



Submissions Committee Meeting Agenda

10 June 2025 at 3pm

COPACC Meeting Rooms 1 and 2

COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

Tuesday 10 June 2025

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COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

NOTICE is hereby given that the next **SUBMISSIONS COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Tuesday 10 June 2025 at 3:00 PM.

AGENDA

1 DECLARATION OF OPENING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Submissions Committee meetings live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Submissions Committee meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Submissions Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Submissions Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be livestreamed to the public via Council's You Tube channel (search Colac Otway Shire Council at www.youtube.com).

The sole purpose of this Submissions Committee meeting is to hear persons who indicated they wish to speak in support of their written submissions to the items listed on this agenda.

3 MEETING ADMINISTRATION

3.1 Present

3.2 Apologies

3.3 Confirmation of Minutes

RECOMMENDATION

That the Submissions Committee confirm the minutes of the Submissions Committee meeting held on 13 May 2025.

3.4 Declarations of Interest

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

4 VERBAL SUBMISSIONS

The Mayor is to read out the names of the people who have confirmed they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A limit of 5 minutes will apply.

Item: 5.1

Submissions to the Draft Budget 2025-26 and Draft Fees and Charges for 2025-26

OFFICER	Toni Uphill
GENERAL MANAGER	Martin Cutter
DIVISION	Corporate Services
ATTACHMENTS	Nil

1. PURPOSE

To hear from submitters who have requested to speak in support of their submissions and to receive written submissions to the 2025-26 Draft Budget including 2025-26 Fees and Charges.

2. EXECUTIVE SUMMARY

As Submissions for the 2025-26 Draft Budget including 2025-26 Fees and Charges do not close until 5pm Thursday 5 June 2025, the full report is not yet available.

On Friday 6 June 2025, an addendum agenda will be made publicly available on Councils website, containing the completed report for the 2025-26 Draft Budget including 2025-26 Fees and Charges. All Submissions received by the deadline of 5pm Thursday 5 June 2025 will be included in the report.

Item: 5.2

PP253/2024-1 - 480 Warrowie Road IRREWARRA - Subdivision (Excision) of an Existing Dwelling in Farming Zone

OFFICER	Michelle Bateman
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Proposed Plan of Subdivision

1. PURPOSE

To hear verbal submissions from the applicant, the owner and a submitter about a planning application for a two-lot subdivision/excision of an existing dwelling in the Farming Zone at 480 Warrowie Road, Irrewarra.

The role of the Submissions Committee is to hear submissions. The Submissions Committee meeting is not a decision-making forum, and the Committee has no authority to make a decision on the planning application. It is anticipated that the merits of the application will be considered by Councillors at the Council meeting on 24 June 2025.

2. EXECUTIVE SUMMARY

The application seeks a planning permit to excise a dwelling, by subdividing land in the Farming Zone into two lots.

The subject site, which is located at 480 Warrowie Road, Irrewarra, is located within the Farming Zone and is subject to the Airport Environs Overlay, Schedule 2. A permit is required to subdivide land under both of these planning controls.

Public notice was undertaken by displaying a site notice and sending letters by registered post to the owners and occupiers of nearby properties. No objections were received. One submission of support was received, with the details of the submission set out later in this report.

Referrals were undertaken to Council's Infrastructure Department, Health Protection Unit and Environment Unit. The application was also referred to the Colac Airport owner. No objections were received as a result of the referrals.

The merits of the application will be considered at a future Planning Committee or Council meeting.

3. RECOMMENDATION

That the Submissions Committee:

- 1. Acknowledges and notes the verbal comments made in relation to the application.***
- 2. Thanks those that presented for their contribution to the submission process.***
- 3. Having heard all persons wishing to speak, recommends that Council consider all submissions at a future Planning Committee or Council meeting.***

4. KEY INFORMATION

This report provides an outline of the application and the submission in support of the proposal. A more detailed report assessing the merits of the proposal will be considered at a future Planning Committee or Council meeting.

Permit Triggers

The planning permit triggers are as follows:

Planning scheme clause	Matter for which the permit has been applied
35.07-3	Two lot subdivision of land in the Farming Zone – dwelling excision
45.02-3	Two lot subdivision of land in the Airport Environs Overlay

Site Context

The subject site, which is located at 480 Warrowie Road, Irrewarra, is located within the Farming Zone and is covered by the Airport Environs Overlay, Schedule 2.

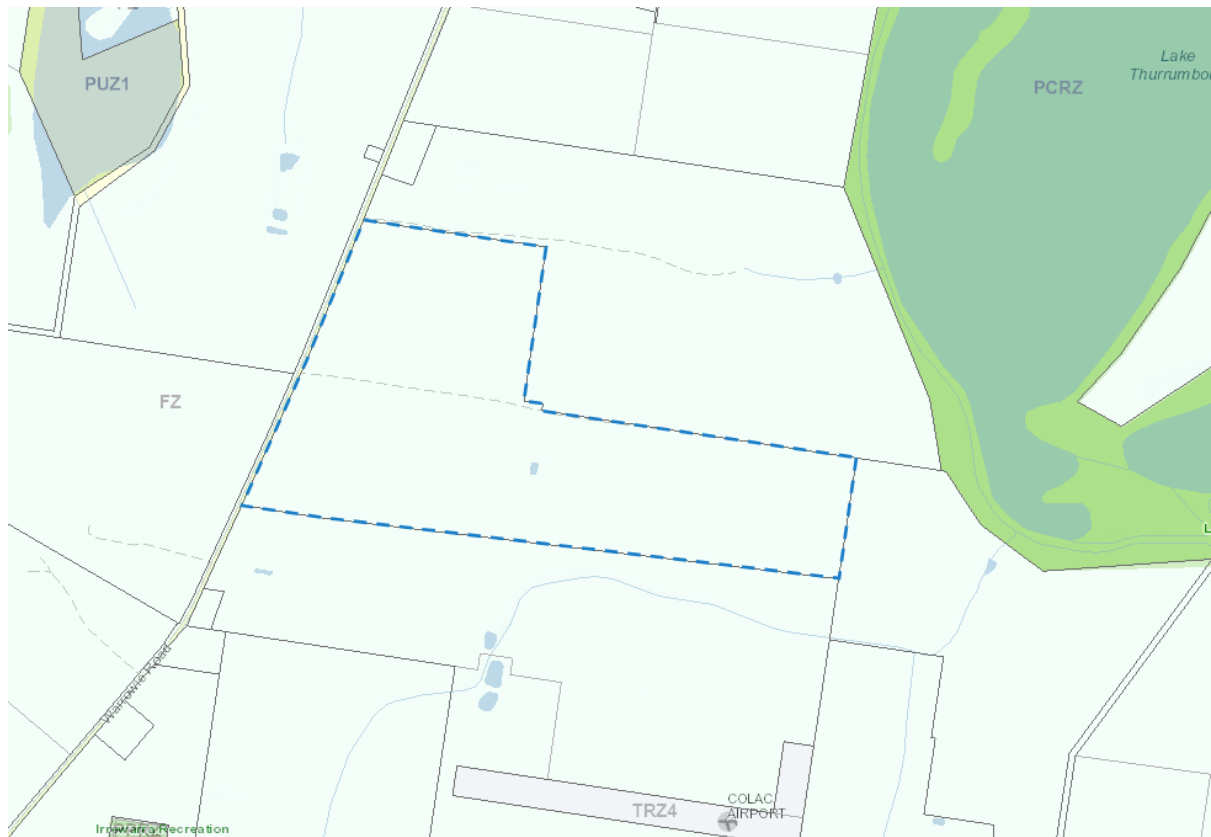


Figure 1: Zoning map of the subject site and surroundings

Proposal

This application seeks a planning permit to subdivide the land under clauses 35.07-3 (FZ) and 45.02-3 (AEO2).

The application seeks a planning permit for the subdivision of the land into two (2) lots, for the purpose of excising a dwelling. The subject site at 480 Warrowie Road is currently 101.6ha. The proposed subdivision would create a small lot of 2ha, which would contain the existing dwelling, and a larger agricultural lot of 99.6ha.

The application states that the landowner intends to retain the larger lot of 99.6ha for agricultural purposes and to sell the small lot of 2ha with the existing dwelling. The existing dwelling has an effluent disposal field that would be contained entirely within the proposed 2ha lot.

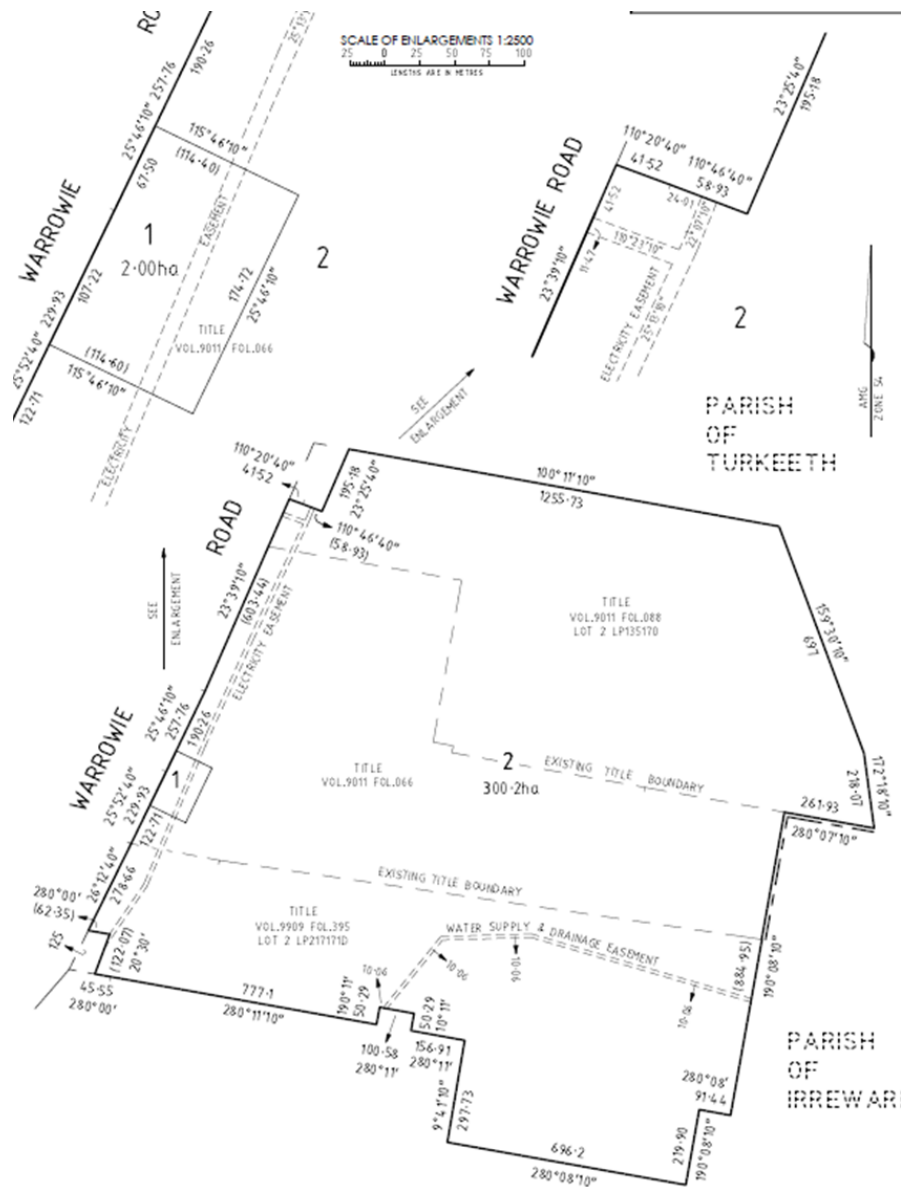


Figure 1: Proposed Plan of Subdivision

Public Notice / Submissions

Public notice was undertaken for the application in the form of one site notice, and letters to adjoining and nearby landowners/occupiers. No objections were received. One submission of support was received, which noted that numerous farming houses have become derelict as farming properties expand.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This report aligns with relevant governance principles by seeking to ensure that those who have made submissions on the planning application, and the applicant and their representative, have the opportunity to verbally address Councillors as the ultimate decision-makers in this case.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

