



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Council Meeting Agenda

Meeting to be held at

Port Of Sale Civic Centre

Foster Street, Sale

Tuesday 21 July 2015, commencing at 6pm

**or join Wellington on the Web:
www.wellington.vic.gov.au**

ORDINARY MEETING OF COUNCIL – 21 JULY 2015

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Council Meeting Information

Members of the Public Gallery should note that the Council records and publishes Council meetings via Webcast to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.

Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the webcasting chat room should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.

Please could gallery visitors and Councillors ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.



A - PROCEDURAL



STATEMENT OF ACKNOWLEDGEMENT

***“We acknowledge the traditional custodians
of this land the Gunaikurnai people,
and pay respects to their elders past and present”***



PRAYER

***“Almighty God, we ask your blessing upon the Wellington
Shire Council, its Councillors, officers, staff and their families.
We pray for your guidance in our decisions so that the
true good of the Wellington Shire Council may result to
the benefit of all residents and community groups.”***

Amen



A - PROCEDURAL

A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

ITEM A4

ADOPTION OF MINUTES OF PREVIOUS MEETING/S

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

21 JULY 2015

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 7 July 2015 as tabled.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 July 2015 as tabled.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.



A - PROCEDURAL

A5 BUSINESS ARISING FROM PREVIOUS MEETING/S



A - PROCEDURAL

A6 ACCEPTANCE OF LATE ITEMS



A - PROCEDURAL

A7 NOTICE/S OF MOTION



A - PROCEDURAL

A8 RECEIVING OF PETITIONS OR JOINT LETTERS

ITEM A8(1)**OUTSTANDING PETITIONS**

ACTION OFFICER

GOVERNANCE

DATE:

21 JULY 2015

ITEM	FROM MEETING	COMMENTS	ACTION BY
Drumming from 132 The Boulevard, Paradise Beach	19 May 2015	That the motion lay on the table until the meeting of July 21 or until mediation can take place	Manager Municipal Services
Withdrawal of funding to the continued program on monitoring of mosquitoes and spraying of their larvae	7 July 2015	Report to Council 4 August 2015	Manager Municipal Services
Objection to the proposed Wellington Shire Council tree planting scheme for Powerscourt Street Maffra	7 July 2015	Report to Council 4 August 2015	Manager Natural Environment & Parks
Provision of a public toilet facility in the Sale CBD	7 July 2015	Report to Council 4 August 2015	Manager Natural Environment & Parks

ITEM A8(2)**RECEIPT OF PETITION: GARBAGE COLLECTION – ANDERSON COURT MYRTLEBANK**

DIVISION: BUILT AND NATURAL ENVIRONMENT
 ACTION OFFICER: MANAGER NATURAL ENVIRONMENT & PARKS
 DATE: 21 JULY 2015

Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓							

OBJECTIVE

To present Council with a petition in relation to garbage collection – Anderson Court, Myrtlebank.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council receive the attached petition in relation to garbage collection – Anderson Court, Myrtlebank.

BACKGROUND

A petition containing 10 signatures has been received by Council.

A copy of the petition is attached for Council information.

LEGISLATIVE IMPACT

Section L6.59 of Wellington Shire Council Processes of Municipal Government (Meetings and Common Seal) Local Law No 1 provides for petitions and joint letters:

“A petition or joint letter presented to the Council must lay on the table for a period determined by the Council but not exceeding the next two Council Meetings. No motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council unanimously agrees to deal with it earlier.”

WELLINGTON
SHIRE COUNCIL
26 JUN 2015
RECEIVED

Wellington Shire Council
Foster Street
Sale, 3850

Dear Sir/Madam,

We the residents of Anderson court Myrtlebank write this letter in regard to The Wellington Shire garbage collection boundary and its current exclusion of all properties in Anderson Court. There are 10 rate paying property owners in Anderson Court all of which are forced to utilise a private contractor to pick up weekly and dispose of our household rubbish. This service comes at considerable expense up to \$115 a quarter, depending on the contractor used.

We understand that the current boundary for garbage collection goes as far as Grassdale Road, the road in which Anderson Court actually runs off. We note that the new boundary for rubbish collection in the Wellington Shire has recently been extended to service the new estate on the Princes Highway and the service already runs down the Maffra Road (past Grassdale Rd) to the back Cemetery Road.

The properties in Anderson Court are currently zoned rural residential as are the properties in The Ridge Wurruk, who consequently also receive a garbage collection from the Shire. Anderson Court in comparison with many other areas is much closer the CBD, being approximately 3 kms from the post office and we note that there are many more outlying areas within the shire who are serviced by the a garbage collection service, for example, Longford, Seaspray and Loch Sport, just to name a few. We understand these areas are within their own township as is Anderson Court to Myrtlebank and also acknowledge that many areas within Sale township that are serviced are further from the CBD than Anderson Court is.

We feel that we pay quite substantial rates on our properties and are being discriminated against by the Wellington Shire by not receiving equivalent services for our share of rates collected. As other residents, equivalently zoned, geographically further out of town and newer subdivisions receive these services without question. We are not connected to town water or sewerage which we accept gladly, however the exclusion of a garbage pick from the shire seems quite unfair, given the fore mentioned reasons.

We the undersigned, request that this matter is discussed in a council meeting and considered without prejudice.


Kind Regards,

The Residents & Ratepayers of Anderson Court Myrtlebank

S&C Driscoll


F&J Black

D&D McIntyre


B Carter & K Brown

L Johnson



R&R Chmelik


W&C Kuizenga
Carmel Kuizenga
W&F Stevens

B&V Singh


SIGNATURE ASOC

L&T Bennett



A - PROCEDURAL

A9 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS



A - PROCEDURAL

A10 QUESTIONS ON NOTICE

ITEM A10(1)

OUTSTANDING QUESTIONS ON NOTICE

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

21 JULY 2015

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			



A - PROCEDURAL

A11 MAYOR'S REPORT

ITEM A11**MAYOR'S REPORT**

OFFICER:

COUNCILLOR CAROLYN CROSSLEY

DATE:

21 JULY 2015

RECOMMENDATION

That the Mayor's report be noted.

NAIDOC Week – Sale and Yarram celebrations

This month I had the pleasure of attending and speaking at NAIDOC Week events in Sale and Yarram. Ramahyuck District Aboriginal Corporation's annual NAIDOC Week Flag Raising Ceremony was once again a success despite being moved indoors due to inclement weather. During the event a large procession of community members from all walks of life formed a line through the grounds as part of the traditional smoking ceremony. Many indigenous community members were recognised for their different achievements over the past year.

The Department of Environment, Land, Water and Planning office in Yarram hosted their 11th annual NAIDOC Week celebration which was a sight to see. Young men from Wulgunggo Ngalu Learning Place performed a series of indigenous dances for the crowd to didgeridoo music. Kangaroo was then on the menu as part of an elaborate barbecue.

Wellington Youth Art Prize

This year's Wellington Youth Art Prize attracted many pieces constructed with all mediums, running with the theme of 'Living in Wellington'. For the third year running, this youth event, which was held on 2 July was organised by Wellington Shire Youth Council for their peers with the aim of inspiring them to get creative and to give them the experience of having their artwork exhibited. The winner of the young student category was painted with an interesting choice of medium. Madeleine Johnson painted her piece "The Face" with nail polish. Marlee McMahon was the winner of the young adult category and gave her series of pieces the interesting title 'Foodworks Shoplifters at home' and was painted with water colour.

Success of Youth Parliament

Wellington Shire sent Gippsland's only Youth Parliament team to Spring Street at the end of June to learn the ropes of politics. Our team was very successful in arguing for mental health first aid in secondary schools. Tessa Coy, Kaitlin Woolford, Mary Chol-Bior, Christopher Valette, James Gover and Elizabeth Webb all took part, with James winning the award for Best Debater in the Legislative Assembly.

Maffra Rotary Changeover Dinner

On 2 July I attended the Maffra Rotary's annual Changeover Dinner. Each year, this valuable community group and many other service clubs of its kind fundraise and provide support to not just Wellington Shire, but to bigger projects across Australia and the globe as well. Without volunteer groups like Rotary and Lions Clubs, our success as a functioning community would not be as it is today.

Bioenergy Forum

On 19 June I attended the Bioenergy Forum in Heyfield with 98 very interested others. I found it fascinating, there appeared to be many opportunities in Wellington Shire where we could use the energy opportunity. The forum provided much food for thought and was part of a two day bioenergy event which focused on bioenergy projects and development happening within or relevant to Gippsland. This was hosted by the Victorian Bioenergy Network and Agribusiness Gippsland with support from Regional Development Australia, Sustainability Victoria, Latrobe City Council and Wellington Shire.

Public Transport Victoria – Get Involved Workshop

On 24 June, Councillors Bob Wenger, Malcolm Hole and I attended Get Involved - a Regional Network Development Plan community consultation in Sale. A large, diverse crowd of interested community members from across the shire converged on the venue to voice their ideas and feedback on a range of Public Transport Victoria projects. All community members who attended were very keen to have their say about how public transport could work better in and for our community.

Many key issues were raised including access for all which encompassed wheel chair access and other aspects, bike access, connectivity, interlinking smaller communities to sale, connections to tertiary education providers Federation University and Federation Training and the frequency of services to Melbourne. The lack of sprinter commuter trains between Sale and Traralgon was also a key topic. All of the issues discussed were recorded and will be put in the mix for the upcoming planning process.

Unconventional Gas enquiry

On the 30 June I attended the Unconventional Gas inquiry as an interested community member, while our General Manager for Development John Websdale spoke on behalf of Wellington Shire Council. He clearly articulated Council's position to support the moratorium until the government can provide assurance through sound scientific based evidence that concerns associated with the safety and integrity of Gippsland's aquifers can be resolved and that detailed socioeconomic impact assessments are undertaken and demonstrate a net community benefit.

The inquiry was to fulfil the State Government's election promise to have a thorough and considered inquiry into onshore gas in Victoria, based on robust scientific evidence and community engagement. It was a great opportunity for Wellington Shire and other councils from across Gippsland as well as individual community members an opportunity to give their views and respond to questions about coal seam gas mining.

Creative Victoria (Arts Victoria) - Creative industries Strategy 30th June

On 30 June Wellington Shire was one of six locations to host one of a series of workshops to inform the development of Victoria's first create industries strategy. The Wellington Entertainment Centre was a perfect place to chat about creativity and its value to our communities.

Among a range of issues raised was the concern regarding the lack of access to tertiary arts education as the Federation Training no longer offers any fine art courses that in the past were a very well-trodden pathway to University entry. The lack of suitable public transport connections also excluded some students from university access was also highlighted as an obstacle to a creative community.

On a positive note the community acknowledged the importance of creativity and the arts in our community and the great range of venues in the region. Input received at the workshops will be carefully considered by the Creative Industries Taskforce and Expert Reference Group, who will develop a draft strategy for the Minister's consideration later in the year.

Gippsland Local Government Network meeting

On Friday 10 July, Wellington Shire Council's Chief Executive Officer David Morcom and I attended a Gippsland Local Government Network meeting. We had the opportunity to discuss significant regional issues with State Government Secretary Department of Economic Development, Jobs, Transport and Resources Richard Bolt. We highlighted the Macalister Irrigation District Stage 2 development and its need for support for the improved irrigation infrastructure as a regional priority.

We also discussed issues surrounding public transport and gas and timber industries which are in his portfolio so this was a great chance to make what we hope is a strong connection with the new State Government.

Synthetica Opening

On Friday 10 July I was very pleased to open Synthetica – the first exhibition to be held at the temporary Gippsland Art Gallery. Claire Anna Watson, who is a past curator of the gallery curated the touring exhibition which consisted of a very broad range of vibrant, experimental pieces. Young local artist Claire Marston is a guest artist in the exhibition and is a final year fine art student at Monash University Gippsland Campus. The exhibition will be open to the public until 20 September so I encourage all residents to visit the temporary gallery and have a look.

COUNCILLOR CAROLYN CROSSLEY
MAYOR



A - PROCEDURAL

A12 YOUTH COUNCIL REPORT

ITEM A12: YOUTH COUNCIL REPORT

OFFICER: YOUTH MAYOR, Matt Vaux

DATE: 21 JULY 2015

RECOMMENDATION

That Council receive the Youth Mayor's quarterly report for the period ending July 2015.

This quarter Youth Councillors have been committed and productive in supporting various events in our local communities. These opportunities have enabled us to work as a team and quickly work out our strengths and weaknesses. Together we have developed different strategies to overcome any challenges we faced.

Below I have highlighted some of the events we have covered this quarter:

- Wellington Relay for Life
- Sale College Mental Health Day
- Community Council Regional Meetings
- Community Planning Forum
- Communities in Control Conference
- Youth Parliament
- Wellington Youth Art Prize
- ANZAC Day Ceremonies
- SO WOT Day
- Gippsland Youth Summit

A group highlight for this quarter was when Youth Councillors attended the ANZAC Day Centenary ceremonies across the Wellington Shire. Collectively we felt honored and privileged to have the opportunity to participate alongside Councillors.

We currently have over 600 Facebook 'Likes'. The announcement of the Wellies Youth Parliament team post reached 1,200 people and the 2015 Wellington Youth Art prize reached 2,600 people.

Our Monday Tucker group have continued to attend and support each Monday night. As Youth Mayor, I have seen personal growth from these members, especially the younger members. They are more confident at meetings and their contributions are recognised.

The Wellies Youth Parliament team have been working hard and preparing for their week in Parliament. They have chosen to present a Bill with the topic 'free mental health first aid training in secondary schools'. Preparation to support the group has been a major priority for Youth Council. The Wellies have shown their commitment and passion and have been given the opportunity to present the Bill to MP James Merlino, State Member for Monbulk, Deputy Premier and the Minister for Education.

MATT VAUX
Youth Mayor



B –REPORT

DELEGATES



C1 - REPORT

CHIEF EXECUTIVE OFFICER

ITEM C1.1 CHIEF EXECUTIVE OFFICER'S REPORT

OFFICER: CHIEF EXECUTIVE OFFICER

DATE: 21 JULY 2015

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That the Chief Executive Officer's Report be received.

- 12 June COMMITTEE FOR GISSPLAND (C4G), WARRAGUL**
Presented the Gippsland Regional Plan draft to C4G members and responded to questions/feedback.
- REGIONAL MANAGERS FORUM (RMF), TRARALGON**
Presented the Gippsland Regional Plan draft to the Regional Management Forum and responded to questions/feedback.
- 14 – 17 June AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) - NATIONAL GENERAL ASSEMBLY**
Attended this event with Cr Hole, which included regional workshops, National Timber Councils Association AGM, and a meeting with Russell Broadbent MHR Member for McMillan.
- 18 June BIOENERGY FORUM, HEYFIELD**
Attended this forum with Mayor Crossley and other Council officers.
- REGIONAL DEVELOPMENT AUSTRALIA MEETING HEYFIELD**
This was the last meeting of the current RDA Gippsland Board – a new Board will be announced in the next 8 weeks.
- 19 June GIPPSLAND LOCAL GOVERNMENT NETWORK CHIEF EXECUTIVE OFFICERS' FORUM, LATROBE CITY COUNCIL**
- 22 June GIPPSLAND REGIONAL PLAN CONSULTATION SESSION, LATROBE CITY COUNCIL**
- PARLIAMENTARY RATE CAPPING INQUIRY – GIPPSLAND REGIONAL SPORTS COMPLEX**

- 23 June** **GIPPSLAND REGIONAL PLAN CONSULTATION SESSION, EAST GIPPSLAND SHIRE COUNCIL**
Presented the draft Gippsland Regional Plan to East Gippsland Shire Councillors and senior staff, and responded to questions/feedback.
- BROADENING HORIZONS PROJECT**
Welcomed approximately 80 – 90 Maffra Secondary College students who spent the day visiting various workplaces throughout Council.
- 29 June** **MEETING WITH NORTH SALE PRECINCT DEVELOPERS**
- 30 June** **WELLINGTON REGIONAL TOURISM MEETING –**
Update on Port of Sale Cultural Hub project.
- MEETING WITH JOHN LESLIE**
- PARLIAMENTARY RATE CAPPING INQUIRY – GIPPSLAND REGIONAL SPORTING COMPLEX**
- PARLIAMENTARY UNCONVENTIONAL GAS INQUIRY – GIPPSLAND REGIONAL SPORTS COMPLEX**
- 1 July** **COMMITTEE FOR WELLINGTON MEETING, SALE**
- GIPPSLAND REGIONAL PLAN CONSULTATION SESSION, SOUTH GIPPSLAND SHIRE COUNCIL**
Presented the draft Gippsland Regional Plan to South Gippsland Shire Councillors and senior staff, and responded to questions/feedback.
- 3 July** **REGIONAL DEVELOPMENT VICTORIA BRIEFING SESSION**
- 14 July** **STRATFORD COMMUNITY COUNCILLOR MEETING**

ITEM C1.2**JUNE 2015 PERFORMANCE REPORT**

DIVISION: CHIEF EXECUTIVE OFFICE
 ACTION OFFICER: CHIEF EXECUTIVE OFFICER
 DATE: 21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓	✓	✓	✓	✓					

OBJECTIVE

For Council to receive and note the June 2015 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council receive and note the June 2015 Council Performance Report as attached.

BACKGROUND

The June 2015 Council Performance Report comprises:

- key highlights towards achievement of the 2013 -17 Council Plan
- updates relating to Major Initiatives and Initiatives as identified in the 2014/15 Budget
- an overview of Council finances including an Income Statement and a Balance Sheet with commentary regarding any major variances, information on cash balances, the level of rates outstanding and a progress update on Council's Capital Works program.

Section 138(1) of the *Local Government Act 1989* requires that at least every three months, the Chief Executive Officer must ensure that a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public.

OPTIONS

Following consideration of the attached June 2015 Performance Report, Council can resolve to either:

1. Receive and note the June 2015 Council Performance Report; or
2. Not Receive and note the June 2015 Council Performance Report and seek further information for consideration at a later Council meeting, which would result in Council not meeting legislative requirements.

PROPOSAL

That Council receive and note the attached June 2015 Council Performance Report.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

FINANCIAL IMPACT

The attached Interim June 2015 financial report provides information that informs Council on its financial operations for the year to date and the expected financial position for the 2014/15 year. The report indicates that the final operating result for 2014/15 will be significantly better than originally budgeted.

Council received advice on 30 June 2015 that 50 per cent of the 2015/16 allocation for Financial Assistance Grants would be paid in advance, resulting in an unexpected receipt of \$6.07 million. Other factors contributing to the improved financial position include receipt of an unbudgeted donation to the Port of Sale Cultural Hub project of \$0.5 million, additional interest on investments and unpaid rates, impact of non-cash items and additional 2013/14 operating carried forwards (funded from cash unspent at June 2014), partly offset by additional grant funding, supplementary rates raised and savings on insurance premiums.

Whilst the cash balance at 30 June 2015 is \$44.4 million, significantly higher than the original Adopted Budget, it is important to understand that much of this is already committed, including the \$6.07 million advance Financial Assistance Grants payment, \$7.73 million to cover employee and other provisions, \$7.75 million to ensure that reserves are cash-backed, and approximately \$10.0 million in operating and capital expenditure carried forward into 2015/16. In addition, Council must pay suppliers owing at 30 June, and fund operating and capital expenditure for the first three months of the year until rates payments and Grants Commission funding is received, our two major sources of revenue.

COMMUNICATION IMPACT

The Council Plan communicates Council's strategic direction to the community. The Council Plan can also be used by Council to communicate its vision and direction to other tiers of government, organisations, government agencies and funding bodies.

LEGISLATIVE IMPACT

Section 138(1) of the *Local Government Act 1989* requires that at least every three months, the Chief Executive Officer must ensure that a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public.

COUNCIL POLICY IMPACT

The June 2015 Council Performance Report has been prepared in the context of existing Council policies.

COUNCIL PLAN IMPACT

Objective 2.2 states that Council will:

“Maintain processes and systems to ensure sound financial management”

Objective 2.3 states that Council will:

“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making”.

JUNE PERFORMANCE REPORT

JUNE 2015 COUNCIL PLAN HIGHLIGHTS

Submission to Forest Industry Advisory Council

Council made a submission on the Strategic Directions Issues Paper from the Forest Industry Advisory Council. The timber industry is a valuable economic driver for Wellington and provides employment to a number of small towns.

Gippsland Bioenergy Forum

Wellington Shire hosted and provided resources to support the inaugural Gippsland Bioenergy Forum in Heyfield 18-19 June 2015. The event was attended by approximately 100 people and provided insight into the potential for bioenergy to industry.

Real Estate Roundtable

Council hosted eleven real estate agents from across the Shire and provided an awareness of planning, economic development and building matters. An introduction to publicly available GIS systems that can provide access to better tools. The forum provided an opportunity to network and link in to Council.

Regional Network Development Plan

Public Transport Victoria held a workshop in Sale as part of their communication strategy on the Regional Network Development Plan. Council officers provided information in Wellington Business Newsletter, as well as to relevant businesses and town business and tourism associations to encourage attendance where transport is an issue.

Planning for rural residential growth

Council is finalising the Longford Outline Development Plan (ODP) to guide future rural residential growth and development in Longford given the attractive lifestyle offered in close proximity to the regional centre of Sale. Council is also commencing implementation of the Port Albert Rural Residential Lifestyle Lot Review to provide for rural residential growth opportunities on the fringe of Port Albert.

Domestic Wastewater Management Plan

Council are continuing work on the Domestic Wastewater Management Plan in partnership with East Gippsland Shire and the relevant Water Authorities. The draft plan guidelines will be discussed at a joint meeting in July.

Wellington Shire Council Municipal Pound and Animal Shelter Services

Council has awarded the new five year contract for the management of the Fulham Pound to Animal Aid.

Loch Sport Skatepark Complete

The new skatepark on the foreshore reserve at Loch Sport has now been completed and is open for use. The local community raised \$10,000 to contribute to the project and were involved in the selection of the final design. The balance of the funding for the project was jointly funded by Sport and Recreation, Victoria and the Wellington Shire Council.

Heyfield Streetscape George Street Complete

The streetscape works in George Street, Heyfield are now complete with new footpaths, kerb and channel and the road pavement resheeted with asphalt. The project also involved the reconfiguration of the car parking and improved pedestrian connectivity to the reserve and Resource Centre on the north side of George Street.

Briagolong Town Tree Planting Program Complete

After extensive community consultation and in line with the communities desires to enhance the street appeal of Briagolong the street tree planting of the town is now complete.

Maffra Hillcrest Reserve Play Space Complete

Council has worked in partnership with the local developer (who also contributed funding) to bring forward the installation of a play-space for the quickly expanding local community. The play-space is now open for use in time for the school holidays. The rest of the park will be developed as part of the 2015/16 Capital Works Program.

Memorial Park Yarram Path Upgrades Complete

The gravel paths in the park were subject to poor drainage and prone to turning soggy. The completed works have seen the path network throughout the reserve brick edged, crowned and stabilised to ensure better walkability in all weather.

Sustainability Education Award

On 23 June Raquel Harris, Council's Sustainability Education Officer was awarded for her efforts in Sustainability Education by Environment Education Victoria. Raquel was up against some very strong competition on the day. In front of an audience of around 200 she received an "Excellence Award for Local Government Sustainability Officers working with Schools and the Community in 2014". They spoke of the excellent work she was doing in a dispersed regional area, her commitment and passion for what she does and her engagement with the local community.

Wellington Improvement Ideas captured on the Intranet

All WSC employees can now submit ideas / suggestions for ways to improve our processes and service delivery via the internal staff Intranet and each quarter all contributions will be compiled and presented to CMT for consideration. Ideas / suggestions can include any of the following:

- Utilising our new technology to improve
- Streamlining existing processes
- Improving customer service
- Improving the quality of our products or services
- Improving safety for staff or services
- Saving time, materials, money, etc.

Staff Recruitment and Selection

Improvements to Council's recruitment software have resulted in ease of use for applicants and efficiencies for staff involved in the recruitment process, including the ability to shortlist and rank candidates against each Key Selection Criteria online. In addition, a new interview process has been developed to take advantage of new technology and provide further internal efficiencies.

New Desailly Street Technology Helps Reduce Printing Footprint

The introduction of new technology to support paperless meetings and eco printing at Desailly Street is beginning to positively impact toner consumption and print costs.

A comparison of toner consumption for 2014 versus 2015:

2014 (Foster HQ)	2015 (Desailly St)
May \$8,515.27	May \$3,895.34
June \$10,312.12	June \$4,748.58
\$18,827.39	\$8,643.92

The above table highlights a very positive outcome for our first 2 months in the new building. We will continue to advocate our paperless strategy and monitor our monthly footprint.

ICT/AV Requirements for Temporary Council Chambers

ICT/AV equipment, Wi-Fi network and print requirements for new Council Chambers has been completed as per project timeline.

Art Gallery Technology Upgrade and Move

The technology upgrade to Art Gallery and relocation to temporary location has now been completed.

Budget Adopted

The 2015/16 Budget was adopted by Council on 16 June 2015.

Jack River Fire Recovery

The Yarram Secondary College Emergency Expo was held on 24 June 2015. Students from Years 7 to 10 participated in a number of interactive emergency exercises including personal emergency planning, basic first aid, sandbagging for flood, basic water pump operations and rake hoeing in a bushfire.

The Expo was funded by the Department of Health & Human Services as part of the recovery project for the Jack River Fire of February 2014. The Expo was also supported by students from the Maffra Secondary College and a number of emergency agencies and volunteer organisations i.e. SES, CFA, DELWP, Wildlife Rescue, Red Cross and Port Albert Volunteer Coast Guard.

The day was hugely successful and students were keen to take home the skills that they had learned to share with their families.

Highlights from EBBWEC

- David Helfgott - A capacity crowd saw David Helfgott (Shine) perform for the first time in Sale. David is a fantastic musician who left our audience in awe. The concert was a great way to showcase the John Leslie Theatre's facilities and the quality of sound produced by our grand piano in a purely acoustic setting.
- Revolting Rhymes - 1,140 patrons attended the Entertainment Centre's three performances of Roald Dahl's Revolting Rhymes & Dirty Beasts, adapted by Shake & Stir Theatre Company. This was an incredibly well presented performance that was very well received by everyone. The day show was attended by school groups from throughout Wellington Shire and surrounds.
- Sold Out Performances - The month of June was a very busy month for the Entertainment Centre, with all five performances being sold out. 2,271 patrons attended the seven performances at the theatre this month.

Tech Savvy Seniors

Training sessions focusing on use of tablets were held at Yarram and Sale Libraries. Sessions were fully booked with expressions of interest in forming "Tech Talk" self-help groups to meet regularly in libraries from July to share online knowledge and experience. The Tech Savvy Seniors education program totalling 14 sessions over the last 12 months in all branches has been of great value to the community in providing digital literacy skills to seniors and will be continued in 2015-16 in accordance with demand. This program has been delivered incorporating e-Smart awareness principles with participants indicating improved confidence in managing safe online access.

Pop up knitters

Sale Library regularly hosts a pop-up knitters group who celebrated with a special session on Saturday 13 June for World Wide Knit in Public Day. 16 Knitters joined on the day sharing skills and providing advice to members of the community with limited or no knitting skills. Members of this group contributed to the poppies on display at Federation Square on ANZAC Day 2015 as a mark of respect for soldiers and families of those whose lives were lost in war.

Mobile Library – Outreach Services

A series of consultation sessions is in progress to establish recommendations for partnership models in communities currently served by the mobile library at Briagolong, Cowwarr, Gormandale, Golden Beach, Loch Sport and Seaspray. A report to be prepared for Council endorsement in due course.

Gallery Patron to assist purchase significant paintings

The Patron of the Gippsland Art Gallery, Mr John Leslie OBE, has offered \$30,000 to purchase Daniel Crawshaw's polyptych 'Silva I-IV' oil on canvas 2014. The paintings depict the landscape around Licola and was completed in his London studio after a residency at the Cowwarr Art Space in 2012. The work was part of the exhibition 'High Country Gothic' that was shown at the Gippsland Art Gallery in March 2014 and which subsequently toured to a number of other regional galleries around Australia.

Gordon Street Recreation Reserve

Detailed designs for the redevelopment of the change room facilities at the Gordon Street Recreation Reserve in Heyfield have been approved by Council, user groups and the State Government. It is expected that the project will go to tender late July 2015.

Sale Memorial Hall Masterplan

Work on the Sale Memorial Hall Masterplan is continuing, with 156 responses received through the community consultation process. A presentation and consultation session with Councillors will take place on Tuesday 7 July 2015.

Healthy Lifestyle Facilities

Healthy Lifestyle facilities including Aqua Energy and all of the rural pools experienced strong attendance over 2014/15 despite poor weather over summer. Total attendance figures are close to 120,000 across all sites, with an average number of member contracts of 1300 over this same time.

Gippsland Health Summit

Council has been an active supporter of the Gippsland Health Summit. Three events were held over two days from Friday 26 June to Saturday 27 June 2015. A public forum on Friday afternoon provided community members with various tips, skills and strategies to encourage patient centred health care with their Health Professional and information on alternative pain and anxiety management techniques. Over 120 people attended the public forum.

Friday night, a dinner was held for health professionals with keynote speaker Dr Tasha Stanton discussing the Brain and Chronic Pain. A full day conference on the Saturday at Wellington's Entertainment Centre focussed on patient centred health care and how health professionals need to consider their own health care as well. Just under 100 people participated in the conference.

The conference was inspired by Sharee Johnson in memory of her late husband Tim and is the first conference in Gippsland to offer such recognised speakers and opportunities for patients and health professionals to work collaboratively for better health outcomes.

Community Planning Champions – Rosedale and Golden Beach

Through support from Council, Rosedale and Golden Beach have both been excelling in obtaining broad community participation into the development of their Community Plans. During a cold evening in late June, Rosedale community members formed working groups to address the key priority areas in their plan. Golden Beach held a Saturday session mid-June with lots of community input to finalise the content in their plan.

