoint additional persons as community representative on Council's TAC on 25 May 2015 for a period ending 30th June 2016.

Even though the current representatives have initially been appointed for the remaining term of the committee, should they wish to relinquish their position, they are not obliged to remain on the Committee for the entire period, and a replacement representative would be appointed.

2. Background and Options

It is expected that individuals who represent the Community, Goulburn-Murray Water, Parks Victoria and/or Local Tourism Associations (LTA) on the Committee of Management will change.

Local Tourism Associations elect their chairperson annually, which may change the elected representative on the TAC. Also the situations of individuals may change, requiring their appointment to be rescinded and another individual to be appointed as a replacement.

Detailed below are any amendments to the current TAC composition:

- Renae Macheda is no longer a committee member on Cobram Barooga Business and Tourism Development Inc.
- Don Rudd was at the recent Cobram Barooga Business and Tourism Development Inc. meeting elected the LTA representative for the Tourism Advisory Committee, thereby replacing Renae Macheda on the TAC.

3. Financial Implications

There are no financial implications to consider within this report.

4. Risk Management

There are no risk management implications to consider within this report.

FILE NO: F14/232
3. DEVELOPMENT AND LIVEABILITY

ITEM NO: 9.1.6
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

TOURISM ADVISORY COMMITTEE REPRESENTATIVE APPOINTMENTS - AMENDMENTS (cont'd)

5. Internal and External Consultation

It is important for Council to maintain an appropriate balance of representation from user groups and the community and also maintain an accurate and up to date database of representatives on the TAC.

To ensure the accuracy of the TAC database, it is essential that Council is advised when changes are required to skills-based community representatives, LTA representative and Parks Victoria and Goulburn-Murray Water representatives. When changes do occur, a Council resolution is required. Council Officers are aware of the amendments.

6. Regional Context

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

7. Council Plan Strategy

This report supports the implementation of Moira Shire Council's key strategic goal: *"Build on our economic strengths in agriculture, manufacturing and tourism"*.

8. Legislative / Policy Implications

There are no legislative / policy implications to consider within this report.

9. Environmental Impact

There are no environmental implications to consider within this report.

10. Conflict of Interest Considerations

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

11. Conclusion

It is recommended that Council rescind the appointments of Renae Machea and thanks her for her involvement in the Tourism Advisory Committee, approve the appointment of Don Rudd as the Cobram Barooga Business and Tourism Development Inc. representative on the TAC, and authorise the Mayor and CEO to approve any further appointments to the TAC.

Attachments

Nil

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7
(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 February 2016 are attached to this report.

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: 9.1.7
(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 February 2016. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

Attachments

- 1 Attachment 8 February
- 2 Attachment 11 February
- 3 Attachment 22 February

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [1] - Attachment 8 February



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	8 February 2016	
Name of meeting	Councillor Briefing	
Councillors attending	Councillor Gary Cleveland, Peter Mansfield, Alex Monk, Brian Keenan, Don McPhee, Ed Cox, Marie Martin, Wendy Buck (depart 12:30pm)	
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 Manager Safety, Amenity and Environment, Sally Rice Manager Community Development, David Booth Manager Planning, Jorine Bothma	
Matters discussed	<ol style="list-style-type: none"> 1. Financial policies 2. Social media 3. 2016/17 Budget preparation timelines 4. Varapodio Friendship Tour 5. Drainage in Moira Shire 6. Officer briefings 7. Planning application briefing 8. Agenda review 	
Conflict of Interest Disclosures (indicate below if Nil or complete details)	Yes	
Matter No.	Councillor	Did Councillor leave meeting
7	Cr Ed Cox	Yes

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.7
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [2] - Attachment 11 February



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	11 February 2016
Name of meeting	Tourism Advisory Committee
Councillors attending	Councillor Don McPhee
Council staff attending	Tourism Development Officer, Louise Munk Klint Tourism Marketing and Support Officer, Kyla Carpinelli Manager of Economic Development, Jane O'Brien
Matters discussed	
	1. Previous Minutes 2. 3 Marketing Pitches for the next marketing campaign 3. Local Tourism Association Updates
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
	Nil

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

**ITEM NO: 9.1.7
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)**

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [3] - Attachment 22 February



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	22 February 2016
Name of meeting	Councillor Briefing
Councillors attending	Councillor Gary Cleveland, Peter Mansfield, Alex Monk, Brian Keenan, Don McPhee, Ed Cox, Marie Martin, Kevin Bourke
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 Manager Environmental Safety, Amenity and Environment, Sally Rice
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: 9.1.7
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(GENERAL MANAGER - CORPORATE,
LEANNE MULCAHY)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [3] - Attachment 22 February



Matter No.	Councillor	Did Councillor leave meeting
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Declaration by staff member recording Assembly of Councillors
I hereby declare that the above record is accurate and correct.

Signed:

Instructions for Council officers

For a scheduled meeting, where at least five Councillors attend (eg. a briefing), or a meeting of a Council Advisory Committee, where one or more Councillor is present, the Council officer needs to announce at the start of the meeting that:

This meeting is classified under the Local Government Act as an Assembly of Councillors. A Councillor must disclose any conflict of interest they may have in any matter before it is discussed and exit the meeting, remaining out of sight and hearing, while discussion and any vote takes place.

In general terms a **conflict of interest** could be a **direct interest** in a matter, including where there could be a direct financial gain or loss. A conflict of interest can also through having one or more of six types of **indirect interest**.

FILE NO: 52015107
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**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)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**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.

FILE NO: 52015107
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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

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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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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

- 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

FILE NO: 52015107
2. IMPROVING MOIRA'S LIVEABILITY

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(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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

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 shandyng 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 1×10^{-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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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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

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 1×10^{-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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(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

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:
 - a. Wastewater/effluent treatment, storage and reuse plan
 - b. Treatment of solid wastes, including biosolids
 - c. Dead animal management
 - d. A site drainage plan including stormwater drainage and retention plan
 - e. Groundwater contamination risk register and prevention plan
 - f. Odour management and response plan
 - g. 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. A basic right turn treatment (BAR) in accordance with figure 7.5 of the Austroads Guide to Road Design - Part 4A.
 - b. 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.

2. Background and Options

Application Details

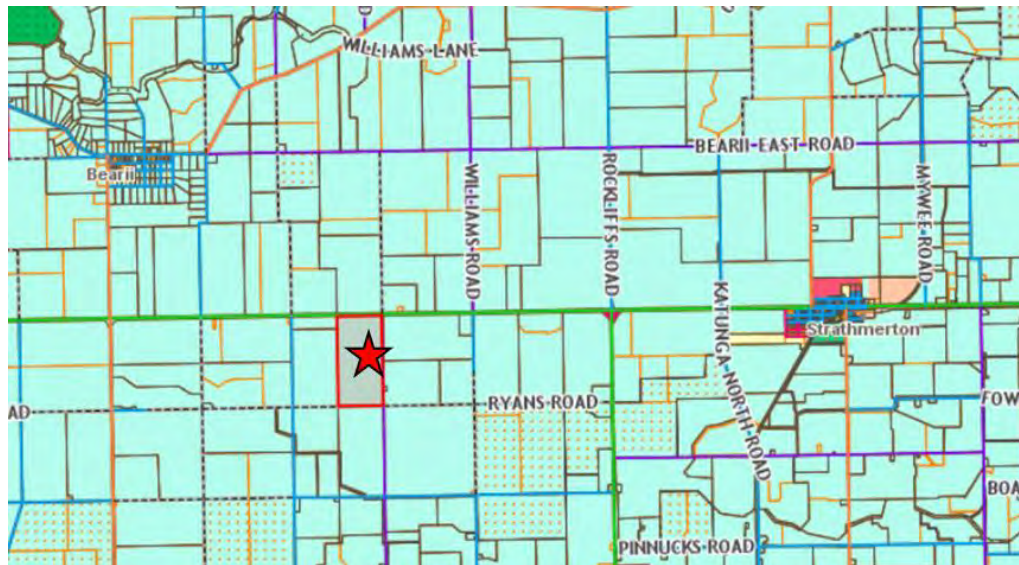
Applicant: CAF Consulting
Owner: Donglin Pty Ltd

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

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



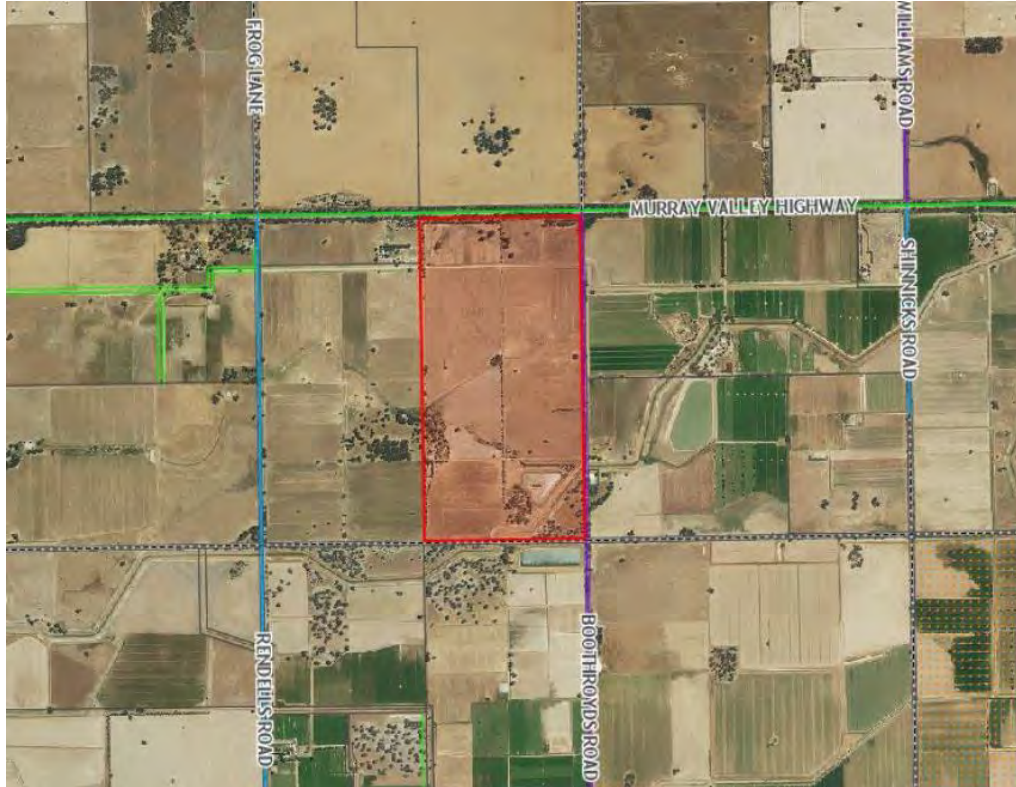
Background

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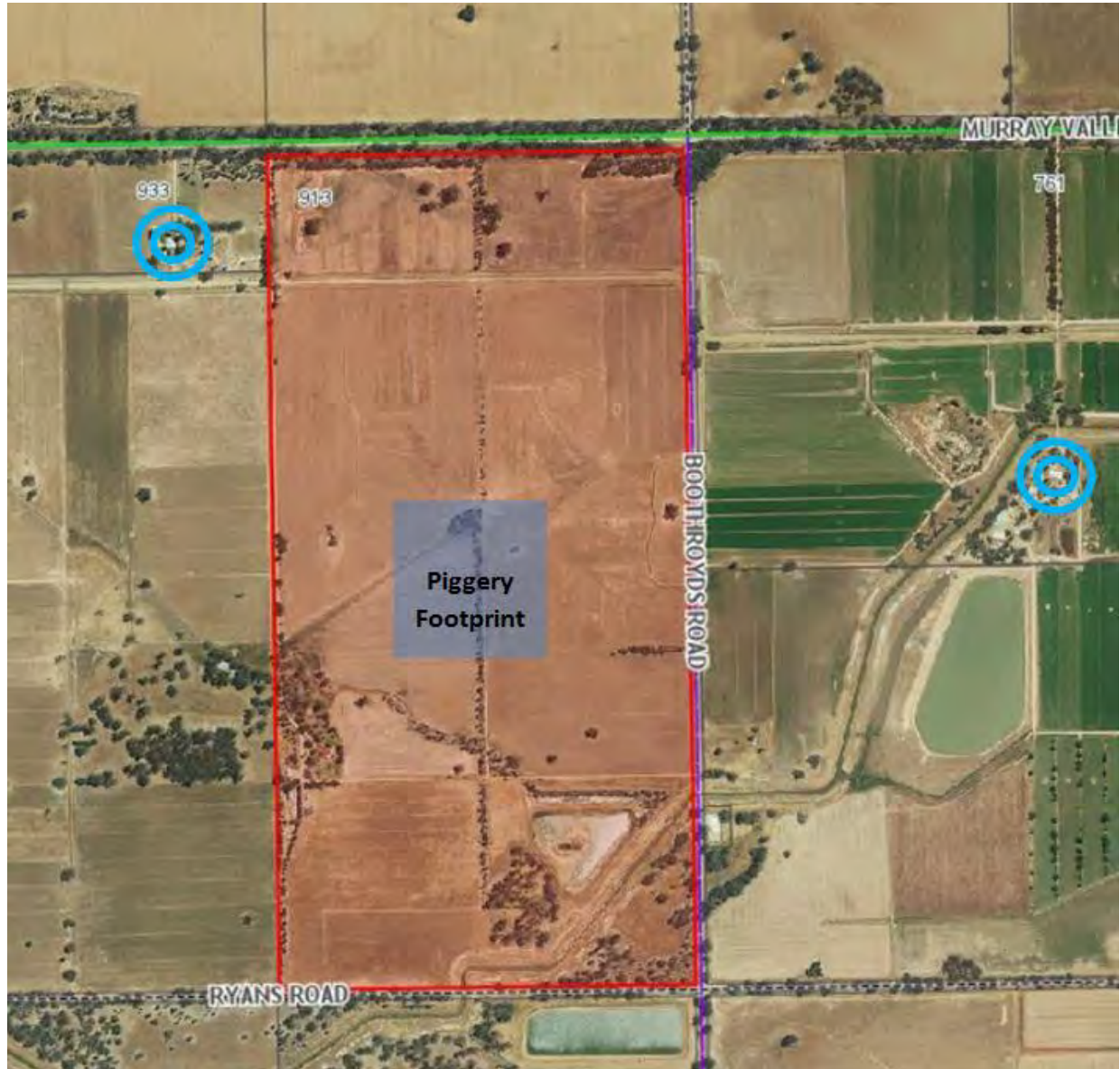
The subject lot is located to the west of Strathmerton. It is bounded to the north by the Murray Valley Highway, to the south by Ryan's Road and to the east by Boothroyds Road. Land to the west is used for agricultural purposes.

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. Plans submitted by the applicant show that the footprint of

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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.

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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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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

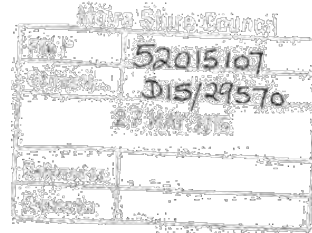
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ATTACHMENT No [1] - Copy of Objections to Initial Application

16
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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

25th May

Moira Shire Council
PO. Box 578
Cobram Vic 3643

In regards to planning permit No. 52015107
2520 head piggery

Moira Shire Council	
Permit No.	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?

FILE NO: 52015107
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

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

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

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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2. IMPROVING MOIRA'S LIVEABILITY

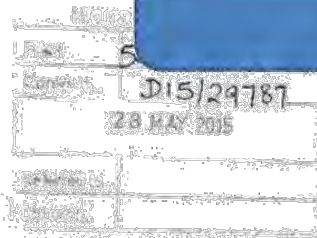
ITEM NO: 9.2.1
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**52015107 - USE AND DEVELOPMENT - INTENSIVE ANIMAL HUSBANDRY
(PIGGERY) AT 913 MURRAY VALLEY HIGHWAY, STRATHMERTON (cont'd)**

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

25 May 2015

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 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

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

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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.

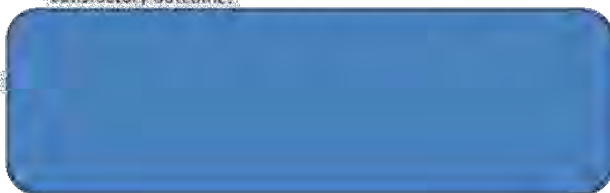
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ATTACHMENT No [1] - Copy of Objections to Initial Application

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

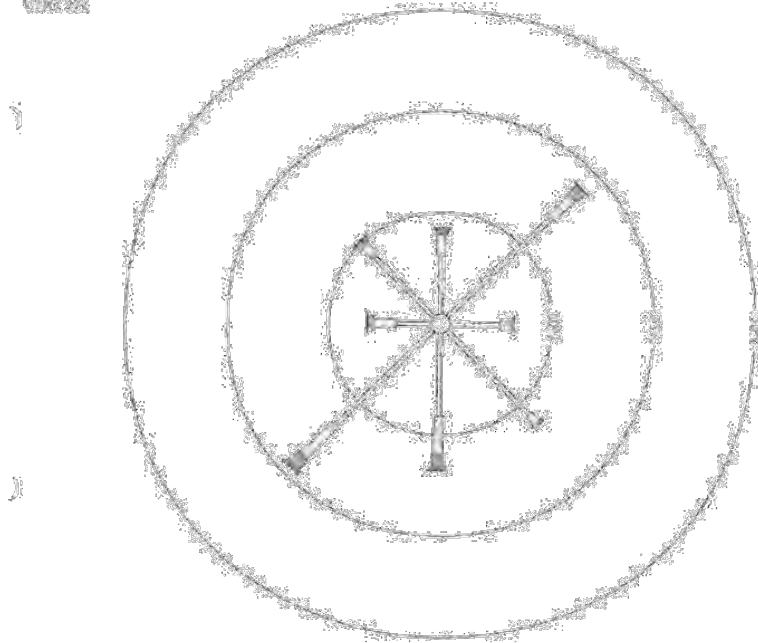
TOCUMWAL AIRPORT

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

410 East



Approved by the Department of Environment and Planning, Government of Western Australia, on 02 Apr 2014.
Approved by National Disability Centre of Excellence, on 02 Apr 2014.
Approved by National Disability Centre of Excellence, on 02 Apr 2014.
We have taken all due care for errors and omissions.



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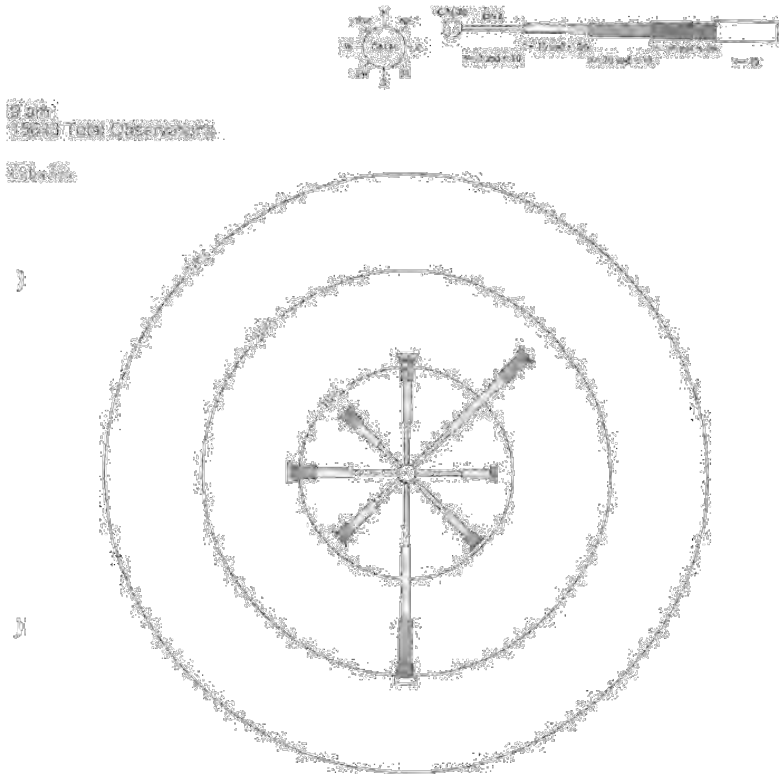
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Rose of Wind direction versus Wind speed in km/h (01 Jan 1985 to 30 Sep 2010)
Climate data source: Bureau of Meteorology, Bureau of Meteorology

KYABRAM

Wind rose: Speed in km/h (0.5 to 10.0) and direction (0 to 360 degrees)
An asterisk (*) indicates that calm is less than 0.5%
Other important info about this analysis is available in the accompanying notes



 Murray Valley Council
Report to Council on the 29th March 2016
Prepared by: [Name]
Date: 29/03/2016
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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



Objection to Application for Planning Permit No. S/2015/102

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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,

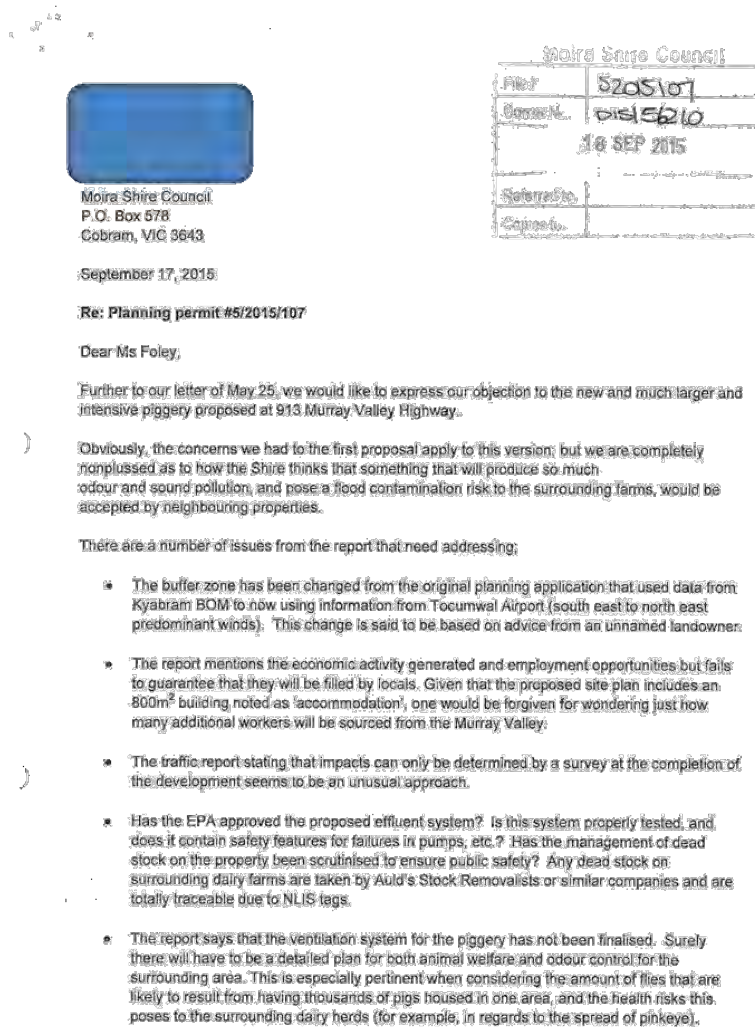


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ATTACHMENT No [2] - Copy of Objections to Amended Application



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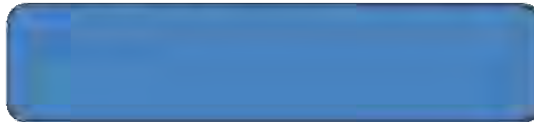
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ATTACHMENT No [2] - Copy of Objections to Amended Application

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

17th 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 of 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.