This report has had regard to the provisions of the *Planning and Environment Act 1987* and the Colac Otway Planning Scheme. A full report with an officer assessment of the proposal will be presented to a future Planning Committee or Council meeting for consideration.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Any environmental and sustainability implications will be considered as part of the officer report assessing the proposal.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Consideration of this planning application involved a formal process of public consultation. As noted above, a sign was displayed at the property and letters were sent to adjoining and nearby properties. One letter of support was received. No objections were received.

Public Transparency (s58 LGA 2020)

A Submissions Committee meeting provides an opportunity for people to speak to their submission, providing further clarity around key points they wish to convey to Councillors. It also provides opportunity for the applicant to respond to matters raised. The applicant and supporter will also be invited to attend a future Planning Committee or Council Meeting when the matter is to be considered and at which a decision on the planning application will be made. The officer report assessing the merits of the application will be made publicly available prior to that meeting.

Alignment to Plans and Strategies

The officer report presented to a future Planning Committee or Council meeting will make an assessment of how the proposal has been considered against relevant planning policy.

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Following the Submissions Committee meeting, a report on the planning application will be presented to a future Planning Committee or Council meeting for consideration. This will have regard to submissions received since notice was undertaken. All submitters, and the applicant, will be advised of the meeting date.

Human Rights Charter

No impact.

Officer General or Material Interest

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Options

Option 1 – Note the verbal submissions

This option is recommended as the purpose of the meeting is to hear verbal submissions. The merits of the planning application will be considered at a future Planning Committee or Council meeting.

Item: 5.3

PP226/2024-1 - 25 Whytcross Lane Birregurra - Use and development of the land for a dwelling

OFFICER	Helen Evans
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">1. Site Layout [5.3.1 - 1 page]2. Dwelling Plans [5.3.2 - 5 pages]3. Planning Report [5.3.3 - 8 pages]4. Farm Management Plan [5.3.4 - 23 pages]5. Response to Request for Further Information [5.3.5 - 2 pages]

1. PURPOSE

To hear verbal submissions from the applicant about a planning application for the use and development of land at 25 Whytcross Lane Birregurra for a dwelling and associated works.

The role of the Submissions Committee is to hear submissions. The Submissions Committee meeting is not a decision-making forum, and the Committee has no authority to make a decision on the planning application. It is anticipated that the merits of the application will be considered by Councillors at the Council meeting on 24 June 2025.

2. EXECUTIVE SUMMARY

Planning permission is sought for the use and development of a 1.6ha lot at 25 Whytcross Lane Birregurra for a dwelling. The site, which is relatively flat with a gentle fall to the north, contains a dam adjacent to the western boundary.

The land is in the Farming Zone and partially covered by the Land Subject to Inundation Overlay (LSIO).

Consideration of the planning application involved a formal process of public notification by means of letters to surrounding properties and a site notice. No objections were received. As noted above, an officer report that discusses the planning merits of the proposal will be considered at a future Council or Planning Committee meeting.

3. RECOMMENDATION

That the Submissions Committee:

- 1. Acknowledges and notes the verbal comments made by the applicant in support of the application.**
- 2. Thanks the applicant for their contribution to the submission process.**
- 3. Having heard all persons wishing to speak to their submissions, recommends that Council consider the planning application at a future Planning Committee or Council meeting.**

4. KEY INFORMATION

Planning permission is sought for the use and development of a single-storey, four-bedroom dwelling with attached double garage on a 1.6-hectare lot on the northern side of Whytcross Lane in Birregurra. The lot forms part of a larger 47.8-hectare agricultural landholding.

The intention is to sell the larger lot that forms the balance of the landholding if planning permission is granted for the proposed dwelling on the 1.6ha lot. The larger lot already contains a dwelling.

The subject lot is shown outlined in red in Figure 1 below, with the larger lot being that to the east.

It is proposed that the dwelling (shown yellow in Figure 2 below) be sited generally in the middle of the lot, being 8.6m from the east boundary and 147.6m from the southern (front) boundary. The dwelling would be 250.6sqm in area and its siting would be just south of the boundary of the LSIO shown on Council's planning scheme mapping (shown hatched in Figure 1 below).



Figure 1 – subject lot (outlined in red)

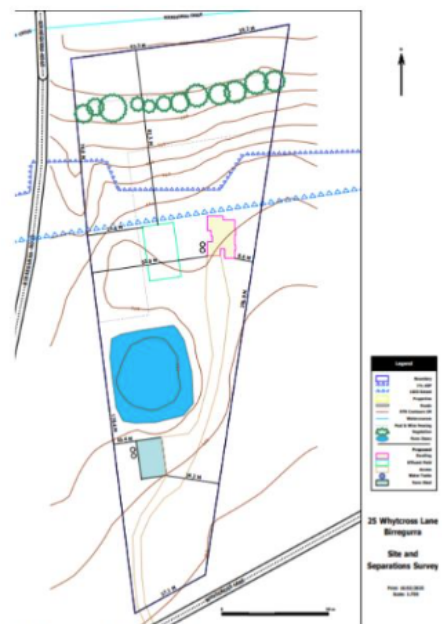


Figure 2 – site plan

An agricultural shed is also proposed, which would be sited 61.7m from the front boundary and 10.4m from the western boundary. A planning permit is not required for the shed, as the use would be for agriculture and the minimum specified setbacks would be met.

The submitted Farm Management Plan states that it is proposed to relocate the proponent's existing horticultural activities to this smaller lot and expand those activities, which would allow the adjoining larger lot with the existing dwelling to be sold to new owners. The proposed horticultural activity on the 1.6ha lot would comprise the production of garlic, flowers and fruit. Horticulture, which is a Section 1 (permit not required) use in the Farming Zone, is defined as:

“Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.”

It is considered that the proposed growing of garlic, flowers and fruit would be within this definition and, as such, the horticultural use does not require planning permission.

Map 2: Farm Map





Australian Home Designs 250KR



Width 13.37 X 19.6 M

Features:

3 Bedrooms + Study
2 Bathrooms
Media Room
Alfresco

Dimensions:

Living 178.6 sqM
Garage 39.6 sqM
Alfresco 22.2 sqM
Portico 10.6 sqM
Total 250.6 sqM

Bed + Study + 2 Bath + 2 Car



5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This report aligns with relevant governance principles by seeking to ensure that those who have made submissions on the planning application (in this case the applicant) have the opportunity to verbally address Councillors as the ultimate decision-makers in this matter.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

This report has had regard to the provisions of the *Planning and Environment Act 1987* and the Colac Otway Planning Scheme. It is intended that a report with an officer assessment of the proposal will be presented to the Council meeting on 24 June 2025.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Any environmental and sustainability implications will be considered as part of the officer report assessing the proposal.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Consideration of this planning application involved a formal process of public consultation. As noted above, a sign was installed on the site and letters were sent to nearby properties. No objections were received.

Public Transparency (s58 LGA 2020)

A Submissions Committee meeting provides, inter alia, an opportunity for an applicant to provide information about an application.

The applicant will also be invited to attend the Council meeting at which this matter will be considered and a decision on the planning application will be made. The officer report on the application will be made publicly available prior to that meeting.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

The officer report presented to the Council meeting will make an assessment of how the proposal has been considered against relevant planning policies.

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Following the Submissions Committee meeting, a report on the planning application will be presented to Councillors at a future Council or Planning Committee meeting for consideration. This will have regard to any submissions received since notice was undertaken.