JUNE PERFORMANCE REPORT

Major Initiatives	Completion Target	Progress Comment	Status
LEADERSHIP AND ENGAGEMENT			
Undertake a review of Wellington Matters, both in terms of timing and content as well as its effectiveness as a communication agent	30 June 2015	<p>A review paper was prepared based on the Wellington Matters survey undertaken late last year and the 2014 Community Satisfaction Survey. Councillors were presented with a workshop in July 2014 and agreed to proposed changes with minor amendments.</p> <p>The first edition of the new Wellington Matters was produced in August, distribution in September. The new version is concise with information reflective of public feedback. It is printed on paper manufactured in Morwell and printed in Bairnsdale. This publication also presents the ability to value to add through the commencement of an organisation social media channel.</p> <p>The review presented that whilst the Wellington Matters remains a popular communication agent, an increasing number of residents seeks information via social media. As a result, Wellington Shire Council's Facebook page went live on 6 August 2014.</p>	Completed
ORGANISATIONAL			
Ensure input and reporting of data to meet the requirements of the Local Government Performance Reporting Framework is completed within regulatory guidelines.	30 June 2015	2015 first quarter data was collected and provided to CMT for review. 2014-15 full year data will be Included in the 2014-15 Annual Report.	Ongoing
Manage the project planning and delivery of the Information technology requirements for the Desailly Street office relocation.	30 April 2015	Project completed.	Completed

Major Initiatives	Completion Target	Progress Comment	Status
Develop a Rating Strategy to guide future rating decisions for Council's consideration.	28 February 2014	The Rating Strategy was adopted by Council on 17 March 2015.	Completed
NATURAL ENVIRONMENT			
Progress rehabilitation of the Sale Transfer Station site as required by the project plan.	30 June 2015	Due to delay as a result of engagement with Gippsland Water project has now been carried over. Will be commenced early in new financial year.	Deferred (25% complete)
INFRASTRUCTURE			
As one of the key components of the Port Albert flood protection and drainage study, asses and report on possible flood protection solutions for the northern end of Port Albert.	30 June 2015	A Council Workshop was held in September where this action was discussed. The study proposed would not resolve the issues regarding the extension of the seawall. Action is complete.	Completed
Progress refurbishment of Sale Livestock Exchange in accordance with the project plan	30 June 2015	<p>This is a multiyear project requiring five contracts to complete the refurbishment. Four contracts have been awarded, with works complete on one and progressing well on the other three. Works for year 2 have been completed in accordance with the project plan.</p> <p>The status of the five contracts is as follows:</p> <p>2014 021 Buyers Walkway Crown Unit Supply Works Commenced off site 05/11/14</p> <p>2014 022 Removal of Existing Pens Completed 28/11/14</p> <p>2014 023 Selling Shed Construction Works Commenced off site 11/11/14</p> <p>2014 024 Selling Shed Fit out Awarded 16 December 2014. Site works commenced.</p> <p>2014 025 Civil Works including site access Preplanning</p>	Completed

Major Initiatives	Completion Target	Progress Comment	Status
		It is expected that the civil works contract will be awarded in the second half of this calendar year and all works will be completed as scheduled.	
Implement recommendations of the West Sale Airport Report on Land Tenure and Council resolution to progress development of freehold land for recreational purposes at West Sale Airport	30 June 2015	Outline development plans have been finalised and Council has now authorised development of freehold land in the West Sale Airport ERAP. Statutory advertising and planning processes have commenced. All actions for 2014/2015 have been progressed as required. Further actions to complete civil works, subdivision and complete any sales transactions will be progressed in 2015/2016 in line with original project plan.	Completed
Finalise the development of new office accommodation at Desailly Street, Sale	30 June 2015	Key Building contract awarded in September 2014. All others key contracts completed for electrical, mechanical, furniture and floor coverings. Office relocated to Desailly Street by 24 April 2015.	Completed
LAND USE PLANNING			
Publically exhibit/advance a planning scheme amendment to implement the Port Albert Rural Lifestyle Lot Review and report to Council	30 June 2015	Following public exhibition, the Port Albert Rural Lifestyle Lot Review was adopted by Council on 2 December 2014. The adopted project will now be implemented through a planning scheme amendment.	Completed
ECONOMY			
Continue to advocate for the delivery of Defence Project AIR 5428 at RAAF Base East Sale	31 March 2015	Discussions continuing with key representatives for AIR5428 bid and media release issued 18 December providing general update and that indications are outcome will be known first quarter of 2015 but not announced necessarily immediately. Ongoing assistance by Council to facilitate information to support Victorian outcome.	Completed

Major Initiatives	Completion Target	Progress Comment	Status
		<p>Council had a presence at Victorian Government Stand for Avalon Airshow 2015 to promote future potential business opportunities from a successful bid for AIR 5428 and flow on for West Sale Airport. Opportunities for the Eastern (Recreational Aviation) Precinct were also discussed. Councillor and Manager Economic Development met with senior executives of companies tendering for AIR5428. 14 April 2015. Manager Economic Development met with State Government Aviation Business Unit officers given recent changes to that unit, and provided an update on issues specific to Sale and West Sale Airport. May 2015. Although there has been some media speculation, there has been no announcement to date in relation to Defence Project AIR 5428. Federal Government advice reported through the media was that the decision will not be until Second Pass Phase of the Tender, which is expected in the second half of 2015.</p>	
COMMUNITY WELLBEING			
Complete the Sale Memorial Hall Master Plan	30 June 2015	<p>Community Consultation was conducted with 156 responses submitted via surveys. A workshop with councillors to be conducted in early July. Council has been successful in obtaining \$30,000 towards a \$40,000 total project - for the Sale Memorial Hall Precinct Masterplan development.</p>	In Progress (92% complete)
Ensure the early years service at the Yarram District Hub commences on time and on budget	30 June 2015	<p>The service will open on 13 July 2015 offering kindergarten, Long Day Childcare and out of school hours care. During the last two weeks of June there has been a constant flow of families visiting the centre and enrolments are steadily coming in. Fourteen staff were interviewed for four positions at the centre. The playground extension has commenced and some trees have been removed and others have been</p>	Completed

Major Initiatives	Completion Target	Progress Comment	Status
		pruned back. There is growing excitement in the community in anticipation of the service finally opening.	
Advance the development of the Port of Sale Cultural Hub in accordance with agreed timelines and budget	30 June 2015	Preliminary draft concept plans and cost plans provided by architect and quantity surveyor in December. Value management exercise undertaken to attempt to bring cost plan down to project budget. Concept redesign was deemed necessary due to excessive cost against project budget. New concept design, costed at \$10.7m was presented to external steering group and Council on 17 February after support for the design was obtained from the Office of the Victorian Government Architect's Victorian Design Review Panel in January. Council to consider adoption of concept design at its meeting on 3 March.	Ongoing
Ensure the Library Service within the Yarram District Hub commences on time and on budget and works towards maximising potential	30 June 2015	Yarram Library successfully opened to the public on 30 October 2014. Library staff are working closely with existing customer service and newly appointed children's services staff at the Yarram District Hub to ensure the community gains the most benefit from the building's development.	Ongoing
Review and Audit the Municipal Emergency Management Plan	30 June 2015	The Municipal Emergency Management Plan (MEMP) was audited on 12 January 2015 and passed audit. Review of the MEMP for the next three year cycle will start in February 2015.	Completed

Major Initiatives	Completion Target	Progress Comment	Status
<p>Ensure implementation of municipal responsibilities for 2014-15 in the Healthy Wellington Action Plan.</p>	<p>30 June 2015</p>	<p>The Healthy Wellington Action group Partnership meeting was held on Tuesday 12 May 2015.</p> <p>Social Connection and Inclusion (SCI) –The SCI Action Plan is near complete and is out to the Healthy Wellington Action Group for final feedback with the minutes of the meeting 12 May 2015.</p> <p>The Volunteering in Wellington Website continues to be developed with a meeting of stakeholders held on 29 April to provide some feedback on the website design.</p> <p>A Volunteer Week Breakfast Celebration of Wellington Volunteers took place on Wednesday 13 May 7.30 – 9.00 a.m. Eighty volunteers (80) attended and heard a very poignant and personal speech from Wellington Citizen of the Year - David Harrington. Wellington Mayor Cr. Crossley thanked the volunteers for the work they do for their communities and reinforced their valuable contribution to our communities. Each Volunteer received a tree and thank you note as a token of appreciation for their valued and valuable contributions.</p> <p>Development and implementation of following projects to promote social connection and Inclusion;</p> <ul style="list-style-type: none"> • Hello Neighbour Program – lead by Rural Access • Snap Shot Project – Lead by Rural Access • Volunteering in Wellington Website – lead by the Community Health and Wellbeing Officer • Volunteering Training and Leadership Calendar – Lead by Community Planning. 	<p>In Progress (92% complete)</p>

		<p>Physical Activity;</p> <ul style="list-style-type: none"> - The Physical Activity Action Plan is out to the Healthy Wellington Action Group for final feedback with the minutes of the meeting 12 May 2015. - Active April - Collaborated with Healthy Lifestyles and Communications Business Units, and external agency GippSport in awareness raising campaign for Active April. The Campaign was centred on promoting registration of Active April website, and visiting Aqua Energy to pick up prizes and special offers. An evaluation meeting will be held with those involved and to reflect on and evaluate how effective the campaign was for Wellington Shire and Aqua Energy. - Walk to School – 2014 - Walk to school was successful, however there remains \$6700 unspent money. Vic Health have indicated they agree with redirecting the funding towards a Council 'Active Transport' Project. The proposal includes putting money towards a Mapping Activity with Schools, and funding the Training for P.E. teachers and parents / community members to become Bike Ed. Qualified trainers. - Prevention of Family Violence Against Women and Children (PVAWC) –The PVAWC Action Plan is out to the Healthy Wellington Action Group for final feedback with the minutes of the meeting 12 May 2015. -Healthy Eating - Awaiting an updated Action Plan. 	
LEADERSHIP AND ENGAGEMENT			
<p>Facilitate delivery of two key outcomes in the Community Engagement strategy implementation plan</p>	<p>30 June 2015</p>	<p>The Community Engagement Strategy 2011-2015 has been reviewed and revised. A workshop was held with Council on the draft strategy on 2 June. All of the tools to support the Community Engagement process have been developed.</p> <p>The working group meet again on 13 July to finalise documentation and discuss projects to trial the process and information in various community engagement related activities across Council.</p>	<p>Completed</p>

Ensure the 2014-15 actions in the Arts and Culture Strategy are allocated to appropriate business units for implementation	30 June 2015	Have followed up as required with key internal stakeholders of Council to determine what actions will be important this year for their business unit.	In Progress (99% complete)
Implement the 2014-15 actions in the Access and Inclusion Plan that are the responsibility of the Arts and Culture Unit	30 June 2015	<p>The Library, Art Gallery and Entertainment Centre had all completed by February 2015 an Access and Inclusion Audit of their current facilities using the relevant Institute of Access Training Australia handbooks. Library staff will continue to undertake online training via REAL (Resource for Equitable Access to Libraries) a collaborative state-wide library initiative.</p> <p>A desktop portable hearing loop has been purchased for the Yarram Library and Service Centre. Testing of these devices has been arranged prior to implementation.</p> <p>The Gallery Education Coordinator and Director attended a Planning Meeting for Social Inclusion Week on 25 July hosted by the Community Health and Wellbeing Officer. The Gallery will assist in facilitating paper lantern making workshops with community groups and schools.</p>	In Progress (99% complete)
Commence development of a Communications Strategy to enhance the flow of information to and from the Wellington Shire community.	30 June 2015	Work has continued in relation to the EM sub-plan, with all relevant information to date now shared via OneNote with the EM team.	Ongoing

Initiatives	Performance Target	Progress Comment	Status
ORGANISATIONAL			
Review organisational corporate planning and reporting system requirements to ensure effective corporate planning and reporting.	30 December 2014	A business case outlining the identified benefits and potential cost savings to council has been developed and is currently pending approval from the General Manager Corporate Services. An in house demonstration of the proposed solution was carried out in May and further cost benefit analysis has been completed.	Completed
Commence the development of a new Domestic Waste Water Management Plan.	30 June 2015	<p>ECOS consulting have been engaged to assist Wellington Shire Council and East Gippsland Shire Council to review the Domestic Wastewater Management Plan. The plan will be in effect for a period of five years commencing late 2015.</p> <p>Stakeholder consultation meetings will be conducted in September 2015 and a Council Report will be presented by November 2015.</p>	In Progress (50% complete)
Undertake a review of Council's corporate records management system and its fit for purpose.	31 October 2014	Review complete. Submission and presentation to CMT scheduled for Feb 2015.	Completed
Prepare Annual Budget in accordance with legislative requirements and present to Council for consideration	30 June 2015	The 2015/16 Budget was adopted by Council on 16 June 2015.	Completed
Complete and Implement a New Recruitment Strategy	30 June 2015	Reviewed e-recruitment software in addition to review of recruitment and selection processes at Council.	Completed

Initiatives	Completion Target	Progress Comment	Status
NATURAL ENVIRONMENT			
Develop three Town Street Tree Plans	30 June 2015	Analysis of existing conditions in Cowwarr and Seaspray now completed. Mapping of streets completed. Information for handouts being developed. Stage 2 Briagolong planting in planning stage.	Completed
INFRASTRUCTURE			
Complete installation of new energy efficient street lights in accordance with the project plan.	30 June 2015	This project commenced in 2013/2014 with the selection and purchase of LED luminaires to replace the 80 watt Mercury Vapour luminaires currently being used. The installation of the 2250 18W LED luminaires is now complete.	Completed
Implement planning and initial consultation stages of Wellington Residential Road & Street Construction Plan	30 June 2015	Planning and initial consultation has been implemented for Cunninghame Street, Sale. Consultation has taken place and a report was presented to Council in May 2015.	Completed
LAND USE PLANNING			
Prepare an updated outline development plan for North Sale and associated developer contribution regime	30 June 2015	MESH consultants have been appointed to prepare the North Sale Outline Development Plan/Contributions Plan. Stakeholder consultation was undertaken on 11 March 2015. A Council workshop was held on 17 March 2015. A draft design response plan is pending, but its delivery has been delayed due to the need to first resolve future land needs for the Department of Education and Training (DET), Meetings with DET have now been undertaken and the project is advancing.	In Progress (91% complete)

Initiatives	Completion Target	Progress Comment	Status
ECONOMY			
<p>Implement a coordinated Wellington Shire Events Program with associated funding streams and processes</p>	<p>30 June 2015</p>	<p>Work continuing with liaison with other business units on events coordination, and Council workshop held 2 September to provide update. New internal coordination process in place from mid-September, with division of responsibilities for Events Administration, Events Liaison and Events Attraction/Strategic management roles.</p> <p>New process already showing benefit and assisting organisers. New website content posted Jan 15 with Event Notification Form and guidance included.</p> <p>Council workshop for Events Attraction framework held 17 February 2015 with positive feedback on recommended way ahead.</p> <p>Events part of formal State wide or National programme forwarded to ECDEV for consideration rather than Community Grants.</p> <p>Benchmarking potential venues with others across region and State. Commenced photographic promotion of event capacity in Wellington with use of Equestrian Shed at Showgrounds for Irrigation Expo. Similar photography to be done with GRSC to display potential for events other than sport. Progress to be continued as part of ongoing events attraction and coordination process.</p>	<p>Completed</p>

Initiatives	Completion Target	Progress Comment	Status
COMMUNITY WELLBEING			
Complete all Level 3 Recreation Master Plans	30 June 2015	<p>Progress in the development of outstanding master plans has stalled due to staffing resources with the staff member in the Grants and Community Facilities acting position arrangements being extended beyond its initial scope.</p> <p>11 of 13 Level 2 Facilities completed with the remaining 2 awaiting user group feedback.</p> <p>7 of 12 Level 3 Facilities completed.</p>	In Progress (55% complete)
Ensure Implementation of all municipal responsibilities identified in the Municipal Emergency Management Plan 2014-15	30 June 2015	<p>The Municipal Emergency Management Plan was not activated during June 2015.</p> <p>As a result of a review of the Department of Environment, Land, Water & Planning (DELWP)/CFA Essential Water Replacement Policy and Guideline a proposal has been submitted for Local Government to be responsible for only the replacement of drinking water and that DELWP/CFA be responsible for the replacement of agricultural water – this would simplify the current process for the community and agencies.</p>	Ongoing
Ensure implementation of the 2014-15 actions identified in the Municipal Early Years Action Plan	30 June 2015	<p>On 5 May Early Years Project Officer attended a Central Enrolment workshop presented by MAV, this workshop outlined how important this process could be in ensuring that vulnerable children are accessing vital services such as M&CH and kindergarten. Funding will be provided during 2015/16 financial year to assist local councils to set up the program if they wish to go ahead. It is envisaged that in the future the Out of Home Care Agreement with DHS and Local Council, M&CH data management systems and Central Enrolments will all tie in together as a way of community services working together in the best interest of children.</p>	In Progress (92% complete)

Initiatives	Completion Target	Progress Comment	Status
		<p>May 26 Early Years Project Officer accompanied Daniel Miller to Bairnsdale Aquatic Recreation Centre to discuss their model of delivery for the Occasional Care Crèche with the aim of obtaining information that could be useful for the future running of Aqua Energy Crèche.</p> <p>Early Years Project Officer has been in discussions with Philippa Bailey from Domestic Violence Resource Centre Victoria in regards to providing CRAF training to early years professionals in the Wellington Shire, an expression of interest sent out to the network came back with 50 interested persons wishing to attend.</p>	
<p>Ensure implementation of 2014-15 actions identified in relation to the Access and Inclusion plan</p>	<p>30 June 2015</p>	<p>Portable audio loops for those with hearing devices have been installed at customer service in the Desailly St office. Staff training will be completed soon.</p> <p>The EBBWECC communication boards are in their final consultation phase to commence implementation at EBBWECC Reception in June 2015. Started process of revising Access and Inclusion Plan. The Wellington Access and Inclusion Advisory Group have commenced reviewing the Access and Inclusion plan and will need to do further work on this over the coming months.</p>	<p>In Progress (92% complete)</p>
<p>Support the implementation of the Youth Council 2014 action plan and the development and implementation of the 2015 Youth Council action plan</p>	<p>30 June 2015</p>	<p>Six young people representing Wellington participated in Youth parliament throughout the months of May and June. In the last week of June, participants presented their bill to parliament - that all secondary school students should receive mental health first aid training. This Bill was passed. Youth Parliament continues to be a valuable project for young people to participate in developing leadership and skills in public speaking.</p> <p>Members of Wellington Youth Council attended the Gippsland Youth Summit in Churchill on 28-30 June 2015.</p>	<p>Completed</p>

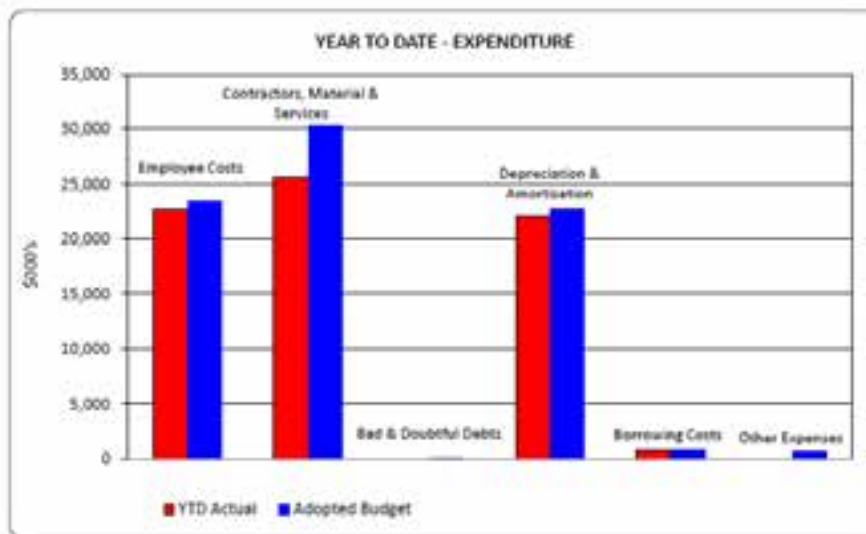
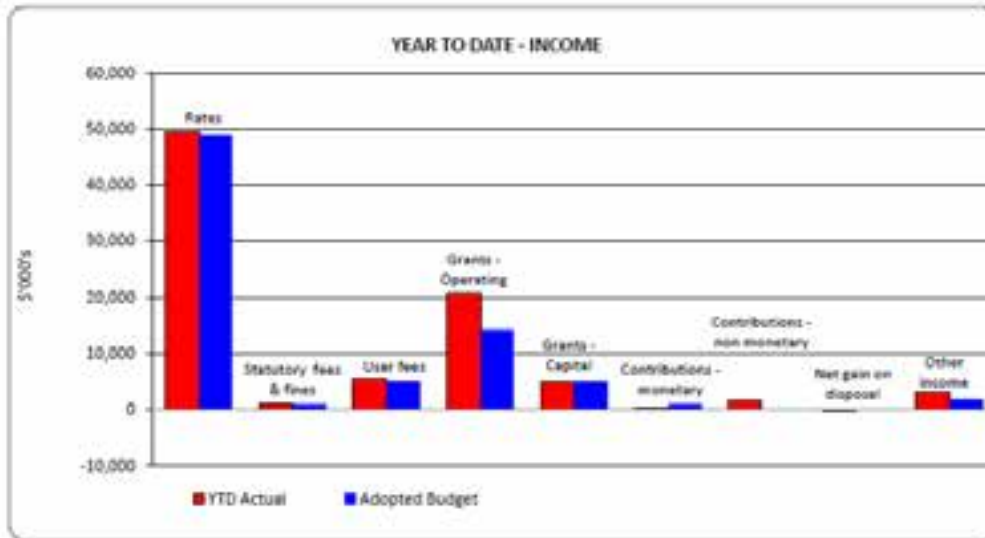
Initiatives	Completion Target	Progress Comment	Status
		This was a great networking opportunity and valuable to discuss and hear about youth strengths and issues across the region.	



INTERIM JUNE 2015 PERFORMANCE REPORT

INTERIM JUNE 2015 FINANCIAL HIGHLIGHTS

The financial highlight report as at 30 June 2015 provides summary information regarding Council's operating and capital works performance for the year to date.





The percentage outstanding on rate debtors as at the end of June 2015 was 10.47% which is a reduction of 0.11% compared to the same time last year. The final balance outstanding is a signal of how effective the debt collection measures undertaken during the last few months have been.



Council cash holdings at the end of June 2015 of \$44.36 million are above the June 2014 balance of \$36.18 million. It is also higher than forecast of \$41.9 million due to Council receiving on 30 June 2015 an advance payment of \$6.07 million relating to the 2015/16 Victoria Grants Commission allocation. The current cash holdings includes restricted funds of \$7.55 million to cash back reserves, \$7.73 million to cover provisions and \$16.08 million associated with operating and capital carry forwards, including the \$6.07 million Victoria Grants Commission advance.

INCOME STATEMENT

For the period ending 30 June 2015 (figures taken as at 8 July 2015)

	FULL YEAR 2014-15					
	Adopted Budget \$000's	Actual \$000's	Variance \$000's	Adopted Budget \$000's	Full Year Forecast \$000's	Variance \$000's
Income						
Rates	48,923	49,392	469	48,923	49,400	477
Statutory Fees & Fines	977	1,135	158	977	1,098	121
User Fees	5,054	5,317	263	5,054	5,499	445
Grants - Operating	14,210	20,570	6,360	14,210	21,085 *	6,875
Grants - Capital	5,004	4,871	(133)	5,004	5,038	34
Contributions - monetary	999	330	(669)	999	303	(696)
Contributions - non - monetary	-	1,476	1,476	-	868	868
Net gain on disposal of property, infrastructure, plant and equipment	93	(179)	(272)	93	(248)	(341)
Other Income	1,872	2,992	1,120	1,872	2,887	1,015
Total Income	77,132	85,904	8,772	77,132	85,930	8,798
Expenditure						
Employee Costs	23,453	22,774	679	23,453	23,007	446
Contractors, Materials and Services	30,336	25,559	4,777	30,336	27,734	2,602
Bad and Doubtful Debts	112	-	112	112	110	2
Depreciation and Amortisation	22,854	22,116	738	22,854	22,130	724
Borrowing Costs	816	769	47	816	773	43
Other Expenses	669	1,385	(716)	669	1,316	(647)
Total Expenditure	78,240	72,603	5,637	78,240	75,070	3,170
Surplus/(Deficit) for the period	(1,108)	13,301	14,409	(1,108)	10,860 *	11,968

Note: The forecast figures reflect changes which will increase or decrease Council's operating income or expenditure by 30 June 2015, since the adoption of the original budget. This enables Council to more accurately monitor financial performance during the year and predict the end of the year position. Council must however report publicly against the original adopted budget on a quarterly basis. The format of the income statement has been amended to match the requirements to meet statutory requirements of the Local Government (Planning and Reporting) Regulations 2014.

* The previously reported forecast surplus of \$4.78 million has been increased to include the receipt on 30 June 2015, of \$6.07 million of 2015/16 financial assistance grants.

Adopted Budget to Forecast

The interim June 2015 financial report (as at 8 July 2015) reflects a number of major developments that have occurred during 2014/15 resulting in an increased forecast surplus of \$10.86 million against the adopted budget deficit of \$1.11 million, a turnaround of \$11.97 million.

A summary of the major changes that have occurred during 2014/15 are:

\$6.07 million - Received advance payment of 2015/16 Victoria Grants Commission funds. The Commonwealth Government advised on 30 June 2015 that they would be advancing all councils approximately 50% of their 2015/16 Grants Commission allocation, resulting in an unexpected receipt of \$6.07 million. This money will be expended in 2015/16.

\$3.09 million - During 2014/15, an extension of time was granted for landowners to submit their titles for the Wellington Coast Subdivision Strategy voluntary assistance scheme. Originally these funds were required to be fully allocated by 30 June 2015 but will now continue to be allocated into 2015/16 and future years.

\$1.02 million - The rehabilitation of the Longford landfill has been deferred until 2015/16 due to the EPA requiring a three month gas monitoring process. Subject to acceptable gas levels, work is expected to commence in early 2015/16. These works are funded through the waste infrastructure reserve.

\$0.65 million - Increase in net funding for capital works programs that will continue or conclude in 2015/16. This includes advance funding of a \$1.0 million grant and \$0.5 million donation towards the Port of Sale Cultural Hub, which is offset by delays in grants not received for projects such as the Gordon Street recreation reserve clubrooms, McLoughlins floating pontoon project and final instalment claims for the Yarram District Hub and the Yarram Recreation Reserve club upgrade which will now be received in 2015/16.

(\$0.67 million) - A capital contribution expected for the Princes Highway/Cobains Road Intersection Upgrade project will not be received as delivery of the work is no longer going to be undertaken by Council and the project has also been deferred to 2015/16.

Other operational changes that impacted on the 2014/15 forecast surplus include:

\$1.01 million - Additional income including higher than expected user fees and fines. Entertainment centre ticket sales are greater than expected due to the popularity of shows but are partly offset by reduced venue hire income and additional expenditure. There was also higher than expected attendance and swim school participation at the leisure facilities. The June 2015 commercial tipping fees and the fourth quarter EPA levy reimbursement will be accrued as part of the year end process and the total income raised will exceed the adopted budget. Planning and land information certificate fees have exceeded budget and forecast with increased demand for these services in the final quarter of 2014/15. Income from registration fees and permits has also exceeded budget, this income is unpredictable and based on the number of customer requests. Unbudgeted income has been received for insurance recoveries and sale of miscellaneous assets, along with higher than expected interest on investments and rates.

\$0.48 million - Additional rates raised during 2014/15 due to the finalisation of some residential subdivisions and other supplementary valuations after the completion of the 2014/15 budget.

\$0.40 million - Savings in employee costs resulting from an organisational restructure and the timing of staff vacancies.

\$0.87 million - Non monetary contributions which recognises gifted and donated assets relating to land acquired under the Wellington Coast Subdivision Strategy Voluntary Assistance Scheme and infrastructure assets from new subdivisions.

\$0.15 million - Various other miscellaneous changes that have occurred during the year including new operating grants and contributions funding, changes to contractors and materials budget and adjustments to non cash entries such as depreciation, derecognition of assets and the net gain (loss) on disposal assets.

Adopted Budget to Interim 2014/15 Result (at July 8 2015)

The interim 2014/15 result (at 8 July 2015) reflects an interim operating surplus of \$13.3 million compared to the adopted budget deficit of \$1.11 million. At this stage, Council expects to achieve the revised forecast surplus of \$10.86 million as invoices for works completed during June 2015 are included and other year end entries are completed. The final result will include some variations within various income categories e.g. some grant income will not be received but will be compensated by additional fees and charges received during the last quarter of 2014/15. There will be some savings in contractors, materials and services including lower than expected fourth quarter EPA levy payment and additional carried forwards for unexpended 2014/15 emergency management funded programs which may be offset by overspends in other areas. The impact on the final result for "non cash" entries such as depreciation, non monetary contributions (subdivision assets) and employee entitlements provision cannot be determined until all 2014/15 entries have been processed.

BALANCE SHEET

As at 30 June 2015 (figures taken as at 8 July 2015)

Actual		Adopted Budget	Actual	Forecast
June 14 (Interim)		June 15	June 15	June 15
\$000's		\$000's	\$000's	\$000's
Current Assets				
36,188	Cash and Cash Equivalents	23,316	44,357	41,903
6,297	Trade and Other Receivables	4,147	7,011	6,661
161	Prepayments	292	355	261
42,646	Total Current Assets	27,755	51,723	48,825
Non Current Assets				
1,067	Trade and Other Receivables	873	1,246	1,252
854,459	Property, Infrastructure, Plant & Equipment	868,587	878,212	880,904
353	Intangible Assets	631	346	547
855,879	Total Non Current Assets	870,091	879,804	882,703
898,525	Total Assets	897,846	931,527	931,528
Current Liabilities				
1,154	Trade and Other Payables	5,475	3,274	5,163
2,898	Interest Bearing Borrowings	3,197	2,990	3,126
5,312	Employee Benefits	5,087	5,441	5,760
730	Trust Deposits	600	788	720
540	Provisions	540	540	540
10,634	Total Current Liabilities	14,899	13,033	15,309
Non Current Liabilities				
13,077	Interest Bearing Borrowings	11,180	10,137	10,001
302	Employee Benefits	437	302	281
1,473	Provisions	1,473	1,527	1,487
14,852	Total Non Current Liabilities	13,090	11,966	11,769
25,486	Total Liabilities	27,989	24,999	27,078
873,039	Net Assets	869,857	906,528	904,450
Represented by Ratepayer Equity				
271,378	Accumulated Surplus	268,961	298,262	296,971
595,841	Reserves	595,903	600,729	600,729
5,820	Other Reserves	4,993	7,517	6,750
873,039	Total Equity	869,857	906,528	904,450

CAPITAL EXPENDITURE PROGRAM EXPENDITURE

For the period ending 30 June 2015 (figures taken as at 8 July 2015)

	YEAR TO DATE 2014-15			FULL YEAR 2014-15		
	Adopted Budget	Actual	Variance	Adopted Budget	Forecast	Variance
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Bridges	1,823	870	953	1,823	916	907
Drainage	150	107	43	150	150	-
Footpaths & Cycleways	932	424	508	932	637	294
Plant, Machinery & Equipment	1,786	1,555	231	1,786	2,113	(327)
Roads	10,353	6,579	3,773	10,353	7,744	2,609
Buildings	12,315	9,938	2,377	12,315	10,998	1,317
Parks & Environmental Services	3,773	2,010	1,763	3,773	2,022	1,751
Waste Management	753	102	651	753	145	608
Landfill Improvements	30	12	18	30	12	18
Furniture and Fittings	257	362	(105)	257	369	(112)
Information Technology	769	612	157	769	716	52
Library Books	251	240	10	251	245	6
Intangibles	444	270	174	444	278	166
Grand Total	33,634	23,081	10,553	33,634	26,345	7,289

As at 30 June 2015, the capital expenditure forecast is \$26.3 million, down from an adopted budget of \$33.6 million mainly due to works budgeted for 2014/15 which will now be carried forward into 2015/16. \$23.1 million has been spent and another \$974,000 has been committed. The annual expenditure is 88% of the forecasted capital works program and 69% of the capital works program as per the 2014/15 adopted budget.