*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 1st 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?

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Doc #	5/15/5688
21 SEP 2015	
Referred to:	
Colours:	

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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 2nd 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 1st 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)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**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.

26. 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.

27. Does the RSPCA approve of the farming methods that Donglin propose?

28. We do not believe that the proposed development could legally or humanely house the potential offspring arising from one thousand breeding sows.

29. 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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(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

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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2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1
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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)**

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

2

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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(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
Comm. No.	D15/58126
	24 SEP 2015
Referred 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

Abn: 57 160 000 000
c/o Wyndham Street, Shepparton
P.O. Box 1946, Shepparton, VIC 3632
t: 03 5031 0017
f: 03 5031 0000
e: info@cafconsulting.com.au
w: 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

C:\SH\2015\2686 Donglin Piggery & Horticulture\DCI\2586 R002 Letter Moira Council Donglin.docx

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 [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 faint circular stamp or watermark.

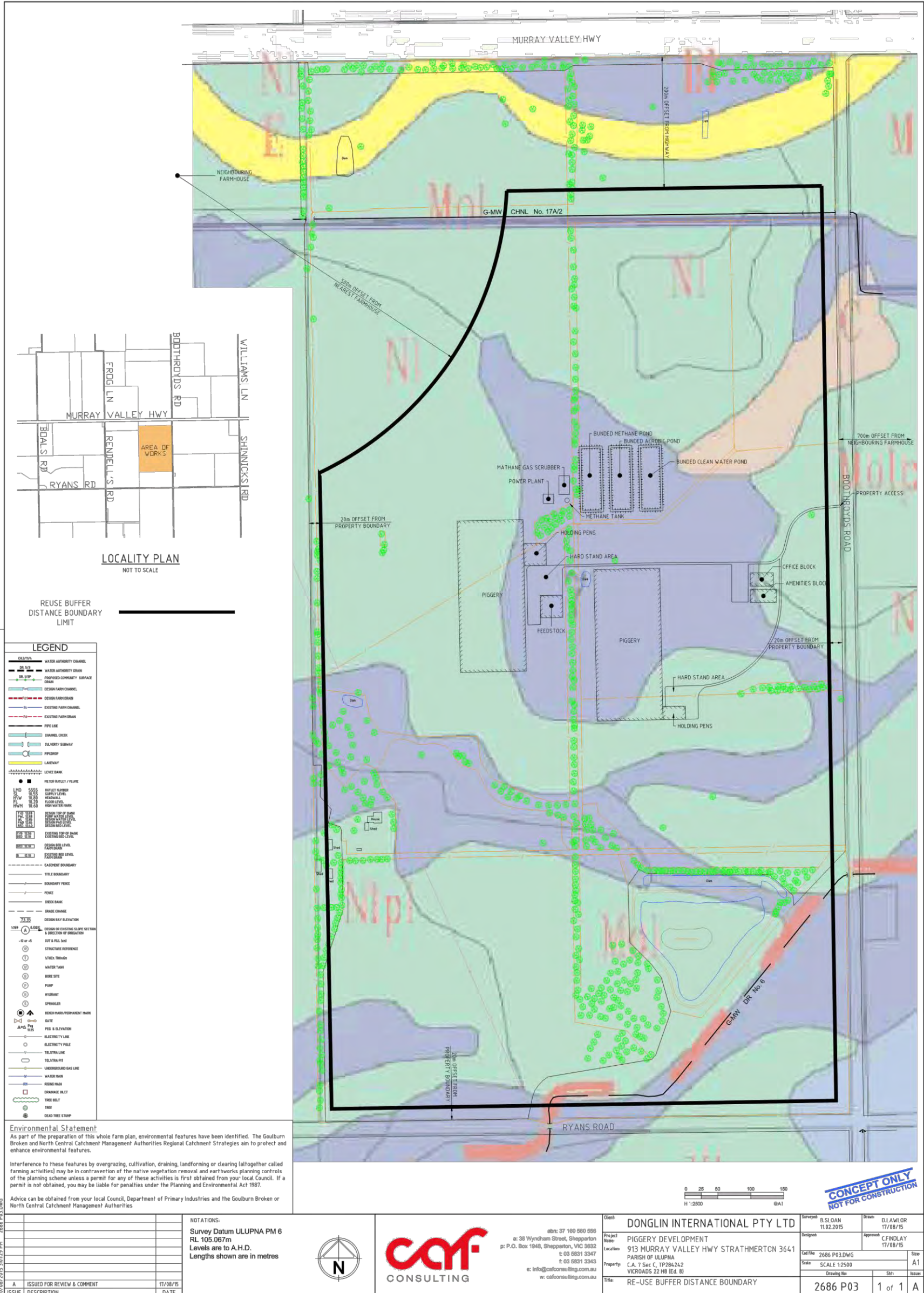
Col Findlay
Consultant
CAF Consulting

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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 [4] - Concept Site Plan

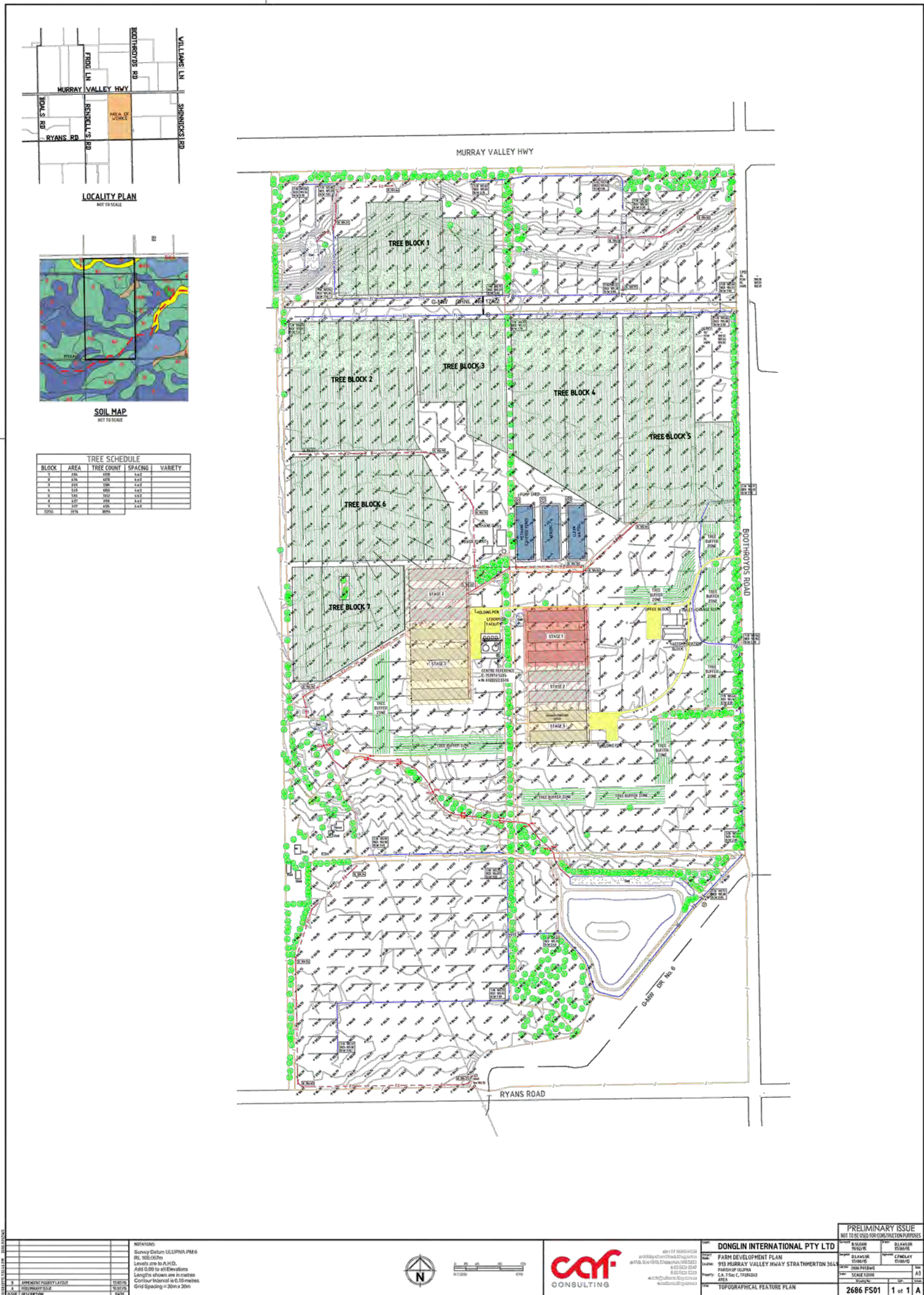


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ATTACHMENT No [5] - Staged Site Plan showing Orchards



FILE NO: 52015363
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT**

RECOMMENDATION

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52015363 for the Use and Development – Road Freight Terminal and Milk Depot at Lot 1 TP751388 also known as 1815 Numurkah Road, 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 landscaping as required by Condition 11,
 - (b) Floor plans and elevations of all proposed buildings, and
 - (c) A schedule of materials and finishes.
2. Before the use and/or development start(s), an amended Traffic Impact Assessment Report (TIAR), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the TIAR will be endorsed and will then form part of the permit. The TIAR must be generally in accordance with the TIAR submitted with the application but modified to the satisfaction of the Responsible Authority to include:
 - a. swept path analysis for the intended vehicle (A-Double) turning at speed, are adequate when entering and exiting the subject land from Numurkah Road, as defined in the Austroads Publication, "Design Vehicle and Turning Path Template Guide";
 - b. revised Average Annual Daily Traffic (AADT) counts for Numurkah Road and Naring Road, removing any conflict with Council's records;
 - c. detail of a Rural type BAR and BAL sealed turn treatments in accordance Austroads Publication, Part 4A "Unsignalised and Signalised Intersections", or unless otherwise agreed to in writing;
 - d. consideration to the illumination of Numurkah Road at the proposed access point to the subject land, in accordance with Clause 26 (Public Lighting) of Council's Infrastructure Design Manual [IDM];
 - e. identifying any conflicts with Fowlers Road intersection in close proximity of the proposed access to the subject land; and
 - f. identifying all mitigation works required.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. No fewer than (60) 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

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2. IMPROVING MOIRA'S LIVEABILITY

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(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

- plans
(c) provided with a hard standing surface
(d) drained
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
6. The office building or any other proposed structures must not be used for human habitation.
 7. 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.
 8. 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.
 9. All wastewater generated on site associated with the occupancy of the existing dwelling and offices must be collected and disposed of in accordance with the requirements of the Environmental Health Department.
 10. A satisfactory landscaping plan for the whole of the development area must be submitted to and approved by the Responsible Authority, prior to the development permitted by this permit commencing. An endorsed copy of the plan must form part of this permit. The submitted plan must;
 - (a) include a survey of all existing vegetation showing plants (over 2.0 metres in height) to be removed,
 - (b) show a permanent screen plantation of trees and shrubs with a minimum of three rows and ten metres wide using a mixture of indigenous (local native) trees and understorey species to be planted along the north and south borders of the site to form an effective screen between activities on the site, adjoining land and road,
 - (c) show landscaping of the office and carpark areas using a mixture of indigenous native species.
 - (d) include a schedule of all proposed trees, shrubs and ground cover, which will include number and botanical names of such plants and the location of all areas to be covered by grass or other surface materials as specified,
 - (e) include the method of preparing, draining, watering and maintaining the screen planting and landscaped areas,
 - (f) include a weed management program
 11. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, *including that any dead, diseased or*

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**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

damaged plants are to be replaced.

13. Prior to the commencement of the use, all mitigating works required by the approved Traffic Impact Assessment Report (TIAR) must be fully designed and constructed in accordance with plans and specifications approved by the Responsible Authority.
14. Prior to construction commencing on the site, the applicant must provide a report detailing how the fully operational site proposes to manage the site in the event of a 'spill', identifying any mitigation measures and how they will be implemented, and prepared by a suitable qualified persons of that field. Any recommendations from the report must be prepared in the form of an environmental management plan to the satisfaction of the Responsible Authority. In particular, the Report must consider, but must not be limited to, the following:
 - a. loading and unloading and storages of commodities and fuels within the site;
 - b. how the site will be maintained in a 1% AEP rain event;
 - c. security of commodities on the site; and
 - d. how mitigation works are to be staged, as required.
15. Prior to the commencement of the use, all mitigating works required by the approved environmental management plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
16. Prior to construction commencing on the site, the applicant must provide a drainage plan that accords with the provisions of Clause 17 (Rural Drainage) of Council's Infrastructure Design Manual [IDM], and has been prepared to the satisfaction of the Responsible Authority. In particular 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 in accordance with Clause 21 (Stormwater Discharge Points) of the IDM;
 - b. any on-site detention requirements must be designed on the basis on an "industrial" site in accordance with the provisions of Clause 19 (On-site Detention Systems) of the IDM;
 - c. 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;
 - d. 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;
 - 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 in accordance with the provisions of

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(GENERAL MANAGER
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Clause 20 (Stormwater Treatment) of the IDM.

17. Prior to the commencement of the use, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
18. At no time, any such contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.
19. Prior to the commencement of the use, and in accordance with Clause 14 (Car Parking) of Council's Infrastructure Design Manual (IDM), any internal customer parking, manoeuvring areas and loading and unloading areas created by the proposed development and as shown on the endorsed plan must be constructed to an all-weather sealed standard, drained and illuminated in accordance with plans and specifications approved by the Responsible Authority.
20. 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.
21. Vehicle access and egress from the property must take place in a forward direction at all times.
22. 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.
23. 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.
24. 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.
25. 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

26. A site Construction Management Plan following the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) should be submitted to the Responsible Authority for approval prior to any works commencing.

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27. No works are to be constructed on GMW easement, freehold or reserve without approval. It is the responsibility of the proponent/developer to locate the easement or reserve boundary.
28. All residential, commercial and industrial buildings must be located more than:
 - (i) five metres from any GMW drainage easement/freehold, and
 - (ii) ten metres from any other structure, such as culverts, drainage inlets, subways and syphons.
29. All residential dwellings, commercial or industrial buildings are to be located more than 30 metres from any GMW channel, measured from the inside top of the channel bank.
30. The channel set back distance may be reduced by GMW pending supporting evidence being provided by the developer showing that no seepage occurs from GMW's channel. The investigation should include the installation of groundwater piezometers. Installation standards, location and monitoring program is to be approved by GMW's Asset Project Teams.
31. No works are to be constructed that may impact drainage flows in Goulburn Murray Water's Murray Valley Drain 10/6 and Murray Valley Drain 2B/10/6 without approval.
32. The developer will need to accord with the following requirements of Goulburn Murray Water's policy on '*Acceptance of Urban and Industrial Water into Goulburn Murray Water Drains*':
 - a) Goulburn Murray Water will only permit rainfall runoff to enter its drain. No other or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non-approved detergents.

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.

1. Executive Summary

Planning permit application 5/2015/363 is for Use and Development – Road Freight Terminal and Milk Depot at 1815 Numurkah Road, Strathmerton. It will include:

- an office,
- warehouse,
- tanker marshalling and parking areas,
- trailer and container parking areas,

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- a 90,000 litre fuel tank,
- 3 x 30,000 litre water tanks,
- a 300,000 litre treatment facility,
- staff and visitor car parking areas, and
- landscaped areas

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. Seven objections have been received from residents of Strathmerton. The issues raised in the objections relate to traffic, drainage, compatibility with the Moira Planning Scheme and noise and light pollution.

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.

2. Background and Options

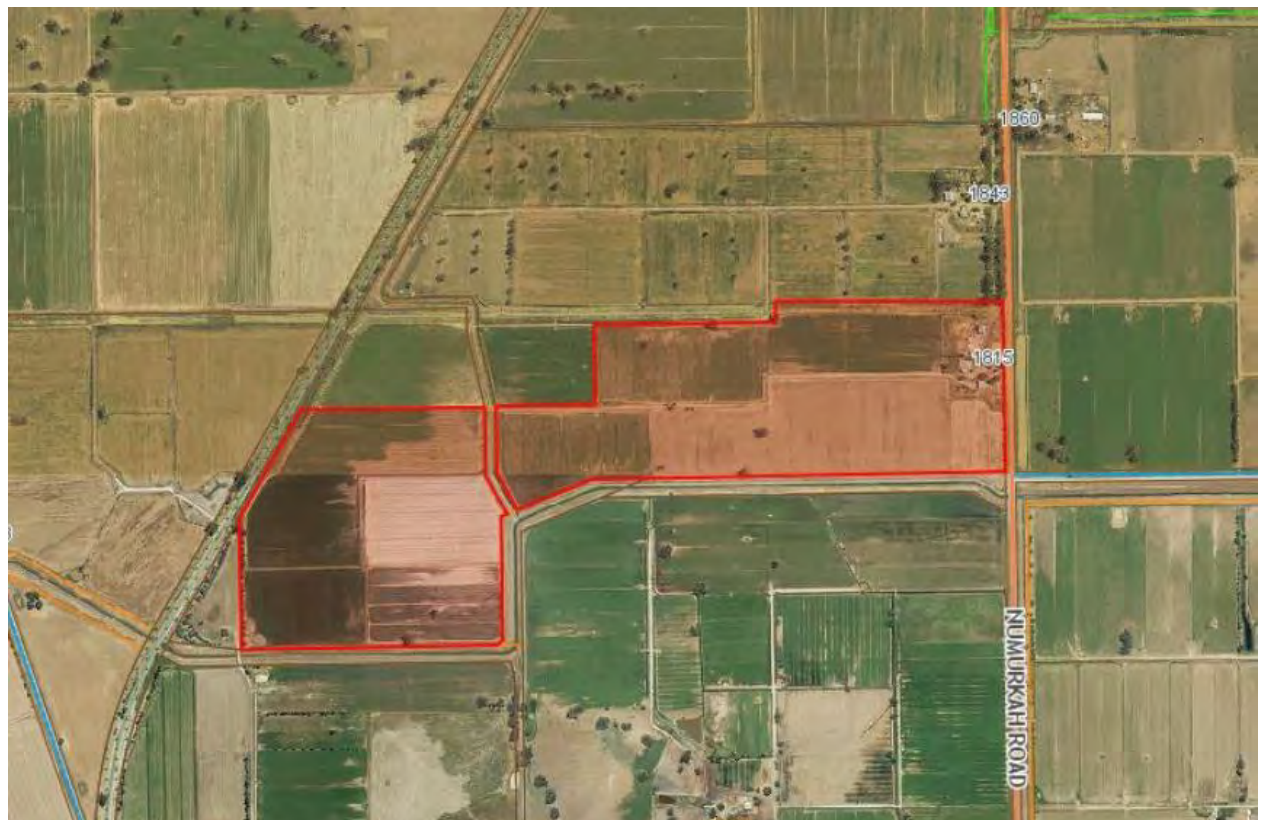
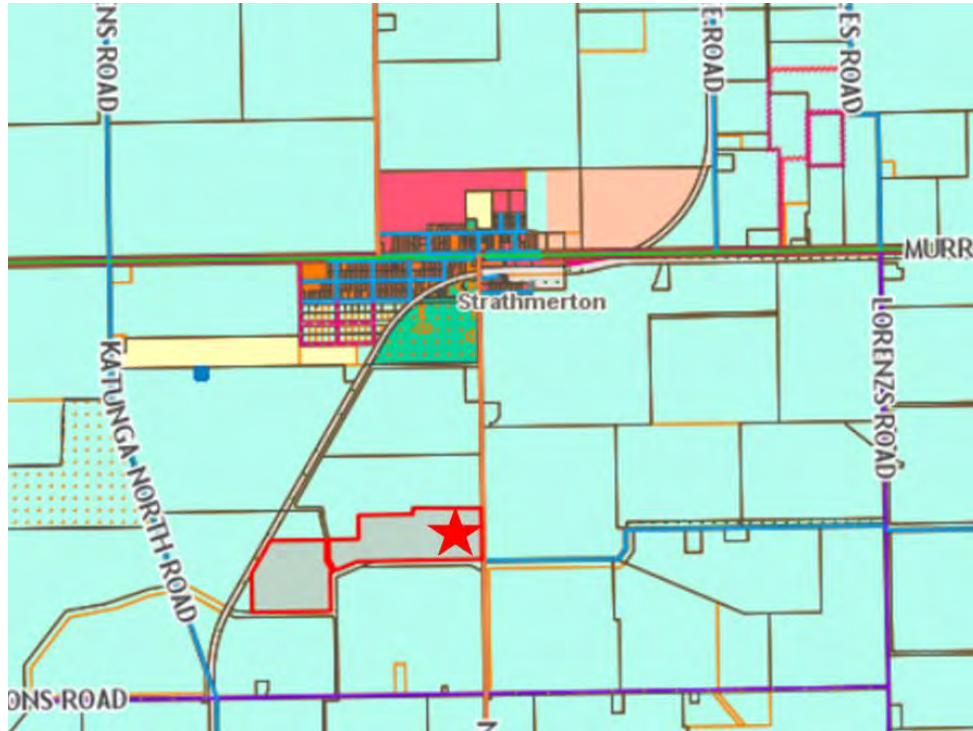
Application Details