Human Rights Charter

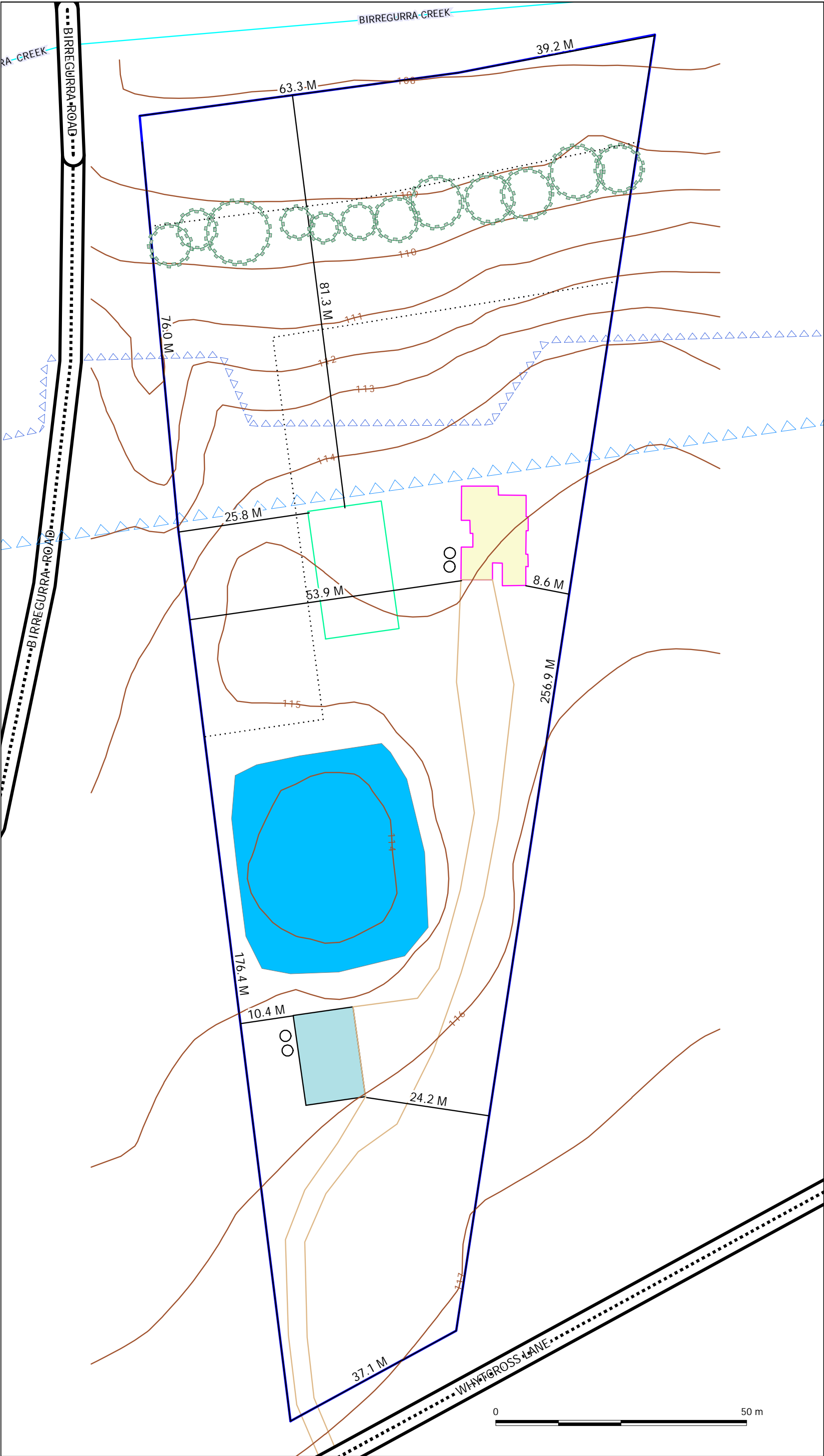
No impact.

Officer General or Material Interest

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

OptionsOption 1 – Note the verbal submission

This option is recommended as the purpose of the meeting is to hear verbal submissions. The merits of the planning application will be considered at a future Council or Planning Committee meeting.



Legend

Boundary

1% AEP**Proposed**

25 Whytcross Lane
Birregurra

Site and
Separations Survey

Print: 16/02/2025
Scale: 1:700

Australian Home Designs 250KR**3 Bed + Study + 2 Bath + 2 Cars****Width 13.37 m x 19.6 m****Dimensions:****Living 178.6 sqM****Garage 39.6 sqM****Alfresco 22.2 sqM****Portico 250****Features:****3 Bedrooms + Study****2 Bathrooms****Media Room****Alfresco**

Australian Design Services
A Design World Of Difference

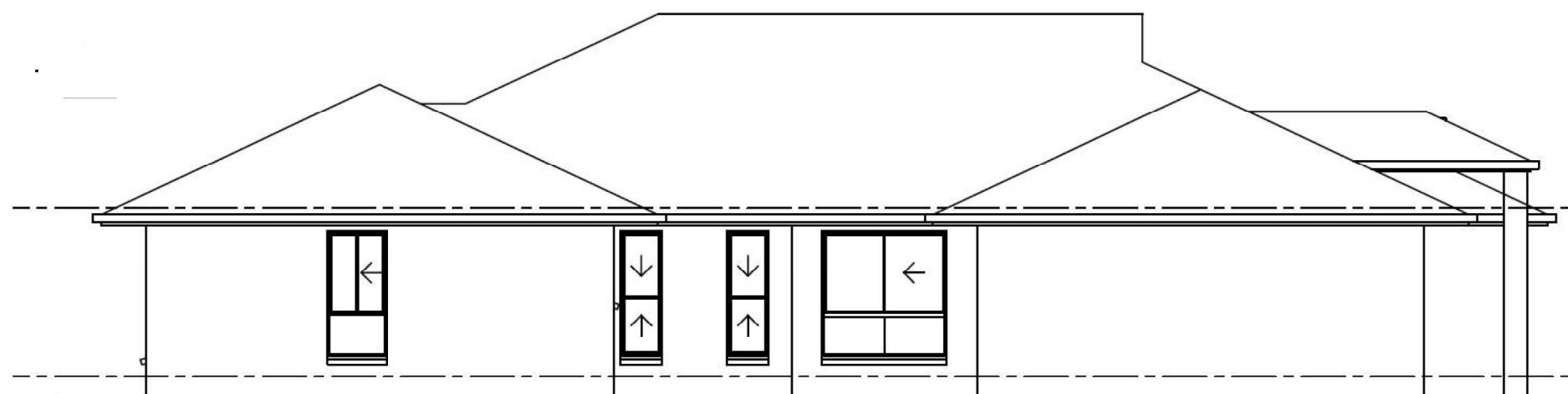
PRELIMINARY SET OF PLANS

Australian Home Design: 250KR

3 Bed + Study + 2 Bath + 2 Car



Northern Aspect



Western Aspect

PRELIMINARY SET OF PLANS

www.australianfloorplans.com

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Australian Design Services
A Design World Of Difference

Australian Home Design: 250KR

3 Bed + Study + 2 Bath + 2 Car



PRELIMINARY SET OF PLANS

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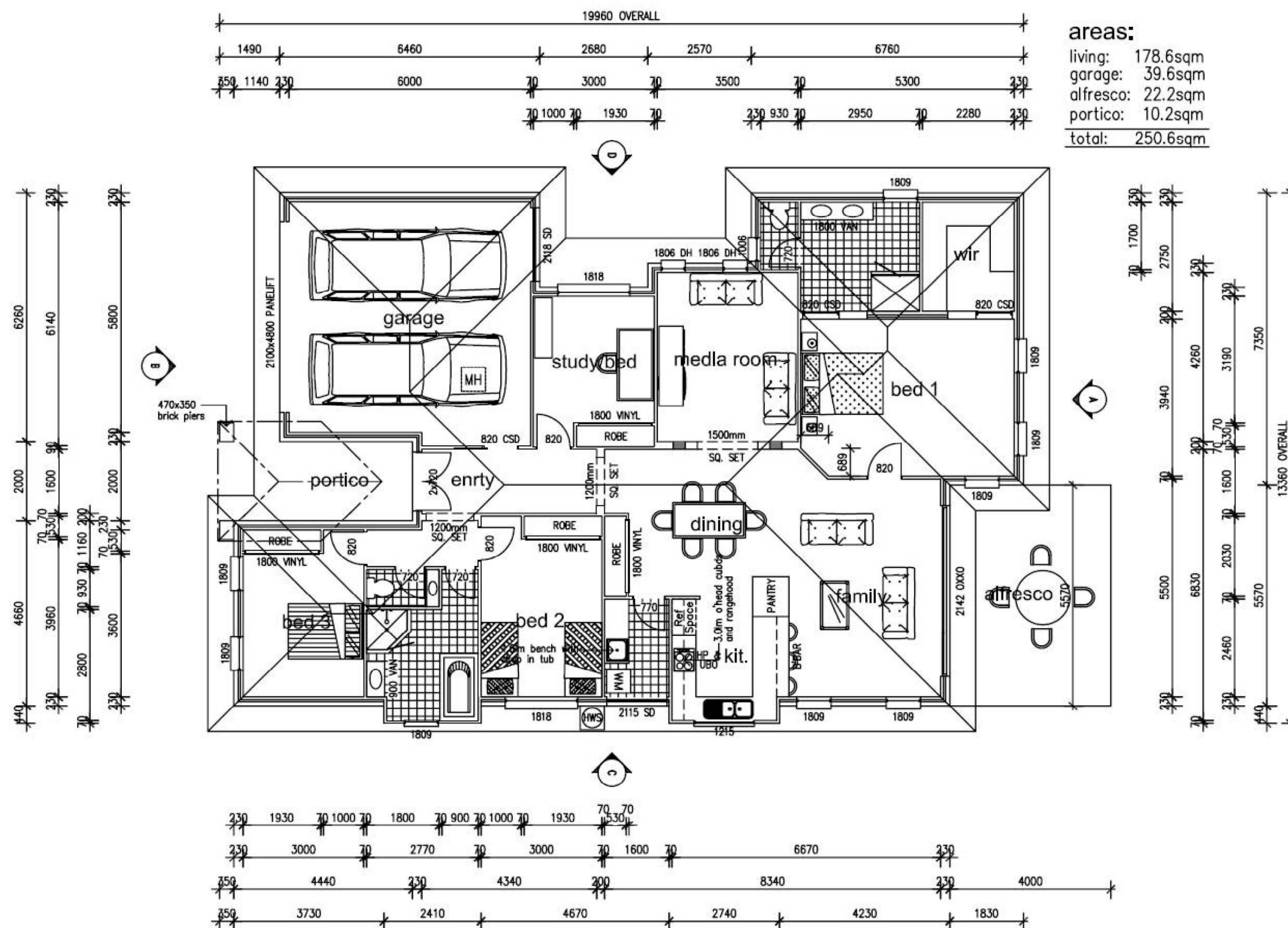
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Australian Design Services
A Design World Of Difference

Australian Home Design: 250KR

3 Bed + Study + 2 Bath + 2 Car



PRELIMINARY SET OF PLANS

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Australian Design Services
A Design World Of Difference

Australian Home Designs 250KR

Bed + Study + 2 Bath + 2 Car



Width 13.37 X 19.6 M

Features:

3 Bedrooms + Study
2 Bathrooms
Media Room
Alfresco

Dimensions:

Living 178.6 sqM
Garage 39.6 sqM
Alfresco 22.2 sqM
Portico 10.6 sqM
Total 250.6 sqM



PRELIMINARY SET OF PLANS

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7th November 2024

Planning Department

Colac Otway Shire Council

Via email: inq@colacotway.vic.gov.au

Planning Report

25 Whytcross Lane, Birregurra

Use and development of the land for a dwelling supporting a farm.

Proposal Overview:

The proponents seek a planning permit for buildings and work to construct and use a single-storey, three-bedroom dwelling on a 1.6-hectare lot at 25 Whytcross Lane, Birregurra. The proposal parcel is already titled and part of their larger 47.8-hectare farming property, with the main body being made available for sale if the planning permit is approved.

The subject land is located in the Farming Zone, which triggers this requirement for a planning permit.

The proponents will relocate their existing high-value horticultural activities and business to this site, ensuring sound agricultural use of the property.