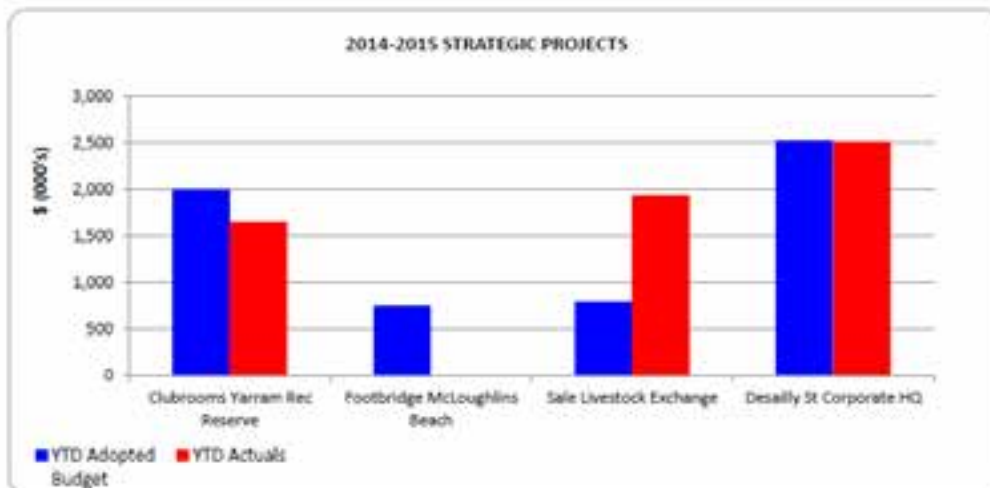
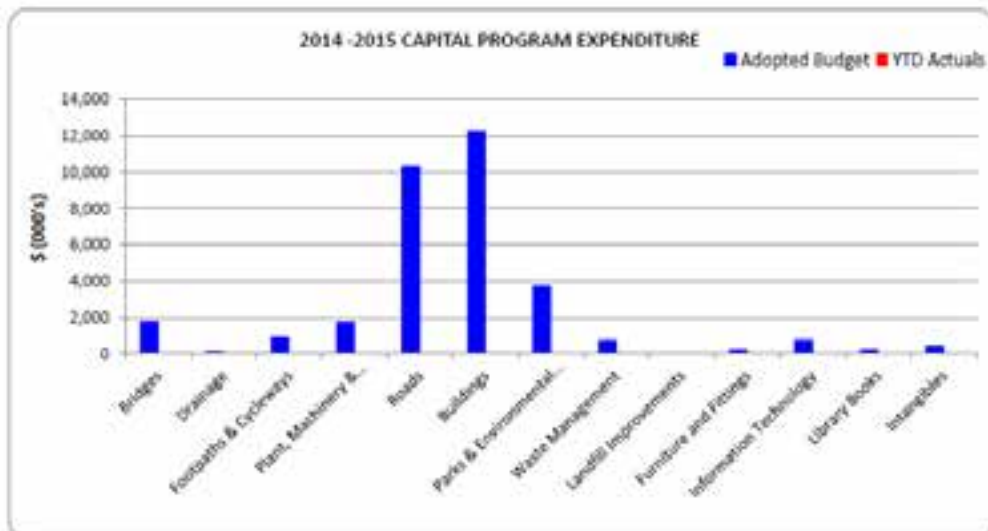
Of the 148 projects planned for this year, 66% are complete, 18% have commenced and 8% are in preplanning. 2% of projects were designed to be multi year and the remaining 6% has been put on hold or cancelled. This includes the Pearson and Queen Street roundabout which due to delays with design is now expected to be completed by December 2015. The proposed work on Taylors Lane has been cancelled due to an unsuccessful funding application. Some projects have been cancelled due to the works being no longer required or due to significant changes to scope making the project unachievable within budget.

The Yarram District Hub building works are complete, with some additional external landscaping and road works to be completed July 2015. The shed of the Sale Livestock Exchange upgrade is complete and the fit out and civil works are continuing, with the expected completion date for all site works being December 2015. Work on the main pavilion for Yarram Recreation Reserve Clubrooms Refurbishment is complete, with demolition and car park works to be completed in July/August 2015. Pipework for the Woodside Beach Caravan Park Fire Services Upgrade is completed with the tank and fire hydrant installation expected to be completed in July 2015.

The Desailly Street Corporate Headquarters project is complete and within budget. The decommission phase of the Port of Sale Business Centre has commenced in May 2015 and is scheduled for completion October 2015. The Port of Sale Cultural Hub project is progressing with the concept design approved by Council and the final design expected to be completed by July 2015. Additional funding has been granted by the Federal Government to increase the scope of the works to include the Port of Sale Precinct Works. The annual libraries program has been completed within budget.

McLean Street and Boisdale Street Maffra shared paths works commenced in June 2015 and will both be completed in July 2015. The annual sealed road, drainage and footpath connection programs have all been completed within budget.

The fleet renewal program has received 79% of its planned vehicle purchases with the balance awaiting delivery. Nine plant items were delivered in 2014/15, another three are expected in July 2015 and two have been deferred.





C2 - REPORT

GENERAL MANAGER CORPORATE SERVICES

ITEM C2.1**ASSEMBLY OF COUNCILLORS**

DIVISION:

CORPORATE SERVICES

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓		✓					

OBJECTIVE

To report on all assembly of Councillor records received during the period 1 July to 14 July 2015.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council note and receive the attached Assembly of Councillors records received during the period 1 July to 14 July 2015.

BACKGROUND

Section 80A of the *Local Government Act 1989* requires a written record to be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Below is a summary of all assembly of Councillors records received during the period 1 July 2015 to 14 July 2015.

Assembly of Councillors summary of reports received during the period 1 July 2015 to 14 July 2015		
Date	Matters considered	Councillors and officers in attendance
7 July 2015	Councillor's Diary Meeting	Councillors Crossley, Cleary, Davine, Wenger, Hole David Morcom, Chief Executive Officer Glenys Butler, General Manager Community & Culture Gail Hogben, Executive Assistant CEO Sharon Willison, Mayoral & Councillor Support Officer

Assembly of Councillors summary of reports received during the period 1 July 2015 to 14 July 2015

Date	Matters considered	Councillors and officers in attendance
7 July 2015	Pre Council Agenda Regional Development Victoria – Gippsland Workforce & Regional Plan Waste Water Treatment Plant Buffer Desailly Street Project Completion Report Wood Encouragement Sale Memorial Hall Master Plan Update	Councillors Crossley, Cleary, Davine, Wenger, Hole, Duncan (Item 5 & 6) & Mclvor (Item 6) David Morcom, Chief Executive Officer Arthur Skipitaris, General Manager Corporate Services Chris Hastie, General Manager Built and Natural Environment, Glenys Butler, General Manager Community & Culture. John Websdale, General Manager Development Barry Hearsey, Coordinator Strategic Planning Ben Proctor, Strategic Planner John Tatterson, Manager Built Environment Vanessa Ebsworth, Manager Municipal Services Phillip Phillipou, Manager Information Technology Sharyn Bolitho, Manager Economic Development
14 July 2015	Declaration of Conflict of Interest Actions from previous meeting Traffic Management Plan Data on Throughput General Business	Councillors Mclvor, Hole David Morcom, Chief Executive Officer Chris Hastie, General Manager Built and Natural Environment John Tatterson, Manager Built Environment Denis Murphy, Commercial Property Officer Samantha Maxfield, Executive Support Officer Built & Natural Environment Mark Coleman, Economic Development Officer Daniel Gall, Coordinator Commercial Facilities Management Dean Morahan, Manager Assets & Projects Sharon Bolitho, Manager Economic Development

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records and seek further information for consideration of a future Council meeting.

PROPOSAL

That Council note and receive the attached assembly of Councillors records received during the period 1 July 2015 to 14 July 2015.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complies with Section 80A of the *Local Government Act 1989*.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 2 Organisational states the following strategic objective and related strategy:

Strategic Objective

"An organisation that is responsive, flexible, honest, accountable and consistent."

Strategy 2.3

"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."

This report supports the above Council Plan strategic objective and strategy.

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

7 July15

2. ATTENDEES

Councillors:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Crossley	✓		Cr McCubbin		✓
Cr Rossetti		✓	Cr Mclvor		✓
Cr Cleary	✓		Cr Wenger	✓	
Cr Davine	✓		Cr Hole	✓	
Cr Duncan		✓			

Officers In Attendance:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom, CEO	✓		G Butler, GML	✓	
C Hastie, GMB&NE		✓	J Websdale , GMD	✓	
A Skipitaris, GMCS		✓			

Others in attendance:

Name	Item No.	Name	Item No.
Sharon Willison	1		
Gail Hogben	1		

3. Matters/Items considered at the meeting (list):

1. Councillors' Diary Meeting

4. Conflict of Interest disclosures made by Councillors:

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

7 July 2015

2. ATTENDEES

Councillors:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Crossley	✓		Cr McCubbin (on leave)		✓
Cr Rossetti		✓	Cr Mclvor (item 6 only)	✓	
Cr Cleary	✓		Cr Wenger	✓	
Cr Davine	✓		Cr Hole	✓	
Cr Duncan (items 5 & 6 only)	✓				

Officers in Attendance:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom, CEO	✓		G Butler, GMCC	✓	
A Skipitaris, GMCS	✓		J Websdale, GMD	✓	
C Hastie, GMBNE	✓				

Others in attendance: (list names and item in attendance for)

Name	Item No.
Trish Dean	1
David Morcom	2
Barry Hearsey, Ben Proctor	3
John Tatterson, Vanessa Ebsworth, Phillip Phillipou	4
Sharyn Bolitho, John Tatterson	5
Karen Evans	6

3. Matters / Items considered at the meeting (list):

1. Pre-Council Agenda
2. Regional Development Victoria – Gippsland Workforce & regional Plan
3. Waste Water Treatment Plan Buffer
4. Desailly Street Project Completion Report
5. Wood Encouragement
6. Sale Memorial Hall Master Plan Update

4. Conflict of Interest disclosures made by Councillors:

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

14 July 2015

2. ATTENDEES

Councillors

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Crossley			Cr McCubbin		
Cr Rossetti			Cr Mclvor	✓	
Cr Cleary			Cr Wenger		
Cr Davine			Cr Hole	✓	
Cr Duncan					

Officers In Attendance

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom	✓				
C Hastie, GMB&NE	✓				

Others in attendance

Name	Item No.	Name	Item No.
John Tatterson	1 to 5	Sharon Bolitho	1 to 5
Denis Murphy	1 to 5		
Samantha Maxfield (minutes)	1 to 5		
Mark Coleman	1 to 5		
Daniel Gall	1 to 5		
Dean Morahan	1 to 5		

3. Matters/Items considered at the meeting (list):

1. Declaration of Conflict Of Interest
2. Actions from Previous Meeting
3. Traffic Management Plan
4. Data on Throughput.
5. General Business

4. Conflict of Interest disclosures made by Councillors:

NIL



C3 - REPORT

GENERAL MANAGER DEVELOPMENT

ITEM C3.1**AMENDMENTS C85 AND C88 - PROPOSED RESIDENTIAL DEVELOPMENT, STEVENS STREET, SALE**

DIVISION: DEVELOPMENT
 ACTION OFFICER: MANAGER LAND USE PLANNING
 DATE: 21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓	✓	✓	✓	✓		✓	✓	✓	✓

OBJECTIVE

To consider the Panel Report and associated recommendations for Amendments C85 and C88 concurrently with Planning Permits 124/2013 and 373/2012 respectively (residential development Stevens Street, Sale) and seek adoption of the Amendments pursuant to the requirements of the *Planning and Environment Act 1987*.

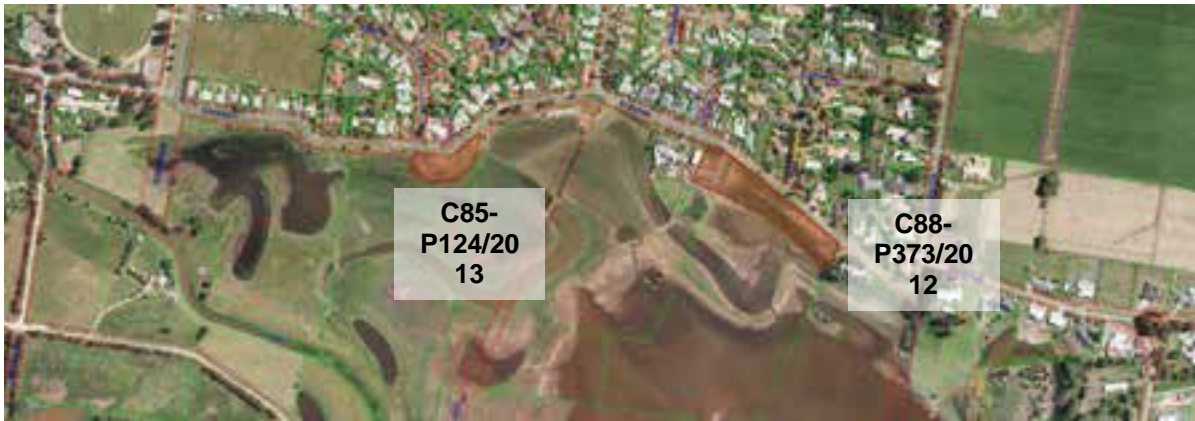
PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That:***

1. Council note the Panel Report (refer to Attachment 2) to Amendment C85 and C88 concurrently with Planning Permits 124/2013 and 373/2012 respectively, pursuant to Sections 27, 96E and 96F of the *Planning and Environment Act 1987*;
2. Council adopt Amendments C85 and C88 (refer to Attachment 3) pursuant to Section 29 of the *Planning and Environment Act 1987*;
3. Council recommend that the Minister for Planning grant Planning Permits 124/2013 and 373/2012 (refer to Attachment 4) pursuant to Sections 96G and 96H of the *Planning and Environment Act 1987*; and
4. Council submit Amendments C85 and C88 to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

BACKGROUND

Council has received two combined rezoning and planning permit application requests for Stevens Street, Sale (see map on the next page).

The subject land is situated in a prominent location on the southern edge of the township and is adjacent to a wetland system. The adopted '*Sale, Longford and Wurruk Structure Plan*', which is a component of the Wellington Planning Scheme, identifies the subject land for urban expansion in the medium term.



The proposals seek to rezone and subdivide land for residential use and create a combined total of eleven (11) lots on two separate sites (two lots created as part of Amendment C85 and nine lots created as part of Amendment C88), all of which would have significant, uninterrupted views over the adjacent wetlands.

On 3 June 2014 Council resolved to request the Minister for Planning to authorise Council as the Planning Authority to proceed with exhibition of the combined amendments and planning permit applications. Authorisation was received on 23 June 2014 and the amendments were exhibited concurrently with the proposed planning permit applications from 31 July to 8 September 2014.

All information in relation to Amendments C85 and C88, including the proposed planning permit applications P124/2013 and P373/2012 (respectively), can be found on Council's website: <http://www.wellington.vic.gov.au/Developing-Wellington/Planning-Scheme-Amendments/Amendments-C85C88>.

At the close of exhibition, 136 submissions were lodged with Council, including a petition with 802 signatures. Copies of the submissions can be inspected at the Sale Customer Service Centre and have been made available electronically to Council for review. The key issues raised by the objectors included:

- loss of view;
- impact on the wetlands in relation to drainage and flora and fauna;
- perception of community that the land would never be developed;
- no need for housing at this location as there are enough other growth areas around Sale where the supply can be easier met;
- concerns about the stability of the land due to fill and steepness;
- rising flood levels;
- change to the streetscape and the loss of a great public space;
- concerns about the increase of traffic; and
- questions in relation to the subdivision design.

In response to issues raised in the submissions, the proponents were requested to provide further information about the location of the proposed pumping station at 74 Stevens Street and the consequential impacts on the proposed subdivision layout; and concerns relating to the stability of the subject land.

Planning Panel

At its meeting of 17 February 2015, Council resolved to request the Minister for Planning to appoint an independent expert Planning Panel under the *Planning and Environment Act 1987*. The Panel

Hearing took place on 20, 21 and 22 April 2015 in Sale. Council's submission to the Planning Panel can be found in Attachment 1 to this report.

The Planning Panel considered all of the submissions received. The Panel Report was received on 4 June 2015 and has been publicly available to view since Thursday 2 July 2015. The Panel Report can be found in Attachment 2 to this report.

An overview of the Panel recommendations can be found in the Executive Summary on page (i) of the Panel Report. Based on the reasons set out in the Panel Report, the Panel recommends adoption of Amendments C85 and C88 to the Wellington Planning Scheme as exhibited, subject to the following modifications:

1. Replace the exhibited versions of the Neighbourhood Residential Zone Schedule 1 and the Design and Development Overlay Schedule 22 with the Panel recommended versions.
2. Replace the exhibited versions of Planning Permit P124/2013 and Planning Permit P373/2012 with the Panel recommended versions.

Other Recommendations:

3. "Monitor the traffic along Stevens Street in proximity to the bend close to Yvette Close in order to determine if traffic calming measures are necessary to improve vehicle, cyclist and pedestrian safety."

Based on the outcomes of the Panel Report, it is recommended that Council adopt Amendments C85 and C88 as per the Panel recommendations as set out above and on page (i) of the Executive Summary of the Panel Report.

The Neighbourhood Residential Zone Schedule 1 and the Design and Development Overlay Schedule 22 have been updated as per the Panel recommendations and are included within the Amendment document package proposed for adoption (refer to Attachment 3).

The Planning Permits have also been updated as per the recommendations of the Panel and are included in Attachment 4 to this report.

OPTIONS

Council has the following options:

1. That Council note the Panel Report for Amendment C85 and C88 concurrently with Planning Permits 124/2013 and 373/2012 respectively pursuant to Sections 27, 96E and 96F of the *Planning and Environment Act 1987*; to adopt Amendments C85 and C88 pursuant to Section 29 of the *Planning and Environment Act 1987*; to recommend that the Minister for Planning grant Planning Permits 124/2013 and 373/2012 pursuant to Sections 96G and 96H of the *Planning and Environment Act 1987*; and to submit Amendments C85 and C88 to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.
2. That Council note the Panel Report for Amendment C85 and C88 concurrently with Planning Permits 124/2013 and 373/2012 respectively pursuant to Sections 27, 96E and 96F of the *Planning and Environment Act 1987* and abandon Amendments C85 and C88 in full or in part pursuant to Section 28 of the *Planning and Environment Act 1987*.
3. That Council note the Panel Report for Amendment C85 and C88 concurrently with Planning Permits 124/2013 and 373/2012 respectively pursuant to Sections 27, 96E and 96F of the *Planning and Environment Act 1987* and seek further information or changes to Amendments C85 and C88 for consideration at a future Council meeting.

PROPOSAL

That Council:

1. note the Panel Report (refer to Attachment 2) to Amendment C85 and C88 concurrently with Planning Permits 124/2013 and 373/2012 respectively, pursuant to Sections 27, 96E and 96F of the *Planning and Environment Act 1987*;
2. adopt Amendments C85 and C88 (refer to Attachment 3) pursuant to Section 29 of the *Planning and Environment Act 1987*;
3. recommend that the Minister for Planning grant Planning Permits 124/2013 and 373/2012 (refer to Attachment 4) pursuant to Sections 96G and 96H of the *Planning and Environment Act 1987*; and
4. submit Amendments C85 and C88 to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

FINANCIAL IMPACT

As the combined Amendments and planning permit applications have been requested by two private proponents all direct financial costs associated with the Amendments will need to be met by the proponents. This includes the costs for the Planning Panel and the relevant statutory fees.

COMMUNICATION IMPACT

Should the Minister for Planning approve Amendment C85 and C88 and grant Planning Permits 124/2013 and 373/2012 respectively, notice of the approvals will appear in the Government Gazette and will be published in the Gippsland Times. Council's website will also be updated.

LEGISLATIVE IMPACT

The combined Amendment and planning permit applications have been processed in accordance with the requirements of the *Planning and Environment Act 1987*.

COUNCIL PLAN IMPACT

The Council Plan 2013–2017 Theme 5 Land Use Planning states the following strategic objective and related strategy:

Strategic Objective

"Appropriate and forward looking land use planning that incorporates sustainable growth and development."

Strategy 5.1

"Ensure Land Use Policies and Plans utilise an integrated approach to guide appropriate land use and development."

Amendments C85 and C88 together with the combined planning permits for subdivision support the above objective and strategy.

PLANNING POLICY IMPACT

Amendment C85 and C88 are consistent with the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) of the Wellington Planning Scheme.

The Sale, Wurruk and Longford Structure Plan identifies the subject land as a future urban residential growth area and as such is included in Clause 21.05 – Sale, Wurruk and Longford Strategic Framework of the Wellington Planning Scheme. While the Panel has raised concern about the designation of this land in the adopted Structure Plan (in response to a submission made during the exhibition of the draft structure plan), it has ultimately accepted that this designation is now contained within the Wellington Planning Scheme. Council is now required to make a decision as to whether it wishes to support or abandon the current Amendment and planning permit applications on their merits.

If Council elects to adopt the current Amendment requests and planning permit applications, it should also be noted that other areas of land along Stevens St will remain 'earmarked' in the Wellington Planning Scheme for potential urban development. However, due to the more constrained topography of this remaining land, it is considered unlikely that future rezonings would be pursued. It should also be noted that potential exists for planning permit applications under the current Farming Zone, which would need to be assessed on their merits. Council officers will further consider the most appropriate response to these issues (if any) post Council's decision on the current Amendment requests and planning permit applications.

COMMUNITY IMPACT

The Panel considers that net community benefit, although marginal, has been demonstrated, and the Amendments and planning permit applications can therefore be supported.

ENVIRONMENTAL IMPACT

The Panel has concluded that the proposed development will not result in unacceptable environmental impacts subject to the development occurring in accordance with the controls proposed via the Amendments and accompanying planning permits.

CONSULTATION IMPACT

The exhibition of Amendments C85 and C88 took place between 31 July and 8 September 2014 and included:

- Approximately 120 notification letters with information sheets sent to all landowners/occupiers on adjacent lots, Stevens Street, Yvette Close, Lynton Place and Nest Court.
- Eleven (11) notification letters were sent to relevant statutory authorities.
- Public notice was given in the Gippsland Times, Yarram Standard and Government Gazette.
- Notifications were placed on the subject land for the duration of the exhibition period.
- Two information sessions were held by the proponent on 13 August 2014 (morning and evening session).

Information regarding the Amendments is also available at the following locations:

- Copies of the exhibited documents can be viewed at the Council Service Centres in Sale and Yarram; and
- Council and Department of Environment, Land, Water and Planning websites.

The Panel Hearing took place on 20, 21 and 22 April 2015.

It should be noted that the provisions of the proposed Design and Development Overlay include exemption from notice and appeal (VCAT) for future planning permit applications to construct a building (e.g. a dwelling) or carry out works for a use within Section 1 of the Neighbourhood Residential Zone. The Panel has considered this approach appropriate given the prescriptive planning controls prepared for the land to control future development.

RISK MANAGEMENT IMPACT

In response to community submissions and Council's request, the proponent submitted geotechnical reports for the subject land to demonstrate that the land was suitable for future residential development. The Panel accepted the reports and evidence from the expert witness submitted during the Panel hearing, which concluded that the subject land is suitable for future residential development.

ATTACHMENT 1

PART A SUBMISSION

Planning Panel Hearing

COMBINED AMENDMENTS AND PLANNING PERMITS

to the Wellington Planning Scheme



C85 – P124/2013

C88 – P373/2012

RESIDENTIAL DEVELOPMENT STEVENS STREET, SALE

Submission by Wellington Shire Council

10 April 2015



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Attachments

Attachment 1:	Relevant extract Sale Wurruk Longford Residential Land Supply Review 2008
Attachment 2:	Additional Clauses from the State and Local Planning Policy Framework relevant to Amendment C85 and C88
Attachment 3:	Proposed updated Subdivision Plan 74 Stevens Street
Attachment 4:	Proposed updated Planning Permit P124/2013
Attachment 5:	Proposed update Planning Permit P373/2012



The Heart of Gippsland

1. Introduction

This submission is made by the Wellington Shire Council (the Council), which is the Planning Authority for Amendments C85 and C88.

The combined Amendments C85 and C88 and associated Planning Permits P124/2013 and P373/2012 (respectively) have been prepared to facilitate the subdivision of land along Stevens Street (refer to Map 1) above the flood contour and rezone to Neighbourhood Residential Zone - Schedule 1 with a Design Development Overlay Schedule 22, as identified in the 'Sale Wurruk and Longford Structure Plan, 2010'.



Map 1: Location of proposed Amendments C85 and C88

The Part A Submission provides:

- the background to the Amendments;
- explains the proposed Amendments;
- a chronology of the events in relation to the amendment process;
- the strategic assessment;
- the submissions received (including Council's responses); and
- any proposed changes to the Amendment documents in response to issues raised in the submissions.

Additional supporting documentation, which is not already included as part of the Panel Documents, can be found in the attachments to this submission.



The Heart of Gippsland

2. Background to the amendments

Two combined rezoning and planning permit applications were submitted to Council in respect of land along Stevens Street, Sale under the provisions of Section 96A of the *Planning and Environment Act 1987*.

Amendment C85 and associated Planning Permit P124/2013 relate to land opposite No's 39 and 41 Stevens Street and was received by Council on 24 April 2013 and requested a rezoning of the subject land to the Residential 1 Zone and its subdivision into 2 residential lots.

Amendment C88 and associated Planning Permit P373/2012 at 74 Stevens Street was received by Council on 1 October 2012 and requested a rezoning of the subject land to the Residential 1 Zone and its subdivision into 9 residential lots.

Subject land

The subject land for both Amendments is situated in a prominent location on the southern edge of East Sale (refer to Map 2). East Sale is a popular neighbourhood given it is in close proximity to Lake Guthridge and Lake Guyatt and other facilities in Sale.

Stevens Street provides significant views over flood-prone farmland towards the Ramsar wetlands and Longford. Most houses built on Stevens Street enjoy the outlook as only 2 houses have been built on the southern side of the street. Due to this outlook, the location on the edge of the town and the road layout, the character of Stevens Street has a rural character.

The character of Stevens Street has the potential to change significantly if all of the proposed lots are developed.



Map 2: Aerial photo of direct surroundings



The Heart of Gippsland

A public park including sport facilities and the botanical gardens is located at the western end of Stevens Street. From this point access is provided to the publicly accessible part of the Ramsar wetlands, which is known as the 'Sale Common'.

A small Low Density Residential Estate can be found at the eastern end of Stevens Street, on Wandana Road, on the edge of the wetland system.

Current zones and overlays

The subject land is currently within the Farming Zone (see Map 3). The main purpose of this zone is for the use of the land for agriculture. The abutting land to the north is within the General Residential Zone 1 (GRZ1).

The Design and Development Overlay 6 (DDO6) is applied to the land. The DDO6 is designed, 'to ensure that building height does not adversely affect the operation of the East Sale Royal Australian Air Force Base'. The DDO6 triggers the requirement for a planning permit for buildings with a height greater than 15 metres.

Whilst the proposed sites would not be directly affected by the Land Subject to Inundation Overlay or the Flood Overlay they would abut the proposed development.



Map 3: Zones and overlays

Previous development

In 1992 a planning permit was issued to build a house at 98-102 Stevens Street, which was the first house to be constructed on the southern side of Stevens Street. Council initially refused a planning permit but was overruled by VCAT (Appeal no 1992/11635).

In 2003 a planning permit (P3067/2202) was issued for a second house at 74 Stevens Street on the southern side of the street.

The land at Wandana Road was zoned Rural Residential under the Avon Planning Scheme (1994). Under the Wellington Planning Scheme the land was rezoned to Low Density Residential as part of Planning Scheme Amendment C9 (June 2003).



The Heart of Gippsland

The potential for further residential development along the southern side of Stevens Street was first identified in the adopted 'Sale, Wurruk and Longford Residential Land Supply Review 2008' (NBA Group) to assist in the 'high-end' market demand in Sale. The relevant extracts of this report have been included in Attachment 1.

This study was, in part, used to inform the 'Sale, Wurruk and Longford Structure Plan' (see Extract 4). The 'Sale, Wurruk and Longford Structure Plan' was formally adopted in 2010 and identifies the subject land for urban expansion in the medium term.



Extract 4: Extract Sale Wurruk Longford Structure Plan

In November 2012, Planning Scheme Amendment C67 formally implemented the 'Sale, Wurruk and Longford Structure Plan' into the Wellington Planning Scheme. The Local Planning Policy Framework was updated to reflect the objectives as set out in the Structure Plan, which consequently became a reference document within the Planning Scheme. As such, the Strategy Plan at Clause 21.05 - Sale, Wurruk and Longford Strategic Framework, reflects the potential urban residential expansion of Stevens Street, Sale.