Applicant: Booth Transport Pty Ltd.
Owner: Steve Harrap and Cindy Harrap
Land Address: 1815 Numurkah Road, Strathmerton
Title Details: Lot 1 TP751388
Site Area: 44.3ha
File No: 52015363
Zone: Farming Zone (FZ)
Overlays: Nil

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Key Issues

- State Planning Policy
- Local Planning Policy

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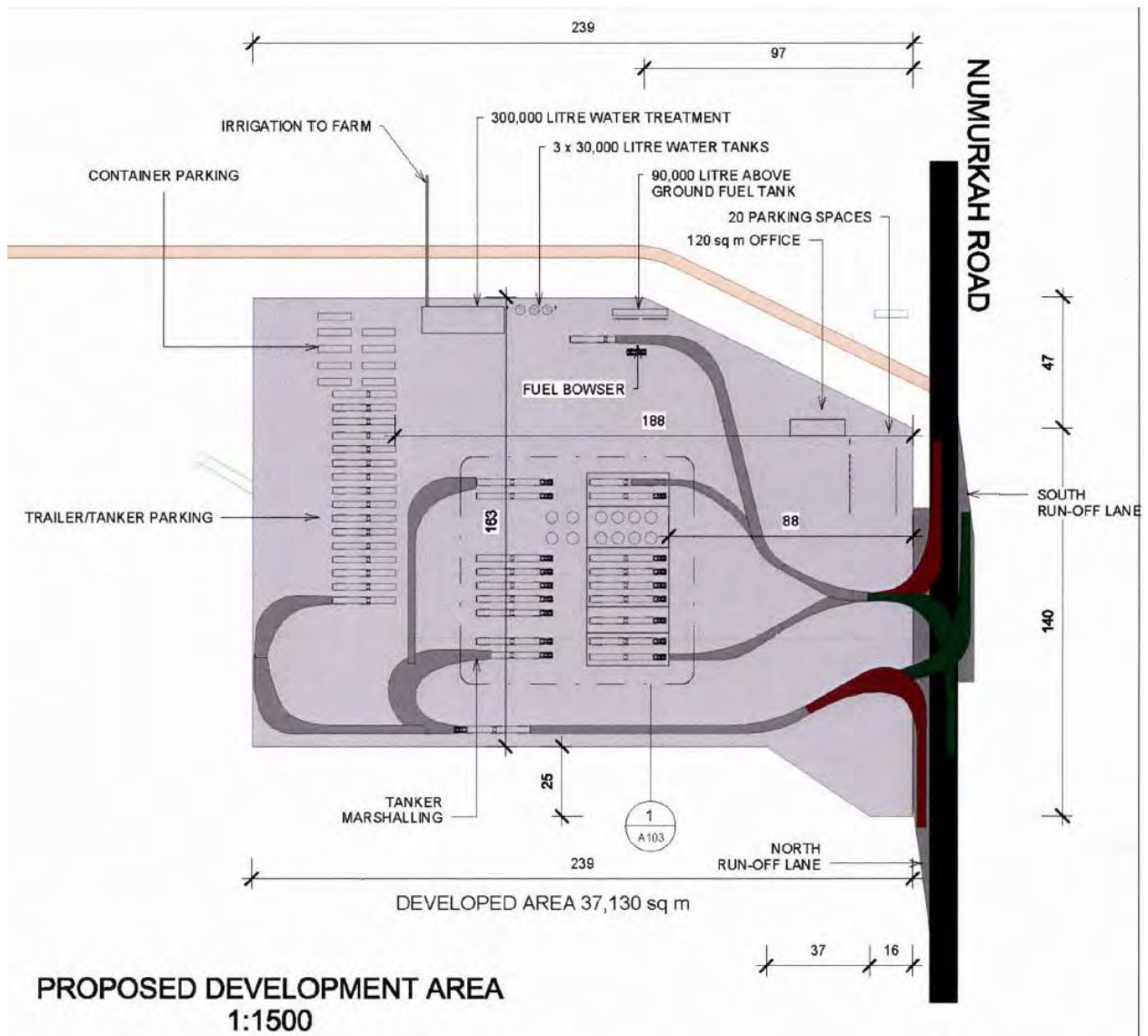
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- Farming Zone Policy
- Objections

Proposal

The subject application is for the use and development of 1815 Numurkah Road, Strathmerton as a road freight and milk depot.

The documentation submitted as part of the application outlines that the lot will be used as a transport depot and short term transit storage facility. The products moved through and stored on the site include edible oil, dairy (milk & cream) and wine products.



The total lot area is 44.3ha but the proposed use is only proposed for 3.7ha of the lot, fronting onto the Numurkah Road. The buildings and works proposed include:

- an office,
- warehouse,
- tanker marshalling and parking areas,

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- trailer and container parking areas,
- a 90,000 litre fuel tank,
- 3 x 30,000 litre water tanks,
- a 300,000 litre treatment facility,
- staff and visitor car parking areas, and
- landscaped areas.

While the applicant has set out that the operating hours will be from 6am to 8pm 7 days a week the also state that they may potentially need to work 24 hours, 7 days per week.

It is proposed that there will be a full time care taker on the site with responsibility for site maintenance of the approximately 40ha portion of the property which will not be developed. The application indicated that the balance of the land will be used for agricultural purposes (grazing)

Location

The subject lot is located approximately 1.5km to the south of Strathmerton on the Numurkah Road. It is bounded to the east by the Numurkah Road, to the south of GMW infrastructure, a railway track to the west and agricultural lands to the north. There is a dwelling and shedding on the subject lot to the north of the proposed development. There are a number of native trees on the site but not in the vicinity of the proposed works.

The area is dominated by large agricultural lots, some of which have associated dwellings. The closest dwelling to the proposed development is located approximately 200m from the lot boundary to the north and approximately 350m to the north of the proposed development.

Options

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

3. Financial Implications

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

4. Risk Management

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

5. Internal and External Consultation

Internal Consultation

The application was referred to the Council's Assets, Building, Environmental Health, Natural Resources and Infrastructure Planning. No objections have been raised however a number of conditions are recommended to be imposed on any planning permit that is issued.

External Consultation

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The application was also referred, externally, to Goulburn Murray Water (GMW) and VicRoads under Section 52 of the *Planning and Environment Act 1987*. GMW has not objected to the issue of a permit subject to a number of conditions.

As stated above VicRoads requested further information and following receipt of a Traffic Impact Assessment Report (TIAR) has stated that it has no objection to the issuing of a permit and no conditions are recommended to be imposed.

Public Consultation

Public Notice of the application was given in accordance with the provisions of Section 52 of the *Planning and Environment Act 1987*. Adjoining and nearby landowners were notified by letter and a signs was placed on the subject land.

Seven objections have been received against the application. It is for this reason that the decision has been referred to Council. The objections are attached here as Attachment 1. The applicant has provided a response to the objections but has opted out of mediation with the objectors (Attachment 2).

All objectors are from the Strathmerton area. The issues set out by the objectors can be grouped under the following headings:

- Traffic – off-site road safety, potential damage and noise
- Drainage and potential for contamination of irrigation waters
- Incompatibility with the purpose and policies of the Farming Zone
- Light and noise pollution from the site

These will be discussed separately below.

It should be noted that the objectors also raised concerns regarding the impact of the development on property values and the potential that the use may grow in the future. In planning law, it is a well-established that the property values are not valid planning considerations therefore this matter cannot be considered as part of the assessment of this planning application. Further the application can only assess development as set out in an application, not future possible intensification or expansions of the proposed use and development.

Traffic

Two objectors raised concerns regarding the impact of the proposed development on Reynoldsons Road in terms of both safety and potential damage. In response the applicant has indicated that they do not intend to use Reynoldsons Road and therefore the proposed development will have no impact. This accords with the Haulage Routes set out in section 4.4 of the Traffic Impact Assessment Report submitted by the applicant.

The majority of objectors raised concerns regarding traffic safety on and potential damage to the Numurkah Road. The applicant's response states that the Numurkah Road is an approved B-Double route and that the additional traffic resulting from the proposed development is unlikely to give rise to any impacts.

The application was referred to Council's Infrastructure Planning Department and VicRoads. Neither has raised any concerns regarding safety or damage. It is therefore considered that the Numurkah Road is adequate to cater for the proposed development and has the capacity to cater for the protected increase in traffic safely.

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A number of objectors raised concern regarding the impact of increased traffic noise in the Township of Strathmerton including the noise from breaks and gear changes. Particularly of concern is the noise made by vehicles as they cross VicTrack rail lines close to the oval travelling on the Numurkah Road. The applicant has not specifically responded to this issue, but states that the proposal will have a minimal impact on traffic in Strathmerton. Further they state that the traffic will be passing though Strathmerton regardless of their terminal/depot.

Traffic noise is considered an off-site impact. Strathmerton is at a key location on the Murray Valley Highway and Goulburn Valley Highway. On balance it is considered that the noise generated by the proposed development will lead to minimal increases and can't be controlled by any single planning permit. The cumulative impact of increasing traffic related noise may need to be considered by different means.

Drainage and potential for contamination of irrigation waters

A number of objectors raised concerns regarding drainage and possible contamination of irrigation waters. It is noted that a drain runs along the southern boundary of the lot. In response the applicant has stated that they are committed to being environmentally responsible and will be working with the Environmental Protection Agency (EPA) to ensure all standards are met.

The application was referred to Goulburn Murray Water who has not objected to the issuing of a permit and has set out conditions to protect their drain. The Infrastructure Planning Department have also set out conditions to mitigate against contamination.

Incompatibility with the purpose and policies of the Farming Zone

One objector has concerns regarding the proposed use, stating that it is inconsistent with the provisions of the Farming Zone. Further they state that the proposed development will lead to fragmentation of agricultural lands and limit the potential for future expansion of agricultural uses on adjoining properties. The applicant has not responded regarding this issue, stating that this should be addressed by the Shire.

The subject land is located in the Farming Zone (FZ) and the objector has correctly stated that the purpose of the farming zone is in effect to protect agricultural lands. The proposed use however is not prohibited in the FZ.

The Victorian Planning Provisions have changed over time and the last major amendment to the FZ occurred in September 2013. The modifications have broadened this zone for uses that were previously prohibited in an effort allow new business to operate in the zone. These are listed as Section 2 uses and require planning permits so that their impact can be assessed on a site by site basis. The subject application is assessed against the decision guidelines of the FZ below.

Light and noise pollution from the site

An adjoining neighbour has expressed concerns regarding noise and light pollution from the proposed development.

The application states that depot lights will be minimal and on a timer and the internal layout will be designed to ensure that vehicle lights will not aim towards neighbouring properties. Further they state that they intend to erect sheds on the northern side of the property.

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In their response to the objections the applicant has stated that a shed will be erected to the north of the property to minimise noise and light. Details about the shed have not been provided and it is not clear if this is the proposed warehouse building or a structure that is not part of this planning permit application.

It is noted that the most sensitive receptor for light pollution is the dwelling located over 350m to the north of the proposal. Between this dwelling and the proposed 3.7ha site of the depot there is another dwelling and some agricultural shedding on the north portion of the subject lot.

The application was referred internally to Shire's Natural Resources Officer who has set out a landscaping condition requiring that a buffer of landscaping be established along the northern and southern boundaries of the development.

Regarding concerns relating to on-site noise from vehicles the applicant has indicated, in their response to the objections that measures will be taken to minimise noise. These include the planting of pine trees, which will accord with the landscaping condition. Further the applicant has indicated that all external noise will comply with the relevant requirements, that their drivers are well trained and that driver behaviour is monitored – thus mitigating against noise from gear changes etc.

A condition will be placed on the permit ensuring that the proposal accords with the relevant EPA restrictions.

Summation

It is considered that the objections raised have been considered. On balance, subject to compliance with conditions, the proposed use and development is suitable to its proposed location.

6. Regional Context

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

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 a food produce related transportation hub will build on existing agricultural, processing and transportation related business in the Shire allowing potential easier access to markets.

8. Legislative / Policy Implications

Zoning

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

To encourage the retention of employment and population to support rural communities.

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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 as a Road Freight Terminal and Milk Depot 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:

- *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.*
- *How the use and development makes use of existing infrastructure and services.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *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 acknowledged that the proposed development will result in the lot of 3.7ha of farmland. It is however considered an appropriate use for the proposed lot that will benefit agriculture, providing a hub that will allow dairy and other products to be transported more easily to market.

Referral responses have indicated that the Numurkah Road has the capacity to cater for the proposed vehicular movements. The proposal makes use of existing infrastructure and services in particular the two highways which merge in Strathmerton. A treatment plant is proposed to cater for the development and conditions will ensure that there will be no contamination hence protecting soil quality.

It is considered that the proposed use is not a sensitive land use. Unlike a dwelling, the impact of surrounding agricultural uses upon the terminal will be negligible therefore it will not stop or limit agricultural intensification.

Conditions will be set to minimise the visual impact of the design and materials of the proposed development.

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A Traffic Impact Assessment Report (TIAR) has been prepared at VicRoads request. A condition will ensure that this TIAR is amended to show any traffic management measures required by Council.

It is considered that, on balance, the proposed development accords with the decision guidelines of the FZ.

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 11.10.4 of the Moira Planning Scheme sets out the following strategy:

Support the development of freight and logistics precincts in strategic locations along key regional freight corridors.

Strathmerton is located on a *National Transport Corridor* (Goulburn Valley Highway) and another *Major Transport Link* (Murray Valley Highway). A permit has been issued for a second similar development in Strathmerton fronting onto the highway. It is likely that if both developments proceed Strathmerton will become a key location for freight and logistics and may develop into a precinct.

Local Planning Policy and Municipal Strategic Statement

Clause 21.05-1 states that:

The region's workforce is heavily dependent on the agricultural sector with many people directly involved in agricultural production on farms, and an estimated similar number involved directly and indirectly in the processing and transport of that product.

Further it states that

As a direct consequence of investment in the food production and processing sectors, the engineering, transport and specialist service industries are experiencing rapid growth.

The proposed use of the subject lot as a transportation hub reflects ongoing growth and further and supports local agricultural development and intensification.

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 sets out that 10% of the site area of a milk depot is required for car parking. There is no requirement set out for a road freight terminal. Warehouses are required to have 2 to each premises plus 1.5 to each 100m² of leasable floor area.

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The subject lot is 44.3ha but the proposed development affects just 3.7ha. At a rate of 10% of the site area 0.37ha or 3700m² would need to be set out for car parking. The proposed warehouse is 2100m² and would require 34 spaces.

The TIAR submitted by the applicant indicates that a total of 60 car spaces are proposed to be provided on site. A car parking space and access lane has an area of 29.38m² (Clause 52.06 of the Planning Scheme) hence 60 spaces calculates to 1,762.8m² in area.

It is considered that 60 car parking spaces on the site is a sufficient number to cater for the proposed development.

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 a large site where the entire business relates to loading and unloading. There is therefore ample space and provision for the loading and unloading of vehicles. A condition will be set out to ensure that all loading and unloading occurs on the subject lot.

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, generally accords with Clause 65.

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

Nil

Relevant Planning Scheme amendments

Nil

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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), to the south of the township of Strathmerton. A planning permit is required for the use of the lot for a Road Freight Terminal and Milk Depot. The buildings and works also trigger a permit requirement.

The purposes of the FZ, amongst others, are:

*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.

Attachments

- 1 Objections
- 2 Applicant's Response

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ATTACHMENT No [1] - Objections

Objection 1

Ms Martina Foley
Town Planner
Moirā Shire Council
44 Station Street
Cobram, 3644

20/1/16

Dear Martina,

We are writing to you concerning the Application for Planning Permit No. 5/2015/363 which will allow a Road Freight Terminal and Milk Depot on 1815 Numurkah Road, Strathmerton.

My name is [REDACTED] we live on the western end of Reynoldson Rd, which is a gravel road. Our concerns mainly relate to the increased usage of this road and the safety of my family:

1. We currently have approx. 3 to 4 milk tankers that currently travel Reynoldsons Road as a short cut to/from GV Highway as there are no existing dairy farms on our section of road. They travel at high speed and cause a great deal of dust. (we have, prior to Christmas, requested that the road have a dust proof layer applied – still waiting)
2. Deterioration of the road caused by heavy vehicles and increase traffic on Reynoldsons Road – currently our road has a layer of rocks (some quite large) applied that make horse riding, walking or riding a bike already dangerous and fear this danger will increase as traffic does not make allowances for pedestrians and currently do not slow down.
3. Reynoldsons Road is only single lane which again will increase the danger to my family even if they are in a car trying to pass oncoming trucks.
4. Moira Shire's current level of maintenance on Reynoldsons Rd is sporadic, current solution is to apply a layer of rocks so I fear with increased traffic this would not improve.
5. Also concerned with the depots proximity to drainage as we have a drainage pump licence and pump water downstream of the proposed Depot.

Yours Faithfully

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DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [1] - Objections

Objection 2

Friday, 22 January 2016

To Moira Shire Council as per Martina Foley,

Please accept this letter as our formal objection to the development of the site located at 1815 Numurkah Road, Strathmerton as a transport depot & storage facility, as proposed by Booths Transport.

We have a number of reasons for opposing this development some of which are listed below.

1. A dramatic and unacceptable increase in heavy vehicle traffic.
2. An Underestimated impact on neighbouring properties.
3. The ability of the road to handle the increased traffic flow & the installation of turning lanes.
4. The impact it will have on the value & sustainability of adjoining properties, including the effect on land values.
5. The contradictory information given in the proposal,
 - A) Operating times normally 6am to 8pm but needing 24hours, 7 days a week access.
 - B) Vehicle numbers initially 15 to 30, what number eventually? (another eight silos are proposed)
 - C) Shedding to the north of the development that will reduce impact of truck lights on neighbouring properties not shown on proposal. Does this indicate further future development?
6. The proposal is contrary to the primary purpose of the Farming Zone under the Moira Planning Scheme as it not only allows for more land in this area to be removed from productive agricultural use but will also adversely impact on existing agricultural uses for the reasons stated above and limits the potential for future expansion.

FILE NO: 52015363
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [1] - Objections

7. It is also stated in your Scheme that "the process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is discouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels". Therefore I feel that this proposal is indeed contrary to what is considered "fundamental" and should in no way be encouraged by the Shire or its Councillors if it holds any value in the viability and longevity of agriculture in this area. Introducing this use and development will inevitably cause a fragmentation of the existing farm lots and devalue surrounding lands.
8. Concerns about the potential contamination of irrigation water from the development through irrigation, drainage & ground water.

Yours Respectfully

FILE NO: 52015363
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2
(TOWN PLANNER, MARTINA FOLEY)
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**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [1] - Objections

Objection 3

Objections

In MRS Property's letter to Moira Shire (Page 3, Paragraph 2), Booth acknowledge that there will be an impact of 'noise and light etc' to my property, which directly adjoins to the [REDACTED] proposed depot.

In relation to the daily operations of the depot yard, the stated intent to erect sheds on the north side of the property to minimise the impact, does not define construction to have taken place at the commencement of the use of the depot. Noise will be created by the movement of and the loading/unloading of trucks, and light glare from trucks lights as they move around the yard.

In relation to approach and departure of trucks from the depot, noise will increase with gear changes, but particularly with the use of engine brakes. Noise will increase relative to the increase in numbers of trucks.

It is also stated that initially approximately 15 vehicles will deliver and despatch per day, doubling to 30 vehicles per day during peak season. No long term projection of numbers of vehicles or a possible capping of vehicle numbers has been stated.

Impacts

Immediate impact to my home from the proposed depot would be the increase of noise and lights with the operation of the depot (as mentioned above). Also the saleability and value of my property may be adversely affected.

Further impact may occur with possible future expansion of the depot.

FILE NO: 52015363
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**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [1] - Objections

Objection 4

To Moira Shire Council	22.1.2016
Planning Permit 5/2015/363	27 JAN 2016
My concerns for a road Freight Terminal and Milk Depot at 1815 Numurkah Road Strathmerton Land Title Lot 1 TP 751388	
Trucks coming in and out will do damage to the road as the road is not wide enough for large turning vehicles	
There will be a lot of extra noise at the town when trucks go over the railway line and turn onto the Highway and we also have more trucks on the road with Mc Culls also moving into town.	
Numurkah Road is a major school bus route which is pretty busy between 7.45 - 8.15am and 3.55 - 4.20 p.m, which could result in more accidents.	
My other concerns is that it is beside a drainage channel this may result in bad water entering our waterways	

FILE NO: 52015363
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(TOWN PLANNER, MARTINA FOLEY)
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**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [1] - Objections

Objection 5

What are the reasons for your objection?
This area is on an main
thorough fair for the town with loads
of local traffic, not to mention
children walking, biking to the
sports ground. These trucks will be
in and out all hrs of the day
and night ripping up the roads
(at cost to shire) accessing the property
(more cost) noises all hrs.

How will you be affected by the grant of a Planning Permit Application?
This affect the safety
of young children, the extra
noise limits to the town
as I already here trucks
crossing the railway and I'm
not that close.

FILE NO: 52015363
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [1] - Objections

Objection 6

To the Moira Shire Planning Department,

Objection to Planning for: 1815 Numurkah Road, Strathmerton Lot 1 TP 751388

We would like to submit an objection to the proposed development of a Road Freight Terminal by Booth Transport Pty Ltd at 1815 Numurkah Road, Strathmerton.

Our main objection is to the increase in heavy vehicle road traffic on this road and the additional noise particularly should this terminal become a 24-hour operation.

My family has [REDACTED] residence on Numurkah Road when heading into Strathmerton directly across from the Football Oval. Our front nature-strip has an 80km speed restriction sign which already causes a great deal of traffic noise with the 'current' road users either braking or speeding up directly in front of our house. We can also hear traffic particularly heavy vehicles with trailers or loads as they cross the railway track, which is just a little further on. We believe the additional road usage by heavy vehicles will significantly impact on the noise created by traffic. Although trucks are not supposed to use air breaks when coming into built up areas this is certainly not adhered to.

We also believe Numurkah Road in it's current state is not able to take additional traffic. The road currently has no shoulders. Extra traffic on this road will make it more unsafe for the current road users in particular bike riders. I ride a road bike and it is not possible to leave the bitumen on this road when there is traffic coming both ways.

A large number of younger riders also use this road to ride to sporting events/training at the oval. The extra road users will put our junior cricket, football and netball players further at risk when walking to training and crossing Numurkah Road to the Strathmerton Recreation Reserve.