Property Details:

Proponents:	[REDACTED]
Address:	25 Whytcross Lane, Birregurra 3241
Property Descriptions:	Lot 1 TP17242
Property Size:	1.6 Hectares
Local Authority :	Colac Otway Shire Council
Zones / Overlays:	Farming Zone Schedule to The Farming Zone Designated Bushfire Prone Area
Current Use:	Vacant



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Shire Planning Scheme:

Map 1: Zoning and location Note: The title boundary is drawn incorrectly on planning maps.

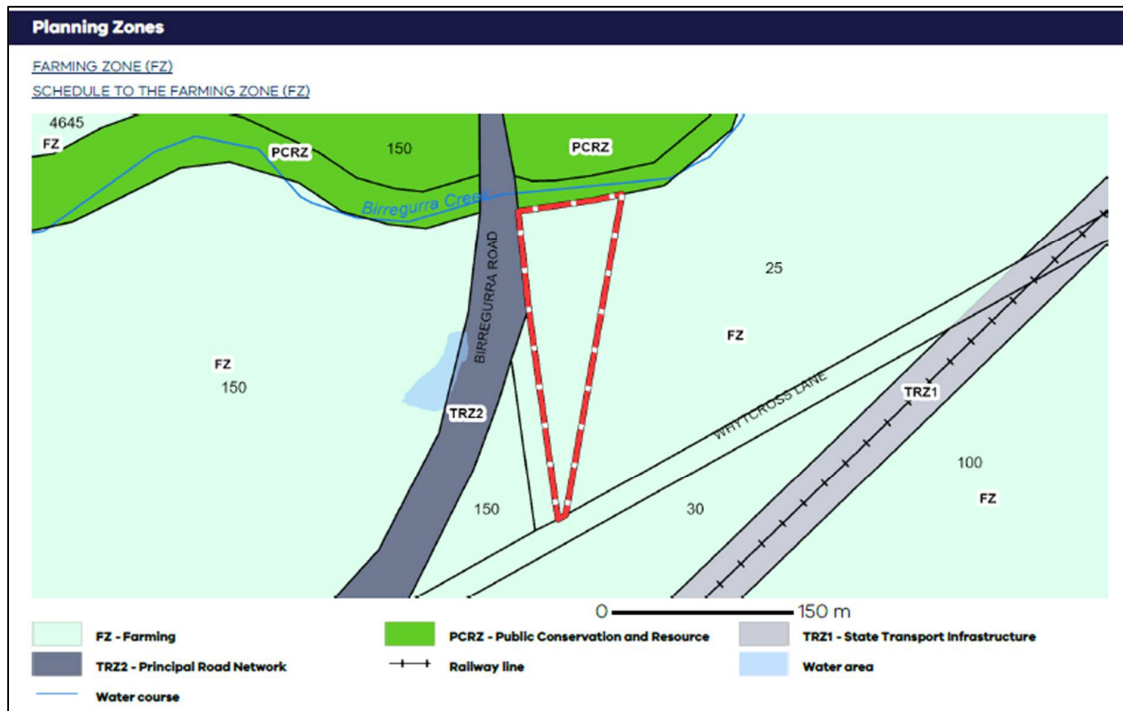


Image 1: Property Image looking from Whytcross Lane, proposed house site marked.





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Site Assessment:

Site Description:

The property is regular in shape and measures 1.6 hectares in size. The property would be described as a gentle slope having less than 3 metres fall across the entire site. It is fronted by Whytcross Lane on the southern boundary, the disused Birregurra Road reserve on the western boundary, Birregurra Creek at the north and the proponent's farm on the east.

The property has been fully cleared and pastured, having been used for pastoral production. There is no existing agricultural infrastructure on the property and that investment will be required. All buildings and infrastructure will need to be constructed.

The siting and use of existing buildings on the site:

There are no buildings on the site.

Services Connections:

There are electricity and telephone services located nearby and are available. There are no sewer, gas, or mains water connections available.

Domestic effluent will require a wastewater treatment system, and there is plenty of area to install that system within the EPA Guidelines.

Domestic and farm water will be available from tanks attached to the proposed house and shed and from the existing farm dam. The property is entitled to a water bore for domestic and stock purposes, should that be required.

Easements:

The property has no easements.

House Design and Siting:

The property is nearby to the old Birregurra township and there are a number of properties to the north of the creek that are similar sized and developed with dwellings, other properties nearby are used for grazing. The nearest existing dwelling is 500 metres to the north, and the proponent's farm dwelling is over 600 metres to the east.

Cut and Fill Requirements:

There are no major cut-and-fill requirements for the dwelling beyond standard house site and construction preparation. Any site-cutting work will be less than 1 metre.



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Street features and access points:

The property fronts Whytcross Lane on the southern edge and the disused Birregurra Road reserve on the western edge; access is from that reserve. That access is adequately constructed with gravel topping and an installed crossover. Whytcross Lane is a well-formed, unsealed road maintained by the council. There are well-formed drainage lines along each of these roads.

The property will access from an existing gateway off the adjoining public roadway reserve which has no signage limiting or prohibiting "Right of Passage" (Roads Management Act 2004).

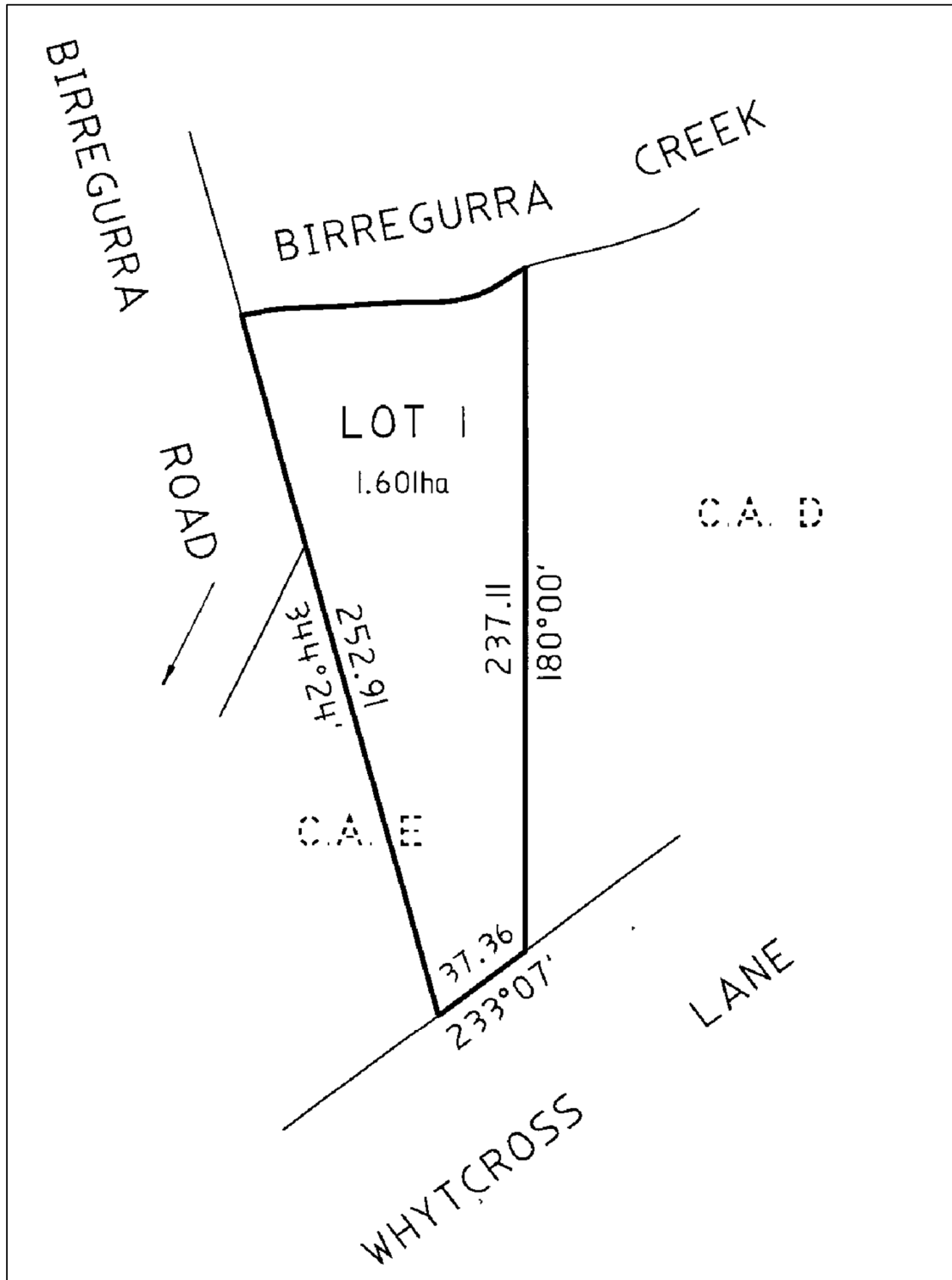
Image 2: Existing access point from Whytcross Lane.





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Map 2: Property Dimensions





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Map 3: Current Production Area



The flower and garlic growing will be relocated from the main farm body and re-established at a significantly higher production intensity at the proposal site. The grazing farm with the established dwelling can then be sold intact to another farmer.



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Design Response:

Farming Zone:

The property is 1.6 hectares located in the Farming Zone, requiring 40 hectares for entitled dwelling, and that lack of size triggers the planning permit process. The property has been either vacant or used as an outpaddock, and this application brings it to a higher production level.

- The presented application demonstrates that this is a viable agricultural enterprise, best suited to the farming zone and requires a dwelling to facilitate the management and operation of that agriculture and:
- The use proposed is consistent with the objectives for the use of agricultural landscapes for horticulture and is consistent with the use of many of the properties in the area.
- The farm management plan proposes significant investment in the agricultural capability of the land.
- The proposed dwelling will not result in further fragmentation of productive agricultural land; the title is one of 3 existing and adjoining fragment small titles created for road construction and realignment.
- The proposal does not remove any area of the land from agricultural production; existing agricultural activities are to be relocated to the site, freeing farmland elsewhere.
- The dwelling will not impact the agricultural activities of adjacent or nearby land, nor will it affect the expansion of any adjoining or nearby agricultural uses.
- The proposal is best considered as an alternative to an excision of the existing dwelling, which protects the larger farm body for continued agricultural use.

Land Subject to Inundation:

Attached is flood information from the Corangamite CMA illustrating the 1% AEP which shows the dwelling is located 2.78 Metres above that mark and the shed site is greater than 3 metres above that mark. The effluent system is also located out of the 1% AEP.

The proposed flower gardens will be susceptible to any 1 in 100 flood and that planting may be lost although peak water heights generally only last a few hours and depending on plant stage may be recoverable. The flowers are either bulbs or seasonal plantings so will be a single seasonal crop lost.