Application lodgements

As the sites are identified for residential expansion within the Wellington Planning Scheme, Council is obliged to consider applications for the rezoning and subdivision of the land. Following the lodgement of the applications, negotiations between Council and the proponent were undertaken to secure the best possible land use planning outcomes. Council therefore requested the following further information:

- Analysis and appraisal of the existing character of Stevens Street between Guthridge Parade and Somerton Park Road;
- A design rationale that responds to the character and features of Stevens Street (as identified through the above analysis and appraisal requirement); and
- Detailed design guidelines/controls for the proposed development based on the design rationale.

In response to the further information request and the unique site conditions Council consequently prepared specific planning controls in the form of a Neighbourhood Residential Zone - Schedule 1 (NRZ1) and a Design and Development Overlay - Schedule 22 (DDO22).

The applications were sent to the relevant statutory authorities for review and sought recommendations relating to the requirements for the draft planning permits.

Extensive consultation was undertaken with the West Gippsland Catchment Management Authority (WGCMA) as part of the review process. The subject land was surveyed by the proponent, and in doing so provided updates to the existing contour data. After liaising with the WGCMA, officers were advised that the most recent data should be used to establish the most up-to-date levels.

It is therefore proposed to update the LSIO accordingly through Amendments C85 and C88. All land below the 3.2m AHD contour will be included in the LSIO. All land above the 3.2m AHD contour will, where relevant, be included within the proposed NRZ1.

To protect the development from potential flooding and to protect the floodplain from any negative impact, the WGCMA requested that the provisions also include that all buildings, including outbuildings must have a minimum finished floor level of 3.7m AHD and that no fill will be permitted below 3.7m AHD. These requirements have been included in the DDO proposed to be applied to the land.



3. Combined amendment C85 and planning permit P124/2013

Land affected by the amendment

This Amendment applies to land on the southern side of Stevens Street, Sale being Crown Allotments 2 and 2A Section 4 Parish of Sale Certificates of Title Volume 2714 Folio 769.



What the amendment does

Subdivides land opposite 37-39 and 41 Stevens Street above the flood contour and rezone to Neighbourhood Residential Zone 1 with a Design and Development Overlay 22 for residential development as identified in the *Sale Wurruk and Longford Structure Plan, 2010*.

The amendment:

- Rezones land opposite No's 37-39 and 41 Stevens Street, Sale from Farming Zone to Neighbourhood Residential Zone 1 (explained in detail under Chapter 5).
- Inserts a new Clause 39.01 - Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 1 to Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 22 to Clause 43.02 Design and Development Overlay into the Wellington Planning Scheme (explained in detail under Chapter 5).
- Amends the boundary of the Land Subject to Inundation Overlay to the 3.2m AHD contour.
- Amends Planning Scheme Maps 100, 100DDO and 100LSIO.

The permit:

- Subdivides land above the 3.2m AHD contour into 2 lots.



4. Combined amendment C88 and planning permit P373/2012

Land affected by the amendment

The Amendment applies to land at 74 Stevens Street, Sale being Crown Allotments 4, 8 & 9 Section 4 Parish of Sale Certificates of Title Volume 2615 Folio 916, Volume 9217 Folio 166 and Volume 7329 Folio 663.



What the amendment does

Subdivides land at No.74 Stevens Street above the flood contour and rezones it to the Neighbourhood Residential Zone 1 with a Design and Development Overlay 22 for residential development as identified in the 'Sale Wurruk and Longford Structure Plan, 2010'.

The amendment:

- Rezones part of 74 Stevens Street, Sale from Farming Zone to Neighbourhood Residential Zone 11 (explained in detail under Chapter 5).
- Inserts a new Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 1 to Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new schedule 22 to Clause 43.02 Design and Development Overlay into the Wellington Planning Scheme 1 (explained in detail under Chapter 5).
- Amends the boundary of the Land Subject to Inundation Overlay to the 3.2m AHD contour.
- Amends Planning Scheme Maps 100, 100DDO and 100LSIO.

The permit:

- Subdivides land above the 3.2m AHD contour into 9 lots.
- Consolidates land below the 3.2m AHD to prevent a land-locked lot.



5. Proposed Neighbourhood Residential Zone 1 and Design and Development Overlay 22

To ensure high quality residential development which is integrated into the unique landscape setting on the edge of Sale, it is proposed to make use of the NRZ1 in combination with a DDO22.

Neighbourhood Residential Zone Schedule 1 (NRZ1)

The NRZ1 allows for residential use of the land. The main purposes of the zone are:

- To limit opportunities for increased residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

A Schedule to the zone has been prepared, which seeks to control the subdivision layout, site coverage, the number of dwellings on a lot and the building height.

The NRZ1 is proposed because the schedule gives opportunity to:

- Control the subdivision layout:
The subdivision layout must be in accordance with the planning permits which are part of the combined amendments.
- Site coverage:
A building envelope is proposed as part of the schedule
- Building height:
Maximum building height requirements are proposed as part of the schedule.

Design and Development Overlay Schedule 22 (DDO22)

Further to the zoning, a new DDO22 is proposed, which will not only give further control over the design and development on the lots but also requires all other buildings and works to be contained within the building envelope and sets the finished floor level at 3.7m AHD. The design objectives of the overlay are:

- To promote high quality architectural designed dwellings that utilise design and materials which are sympathetic to the landscape including split level building forms.
- To ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.
- To protect view lines to the Ramsar wetlands from Stevens Street.
- To ensure development responds to the topography of the land and earthworks do not alter the nature of the topography of the area.
- To ensure development is not visually intrusive and does not dominate the streetscape and wider landscape setting.

It should be noted that in relation to the matter of 'notice and review', the provisions of the exhibited DDO would exempt the need for notice and review for a planning permit application to subdivide, construct a building or construct or carry out works for a use within Section 1 of the zone. The basis for this notice and review exemption is the detailed DDO provisions which have been prepared to guide future development of the land.

Council would welcome comments/ recommendations from the Panel regarding whether this notice and review exemption should be retained or be omitted if the amendments are ultimately approved by Council.



Subdivision layout

A specific subdivision layout is also included in the planning provisions. Building envelopes are proposed to be incorporated directly into the provisions to support the retention of the green streetscape character and to create open spaces between buildings that would be wide enough to retain view lines to the wetlands.

The provisions require that all buildings and works must be contained within the building envelope of each lot as per Diagrams 1 and 2 (see below). This includes a dependent person's unit and any associated outbuildings. A fence, pergola or veranda and deck or balcony would be allowed outside the building envelope.



Diagram 1: Land opposite No's 37-39 and 41 Stevens Street.



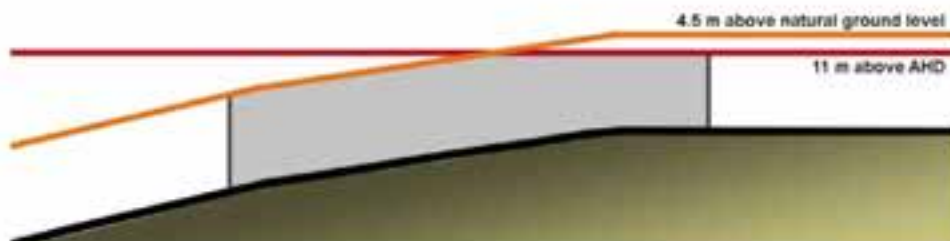
Diagram 2: No.74 Stevens Street.



Building height

The planning provisions include some specific requirements in relation to building height, the purpose of which is to minimise the impact of the proposed buildings along Stevens Street.

The building height provision states that: *'All buildings, including outbuildings, should not exceed a maximum building height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest.'* The provision proposes the inclusion of the following diagrammatic sketch to illustrate the requirement:



6. Chronology of events

Council resolution and request for authorisation

At the meeting of 3 June 2014 it was resolved:

" That Council request the Minister for Planning to authorise Council to prepare and exhibit Amendment C85 and Amendment C88 concurrently with the proposed planning permits 124/2013 and 373/2012 (respectively), pursuant to Sections 8A, 96A, 96B and 96C of the Planning and Environment Act 1987."

Council received Authorisation to prepare Amendments C85 (No.A02825) and C88 (No.A02826) on 23 June 2014.

Exhibition of the amendment

The amendment was placed on public exhibition from 31 July to 8 September 2014.

The planning scheme amendment and supporting documents were made available on the internet and to view in hard copy at the Port of Sale Civic Centre in Sale and the Yarram Customer Service Centre in Yarram.

Notification letters with fact sheets were sent to:

- The prescribed ministers
- 10 statutory authorities
- 119 landowners and occupiers directly affected by the amendment and to all landowners and occupiers on adjacent lots.

Notices appeared in the following publications:

- Gippsland Times (Tuesday 29 July 2014);
- Yarram Standard (Wednesday 30 July 2014); and
- Government Gazette (Thursday 31 July 2014).

Two (2) community 'drop-in' sessions (11:00am and 7:00pm) were held on 13 August 2014 in EBBWEC (Hua Room) and were organised by the proponents.

At the end of the exhibition a total of 139 submissions were received. Of these submissions 2 were withdrawn and 5 submissions came in after the close of the exhibition period.

Exemption from Ministerial Direction 15

On 7 October 2014 Council requested an exemption for the need to comply with requirement to request the appointment of a Panel within 40 business days of the closing days for submission as set in Ministerial Direction 15.

The extension of time was requested to give the proponent time to prepare additional information in response to the submissions. In response to the issues further information was provided in relation the proposed pumping station at 74 Stevens Street and stability of the subject land.

The request was granted on 7 October 2014.



Request for a Panel

At its meeting of 17 February 2015 Council resolved:

"That in accordance with Sections 22, 23 and 96B of the Planning and Environment Act 1987, Council:

- 1. Consider all written submissions to Amendment C85 concurrently with the proposed planning permit 124/2013 (Rezoning and 2 lot subdivision of land opposite 37-39 and 41 Stevens Street, Sale);*
- 2. Consider all written submissions to Amendment C88 concurrently with the proposed planning permit 373/2012 (Rezoning and 9 lot subdivision of land on 74 Stevens Street, Sale); and*
- 3. Request the Minister for Planning to appoint a Planning Panel to consider all submissions to the two combined Planning Scheme Amendments and planning permit applications."*

A Planning Panel Hearing to consider all submissions to Amendments C85 and C88 was requested on 23 February 2015.



7. Strategic Assessment

Why is the amendment required?

The rezonings are proposed to provide for the residential use and development of land within the Urban Growth Boundary (UGB) in Sale in accordance with the 'Sale Wurruk and Longford Structure Plan, 2010'.

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

The Amendments are consistent with, and implement, the objectives of planning in Victoria specified in Section 4 of the *Planning and Environment Act 1987* by allowing for the residential development of well-located fully serviceable land within the Urban Growth Boundary of Sale.

In particular, the Amendments implement:

- Objective 4(1)(a) - by providing for the fair and orderly, economic and sustainable use and development of the land.
- Objective 4(1)(b) - by providing for the protection of natural and man-made resources and the maintenance of ecological processes.
- Objective 4(1)(c) - by securing a pleasant, efficient and safe working, living and recreational environment.
- Objective 4(1)(d) - by conserving and enhancing areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

How does the amendment address the environmental effects and any relevant social and economic effects?

The Amendments have been limited to land within the Urban Growth Boundary (UGB) to protect the sensitive environment of the balance of this land.

The Amendments will provide for the residential use of fully serviced parcels of land contained within the UGB. Community benefits will include the better utilisation of existing infrastructure, local employment opportunities, and the creation of additional and different lifestyle opportunities.

Does the amendment address relevant bushfire risk?

The Amendments have considered the relevant bushfire risk. The sites are situated within a Bushfire Prone Area, however the sites and surrounding area is generally cleared and as such the risk of bushfire is not significant. The Amendments do not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

The CFA was sent notification of the Amendments but did not respond.

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

The Amendments comply with the requirements of the Ministerial Direction on the Form and Content of Planning Scheme pursuant to s 7(5) of the *Planning and Environment Act 1987* (the Act).



Pursuant to section 12 of the Act, the Amendments comply with the following applicable Ministerial Directions:

- **Ministerial Direction No. 11 - Strategic Assessment of Amendments** ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This section of the submission addresses the strategic considerations outlined in the guidelines.
- **Ministerial Direction No. 15 - The Planning Scheme Amendment Process.** This planning scheme amendment is accompanied by all the required information.

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

The following Clauses of the State Planning Policy Framework (SPPF) are considered relevant to the proposed Amendments:

Clause 11.02-1: 'Supply of Urban Land' which seeks to:

'...ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.'

The proposals will contribute towards providing additional urban land available for residential development which has regard to neighbourhood character, and creates a premium development with stringent built form controls. This further contributes to achieving objectives relating to diversity of choice and realising an opportunity for development utilising existing and available infrastructure.

Clause 11.08-3: 'Sustainable Communities' which seeks to:

'...develop sustainable communities through a settlement framework comprising major urban centres offering residents convenient access to jobs, services, infrastructure and community facilities.'

The proposals ensure that growth is maintained within the existing Sale settlement boundary with limited impact to the natural environment and agriculture.

Clause 12.04: 'Significant Environments and Landscapes' which seeks to:

'...protect and conserve environmentally sensitive areas.'

The proposals will ensure protection of the Ramsar wetland through ensuring all development is contained outside the areas subject to inundation and that any impacts on the wetland areas are avoided.

Clause 13.02-1: 'Floodplain management' which seeks to:

'...assist in the protection of:

- *Life, property and community infrastructure from flood hazard.'*

The proposals will ensure that the area of the site subject to inundation is created as a separate parcel and that new lots to be created are not impacted by potential flooding. Specific controls on the built form are proposed to ensure an appropriate response to potential flooding impacts is achieved.



Clause 15.01-1: 'Urban Design', which seeks to:

'...create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.'

Clause 15.01-2: 'Urban design principles', which seeks to:

'...achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realms while minimising detrimental impact on neighbouring properties.'

Clause 15.01-5: 'Cultural identity and neighbourhood character', which seeks to:

'...recognise and protect cultural identity, neighbourhood character and sense of place.'

The proposals will achieve high quality development which creates a sense of place responding to the context of the site. The lot configuration responds positively to the constraints of the sites and the nominated building envelopes and the DDO will ensure that the built form is of the highest quality.

Clause 16.01-1: 'Integrated housing', which seeks to:

'...promote a housing market that meets community needs.'

Clause 16.01-2: 'Location of residential development', which aims to:

'...locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.'

Clause 16.01-4: 'Housing diversity', which seeks to:

'...provide for a range of housing types to meet increasingly diverse needs.'

The proposals will see a form of housing in a unique setting which contributes to the diverse lifestyle opportunities available within the municipality.

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

Whilst Clauses 21.01: 'Municipal Profile', 21.02: 'Key Issues and Influences' and Clause 21.03: 'Vision' assist in providing the applications with a context and vision for the whole Shire and its population, the following elements of the LPPF are considered to be particularly relevant to the Amendments.

Clause 21.04: 'Settlement and Housing' - refers to how and where growth should be accommodated over the next fifteen years. Appropriateness of development depends on infrastructure services and the encroachment of urban settlement on the natural environment.

The proposals will provide the provision of very specific housing opportunities within the existing boundary of the Sale township. The proposed planning controls will ensure that subsequent development in terms of scale, height and building materials has regard to the character of the area.



Clause 21.05: 'Sale, Wurruk and Longford Strategic Framework' – refers to the strategic direction set out within the *'Sale, Wurruk and Longford Structure Plan'*.

The sites are located within an area designated as a future urban growth area. The unique nature of the planning controls will assist in delivering a diverse range of housing and lifestyle options for the community and activate a small urban growth front away from the primary growth to the north of the township.

Clause 21.14: 'Environmental Risk' – acknowledges that the Shire contains areas which are liable to flooding and susceptible to fire, contains areas which are subject to development pressure but are compromised as a result of inadequate drainage and sewerage services.

Clause 21.15: 'Natural Resource Management' –refers to wetlands as a haven for bird life. The wetlands environments are susceptible to damage from inappropriate development.

With regards to Environmental Risks and the wetland environment, as part of the development several conditions are proposed on the planning permit which afford appropriate protection to the wetland environment.

Clause 21.19: 'Infrastructure' – ensures with new development appropriate physical infrastructure will be provided.

The subject land will be fully serviced and with sufficient drainage infrastructure as required by the West Gippsland Catchment Management Authority.

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

The Amendments make proper use of the Victoria Planning Provisions by:

- Providing for the rezoning of fully serviced land within the existing urban growth boundary by rezoning the subject land from a Farming Zone to a Neighbourhood Residential Zone and applying specific development controls through a new Schedule 1 to the zone;
- Including the application of a Design and Development Overlay – Schedule 22 to provide guidance for future development;
- The revisions to the LSI0 boundary will ensure that the overlay control aligns with the West Gippsland Catchment Management Authority agreed flooding extent; and
- The Amendments do not affect, conflict with or duplicate another existing provision of the Planning Scheme.

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

With the development of the application, feedback from the relevant agencies was sought and taken into account. As part of the preparation of the draft planning permit the relevant agencies advised the following:

- Gippsland Water has advised that the subject land can be sewered and provided with reticulated water at the developer's cost.
- West Gippsland Catchment Management Authority has provided its support for the proposals.
- The Department of Defence has advised that it has no objection to the proposals.
- SP AusNet has advised that the existing electricity network has the capacity to service this developments.



- APA Gas/ Envestra has advised that the existing gas network has the capacity to service the developments.
- Telstra has advised that the existing telecommunications cables have the capacity to service these developments.

As part of the exhibition period for the amendments, letters were sent to 10 statutory authorities. Responses were received from five (5) Authorities (West Gippsland Catchment Management Authority, Department of Environment and Primary Industries, Department of Defence, APA Group and Gippsland Water).

The Department of Environment and Primary Industries gave its support for the proposed Amendments in their current form.

The APA Group had no objection to the proposed amendments.

The Department of Defence had no objection to the amendments subject to the implementation of a notation on the title notifying landowners of potential aircraft noise. The future development also needs to comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes. The recommendations will be incorporated into the relevant planning permits and titles.

The West Gippsland Catchment Management Authorities responded to comments made in submissions 3 and 4 to the Amendments and suggest an additional planning permit condition in relation to rainwater tanks for detention storage. The recommended condition will be included in the planning permits.

Gippsland Water raised concerns in relation to the location of the pumping station for No.74 Stevens Street and the consequent impact on the subdivision plan. The proponents have liaised with Gippsland Water and have provided an updated subdivision plan (See attachment 3). The planning permit will be updated accordingly.

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

The Amendments are not considered to have any impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

There are no applicable statements of policy principles prepared under Section 22 of the *Transport Integration Act 2010*.

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

The rezoning of this in-fill development is not likely to result in any cost implications for implementing and administering the change resulting from the Amendment.



8. Summary of issues raised in submissions and its response

At the close of exhibition, 136 submissions were lodged with Council, including a petition containing 802 signatures. After the close of the exhibition period 3 late submissions were received and 2 submissions were withdrawn. All submissions have been referred to the Planning Panel.

Five (5) submissions were received from Statutory Authorities, responses to which are contained in Chapter 7 - Views of relevant agencies.

Submissions from the community include the following:

Twenty-five (25) submissions indicate support for the proposed development;
One (1) comment raises the issue of land stability; and
One-hundred and six (106) submissions raise objections.

The objections received from the community include a petition with 802 signatures and a generic template letter which has been submitted 75 times. The key issues raised by the objectors are:

- A. No argument for rezoning;
- B. Current policy
- C. Loss of view;
- D. Impact on the wetlands in relation to drainage and flora and fauna;
- E. Perception of community that land would never be developed;
- F. Housing can be easier met at other locations in Sale;
- G. Concerns about the stability of the land due to infill and steepness;
- H. Rising flood levels;
- I. Change to the streetscape and the loss of a great public space;
- J. Concerns about the increase of traffic;
- K. Questions in relation to the subdivision design; and
- L. Others matters.

A. *No argument for rezoning*

Key issue raised

The submitters state that the subject land was originally zoned rural for a reason. A compelling reason from the applicants why the land can be rezoned should be given while Council does not need to give a reason to maintain the status quo.

Response

The land is currently within the Farming Zone, however the 'Sale, Warruk and Longford Structure Plan', which was adopted by Council in 2010 identifies the southern side of Stevens Street as a potential urban growth area. This recommendation was incorporated into the Local Planning Policy Framework of the Wellington Planning Scheme in November 2011, providing a strategic basis for the amendments.



B. Current Policy

Key issue raised

Submitters understand that the proposed development is identified in the *Sale, Wurruk, Longford Structure Plan*, however the Gippsland *Regional Growth Plan* (2014) contains the Sale framework plan, which does not show this land as future urban residential.

In addition the *Regional Growth Plan* and *Sale, Wurruk and Longford Structure Plan* assert the importance of ensuring that urban development is directed away from wetlands.

It was also noted that a Rehabilitation Plan for the Thomson River (1999) included purchase and reclamation of low lying Heart Morass properties to create a consolidated wetland ranging from the Swing Bridge to Lake Wellington. The last property was purchased in November 2013, with the aim to list the entire Heart Morass as Ramsar wetlands at an appropriate time. In addition to this a Significant Landscape Overlay would provide a platform to address development along Stevens Street overlooking the Heart Morass, as State Planning Policy has as objective to conserve and enhance areas which are aesthetic, historic and of special cultural value.

Response

The *Regional Growth Plan* is a high level regional strategic plan while the *Sale Wurruk and Longford Structure Plan* is a more specific and detailed strategic plan. The Regional Growth Plan identifies the bigger growth areas around town important for the regional level while further detail and a local response is given in the Sale Wurruk and Longford Structure Plan.

Both the *Regional Growth Plan* and *Sale Wurruk and Longford Structure Plan* indicate that further encroachment of urban development into the wetlands is not appropriate. However the proposed development is within the urban growth boundary, which is established in both strategic documents and although close to the wetlands, development is not proposed in the wetlands per se.

In relation to the Rehabilitation Plan for the Thomson River it should be mentioned that all of the land between Stevens Street and Stephenson Street is in private ownership and not purchased as part of the rehabilitation project.

Although a Significant Landscape Overlay can protect sensitive landscapes a detailed strategic justification is required. This would include an extensive study to identify and determine which landscapes need further protection. At the moment Council has no background studies that would justify the application of a Significant Landscape Overlay over this area.

C. Loss of view

Key issues raised

The submitters believe that with the proposed development will destroy the current outlook which is enjoyed by all and therefore tantamount to public property. Taking away the viewing areas over treasured wetlands will take away this exclusive identity for Sale.

With the proposal the view would only remain for a select few and will deny visual access to unique scenery. The view needs to be protected. Council should consider protecting the area by purchasing it and making it adjunct to the Botanic gardens.



Response

It is acknowledged that the proposed development will have some impact on the overall character of Stevens Street and the associated views of the wetlands. This development will not change the wetlands itself but viewing opportunities from Stevens Street will be reduced.

The proposed schedules to the Neighbourhood Residential Zone (NRZ) and Design and Development Overlay (DDO) have been drafted to ensure that development respects and responds to the character of Stevens Street. Controls over building envelopes and building heights are included within the schedules to manage the impact of development on the landscape.

State Common Wetland (Ramsar Wetlands) is accessible to the public and extensive views can also be enjoyed from numerous other locations within the area (the South Gippsland Highway, roads to the Swingbridge and the numerous boardwalks within the Wetlands). The map below shows the zoning of the area which also reflects the public accessibility in this area. The dark green labelled with PCRZ (Public Conservation and Resource Zone) are the Ramsar wetlands which is accessible by the public.



D. Impact on the wetlands in relation to drainage and flora and fauna

Key issues raised

The development will have an impact on the wetlands, which is a designated Ramsar site and are valued for their ecological role and the global ecosystem. The wetlands have already suffered degradation due to farming and the residential development of 74 and 98 Stevens Street. Further development will create more issues. However another submission states this has never been a wetland.

Concerns are raised about run-off and drainage directly into the wetlands for the following reasons:



- impact to wildlife (disruption to the wetland environment, threat to threatened and endangered species and hunting domestic pets);
- degradation to soil and water quality;
- the use and restrictions on the swales (fluids, toxic waste and foreign entities, maintenance, location below the flood line); and
- restrictions are needed on building materials.

Development of the higher grounds will also remove a place of refuge for the animals.

Response

All relevant statutory authorities and interested parties have been consulted as part of the preparation of the proposal. As part of the permit application an ecological and cultural heritage assessment was undertaken. The assessments have addressed concerns and where necessary, proposed mitigation/protective measures that are either reflected within the provisions of the proposed zone and overlays or included as conditions on the planning permits.

As part of the amendment process all proposed documents were reviewed by relevant authorities and;

- The Department of Environment and Primary Industries has reviewed the proposals and indicated support for the amendments.
- The West Gippsland Catchment Management Authority believes that with the implementation of its suggested planning permit conditions there will be no negative impact on the health of the wetland system. They also indicated that it's not unusual for swales to be inundated in less than a 1% AEP flood event as they're designed to convey minor floods (usually 1 in 5 year ARI). It has requested further planning permit conditions in order to protect the water quality. The following condition should be added to both planning permits:

" Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1989 which will covenant that:

The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes. "

The update to the planning permits can be found in Attachments 4 and 5.

In the context of the whole wetland system, only a small area of high ground is proposed to be developed. Other places of refuge for wildlife exist within the remainder of the wetland system.

E. Perception of community that land would never be developed

Key issues raised

Submitters were of the understanding that this land could not be further subdivided and refer to a VCAT hearing of 17 June 1992 during which it was stated that there would be no more blocks on the southern side of Stevens Street than the 6 existing blocks. Twenty two years ago residents were assured by Council that a maximum of 3 blocks would be permitted for building purposes.



H. Rising flood levels

Key issues raised

Concerns are raised in relation to flooding. Submitters believe that the 1952 flood should be used as a reference as it was the highest on record. In addition to this questions are raised in relation to the amendments to the Land Subject to Inundation Overlay (LSIO) and the accuracy of the available data.

Response

In relation to above concerns Council officers have reconfirmed the advice previously obtained from the West Gippsland Catchment Management Authority (WGCMA). The WGCMA base their flood level on the 1% Annual Exceedance Probability (AEP). The best estimate of the 1% AEP flood level under existing conditions for Stevens Street is 3.2m AHD, which was obtained from the Authority's flood database. There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

The land was surveyed by the applicant and this showed discrepancies between the LSIO extent and the 3.2m contour. After consultation, the WGCMA indicated a preference for the surveyed 3.2m contour as it is more up-to-date and accurate. Therefore the LSIO is proposed to be updated as part of the Amendments. All land proposed to be rezoned is located above the 3.2m AHD contour.

In addition to this, the schedules prescribe that the finished floor level of buildings cannot be lower than 3.7m AHD. This is based on advice obtained from the WGCMA which states:

"The general policy around sea level rise in Victoria is to add 0.8m to the 1% AEP flood level for the year 2100. However, this location is unlikely to experience the entire 0.8m increase. Council's policy 3.1.2 – 'Assessment of development in relation to potential sea level rise' - assesses proposals against the current 1% AEP flood level and requires an additional 0.2m freeboard on approved developments to allow for uncertainty around sea level rise. This means that the minimum Finished Floor Levels (FFLs) for this location would be 3.7 m AHD (the current flood level of 3.2m AHD + the existing freeboard requirement of 0.3m + the freeboard requirement to address sea level rise of 0.2m)."

I. Change to the streetscape and the loss of a great public space

Key issues raised

Submitters believe that any further development would be detriment of the amenity of the streetscape and another opportunity to create a great public space will be lost. The value of established use of the street as extension of Lake Guthridge facilities should not be underestimated.

It is believed that Council should be actively looking at ways to preserve this rural aspect and increase accessibility to encourage more people to enjoy it this could be established by:

- Providing a bike or shared path along the edge of Stevens Street;
- Providing viewing platforms and picnic tables; and
- Council acquiring the grassy land at the top and re-vegetate below, with appropriate compensation to the current landholders for the acquisition of part of this land for this purpose.



Response

Stevens Street provides a view over privately owned farmland, which is partly flood affected. The Sale Common Wetlands, which is publicly accessible open space, is adjacent to this. The publicly accessible areas are not affected by the proposed development; paths in this area are currently upgraded and Council is working on a proposal to replace the bridge on Maxfields Road, which will create better access for recreational use between the lakes and the wetlands.

Council's Open Space Strategy (adopted 2014) shows that this area already has good access to open space due to the close by Lake Guthridge, Lake Guyatt and Sale Common. There is no need for an increase of open space in this area. It is acknowledged that the community use Stevens Street for walking and cycling but based on the current level of use, the need for a dedicated bike path is not considered to be justified at the present time. Picnic facilities are generally placed in areas of open space (e.g. parks). Stevens Street is not classed as open space.

J. Concerns about the increase of traffic

Key issues raised

The proposed development will increase daily traffic significantly. Stevens Street has no kerb and channelling or footpaths and poor street lighting. There are also blind corners and sharp bends. Will the road be modified to service the new housing?

Especially coming from Yvette Close visibility of traffic is difficult due to single lane and vegetation. It is believed straightening and widening to two lanes would greatly reduce the risk.

Response

The additional eleven houses will not create a significant increase in traffic. The submitted traffic report, which was part of the permit application, does not foresee an increase in traffic that will necessitate upgrades to the road network or changes to the kerb and channel.

Officers believe that there is currently sufficient visibility. The single lane is meant to reduce speeding along Stevens Street. The additional proposed houses will not increase traffic numbers to the extent that a change to the single lane will be required.

K. Questions in relation to the subdivision design

Key issues raised

Submitters have raised several issues in relation to the design of the subdivision which are listed below:

- The building envelopes exclude decking, verandas and landscaping. When fully developed there will be no viewing zones. And it will be an intrusion of privacy to use them as viewing zones.
- Proposed spaces between dwellings will be planted with trees. 98 Stevens Street shows a mature garden blocking the views on the wetlands. This is not what residents want to see. Because there are no height restrictions on the garden home owners can blanket their house to the boundary.



- The height restriction on the dwelling for 98 Stevens Street is 4.5 metres. Restrictions on roof height are futile as the building will still obscure the outlook. Development will result in loss of unique rural streetscape.
- The average setback from the front boundary on Stevens Street is 7 metres. The proposed development has only a 5 metre setback. This is not in line with Council's statement of maintaining the character of street.
- Front and side fence height is 1 metre to the front of the dwelling and then it can go to a height of up to 3 metres with a building permit from the building to the side boundary fence line due to privacy.
- How close can a dwelling be to a high voltage power line?
- Lot sizes will be too small for big houses and outside space.