Please submit our objection to this Road Freight Terminal. We don't believe that it is appropriate for trucks to be using this secondary road and wonder why land was not purchased on the Murray Valley Highway, for example the old 'Byfords' Industrial site.

Yours faithfully,

FILE NO: 52015363
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [1] - Objections

Objection 7

Dear Martina,
I am writing to notify you of some concerns I have regarding the application of a planning permit by Booth Transport Pty Ltd at 1815 Numurkah Rd Strathmerton.

As my property is [REDACTED] proposed site I am concerned about the impact of numerous B-Doubles trying to turn into the site and what it will do to the road surface, the traffic hazards that can occur and how council purpose to widen the road to accommodate turning lanes without this effecting the stability of my recycle dam.

I am interested in how this application will affect zoning and rates.

I would also like to state that I do not believe this development is a practical use of quality farming land and have concerns as to how it may effect the resale value of my property in the future.

I would hope that these issues will be discussed and that I will be apart of said talks before the go ahead is given.

Regards

FILE NO: 52015363
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [2] - Applicant's Response



10th February 2016

Ms Martina Foley
Town Planning and Building
Moirā Shire Council
PO Box 578 Cobram Vic 3643

BOOTH TRANSPORT Pty Ltd
ABN 98-007-678-622
Melbourne
183-195 Fitzgerald Road
Laverton North VIC 3026
Phone: (03) 8340 9500
Fax: (03) 8360 9192
www.boothtransport.com

Dear Ms Foley,

Response to Objection Notices

Due to time constraints on contractual obligations we have, **we wish to bypass objector mediation and submit direct to council for a decision.** We do wish to work with everyone in the area and are willing to host a meeting with the objectors in order to give them comfort we intend on integrating with the community not only providing employment, but also using facilities and services in the area. We tend to support the local community and sporting groups in areas we frequent and intend to do the same within the Strathmerton district. We have already employed 11 staff, 5 of them commenced in February.

Booth Transport is a family owned company founded in 1936 by Lindsay Stanley Booth, who originally started the company to transport his own produce. Today, Booth Transport is one of Australia's most respected national freight and logistics service providers. Booth Transport prides itself on being a family owned business that is community minded.

The management of the site will be long serving staff of Booth Transport with intentions of re-locating to Strathmerton.

We have consolidated the objections and responded to:

- 1. Heavy Vehicle Traffic (increase in traffic / ability for road to handle increased traffic flow (Numurkah and Reynoldsons Rd)**
 - *Numurkah Road - As per the Traffic and Transport Assessment report, Numurkah Road is a Vic Roads approved B-Double route and any additional traffic likely to be generated by the proposed development is unlikely to impact on the quality or operation of Numurkah Road or the surrounding road network.*
 - *Reynoldson's Road – Booth Transport do not intend to utilise this road for any vehicle movements and therefore will have no impact on the quality or operation of Reynoldson's Road.*
 - *The site will have minimal to no impact to heavy traffic in Strathmerton*

It's worth noting on this point that the traffic will still be going through Strathmerton regardless of our base, being in Strathmerton does give the local residents some control over our traffic management.

- 2. Impact on neighbouring properties including land value**

Booth Transport expect the proposed development to increase land value. The proposed site will bring approximately 40-60 personnel to the Strathmerton area which will have a positive impact on the local economy.

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

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [2] - Applicant's Response



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3. Impact on agriculture / farming zones

This matter would need to be addressed by Moira Shire Council, from what we understand we are not breaching these.

4. Environmental Impacts (potential contamination of irrigation water / site proximity to drainage)

Booth Transport is committed to being an environmentally responsible company and are committed to ongoing sustainable environmental management. Booth Transport is particularly mindful of the effect of heavy vehicles on the environment, hence promoting a policy of regular maintenance and monitoring of emissions for company vehicles. Booth Transport will be working closely with EPA VIC to ensure all civil works on site meet EPA standards and are approved.

5. Operating Hours and Vehicle Numbers

Peak hours of operation are estimated on the original submission, however Linehaul vehicles will be arriving and departing 24 hours per day predominantly during daylight. Estimates of operating hours and vehicles can only be provided at this stage of planning. Exact operating hours and vehicle numbers will be dependent on commencement of site, season and customers.

6. Shed to the north of property

Shed to the north of the property will be erected prior to the commencement of site operations to ensure noise and light are minimised to neighbouring properties.

7. Noise Issues (gear changes, engine brakes)

- *Internal noise will be minimised with the strategic placement of buildings and landscaping (large pine trees).*
- *External noise will be minimised by Booth Transport utilising vehicles comply with ADR 83/00 for External Noise and extensive driver training.*
- *All Booth Transport drivers are subject to a rigorous induction and training and education program. Booth Transport appoint driver trainers in all States who are responsible for all driver training.*
- *Vehicles are fitted with GPS units and reports are generated by a schedule to monitor driver behaviour (including idling times, engine brakes, speeding etc.). Any driver deemed to have breached company rules and expectations are subject to disciplinary action.*

8. Light Pollution

- *Vehicles are as per response to noise.*
- *The site will be landscaped in order to block out any light to immediate neighbours.*

9. Safety to pedestrian traffic

- *Booth Transport prides itself on being a professional and community minded company holding a number of heavy vehicle accreditations to ensure they remain at the forefront of heavy vehicle safety and compliance at all times.*
- *Booth Transport and its drivers are required to maintain compliance with road laws at all times.*

FILE NO: 52015363
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015363 - 1815 NUMURKAH ROAD, STRATHMERTON - USE &
DEVELOPMENT ROAD FREIGHT TERMINAL AND MILK DEPOT (cont'd)**

ATTACHMENT No [2] - Applicant's Response



- *Prior to and upon site commencement, Booth Transport will engage their driver trainers to provide training and awareness of the Strathmerton area including pedestrian safety.*
- *Any driver deemed to have breached company rules and expectations or road laws at any time are subject to disciplinary action.*
- *Booth Transport would also encourage any community member that has a concern or complaint regarding a driver and their behaviour to contact Booth Transport immediately so their issue can be investigated and addressed as soon as possible.*

BOOTH TRANSPORT Pty Ltd
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Fax: (03) 8360 9192
www.boothtransport.com

More information can be found at www.boothtransport.com or queries can be addressed to Jacqueline Booth at our Laverton office or on jaboath@boothtransport.com

We trust the above meets with your approval and ensure the best possible attention at all times, please don't hesitate to contact me if you have any queries.

Yours faithfully,

A handwritten signature in blue ink that reads 'MBooth'.

Mitchell Booth
Booth Transport Pty Ltd
Ph: 0400-020-020
mbooth@boothtransport.com

FILE NO: 5/2015/327
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,
NUMURKAH**

RECOMMENDATION

That Council approve the issue of a Notice of Decision to Grant a Permit for Planning Application No. 52015327 for a thirty-one (31) lot subdivision at 16 Tocumwal Road, Numurkah, subject to the following conditions:

1. Prior to the endorsement of the "Design Response Plan and Staging Plan" (drawing number reference 1104901-DRP) and "Proposed Plan of Subdivision" plan (drawing number reference 1104901-PPOS), revision F, sheet 1 of 1 dated 31/11/2015, and as appropriate, amended plans must be submitted to and approved by the Responsible Authority. In particular plan(s) must satisfactorily address the following point(s) to show:
 - a) a court bowl at the proposed road dead-end adjacent to proposed Lot 24, providing a minimum 10m turning radius and a 28m diameter road reserve in accordance with Clause 12 (Design of Road) Table 2 – "Residential Court Bowl" of Council's IDM standards; and
 - b) removal of the proposed "Drainage Basin & Raingarden Reserve 355m²" adjacent to proposed Lots 6 and 29, in accordance with Clause 20 (Stormwater Treatment) of Council's IDM standards; and
 - c) how stormwater flows from the subject land, are to be contained to the network capacity of the receiving pipe and demonstrate any potential stormwater retardation basin can meet the objectives and requirements of Clause 18 (Retarding Basins) of Council's IDM standards. This will include but not limited to, details of storage of the 1% AEP event flows, controlled permissible site discharge, WSUD features, inclusion into Stage 1 works, easements and legal point of discharge.
2. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to the issue of Statement of Compliance, the owner must remove the Section 173 Agreement registered on title and enter into a new agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:
 - (a) *Proposed Lot 16 and the dwellings erected thereon be retained for public housing operated by a public or community body.*

The Agreement must be prepared by the developer at the developers cost unless Council has been requested in writing to prepare it in which case all costs associated with the preparation and registration of the agreement must be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

4. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must pay to the Responsible Authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision as a contribution to public open space. All costs associated with the valuation of land shall be borne by the applicant or owner.

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2. IMPROVING MOIRA'S LIVEABILITY

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(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,
NUMURKAH (cont'd)**

5. The owner of the land must enter into an agreement with:
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. Before the certification of the plan of subdivision for the first stage of development starts, a landscape master plan for the whole of the estate *prepared by a person suitably qualified or experienced in landscape design* to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
 - a) Revegetation of drainage reserves/rain gardens using only indigenous (local) native plant species in all stages of the development.
 - b) Use of drought tolerant native species for street trees in all stages of the development.
 - c) The general layout of street tree and drainage/rain garden reserve plantings.
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names and quantities of each plant.

All species selected must be to the satisfaction of the Responsible Authority.
8. Before the issuing of Statement of Compliance is approved by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, *including that any dead, diseased or damaged plants are to be replaced.*
10. Prior to the issue of a Statement of Compliance for Stage 2, the subdivider of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement of the Agreement pursuant of Section 181 of the Act must be provided to the responsible authority. The Agreement must provide for the following:
 - a) that primary access is not permitted via Mackillop Way for Lots 17 to 24

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

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,
NUMURKAH (cont'd)**

inclusive.

The owner/subdivider under this permit must pay full costs of the preparation, execution and registration of the Section 173 Agreement and must be registered on the title, at no expense to Council, and its provisions must be noted on the endorsed construction plans.

11. Prior to the issue of a Statement of Compliance for Stage 2, the subdivider must fence, at no expense to Council, the boundary of the allotments abutting Mackillop Way. Such fencing is to be constructed to the standard required by the Responsible Authority, and must be constructed in such a way to provide uniform colour, type, and height fencing and must be compatible with other residential fences within the subdivision.
12. All construction plan approvals will lapse at the time of a request to extend this Planning Permit.
13. Prior to construction commencing on the site for the first stage of the proposed development, a Traffic Impact Assessment Report in accordance with Clause 9 (Traffic Management Strategy) of Council's Infrastructure Design Manual [IDM] must be submitted to and approved by the Responsible Authority. Any measures identified in that Report must be fully designed and constructed to the specifications and satisfaction of the Responsible Authority, prior to the issue of a Statement of Compliance for the relevant stage.
14. Prior to the issue of a Statement of Compliance for Stage 1, the subdivider must provide/extend kerb and channel and associated drainage, construct and seal the gravel road shoulder and provide a footpath adjacent to the subject land at O'Connor Street, and at no expense to Council and work with Council to link the above-mentioned infrastructure for the remaining length (approximate 53m) through to Mackillop Way, adjacent to No. 24 O'Connor Street. Council will pay costs associated with this construction, subject to approval of the overall cost of such works and availability of funding as agreed to in writing. All the works must conform to plans and specifications prepared by a suitable qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM].
15. Prior to the issue of a Statement of Compliance for Stage 2, the subdivider must upgrade to a sealed and drained standard the remaining gravel section of Mackillop Way for its full width through to O'Connor Street. All the works must conform to plans and specifications prepared at the expense of the subdivider by a suitable qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed to in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM].
16. Prior to the issue of a Statement of Compliance for the relevant stage of the development, and in accordance with the Endorsed Plan the subdivider must undertake, or cause to be undertaken, full construction of all new roads, footpaths, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with Council's Infrastructure Design Manual [IDM]. In

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(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,
NUMURKAH (cont'd)**

particular:

- a) the proposed Road must be designed and constructed to at least the standard of an 'Access Street' as defined in Clause 12 (Design of Roads) Table 2 of the IDM, with a minimum reserve width of 16m, accommodating for a 7.3m wide carriageway, or to such higher standards as may be recommended by the TIAR. Any recommendations detailed in the TIAR, or traffic calming measures as required to restrict vehicle speeds to the target 40kph, must be provided; and
 - b) any court bowl must offer a minimum 10m turning radius and a 28m diameter road reserve; and
 - c) all footpaths and pedestrian crossings must be designed and constructed in accordance with IDM Clause 13.3 (Mobility and Access Provisions). Footpaths must be provided on both sides of the proposed Road unless otherwise agreed in writing by the Responsible Authority; and
 - d) provide street lighting in accordance with Clause 26 (Public Lighting) of the IDM; and
 - e) provide type SM2M kerb and channel to the frontage of the proposed Road, in accordance with IDM standard drawing SD100 (Typical Kerb Profiles), and must be constructed along the entire frontage of each and every Lot within the development unless otherwise agreed in writing by the Responsible Authority.
17. Prior to the issue of Statement of Compliance for each stage, if required easement/s need to be created to the stormwater Legal Point of Discharge for the purpose to drain lots.
18. Prior to construction commencing on the site for the relevant stage of the development, detailed drainage plans with computations must be prepared in accordance with Clause 16 (Urban Drainage) of Council's Infrastructure Design Manual [IDM], and submitted to and approved by the Responsible Authority. The drainage plans must incorporate measures to enhance the quality of water discharged from the site and protect downstream infrastructure and waterways by the application of water-sensitive urban design principles. All the works must be designed and constructed in accordance with Clauses 20 (Stormwater Treatment) and 22 (Environment Management during Construction) of Council's IDM, and to the satisfaction of the Responsible Authority. In particular:
- a) all storm-water runoff originating from the subject property and from any adjacent catchment/s which have the potential to pass through the subject land during a 20% AEP event must be collected, controlled and conveyed by underground pipes to a legal point of discharge identified by the Responsible Authority. Unless agreed otherwise, upstream catchment/s must be assumed on post-development coefficient's to which the land is zoned. Unless these pipes are located within a reserve, easements must be created in favour of the Moira Shire Council to facilitate the future maintenance of the relevant assets; and
 - b) permanent overland and/or underground flood pathways must be identified or established to handle the maximum storm-water runoff that may reasonably be expected to affect the subject property in a 1% AEP event, both at the completion of construction and in the future. For this purpose,

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(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,
NUMURKAH (cont'd)**

- the total discharge from any upstream catchment/s must be assumed on post-development coefficient's to which the land is zoned. Unless the flood pathways are located within a reserve, appropriate easements must be created in favour of the Moira Shire Council to facilitate future maintenance of the relevant assets; and
- c) the peak discharge from and through the fully developed site in a 20% AEP event must be limited to a level that does not exceed the existing network capacity of the receiving drainage system from the subject property, plus any additional discharge, transferred from the upstream catchment in accordance with Clause 21 (Stormwater Discharge Points) of Council's IDM; and
 - d) unless other arrangements are proposed by the subdivider and approved by the Responsible Authority, any remaining flow control required to limit peak discharge from the developed site must be provided by constructing a retardation basin, in accordance with Clause 18 (Retarding Basins) of Council's IDM, through which all discharge from the developed site is directed; and
 - e) each proposed lot must have a stormwater house inlet point, extending from the legal point of discharge to within its property boundary to the specification and satisfaction of the Responsible Authority; and
 - f) measures to enhance the quality of water discharged from the site and protect downstream infrastructure and waterways by the application of water-sensitive urban design principles. All the works must be designed and constructed in accordance with Clause 20 (Stormwater Treatment) of Council's IDM, and to the satisfaction of the Responsible Authority; and
 - g) in the event of a staged development, temporary easements must be provided to ensure that Council has access to all drainage infrastructure essential to the operation of that stage, and all previous stages, including infrastructure that will ultimately be located in the road reserve.
19. Prior to the issue of a Statement of Compliance for Stage 1, all Lot 1 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.
20. Prior to the issue of a Statement of Compliance for the relevant stage of the development, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
21. Prior to the issue of Statement of Compliance, for each stage, the subdivider must construct/provide vehicle crossing to each and every lot and/or reserves within the subdivision development in accordance with Clause 12.9 (Vehicle Access) of Council's Infrastructure Design Manual [IDM]. Alternatively, vehicle crossings are not required to be constructed where mountable kerb and channel is used.
22. Prior to the issue of a Statement of Compliance of Stage 1, the subdivider must provide a vehicle crossings in accordance with Clause 12.9 (Vehicle Access) of Council's Infrastructure Design Manual [IDM] and must be constructed in accordance with plans and specifications approved by the Responsible Authority. In particular, provide vehicle crossings to proposed Lot 2 and lots fronting O'Connor

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- Street.
23. The staging of the subdivision must remain in sequence commencing from Stage 1, unless otherwise agreed in writing by the Responsible Authority.
 24. If the subdivider wishes to complete the works in stages, construction plans and specifications for each stage must be submitted to and approved by the Responsible Authority. The applicant must construct, or cause to be constructed, to the satisfaction of the Responsible Authority and any temporary works required to facilitate traffic movements after each stage has been completed. In particular:
 - a) temporary court bowls, secured by an easement of way, must be designed, constructed and fenced; and
 - b) where stub roads remain at the conclusion of each stage, arrangements must be made to ensure that permanent sealed road surfaces are not damaged by traffic using these court bowls; and
 - c) temporary easements must be provided for each stage so that Council has access to all drainage infrastructure essential to the operation of that stage, and any previous stages, including infrastructure that will ultimately be located in the road reserve.
 25. Prior to the issue of a Statement of Compliance, for each stage, the subdivider must provide the Responsible Authority with a maintenance bond equal to 5% of the relevant civil construction costs (excluding GST). The Authority will hold this bond until any and all defects notified to the subdivider before or during the liability period have been made good to the satisfaction of the authority.
 26. Prior to the issue of a Statement of Compliance, for each stage, the subdivider must pay to the Responsible Authority plan checking fees equal to 0.75% of the relevant civil construction costs (excluding GST) and site supervision fees equal to 2.5% of the relevant civil construction costs (excluding GST).
 27. Prior to the issue of Statement of Compliance for each stage, as constructed drawings in accordance with Council's Infrastructure Design Manual [IDM] are to be submitted for civil construction works in hard copy and electronic copies compatible with Council's AutoCAD drawing package in DWG or DXF format.
 28. Prior to the issue of Statement of Compliance, for each stage, the subdivider must provide Street trees for that stage in accordance with Council's Infrastructure Design Manual [IDM]. Landscaping of the nature strip must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location). Street trees must be selected and planted by a qualified Horticulturist/Arborist. Maintenance of these trees must be a minimum of 12 months from the time of Statement of Compliance and to the satisfaction of the Responsible Authority.
 29. Prior to the issue of Statement of Compliance for Stage 1, the subdivider must provide Street trees to the frontage at O'Connor Street, where appropriate and at no expense to Council. Trees must be provided in accordance with Council's Infrastructure Design Manual [IDM] and landscaping of the nature strip must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location). Street trees must be selected and planted by a qualified Horticulturist/Arborist. Maintenance of these trees must be a minimum of 12 months from the time of Statement of Compliance and to the satisfaction of the

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Responsible Authority.

30. Prior to the issue of a Statement of Compliance, all drains and batters, and all areas disturbed in the course of the works, must be topsoiled and seeded to establish grass cover.
31. All earthworks and lot filling must be in accordance with Clause 15 (Earthworks and Lotfilling) of Council's Infrastructure Design Manual [IDM].
32. 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.
33. Before the works commence, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.
34. The subdivider must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.
35. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.
36. Care must 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 must be replaced, and the full cost met, by the subdivider, to the specification and satisfaction of the Responsible Authority.
37. All infrastructure created by this development, and passing into the ownership and control of Council, must be maintained by the applicant for a period of 3 months following practical completion, and the applicant must thereafter accept liability for correcting defects that become evident during the following 9 months.
38. Prior to certification of plan, proposed road names must be submitted to Council for approval. Roads must be named in accordance with the Guidelines for Geographic Names 2010.
39. Fire Hydrants must be provided to the satisfaction of the relevant fire authority.

APA Conditions

40. Easements in Favour of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
41. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.

GVW Conditions

42. Payment of a new customer contribution for water supply to the development, such amount being determined by the corporation at the time of payment.
43. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with

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standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

44. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation.
45. Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
46. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
47. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
48. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
49. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Powercor Conditions

50. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
51. The applicant shall:
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric

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substation (other than a pole mounted type) is required to service the subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Planning Notes:

- A consent to work within Road Reserve permit must be obtained from the Responsible Authority prior to the carrying out of any works in the Road Reserve.

1. Executive Summary

An application was received to subdivide land at 16 Tocumwal Road, Numurkah. The subdivision will form part of a multi-lot staged subdivision. The subject lots are located within the General Residential Zone and are not affected by any overlays. Clause 32.08-2 of the General Residential Zone states that a permit is required to subdivide land. The proposed subdivision accords with the purpose of the General Residential Zone and design guidelines set out in the Moira Planning Scheme. It is also considered that the subdivision accords with State and Local Planning Policies.

The application was referred internally and externally and no objections have been received, however, a number of conditions were recommended. The application was also publically advertised and one objection was received. The objector's main concern related directly to drainage within the local area, primarily within Paterson Street, O'Connor Street and McKillop Way.

The concerns outlined by the objector have been considered and the recommended permit conditions will ensure that the subdivision is drained sufficiently.

The application is recommended for approval, subject to conditions.