The proposed access will not be impacted by that flooding.



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Summary:

This proposal is seen as an excellent alternative to the proponents requesting an excision of their existing dwelling and attendant 600-metre long driveway from their 47.8-hectare farm. They will be able to relocate, increase their existing horticultural activities, and remain in the area where they have lived for the last 25 years. Their beef cattle farm can then be sold for purpose without the disruption of long narrow excision.

The proposed farming activities themselves are high value, and being soil-based production, they need to be in the farm zone, but it doesn't need large tracts of land. The fact they will make two-thirds of the revenue from the smaller lot as they would from the grazing activity demonstrates the efficiency of the proposal.

Smaller farms like this one need to be more intensive in operation to achieve a viable income, and that creates a greater risk of critical agricultural issues that can be damaging to productivity, viability and financial return; they actually require a higher level of monitoring than larger, less stressed farming types.

A dwelling is the heart of a productive farm. It's where management occurs, monitoring occurs, issues are resolved, and pride is stored. Being there is important; vulnerable animals can be constantly monitored, and corrective actions are taken when issues arise. All productive farms need a farmhouse.

The chosen dwelling design is a standard low-key residential design suited to the surroundings, and the farming proposal is seen as a very good fit with the amenity of the neighbouring area and will improve the overall agricultural, environmental, ecological, social and economic value of the area.

The proposal is a great fit for the values that the council expect from the farming zone, bigger or smaller than the mandated 40 hectares with a well-planned growth strategy, and councils should be supporting and encouraging these high-value, efficient farms to create community resilience and farming diversity.

Attached:

Planning Application
Farm Management Plan
Buildings and Site Design Plans
Surveyors Maps
Copy of Title Certificates
Site / Separation Map
Corangamite CMA Flood Advice

Farm Management Plan

Floriculture, Fruit
and Garlic
Production with a
Dwelling

25 Whytcross Lane,
Birregurra

Report Prepared by
Dean Suckling
Enprove Pty Ltd

Report Revision Date:
16th February 2025



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Plan Objective:

This Farm Management Plan is drawn to provide an assessment of current agricultural activities and identify future improvements that will benefit the agricultural production values of the property and identify the benefits of the proposed dwelling at 25 Whytcross Road, Birregurra.

This plan is for the provision of a high-value horticultural enterprise, including cut flowers, garlic and fruit for sale.

The farm plan has been drawn after consultation with the owners about how they want to run their farm business and what they plan to achieve. The farm layout and agricultural activities are as described by the proponents, and Enprove has assessed the site to provide agronomic and environmental management advice, which is included in the report. Land and conditions can change seasonally, and management variation can and should be expected. This report relies on external data and information that is assumed to be accurate.

Property Details:

Proponents:	<div style="background-color: black; width: 150px; height: 1.2em;"></div>
Property Address:	25 Whytcross Lane, Birregurra
Property Description:	Lot 1 TP17242
Area:	1.6 Hectares
Local Authority:	Colac Otway Shire
Zoning / Overlay(s):	Farming Zone Schedule to the Farming Zone Land Subject to inundation Land Subject to Inundation _Schedule 1 Designated Bushfire Prone Area
Current Use:	Vacant
Proposed Use:	Horticulture

Farm Overview:

This Farming Zone proposal calls for the relocation and expansion of the proponent's existing horticultural activities to this excised site, which will allow them to sell their adjoining beef farm with dwelling to new owners who can continue that farming.

██████████ have been producing garlic and flowers at their property for many years and this restructure of their farm and farming activity allows them to expand that business. Horticulture is high-value farming and often returns greater revenues than many larger-scale agricultural enterprises. Cut flowers and garlic production suit smaller properties as larger producers shy away from the higher labour inputs and greater risks inherent in a low chemical environment. Cut flowers particularly are the highest returning of all agricultures but also the most labour intensive.

The proponents are passionate about farming their small acreage, protecting their local environment, and contributing to their community. Their product is already sold through local stores, and the flowers by their daughter, who is a florist. They have planted hundreds of trees in the direct area already improving the biodiversity and ecological values of the area.

The agricultural and land management highlights include:

- Establishing and growing 6,000 flowering plants, producing 16-20,000 flower stems for sale each year.
- The planting of 40 fruit trees to produce 4 tonnes of fruit for sale.
- The establishment of 3600 purple and Aussie White garlic plants each year for sale at the farm gate and markets.
- A new farm shed to allow propagation, produce drying packing and equipment storage.
- Planned value-adding of produce to increase sale price.
- The development of a small roadside stall selling produce to passersby.
- A sustainable financial model for production from a small rural property.

The property has been used for grazing production and has low soil fertility, creeping soil acidity issues, and no agricultural infrastructure. The pastoral production is currently estimated to be 3 tonnes of dry matter per hectare per annum, producing \$4,000 in produced. After the initial development period, the enterprise will generate and indicated \$86,000 in farm revenues each year, and there is scope to increase that return over time.

The enterprise is designed to fit with and enhance, the growing reputation of the Birregurra area as an area of high-quality produce and horticulture. It is seen as a great example of sustainable and productive use of a small rural lot contained within the Farming Zone, which is well fitted to the character of the greater area.

Siting a dwelling on the property means that the property can be improved confidently, knowing that those improvements can be most effectively utilised to increase productive value. A resident also means that animals and plants can be monitored for best production and welfare.

Requirement for a dwelling supporting a farm:

The nexus between a dwelling and the land can be complicated to describe. At the simplest level, it puts a set of eyes, ears and maybe a nose on the property most of the time. This means that the property, and indeed the local area, can be monitored for issues. Problems arise constantly on farms and timely response is important. A single event can reduce or wreck an entire season's production or kill a high-value, expensive horse.

Good farming is also about personal motivation; there is no boss, and there is no help. For the first few seasons, before a viable production, the proponents may actually be paying to work on their farm. The co-investment into a dwelling and farming is important to manage the extensive development cost and time and instil the pride and routines that create motivation to keep going forward.

Farming is a major commitment and responsibility. The farmer is the sole custodian of that land and is responsible for everything that happens on that land: the welfare of animals and people, the protection of that agricultural land, the maintenance of the ecology and biodiversity, the prevention and eradication of pests and weeds and the quality of the produce to be supplied to others. That commitment should be encouraged in our society, and currently, it feels seriously undervalued, poorly understood and restricted.

A farmer's work time can be divided into three categories: the daily and mundane ongoing work, the higher intensity growing and harvest season, and the response to critical issues. Weather can also pinch a lot of time, and waiting for the right window to complete tasks can use up productive time (go in the house and do the bookwork, maybe). Managing time, being on time, keeping up maintenance and, when required, quick responses separate the good from the bad.

The justifications for a dwelling on this small lot farm are the same as justifications for most farming properties. The management times and tasks can be similar due to the greater manual operation:

- There are no rental houses in the area.
- Allows the proponent to put their beef farm for sale without the major disruption of a dwelling site cut out through that property.
- Monitor Crops: (typical daily routine) check water, check for pests, check for fungus and brown rot, check supports, check produce quality.
- Monitor flowers, fruit and garlic for harvest: Both need to be monitored daily for readiness and harvested.
- Monitor and react to weather: Heat, frost, hail and wind can play havoc and responding quickly with a management decision can save a crop or minimise losses.
- Weeding: Herbicides cannot be used, so hand weeding is the main weed control technique.
- Pest Animal Control: Probably the biggest issue for horticulture. Crows, lorikeets, blackbirds, finches, bats, wallabies, rabbits and other animals will damage garlic crops and flowers for no apparent reason. In this farming region, scare guns and shotguns are not well received, so constant movement of vehicles and people is a good control method, from dawn to dusk and into the nighttime, to scare away flying pests.
- Manage storage and drying: Drying plants need to be constantly monitored to ensure dryness and even drying and rodent exclusion
- Do the work: Horticulture needs constant attention, weed control, watering, foliar fertilising, thinning and trimming to ensure even access to sunlight. A hectare of horticulture generally requires 3-400 hours per year to maintain, and this property will require 800 hours each year purely for plant maintenance. Most of the work cannot be mechanised so it will require manual input.
- Monitor the roadside stall for sufficient supply and potential theft.

- Justifies the investment in infrastructure and services to improve agricultural production into the future. This includes power supply, water harvesting and distribution, improved soil quality, safe access, handling, buildings and shedding.
- Provides a dedicated agricultural reason to guide and plan for ongoing improvement in the agricultural production and use and improved land management and environmental performance.
- Saves farmer wasted time (out the door, do the work).
- Saves fuel and greenhouse gases in travel and saves travel cost; the tax department rates a kilometre as a cost of 75 cents, money better invested in the farm: e.g. 20 kms a day = \$5475 a year, 2 trips a day \$10,950 wasted.
- Allows farmers to insure their property, equipment, stock and crops (insurance companies will either not insure or the premium will be unviable for untenanted farms).
- Creates motivation and drive to improve the farm beyond minimal or basic maintenance. Human behaviour, tasks seen get attended to, and tasks out of site get forgotten.
- Creates peace of mind; farmers worry about crops and animals. Many will sleep in sheds, caravans or cars on the site during critical farming periods.
- Allows nighttime monitoring of the property. Farm monitoring is as much about hearing issues as seeing issues.
- Allows the proponents to keep a farm dog to chase away pests like foxes and rabbits.
- Improves farm viability by allowing critical issues to be addressed in a timely fashion and creating more farm time to complete more tasks.
- Encourages greater time and financial investment into the property; there is no cost sharing with another property.
- Reduces farm theft from both the farm and neighbouring community and provides security of equipment and stock.
- Improves environmental performance; a larger number of trees and plants are established when a dwelling is present, and establishing trees takes time, work and maintenance, in addition to farming work.

A dwelling on a farm is a lot more than a place where people reside; it is the centre of an agricultural business. It is the administrative centre, office, meeting room, first aid shed, pharmacy, security and bio-security checkpoint, tea room, and monitoring post for a 24-hour a-day, 365-day-a-year business.