Response

Council acknowledges that the proposed development will impact on the existing character of Stevens Street. For this reason a Design and Development Overlay has been developed which provides strong guidance for new development. The proposed development will obscure the outlook over the wetlands (in part), but the guidelines are designed to ensure new development contributes to the unique streetscape of Stevens Street and strengthens the general sense of living on the edge of Sale.

It is recognised that landscaping cannot be controlled under current or proposed planning controls. Planting (in residential gardens) does not constitute 'development' under the provisions of the *Planning and Environment Act 1987* and is not subject to planning control.

The proposed subdivision design creates a minimum 16 metre wide gap between buildings to maintain the 'green' street character - but it is also wide enough to create an awareness of the wetlands through the view lines between the houses.

- The condition in relation to height on the planning permit for No.98 Stevens Street stated that: *"The design of the proposed house including it being of single storey height to a maximum of about 5 metres."*
- It is believed that the proposed setback is of sufficient distance to allow for (green) frontages that will contribute to the overall character envisaged in the proposed DDO.
- Fencing/ privacy screening will be subject to planning and building processes (where appropriate).
- The easement in relation to the power lines annotated on the proposed subdivision plan was supplied by SP Ausnet, which is the relevant authority.

L. Other matters

Several submissions were received raising issues which cannot be listed under the key headings already discussed. The following additional matters have been raised:

- 1) Who will pay the compensation for depreciation of house values to effected home owners on the northern side of Stevens Street, Council or developer and what will be the effect on the property values of existing houses

This is a matter that is beyond the scope of the Planning Scheme Amendment process.

- 2) Why allow additional dependent persons units. Emergency management planning in flood prone regions holds a higher level of risk prevention of housing for the infirm.



Under the provisions of the Wellington Planning Scheme, a dependent persons unit is 'as-of-right' and does not require a planning permit. Under the proposed provisions a planning permit will be needed to ensure that a dependent persons unit is not placed outside the proposed building envelope (which sits above the flood level).

- 3) Fence line: Current fence is not on property boundary. How will this be with the development and how will Council monitor.

As part of the next steps in the subdivision process (if approved) the land will be surveyed to set out the (new) property boundaries.

- 4) Planning restrictions in respect to the two existing houses appear not to have been enforced. Examples of loosening permit requirements and evidence of failure to comply.

Council is unaware of any issues that are not in compliance with the associated planning permits of the existing houses.

- 5) 74 Stevens Street has received planning approval on the basis of the land as a farm and the building of a farm residence. The proposed development will reduce the size of the farm to a non viable status.

The area proposed for development is identified in the 'Sale Wurruk and Longford Structure Plan' and in Clause 21.05 as potential residential expansion.

- 6) The Built Environment Strategy (BES) refers to strategies that will ensure that significant landscapes should be preserved. This proposal is contrary.

The Built Environment Strategy sets the context for the management, maintenance and provision of infrastructure within the Wellington Shire in relation to Council's assets (roads, parks etc). This development is not proposed on a Council Asset. The proposed subdivision is located within the Sale Urban Growth Boundary.



9. Proposed changes to the amendment documentation

Council acknowledges and appreciates the concerns that have been raised by various submitters to the proposals. The combined Amendments and Planning Permits C85 and C88 have been prepared to subdivide land on Stevens Street above the flood contour and rezone to Neighbourhood Residential Zone Schedule 1 with a Design Development Overlay Schedule 22 as identified in the 'Sale Wurruk and Longford Structure Plan, 2010'.

In summary, Council is not proposing any changes to the proposed amendment documentation as exhibited in response to the submissions but is proposing changes to the planning permits after further consideration by the relevant authorities.

In relation to planning permit P124/2013 the following condition will be added;

- Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1989 which will covenant that:
 - The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.

The following permit note will be placed on the permit:

- Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

Council will also request that the proponent add the following notation to the Title Plan or include as part of the Section 173 request above:

"This land may be subject to aircraft noise from time to time resulting from the operations at RAAF Base East Sale."

In relation to planning permit P373/2012 the following conditions will be added;

- Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1989 which will covenant that:
 - The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.

The reference to the size of the proposed pumping station is removed as a new subdivision plan is attached which shows its size and location.

The following permit note will be placed on the permit:

- Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

Council will also request that the proponent add the following notation to the Title Plan or include as part of the Section 173 request above:

"This land may be subject to aircraft noise from time to time resulting from the operations at RAAF Base East Sale."

Copies of the updated planning permits can be found at Attachments 4 and 5.



Attachments



6. Wandana Precinct

This area is one of the few unique corridors of residential development in Sale as it is comparatively elevated land overlooking the wetlands to the south.

Figure 12 – Wandana Precinct



(Map prepared by NSA Group 2008. Aerial imagery provided by Wellington Shire Council, 2008)

The wetlands provide a unique waterside outlook in times of flood, such as the period immediately after the July 2007 floods, as shown in Photograph 15.

Photograph 15 – Wetlands



There is limited scope for further development of this precinct to the east based on feedback from the Department of Defence in April 2008. The Department advised Council that:

the development of land to the south of the RAAF Base East Sale is a continuing concern for Defence due to the proximity of runway 04/22 and the potential for aircraft over flight and associated noise. In addition, should the use of the Base increase, this may lead to an increase in aircraft noise exposure of surrounding land. As such Defence discourages any eastern extensions to the Wandana precinct.'

As a result of this feedback, previous drafts of the current and potential Wandana precinct boundaries have been reviewed in response to the advice of the Department of Defence and the Sale Strategy Plan has been modified accordingly.

The current Wandana Road area of this precinct, as a result of Scheme Amendment C10, has the potential to provide an additional 18 LDRZ allotments which will assist in meeting the high-end of the market demand for a unique house site in Sale. These lots are gradually being created and released to the market by the existing land owners and no further action is required by Council in this regard.

The potential exists to rezone and develop a small number of elevated sections of land on the south side of Stevens Street to facilitate the creation of an estimated 5 or 6 unique residential allotments with a view similar to that shown in Photograph 16.

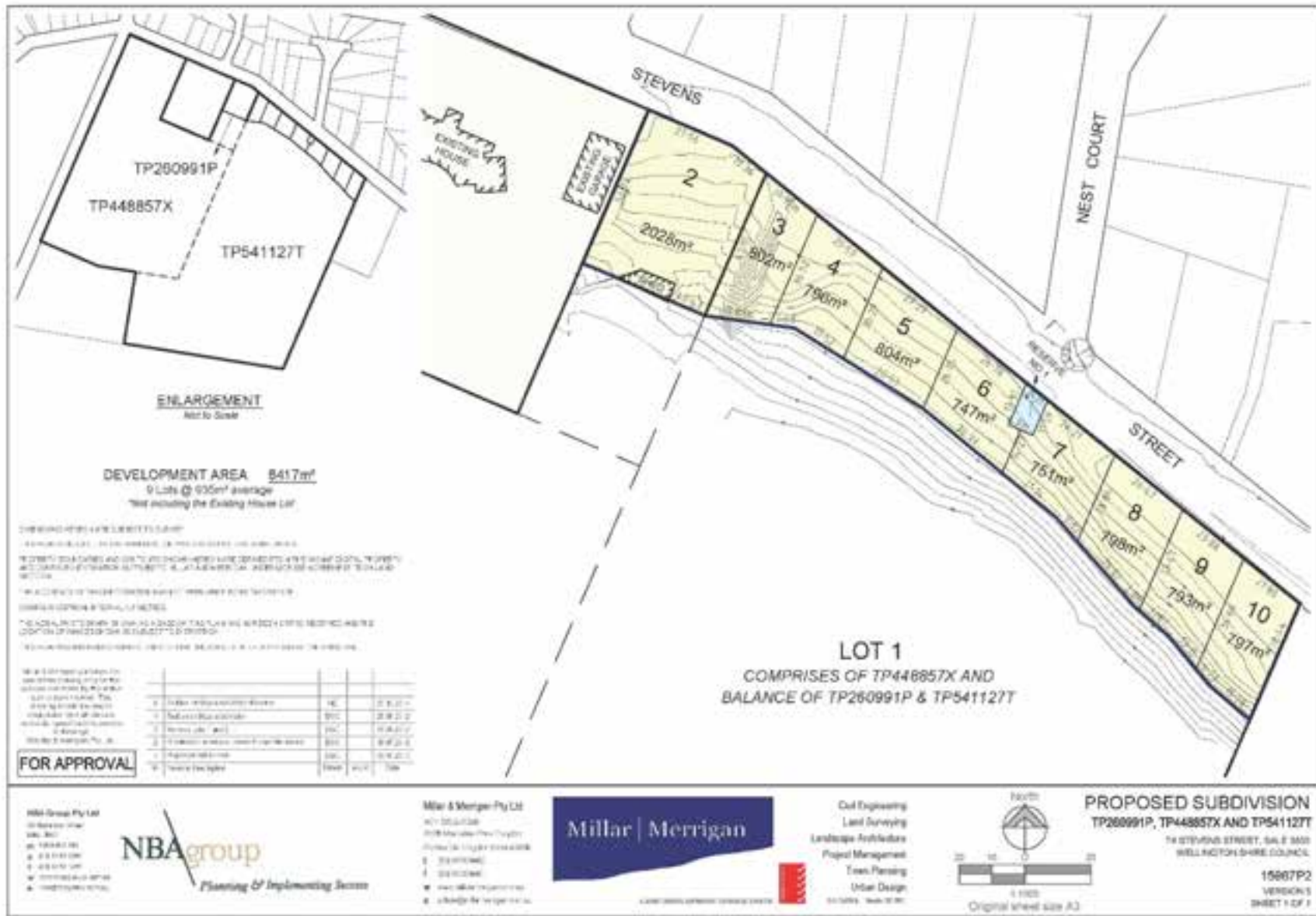
Photograph 16 – View looking south from Stevens Street



The creation of such lots may present engineering and infrastructure challenges but it should not be discounted by Council as there is merit in providing executive house sites provided the infrastructure is developer funded and all of the necessary planning, environmental and engineering considerations can be addressed. This type of development would be required to mitigate flooding, drainage and engineering issues but it is certainly an option worth considering given the limitations of the township to provide such blocks of land and the apparent demand for unique 'executive' allotments as shown in Photograph 17.

Photograph 17 – Wetlands and Executive House Sites





PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1997

Permit No.: P1242013

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND: CA: 2A SEC: 4, CA: 2 SEC: 4, STEVENS STREET,
SALE.

THE PERMIT ALLOWS: Subdivision of the land into 3 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

2. This permit will expire if:

- the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Infrastructure

6. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:
 - Sprayed bituminous seal for the full width of the nature strip from the edge of road seal.

Date Issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the assessment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
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Planning and Environment Regulations 2005 Form 7

- 100mm, consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal.
- Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.
- Entrances to the property shall be indented to allow vehicles accessing the property to park clear of the road formation.

7. The location of the crossovers to the lots must be approved and constructed to the satisfaction of the Responsible Authority.

Telecommunications

8. The owner of the land must enter into an agreement with:
- a. 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;
 - b. 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.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Environmental Planner

10. All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.
11. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
12. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

Drainage

13. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.
14. Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

15. ~~14, 15.~~

Date Issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the assessment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority

Section 173 Agreement - Drainage

16.17. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:

- The owner of each lot is required to maintain their own section of road in accordance with the approved maintenance plan.

The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

18. Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987 which will covenant that:

- The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retention purposes.

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PERMIT NOTE

19. Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Appendices.

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(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment	
Date Issued:	Date Permit comes into operation: <i>(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</i>	Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 101 of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day no later than the day on which the provisions to which the permit applies cease to operate.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land requires:
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivisions or consolidation under the **Subdivisions Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision, or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 1 year of the certification of the plan of subdivisions or consolidation under the **Subdivisions Act 1988**.
2. A permit for the use of land requires:
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land requires:
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
 - * the use is discontinued for a period of two years.
4. The permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivisions Act 1988**, unless the permit contains a different provision:
 - * the use or development of any stage of it is not taken to have started when the plan is certified, and
 - * the permit requires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of:
 - a decision of the responsible authority refusing to enter the time within which any development or use is to be started or any development completed, or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivisions Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or
 - the failure of the responsible authority to extend the time within two months after the request by someone in writing.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form, which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: P373/2012

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND:

CA: 8 SEC: 4, 74 STEVENS STREET, SALE

THE PERMIT ALLOWS:

Subdivision of the land into 10 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

2. This permit will expire if:

- the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications

4. The owner of the land must enter into an agreement with:
 - a) 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;
 - b) 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.
5. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

Date Issued:

Date Permit comes into
operation:

(if no date is specified, the permit
comes into operation on the same day as
the assessment to which the permit
applies comes into operation)

Signature for the Responsible
Authority

Permit No.: 373/2012

Page 1 of 5

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Public Open Space Contribution

- 6. Prior to the issue of Statement of Compliance, the applicant or owner must pay to the Council an amount equal to five per cent of the site value of all the land in the subdivision. This payment may be adjusted in accordance with Section 19 of the Subdivision Act 1988. The requirement in this condition shall not operate until 7 days before the issue of a Statement of Compliance. However the condition must be complied with prior to the issue of a Statement of Compliance.

Drainage

- 7. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.
- 8. Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

Section 173 Agreement – Drainage

- 9. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:

- The owner of each lot is required to maintain their own section of swale in accordance with the approved maintenance plan.

The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

- 10. Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987 which will covenant that:

The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000litres of air space for storm water retardation purposes.

Infrastructure

- 11. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:

- a) Sprayed bituminous seal for the full width of the nature strip from the edge of road seal,
- b) 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal.

Date Issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
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- c) Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.
- d) Entrances to the property shall be indented to allow vehicles accessing the property to park clear of the road formation.

Environmental Planner

- 44-12. All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.
- 44-13. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
- 44-14. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

SP Asset

- 44-15. The owner of the land must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- 44-16. The owner of the land must provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Gippsland Water

- 46-17. Prior to the issue of Statement of Compliance, the owner of the land must complete the following to the satisfaction of Gippsland Water:
 - a) Pay New Customer Contributions to Gippsland Water for water and wastewater service(s) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.
 - b) SEWER EXTENSION ONLY – Enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
 - c) Install separate sewage disposal connections to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - d) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
 - e) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	<i>(if no date is specified, the permit comes into operation on the same day as the assessment to which the permit applies comes into operation)</i>	

f) Install separate water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.

g) Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. ~~(The Sewer Pump Station and associated works will need to be located on a Gippsland Water Reserve of 15 metres by 15 metres).~~

g^h)

PRELIMINARY ADVICE FOR SEWER

A Sewer Pump Station (SPS) and gravity mains with connection to each lot will be required as per the preliminary infrastructure servicing report.

The Rising Main will need to discharge to a maintenance hole in Nest Court.

PERMIT NOTE

18. Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:

Date Permit comes into operation:

(if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 3 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

PART B SUBMISSION

Planning Panel Hearing

COMBINED AMENDMENTS AND PLANNING PERMITS

to the Wellington Planning Scheme



C85 – P124/2013

C88 – P373/2012

RESIDENTIAL DEVELOPMENT STEVENS STREET, SALE

Submission by Wellington Shire Council

20 April 2015



Introduction

This submission is made by the Wellington Shire Council (the Council), which is the Planning Authority for Amendments C85 and C88.

The combined Amendments C85 and C88 and associated Planning Permits P124/2013 and P373/2012 (respectively) have been prepared to facilitate the subdivision of land along Stevens Street (refer to Map 1) above the flood contour and rezone to Neighbourhood Residential Zone - Schedule 1 with a Design Development Overlay Schedule 22, as identified in the 'Sale Wurruk and Longford Structure Plan, 2010'.



Map 1: Location of proposed Amendments C85 and C88

Part B of Council's Submission, complements Part A, which was distributed to Planning Panels Victoria, the proponent (NBA Group) and the submitters registered to be heard on 10 April 2015, as required by the Panel Directions, dated 16 March 2015.

Council received the Expert Witnesses Reports in relation to geotechnical, ecological and town planning matters on 10 April 2015.

In response to the distribution of the Part A Submission, Council has not received any comments or requests for further information. Part B provides further detail to Council's responses to the various submissions that were received during the formal public exhibition stage of the Amendments.

Part B provides:

- 1) the 'verbal' explanation to Amendments C85 and C88 which is given expression through the associated power point presentation (refer to Attachment 1) given by Council Officers during the Panel Hearing in the Hua Room (EBBWEC, Sale) on 20 April 2015;
- 2) Council's response to the evidence tabled;
- 3) explanation of further changes to the proposed amendments; and
- 4) a final summary.



The Heart of Gippsland

Response to evidence tabled

Council does not disagree with the assessments that have been put forward by the three expert witnesses.

In relation to the Planning Expert Witness report it should be noted that although the subject land has an Environment Significant Overlay 2 (Wetlands) applied to part of the land, the areas of land proposed to be rezoned by both amendments are not specifically subject to that overlay.

The Planning Expert Witness report and Ecological Expert Witness report both suggest the addition of a planning permit condition to both permits in relation to the requirement for a Construction Management Plan.

Both planning permits relate to subdivision and not to construction of buildings and works, and for that reason Council believes that a Construction Management Plan is not warranted. The provisions of the proposed Design and Development Overlay 22 require the need for:

"Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands."

It is proposed to revise and strengthen this requirement to:

*"Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands **through an Environment Management Plan**" (bold type and underlining added by Council).*

Council prefers an Environment Management Plan above a Construction Management Plan as it should not only refer to measures needed during construction but to the ongoing uses thereafter.

Further changes to proposed amendments

In response to the expert witness reports and final review of the planning permits and proposed planning provisions Council is suggesting the following changes.

Proposed changes to both planning permits

Copies of the proposed changes to the planning permits in track changes are enclosed as Attachment 2 (P124/2013) and Attachment 3 (P373/2012).

Proposed changes to both planning permits are:

- Add West Gippsland Catchment Management Authority condition;

'The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.'

- Add Department and Defence planning permit note.

'Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.'



The Heart of Gippsland

- Make minor updates to reflect existing planning permit standards within Council, which have been revised since the exhibition of these amendments.
- Update the subdivision plans to benefit the land in the drainage easements in favour of the responsible land owner for maintenance of the swales (as outlined in the planning permits).
- At the request of the Department of Defence, add a notation on Title Plans to read:

'This land may be subject to aircraft noise from time to time resulting from the operations at the RAAF Base East Sale'

If a notation is not permitted by the Titles Offices, the notation can alternatively be included in the Section 173 Agreement.

Proposed changes to planning permit 373/2012

- Remove the reference to the Gippsland Water reserve for the pumping station of 15 by 15 metres.
- Include the location of the pumping station on the Subdivision Plan.

Proposed changes to Neighbourhood Residential Zone 1 and Design and Development Overlay 22.

Copies of the updated provisions can be found in **Attachment 4**.

Diagram 2 to the schedules has been updated to reflect the location of the Pumping Station.

Under the 'Application requirements' within the DDO22 it is proposed to:

- Add: *'The location of all proposed buildings and works clearly dimensioned on a site plan drawn to scale.'*
- Revise the existing requirement to: *'Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands **through an Environment Management Plan.**'*



The Heart of Gippsland

Request for further guidance

Council would welcome the Panel's advice on two further matters, which have not directly been discussed as an issue in the submissions.

Proposed exemption from notice and review in the provisions of DDO22.

As noted in Submission Part A, the exhibited DDO would exempt the need for notice and review for a planning permit application to subdivide, construct a building or construct or carry out works for a use within Section 1 of the zone, due to the detail of the requirements set out in the DDO.

Further residential development along the strip identified for residential expansion.

Not all land identified for residential expansion within the *Sale Wurruk and Longford Structure Plan* and subsequent Strategy Plan in Clause 21.05 is subject to the proposed amendments. The balance of undeveloped land along the southern side of Stevens Street has the potential to be the subject of further rezoning/planning permit requests.

On the basis of the steeply sloping topography Council does not consider that it would be developable if the design requirements developed for NRZ1 and DDO22 are applied to the land. It therefore welcomes a view from the Panel as to whether:

- the remainder of the land should be retained in the Strategy Plan in Clause 21.05 and identified as an area for potential urban expansion;
- If not, should Council remove the balance land from the Planning Scheme?



Final Summary

The combined Amendments C85 and C88 and associated Planning Permits P124/2013 and P373/2012 (respectively) have been prepared to facilitate the rezoning and subdivision of land along Stevens Street, Sale above the flood contour.

The proposed Amendments have regard to requirements set out under Section 12(2) of the *Planning and Environment Act 1987*:

- Have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme; and
- Must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment, and
- Must take into account its social effects and economic effects

The area proposed for development is identified in Clause 21.05 as potential for urban expansion and is therefore under consideration as per the first requirement outlined above.

The environment has been considered and specific requirements and conditions have been included within the proposed planning provisions and planning permits. The expert witnesses, as well as the responsible authorities, have not indicated that the development will have a significant detrimental effect on the adjacent wetlands or the environment.

In relation to the social effects, submitters have indicated in their submissions that they are opposed to any further development on the southern side of Stevens Street. To consider the social effects of any planning scheme amendment, guidance can be taken from Planning Practice Note 4B; Strategic Assessment Guidelines. This states that Council should take into account (amongst other things):

- Potential changes to the economic and social life of the existing community,
- Potential changes to the attractiveness and physical condition of the immediate and surrounding areas; and
- Likely effect on the attractiveness and physical condition of the immediate and surrounding areas.

The key question however, should be whether the amendment will result in a net community benefit and a strong distinction should be made between 'personal impact' and 'broad community impact'.

It is acknowledged that the proposed development will change the physical condition of the area, however design and development guidelines have been prepared to ensure the new development contributes to the unique streetscape, development is not visually intrusive and high quality architectural designed dwellings are promoted.

The proposed development contains of 11 new residential lots in an established residential area and therefore the impact on the community is considered to be limited.

Council recognizes and appreciates the comments and concerns that have been raised by the various submitters to the Amendments and has revised the exhibited Planning Scheme documents and planning permit conditions, where it has been considered appropriate to do so.



ATTACHMENTS

1. Hand out power point presentation Council
2. Updated Planning Permit 124/2013 (C85)
3. Updated Planning Permit 373/2012 (C88)
4. Updated Neighbourhood Residential Zone 1 and Design and Development Overlay 1



Submission Part B to Planning Panel
C85 – P124/2013
C88 – P373/2012
Residential development
Stevens Street, Sale

20 April 2015
Presented by Sabine Provily



Introduction



C85 – P124/2013 and C88 –P373/2012 have been prepared to facilitate the rezoning and subdivision of land on the southern side of Stevens Street, Sale above the existing Flood Contour



What the amendments do

C85 – P124/2013 - opposite 37-39 and 41 Stevens Street

- Subdivides land above 3.2m AHD into 2 lots

C88- P373/2012 - 74 Stevens Street

- Subdivides land above 3.2m AHD into 9 lots

Both:

- Rezoned to Neighbourhood Residential Zone 1 (NRZ1)
- Application of Design and Development Overlay 22 (DDO22)
- Correct the mapping of the extent of the Land Subject to Inundation Overlay



Submission Part A

Part A (10 April 2015) provides:

- Background to the Amendments
- Explanation of the Amendments
- Chronology of events
- Strategic assessment
- Consideration of submissions received and proposed changes

Expert witnesses reports were also distributed on 10 April 2015



Submission Part B - today

Focus is on:

- Key issues raised in submissions and background relevant to those issues
- Council's response to the evidence tabled
- Council's final position on the Amendments

Content of presentation:

- Background – 'Sale, Wurruk & Longford Structure Plan'
- Proposed NRZ1 and DDO22
- Response to key issues raised in submissions
- Response to evidence tabled
- Proposed changes to Amendments and Planning Permits
- Conclusion



Background



Sale, Wurruk & Longford Structure Plan



Subject land identified in 'Sale, Wurruk and Longford Residential Review (2008)'



Sale Strategy Plan



Amendment C67 – 8 November 2012
Area is highlighted in Municipal Strategic Statement - Clause 21.05 as 'Urban Residential Expansion'



Neighbourhood Residential Zone 1

Purpose of the zone: residential development where neighbourhood, heritage, environmental and landscape characteristics need to be respected and managed.

The schedule gives control over the subdivision layout, site coverage and building height in relation to dwellings and residential buildings.



Design and Development Overlay 22

Purpose of the overlay: to provide specific requirements relating to the design and built form of new development.

The schedule provides control over:

- the subdivision layout, site coverage and building height in relation to buildings and works (for non-dwellings);
- minimum finished floor level of 3.7m AHD for all buildings;
- siting and sloping conditions;
- built form and architecture style;
- fencing; and
- landscaping and access.

Also provides exemption for uses within Section 1 from notice and appeal



C85 – building height and envelope



C88 – building height and envelope



Key issues raised



132 Submissions

Statutory Authorities: 5

Community: 132 submissions:

- Commenting: 1
- Supporting: 25
- Objecting: 106

Sale residents: 87

Generic template letter: 75

Petition (objections): 802 signatures



Submissions from statutory authorities

Objecting: none

No objections: APA Group, Department of Defence (although propose an additional planning condition)

Supporting: Department of Environment and Primary Industries

Comments: Gippsland Water & West Gippsland Catchment Management Authority (both propose additional planning conditions)



Gippsland Water



- Pumping station for C88 needed to be moved
- Updated subdivision plan with updated planning conditions



Community response



25 letters of support

Key reasons:

- Sought after blocks, prime location, currently not available
- Will be positive growth for Sale, progress is needed
- Significantly enhances the area and will add value to neighbouring properties
- It is private property
- It is not in the Wetland
- No one 'owns' a view
- Interested in buying a lot
- No reason not to go ahead



No argument for rezoning



- Was originally zoned rural for a reason
- No need to rezone

Council is obliged to consider the application

Current policy



- Regional growth plan v's Sale, Wurruk & Longford Structure Plan
- Suggestion of a Significant Landscape Overlay (SLO)
- *Regional Growth Plan is a 'high level' strategic plan*
- *Currently no strategic background work available which would justify the application of a SLO*

Loss of view



- **Destroy outlook which is tantamount to public property**
- **Loss of a view enjoyed by all**
- *It is acknowledged that the proposed development will impact on viewing opportunities*
- *NRZ1 and DDO22 have been developed to respect and respond to the character of Stevens Street*



Wetlands

It is a designated Ramsar wetland, potential environmental impacts



- *DEPI has given support to the Amendments*
- *WGCMA believes there is no negative impact on health of the wetland system if suggested planning permit conditions are met*



Drainage and environment



Drainage direct into wetlands will create degradation to soil and water quality, disastrous for wildlife

- *Infrastructure reports suggests no adverse effects on wetland system – proposed swale and rainwater tank would be enough*
- *WGCMA has requested specific planning permit conditions in relation to s.173 Agreement and rainwater tanks*
- *Expert witness report explains how permit conditions will ensure protection of Wetland*

The Heart of Gippsland

Land would not be developed

22 years ago residents were assured max of 3 blocks would be permitted for building purposes. Land was zoned Rural for a reason



- *During the VCAT hearing of 17 June 1992 it was acknowledged that under the current zone 6 houses could be built*
- *The current amendment proposes to rezone the land to allow for development as identified in the Sale, Wurruk & Longford Structure Plan and the Wellington Planning Scheme*

Q. What approach should be taken to the balance of the land on the southern side of Stevens Street?

The Heart of Gippsland

Demand and supply

Enough other growth areas in Sale, there's enough supply



- SWL Structure Plan identified appropriate growth rates and locations. Stevens Street is identified in the SWL Structure Plan.
- Proposed housing will provide for wider range of choice not currently available elsewhere in Sale.
- Expert witness report refers to site as an "infill location" in an appropriate area

The Heart of Gippsland

Stability of the land

- Unstable land due to infill
- Historical knowledge: Seepage belt, sinkhole



- Council required geotechnical reports to be provided
- Geotechnical reports conclude land is stable and therefore developable
- Expert witness report reaffirms those conclusions

The Heart of Gippsland

Flood levels

- Rising flood levels will impact this area (flood in 1952)
- Why is the LSIO changed, have land levels changed?



- *Flood levels are based on state-wide planning guidelines (1% AEP (100 year flood) – WG CMA advice.*
- *Flood of 1952 is largest on record in area, but AEP is not known*
- *WGCMA preferred the most recently surveyed data*



Streetscape and open space

- Streetscape is changed forever
- Another great public space will be lost



- *The road provides a view over privately owned flood affected land*
- *Public open space is available near by, Sale Common is accessible to the public and extensive views can be enjoyed from numerous other locations within the wetlands*



Purchase for open space



- Council should protect the view by purchasing the land
- Council should create shared paths and viewing platforms
- Council's Open Space Strategy (2014) concluded that this area has access to a significant amount of open space

The Heart of Gippsland

Traffic

- Increase of daily traffic, blind corners, sharp bends
- Street has no kerb and channel



- 11 houses will not create such an impact on traffic that it requires upgrades to the current road network
- Upgrade to kerb and channel possible, would require a "Special Charge Scheme" for the whole street
- Single lane reduces speed and serves its purpose

The Heart of Gippsland

Subdivision design



- Setback and building envelopes
- Mature landscaping will block view
- Powerlines easement
- Fencing



**Expert witness
reports**



Overall

- Council would not disagree with the assessments put forward within the expert witness statements

NB: Extent of the existing Environmental Significance Overlay 2: Wetlands



The Heart of Gippsland

Additional planning conditions

- Proposal of additional Planning Permit condition in relation to the need for a Construction Management Plan - not warranted on the basis that the planning permit is for subdivision not for development
- The proposed DDO22 has a planning permit requirement: *'Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands.'*

Revise and strengthen to read:

*'Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands **through an Environment Management Plan.***

The Heart of Gippsland

Final position



Proposed changes to both Planning Permits

Add a planning permit condition:

'The development of each dwelling on each lot must include a rainwater tank....for storm water retardation purposes.'

In planning permit P373/2012 (C88) delete the condition:

'Reference to Gippsland Water Reserve of 15 by 15 metres.'

Add a planning permit note:

'Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.'

Add a note on both Title Plans to read:

'This land may be subject to aircraft noise from time to time resulting from the operations at the RAAF Base East Sale.'

Minor updates to reflect existing planning permit standards within Council

Subdivision Plan P373/2012



Subdivision Plan P124/2013



Proposed changes to NRZ1 and DDO22

Include updated Diagram 2 to reflect the location of the Pumping Station



Add to DDO22 under 'Application requirements':

'The location of any proposed building and works clearly dimensioned on a site plan drawn to scale' and

'Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands through an Environment Management Plan.'

Request for further guidance...