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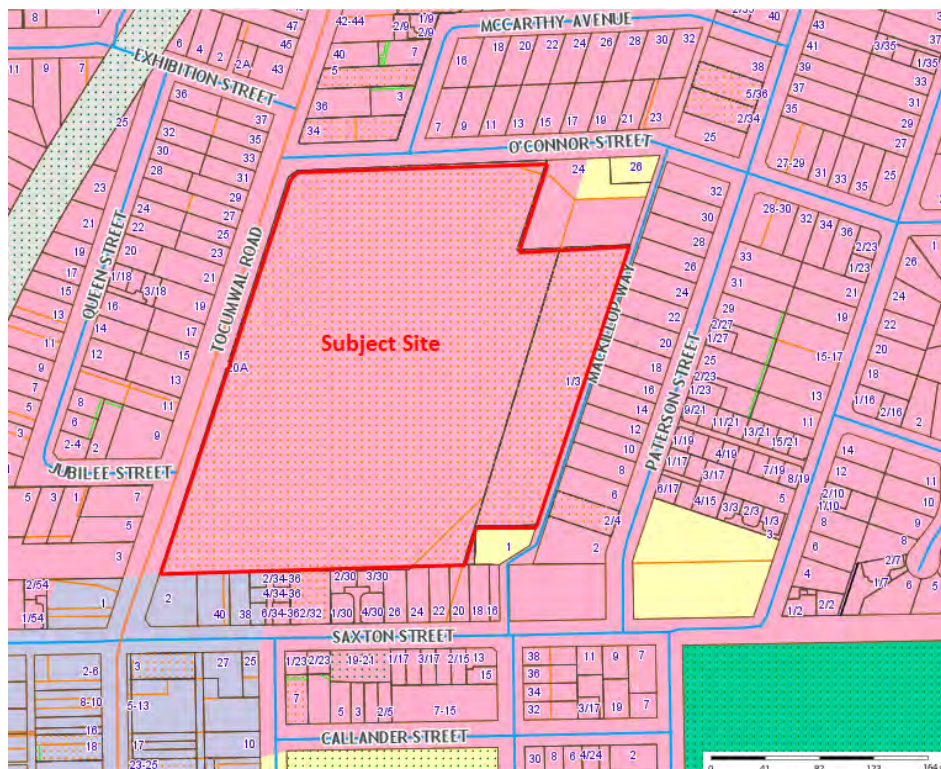
2. Background and Options

Application Details

Applicant: St. John the Baptist Parish
Applicant Contact: Tomkinson Group
Owners: The Roman Catholic Trusts Corporation for the Diocese
Land Address: 16 Tocumwal, Numurkah
Title Details: Lots 1, 2, 3 and 4 on Title Plan 944316T
Site Area: 7.83ha
File No: 52015327
Zone: General Residential Zone (GRZ)
Overlays: No

Key Issues

- State & Local Planning Policy
- Zoning requirements
- Development/subdivision requirements
- Objection

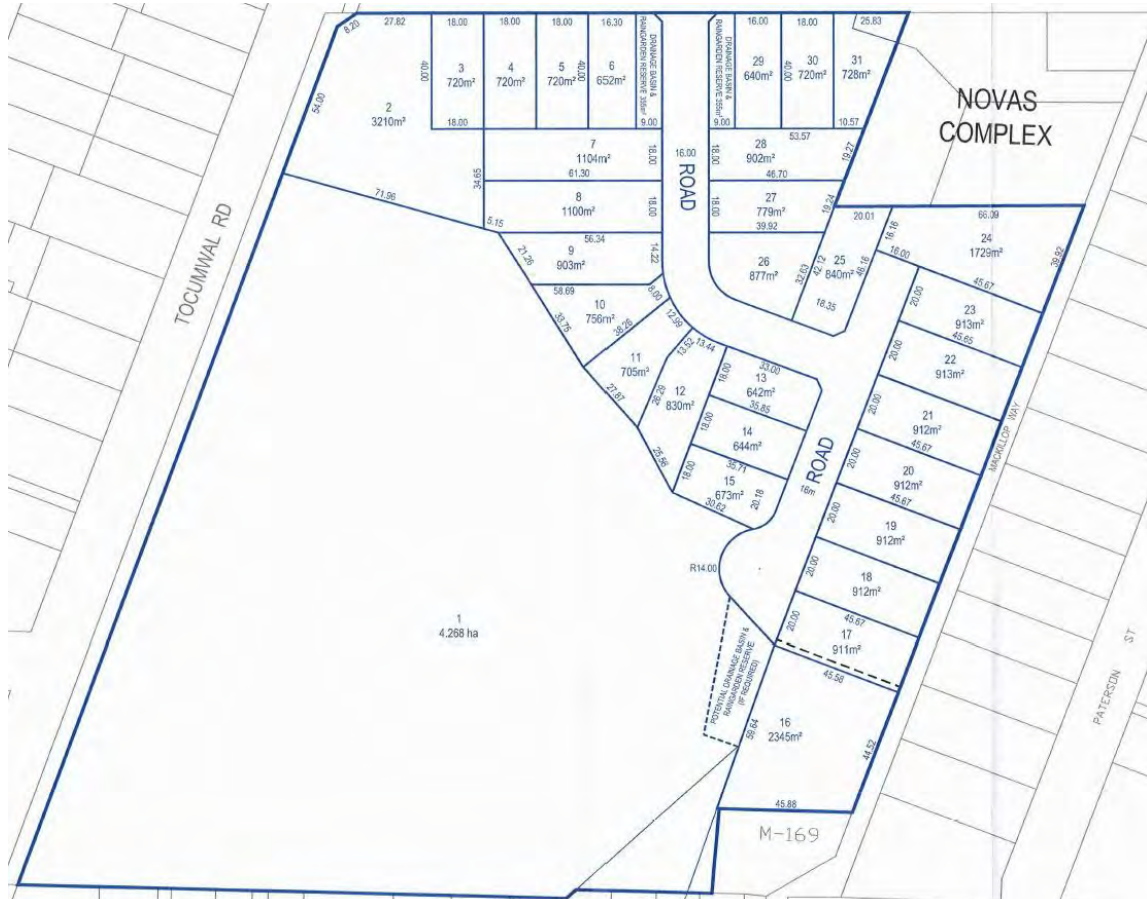


The subject land is located directly north of the main town of Numurkah along Tocumwal Road. The subject land contains a church and school complex and six supported living units which are run by Providing All Living Supports (PALS). Access to the subject land will be directly from O'Connor Street. There are a number of planted scattered trees associated with the school complex and trees located along the boundaries of the subject land.

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Proposal

The proposal is for a thirty-one (31) lot subdivision. Twenty-nine (29) of the lots will be located along the north and east of the subject land. The subdivision is to be conducted in two stages. Twenty-eight (28) of the lots primarily for residential development range in sizes from 640m² to 1729m². The largest lot is located on the northwest corner and is 3210 m². The remaining lots to the south will encompass a large single lot for the existing church and school complex and a single lot for the existing six PALS units located on the south east corner of the subject land.

The proposal also includes two 355m² drainage basins and rain garden reserves to the north of the subject land either side of the proposed road. There is potential for a third drainage basin at the end of the proposed road.

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

Internal Consultation

The application was referred to the Shire's Natural Resources, Infrastructure Planning and Assets Departments. No objections have been raised however a number of conditions have been recommended if any permit is issued. The application was also referred to Council's Heritage Advisor who did not object to the granting of a permit and did not recommend any conditions. It should be noted that Infrastructure Planning have set out detailed conditions relating to drainage and requiring detailed drainage plans be provided. The Statement of Compliance will not be issued until these conditions have been satisfied.

External Consultation

The application was also referred, externally, to APA, CFA, Goulburn Valley Water and Powercor under Section 55 of the *Planning and Environment Act 1987*. No objections have been received. Conditions have however been set out.

Public Consultation

Public Notice of the application was given in accordance with the provisions of Section 52 of the *Planning and Environment Act 1987*. Adjoining and nearby landowners were notified by letter and two signs were placed on the subject land.

One objection has been received against the application (See Attachment 1). The main concern related to the drainage of the immediate local area and concern was raised in regards to where the stormwater, rainwater and sewerage will go with the addition of thirty-one (31) lots. Essentially, it is considered that the objection submitted relates to a

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local drainage issue that has remained an issue for a period of time which the landowner has raised concerns about to Council's Infrastructure Department. When the objection was received a brief discussion was held with Manager of Construction and Assets who was aware of this issue and indicated that previous meetings had been held with the Objector.

A copy of the objection letter was sent to the Applicant. The Applicant provided a written response to the concerns raised by the Objector (See Attachment 2). The Applicant responded directly to stormwater and sewerage management as it relates to the subdivision. Sections of the objection raised concerns outside of the control of the planning permit as points raised related directly to Council acting as the drainage authority. The Applicant's response included the following points:

- The proposed subdivision includes two or three stormwater retention basins to assist with stormwater management.
- The subdivision will include a possible sewerage easement to connect to infrastructure adjoining MacKillop Way.
- The design details for the drainage infrastructure and the full sewerage route and design will be finalised at detailed design phase and will be in line with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.

Conditions relating to drainage and stormwater will be set out as part of the permit and if they are not complied with the Statement of Compliance will not be issued for this subdivision.

The Applicant's response letter and an Objector's Response Form were sent to the Objector. The Objector indicated that they did not wish to withdraw their objection.

6. Regional Context

There is no regional context associated with this proposal, given its 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

The strategic goal aims to enhance liveability through safe and welcoming communities. Council's Infrastructure Planning Department have recommended conditions that would ensure that the subject site is drained adequately, Council must consider this against the Objector's concerns relating to drainage.

8. Legislative / Policy Implications

Zoning

The subject lands are located in the General Residential Zone (GRZ). The purposes of the GRZ, amongst others, are:

*"To encourage development that respects the neighbourhood character of the area.
To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport."*

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It is considered that the proposed subdivision accords with the purpose of the GRZ. The subdivision has diversity in lot sizes and is located directly north of the main township of Numurkah.

Clause 32.08-2 states that a permit is required to subdivide land. Further it states that any application for a subdivision creating 16-59 lots in the GRZ must meet all the objectives and standards set out in Clause 56, except, 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3 of the Moira Planning Scheme. The requirements of Clause 56 will be discussed below.

Clause 32.08-10 sets out the decision guidelines for developments in the GRZ as follows:

General

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

The proposal accords with the purpose of the GRZ, subject to compliance with conditions. The relevant particular provisions relating to Clause 56 will be assessed below.

State Planning Policies

Clause 11.10-3 of the SPP sets out that it is a strategy of the *Hume Region Growth Plan* to:

Support growth and development in ... existing urban settlements and foster the sustainability of small rural settlements.

The proposed subdivision accords with this strategy by utilising already existing residentially zoned land within an established residential settlement near the town centre of Numurkah.

The objective of Clause 15.01-3 Neighbourhood and subdivision design sets out:

To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

The strategy to Clause 15.01-3 sets out that:

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- *Contributing to an urban structure where networks of neighbourhoods are clustered to support larger activity centres on the regional public transport network.*
- *Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.*

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- *Creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
Contributing to reducing car dependence by allowing for:
 - *Convenient and safe public transport.*
 - *Safe and attractive spaces and networks for walking and cycling.*
 - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
 - *A convenient and safe road network.*
- *Creating a strong sense of place because neighbourhood development emphasizes existing cultural heritage values, well designed and attractive built form, and landscape character.*
- *Protecting and enhancing native habitat.*
- *Environmentally friendly development that includes improved energy efficiency, water conservation, local management of stormwater and waste water treatment, less waste and reduced air pollution.*
- *Being accessible to people with disabilities.*
- *Developing activity centres that integrate housing, employment, shopping, recreation and community services, to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.*

The proposal is redeveloping an existing established area and accords with the above Clause and the objectives and strategies set out therein.

Local Planning Policy and Municipal Strategic Statement

Clause 21.04 sets out the key planning issues and challenges facing the Moira Shire relating to settlement. It recognises that facilitating the development of a diverse range of housing options for the Shire's existing and future population is a key challenge. It also highlights that new residential development is particularly encouraged in the Shire's four key townships, one being Numurkah, to support an expanding population.

In particular, Clause 21.04-4 sets out Moira's vision for the future development of Numurkah. It is a stated strategy that:

Encourage medium density housing around the commercial fringe of the town centre, particularly in proximity to public open space.

The *Numurkah Strategy Plan, January 2010* does not identify this site for short term growth although it is considered that the proposed subdivision accords with the strategy set out above.

A general strategy of Clause 21.04, states:

Promote residential development that is responsive to the character of the area.

The development is considered to be responsive to the neighbourhood character of the immediate area. Lot sizes along MacKillop Way range from approximately 772m² to

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1021m². Along O'Connor Street lots size range from approximately 630m² to 897m². Lot sizes along Tocumwal Road range from approximately 588m² to 1460m².

There is very minimal difference in density when comparing the redevelopment of this land and it's surrounding. It is considered that the proposal respects the existing neighbourhood character of the area.

Relevant Particular Provisions

Clause 52.01 – Public Open Space Contribution and Subdivision

This clause sets out the Shire's policies relating to Public Open Space Contributions and Subdivision. A person who proposes to subdivide land must make a contribution for public open space for all residential subdivision. There is no record of any Public Open Space Contribution having been paid for the subject lands. Accordingly a condition requiring payment of the contribution will be set out.

Clause 56 – Residential Subdivision

Clause 56 sets out the requirements for residential subdivision.

The purpose of this Clause, amongst others, is:

To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- *Infill sites within established residential areas.*

The applicant submitted an assessment against the relevant Clause 56 provisions, which indicated that the development meets the relevant objectives and standards. A review of the proposed application has found that the proposed development accords generally with the requirement of this Clause.

The decision guidelines of Clause 65

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*

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- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

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

9. Environmental Impact

It is considered that the proposed subdivision will not impact unduly upon the environment. The conditions set out for the permit, if issued, will ensure that the proposal will not impact upon the Environment.

10. Conflict of Interest Considerations

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

11. Conclusion

The proposed thirty-one lot subdivision is consistent with the State and Local Planning Policies, the zone provisions and subdivision provisions as per Clause 56. The proposed subdivision will also create a variety of lot sizes that are consistent with the existing lots in the immediate area.

While the concerns raised by the Objector relate to the impact of the subdivision on the existing infrastructure in the area, it is not considered that it would warrant a refusal of the subject application. Conditions have been set out that will directly address the stormwater management and sewerage requirements to Council's satisfaction.

It is therefore recommended that the application be approved subject to conditions.

Attachments

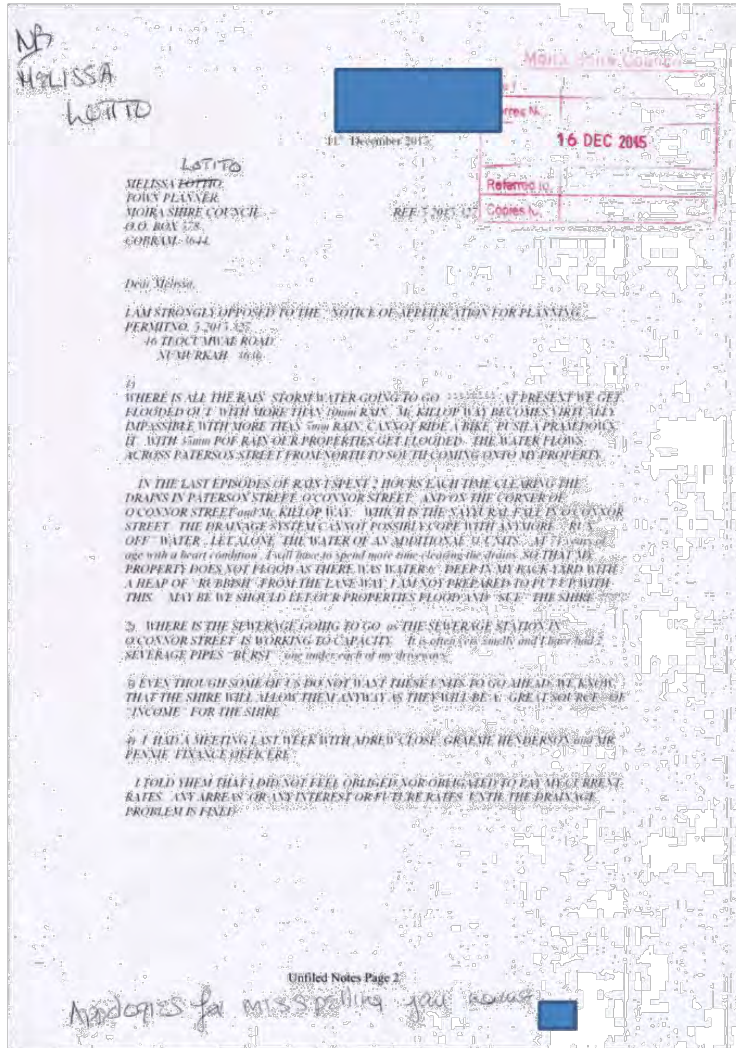
- 1 Objection Letter
- 2 Applicant Response to Objection

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ATTACHMENT No [1] - Objection Letter



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ATTACHMENT No [1] - Objection Letter

*WITH PATERSON STREET, O'CONNOR STREET and MC. KILLOP WAY FLOODING AND I
HAVE BEEN ASKING FOR SOMETHING TO BE DONE FOR THE LAST 5 YEARS AND
NOTHING HAS BEEN DONE, I AM VERY DISAPPOINTED WITH THE SHIRE AND ITS
INACTION. ALBEAR CAME 7 YEARS AGO AND AGAIN 3 YEARS AGO, HE THEN RINGS ME
A COUPLE OF DAYS AFTER GRAEME AND GRAEME HAD COME TO SEE ME TO ASK
"WHAT WAS MY PROBLEM" 22/23/2011/12*

YOURS SINCERELY



Unfiled Notes Page 3

FILE NO: 5/2015/327
2. IMPROVING MOIRA'S LIVEABILITY

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

**52015327 - THIRTY-ONE (31) LOT SUBDIVISION - 16 TOCUMWAL ROAD,
NUMURKAH (cont'd)**

ATTACHMENT No [2] - Applicant Response to Objection



ABN: 11 103 336 358
57 Myers Street
Bendigo Vic 3550
PO Box 421
Bendigo Vic 3552
P: 03 5445 8700
F: 03 5441 3648
E: bendigo@tomkinson.com

Our Reference: 1104901
Your Reference: 5/2015/327
8 January 2016

Moira Shire Council
Planning Department
Attn: Melissa Lotito
PO Box 578
COBRAM VIC 3643

Dear Melissa

**Re: Proposed Thirty-one (31) Lot Subdivision
16 Tocumwal Road and 3 MacKillop Way, Numurkah
Client: St John the Baptist Parish, Numurkah (c/- Tierney Property Group)**

Thank you for forwarding a copy of the single objection received in relation to this proposed subdivision. The following is provided in response to the objection:

Objector's concern	Response
Stormwater management concerns – due to localised flooding already experienced	The proposed subdivision includes 2 or 3 stormwater retention basins to assist in the management of stormwater. The detailed design for drainage infrastructure will be designed in line with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority. It is expected that drainage in the overall area will be improved due to the size of this development.
Sewerage management and capacity of sewerage system	The proposed subdivision includes a possible sewerage easement to connect to infrastructure adjoining MacKillop way, however the full sewerage route and design will not be finalised until detailed design phase, after a planning permit is issued. The detailed design for sewerage infrastructure will be designed in line with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority.

We have not provided a response to the other points raised in the letter, as they relate to Council directly, rather than this planning permit application.

If you have any queries, please do not hesitate to contact our Bendigo Office.

Yours sincerely

Andrea Delaney
Principal Planner



FILE NO: 5/2016/2
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU**

RECOMMENDATION

That a Notice of Refusal be issued for Planning Permit Application No. 5/2016/2 on the following grounds:

1. The proposal is not consistent with the Local Planning Policy, in particular Clause 21.04 - Settlement.
2. The proposal does not accord with the *Moira Small Towns and Settlements Strategy Plan, 2013*.

1. Executive Summary

An application was received for 72 Carlisle Street, Wunghnu that seeks approval for the use and development of land for a motor repair shop. The use and development will be located on the south east corner of the subject land. The subject land is located within the Farming Zone and is affected by the Land Subject to Inundation Overlay, there is an existing dwelling located on the northern adjoining lot.

The use of the land for industry which includes motor repairs 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 land 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 non-habitable building with a floor area of more than 500 square metres. The proposed development will be 604.8 square metres. Therefore there are three triggers for the subject application.

The application was advertised to adjoining landowners and referred internally and externally to the relevant authorities. The Planning Department has received one objection against the proposal on amenity grounds.

It is considered that the proposal does not entirely accord with the provisions of the Farming Zone, the Local Planning Policy and does not accord with the *Small Towns and Settlements Strategy Plan, 2013*. The subject lot is proposed for rezoning as per the adopted strategy. Once the rezoning is finalized the proposed use would then become a prohibited existing use on the lot. It would not be considered orderly planning if Council issued a permit at this present time.

It is therefore recommended that Council refuse the proposed application.

2. Background and Options

Application Details

Applicant:	Noel Rathbone
Owner:	Bruce McGorlick
Land Address:	72 Carlisle Street, Wunghnu
Title Details:	Lot 2 LP98825
Site Area:	0.31ha
File No:	520162
Zone:	Farming Zone

FILE NO: 5/2016/2
2. IMPROVING MOIRA'S LIVEABILITY

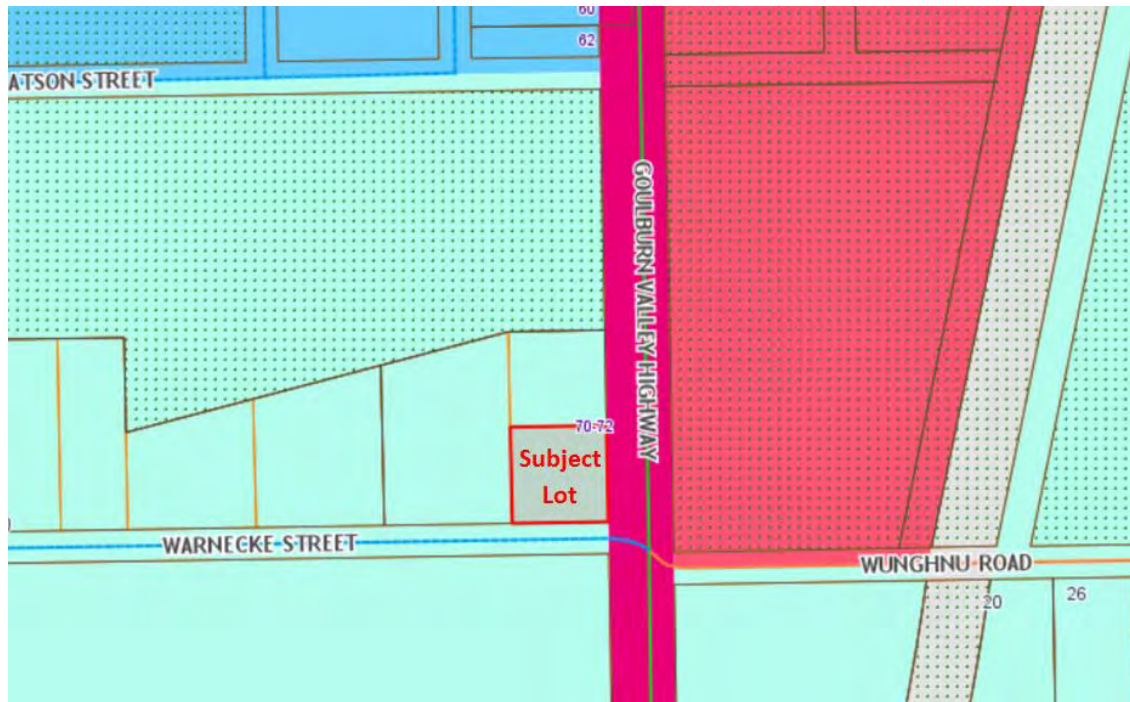
ITEM NO: 9.2.4
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

Overlays: Land Subject to Inundation

Key Issues

- Local Planning Policy
- Zoning requirements
- Adopted Small Town and Settlement Strategy
- Objection



FILE NO: 5/2016/2
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

The subject lot is located in the Farming Zone on the north west corner of the Goulburn Valley Highway and Warnecke Street.