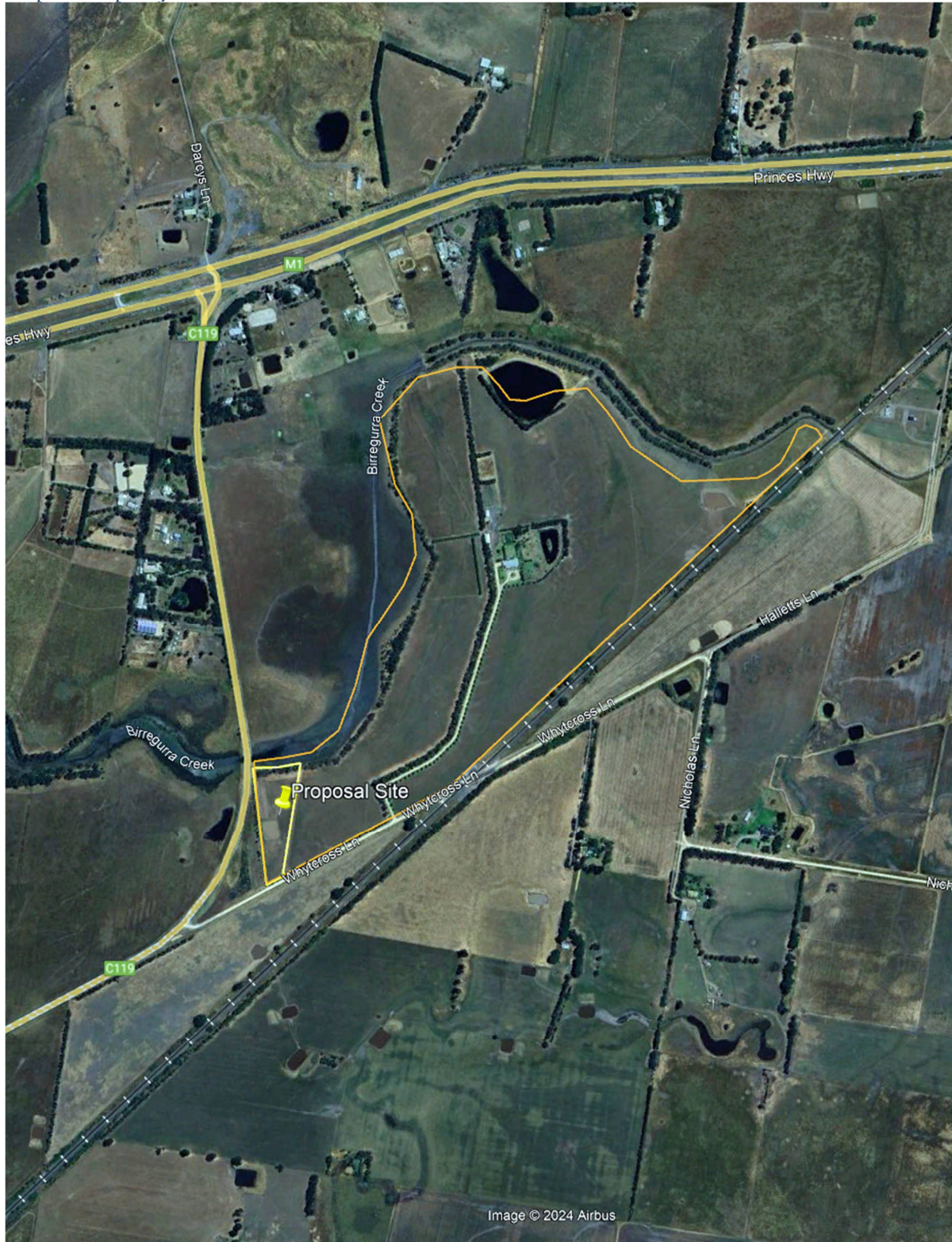
There is no future farming plan for Victoria, and that direction is needed. Agriculture must provide 30% more farming produce and services in the next 15 years to keep up with population and demand, and given that most of Australia's farming produce is destined for export, the productive agricultural development of all farming lots must be a current and future focus. In reality, many major farms are already used to and past their maximum, and smaller farms offer growth potential with new farming types, methods and people. In most farming zone proposals, it will be a farm with a house or no development at all.

It is also worth noting that the majority of productive farms in the state are less than 40 hectares and generally have a greater intensity and greater return per land unit and water use than larger farms (20% of farms control 80% of farmland). That is because most agricultural activities don't actually need large land areas to be viable (horticulture, poultry, vines, market gardens, equine, some feed lotting, floriculture, contracting, processing, aquaculture, fruit production, accommodation, etc).

As is the case here, women are 50% more likely than men to be the drivers to develop and farm the smaller farming properties; dwellings on small farms are a key mechanism to create greater female representation in agriculture, which will continue to boost agricultural progress and development.

Site Location and Property Map:

Map 1: Property Location and Context

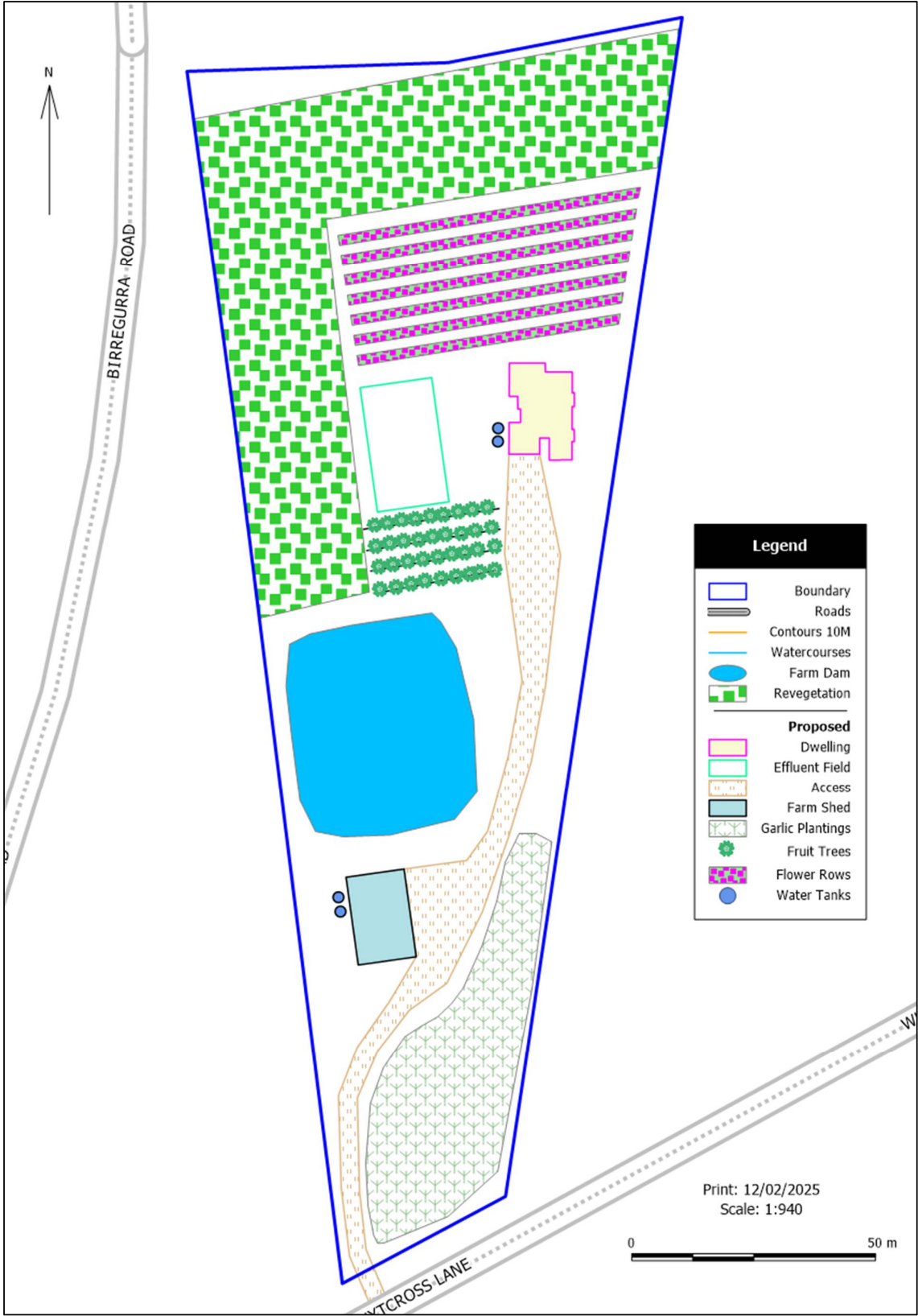


The orange line denotes the proponent's entire farm; yellow denotes the already titled excision site.

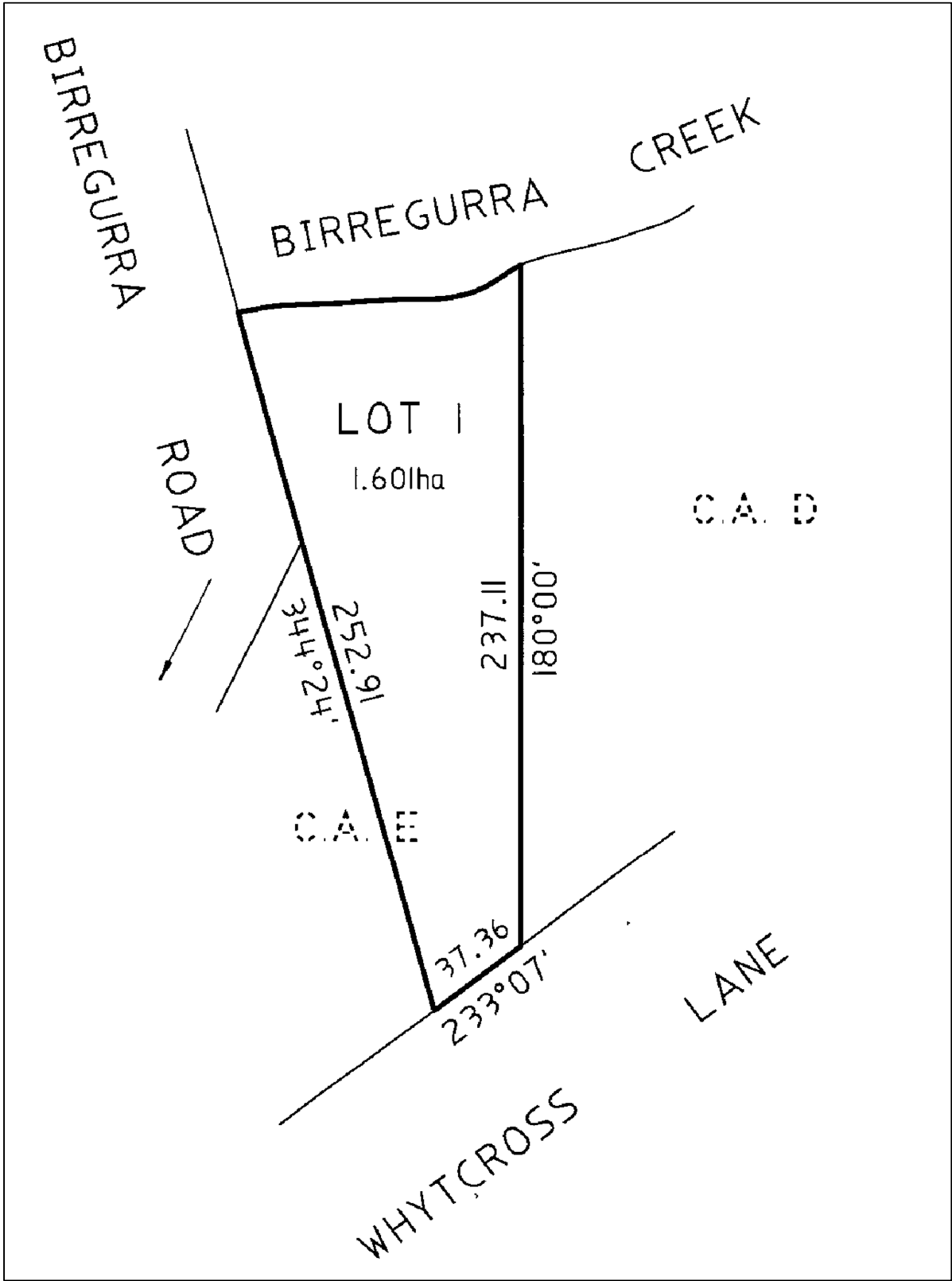
Map 2: Farm Map



Map 3: Proposed Property Layout



Map 4: Property Dimensions



Farming Factors:

Site Topography:

The property is defined as a gentle slope generally falling from the north to the south to the steeper banks of Birregurra Creek. There are no major topographical features on the site.