Council would welcome the Panel's advice on matters relating to:

- Proposed exemption from notice and review in the provisions of DDO22
- Question of how Council approaches the issue of further residential development along the balance of the land along the southern side of Stevens Street



Planning and Environment Act 1987

Under Section 12 (2) in preparing an amendment Council must:

- Have regard to any municipal strategic statement, strategic plan, policy statement or guideline which forms part of the scheme;
- Must take into account any significant effects on the environment;
- Must take in account is social effects and economic effects.



Social effects

Practice Note 46: 'Strategic Assessment Guidelines' requires consideration of:

- Potential changes to the economic and social life of the existing community.
- Potential changes to the attractiveness and physical condition of the immediate and surrounding areas.
- Likely effect on the attractiveness and physical condition of the immediate and surrounding areas.

Will the amendments result in a net community benefit?
Distinction between 'personal impact' and 'broad community impact'



Conclusion

In acknowledging that a large number of submitters are opposed to any form of development along the southern side of Stevens Street, Council would contend that there appear to be no fundamental strategic land use planning grounds upon which to abandon the proposals in their current form.

Amendments C85 and C88 are considered to be consistent with the requirements of the *Planning and Environment Act 1987*.



The Heart of Gippsland

Thank you



**PLANNING
PERMIT**
GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: P1242013
Planning Scheme: Wellington Planning Scheme
Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND: CA: 2A SEC: 4, CA: 2 SEC: 4, STEVENS STREET,
SALE.

THE PERMIT ALLOWS: Subdivision of the land into 3 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

2. This permit will expire if:
• the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
6. Before the issue of statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:
 - The owner of each lot is required to maintain their own section of sewer in accordance with the approved maintenance plan.

Date issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the instrument to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
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- The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 1000 litres of air space for atmospheric re-infiltration purposes.

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The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

Telecommunications

7. The owner of the land must enter into an agreement with:
 - a. 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;
 - b. 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.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Infrastructure

9. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:
 - Sprayed bituminous seal for the full width of the nature strip from the edge of road seal,
 - 100mm, consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal
 - Or surface of concrete vehicular crossings are shown must, in accordance with the following:
 - Width of crossing at property line 1.0 metres (min)
 - Width of crossing at kerb 1.0 metres (min)
 - Thickness 122 mm
 - Reinforcement F 72 mesh
 - Concrete strength 30 Mpa
 - This work is to include any reinforcement works as deemed necessary.
- Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.

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Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the instrument to which the permit applies comes into operation)	Signature for the Responsible Authority

- Entrances to the property shall be intended to allow vehicles accessing the property to park clear of the road formation.
- 10. The location of the crossovers to the lots must be approved and constructed to the satisfaction of the Responsible Authority.

Environmental Planner

- 11. All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.
- 12. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
- 13. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

West Gippsland Catchment Management Authority:

- 14. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.
- 15. Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the seals must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the seals if outside of each title boundary.

PERMIT NOTE

- [Private development should comply with the minimum lighting controls detailed in the CMAA Manual of Standards for Activities.](#)

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Planning and Environment Regulations 2008 Form 9

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has consented to grant the permit. The permit was granted by the Minister administering the Planning and Environment Act 1987 under section 54 of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day to, or after the day to which the prohibition to which the permit applies would otherwise apply.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land requires if:
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision, or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 7 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land requires if:
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land requires if:
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 54(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision:
 - * the use or development of any stage is to be taken to have started when the plan is certified, and
 - * the permit requires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under the permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of:
 - a decision of the responsible authority refusing to grant the time within which any development or use is to be started or any development completed, or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 54(2) of the **Planning and Environment Act 1987**, or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review Form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * All applications for review must also be served on the Responsible Authority.
- * Details about applications for review and the Application fee can be obtained from Victorian Civil and Administrative Tribunal.

PLANNING PERMIT
GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1997

Permit No.: P973/2012
Planning Scheme: Wellington Planning Scheme
Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND: CA: B SEC: 4, 74 STEVENS STREET, SALE
THE PERMIT ALLOWS: Subdivision of the land into 10 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

- 1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

- 2. This permit will expire if:
 - the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

- 1. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 2. All existing and proposed easements and sites for existing or proposed utility services and roads on the land must be set aside on the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 2 of that Act.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 5 of that Act.
- 5. Before the issue of Statement of Compliance, the owner of the land must enter into agreements with the Responsible Authority in accordance with Section 172 of the Planning and Environment Act 1997 which will consent that:

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Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the instrument to which the permit applies comes into operation)	Signature for the Responsible Authority
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- The owner of each lot is required to maintain their own section of creek in accordance with the approved maintenance plan.
- The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retention purposes.

The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 183 of the Planning and Environment Act, 1987.

Telecommunications

- 4.7 The owner of the land must enter into an agreement with:
 - a) 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;
 - b) 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.
- 4.8 Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1958, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Public Open Space Contribution

- 4.9 Prior to the issue of Statement of Compliance, the applicant or owner must pay to the Council an amount equal to five per cent of the site value of all the land in the subdivision. This payment may be adjusted in accordance with Section 19 of the Subdivision Act 1958. The requirement in this condition shall not operate until 7 days before the issue of a Statement of Compliance. However the condition must be complied with prior to the issue of a Statement of Compliance.

Drainage

- 5 Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.
- 6 Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the roads must be submitted and approved by the responsible authority. This may include, but not limited to, the provision of resources to allow ongoing access to the roads outside of each title boundary.

Section 473 Agreement - Drainage

- 6 Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will ensure that:

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the instrument to which the permit applies comes into operation)	Signature for the Responsible Authority

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- The owner of each lot is required to maintain these cross-sections of roads in accordance with the approved maintenance plan.
 - The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retentions systems.
- The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 484 of the Planning and Environment Act, 1987.

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- Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987 which will ensure that:

The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retentions systems.

Infrastructure

10. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:

- a) Sprayed bituminous seal for the full width of the nature strip from the edge of road seal, 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal.

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Or reinforced concrete vehicle crossing per access point in accordance with the following:

- Width of crossing at property line 3.0 metres (min)
- Width of crossing at kerbs 3.0 metres (min)
- Thickness 175 mm
- Reinforcement 8.72 mm
- Concrete strength 81 Mpa

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• This work is to include any reinforcement works as deemed necessary.

Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.

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Entrances to the property shall be indented to allow vehicles accessing the property to park clear of the road formation.

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Environmental Planter

11. All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the instrument to which the permit applies comes into operation)	Signature for the Responsible Authority

- 12. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
- 13. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

West Gippsland Catchment Management Authority:

- 14. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.
- 15. Prior to the issue of Statement of Compliance, a riparian zone plan for the riparian system(s) of the estate must be submitted and approved by the responsible authority. This may include, but not limited to, the provision of easements to allow stream access to the estate if outside of each title boundary.

SP Asset

- 44.16. Prior to the issue of the Statement of Compliance, the owner of the land must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- 44.17. Prior to the issue of the Statement of Compliance, the owner of the land must provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Gippsland Water

- 44.18. Prior to the issue of Statement of Compliance, the owner of the land must complete the following to the satisfaction of Gippsland Water:
 - a) Pay New Customer Contributions to Gippsland Water for water and wastewater service(s) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.
 - b) SEWER EXTENSION ONLY - Enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
 - c) Install separate sewage disposal connections to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - d) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
 - e) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.
 - f) Install separate water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - g) Create easements for Pipeline or Ancillary Purpose and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works

Date Issued:	Date Permit comes into operation: <small>(if no date is specified, the permit comes into operation on the same day as the instrument to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
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located within the subdivision. (The Sewer Pump Station and associated works will need to be located on a Gravelled Water Reserve of 15 metres by 15 metres).

g)

PRELIMINARY ADVICE FOR SEWER

A Sewer Pump Station (SPS) and gravity system with connection to each lot will be required as per the preliminary infrastructure servicing report.

The Rising Main will need to discharge to a maintenance hole in Test Court.

PERMIT NOTES

PRELIMINARY ADVICE FOR SEWER

- A Sewer Pump Station (SPS) and gravity system with connection to each lot will be required as per the preliminary infrastructure servicing report.
- The Rising Main will need to discharge to a maintenance hole in Test Court.
- Future developments should comply with the extensive lighting controls detailed in the CADA Manual of Standards 139 Aerobics.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has consented to the permit. The permit was granted by the Minister administering the Planning and Environment Act 1987 under section 64 of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the conditions or which the permit applies become operative.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land requires if:
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision, or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 7 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land requires if:
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land requires if:
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 64(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision:
 - * the use or development or any stage of it is to take to have started when the plan is certified, and
 - * the permit requires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of:
 - a decision of the responsible authority refusing to issue the time within which any development or use is to be started or any development completed, or
 - a decision of the responsible authority refusing to certify the plan within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 64(2) of the **Planning and Environment Act 1987**, or
 - the failure of the responsible authority to certify the time within one month after the request for written consent is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review Form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * All applications for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

DDMM/YYYY
Proposed
City Cde

SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ1**.

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

1.0 Minimum subdivision area

DDMM/YYYY
Proposed
City Cde

Subdivision of the land must be in accordance with Wellington Planning Scheme permit numbers P373/2012 and P124/2013.

A permit may be granted to vary this requirement in the following circumstances:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- The subdivision is being undertaken to create land for a road, utility installation or for any other public purpose.

2.0 Permit requirement for the construction or extension of one dwelling on a lot

DDMM/YYYY
Proposed
City Cde

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

3.0 Requirements of Clause 54 and Clause 55

DDMM/YYYY
Proposed
City Cde

	Standard	Requirement
Minimum street setback	A3 and B6	5 metres
Site coverage	A5 and B8	Contained within building envelope as per diagrams 1 and 2
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	As per diagrams 1 and 2
Walls on boundaries	A11 and B16	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1 metre

4.0 Number of dwellings on a lot

DDMMYYYY
 Proposed
 DDMM YYYY

The number of dwellings on a lot must not exceed one, excluding a dependent person's unit.

Dependent person's unit

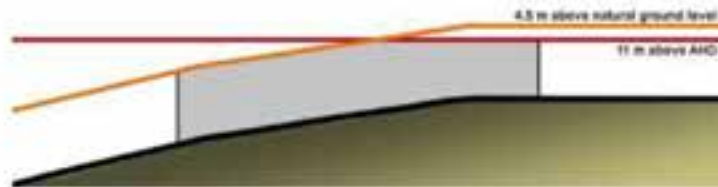
A planning permit is required to construct a dependent person's unit.

No more than one dependent person's unit may be constructed on a lot. This requirement cannot be varied with a permit.

5.0 Maximum building height requirement for a dwelling or residential building

DDMMYYYY
 Proposed
 DDMM YYYY

A building used as a dwelling or a residential building must not exceed a height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest.



6.0 Application requirements

DDMMYYYY
 Proposed
 DDMM YYYY

None specified.

7.0 Decision guidelines

DDMMYYYY
 Proposed
 DDMM YYYY

The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- The impact of the development on the environment, landscape values and character of Stevens Street and the Ramsar wetlands.
- The height of buildings to ensure that they retain an inconspicuous profile and do not dominate the landscape.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level building forms that follow the natural slope of the land and reduce the need for site excavation or filling.

WELLINGTON PLANNING SCHEME



Diagram 1: Building envelopes and subdivision plan opposite 37-39 and 41 Stevens Street, Sale.



WELLINGTON PLANNING SCHEME



Diagram 2: Building envelopes and subdivision plan 74 Stevens Street, Sale.



SCHEDULE 22 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO22**.

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

Stevens Street is at the edge of the urban growth boundary to the south of Sale. Stevens Street is characterised by detached dwellings. Front yards along this street are predominantly free of front fences which give the street a green and open landscape character. The majority of dwellings are on the northern side of Stevens Street. The Ramsar wetlands are located directly south of Stevens Street and extensive views over the wetlands are visible along the entire street.



1.0 Design objectives

- To promote high quality architectural designed dwellings that utilise design and materials which are sympathetic to the landscape including split level building forms.
- To ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.
- To protect view lines to the Ramsar wetlands from Stevens Street.
- To ensure development responds to the topography of the land and earthworks do not alter the nature of the topography of the area.
- To ensure development is not visually intrusive and does not dominate the streetscape and wider landscape setting.



2.0 Buildings and works

A permit is required to construct a building or carry out works including:

- A fence.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or veranda with a finished floor level not more than 900mm above ground level and a maximum building height of 3 metres above natural ground level.
- A deck or balcony with a finished floor level not more than 900mm above ground level.

Design Standards

The following requirements apply, as appropriate, to all buildings and works.

Building Height

All buildings, including outbuildings, should not exceed a maximum building height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest.



WELLINGTON PLANNING SCHEME

Minimum Finished Floor Level

All buildings, including outbuildings, should have a minimum finished floor level of 3.7 metres above the AFD.

Building envelope

- All buildings and works must be contained within the building envelope of each lot as per diagrams 1 and 2 included in this schedule. This includes any associated outbuildings.
- The following buildings and works are allowable outside the building envelope:
 - A fence.
 - A pergola or veranda.
 - A deck or balcony.

Siting and sloping considerations

- Dwellings should be sited and designed to take advantage of the natural slope conditions. Split level designs are encouraged to compliment the slope of the land.
- All buildings, including outbuildings, decks and verandas should not exceed the maximum finished floor level of 1 metre above natural ground level.
- Careful siting of buildings and works is required to ensure that:
 - The benefit of passive solar access is utilised and maximised and to minimise energy consumption.
 - The privacy and amenity of neighbours is respected.
 - Views from the site are capitalised upon.
 - Space between buildings is maintained.

Buildform and architectural style

- Dwellings should be designed to be the dominant building on the lot.
- The style and architecture of all development should strongly relate to and is complimentary to the unique environment of the adjacent Ramsar wetlands and floodplain by ensuring that:
 - the built form is articulated and fragmented in its appearance to break up the mass of the building. Roofs should be designed to be of low visual impact to protect views;
 - balconies and decks are encouraged to extend the interior of the house outside and integrate the architecture with the natural environment; and
 - a cohesive image for the development is created by a considered and restrained use of colour and materials that will enable harmony between the architecture and natural environment. Muted tones and materials to all buildings and works, including fencing must be used to blend with the landscape and preserve the aesthetic amenity of the area.
- Dwellings should be designed to provide active and aesthetic street frontages as such front facades should incorporate at least one habitable window.
- Front facades are to be articulated with stepped walls or architectural detail to prevent a "flat" appearance. Dwellings with the same or similar facade design must not be constructed within three house lots on either side of a property.

Fencing

Fencing should be designed to maintain the open nature of the streetscape and surrounding Ramsar wetlands.

- Fences should be placed on the lot boundary.
- Any fence forward of the front facade must be no more than a 1metre in height and be semi-permeable. This includes side boundary fences forward of the front facade to enable the open and seamless feel of the streetscape to be maintained.

WELLINGTON PLANNING SCHEME

- Fences on the back boundary should be semi-permeable to maintain the open and seamless feel and connection with the Ramsar wetlands.

Landscaping and access

- There must be no more than one single driveway / access per allotment.
- Front yards should be surfaced with predominately permeable material.
- No fill whatsoever is permitted below 3.7 metres AHD.

Application Requirements

An application for buildings and works, including fences, pergolas, verandas, decks and balconies must include the following information to the satisfaction of the Responsible Authority:

The location of all proposed buildings and works clearly demonstrated on a site plan drawn to scale.

- Location, height and form of any existing dwellings abutting and adjacent to the property.
- The location, dimensions and depth of any proposed excavations or fill.
- Elevations that show the natural ground level, height of proposed buildings and works and all external materials, colours and finishes, including roofs. Drawings should be to scale and refer to AHD.
- How the application meets the design objectives and decision guidelines of this schedule.
- How Water Sensitive Urban Design (WSUD) is incorporated into the design.
- Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands permitted under Environmental Management Plan attached to title of the land

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Exemption from notice and appeal

An application to sub-divide, construct a building or construct or carry out works for a use within Section 1, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

4.0

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 22

Decision guidelines

Before deciding on an application the responsible authority must consider:

- The design objectives of this schedule.
- The impact of the development on the environment, landscape values and character of Stevens Street and the Ramsar wetlands.
- The height of buildings to ensure that they retain an inconspicuous profile and do not dominate the landscape.
- Minimum finished floor levels to ensure appropriate level of protection from flooding risks.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level building forms that follow the natural slope of the land and reduce the need for site excavation or filling.
- The design response to the unique landscape setting of Stevens Street to ensure an appropriate interface with the public realm and the significant views to the Ramsar wetlands is achieved.
- The views of any relevant agencies including Department of Defence.

WELLINGTON PLANNING SCHEME



Diagram 1: Building envelopes and subdivision plan opposite 37-39 and 41 Stevens Street, Sale.



WELLINGTON PLANNING SCHEME



Diagram 2: Building envelopes and subdivision plan 74 Stevens Street, Sale.

ATTACHMENT 2

Planning and Environment Act 1987

Panel Report

Wellington Planning Scheme Amendments C85 and C88
Permit Applications P124/2013 and P373/2012



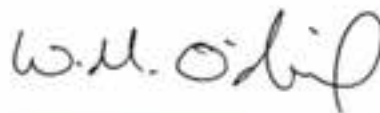
2 June 2015

Planning and Environment Act 1987
Panel Report pursuant to Section 25 of the Act
Wellington Planning Scheme Amendments C85 and C88
Permit Applications P124/2013 and P373/2012

2 June 2015



Kathryn Mitchell, Chair



William O'Neil, Member

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Overview

Amendment Summary

The Amendments	Wellington Planning Scheme Amendments C85 and C88
Permit Applications	Permit Applications P124/2013 and P373/2012
Subject Sites	Crown Allotments 2 and 2A Section 4 Parish of Sale (C85) 74 Stevens Street, Sale (C88)
The Proponents	G Dyer (Amendment C85) J and K Fleming (Amendment C88)
Planning Authority	Wellington Shire Council
Authorisation	A02825(C85) and A02826 (C88) on 23 June 2014
Exhibition	31 July to 8 September 2014
Submissions	138 Submissions. Refer to Appendix A.

Panel Process

The Panel	Kathryn Mitchell (Chair) and William O'Neil
Directions Hearing	12 March 2015 at Sale
Panel Hearing	20, 21 and 22 April 2015 at Sale
Site Inspections	Unaccompanied throughout the Hearing, including an inspection of land owned by Mr Fleming
Date of this Report	2 June 2015

Executive Summary

(i) Summary

Sale is a key township in Central Gippsland. It has a relatively large and diverse population with a strong employment base. The RAAF base is located in Sale, which creates demand for housing and service employment. Sale has two main designated growth fronts, these being to the north and the west. There is also a growth area in Longford to the south.

A very small sliver of land has been included in the urban growth boundary in an area to the south of Stevens Street in Sale. This land lies between the southern most residential area and the recognised Sale Common and Ramsar listed wetlands. The land is currently in the Farming Zone.

Amendments C85 and C88 to the Wellington Planning Scheme propose to rezone part of this sliver of land to the Neighbourhood Residential Zone and to apply Design and Development Overlay Schedule 22 to allow for the subdivision of the land, which is in two ownerships, into 11 lots. Two concurrent planning permit applications seek permission for the subdivisions.

A Panel was appointed to consider the Amendments and the planning permit applications. It held a Directions Hearing on 12 March 2015 and a three day Hearing on Monday 20 April through to Wednesday 22 April 2015. Exhibition of the proposal realised 138 submissions, the key issues from which include the strategic rationale for the rezoning, environmental impacts, (wetlands, flooding potential, fauna and wildlife, drainage and site stability), visual and amenity impacts (loss of views and public space, change to streetscape, traffic).

The Panel has found this proposal to be particularly difficult to reconcile. It is one where the Panel could have found in favour or against, and it has required careful and objective balancing of the relevant planning objectives.

From a strategic planning perspective, the land is identified in the *Sale, Wurruk and Longford Structure Plan 2010* as an area for potential urban growth. While the Panel raises some concerns about how the land and its growth designation was included in the Structure Plan, it is so designated in the Wellington Planning Scheme and it is the adopted plan for Sale.

In response to concerns raised by submitters that the land has environmental significance, the Panel agrees with the relevant agencies and Council that the subject lands are not part of the floodplain. They abut a rural floodplain. Further the rural floodplain proximate to the subject land, it is private farmland and is neither part of the Sale Common, nor part of a Ramsar listed wetland. Importantly, none of the relevant water, catchment or servicing authorities have raised objection about the rezonings or subdivision proposals.

The proposed subdivision will result in 11 dwellings, which will take up an area of approximately 1.2 hectares. The average width of the lots is approximately 34 metres. The lots will have frontage to approximately 365 metres on the south side of Stevens Street (approximately 115 metres near Yvette Close and approximately 250 metres in proximity to Nest Court). While concerns have been raised about loss of views across the wetlands, the Panel acknowledges that there will be some additional interruption to the view, but not along the full length of Stevens Street which spans some 1.4 kilometres. Two houses already established on the south side of Stevens Street have a combined frontage of approximately 180 metres. As commonly argued in town planning, there is no right to a view. Should

houses be constructed on each of the 11 proposed development sites, and factoring in the existing two houses, over 50% of Stevens Street (approximately 855 metres) will continue to have uninterrupted views across the private farmland into the rural wetland.

Submissions against the proposal classify it as an opportunistic spot rezoning of land that will result in two small areas of Neighbourhood Residential Zone in a Farming Zone for the addition of only 11 dwellings.

Whilst the proposed sites are not directly affected by the Land Subject to Inundation Overlay or the Flood Overlay, the land immediately abutting the proposed sites is so affected. Stringent compliance with design parameters to protect the land from flood waters, and to ensure stormwater drainage will be adequately filtered and controlled, will be required due to the sites location abutting the floodplain. An on-going commitment to maintenance of drainage infrastructure will be required.

Ultimately the test comes down to whether the proposal results in sustainable development and net community benefit. The planning controls in the form of the proposed Design and Development Overlay place height and set back requirements with small building envelopes. So long as these provisions are upheld there will be no further third party involvement. This is acceptable under these circumstances.

Having considered the matters before it, the Panel concludes that the proposal will result in a marginal net community benefit. It will add a small amount of housing stock in a residential area, it will diversify the housing stock, it will use land for residential development that is not viable for farming and will be on private land that is above the floodplain.

The Amendments and planning applications have strategic planning support through the Wellington Planning Scheme, and agency support. The Panel is satisfied that the ecological evidence, the submissions of Council, and the affirmative positions of the relevant service authorities have concluded that the developments proposed will not result in unacceptable environmental impacts subject to the development occurring in accordance with the controls proposed by the Amendments and accompanying permits.

The Panel considers that the major impact of the developments is the partial loss of views for residents occupying houses on the north side of Stevens Street, and for those walking or driving along Stevens Street. While the Panel appreciates the concerns of the residents so affected, it considers that the design controls articulated in the Schedules to the Neighbourhood Residential Zone and the Design and Development Overlay will serve to control visual and amenity impacts, to such an extent that an appropriate balance is achieved between facilitating appropriate future development and retention of existing views.

The selection of the Neighbourhood Residential Zone and the application of the Design and Development Overlay as the planning controls to facilitate and manage future development of the subject site was largely uncontested and is supported by the Panel, subject to refinements reflected in the Appendices to this report. The Panel further supports updating the boundary of the Land Subject Inundation Overlay as proposed by the Amendments.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends adoption of Amendments C85 and C88 to the Wellington Planning Scheme as exhibited, subject to the following modifications:

1. Replace the exhibited versions of the Neighbourhood Residential Zone Schedule 1 and the Design and Development Overlay Schedule 22 with the Panel recommended versions contained in Appendices C and D.
2. Replace the exhibited versions of Planning Permit P124/2013 and Planning Permit P373/2012 with the Panel recommended versions contained in Appendices E and F.

Other Recommendations

3. Monitor the traffic along Stevens Street in proximity to the bend close to Yvette Close in order to determine if traffic calming measures are necessary to improve vehicle, cyclist and pedestrian safety.

1.0 Introduction

1.1 Subject Site and Surrounds

The subject land for both Amendments is situated in a prominent location on the south side of Stevens Street in Sale. Council advised that this area of Sale is a popular neighbourhood given it is in close proximity to Lake Guthridge and Lake Guyatt and other recreational facilities in Sale.

Stevens Street provides significant views over flood-prone farmland towards the Ramsar wetlands, including the Sale Common. Most houses built on Stevens Street enjoy an unimpeded outlook as only two houses have been built on the southern side of the street. Due to this outlook, the location on the edge of the town and the road layout, the character of Stevens Street has a rural character to the south and an urban context to the north.



Figure 1 Aerial perspective of subject land and surrounds

A public park including sport facilities and the botanical gardens is located at the western end of Stevens Street. From this point access is provided to the publicly accessible part of the Ramsar wetlands, which is known as the Sale Common.

A low density residential estate is located at the eastern end of Stevens Street, on Wandana Road, at the edge of the wetland system.

1.2 Exhibition and Submissions

The Amendments and planning permit applications were placed on public exhibition between 31 July and 8 September 2014. Council advised that 138 submissions were

received, of which two were later withdrawn and five came in after the close of the submission period. Of the submissions received:

- Six were from statutory authorities (Gippsland Water, West Gippsland Catchment Management Authority (WGCMA), Department of Defence, SP AusNet, APA Gas/Envestra, Telstra). None of the authorities opposed the Amendments or permit applications
- 25 submissions indicated support for the proposals
- 107 submissions raised objections, of these 80 were in the form of a 'template' letter.

It is noted that while there are two Amendments and planning permit applications under consideration, the submissions did not distinguish between the two, and comments and issues raised can be attributed to both proposals. The Panel has considered these matters likewise.

1.3 Panel Hearing

At its meeting of 17 February 2015, Council resolved to refer all submissions to a Panel. A Panel was appointed under delegation from the Minister for Planning on 2 March 2015. The Panel held a Directions Hearing in Sale in relation to these matters on 12 March 2015. The Panel then met in Sale on 20, 21 and 22 April 2015 to hear submissions and evidence about the proposals. Those in attendance at the Panel Hearing are listed in Table 1.

Submitter	Represented by
Wellington Shire Council	Sabine Provily (Strategic Planner) and Barry Hearsey (Coordinator Strategic Planning)
Mr G Dyer and Mr and Ms J and K Fleming	Nick Anderson of NBA Group Pty Ltd, calling evidence from: <ul style="list-style-type: none"> - Simon Anderson of Simon Anderson Consulting (Geotech) - Michael Treadwell of Millar Merrigan (Ecology) - Jennie Jones of Beacon of Beacon Town Planning (Planning)
Ross Scott	
Meredith Johnston	
Ron Gregory	
Gillian Gregory	
Mark Yeowell	
Meryl Edwards and Trevor Tucker	
Peter Francis Greer	
Eric Thorne	

Table 1 Parties to the Panel Hearing

Submitter Ms Jordan was to appear at the Hearing but she advised the Panel that she withdrew because she felt intimidated by the representative of the proponent. The Panel found this to be disturbing and most unfortunate and it does not condone intimidation in any way. Had the Panel been aware of this during the course of the Hearing, it would have raised it as an issue. Ms Jordan provided an additional written submission (Document 30), which the Panel has taken into account.

1.4 Site Inspections

Prior to the commencement of the Hearing, the Panel undertook a detailed inspection of the subject land and its surrounds. This was followed up by additional site inspections after each of the Hearing days so that the Panel could review issues and matters put to it in during the course of the Hearings. The Panel also inspected the low density residential development to the east of Stevens Street, and the flood plain area from Stephenson's Road. Additionally, the Panel was invited to view the subject land from the context of the house owned by Mr Fleming. In this regard, the Panel raised whether any submitter had concerns about the Panel entering Mr Fleming's property, and no submitter expressed concern. The Panel undertook a walk through the rear of the property and was unaccompanied, except for when Mr Fleming provided access to and from the property.

1.5 Issues dealt with in this report

Council summarised the issues raised in submissions as follows:

- *No argument for rezoning;*
- *Current policy*
- *Loss of view;*
- *Impact on the wetlands in relation to drainage and flora and fauna;*
- *Perception of community that land would never be developed;*
- *Housing can be easier met at other locations in Sale;*
- *Concerns about the stability of the land due to infill and steepness;*
- *Rising flood levels;*
- *Change to the streetscape and the loss of a great public space;*
- *Concerns about the increase of traffic;*
- *Questions in relation to the subdivision design; and*
- *Others matters.*

The Panel has considered all written submissions, as well as submissions and evidence presented to it during the Hearing. In addressing the issues raised in the submissions and evidence, the Panel has been assisted by the information provided to it as well as its observations from inspections of the subject land and its surrounds.

This report deals with the issues under the following headings:

- The Proposals
- Planning Context
- Strategic Assessment of the Amendments
- Environmental issues
- Visual and amenity impacts
- Net community benefit.

2 The Proposals

2.1 Amendment C85 and Permit Application P124/2013

As exhibited, Amendment C85 to the Wellington Planning Scheme proposes to:

- Rezone land opposite 37-39 and 41 Stevens Street, Sale from Farming Zone to Neighbourhood Residential Zone 1
- Insert a new Clause 39.01 Neighbourhood Residential Zone
- Insert a new Schedule 1 to Clause 39.01 Neighbourhood Residential Zone
- Insert a new Schedule 22 to Clause 43.02 Design and Development Overlay
- Amend the boundary of the Land Subject to Inundation Overlay to the 3.2m Australian Height Datum (AHD) contour
- Amend Planning Scheme Maps 100, 100DDO and 100LSIO.

The associated planning permit (P124/2013) proposes to subdivide land above the 3.2m AHD contour into two lots.

In summary, the proposal subdivides land at Crown Allotments 2 and 2A Section 4 Parish of Sale, also known as land opposite 37-39 and 41 Stevens Street, above the flood contour, rezone part of the land to Neighbourhood Residential Zone Schedule 1, and apply a Design and Development Overlay 22 to allow for residential development.