The subject land (lot 2) is approximately 0.31ha and is entirely located within the Land Subject to Inundation Overlay. The property has access from Warnecke Street and contains vegetation along its south, north and western boundaries. The subject land is vacant.

To the north of the subject land is crown land and directly east is Council managed land (recreation reserve) . The lot adjoining the subject land to the north contains a dwelling. The surrounding area directly west and north west is mainly residential with dwellings contained on most lots. Agricultural lands are located to the south of the subject lot.

Proposal

The proposal is for the use and development of the land for a motor repair shop. The proposed workshop will be 33.6m by 18m with a verandah on the west side, two roller doors on the north side and two roller doors on the south side and an internal toilet.

The initial application did not include any provision for car parking and did not detail where access points would be located or loading/unloading bays.

Request for Further Information

VicRoads supplied a letter to the Planning Department requesting that more information was required before the proposal could be properly considered and assessed. On 15 January 2016 a request for further information was issued requesting:

- More detailed plans, drawn to scale, showing car parking bays, access points and loading/unloading bays
- Current vehicle movements per day and the type of vehicles

Response

The Applicant submitted a new dimensioned site plan that included the items requested. It was considered that the information provided was enough to further assess the application.

Site Visit

A site visit was undertaken discovering that access would need to be improved to required standards. It was noted however that the site was capable of accommodating the use and development with sufficient area for car parking and loading and unloading.

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.

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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

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

In December, the Applicant's partner phoned the Planning Department about their potential purchase of the subject lot and their proposal for a motor repair shop. A discussion was held with the Planning Coordinator about the proposal because the current zoning of the lot is Farming Zone, where the use and development requires a planning permit, however, the land is proposed to be re-zoned to Rural Living Zone, where the use would then be prohibited. This will be discussed further in this report.

With the Coordinator's advice the potential Applicant was advised of the current zoning and the proposed zoning of the lot and its implications. She was also advised that if she applied for a permit it may not be successful because Council would need to take into account the adopted *Small Town and Settlement Strategy* and the fact that the proposed use would become prohibited in future. Although, she was also told that she was still able to lodge an application since the land is still currently zoned as Farming Zone, however, the approval of a permit was no guarantee and further assessment would be required.

The Applicant decided to proceed with an application and lodged their application on 04 January 2016. At the time of lodgement a discussion occurred with the Applicant about the current and proposed zoning of the site and its implications, and the application process was also explained to the Applicant.

Internal Consultation

The subject application was referred internally to Environmental Health, Infrastructure Planning and the Natural Resources Officer. No objections were raised however a number of conditions have been recommended if any permit is issued. The conditions relate to septic systems, vehicular access, parking, drainage, amenity, waste removal, exposed storage etc.

External Consultation

The application was referred externally to the Department of Environment, Land, Water and Planning (DELWP), Goulburn Broken Catchment Management Authority (GBCMA) and VicRoads. DELWP did not object to a permit being granted and did not recommend any conditions. The GBCMA and VicRoads did not object subject to conditions.

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*. Letters were sent to adjoining landowners. An objection was received 27 January 2016 (See Attachment 1). The concerns raised, included:

- Exposed storage of old cars and scrap metal
- Amenity of the subject lot and its impacts at the entrance to Wunghnu

The objection received was provided to the Applicant providing an opportunity to respond to the concerns raised.

The Applicant discussed the objection with the Planning officer. The Applicant asked how he should proceed and if he should make contact with the objector. It was advised that it was to his discretion, although in addition to that, the Planning Department would still

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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

require a written response to be provided that responds to the concerns raised (See Attachment 2). The Applicant decided to liaise with the neighbour and also provided a written response.

The objector contacted the Planning Department about the meeting she had with the Applicant. The objector was told that her amenity concerns could potentially be conditioned as part of a permit, if one was to be issued.

The Applicant's response was forwarded to the Objector with an Objector's Response Form giving 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.

At the time of writing this report the response form has not been received.

While the objector's concerns could be addressed in any planning permit that is issued, the concerns highlight that the proposed use may not be an appropriate location at the entry of the town and that uses of this nature generally over time become unsightly, hence the amenity of the area is at risk.

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 was granted, the development may impact upon the safety and amenity of the community.

8. Legislative / Policy Implications

Zoning

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

- *To provide for the use of land for agriculture*
- *To encourage the retention of employment and population to support rural communities*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision*

It is considered that the proposal generally accords with the purpose of the Farming Zone.

In Clause 35.07-1 the use of the land for Industry is a Section 2 – Permit Required Use. This is the first trigger for the subject application.

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2. IMPROVING MOIRA'S LIVEABILITY

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(TOWN PLANNER, MELISSA LOTITO)
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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

Motor Repairs falls within the broader land use of Industry under the Moira Planning Scheme, Motor Repairs is described as:

Land used to repair or service motor vehicles, and includes the fitting of accessories.

Clause 35.07-4 states that a permit is required for buildings and works associated with a use in Section 2. This is the second trigger for this application.

Clause 35.07-6 sets out the decision guidelines for developments in the FZ. The following guidelines relate to the subject application:

- 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 adversely affect soil quality or permanently remove land from agricultural production
- 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 existing dwellings on adjoining and nearby lots and the residential established pattern of the area it is considered that the site is unsuitable and not compatible with the surrounding.

The use and development will not permanently remove land from agricultural production as the subject lot is small and adjoining lots are set out for residential and not capable for any large scale agricultural activities.

The design, siting and materials of the development could be set out in conditions if a permit was issued.

It is considered that the proposed use and development generally accord with the decision guidelines of the FZ. Although granting a permit for this use and development could potentially create an undesirable planning precedent for similar future proposed developments.

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.*

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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

A permit is required to construct a building or to construct or carry out works; this includes a non-habitable building with a floor area of more than 500 square metres. The proposed development will be 604.8 square metres. This is the third trigger for this application. In accordance with the Moira Planning Scheme, the application was referred to the GBCMA.

The Authority did not object to the application and have set out a condition relating to floor levels.

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 generally accords with the purpose and guidelines of the LSIO.

Local Planning Policy and Municipal Strategic Statement

Clause 21.04 – Settlement sets out the key planning issues and challenges facing the Moira Shire relating to settlement. It recognises that facilitating the orderly development of its townships is a key challenge. It also highlights that Council seeks to consolidate residential uses in townships and in identified rural lifestyle areas around townships, where there is no adverse impact on rural activities.

A Settlement Objective, as per Clause 21.04-3 is:

- *To preserve the amenity of current and future residents in residential areas*

A Settlement Strategy, as per Clause 21.04-4 is:

- *Areas of non-conforming and incompatible industrial uses within residential areas are encouraged to relocate to identified industrial/business estates*

It is considered that there is a current pattern of residential type lots adjacent and in the immediate area. The proposed rezoning for the area would rezone the subject lot and lots along Warnecke Street to the Rural Living Zone. The subject application does not accord with the above local policy of the Moira Planning Scheme.

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2. IMPROVING MOIRA'S LIVEABILITY

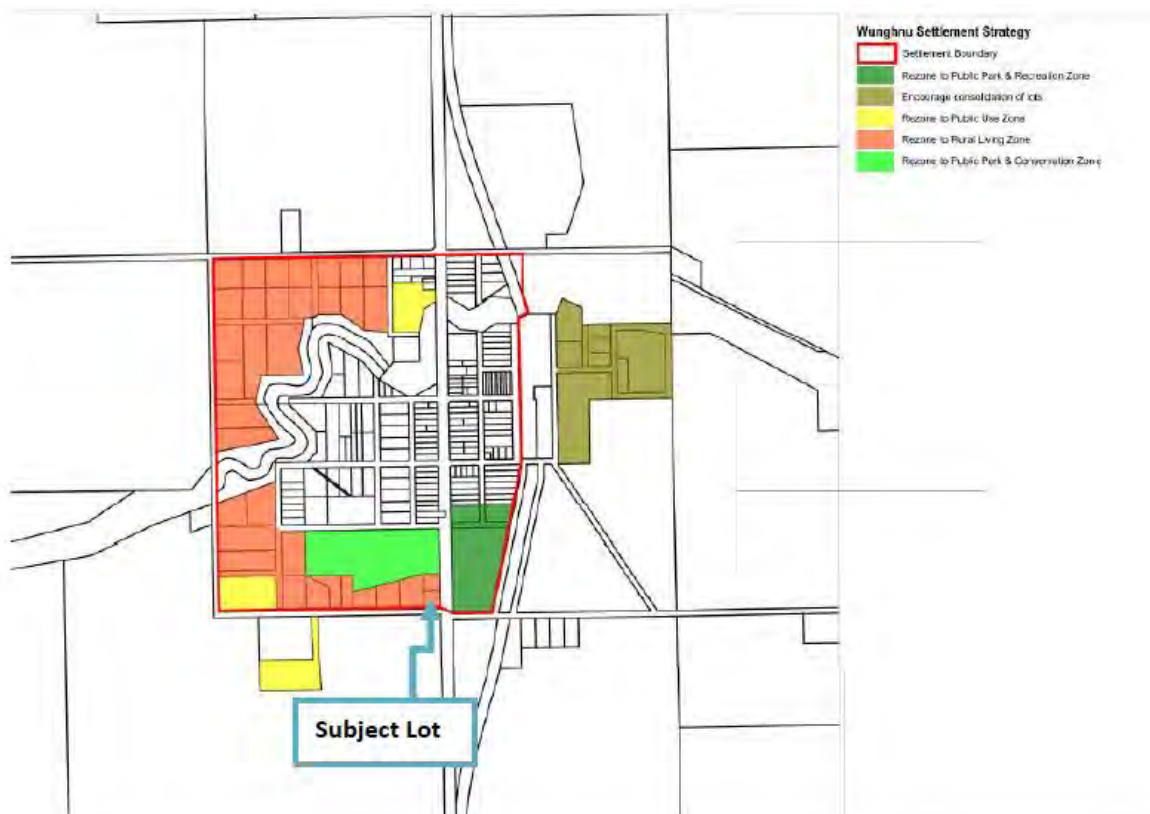
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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

Adopted Council Strategy

In September 2013 Council adopted the *Small Towns and Settlements Strategy*. This strategy will inform a Planning Scheme Amendment in the near future. Council is currently undertaking a Municipal Strategic Statement Review and this adopted strategy will form part of that review process.

The strategy identifies Wunghnu as a small town within the Moira Shire settlement hierarchy. It sets out that the small-medium allotments surrounding the township should be re-zoned from Farming Zone to Rural Living Zone. The subject lot, as indicated in the map below, is within the area that will be rezoned to Rural Living.



In Clause 35.03-1 Rural Living Zone, Industry which includes Motor Repairs will be a Section 3 – Prohibited Use.

Accordingly it is considered, given the pattern of development in the area and the proposed rezoning, that the proposed development should not be permitted. Given that there is a Council adopted strategy, permitting this use and development in advance of a rezoning would not be considered good planning and would not be in the interest of the orderly planning of the area.

9. Environmental Impact

Viewed alone the proposed development may be considered to be sustainable if the proposed development was more appropriately located.

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(GENERAL MANAGER
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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

10. Conflict of Interest Considerations

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

11. Conclusion

The subject application proposes the use and development of land for a motor repair shop. The subject lot is located in the FZ and the LSIO and generally accords with provisions of the zone and overlay. Although the subject lot and lots in the immediate area are within the Farming Zone, there is an established pattern of residential development on small-medium sized lots along Warnecke Street. It would be considered that the area is rural residential in nature.

The application received one objection during the advertising period. The concerns raised are items that potentially could be conditioned if a permit were to be issued.

The subject lot is proposed for rezoning as per the *Small Towns and Settlements Strategy Plan, 2013*. As discussed, the strategy proposes that the subject lot and lots in the surrounding area be rezoned to the Rural Living Zone. The proposed rezoning would create a prohibited use and development on this subject lot in accordance with Clause 35.03-1. If a permit was issued it would not be in keeping with the orderly planning of the area.

Based on the above, it is therefore recommended that the application be refused.

Attachments

- 1 Objection Letter
- 2 Applicant Response to Objection
- 3 Site Plan and Elevations

FILE NO: 5/2016/2
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

ATTACHMENT No [1] - Objection Letter

Melissa Lolito, Moira Shire Planning permit Dept.

We wish to put forward our objection to an application by Noel Rathbone, Application Number 5/2016/2 for use and development of a Motor Repair Shop at 70-72 Carlisle St Wunghnu.

Our objection is as follows: whilst we do not object to a neat and tidy business being operated at the above address, we are very concerned with the amount of old cars and scrap that could be stored at the address. At present being stored at his private residence in Warnecke st are stacks upon stacks of scrap metal and old cars, which has been moved from his current business in Carlisle street which is an eye sore. Across the road from us is another junk pile including an old circus truck and numerous other junk, that has never been cleaned up. If the business conducted at 70-72 Carlisle street was to be a stock pile of junk we strongly object!
Wunghnu has become a town full of junk collectors. As this is the entrance to Wunghnu, we feel there should be strict regulations on the presentation of any business conducted on this corner, we are a small town that should reflect the pride that some residents have in their properties and a place we are happy to live.

Regards

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(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

ATTACHMENT No [2] - Applicant Response to Objection

16-02-2016
-Permit Application Number: 5/2016/2

Moira Shire Planning Dept.

Melissa Lotito,

In response to the letter received by [REDACTED] dated the 27th of January 2016.

I would like to state that while I acknowledge their concerns, it has always been my intention to run a neat and tidy business at 70-72 Carlisle Street, Wunghnu.

The premises will be partially fenced with colorbond fencing at the rear of the property and along Warnecke street.

I intend to have the property landscaped with trees, shrubs, etc.

I am also aware that this is the entrance to our beautiful little town of 'Wunghnu' and will make sure that it is an attractive asset and something to be proud of for our 'little' but thriving town.

Kind Regards,

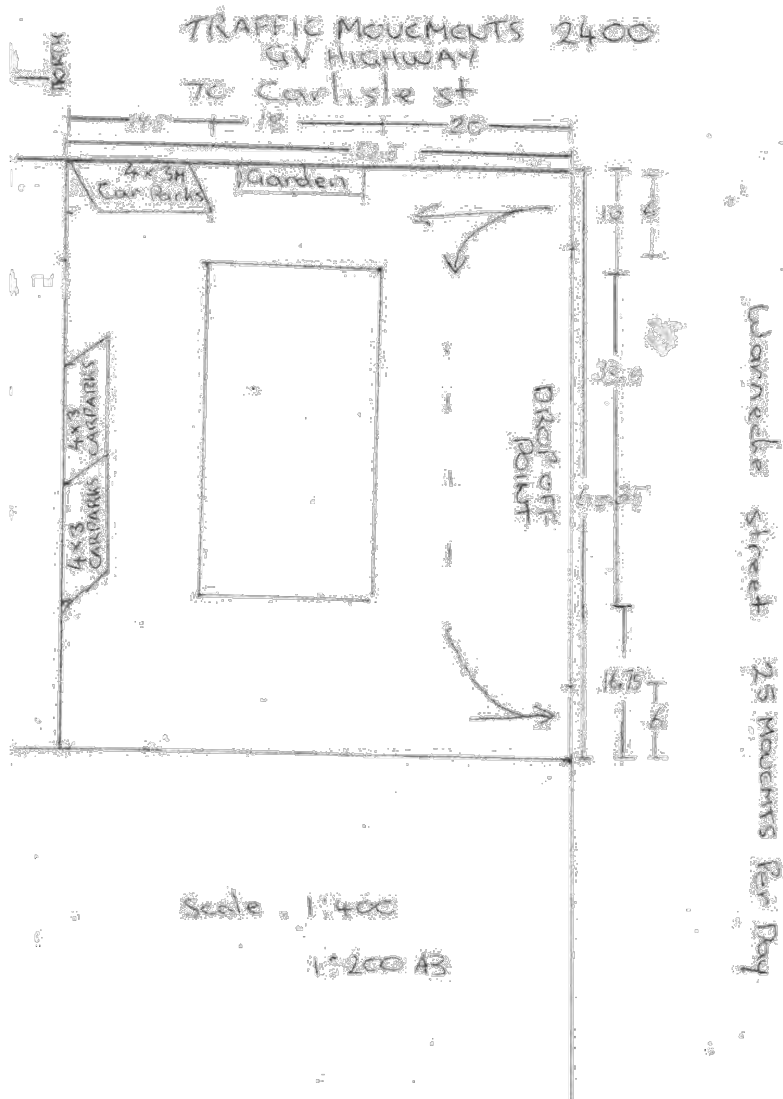
Noel Rathbone.
0407656663

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ITEM NO: 9.2.4
(TOWN PLANNER, MELISSA LOTITO)
(GENERAL MANAGER
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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

ATTACHMENT No [3] - Site Plan and Elevations

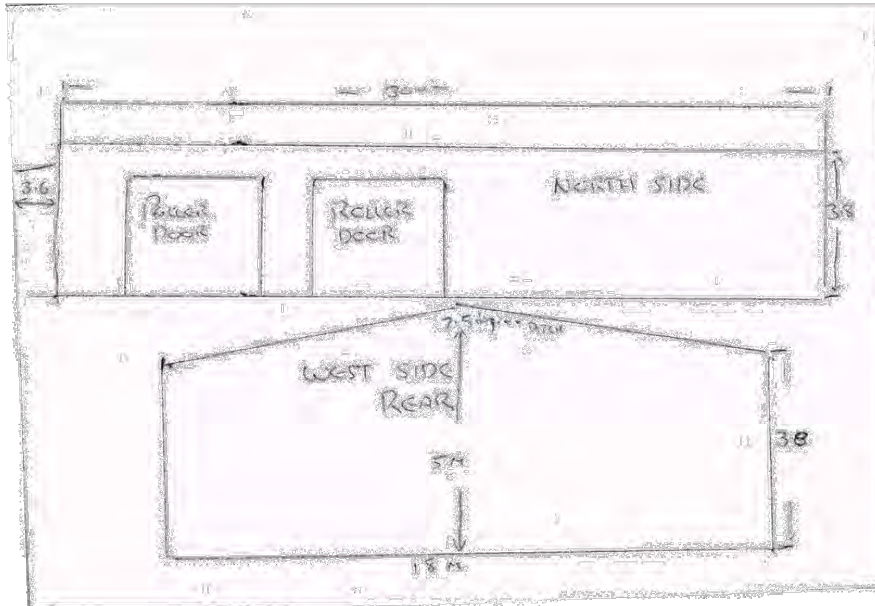


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ITEM NO: 9.2.4
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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

ATTACHMENT No [3] - Site Plan and Elevations

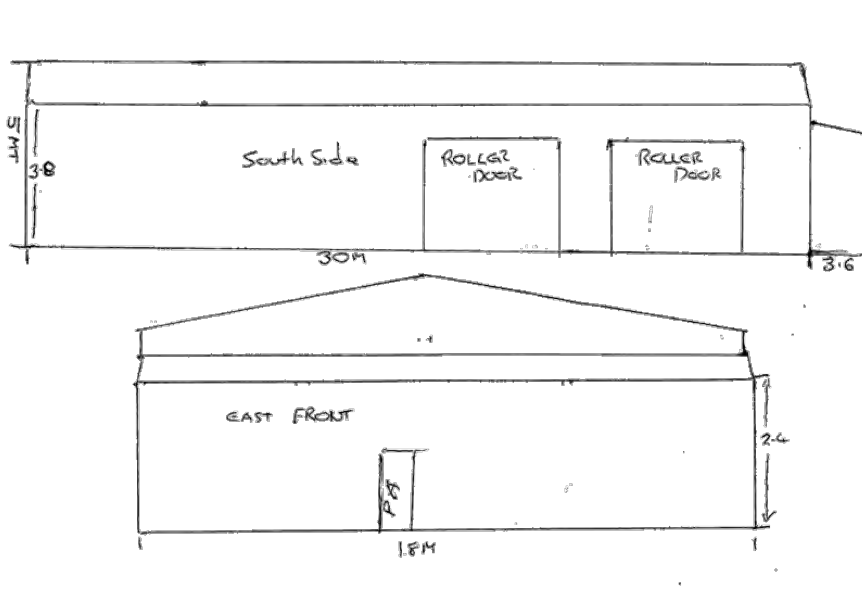


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**520162 - USE AND DEVELOPMENT OF LAND FOR A MOTOR REPAIR SHOP
- 72 CARLISLE STREET, WUNGHNU (cont'd)**

ATTACHMENT No [3] - Site Plan and Elevations



FILE NO: 52015348
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.5
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION

RECOMMENDATION

That a Notice of Refusal be issued for Planning Permit Application No. 52015348 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 22.01-2 and policy as set out in Clause 22.01-3.

1. Executive Summary

Planning permit application 5/2015/348 is for a Two (2) Lot Subdivision at 850 Ryans Road, Yalca. The subject lot is located in the Farming Zone and is not affected by any overlays.

There is one trigger for the permit:

- Clause 35.07-3 of the Moira Planning Scheme

The application was referred internally and externally. All responses had no objection to the issuing of a permit.

In June 2008 Council resolved to refuse a similar application for subdivision on the same lot. The refusal was based on non-compliance with policies that, though amended since that time, continue to form part of the Moira Planning Scheme.

It is considered that issuing a permit for this subdivision will undermine the Local Agricultural Policy (Clause 22.01-3) and could lead to fragmentation of farm land.

It is therefore recommended that Council refuse the proposed application.

