

11/3/20

General Manager,
Murray River Council,

Dear Mr Bilske,

Re Development Application 10.2020.38.1 as per your letter to us of 20 February, 2020.

We wish to lodge an objection to the above Development Application (DA).

We note that this DA is essentially the same as DA 10.2019.131.1, which Council refused at its 17th December, 2019 meeting and so it is the second time that this proposal has come before Council.

Our letter of objection to that first DA was lodged dated 27 July, 2019. A copy is attached for your reference – because our points of objection and our concerns with the proposed subdivision then, remain relevant. It would be appreciated therefore, if you would consider our points of objection to DA 10.2019.131.1, in relation to DA 10.2020.38.1 also.

In particular, we would ask how Council could consider a DA for approval which is based on incorrect and misleading drawings in the DA Plan of Subdivision proposal? Surely the plans would need to be correct. By way of example, the Plan of Subdivision does not show the easement (on the property proposed for subdivision) which enables legal access to Lot 1 DP751155 by its owners.

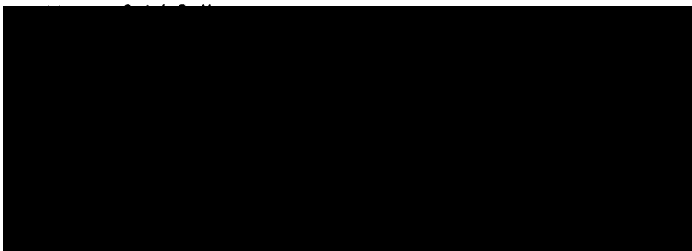
Isn't it correct that Council is barred from endorsing a Plan of Subdivision that would leave a title landlocked? There are also issues with the access easement. The easement was set up for access to one property, if this proposal is approved it would need to be a condition that access is to be from the Perricoota Forest Road to which all subdivided blocks have frontage.


DA 10.2020.38.1 asserts that the proposed subdivision down to 40 hectare lots will (still) enable extensive agriculture. Not only will the 40 hectare lots created be below the minimum lot size allowed by Council in a rural farming zone but, it is widely accepted in agriculture that in this day and age a 40 hectare site is not viable for extensive agriculture.

As we have covered in our letter of objection dated 27 July, 2019 ... DA 10.2020.38.1, will, if approved, create recreational land, not farming land. Recreational land in a farming zone is seriously adverse due in part to the current and prospective further weed contamination stemming from the property proposed for subdivision.

The proposal with DA 13.2020.38.1 for an embargo on building development on the subdivided 40 hectare sites seems incongruous. It is evident that such restrictions may in time be withdrawn, otherwise avoided or, simply not enforced. Accordingly, it would seem both short-sighted and a clear risk to the Sheepwash Lagoon environment if Council were to rely on such a restraint in order to have this DA approved.

We will be happy to provide further information if required. We would ask Councillors to exercise their discretion and again decline this proposed subdivision.





General Manager,

Murray River Council,

Dear Mr Bilske,

Re Neighbour Notification, Development Application 10.2019.131.1 – 113 Perricoota Forest Road, Moama – 4 Lot Subdivision

Your letter of 25 June, 2019 refers.

Thank you for the opportunity to comment on the above subdivision proposal.

We wish to object to this proposal as below:

1. The 4 lot subdivision proposal will create 3 new lots with areas of 40 ha each, well below the minimum 120 ha lot size which is required in a rural farming zone.
2. The subdivision proposal gives no good reasons to support the proposal for a subdivision based on a boundary realignment, and the subdivision proposal should not be accepted. It would seem that the objective of this subdivision proposal is to create new subdivided lots each with water frontage, in preparation for their sale.
3. Realignment of the boundary will create recreational blocks, each of which can be owned independently. This will not support the use of the land for FARMING. Instead it will create recreational land. This will be of interest to purchasers whose sole or main interest will be boating on the water. We suggest that the application be rejected because the proposal is not in accordance with the stated use of the land.
4. It is noted that the small house lot fronting Perricoota Forest Road, which was on this property, has already been subdivided off, and was sold recently.
5. When each 40 ha lot is sold, purchasers could reasonably expect to be able to build a house and when refused approval under current planning rules, may well seek redress with Council, which will tie up resources and create angst or worse, best to avoid that situation arising.
6. Both the diagrams (showing existing and proposed layouts) accompanying this subdivision proposal are misleading and inaccurate as follows;
 - a. The house at 4. above has been excised from the plans but Lot 1 DP521201 which is not part of the property which is the subject of this subdivision proposal, and which is owned by ourselves, appears to be included. It should not be.
 - b. An easement (DP 268324) which burdens Lot 2 DP521201 is not shown. Without that easement the owners of Lot 1 DP 751155 (and others) are unable to legally access their property. As we understand it, a Council is barred from endorsing a plan of subdivision that would effect a title being landlocked.
 - c. The subdivision proposal shows an "existing driveway" – that driveway is a dirt track unable to be used in wet weather, it is freehold property and used as part of our farming operations and it is fenced with gates. As such it is unsuitable for (regular) access to the proposed subdivided lots – all of which should be required (by way of a CONDITION of

the subdivision) to have their own culverted entrances from the public road, Perricoota Forest Road with proper gating and fenced entrances and boundaries.

7. The subdivision proposal includes mention of a "proposed dual driveway" to be constructed between new lots 3 and 4, running from the Forest Road to the Murray river. There is already a partially constructed driveway on the property in this vicinity, which blocks a significant watercourse. To let the water run and to avoid flooding property upstream, about two years ago Council had to dig a deep trench in the table drain on the Forest Road. The trench remains there to this day. Council should inspect and remedy this. It should be a CONDITION of any driveways constructed across the water course that provision must be made with adequate piping (to Council specifications) under the driveway to allow water to flow unimpeded in wet years.
8. The property proposed to be subdivided is severely infested with silverleaf nightshade (SLN) which is a serious noxious weed and is the primary source of the weed spreading to neighbouring properties and onto crown land, including the 15 mile Travelling Stock Reserve (TSR) managed by Murray Local Land Services (LLS) from Deniliquin. All efforts for some years by the responsible authority (the Central Murray County Council and now the Murray River Council) to have the weed on this property controlled/sprayed have been avoided. Subdivision and the subsequent "subdivision facilitated" sale of the blocks without the weed being controlled and eradicated beforehand, will lead to continuing issues and the unfair impost on neighbouring properties including the TSR, which LLS is concerned about, who are penalised by having the cost and work involved to contain the weed's spread. The LLS concern is exacerbated because travelling stock may carry the weed further along the stock route and which has already been the source of complaints from landowners several kilometres away from the 15 mile TSR. If the subdivision is allowed to proceed and when the blocks are sold, Council will have to monitor and control the weed on 4 separately owned properties, compared with one only at present. The Council should reject the subdivision until the threat of noxious weeds from the subject land is removed by the existing owner undertaking proper weed control including spraying with chemical labelled to control SLN. If the subdivision is approved the threat of spread of weeds from the land in question should be minimised by CONDITIONS which ensure that the owners and successors are vigorous in spraying or otherwise, to control and eradicate the SLN.

We will provide further detail in respect of any matter, if requested.

We would ask councillors to exercise their discretion and decline this proposed subdivision.