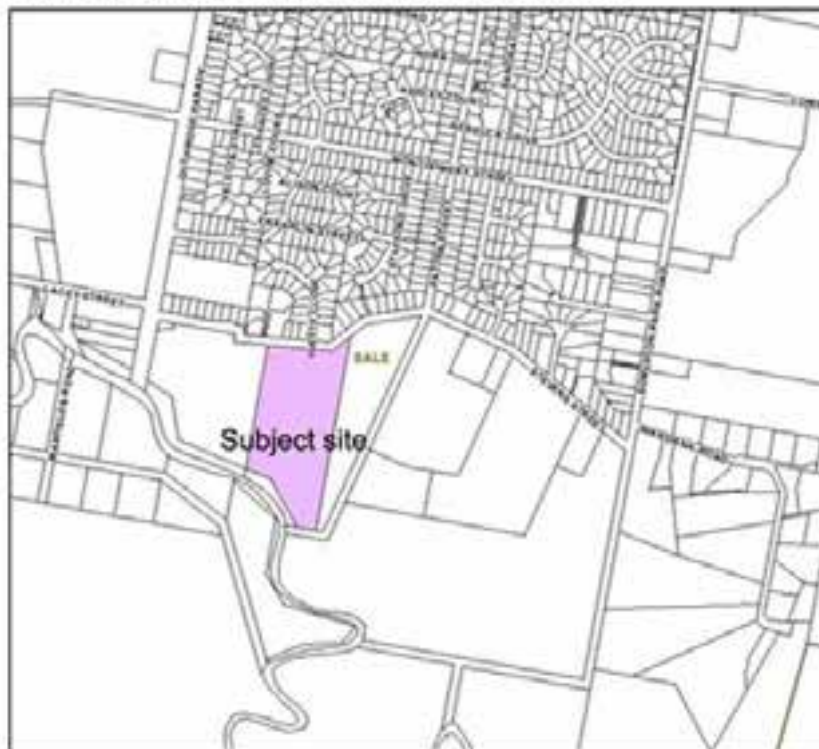


Figure 2 Land opposite 37-39 and 41 Stevens Street

The combined Amendment and planning permit was prepared at the request of the proponent, Mr G Dyer (the Dyer land).



Figure 3 Proposed subdivision of land opposite 37-39 and 41 Stevens Street

2.2 Amendment C88 and Permit Application P373/2012

As exhibited, Amendment C88 to the Wellington Planning Scheme proposes to:

- Rezone part of 74 Stevens Street, Sale from Farming Zone to Neighbourhood Residential Zone 1
- Insert a new Clause 39.01 Neighbourhood Residential Zone
- Insert a new Schedule 1 to Clause 39.01 Neighbourhood Residential Zone
- Insert a new Schedule 22 to Clause 43.02 Design and Development Overlay
- Amend the boundary of the Land Subject to Inundation Overlay to the 3.2m AHD contour
- Amend Planning Scheme Maps 100, 100DDO and 100LSIO.

The associated planning permit (P373/2012) proposes to subdivide land above the 3.2m AHD contour into 9 lots and consolidates land below the 3.2m AHD to prevent a land-locked lot.

In summary, the proposal subdivides the land above the flood contour, rezone it to Neighbourhood Residential Zone Schedule 1, and apply Design and Development Overlay 22 to allow for residential development.



Figure 4 74 Stevens Street

The combined Amendment and planning permit was prepared at the request of the proponent, J and K Fleming (the Fleming land).



Figure 5 Proposed subdivision of 74 Stevens Street

3 Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of its Explanatory Report.

The Panel has reviewed the policy context of the Amendment and provides a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

3.1 Policy Framework

(i) State Planning Policy Framework

The following Clauses of the State Planning Policy Framework (SPPF) are considered relevant to the proposed Amendments:

Clause 11.02-1: Supply of Urban Land seeks to "... ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses". Council advised that the proposals will contribute towards providing additional urban land available for residential development which has regard to neighbourhood character, and create a premium development with stringent built form controls. This further contributes to achieving objectives relating to diversity of housing choice and realising an opportunity for development utilising existing and available infrastructure.

Clause 11.08-3: Sustainable Communities seeks to "... develop sustainable communities through a settlement framework comprising major urban centres offering residents convenient access to jobs, services, infrastructure and community facilities". Council submitted that the proposals ensure that growth is maintained within the existing Sale settlement boundary with limited impact on the natural environment and agriculture.

Clause 12.04: Significant Environments and Landscapes seeks to "... protect and conserve environmentally sensitive areas". Council advised that the proposals will ensure protection of the Ramsar wetland by ensuring all development is contained outside the areas subject to inundation and that impacts on the adjacent wetland areas are avoided.

Clause 13.02-1: Floodplain management seeks to:

... assist in the protection of:

- Life, property and community infrastructure from flood hazard.

Council submitted that the new lots created via the proposed subdivisions will be outside the current areas impacted by potential flooding. Specific controls on the built form are proposed to ensure an appropriate response to potential flooding impacts is achieved. Environmental impacts are discussed in Chapter 5 of this report.

Clause 15.01-1: Urban Design, seeks to "... create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity".

Clause 15.01-2: Urban design principles, seeks to "... achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realms while minimising detrimental impact on neighbouring properties".

Clause 15.01-5: Cultural identity and neighbourhood character, seeks to "... recognise and protect cultural identity, neighbourhood character and sense of place". Council advised that the proposals will achieve high quality development which creates a sense of place responding to the context of the site. Further, Council argued that the lot configuration will respond positively to the constraints of the sites and the nominated building envelopes, and the Design and Development Overlay will ensure that the built form is of the highest quality. Visual and amenity issues are discussed in Chapter 6 of this report.

Clause 16.01-1: Integrated housing, seeks to "...promote a housing market that meets community needs", and Clause 16.01-2: Location of residential development, aims to "... locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport". Further, Clause 16.01-4: Housing diversity, seeks to "... provide for a range of housing types to meet increasingly diverse needs". Council suggested that the proposals will result in a form of housing in a unique setting which contributes to diverse lifestyle opportunities available within the municipality.

The Gippsland Regional Growth Plan was included in the Planning Scheme in 2014. It is a high level strategic plan that identifies the key growth areas around Sale and other towns in the region. This plan shows areas of Sale as potential areas for future residential growth, but does not specifically show the subject land as a future residential area.

(ii) Local Planning Policy Framework

While Clauses 21.01: Municipal Profile, 21.02: Key Issues and Influences and Clause 21.03: Vision assist in providing a context and vision for the whole Shire and its population, the following elements of the LPPF are considered to be relevant to the Amendments.

Clause 21.04: Settlement and Housing refers to how and where growth should be accommodated over the next 15 years. The appropriateness of development will depend on infrastructure services and the encroachment of urban settlement on the natural environment. In this regard, Council said:

The proposals will provide the provision of very specific housing opportunities within the existing boundary of the Sale township. The proposed planning controls will ensure that subsequent development in terms of scale, height and building materials has regard to the character of the area.

Clause 21.05: Sale, Wurruk and Longford Strategic Framework refers to the strategic direction set out within the *Sale, Wurruk and Longford Structure Plan 2010* (the Structure Plan). Council said:

The sites are located within an area designated as a future urban growth area. The unique nature of the planning controls will assist in delivering a diverse range of housing and lifestyle options for the community and activate a small

urban growth front away from the primary growth to the north of the township.

The Panel discusses issues relating to the Structure Plan in more detail in Chapter 4.

Clause 21.14: Environmental Risk acknowledges that the Shire has areas which are liable to flooding and susceptible to fire, as well as areas which are subject to development pressure but are compromised as a result of inadequate drainage and sewerage services.

Clause 21.15: Natural Resource Management refers to wetlands as a haven for bird life. It notes the wetlands environments are susceptible to damage from inappropriate development.

With regards to environmental risks and natural resource management, as part of the development, several conditions are proposed on the planning permit which have been assessed by relevant agencies and Council as affording appropriate protection to the adjoining rural floodplain and downstream wetlands. This is further discussed in Chapter 5 of this report.

Clause 21.19: Infrastructure ensures that new development should be provided with appropriate physical infrastructure. The Panel was advised that the subject land will be fully serviced and with sufficient drainage infrastructure as required by the WGCMA.

3.2 Planning Scheme Provisions

(i) Zones and Overlays

Both sites are currently located within the Farming Zone. To the north of Stevens Street, the land is zoned General Residential Zone Schedule 1.

Design and Development Overlay Schedule 6 applies to both sides of Stevens Street, the purpose of which is:

To ensure that building height does not adversely affect the operation of the East Sale Royal Australian Air Force Base.

A planning permit is required for buildings with a height greater than 15 metres under this Design and Development Overlay.

Land to the south of the subject land is affected by the Land Subject to Inundation Overlay and the Flood Overlay.

The Amendments propose to rezone the sites to Neighbourhood Residential Zone Schedule 1 and apply a new Design and Development Overlay Schedule 22.

The main purposes of the Neighbourhood Residential Zone are:

To limit opportunities for increased residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

The Neighbourhood Residential Zone Schedule 1 has requirements for subdivision layout, site coverage, the number of dwellings on a lot and building height. Council advised that the

Neighbourhood Residential Zone 1 is proposed because the tailored schedule gives the opportunity to:

Control the subdivision layout:

- *The subdivision layout must be in accordance with the planning permits which are part of the combined amendments.*

Site coverage:

- *A building envelope is proposed as part of the schedule.*

Building height:

- *Maximum building height requirements are proposed as part of the schedule.*

The objectives of Design and Development Overlay Schedule 22 are:

- *To promote high quality architectural designed dwellings that utilise design and materials which are sympathetic to the landscape including split level building forms.*
- *To ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.*
- *To protect view lines to the Ramsar wetlands from Stevens Street.*
- *To ensure development responds to the topography of the land and earthworks do not alter the nature of the topography of the area.*
- *To ensure development is not visually intrusive and does not dominate the streetscape and wider landscape setting.*

The Design and Development Overlay Schedule 22 requires all other buildings and works to be contained within the specified building envelope and sets the finished floor level at 3.7 metres AHD, which is 0.5 metres above the estimate of the 1% AEP flood level, as discussed in Chapter 5.2 of this report.

As exhibited, Design and Development Overlay Schedule 22 provides exemptions for notice and review for a planning permit application to subdivide, construct a building or construct or carry out works for a use within Section 1 of the zone. In discussing this aspect in its Part A submission, Council said:

Council would welcome comments/recommendations from the Panel regarding whether this notice and review exemption should be retained or be omitted if the amendments are ultimately approved by Council.

The Panel addresses this request in Chapter 7.2.1.

The planning applications included a subdivision layout and building heights. Building envelopes are proposed to be incorporated directly into the provisions to support the retention of the green streetscape character and to create open spaces between buildings that would be wide enough to retain view lines to the wetlands. These provisions require that all buildings and works must be contained within the building envelope of each lot, inclusive of a dependent person's unit and any associated outbuildings. Ancillary features

such as a fence, pergola or veranda, and deck or balcony would be allowed outside the building envelope.

The purpose of specifying building heights is to minimise the impact of the proposed dwellings along Stevens Street. These provisions state that "All buildings, including outbuildings, should not exceed a maximum building height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest". The diagrammatic sketch at Figure 6 illustrates this requirement.

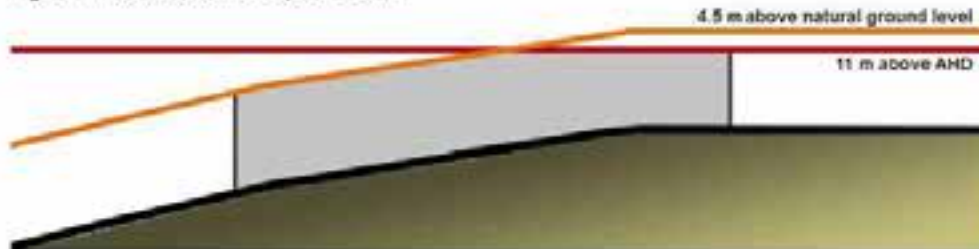


Figure 6 Proposed building heights

3.3 Ministerial Directions and Practice Notes

The Panel is satisfied that the amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* and Ministerial Direction No 11 *Strategic Assessment of Amendments*.

Council submitted that the amendment complies with Ministerial Direction No 9 *Metropolitan Strategy* as outlined in its Explanatory Report.

3.4 Panel Conclusions

The Panel concludes the proposals are generally supported by State and Local planning policy and are consistent with relevant Ministerial Directions and Practice Notes.

Through the Wellington Planning Scheme, the subject land is located within the designated Urban Growth Boundary of Sale and will provide for some housing opportunities in an area adjacent to a fully developed residential subdivision.

The Panel finds the introduction of the Neighbourhood Residential Zone in this location to be somewhat curious, as the balance of land along Stevens Street will remain in the Farming Zone. Once approved, the area of land to the south of Stevens Street will become very fragmented due to the interspersing of the Neighbourhood Residential Zone within the broader Farming Zone precinct. It is only the front portion of the land that is to be rezoned, the balance of land will remain in the Farming Zone. The Panel questions whether this is good planning, however the Panel acknowledges that the land is not affected by either the Land Subject to Inundation or Flood Overlays, and development of the land for residential purposes is expressly supported by existing local planning policy of the Wellington Planning Scheme.

The application of the Design and Development Overlay will assist to ensure that the built form of the new residential development will be managed to ensure appropriate height and setbacks within designated building envelopes.

While there were 26 individual submissions opposing the development outcome (and a further 80 opposing template letters), there were 25 submissions in favour of the proposals and there was no agency opposition to the outcomes proposed.

It is noted that while there was opposition to the proposed development outcome and opposing submitters variously sought the land to be converted to public open space or retained as farming land, the selection of the Neighbourhood Residential Zone and the application of the Design and Development Overlay as the planning controls to facilitate and manage future development of the subject sites (if this outcome was supported), was not contested. That is to say, no submissions sought alternate planning controls.

The Panel concludes that the proposed Neighbourhood Residential Zone Schedule 1 and Design and Development Overlay Schedule 22, subject to refinements reflected in the Appendices to this report are appropriate controls to facilitate the development outcome envisaged. The Panel further supports updating the boundary of the Land Subject Inundation Overlay as proposed by the Amendments.

4 Strategic Assessment of the Amendments

4.1 The Issue

A number of issues were raised about the strategic rationale for the Amendments as follows:

- The legitimacy of *Sale, Wurruk and Longford Structure Plan*
- Perceptions that the subject land would not be developed
- The general characterisation of the land
- Demand and supply issues.

4.2 Submissions and Evidence

The *Sale, Wurruk and Longford Structure Plan* (the Structure Plan) was adopted by Council in 2010, and identifies the southern side of Stevens Street as a potential urban growth area. The Structure Plan was incorporated into the Local Planning Policy Framework of the Wellington Planning Scheme in November 2011 through Amendment C67.

Ms Jordan provided an overview of why she considered the proposals should not be approved through reference to various planning provisions. She contended that the Regional Growth Plan is at odds with the Structure Plan, and that environment considerations should take precedence over growth imperatives.

Mr Yeowell spoke of the natural environment and agriculture strategies of the Structure Plan and suggested that these impacts have not been addressed. He quoted a number of strategies and argued that environmental priorities should carry more weight than the desire to enhance development opportunities. He said that there "is as much at risk as there is to gain" in this context.

The Panel notes that the (former) Department of Environment and Primary Industries did not object to the proposals.

The Department of Defence noted that aircraft noise can sometimes be a nuisance to residents, and given its base is located 4.5 kilometres from the site, it recommended a notation be placed on the title of the new lots as follows:

This land may be subject to aircraft noise from time to time resulting from operations at RAAF Base East Sale.

Some submitters supported the proposals and argued that they would enhance the range of residential opportunities in Sale.

Council and the applicant argued that development of these lots will provide for a more 'executive' type of housing opportunity, but submitters suggested that with some 1500 vacant lots in Sale and 800 in Wurruk, there is significant opportunity for a range of housing types in the area. Mrs Gregory said in this regard:

Contrary to predictions, the population of Sale has not increased greatly over the years. There is a glut of land for sale on all sides of the town and more opening up in the future. Existing homes in Sale are not selling well ... there is an abundance of alternative opportunities for developments in Sale.

However, in expressing support for the proposal, Mr Morrison said:

With a large portion of the residential land in Sale quite flat and offering no views, these allotments would bring a new lease of life for a certain portion of the market. There is the potential for some unique, interesting and very valuable properties to be constructed on these proposed lots.

Council argued strongly that the Amendment had strategic justification through State and local planning policy, and particularly through the adopted Structure Plan. In discussing the Regional Growth Plan and the Structure Plan, Council said both plans:

... indicate that further encroachment of urban development into the wetlands is not appropriate. However the proposed development is within the urban growth boundary, which is established in both strategic documents and although close to the wetlands, development is not proposed in the wetlands per se.

As part of the Regional Growth Plan, the Sale Framework Plan (Map 13) clearly shows the 'settlement boundary' to the south of Stevens Street. It also shows the water body further to the south, none of which impacts on the subject land.

The proponent called evidence from Ms Jones in relation to planning issues related to the Amendment. Ms Jones provided a cursory overview of State and local policy and concluded the strategic merits of the Amendment to be sound and well founded having regard to the Structure Plan. Further, she said:

The Amendment will facilitate the rezoning and ultimate development of the land sites for a residential development. This is a small but strategic development that utilises vacant, serviced and accessible land on the edge of the Sale Township.

Ms Jones characterised the proposal as "... an excellent infill opportunity" and that:

The Amendment has strategic support in so far as it seeks to implement the housing and urban consolidation objectives of the State and local policy of the Wellington Planning Scheme and is supported by the Council adopted Sale, Wurruk and Longford Strategy (sic) Plan.

Many community submitters did not agree with Council or the proponent. Ms Jordan argued that there is 15 to 20 years of land supply and that this proposal is not required – if at all – prior to 2025. She questioned Council's assertion that the Gippsland Regional Growth Plan did not go to the same level of detail that the Structure Plan does, and considered it should be regarded as a detailed strategic plan. Mr and Ms Williams argued that with regard to the proposition that there is limited residential land available in Sale:

This proposition is in my view clearly false and set against the environmental value of the wetlands should be firmly rejected.

However, Ms Wegener noted that "At present there are limited blocks available with views of the wetlands and close to facilities in the Sale residential area".

Many submitters questioned the characterisation of the subject land in that they perceived it to be part of the established wetlands and the Heart Morass area. They further submitted that their perception was that the subject land would not be developed and that it would remain in its current form as undeveloped land. Mr McLeod considered that the zoning of the land for rural or farming purposes should mean that it is never to be developed, and that it should be treated as a buffer zone. Mr and Ms Williams said "*Farming use of the wetlands should be ceased*".

Some submitters argued that there is no demand for lots in this area, and that there is sufficient land set aside in other parts of Sale that is more suitable for residential development.

4.3 Discussion

The proposal seeks to rezone two small pockets of land totalling approximately 1.2 hectares from Farming Zone to the Neighbourhood Residential Zone to allow for the subdivision of 11 lots. The lots to be rezoned will have an average depth of approximately 34 metres and while the land is in two ownerships, the balance of the lots, once subdivided will remain in the Farming Zone.

However, the Panel does not agree with the evidence provided by Ms Jones that the site provides "*opportunity for urban consolidation*". Rather the Panel considers it provides opportunity for an additional 11 housing lots in an area at the southern edge of Sale.

The Panel accepts that the Structure Plan has been included in the Planning Scheme and that appropriate weight should be afforded to it. However, the manner in which it came to be included in the Planning Scheme is cause for concern. Council advised the Panel of the significant amount of research that went into the Structure Plan, including community consultation. When the consultation draft (May 2010) was finalised, it did not show the area to the south of Stevens Street included as a future residential area. The Urban Growth Boundary in Figure 2 (Overall Structure Plan) is clearly shown as Stevens Street in the draft report. Three areas for Future Urban Residential are clearly shown in the Southern, Northern and Western Growth Areas, all within the proposed Urban Growth Boundary.

The Panel was advised that after the close of the informal consultation, a submission was received from the proponents of the land who argued that the land had development potential and it should be included as a residential growth area as it had been identified as being suitable for growth in the Residential Supply Review of 2008. Council supported that position, and then, because in its view the Structure Plan had strong community support, it sought a 20(4) Amendment from the (former) Minister for Planning to include the Structure Plan in the Wellington Planning Scheme in February 2012. This request was supported by the regional office of the (former) Department of Transport, Planning and Local Infrastructure and the (former) Minister agreed to gazette the Amendment in this way. It was introduced in the Wellington Planning Scheme as Amendment C67.

The adopted Structure Plan is dated August 2010. This plan shows the whole area to the south of Stevens Street as Future Urban Residential (subject to Department of Defence support) in Figure 2, with the Urban Growth Boundary extended south to incorporate that land. Council and the proponent argued that the southern Stevens Street area was

identified in the Residential Supply Review of 2008, but was not included in the draft Structure Plan by mistake.

The key issue is that no notice was provided to the local community that the exhibited Structure Plan was proposed to be changed in this way, hence there was no opportunity for anyone to review the final version before it was gazetted. The community felt short changed by this process and noted that they had no opportunity to review the final draft, which they argued was unfair. Mr Yeowell said in this regard that:

We feel strongly that this is consistently used for justification (and in many cases the only justification and defense of criticisms) however council have yet to demonstrate that the public ... were consulted on this change

On this basis alone the legitimacy and transparency of the proposal is compromised and the proposal should be rejected and the council required to consult with the community about the proposed change of urban growth boundary.

The Structure Plan is now policy in the Wellington Planning Scheme and clearly shows the subject land area designated as residential growth.

The Panel considers whether this issue is enough to warrant the support or refusal of the Amendments.

4.4 Conclusions

The Panel does not consider the proposal to be an infill or urban consolidation opportunity perse' but rather an opportunistic development on the edge of the township on high land abutting a rural waterway. In effect it allows approximately 1.2 hectares of land along 360 metres of Stevens Street (8417 square metres at 74 Stevens Street and 3428 square metres on land opposite No's 39 and 41 Stevens Street) to be rezoned from Farming Zone to Neighbourhood Residential Zone for 11 lots, with the balance of land remaining in the Farming Zone. The Panel has to ask itself whether this is a good planning outcome.

The dilemma for the Panel is that the land is noted as an area for potential growth in the Structure Plan, local policy supports that designation, and Council and the relevant agencies and authorities have all offered their support for the proposals to proceed.

Critically, the Structure Plan has been adopted by Council and is a Reference Document in the Wellington Planning Scheme at Clause 21.20, and the proposal is consistent with Clause 21.05 – Sale, Wurruk and Longford Strategic Framework. However, the Panel is concerned that as Mr Yeowell put:

It has not been demonstrated by Council that there has been any transparency or due process followed with regards to public consultation on changing the urban growth zone/boundaries to include this land on Stevens Street.

The Strategy Plan map at (page 7 of 12 of Clause 21.05) identifies the land as 'Urban Residential Expansion', where Objective 2 notes "To provide housing choice and diversity in the local market". This is supported by the Strategies:

- *Facilitate development in Sale, Wurruk and Longford for a variety of residential densities/lot sizes, in accordance with the township roles and strategy plans contained in this clause.*
- *Facilitate provision for multiple development fronts that increase competition in the market.*

In respect of how the sites are reflected in the Regional Framework Plan, the Panel observes that land is arguably within the Settlement Boundary as shown on Map 13 – Sale Framework Plan (Document 13). While not coloured pink 'existing urban area' – it is the same colour (light blue) as many other undeveloped sites within the township boundary.

In reaching a conclusion on the strategic merits and assessment of the Amendments the Panel has had regard to the threshold environmental, visual and amenity issues and the consideration of the sustainability and net community benefit of the anticipated development outcomes. These are discussed in Chapters 5, 6 and 7 of this report.

On balance, Panel concludes that the Amendments benefit from the strategic support of the Local Policy provisions within the Wellington Planning Scheme, as well as the high degree of support from relevant agencies and Council. The Panel is satisfied that the protection of the environment and neighborhood amenity are adequately provided for in the Amendments and that marginal net community benefit will accrue. Accordingly the Panel recommends that the Amendments should be adopted, subject to number of minor changes to the wording of Schedule provisions as discussed in Chapter 7.2 of this report.

5 Environmental Issues

5.1 The Issue

Submissions opposing the proposals raised a number of environmental concerns including:

- The proposed developments are located within designated wetlands
- The sites are flood prone
- The developments will have significant and unacceptable impacts on fauna/wildlife
- Drainage solutions are inadequate
- The sites are unstable.

The issue is whether the development proposals pose an unacceptable risk to the environment.

5.2 Impact on Wetlands

(i) Submissions and evidence

A number of submitters expressed concern that the proposed developments will impact negatively on the Sale Common, the Ramsar Wetlands and the Heart Morass reserve. Mr Scott talked about the "... risk to wildlife from animals from nearby properties, feral plants and fertilizer and light pollution at night to bats and night birds".

Ms Johnston spoke passionately about the wetlands. She mentioned that the area should never have fallen into private hands, and suggested that the Panel look at what others have done to repossess farmland. She said:

Once our window to the wetlands gets built on, there is no going back and Sale has lost an amazing opportunity forever.

Mr Gregory provided some background about the development of Lake Guthridge and Lake Guyatt and commented that foresight by former Councillors and Rotarians has enabled many people to enjoy these wetland areas.

Mr Black and Ms Brotchie submitted that the proposals threaten the fragile ecological environment that lie adjacent to the wetlands and mentioned how they have undertaken actions to protect frogs at their property (which is on the south side of Stevens Street).

Council noted that the proposed development area is not within a designated 'wetland' nor a 'Ramsar wetland' and confirmed that the land is farmland in private ownership. Further, Council stated the land could appropriately be described as being high ground that the WGCMA have determined is above the 3.2 metre AHD flood contour. Council noted that it had extensively consulted all relevant statutory authorities and none registered concern or objections regarding potential environmental impacts on the adjacent wetlands.

(ii) Discussion

The Panel does not accept the claims by opposing submitters that the subject sites are part of or within the Sale Common, and/or the Ramsar listed wetlands. Rather, the Panel supports the designation of the subject sites as adopted by Council, the WGCMA, the proponent, and the ecological evidence of Mr Treadwell that the subject sites are land in

private ownership currently contained within the Farming Zone. They are not public land and they are not a wetland nor a Ramsar wetland.

5.3 Potential Flood Impacts

(i) Submissions and evidence

Local residents expressed concern about the potential for flooding and some submitted photographs of recent flood events that showed flooding of low lying land at 74 Stevens Street including its apparent penetration of a retaining wall on the property. Mr Gregory said "*Some experiences floods on a regular basis, some severe ...*" He cited a book by Peter Synans that refers to record floods in 1891, 1934/5 and 1952, and further:

We have more recent flood events too, 1970/1990/2007 & 2012. Flooding through this area is important as a flushing process and as I think you are aware our Gippsland Lakes system is currently under stress, no more contamination should be allowed to further impact on the Lakes.

Ms Johnston provided a number of photographs that showed the extent of recent rain events.

In relation to issues relating to flooding, Council stated that it relies on the advice and expertise of the WGCMA. Council noted that the WGCMA base their flood level on the 1% Annual Exceedance Probability (AEP), consistent with State-wide planning guidelines. The WGCMA determined that the best estimate of the 1% AEP flood level under existing conditions for Stevens Street is the 3.2 metre AHD, which was obtained from the Authority's flood database.

Council submitted that the land was surveyed by the proponent and this showed discrepancies between the extent of the Land Subject to Inundation boundary and the 3.2m AHD contour. After consultation, the WGCMA indicated a preference for the surveyed 3.2m contour as "*it is more up-to-date and accurate*". Council explained that based on the advice from the WGCMA, it determined that the Land Subject to Inundation mapping should be updated for Stevens Street as part this Amendment process. Council reiterated that all land proposed to be rezoned is located above the 3.2 metre AHD contour and therefore above the 1% AEP flood level.

As a precaution against potential sea level rise, Council noted that proposed Development Plan Overlay Schedule 22 prescribes that the finished floor level of buildings cannot be lower than 3.7 metre AHD, and no fill is permitted below 3.7 AHD. Council explained that this is based on advice obtained from the WGCMA which stated:

The general policy around sea level rise in Victoria is to add 0.8m to the 1% AEP flood level for the year 2100. However, this location is unlikely to experience the entire 0.8m increase.

Council's policy 3.1.2 – 'Assessment of development in relation to potential sea level rise' - assesses proposals against the current 1% AEP flood level and requires an additional 0.2m freeboard on approved developments to allow for uncertainty around sea level rise. This means that the minimum Finished Floor Levels (FFLs) for this location would be 3.7 m AHD (the current flood level of

3.2m AHD + the existing freeboard requirement of 0.3m + the freeboard requirement to address sea level rise of 0.2m).

(ii) Discussion

In respect of potential flood impacts the Panel accepts that the land is best described as being high ground that the WGCMA has determined is above the 3.2m 1% AEP flood contour. The Panel accepts that the sites about a Rural Waterway or Floodplain by definition of the *Waterway Act 1989*. The Panel is satisfied that the Design and Development Overlay requirement that all buildings, including outbuildings should have a finished floor level height of above 3.7 metres AHD is appropriate and that this requirement is anticipated to protect development from the 1% AEP flood event, inclusive of factoring in a 0.2 metre rise associated with potential future sea level rise. While the land abutting the subject sites are impacted by Land Subject to Inundation and/or Flood Overlays, based on the advice of the WGCMA, the Panel is satisfied that the land subject to the rezonings and development proposals are not.

5.4 Impacts on Fauna and Wildlife

(i) Submissions and evidence

Submitters expressed concern about the potential for detrimental impacts of the proposals on the fauna and wildlife in the wetland area. Mr Barnett argued that *"The area is subject to regular and lengthy periods of inundation where water levels force the relocation of native wildlife to area above flood level"*. Mr and Ms Holmes said:

The variety of wildlife in the wetlands is amazing! We have numerous species of frogs, birds, including water birds and birds of prey such as wedge tail eagles, hawks, and there are long necked turtles, numerous snake species, not to mention butterflies and small mammals such as hares and even Koalas have been sighted. Surely, would you not agree that this unnecessary building project is going to cause disruption to the wetland environment and therefore harmfully disturbing and displacing this wildlife?"

Council advised that the permit applications were accompanied by an ecological and cultural heritage assessment. Council considered that the assessments addressed concerns and where necessary, proposed mitigation and protective measures have been reflected within the provisions of the proposed zone and overlays or included as conditions on the planning permits.

Council noted that as part of the amendment process, all documentation was reviewed by relevant authorities and that the Department of Environment and Primary Industries and the WGCMA provided support for the Amendments and proposals.

Council reiterated that while the WGCMA sought to add conditions to the draft permits, it concluded that there will be no negative impact on the health of the wetland system arising from the proposals. Council concluded on this issue:

In the context of the whole wetland system, only a small area of high ground is proposed to be developed. Other places of refuge for wildlife exist within the remainder of the wetland system.