2. Background and Options

Application Details

Applicant: Onley Consulting
Owner: Natalia Balasa and Dumitru Pavel
Land Address: 850 Ryans Road, Yalca
Title Details: Lot 2 PS603625
Site Area: 63.14ha
File No: 5/2015/348
Zone: Farming Zone
Overlays: None

Key Issues

- Planning History
- Farming Zone Policy
- Local Agricultural Policy

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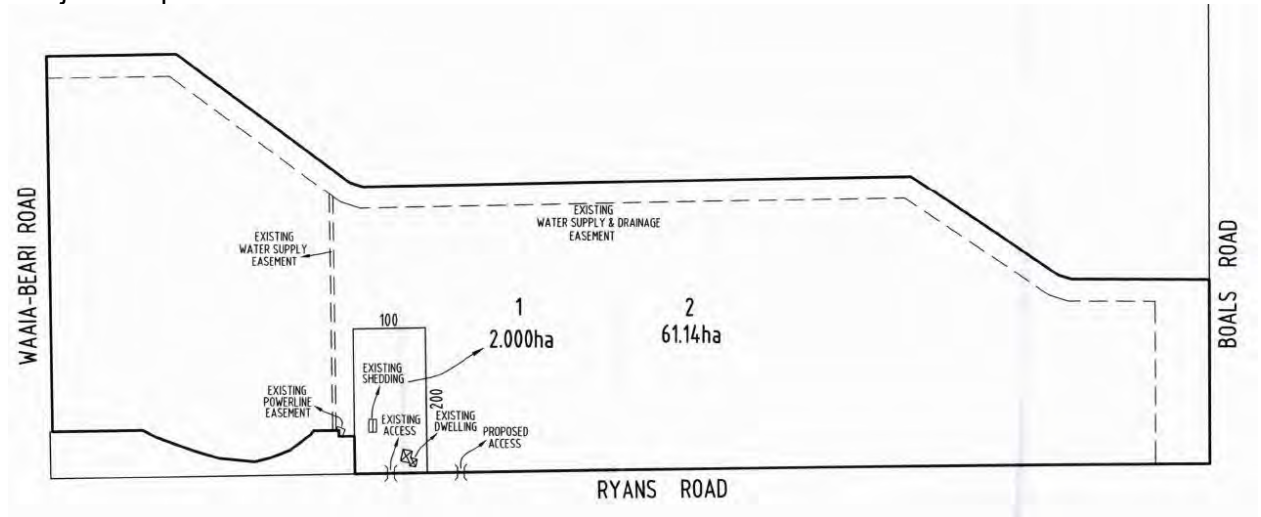
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(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION (cont'd)

Proposal

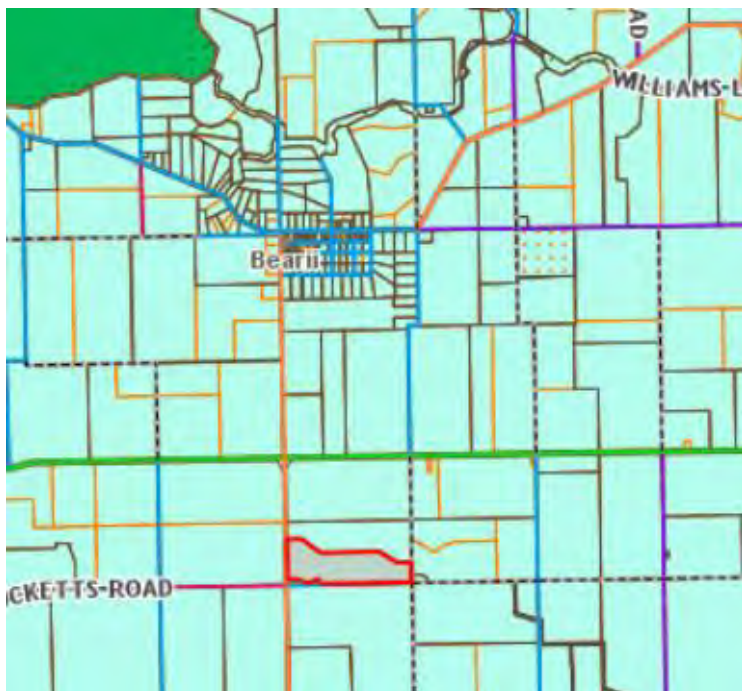
This application is for a two (2) lot subdivision to excise an existing dwelling on the lot from the larger lot.

Subject Proposed Plan of Subdivision - 5/2015/348



Location

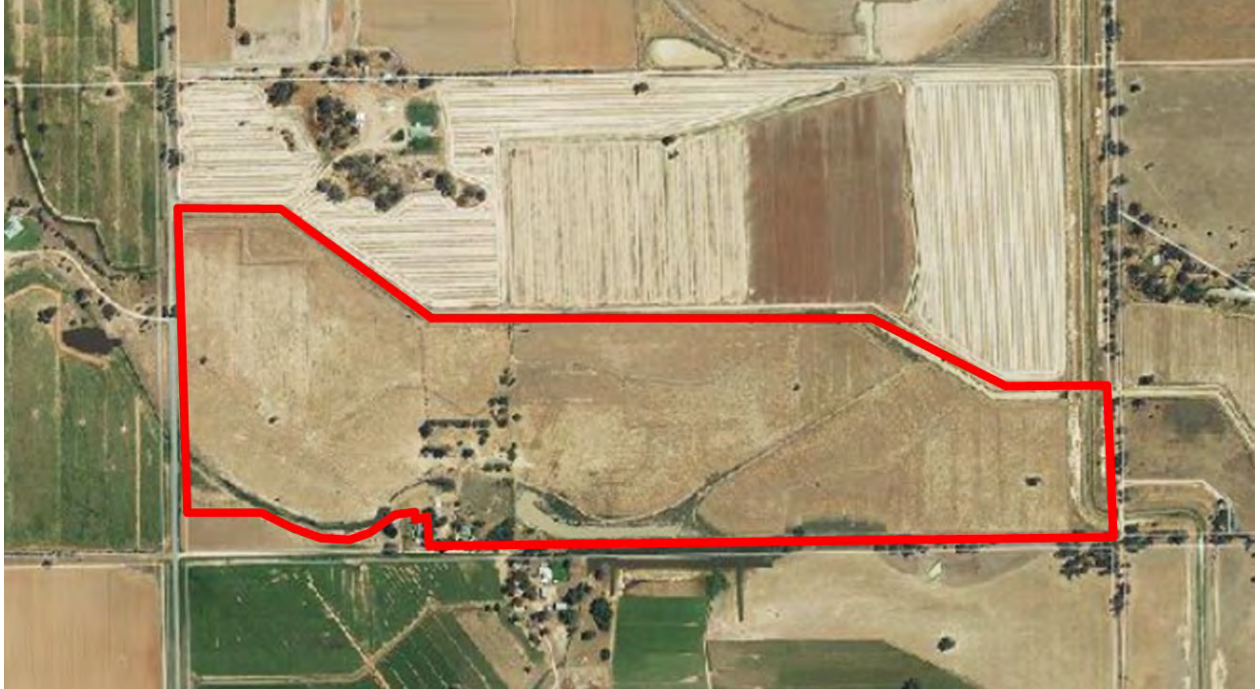
The subject land is located on Ryans Road, approximately 4 kilometres south of the settlement of Bearii, south of the Murray Valley Highway. It is located between the Waaia-Bearii Road and Boals Road and is accessed via Ryans Road, which forms its southern boundary. It is bounded to the north by agricultural land.



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(TOWN PLANNER, MARTINA FOLEY)
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INFRASTRUCTURE, ANDREW CLOSE)

52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION (cont'd)

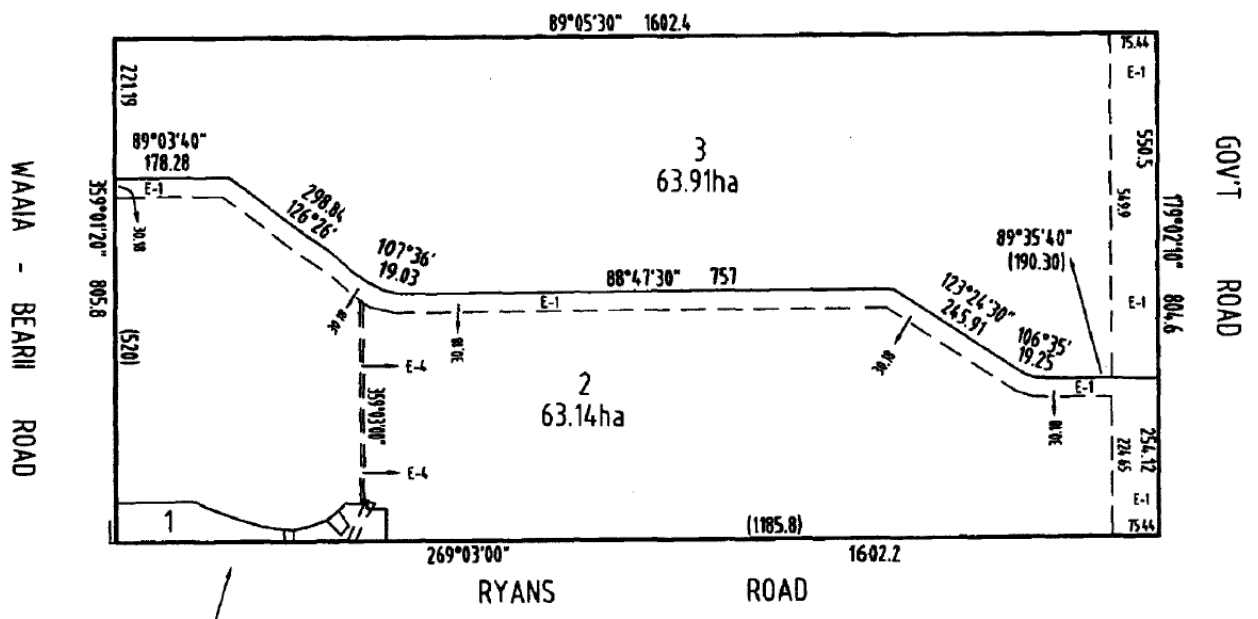


The subject lot is made up of a number of irregularly shaped paddocks and contains a number of trees. The lot appears to currently be utilised for agricultural purposes, more specifically for cropping.

Planning History

The subject lot was created in 2007 as a result of the issuing of Permit 5/2006/49 – Three (3) Lot Subdivision. While this was a three (3) lot subdivision proposed Lot 1 was in effect an excision of an existing dwelling. Proposed Lot 2 retained a second dwelling on the lot.

The layout of that subdivision is set out below.



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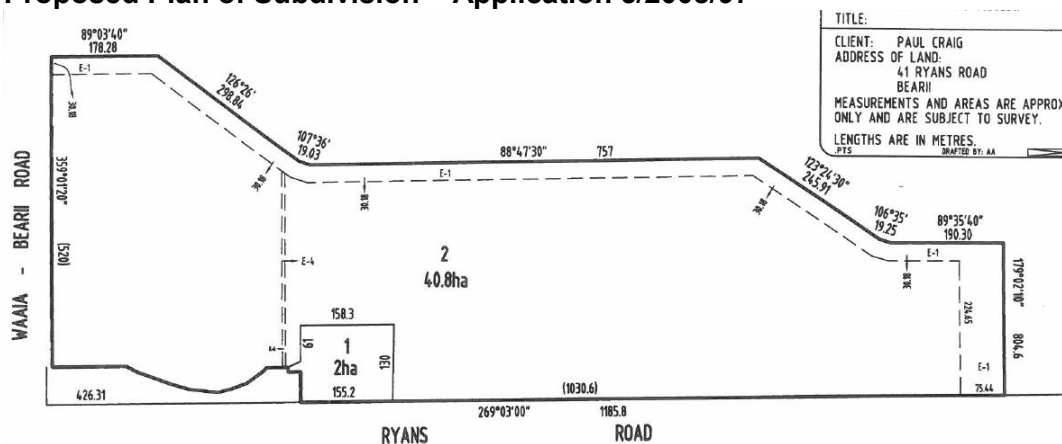
ITEM NO: 9.2.5
(TOWN PLANNER, MARTINA FOLEY)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION (cont'd)

In 2008 three separate planning applications for further subdivision were lodged. The first, planning permit application 5/2008/97 was to subdivide Lot 2 by the excision of the second dwelling (the first having been incorporated into Lot 1).

This 2008 proposed subdivision is largely similar to the subject 2015 application and had the following layout:

Proposed Plan of Subdivision – Application 5/2008/97



At their meeting of 16 June 2008 Council resolved to refuse the permit with the following motion:

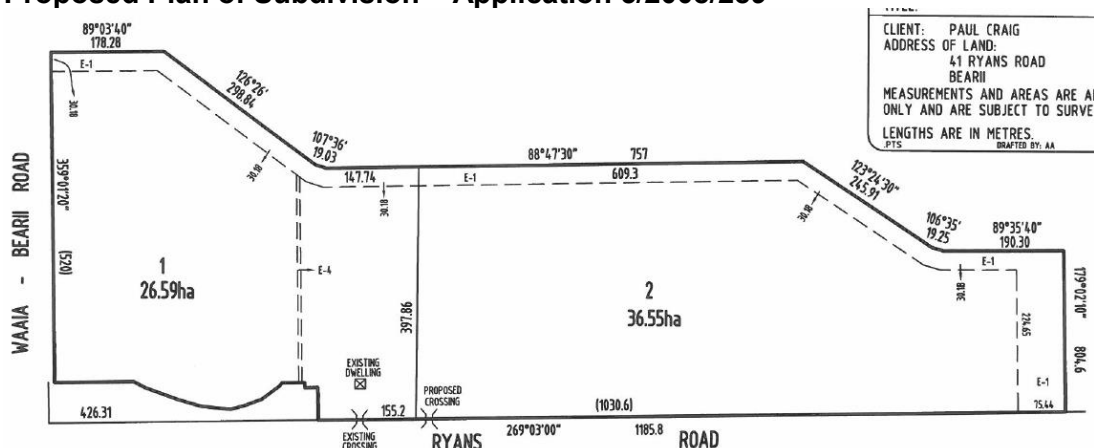
That the Council refuse the application on the following grounds:

1. *The proposed subdivision is not consistent with the 'Small Lot Subdivisions in Rural Areas Policy', at Clause 22.01 of the Moira Planning Scheme.*
2. *The proposed subdivision is not consistent with the state and local planning policy framework, both of which seek to prevent the fragmentation of productive rural land.*

A second application, 5/2008/99 – Two (2) Lot Subdivision, was lodged relating to lands to the north (Lot 3). This application was withdrawn by the applicant when the Planning Department requested further justification for the proposal.

A third application, 5/2008/288 was lodged later that year. This application was also for a subdivision as set out below:

Proposed Plan of Subdivision – Application 5/2008/289



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52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION (cont'd)

In this application two small lots were proposed. A letter sent by Council on 25 September 2008, it outlined that the proposal was prohibited due to changes made to the Planning Scheme.

In summary a permit was issued in 2006 for a three lot subdivision that resulted in the creation of the subject lot – Lot 2 PS603625. In 2008 Council at their June Meeting resolved to refuse an application which is similar in format to the subject application – excising the existing dwelling from the lot. A second application was withdrawn in 2008 to subdivide lands to the north. A third application to subdivide the subject lot was deemed to be prohibited.

Options

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

If a permit is issued it could establish a planning precedent for similar applications which would undermine the policies and purpose of the Farming Zone – leading to the loss and fragmentation of agricultural lands.

5. Internal and External Consultation

Pre-Lodgement Consultation

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

Internal Consultation

The application was referred to the Shire's Natural Resources, Infrastructure Planning and Environmental Health Departments. No objections have been raised however a number of conditions have been recommended if any permit is issued.

External Consultation

The application was also referred, externally, to Goulburn Murray Water, under Section 52 of the *Planning and Environment Act 1987*. The response was that no objection is raised to a permit being issued subject to conditions.

6. Regional Context

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

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52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION (cont'd)

7. Council Plan Strategy

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

It is considered that issuing a permit for the subject application would not accord with Moira's strategic goal to build on economic strengths in agriculture. Ensuring the viability of agriculture across the Shire depends on protecting agricultural lands from inappropriate subdivision and development.

8. Legislative / Policy Implications

Zoning

The subject lands are located in the Farming Zone (FZ). The application is for a two (2) lot subdivision excising an existing dwelling. It must therefore be assessed against the policies set out to control subdivision in the FZ.

Clause 35.07-1 states that a planning permit is required for subdivision in the FZ. This is the trigger for the subject permit application. It states that:

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

The schedule states that the minimum lot size is 60ha. Smaller lots can only be created in 3 instances, where the following applies:

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

The proposed subdivision is an excision of an existing dwelling and therefore accords with the provisions of the FZ.

Overlays

There are no overlays associated with the subject lot.

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.

Clause 14.01-1 "*Protection of agricultural land*" notably states the following as an objective:

"To enable protection of productive farmland;" and;

"To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity."

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52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION (cont'd)

State Policy also sets out that *in assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals which might affect productive agricultural land against the benefits of the proposals.*

The effect of allowing the excision of a second dwelling from this lot would, result in a dilution of the Local Agricultural Policy that could result in undesirable small lot subdivisions and development. The proposed development therefore is not consistent with 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. It states as part of its policy basis that:

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is discouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities which compromise farming purposes by increasing land prices and introducing residents with 'non-farming' amenity expectations. The existing supply of lots in the Farming Zone is considered sufficient to enable the incremental growth of farms.

Some of the objectives of the policy are:

To limit the further fragmentation of rural land by subdivision.

To encourage the consolidation of rural lots.

To provide for small lot subdivision only where there are positive agricultural outcomes and where no additional house entitlements are created.

It is considered that if a permit is issued to allow the excision of the existing dwelling it could lead to further fragmentation of rural land in a policy context where consolidation and positive agricultural outcomes are encouraged.

Regarding rural subdivision it states in Clause 22.01-3 that it is policy to:

Encourage only one lot to be excised from any lot which existed at 9 September 1999.

Noting that a dwelling was excised from the subject lot in 2006 the proposed subdivision does not accord with this policy. Given that a similar policy existed in 2008 when Council issued a refusal for a similar subdivision this report recommends that application 5/2015/348 should also be refused.

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.*

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52015348 - 850 RYANS ROAD, YALCA - TWO (2) LOT SUBDIVISION (cont'd)

- *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. Those 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

If a permit is issued, it will establish a planning precedent that cumulatively impacts negatively on the environment due to the fragmentation of agricultural land. In 2008 the subject lot was part of an approximately 129ha lot with two dwellings. If a permit is issued and the subdivision completed, the end result will be 4 separate lots, two of which are small (2ha or less). This is considered to be a fragmentation of agricultural land.

10. Conflict of Interest Considerations

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

11. Conclusion

Planning Permit application 5/2015/348 seeks approval for a two (2) lot subdivision at 850 Ryans Road, Yalca.

Given that the proposed development conflicts with Clause 22.01-3 of the Moira Planning Scheme, will result in the fragmentation of agricultural land and that the Council in 2008 refused a similar application, it is recommended that Council refuse to grant a permit.

Attachments

Nil

FILE NO: 52015303
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.6
(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

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

Proposal

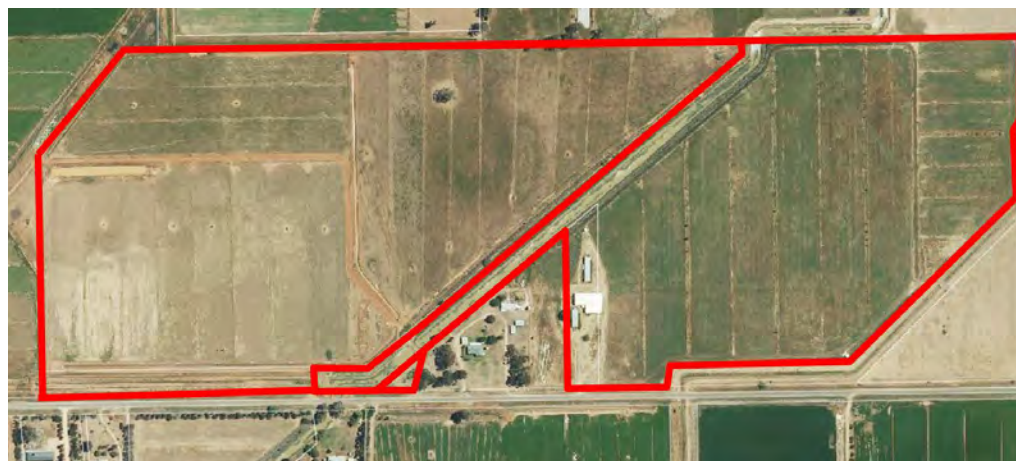
The purpose of this application is to realign a boundary between two lots which will in effect allow land to be exchanged from Lot 1 to Lot 3 on PS347725. The current application (5/2015/303) also includes variation to an existing easement.

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

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**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.

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**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.
- *The area and dimensions of each lot in the subdivision.*

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**52015303 - APPLICATION FOR A BOUNDARY REALIGNMENT AND
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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: F
5. INFRASTRUCTURE

ITEM NO: 9.2.7
(MANAGER STRATEGIC PROJECTS,
MARK FOORD)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

LOTT STREET, YARRAWONGA

RECOMMENDATION

That:

1. Council consider providing \$35,000, including \$8,100 in grant funds, for the project in the next available budget review.
2. Council thank the residents who participated in the consultation program, and advise them of Council's decision.

1. Executive Summary

Staff have undertaken a consultative process with residents of Lott Street as resolved by Council on 27 April 2015, an additional consultation program has been undertaken to engage with the Yarrowonga community, as provided for at Council's meeting of 27 July 2015.

Residents are supportive of removal of the trees in Lott Street, Yarrowonga and replacing them with Griffith Pink Brachychitron trees. These trees are closely related to the original trees planted in 1920's that formed the Avenue of Honour within various streets in Yarrowonga.

The additional process to ascertain the wider community's views suggests that the community are not concerned about the proposal.

It is recommended that Council endorse the resident's proposal and consider funding at the earliest opportunity, so that the planting can be undertaken during the next planting season.

2. Background and Options

a. Consultation

Two meetings have been held with residents from Lott Street. The first meeting was on 12 May and the second was held on 2 June 2015. The meetings were well attended with in excess of 10 people at each of them.