Climate:

Birregurra climate statistics:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
Mean Max (°C)	26.0	25.1	23.0	19.1	15.1	12.3	11.7	12.7	14.7	17.2	20.5	23.4	18.4
Mean Min (°C)	12.8	12.9	11.9	10.0	7.9	6.2	5.4	5.6	6.6	7.7	9.6	10.8	9.0
Mean Rain (mm)	34.0	33.6	38.1	48.8	62.5	64.8	71.7	77.7	70.2	66.8	54.9	41.6	666.9
Mean Rain Days	4.0	3.1	4.8	6.2	8.6	10.0	11.2	12.3	10.4	9.2	6.1	6.2	92.1

Data: BOM 090085 Mount Gellibrand, Rainfall BOM 90008 Birregurra

The climate is the typical Mediterranean type of warm, dry summers and cool, wet winters. The climate is good for the chosen agricultural activity, although there is potential for wet periods, which need to be managed.

Water Supply:

The property is very well served for water with an existing dam of 2.5 megalitres of water for farm use.

Four new water tanks will be installed: 2 X 30,000-litre tanks attached to the house and 2 X 30,000-litre tanks attached to the shed. Rainfall will be collected from the roofs of the house and shed, and this will be about 450,000 litres of water in an average rainfall year.

Weed and Pest Management:

The property doesn't have any major environmental weed or pest issues. Blackberries are establishing along the Birregurra Creek waterway reserve, and these weeds will be controlled as part of the farm management routines demonstrating good land stewardship. Flowering plants are particularly sensitive to manufactured herbicides, so the proponents plan to avoid chemical use; most weeds will be controlled by hand and manual methods.

The current pasture has significant agricultural weed establishment, particularly flatweed and fog grass, but this shouldn't present an issue for the proposed farming, and the farming activities will manage these out.

Fire Management:

The land is in a designated bushfire area but is not seen to be of greater risk than any normal, cleared farmland. The land use is not seen to contribute to fire risk, and the irrigated areas could be expected to act as firebreaks. The usual fire precautions will apply no petrol-powered vehicles in long grass, limited mechanical activity on high-risk fire days, reduced fire load before summer, and adequate fire fighting water in tanks/dams at all times. Firewater supply will be available from the dam and tanks if required.

Soil Quality and Fertility:

The property land class is typical of the region, productive well-structured sandy clay loams over clay classed as duplex soil. The soils may be prone to waterlogging during wet periods and drying and cracking during dry periods but generally retain productivity.

A soil test was collected to determine soil fertility and quality and identify any changes to improve the current productivity level.

Soil Test Observations (soil test next page):

- Low pH CaCl_2 (4.6), indicating soil acidity issues.
- Slightly phosphorus levels (Olsen P 16.2 mg/Kg)
- Fair potassium levels (176 mg/Kg)
- Low sulphur levels (4.3 mg/Kg)
- Low Organic Carbon (2.4 %)
- Low nitrogen levels (at the time of testing, nitrogen is seasonably variable)
- Trace elements: Zinc and boron are below optimum levels for horticulture; iron is naturally elevated and can reduce the availability of phosphorus.
- Cation levels (indicating soil structure) are of poor balance with low exchangeable calcium levels. The total cation exchange capacity is very high, meaning nutrient lock-up may be an issue (nutrients lock to soil and are not freely available to plants).
- Elevated aluminium levels. Aluminium reduces plants' rooting and persistence and encourages weeds.
- Low salinity (electrical conductivity) with elevated sodicity (exchangeable sodium) indicates some salt impact to be addressed.

Recommendations:

The soil fertility is generally good (indicating pasture use in the past), and only minor corrections are required. Flowers will generally require a higher fertility level than garlic, different treatments will be required, and the rows will be individually fertilised.

Calcium levels are also slightly low, causing the acidity issue and should be corrected. Poor calcium can also create soil structure issues; correcting this will offer resistance to pugging and compaction. Acidity in soils releases aluminium toxic to most plants and encourages weeds. Applying agricultural lime will correct this issue at a rate of 250 grams per square metre and potentially the same again in 2-3 years.

Trace elements are very important for flowers and garlic; zinc and boron are particularly low and will need to be corrected by solid fertiliser, although foliar spray applications would also be useful.

Nitrogen levels are also very important for garlic and flowers, nitrogen being essential for leaf development, and strategic applications of nitrogen will be required to ensure optimum plant development.

Significant grass-root matting means that soil cultivation will need to occur before attempting any plant establishment. Even after initial cultivation (by discing, ploughing or ripping), the soil will still be blocky and root-bound and unsuitable for planting and may need several working passes. It will also require time for that root matter to break down and form a suitable working tilth (this could be several months). It can be worked green, but a complete knockdown with a herbicide is preferable to manage undesirable grasses and weeds.

As always, ongoing soil testing should be conducted to ensure adequate fertility and reduce potential excess and risk to the environment. Plant tissue testing can be conducted on establishing crops to determine nutritional deficiencies in the developing stages.

Lab Soil Tests Results:

Customer:	Drewry	Sample Date:	03/01/24
Sample Name:	Front Paddock	Lab. No.:	1APS24009
Test Depth (cm):	0-10	Soil Colour:	Grey Brown
Gravel %:	5-10	Assessed Texture:	Sandy Clay Loam
	Unit	Level Found	Good Range
Phosphorus Olsen	mg/Kg	16.2	25+
Phosphorus Colwell	mg/Kg	40	50 - 80
Potassium Colwell	mg/Kg	176	180+
Sulphur	mg/Kg	4.3	10 - 20
Organic Carbon	%	2.4	3 - 6
Ammonium Nitrogen	mg/Kg	4	
Nitrate Nitrogen	mg/Kg	10	
Conductivity	dS/m	0.07	< 2.0
pH Level (H ₂ O)	pH	5.6	5.6 - 6.4
pH Level (CaCl ₂)	pH	4.6	5.0 - 6.0
Aluminium (CaCl ₂)	mg/Kg	1.8	< 2.0
DTPA Copper	mg/Kg	0.71	> 1.5
DTPA Iron	mg/Kg	421	100 - 400
DTPA Manganese	mg/Kg	16	> 10
DTPA Zinc	mg/Kg	1.3	> 5
Boron (Hot CaCl ₂)	mg/Kg	0.6	> 1.5
	Unit	Level Found	Good Range
Cations			
Cation Exchange Capacity	meq/100g	4.85	5 - 20
Exchangeable Calcium	meq/100g	2.42	
	BSP %	49.92	70 - 85
Exchangeable Magnesium	meq/100g	1.38	
	BSP %	28.47	10 - 20
Exchangeable Potassium	meq/100g	0.34	
	BSP %	7.01	3 - 8
Exchangeable Sodium	meq/100g	0.34	
	BSP %	7.01	< 5
Exchangeable Aluminium	meq/100g	0.37	
	BSP %	7.59	< 2.0
	Unit	Level Found	
MIR Particle Sizing			
Sand	%	62.67	
Silt	%	17.29	
Clay	%	20.05	
Classification		Sandy Clay Loam	

Laboratory Analysis CSBP Labs (Wesfarmers), Bibra Lake, WA

Regenerative / Carbon Farming:

Boosting the soil carbon would also be beneficial. A naturalistic approach will be adopted to managing soil quality and general farm health; manufactured chemicals will be avoided as best practical. The property will adopt techniques to increase soil carbon and ultimately be positioned to take advantage of any future soil carbon credits. The reuse of wastewater effluents from the dwelling and composts from the poultry will help provide nutrients for farming and increase carbon percentage. Although initially unavoidable due to the heavy pasture cover, a “no-till” practice for soil management will be used in the future.

Flower Rows:

The flower rows will mostly be used for annual crops. There will be 15 soil-based rows formed along an east-west aspect, giving about 800 linear growing metres. The location has been selected to use the boundary shelterbelt to protect the flowering plants from the winds. Flowers will be grown in cultivated rows of about 400mm in width and spacing of 900 mm apart for serviceability. Overhead irrigation will be available for the flower beds. This design will give the potential to grow over 2,000 plants at a time at two plants wide (some plants can be more densely planted), yielding 8-10 flower stems per plant (16-20,000 stems per year). Cultivated row width can be increased to accommodate more plants if required and could accommodate an additional 2,000 plants.

Most of the plants in these rows are seasonal, and potentially, 2-3 crops can be grown each year, although winter crops might be best avoided if the area proves too wet. Irrigation requirements will be 4-6 litres per linear metre or 4-6,000 litres per watering 2-3 times per week. For a dry summer, 250,000 litres would be the minimum requirement.

Garlic Crop layout:

A mix of Aussie White and Purple garlic plants will be grown; these are well-acclimatised and readily saleable. Using a single-width planting with a row spacing of one metre apart, 500 linear metres of crop row will be available. A 15 cm garlic plant spacing gives a production capacity for 3,300 garlic plants. Double planting increases this yield to 6,600 plants. These are considered optimal placements for light, nutrient access, bulb growth, and maintenance.

These soils may be prone to waterlogging, and nice high-raised beds will be important. The soil has a high sand content (~63 %) which will drain well when cultivated into beds.

Trace element management can be critical for horticultural success; zinc is particularly critical for garlic. Ongoing foliar applications of a trace element mix are distinctly beneficial. Plant tissue testing is the best way to determine any ongoing production deficiencies once crops are established.