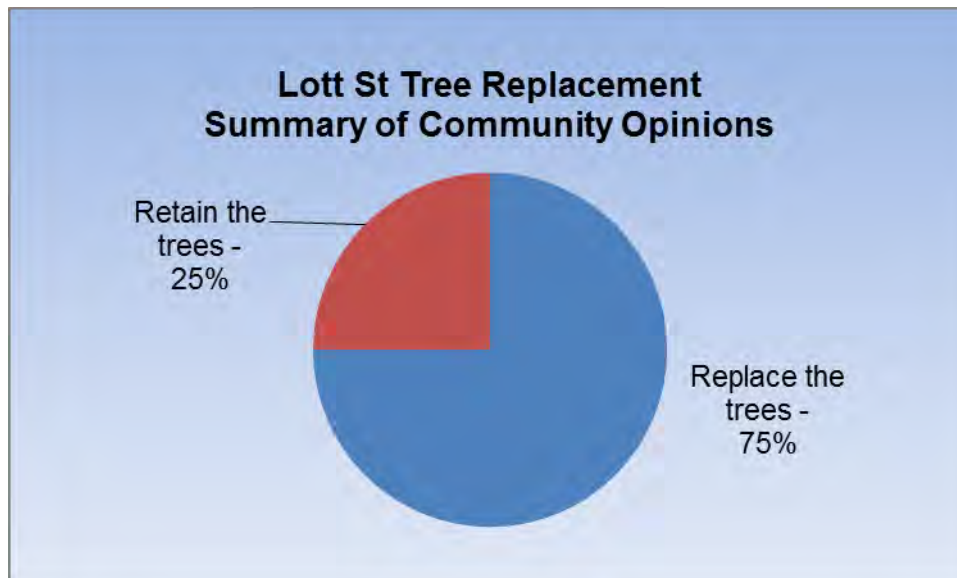
Resident's concerns were centered around their opinion that the street always looks unkempt, untidy and dirty, due to the fact that the semi mature spotted gum trees continually shed leaves and bark. This is exacerbated by cockatoos that eat the seeds and trim the young shoots from the top of the canopy, the shoots then also end up upon the street, nature strips and front yards of the houses.

Council has provided an opportunity for residents outside the immediately affected area to comment on the proposal. The following pie chart shows the results.

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5. INFRASTRUCTURE

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(MANAGER STRATEGIC PROJECTS,
MARK FOORD)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

LOTT STREET, YARRAWONGA (cont'd)



A total of 8 submissions have been received during the consultation period which commenced 8 February and concluded on 8 March, 2016.

Some of the comments about the proposal are positive and others were negative, as perhaps would have been expected. Some have suggested that some of the trees could be retained while others removed.

It is suggested that the residents proposal was to remove all of the trees and replace them with a particular species. Over time, a new avenue would be created which would enhance the aesthetics of the street, without the adverse effects of the particular species that are now planted.

Having consulted with the residents of the street, and provided a process to ascertain the views of the wider community about the proposal, it is clear that the proposal presented by the residents could be implemented.

b. The purpose of Lott Street

Lott Street is a residential street. Its primary purpose is to serve the needs of abutting property owners to access their properties.

In such streets it is appropriate that Council consider the needs and wants of the residents of the streets. The resident's needs and wants are paramount to their lifestyle and the enjoyment of their homes.

c. Development of a project

The requirements of the residents are now clear and a project could be developed that would see their wishes met.

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LOTT STREET, YARRAWONGA (cont'd)

Practically speaking, removal of the trees could be done at any time, planting, however is best done in the autumn, when the newly planted trees would have the best chance of establishing themselves before the onset of our harsh summer period.

The other aspect is availability of the trees. A recent check with nurseries has shown that large specimens of the "Griffith Pink" variety, as requested by the residents and matching the trees planted in Belmore Street are difficult to source. The available sizes are restricted to a maximum of 20 cm pots in any quantity. This would mean that the avenue of the new trees would take longer to establish, or perhaps a few larger specimens could be planted at the corners, if they can be sourced, with the remaining a smaller size.

The other alternative would be to use a more popular variety of the trees, such as the Illawarra Flame tree, (*Brachychiton acerifolius*) these are available in larger pots to a size of approximately 1m high.

It is suggested that at the time of budget being available that a final survey of residents be done to gauge opinion about the two options.

d. Funding

Council has not allocated funding for this project. As a preliminary step to bring the project to fruition an application for funding has been made to the State Government under the "Restoring Community War Memorials and Avenues of Honour" program, and this request has been successful in that \$8,100 has been granted to help undertake the project .

Council could refer the project to a budget review for sourcing of the remaining funding. If the funding proposal is not successful Council would need to consider the project as any other project in future.

3. Financial Implications

The cost of removing the trees, grinding stumps away and replanting with Griffith Pink *Brachychiton* trees is estimated at \$35,000.

Council could consider allocating budget in future budget reviews or in future Capital Works programs. The nature of the works means that it would be desirable to undertake the works at the commencement of the autumn season.

4. Risk Management

When undertaking a risk assessment of tree plantings it is normal to consider the use of the tree by others or its common usage as well as its history in the area. The other factor is the care and maintenance available to mitigate any risks associated with the tree. Council has formal procedures and practices in relation to the management of its street trees, to mitigate the risks associated with management of street trees.

The existing trees in Lott Street are often reported to be a suitable street tree in references; Prestige Plants suggests the tree works well as a street tree. (<http://www.prestigeplants.com.au/www/content/default.aspx?cid=1211>).

FloraBank suggest its use in urban areas; Urban use: good as an ornamental or amenity plant

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5. INFRASTRUCTURE

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LOTT STREET, YARRAWONGA (cont'd)

(http://www.florabank.org.au/lucid/key/species%20navigator/media/html/Corymbia_maculata.htm)

The City of Melbourne have particularly good knowledge of the trees in Melbourne and highlight the existing species. *"They are striking when planted as a group or avenue, and make spectacular specimen trees."*

https://www.melbourne.vic.gov.au/Sustainability/UrbanForest/Documents/spotted_gum_fact_sheet.pdf

The Griffith Pink Brachychitron preferred by the residents tolerates a wide range of soils and climates and has been planted in Belmore Street, by Council. It is a relatively new cultivar of Brachychitron which has been planted in streets successfully for many years. There are still several of the original Brachychitron populeneous planted as part of the Avenue of Honour in Lott Street and one in Belmore Street.

5. Internal and External Consultation

The Town Planning and Operations Departments have been consulted in relation to this report.

Two resident meetings have been conducted to ensure that all information has been gathered and presented within this report.

Additional consultation with the community has been undertaken and there is sufficient support for the residents proposal to remove the trees.

6. Regional Context

There are no regional issues to consider in relation to this report.

7. Council Plan Strategy

The main Strategic Goal that relates to this report is; Liveability: By investing in Moira's liveability the quality of life for our residents will be improved.

Enabling Objectives that relate directly to this report include; Involving and communicating with our community.

The Strategic Performance Indicators that this report and its outcomes relate to are;

Strategic Performance Indicators	Measure	Action
Provide clean and attractive parks, gardens, streetscapes, reserves and wetlands	<i>Community satisfaction survey</i>	Undertake the Parks maintenance regime in accordance with the agreed program and budget.
Support community lead planning and change	<i>Community Satisfaction survey</i>	
Effectively communicate with our communities	<i>Community satisfaction survey</i>	Improve community and stakeholder awareness of Councillors' role and

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5. INFRASTRUCTURE

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INFRASTRUCTURE, ANDREW CLOSE)

LOTT STREET, YARRAWONGA (cont'd)

and stakeholders		Council's strategic direction, performance, programs and services.
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8. Legislative / Policy Implications

A Town Planning Permit is not required to remove the trees in Lott Street, Yarrowonga.

Under the Road Management Act 2004 Council is responsible for the care and management roads. Lott Street, Yarrowonga is included upon Council's Road Register. The existing trees are planted in the nature strip area which is considered to be part of the roadside under the Act. Council therefore has the power to remove and plant trees in Lott Street, Yarrowonga.

9. Environmental Impact

The environmental impacts associated with this report are in relation to the removal of street trees. The trees are planted rather than natural occurring, and are probably not indigenous to Yarrowonga.

10. Conflict of Interest Considerations

There are to Officer conflicts of interest to consider in relation to this report.

11. Conclusion

It is clear that the majority of residents of Lott Street, Yarrowonga do not appreciate the spotted gum trees in Lott Street. They want them removed and replaced with a better alternative, and have selected the Griffith Pink Brachychitron as their preferred species.

Lott Street is a residential street and the opinions of the residents are important, there are other issues, such as the Avenue of Honour and the issue of tree removal itself, associated with the residents request and therefore the wider community have been asked about how they feel about the proposal and there is still significant support for the resident's proposal.

Attachments

- 1 Submissions

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.7
(MANAGER STRATEGIC PROJECTS,
MARK FOORD)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

LOTT STREET, YARRAWONGA (cont'd)

ATTACHMENT No [1] - Submissions

Lott Street Trees -

Written Submissions

Re Lott St TREES.

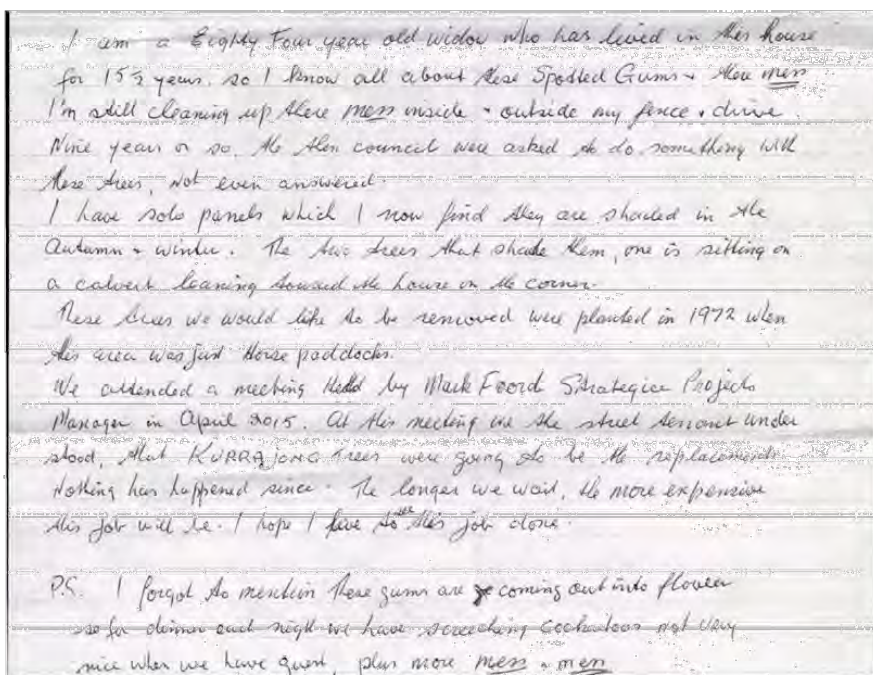
Our home was built 3½ years ago
In that time we have experienced similar problems
as our neighbours [redacted] whose house
was built 2 years prior to ours
Our front door was difficult to open and the
builders had to remove it and shave off timber
to free it up.
Back door and windows in the garage have loosened
leaving a gap between the plinth and brickwork
plaster join in garage now very noticeable.
Our front garden is not thriving as it should
despite being well watered and fertilized.
These tree roots spread a long way and suck up
most of the moisture.
We look forward to the removal of the Lott St
trees in the near future as they are known to
drop branches and are a potential danger

FILE NO: F
5. INFRASTRUCTURE

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LOTT STREET, YARRAWONGA (cont'd)

ATTACHMENT No [1] - Submissions



I am a Eighty Four year old widow who has lived in the house for 15 1/2 years. so I know all about these Spotted Gums + these mess. I'm still cleaning up these mess inside + outside my fence + drive three years or so. the then council were asked to do something with these trees, not even answered. I have solo panels which I now find they are shaded in the Autumn + winter. The two trees that shade them, one is sitting on a cement leaning towards the house on the corner. These trees we would like to be removed were planted in 1972 when the area was just horse paddocks. We attended a meeting held by Mark Foord Strategic Projects Manager in April 2015. At the meeting we the street doesn't under stood, that KURRAJONG trees were going to be the replacement. Nothing has happened since. The longer we wait, the more expensive this job will be. I hope I have ^{not} this job done.

P.S. I forgot to mention these gums are ~~go~~ coming out into flower so for dinner and night we have screeching cockatoos not very nice when we have guest, plus more mess + mess

I no longer live in Yarrowonga but I do get back to the town as often as I can and still get the "Yarrowonga Chronicle".

I have always had a keen interest in the street trees in Yarrowonga and read with interest the article that appeared in the edition of the Chronicle that was published on the 10 February and which related to the proposed replacement of the existing gum trees that are growing in Lott Street with Kurrajong trees.

If it is decided that the existing trees are to go, I think that it would be a great idea to replace them with Kurrajong trees particularly having regard to the historical consideration that is referred to in the newspaper article but also to the fact that the Kurrajong trees that have been planted in Belmore Street in recent years seem to be doing so well. Personally, I would favour the "Jerilderie Red" over the "Griffith Pink".

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.7
(MANAGER STRATEGIC PROJECTS,
MARK FOORD)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

LOTT STREET, YARRAWONGA (cont'd)

ATTACHMENT No [1] - Submissions

CAUSE OF BUILDING DISTRESS:

Based on the information available it is considered that the problems experienced at this site have been caused by differential movement of the clay foundation material due to moisture variations eg. uneven drying of the clay beneath the residence.

Large trees and shrubs can dry clay soils for a distance approximately equal to their height. The drying distance can increase to approximately one and a half times the mature height where various trees and shrubs are competing for available water. The large trees to the south of the residence would be significantly drying the clay foundation material under the building, effecting the moisture conditions and gradient across the site and contributing to any heave of the clay foundation material even under normal garden watering conditions.

The relative extreme seasonal dryness over the past years would also be compounding the problem and contributing to clay shrinkage. The seasonal dryness is directly related to increased evaporation and lower water input.

The trees located in the road reserve to the south of the residence should be removed.

As an alternative to tree removal an appropriate sub surface concrete root barrier e.g. 2m deep, 150mm wide reinforced with F72 mesh, can be considered.

The installation of such a barrier in this case is not practical due to services and site restrictions.

A minimum of six months after the above has been carried out and when movement has stabilised any remaining distress could be cosmetically repaired.

FILE NO: F
5. INFRASTRUCTURE

ITEM NO: 9.2.7
(MANAGER STRATEGIC PROJECTS,
MARK FOORD)
(GENERAL MANAGER
INFRASTRUCTURE, ANDREW CLOSE)

LOTT STREET, YARRAWONGA (cont'd)

ATTACHMENT No [1] - Submissions

On Line submissions

"No leave it as is"

"Trees should be replaced, they drop limbs regularly"

"Fully support the proposal to remove the large gum trees and replace them with Griffith Pink Kurrajongs on Lott Street between its intersections with Sharp Street and Belmore Street."

We would be happy for the present tree aside our Lott Street fence to stay Is this possible? Seems a shame that the street is going to lose so much shade and appeal by removing the trees when they appear to be healthy. Ultimately if they need to be replaced we have no objection with the suggested Griffith Pink Kurrajong as their replacement. Just as a side comment I personally think the Wang City Council have done a great job in their CBD with the introduction of the Crepe Myrtle. They look great, can be controlled and we have some beautiful examples already in Yarrawonga. If we had a choice we'd love these down Lott Street.

FILE NO: 11.1
6. GOVERNANCE

ITEM NO: 10.1
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

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 Officer's List

FILE NO: 11.1
6. GOVERNANCE

ITEM NO: 10.1
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List

Action Officers List – March 2016

Meeting: 22 February 2016
Subject: 52015107 - Use and Development - Intensive Animal Husbandry (Piggery) at 913 Murray Valley Highway, Strathmerton
MOTION
CRS MARIE MARTIN / KEVIN BOURKE
That Council defer application 52015107 for one month for consultation between the objectors, applicant, Councillors and staff.
(CARRIED)
Activity
Invitations sent to the objectors and applicants to attend a meeting on 21 March 2016.
Meeting: 14 December 2015
Subject: Recreation Vehicle Strategy
MOTION
CRS BRIAN KEENAN / KEVIN BOURKE
That Council:
<ol style="list-style-type: none"> 1. 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. 2. Release the draft Recreational Vehicle (RV) Strategy for stakeholder feedback. 3. Thank the RV Friendly Working Group for its development of the draft strategy
(CARRIED)
Activity
<ul style="list-style-type: none"> • Recreation Vehicle Strategy released and feedback received from the community. • Councillors briefed on mixed feedback. • Strategy to be reconsidered at April council meeting
Meeting: Ordinary Council Meeting 23 November 2015
Subject – General Business
MOTION
CRS PETER MANSFIELD / BRIAN KEENAN
That Council staff prepare a submission to the Planning Minister championing the green option for the Yarrawonga Mulwala Bridge to be presented when appropriate.
(CARRIED)
Activity
Submission will be provided on advice of the intended planning process. The planning process is expected to be based on the Government preferred grey route and is unlikely to canvass or consider submissions in relation to alternate routes.
Meeting: Ordinary Council Meeting 23 November 2015

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FILE NO: 11.1
6. GOVERNANCE

ITEM NO: 10.1
(EXECUTIVE ASSISTANT TO CEO,
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HENDERSON)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List

Action Officers List – March 2016

Subject – General Business
MOTION
CRS PETER MANSFIELD / DON MCPHEE
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.
(CARRIED)
Activity
Steering committee established with an initial assessment of possible siting options completed. More detailed assessment to commence.
Meeting: Ordinary Council Meeting 26 October 2015
Subject – Notice of Motion
MOTION
CRS DON MCPHEE / BRIAN KEENAN
That the sum of \$200,000 previously allocated for the Yarrowonga foreshore all abilities playground be now allocated to playground in Yarrowonga with the emphasis on disability playground equipment.
(CARRIED)
Activity
Project has been initially scoped across several possible siting options. Utilization of existing all abilities assets such as toilets and pathways will enable more of the \$200K to be invested in playground equipment.
Meeting: Ordinary Council Meeting 26 October 2015
Subject – Moira Shire Community Safety Plan
MOTION
CRS KEVIN BOURKE / ALEX MONK
That the report to be deferred to such time that the information from the Community Safety Forum is considered.
(CARRIED)
Activity
<ul style="list-style-type: none"> • Safety Forum held 16 December 2016 • Information received from workshop has been collated by consultant • Draft plan has been received • Draft plan to be presented at next Local Safety Committee meeting to be held in Cobram in March.

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FILE NO: 11.1
6. GOVERNANCE

ITEM NO: 10.1
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List

Action Officers List – March 2016

Meeting: Ordinary Council Meeting 27 July 2015
Subject: Lott Street Yarrowonga
<p>MOTION</p> <p>CRS WENDY BUCK / BRIAN KEENAN</p> <p>That:</p> <ol style="list-style-type: none"> 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. 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. 3. Council thank the residents who participated in the consultation program, and advise them of Council's decision. <p style="text-align: right;">(CARRIED)</p>
<p>ACTIVITY</p> <ul style="list-style-type: none"> • A Town advertising and feedback process has been completed • Decision to proceed or otherwise before this meeting for Council consideration

FILE NO: 11.1
6. GOVERNANCE

ITEM NO: 10.1
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List

Action Officers List – March 2016

Meeting: Ordinary Council Meeting 27 July 2015
Subject: 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)
ACTIVITY
<ul style="list-style-type: none"> • School crossing was discussed with Vicroads at Traffic Liaison Committee. • Proposed location, Pearce Street, west of Chapel Street, sent to Vicroads for comments. • Comments / advice received 2 February 2016 from Vicroads on installation requirements. These will be followed up by Construction & Assets Department.
Meeting: Ordinary Council Meeting 27 July 2015
Subject: General Business
MOTION
CRS WENDY BUCK / DON MCPHEE
That Council Officers investigate and report to Council on options relating to all ability playground equipment in Yarrawonga. (CARRIED)
ACTIVITY
Activity completed, project advancing as per separate motion.

**FILE NO: 11.1
6. GOVERNANCE**

**ITEM NO: 10.1
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)**

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List

Action Officers List – March 2016

Meeting: Ordinary Council Meeting 23 March 2015
Subject: Petition Maple Crescent Park, Numurkah
<p>MOTION</p> <p>CRS ALEX MONK / KEVIN BOURKE</p> <p>That:</p> <ol style="list-style-type: none"> 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. 2. The petition organizer be thanked for their time and effort taken to prepare and circulate the petition. <p style="text-align: right;">(CARRIED)</p>
<p>ACTIVITY</p> <p>Activity completed.</p>

FILE NO: 11.1
6. GOVERNANCE

ITEM NO: 10.1
(EXECUTIVE ASSISTANT TO CEO,
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(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officer's List

Action Officers List – March 2016

Meeting: Ordinary Council Meeting 23 February 2015
Subject: Lease to Telstra Corporation Limited - Nathalia Telecommunications Tower
<p>MOTION</p> <p>CRS KEVIN BOURKE / DON MCPHEE</p> <p>That Council:</p> <ol style="list-style-type: none"> 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. 2. Authorise the CEO to sign and seal the lease proposal and lease documents. <p style="text-align: right;">(CARRIED)</p>
<p>ACTIVITY</p> <p>Activity completed.</p>
Meeting: Ordinary Council Meeting 12 December 2011
Subject: Local Law 2007 Meeting Procedure
<p>MOTION</p> <p>That Council review the Local Law 2007 Meeting Procedure.</p> <p style="text-align: right;">(CARRIED)</p>
<p>ACTIVITY</p> <p>Preliminary review complete and will be presented to Councillors before mid-year.</p>

FILE NO: 100.01.0001
4. SMARTER DELIVERY OF SERVICES AND PROGRAMS

ITEM NO: 11.1
(EXECUTIVE ASSISTANT TO CEO,
ROBYN BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

NOTICE OF MOTION - CR PETER MANSFIELD

TAKE NOTICE that at the Council Meeting to be held on 29 March 2016, it is my intention to move the following motion:

That

1. Moira Shire Council's licence of the Numurkah Courthouse not be renewed when the current term expires on 1 March 2016.
2. DELWP be advised the Moira Shire Council no longer wishes to be the Committee of Management of the Tungamah Court House.

CR PETER MANSFIELD

Date: 29 March 2016

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.