Although called seed garlic, garlic does not grow from a seed; it grows from the cloves. Year one should be used to produce seed garlic for reasons of both soil condition trials and to reduce the costs of purchasing seed garlic. Typically, one garlic head can produce ten cloves for ten new plantings. Allowing for 15 per cent failure, 3,600 cloves would be required for maximum production. This is the equivalent of 360 garlic heads required to plant 500 metres of a single-row planting. Double-row planting would require 72 heads. As a rule, 15% of produced garlic is retained for future plantings.

There are no chemical sprays suitable for use on garlic crops, so garlic needs constant weeding, particularly during the transition to spring from winter when weeds flourish.

The garlic is dried in the shed in racks before the sale and needs to be turned regularly to prevent moulds.

Infrastructure and Business Management:

Infrastructure Investment:

There is no suitable infrastructure on the property for the proposed enterprise. There are no buildings suitable for the enterprise, and the shedding, access, and dwelling will need to be constructed. The water network will also need to be constructed.

An irrigation watering system will need to be constructed to deliver water to the trees and flowers. A watering system gravity-fed from a tank is the ideal design, as this ensures a constant water supply to trees in the event of any system failures.

An all-weather driveway will be constructed of extracted material to the house site to allow access in all weather conditions. Formed tracks will be constructed for the flowers, garlic and orchard, allowing suitable access.

Marketing / Sales:

The proponents are already producing flowers and garlic, and those products are sold at farmers' markets, and the local store and flowers are supplied to a daughter who is a florist. The increase in flower production is expected to be taken by floristry. A small roadside stall will also be constructed to sell to passersby at the front of the site.

Staffing:

The enterprise is to be run, managed, and constructed by the proponents with assistance and input from the family.

Allowance for possible future expansion:

The proposed agriculture is a significant expansion of the farming activities that the proponents have been doing on their adjoining farm. They are looking to make a good income from these activities but are not seeking to become major operators, and the proposed activities will take several years to evolve fully.

Opportunity Cost / Diversification:

The development of this property allows the proponents to sell their cattle grazing farm and relocate and increase their horticulture activities. Horticulture is one of the higher-returning agricultural activities, and the presented farming has a very good return per area used; there are few forms of agriculture with better returns per land unit from soil-based farming.

Agriculture is dynamic. Markets change and evolve, climate change impacts agricultural suitability, and farm circumstances alter. As with any business, the farming method and type should be constantly evaluated and, if required, adjusted to meet new circumstances.

Financial Projections:

The proposal calls for an agricultural investment of \$35,000 and an investment in the dwelling and shed building of \$500,000.

After the initial development period, the property could expect revenue of over \$86,000 per year. The nature of horticultural crops is the longer the establishment, the greater the returns; these values are likely to be conservative.

This indicative budget demonstrates the expected returns from the agricultural activities, and assuming the products are sold at the farm gate rate, the proponents already have established direct contacts, and the revenues can be expected to be higher.

Indicative Agricultural Revenues:

Income /Cost Item	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Garlic Sales (\$25 per Kg double row planting)	\$0	\$6,000	\$12,000	\$12,000	\$12,000	\$12,000
Flowers (~\$4 per stem)	\$0	\$20,000	\$30,000	\$40,000	\$50,000	\$60,000
Fruit (\$3.50 kg X 100 kg per tree)				\$6,000	\$10,000	\$14,000
Total Revenue	\$0	\$26,000	\$42,000	\$58,000	\$72,000	\$86,000
Plant / Garlic Costs	-\$15,000	-\$1,500	-\$1,500	-\$1,500	-\$1,500	-\$1,500
Packaging Costs (10%)	\$0	-\$2,600	-\$4,200	-\$5,200	-\$6,200	-\$7,200
Apportioned Rates, Insurances Utilities \$	-\$2,000	-\$2,000	-\$2,000	-\$2,000	-\$2,000	-\$2,000
Infrastructure Investment / Maintenance \$	-\$20,000	-\$2,500	-\$2,500	-\$2,500	-\$2,500	-\$2,500
Variable Costs (8%)	\$0	-\$2,080	-\$3,360	-\$4,640	-\$5,760	-\$6,880
Net Revenue \$	-\$37,000	\$15,320	\$28,440	\$42,160	\$54,040	\$65,920

Notes:

Farming revenues and costs only

This table shows agricultural costs and revenues only. Landholding costs and building and equipment costs are not included. Revenues and costs are indicative and based on Industry averages.

Environmental Factors:

Natural Resource Management:

The landscape is typical of highly modified pastoral farming, having been completely cleared for agricultural production. The site adjoins the ephemeral Birregurra Creek, and the proponents have revegetated that waterway frontage. A new native tree shelterbelt will be planted along the south boundary for wind protection and as an ecology habitat.

Erosion and Compaction:

The property itself is not seen as prone to water erosion, and there is no evidence of erosion occurring. The steeper bank adjoining the waterway has been planted with a row of trees to provide structure to that bank.

The soils have a high clay content, which means they could be prone to compaction during wetter periods. Heavy vehicle traffic should be confined to constructed tracks, particularly during wetter seasons.

Groundwater:

Groundwater is at a depth of 5 metres and is generally at low risk from exposure to any form of nutrients infiltrating from the surface. The high level of plant coverage and minimal fertiliser use will assist in keeping soil nutrient levels lower to minimise any further risk. The water quality here is unsuitable for horticultural use, with a salinity of 3500-7000 parts per million.

Drainage:

The property has no constructed drainage, relying on overland flow to the river or dam and soil infiltration for water clearance. There are no identified run-on or run-off flows.

Biosecurity Requirements:

There are no specific biosecurity requirements for this horticulture, but good biosecurity practices will always be applied. Only clean, certified plants from a certified supplier will be used for planting, and excess plant material should not be sent to other growers. Vehicles entering and leaving the property for work purposes should have clean wheel arches. Any shared farm equipment must always be cleaned before entering or leaving the site.

Adverse impacts on adjacent land:

The adjoining properties are all grazing farms in all directions. There is not seen to be any major change to the amenity of these properties from the activities. The use of sprayed chemicals would be rare and should only be used on appropriate weather days (low wind and not within 24 hours of forecast rainfall).

Adverse impacts from adjacent land:

None of the adjacent properties appears to have any use which would impact this land use.

Site Images:

Image 1: Looking north over the property from Whytcross Lane (house site shown)



Image 2: Looking north over the farm.



Image 3: Looking south over the property from Birregurra Creek



Image 4: Proposed house site



Image 5: Looking westward over the site, the proponents manage the grass and weeds on the road reserve.



Image 6: Existing farm dam



Image 7: Planted flower seedlings activity to be relocated.



Image 8: Garlic plantings to be relocated and expanded



Images 9,10,11, and 12: Current farm produce images: flower growing beds, flowers to be sold, garlic cloves for planting and drying garlic plants.



Image 13: Birregurra Creek frontage has been vegetated to manage any erosion issues, and the house site is well above flood levels.



Image 14: Existing house site and driveway; a new dwelling is preferred to prevent disruptive excision.





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14th February 2025

Helen Evans
Senior Statutory Planner
Colac Otway Shire Council

Via email: inq@colacotway.vic.gov.au

Re: RFI for Planning Application PP226/2024-1

SUBJECT LAND: 25 Whytcross Lane, Birregurra

PROPOSAL: Use and Development of Dwelling

Thank you for your email dated 13th December 2024, and we submit our response to each point.

In response to the preamble, I remind the council that 40 hectares is the trigger for a planning permit, the minimum subdivision area or the minimum lot size for an entitled dwelling. There is no description in the planning policy that the land size impacts the merit of the proposed application and planning should not be demonstrating that bias. The requirement for a planning permit is not a reason to deny a planning permit.

We appreciate the opportunity to withdraw the application; my clients are aware that the Colac Otway planning department is often unsupportive of any small agricultural developments in the shire. State government policy dictates that a planning permit is required to ensure that there are no undesirable consequences of the development to neighbours, agriculture generally or indeed the development itself. Clearly, those conditions are met here. It is worth noting that 40 hectares is not a blanket land size across the state for this trigger, just the most commonly used, so even 40 hectares doesn't have any specific significance. It is also worth noting that the majority of productive farms in the state are less than 40 hectares and generally have a greater intensity and greater return per land unit and water use than larger farms. That is because most agricultural activities don't actually need large land areas to be viable (horticulture, poultry, vines, market gardens, equine, some feed lotting, floriculture, contracting, processing, aquaculture, fruit production, accommodation, etc).

A feature survey is submitted, this uses the actual land area as per Lassi Spear which does not agree with the title. The title is the legal definition of the property and so effectively creates "lost land" which is of course extremely common. Resurveying and submission to the subdivision's office would be required to resolve this one way or the other (they will favour Lassi Spear dimensions), but is not required.

The LSIO is marked on that map, and it varies from the 1% AEP map. Planning cannot overrule the findings of statutory authority (as demonstrated several times in the Supreme Court last year), so



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the Land Subject to Inundation Overlay is subjugant to the findings of the 1% AEP map provided by the Corangamite CMA. Regardless the house development occurs outside the LSIO.

Farming (including floriculture) is an "as-of-right use" and does not require any permits. A 1% AEP flood could expect to see any crop on the land submerged for a matter of hours only. The very edge of even the highest flood waters are typically low velocity and may even eddy in reverse, so scouring would not be expected, and the most likely worst-case scenario would be the flattening of the plants which may or may not recover from that flattening. Any blooms at the time would be expected to be lost; most plants would be expected to survive. Deposition of small waterborne debris is common in low-energy areas, so some cleanup would be required to stop the smothering of plants. Overall, the impact on a flood edge is expected to be minimal, the high energy and high-velocity impacts are expected in the centre of the waterway and on the outside of river bends, which is not this site. Sandbagging of the flower beds would remain an option to mitigate damage, and the proponents would need to be resident to complete that action, of course

In response to points:

- 1: An LCA is attached
- 2: The Titling Survey document was provided in error.
- 3: A site survey is attached.
- 4: A site survey and layout is attached.
- 5: A revised Farm Management Plan is attached.
- 6: The LSIO is marked on the site survey.
- 7: Details of the existing flower growing operations are provided within the Farm Plan. A site visit would be beneficial to see the existing plantings.
- 8: The driveway has been realigned to be contained on the site. DOT has provided the Guide to Working within the Road Reserve and is provided for any future reference.
- 9: There are no buildings to be constructed in the LSIO. The LSIO should be revised in accordance with the provided CCMA document.

Thank you once again for your email, and please feel free to contact me for any clarifications.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dean Suckling", written in a cursive style.

Dean Suckling.