Mr Treadwell of Millar Merrigan provided expert evidence on behalf of the proponent. He concluded that there is no habitat or other ecological attribute that warrants specific protection on either the Dyer or Fleming land. Mr Treadwell considered that it would be very unlikely that the proposal will have a direct impact on habitat that is considered to be a refuge for rare fauna species (including migratory birds).

Mr Treadwell stated that while some form of indirect impact on the adjacent wetland area cannot be discounted, he considered that the mitigation measures contained in the permits "will be sufficient to ensure that the risk of any tangible impact is negligible". In reaching this finding, Mr Treadwell noted that his view is consistent with the sentiments outlined within Administrative Appeals Tribunal of Victoria Planning Appeal No 1992/11635 (17 June 1992) which related to the construction of the single dwelling at 74 Stevens Street, Sale. On page 8 of that decision, the Tribunal stated:

... The Tribunal finds it most difficult to accept the arguments that this single house would encroach upon the habitat of the wildlife and cause it disturbance, and also cause environmental damage and pollution. It is after all proposed to be located only about 35 – 40 metres closer to the wetlands than many houses along the north side of the Stevens Street. The depth of the wetlands south of Stevens Street extends for 1.5 – 2kms and has a width of about 1.5kms in average. The wetlands area is vast by comparison with the area of the appeal site. The Tribunal considers that if any effect is to be caused it is likely to be microscopic.

Mr Treadwell concluded that he was satisfied that the proposed permit conditions reflect the recommendations of the Ecological Assessment Report submitted with the permit applications, and that they sufficiently address the potential impact of urban development on the adjacent wetland system.

(ii) Discussion

In relation to potential impacts on flora, fauna and other ecological impacts the Panel accepts the Council's and the proponent's submissions and evidence that extensive background assessment of the possible environmental impacts have been undertaken and that the findings of this work has been shared with and assessed by the relevant referral agencies and authorities. It is compelling that both proposals have the support of the WGCMA, Gippsland Water, the Department of Environment and Primary Industries as well as the Wellington Shire Council. The Panel considers that the environmental effects associated with the developments have been well considered and analysed in the background technical reports. It notes that appropriate responses to possible issues have been determined and resolved as required to the satisfaction of all authorities via inclusion of conditions on the associated planning permits.

The Panel notes that the subject land is not contained within Environmental Significance Overlay Schedule 2, although some of the balance of the farm land is. The Panel considers

that the resident concerns regarding the proposed developments impact on wildlife and fauna visiting the site are unfounded. The Panel accepts the evidence of Mr Treadwell that the construction of 11 extra houses on lots that have an average depth of 36 metres towards to floodplain will not stop birds visiting or landing on the abutting land contained in the Farm Zone that stretches some 800 metres, or onto the Ramsar listed public land some two kilometres away.

5.5 Drainage

(i) Submissions and evidence

To ensure adequate drainage, the owner of each lot must enter into a s173 agreement which will require that each lot maintain its own section of swale in accordance with an approved maintenance plan.

Submitters questioned whether these will work and whether the swales will become inundated with flood water. Mr Gregory questioned the location of the pumping station and the ability of the roads to support heavy vehicles. Mr Yeowell remained unconvinced that the proposed drainage swales will do the job for which they are intended.

Ms Edwards and Mr Tucker questioned the type of restrictions to be placed on the swale drainage system and the type of assurances to be provided about flow from the swale to other properties and land. They asked "What measures are in place to safeguard the flora, fauna and birdlife of the area in questions, particularly in reference to toxic waste in the swales?" They further asked about post development monitoring procedures.

The WGCMA submitted that it is satisfied that all stormwater discharged from the new lots will be treated to meet the relevant guidelines, and that:

A combination of on-site storage (rainwater tanks) and off-site vegetated swales will be used to manage the quantity and quality of water being discharged from the new lots. This will mean that no stormwater will drain directly or unfiltered into the Ramsar wetlands.

That Authority recommended an additional condition be included in both planning permits to read:

Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1989 (sic) which will covenant that:

- *The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.*

The Authority further commented on the relevant conditions relating to swales, maintenance plans, and covenants regarding the swale maintenance plans. It noted that it would not issue a Statement of Compliance for the subdivision until it is "... satisfied that the maintenance plan sets out appropriate actions and timelines to manage the swales to ensure that stormwater discharge continues to be managed in accordance with best practice

standards.” Interestingly, the Authority acknowledged the submitters concerns related to toxins, chemicals and other poisonous pollutants being discharged to the swale, and observed that it did not believe this issue could be managed through the planning permit process, and said:

Ongoing community education and awareness of the importance and fragility of all our waterways and wetlands is a more appropriate pathway.

Gippsland Water advised that the lots are able to gravitate to sewer and that the sewer has capacity. Its key concern related to the location of the pumping station and its location in relation to the above ground power lines. It noted that the pump station would be required to be placed into the development off the road, and in a lot size of 10 metres by 10 metres. Both the proponents and the Council agreed to this.

Council noted that the both planning permits outline requirements relating to stormwater management and include the requirement for the preparation of a Stormwater Discharge Plan including maintenance provisions.

In respect of submissions that raised concerns regarding the functionality of the proposed swale drains, Council reiterated that the WGCMA considered the proposed design of the drains to be appropriate. The WGCMA observed that it is not unusual for swales to be inundated in less than a 1% AEP flood event as they are designed to convey minor floods (usually 1 in 5 year ARI).

The ecological evidence statement of Mr Treadwell stated:

The Permit Conditions outline sufficient measures that will help ensure the following:

- *That future development adequately considers urban runoff;*
- *That all residential allotments will be connected to reticulated sewer; and*
- *That erosion and sediment control will be considered as part of future works.*

Mr Treadwell suggested that the permit provisions for erosion and sediment control could be strengthened by:

... the introduction of a Permit Condition that requires the preparation of a Construction Management Plan prior to the commencement of any works.

Mr Treadwell noted that a Construction Management Plan would stipulate the exact form of sediment and erosion control measures, as well as addressing amenity considerations, such as the hours of construction, control of noise, and control of dust.

In relation to drainage and environmental matters Mr Anderson highlighted there is no evidence before the Panel relating to flooding, drainage, ecological or biodiversity functions that raise concerns or issues with the proposed rezonings and associated developments. He stated that each of these matters have been comprehensively assessed by relevant experts and the findings and conclusions have been considered and accepted by the appropriate authority, this being the WGCMA. Mr Anderson noted that Council’s engineers, which have a role in regulating drainage outcomes, expressed no objection to the proposed drainage solution.

(ii) Discussion

The Panel considers that the proposals include adequate sewage and storm water discharge responses. The fact that the proposed development sites are required to be connected to reticulated sewer is an important outcome that is supported by the Panel. This requirement sets these proposed development sites apart from those within the nearby Low Density Residential areas to the south-east and west of the subject sites which have no such requirement. In this regard it is noted that there are already approximately 20 properties located on land above the floodplain on the south side of roads that front the waterway in this part of Sale (two along Stevens Street and the remainder to the south east and west).

While the Panel considers that the storm water filtering solution proposed via the construction of bio swale drains (including their fencing on the south side of the swale) is not ideal, the Panel accepts that this approach is adequate. The Panel is satisfied with the WGCMA and Council's advice that the proposed design response is appropriate and manageable. Further the Panel accepts the updated Planning Permits contained in Appendices E and F of this report contain appropriate swale maintenance provisions (refer Condition 6 of each permit).

The Panel accepts the evidence of Mr Treadwell that the exhibited permit requirement for the preparation of an Environment Management Plan should be reworded to require that it be prepared and approved prior the commencement of any works. Further, the preparation of a Construction Management Plan should also be required prior to commencement of any works. These actions will assist in the effective control of the management of potential off site impacts.

5.6 Site stability

(i) Submissions and evidence

Some submitters considered the land to be unstable and in this regard, Ms Connor said that she has observed "... fill from tip trucks used to build up the bank over the last 26 years and believe that it would be unsuitable foundations for building upon". Mr Black and Ms Brotchie supported these comments and put that the land "... contains significant quantities of soil placed there within the last decade as land-fill which may be inherently unstable and place Council ... at risk of legal proceedings in the event of a slope failure ..."

Council's submission noted that it had requested a geotechnical report from the proponents for both Amendments in response to submissions expressing concerns regarding the stability of the land due to infill and steepness. Council advised that it was satisfied with the expert reports submitted with the applications on this issue and accepts the subject land is stable and therefore developable.

Mr S Anderson, of Simon Anderson Consultants prepared an expert witness statement on Geotechnical Risk on behalf of the Proponent. His statement noted that the sites proposed to be rezoned have moderate to low grades over the proposed residential allotment area, ranging from approximately 1 in 30, to 1 in 5. He noted they have excellent grass coverage that will prevent topsoils from being washed away (even in the heaviest torrential downpours). Mr Anderson observed that the houses along Stevens Street show no signs of

soil erosion or land slip and that there is no previous history of unstable land in the area. Further his evidence statement noted:

There is no evidence of soil erosion or landslip on the subject site or adjoining properties and I would consider the geotechnical risks to be low. No sinkhole activity or visible evidence was observed on the subject sites.

Natural soils throughout the site (stiff sandy clays) will have adequate strength and stability for residential slabs and footings.

Mr S Anderson noted that any construction works associated with the proposed dwellings will be protected by Building Code of Australia, Australian Standards, Building and Planning Permit requirements and normal construction practice. He concluded that based on his desktop investigations, followed by his site investigation including soil boring, taking cross sections and analysis of collected data that the subject sites are suitable for the proposed use. He summarised the risks for both sites as:

- Landslide: Low - acceptable
- Sheet/Rill erosion: Low - acceptable
- Tunnel erosion: Low - acceptable

Mr S Anderson stated that further intensive investigation outside of the normal Building Code of Australia, and Council Requirements are not required.

(ii) Discussion

The Panel accepts the evidence of Mr S Anderson with regard to the development sites foundations and stability, and accepts his evidence that the subject sites are suitable for the proposed use.

5.7 Conclusions

The Panel concludes that the subject land can accurately be described as high land above the floodplain that abuts a Rural Waterway by Definition of the *Waterway Act 1989*. The Panel is satisfied that the Design and Development Overlay requirement that all buildings, including outbuildings should have a finished floor level height of above 3.7 metres AHD is appropriate and is anticipated to protect development from the 1% AEP flood event.

Having concluded that proposed sites are not directly affected by the Land Subject to Inundation Overlay or the Flood Overlay, the Panel accepts that the land immediately abutting the proposed sites is so affected. The Panel concludes that the Design and Development Overlay requirements, and the proposed Planning Permits contain adequately stringent compliance requirements with specific design parameters to protect the subject land from flood waters; to ensure stormwater drainage will be adequately filtered and controlled; and will effectively ensure that potential environmental impacts, including impacts on fauna, will be adequately controlled.

The Panel reiterates that the proposed planning applications not only have strategic planning support through the Wellington Planning Scheme, they are supported by the relevant environmental management and protection agencies. The Panel is satisfied with the ecological evidence submitted and tested, and with the submissions of Council and the relevant service authorities. These have concluded that the developments proposed will not

result in unacceptable environmental impacts subject to development occurring in accordance with the controls proposed via the Amendments and accompanying permits.

Post exhibition revisions relating to environmental control measures are further discussed in Chapter 7.2 and 7.3 of this report.

6 Visual and Amenity Impacts

6.1 The Issue

Submissions opposing the proposals raised a number of issues relating to visual and amenity impacts including:

- Loss of views and loss of 'public space'
- Change to streetscape
- Increase in traffic.

The issue is whether the development proposals will have unacceptable visual or amenity impacts.

6.2 Submissions and Evidence

(i) Loss of views and 'public space'

Members of the community perceive Stevens Street as an area with excellent views across the wetlands and the Sale Common area and were concerned about the potential loss of view. Ms Love said in this regard:

Stevens Street is one of the few remaining places in Sale which afford residents and visitors uninterrupted views across the wetlands. These stunning views are currently not the property of a privilege few but available to every resident and visitor to our town.

Ms Johnston said in this regard "No building however beautiful to its owner is better than a view for all of us to share." Mrs Gregory noted that:

The question here is not what can be built on this site, but whether it can be changed from rural to residential and a large number of Sale residents are against any such project. They cycle, walk, or drive along this road, to take in the view, to watch the abundant bird life or to enjoy a beautiful sunset. Indeed, the Sale Information and Tourist Centre stated that they frequently bring visiting coach loads of people along Stevens St., to introduce them to our beautiful wetland area.

Mr Thorne submitted "The view of the wetlands from Stevens Street is incredibly beautiful which my wife and I have enjoyed since moving to Sale several years ago". In commenting about the building envelopes and the allowable building height of four metres, Mr and Ms Tempest noted "If you then add trees and fences (especially if they are anything like the one in front of number 74), the view from the street would be mostly obliterated". Mr Smith considered that the view needs to be protected for future generations, "... as once it is gone it is very difficult to retrieve". Ms Doeche said "This is a unique and special area and should be valued and protected and not be given up for greed".

In supporting the proposals, Mr Ronchi noted that loss of view is not a valid objection "... as no one owns a view".

Council submitted that while “the development will not change the wetlands itself” it acknowledged that viewing opportunities from Stevens Street will be reduced. In recognition of the potential impact on views currently enjoyed by residents on the north side of Stevens Street, as well as those enjoyed by others travelling on Stevens Street, Council highlighted that the subdivision designs and proposed building height controls represent an appropriate balance between protecting existing views enjoyed by residents and users of Stevens Street and the provision of an appropriate scale of development on south side of Stevens Street.

Specifically in relation to the loss of views along Stevens Street and resident concerns about loss of public space, Council reiterated that land fronting Stevens Street is not part of the Sale Common Wetlands (Ramsar Wetlands) but rather farmland within a ‘Rural Waterway or Rural floodplain’ which is in private ownership. Council reiterated that the Sale Common Wetlands are accessible to the public elsewhere. It noted that extensive views can be enjoyed from numerous other locations within the area including the South Gippsland Highway, roads to the swingbridge and the numerous boardwalks within the Wetlands

In Council’s closing submission, Ms Provily stated that the proposed developments are occurring on only a small portion of the privately owned land along the stretch of Stevens Street which extends for approximately 1.4 kilometres long. Ms Provily stated that the views along approximately 900 metres of Stevens Street into the rural floodplain will not be affected.

Mr N Anderson submitted that findings of the 1992 AAT case in relation to the dwelling at 74 Stevens Street (appeal number 1992/11635) were instructive in relation to the issue of loss of views:

The principal argument presented by the objectors ... was that the proposed dwelling would have a detrimental impact on the view of the wetlands from Stevens Street ...

The Tribunal is of the view that while the proposed dwelling may obscure part of the view of persons residing on the north side of Stevens Street and of other persons not resident in the immediate area but wishing to enjoy the view of the wetlands, then the obstruction is relatively minor. It does not obscure the total view. There is adequate other directions of view which can be seen and enjoyed. In the Tribunal’s opinion, to deny this house on the basis of view obstruction would be unreasonable.

It is supported in this finding by the argument of Mr Sullivan that the distance between Guthridge Parade and Somerton Park Road is 1.4 kms in length. There are adequate places along this road where views of equal quality could be obtained.

(ii) Change to Streetscape

Several submitters questioned whether the introduction of new dwellings will have a positive influence of the streetscape and some were less than complementary of the quality of the existing buildings already present.

Others in support suggested that it will be an improvement, and in this regard, Mr Boyd said *"the construction of quality housing on this land would produce a much more pristine outlook removing untidy long grass and noisy cattle to the existing residential area across the road. It will remove the ongoing conflict that exists between town and farming residents"*. Ms James suggested that the proposal will *"... add a stunning point of difference to our growing town"*.

Council acknowledged that the proposed development will have some impact on the overall character of Stevens Street. Council highlighted that the proposed schedules to the Neighbourhood Residential Zone and Design and Development Overlay have been drafted to ensure that development respects and responds to the character of Stevens Street. It noted that controls over building envelopes and building heights have been included within both schedules and that it is satisfied that the proposed controls will effectively manage and minimise the impact of development on the landscape. Mr Yeowell disagreed and questioned whether the easements between buildings *"... will retain views and the engagement with the wetlands from Stevens Street is a naive attempt to appease/placate and not genuinely believed by anyone"*.

Council stated that the design guidelines specified in Design and Development Overlay Schedule 22 are designed to *"ensure new development contributes to the unique streetscape of Stevens Street and strengthens the general sense of living on the edge of Sale"*. The submission noted that landscaping cannot be controlled under current or proposed planning controls as planting (in residential gardens) does not constitute 'development' under the provisions of the *Planning and Environment Act 1987* and is therefore not subject to planning control.

Ms Provilly stated that the proposed subdivision design creates a minimum 16 metre wide gap between buildings to maintain the 'green' street character, and that the gap is wide enough to create an awareness of the wetlands through the view lines between the houses.

In relation to amenity impacts, the town planning evidence of Ms Jones was that the low scale height, setback and building envelope controls incorporated into the Design and Development Overlay Schedule 22 will result in a high standard of amenity. In relation to built form considerations, Ms Jones stated:

I'm of the view that the design response is one that has adopted a considered approach and has duly respected the character of the surrounding area and the relevant sensitivities of the site. It has achieved this whilst also recognising the strategic potential of the site and enabling a small but regionally significant provision of serviced residential land with views.

Ms Jones concluded that having regard to *"the prevailing strategic and physical context together with location considerations that characterise the site and area"*, she was satisfied that the planning permit proposals are an acceptable response to the applicable planning controls and policies. She said that they provide for a built form response that is suitable for the sites and surrounding context. Ms Jones considered that development built consistent with the guidelines will deliver an outcome that will have acceptable amenity impacts.

(iii) Traffic

Some submitters questioned the impact the proposal will have on traffic in and around Stevens Street and the ability for safe traffic movement, particularly at the western end of Stevens Street. Mr Greer commented:

We note the majority of construction vehicles will be entering into Steven St from Summerton Park Rd & Patten St for the construction of this development & construction of dwellings. The other end of Steven St has a local traffic only signs & is only suitable for light traffic so that will not be used!!!. Traffic will be horrendous for that part of Steven St & being an undeveloped street with no kerb & channelling all vehicles etc. have to park on the nature strip so what condition will it be when all the works are completed (sic).

Mr Greer raised issues about construction vehicles and the hours of construction, as well as potential for noise, and the type of construction vehicles to be used.

Mr and Ms Vanatta opposed the proposals on traffic and access grounds and said:

When accessing Stevens Street from Yvette Close, it is already difficult to see traffic coming through this single lane intersection because of the vegetation. Adding driveways to this section, plus the additional traffic caused by the increased number of dwellings farther down Stevens Street will increase the risk of an accident to this already dangerous intersection. Straightening and widening to two lanes in this small section of Stevens Street would greatly reduce the risk.

Mr Black and Ms Brotchie suggested that additional traffic places further risk to life and property due to the narrow dimensions of the thoroughfare, and that construction traffic will create hazard. Mr and Ms Barnett were concerned about street safety and sight and access issues which they said are already a major problem.

Council submitted that the 11 additional houses will not create a significant increase in traffic. Council noted that the traffic report submitted as part of the permit applications determined that the slight increase in traffic will not necessitate upgrades to the road network or changes to the kerb and channel. With respect to concerns regarding poor visibility when entering Stevens Street from Yvette Close, Council advised that sight lines are adequate. Council considers that the width of Stevens Street is appropriate and assists in controlling speed. Council concluded that the increase in traffic generated by the proposed additional 11 dwellings can be accommodated within the existing road network.

6.3 Discussion

The loss of an existing view, be it partial or full, is understandably distressing for those affected. Various VCAT decisions were cited during the hearing that have had regard to the issue. The Panel notes that in relation to the dispute regarding the development at 74 Stevens Street, Sale (AAT Ruling - P86/542) the Tribunal determined that the development "does not obscure the total view. There is adequate other directions of view which can be seen and enjoyed. In the Tribunal's opinion, to deny this house on the basis of view obstruction would be unreasonable".

The Panel is faced with a similar dilemma with regard to whether the visual impacts and change of streetscape that is likely to result as an outcome of supporting the applications. That is, are the likely impacts reasonable or unreasonable in the context of the views and amenity currently enjoyed by the residents within the 45 properties located on the north side of the street, and other visitors to Stevens Street? Based on its various site inspections, before, during and after the hearing, the Panel determines that the majority of the existing 45 houses that are located on the north side of the Street will not be so significantly adversely impacted by the proposed developments as to warrant refusal of the proposed permits.

The majority of Stevens Street (approximately 855 metres of its 1.4 kilometre length) will retain its existing open and unobstructed view lines following construction of new dwellings on the lots proposed. The site context analysis that accompanied the Planning Applications supports this finding. It is estimated that views will be obstructed either partially or significantly along approximately 365 metres of Stevens Street impacting directly on approximately 14 houses, some of these more than others. Houses along approximately 115 metres near Yvette Close and approximately 250 metres in proximity to Nest Court have been assessed as being the most significantly impacted.

The Panel considers that the potential impacts on these houses have been thoroughly assessed. It agrees with the Council that appropriate design requirements have been included in the design guidelines in the Schedules to the Neighbourhood Residential Zone and the Design and Development Overlay in a responsive attempt to minimise as far as practicable the impacts of the proposed developments.

The Panel considers it pertinent to reiterate that various VCAT decisions regarding view and view sharing have determined that there is no legal right to a view and that an appropriate test is whether the impact is considered 'reasonable'. In relation to this, the Panel highlights that the Amendments and the accompanying permits seek to minimise impact on view lines via the inclusion of height controls and ensuring that building envelopes are separated to minimise bulk and create 'glimpses' between built form.

The Panel considers that these proposed design responses are reasonable. In reaching this conclusion, the Panel acknowledges that the streetscape will be affected and change will occur. However, the Panel does not consider that the changes to the streetscape will be transformative. The north side of the Stevens Street is almost, but not entirely, developed and presents a clearly urban residential form. Similar urban built form exists in two locations on the south side of the street. The proposed developments will increase the level of urban incursion into the current rural landscape on the south side of Stevens Street, however the Panel does not consider that urban/rural context will be 'transformed'. The Panel takes comfort that the topography of the remaining 855 metres of land on the south side of Stevens Street (which represents over half the length of the Street) is such that, other than small parcels of land on the eastern and western extremities, no further development is likely to be possible without introducing fill which may be unfavorable to the WGCMA.

In relation to traffic concerns of residents, the Panel agrees with the findings of the traffic impact assessment submitted with the applications that concluded that the likely additional

traffic to be generated from the additional 11 houses will not change the function or operational safety of Stevens Street.

The Panel accepts Council's Part B submission response that the increase in traffic generated by the proposed additional 11 dwellings can be accommodated within the existing road network. However in light of the resident concerns, including those expressed by Mr and Mrs Vanatta, the Panel considers that it would be appropriate for Council to monitor the traffic flow and safety in proximity to Yvette Close in order to determine if road widening or an alternative road design at the bend is necessary to improve vehicle, cyclist and pedestrian safety.

6.4 Conclusions

The Panel acknowledges that a key impact of the proposed developments is the potential impact on views currently enjoyed by residents occupying some of the 45 houses on the north side of Stevens Street, and for those walking or driving along the Street. While the Panel appreciates that a number of these existing houses will have their views compromised (either fully or partially) by the proposed 11 new dwelling on the south side of Stevens Street, the Panel considers that the design controls contained in the Schedules to the Neighbourhood Residential Zone and the Design and Development Overlay will serve to control the visual and amenity impacts. In this regard, an appropriate balance is achieved between facilitating appropriate future development and retention of existing views. On balance the Panel considers that the visual and amenity impacts will be acceptable and not transformative in nature.

In relation to traffic safety, the Panel considers that while not its primary recommendation, it would be appropriate for Council to closely monitor the traffic flow and safety of Stevens Street in proximity to Yvette Close in order to determine if traffic calming measures may be warranted once the development is completed.

6.5 Recommendations

The Panel recommends:

- 1. Council monitor the traffic along Stevens Street in proximity to the bend close to Yvette Close in order to determine if traffic calming measures are necessary to improve vehicle, cyclist and pedestrian safety.**

7 Net Community Benefit

The Panel considers this proposal is not particularly easy to reconcile and there are merits in both sides of the arguments put before the Panel at the Hearing and through submissions and evidence.

Planning is very much about balancing the needs of competing objectives and managing change to achieve net community benefit.

The *Planning and Environment Act 1987* and the VPP establish a framework within which planning and responsible authorities are to endeavour to balance and integrate competing policy objectives in favour of 'net community benefit' and 'sustainable development'. Clause 10.04 of the Planning Scheme notes:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

By its very nature, planning decisions such as those required for the proposed amendments and permit applications involve competing considerations and an assessment of whether net community benefit would result. This necessarily assumes that there will generally be some disbenefits to be weighed against the positive features. To take this further, the Panel has assessed the perceived benefits of the proposal against the perceived disbenefits. By inference, this also includes a view on whether the proposals result in a sustainable development outcome.

7.1 Perceived Benefits

The Panel assesses the perceived benefits of the proposal as follows:

Council, Department, agency and authority support

- The proposals have Council support. Council advised that it discussed the proposals with the (former) Department of Transport Planning and Local Infrastructure and they too supported the Amendments and permit applications.
- There is unambiguous agency support through the WGCMA, Gippsland Water, and the (former) Department of Environment and Primary Industries.
- There is no opposition from Department of Defence, so long as its proposed permit condition is included.

Planning support

- The land is identified in the *Sale, Wurruk and Longford Structure Plan* as 'Future Urban Residential' (Figure 2 – Overall Structure Plan).
- The *Sale, Wurruk and Longford Structure Plan* has been adopted by Council and is a Reference Document in the Wellington Planning Scheme at Clause 21.20.
- The proposal is consistent with the provisions of Clause 21.05 – *Sale, Wurruk and Longford Strategic Framework* of the Wellington Planning Scheme.
- The *Sale and Wurruk Strategy Plan* map at (page 7 of 12 of Clause 21.05) identifies the land as 'Urban Residential Expansion' and notes:

Objective 2:

To provide housing choice and diversity in the local market.

Strategies

- *Facilitate development in Sale, Wurruk and Longford for a variety of residential densities/lot sizes, in accordance with the township roles and strategy plans contained in this clause.*
 - *Facilitate provision for multiple development fronts that increase competition in the market.*
- The land is arguably within the Settlement Boundary as shown on Map 13 – Sale Framework Plan (Document 13). While not colored pink 'existing urban area' – it is the same colour (light blue as many other undeveloped sites within the pink shadings).
 - The proposals are supported by relevant provisions of the SPPF and LPPF.
 - The land subject of the Amendments and permit applications is not contained within Environmental Significance Overlay Schedule 2 (although some of the balance of the Farming Zone land is).
 - There are no strategic land use planning grounds to abandon the Amendments as they are consistent with *Planning and Environment Act 1987* and the Wellington Planning Scheme.
 - Planning evidence was presented by the proponent and was able to be tested.

Environmental considerations

- The land is in private ownership and is currently zoned Farming – it is not public land, it is not a 'wetland' nor a 'Ramsar wetland'. It could be best described as being high ground that the WGCMA has determined is above the 3.2 metre flood contour. The land abuts a Rural Waterway or Floodplain by definition of the *Waterway Act 1989*.
- The 11 lots will all be connected to reticulated sewer and water (different to existing properties fronting the floodplain) thereby not resulting in any significant impact on floodplain.
- The environmental impacts were considered and analysed extensively in the background technical reports and through extensive consultation with relevant service authorities. Relevant issues have been identified and responses to issues determined and/or resolved to the satisfaction of all authorities. The management plans will be effective.
- There are already approximately 20 properties located on land above the floodplain on the south side of roads that front this part of Sale (two along Stevens street and the remainder to the east and west). The lots to be developed via approval of these Amendments and permit applications will be serviced with reticulated services, the existing houses in the low density residential estate are not. Approval will not be setting a precedent, as the precedent has already been set through approval of these other lots. Council has taken the view that if the land is above the flood level, it is suitable for consideration for development.
- The resident concerns regarding impact on wildlife/fauna visiting the site are unfounded as the 11 additional houses on lots that have an average 36 metre depth are on the fringe of the wider floodplain. It will not stop birds visiting or landing on the remaining land contained in the Farming Zone, or on the public land two kilometres away.

- The location and fencing of a swale drain on the south side of the properties is a logical solution and will facilitate effective maintenance.
- Geotechnical and ecological evidence was presented by proponent and was able to be tested.

Visual and amenity considerations

- Most of Stevens Street (855 metres) will retain 'open' view lines. Views will be impacted for approximately 360 metres. It is noted that a number of resident objectors will have their views compromised. Both Amendments and permits seek to minimise impact on view lines reasonably via height controls, setbacks and buildings sited together to allow filtered views.
- It is long recognised in planning that there is no legal right to a view.
- Just because there are only 11 lots being created does not mean that the rezoning are inappropriate.
- A previous decision of the Tribunal (P86/542) noted that the proposed development at 74 Stevens Street "... does not obscure the total view. There is adequate other directions of view which can be seen and enjoyed. In the Tribunal's opinion, to deny this house on the basis of view obstruction would be unreasonable".
- Traffic concerns are not founded and can be managed.
- There will be some change to the streetscape, but it is considered not to be transformative. There is a strong existing urban form already on one side of street.

The Panel notes the many submissions in support of the proposal.

7.2 Perceived disbenefits

The Panel assesses the perceived disbenefits of the proposal as follows:

- The land was not identified in the exhibited version of the *Sale, Wurruk and Longford Structure Plan* and many residents may not have been aware of its post exhibition inclusion as being within the Urban Growth Boundary.
- There is a community perception amongst some submitters that the land would never be developed for further residential development.
- The ultimate support provided by the *Sale, Wurruk and Longford Structure Plan* was questioned and was said to be pivotal to the Amendments and permit applications. Many argued that without that support, the proposals could not have been contemplated.
- There is no pressing need for the 11 lots. While the development of 11 houses will deliver some short term economic benefits, the social benefits are minimal.
- A Net Community Benefit Assessment was not undertaken by Council or the proponent, and there are arguably competing provisions in the SPPF and LPPF.
- While the Amendments and permits contain management provisions to reduce and control environmental impacts, it was questioned whether the risks are acceptable.
- Environmentally, the impacts are likely to be managed, but require extensive controls to be put in place and ongoing compliance.
- The rezonings could be argued as being 'ad hoc'.

The Panel notes the many submissions against the proposal.

7.3 Conclusions

Ultimately, the Panel has placed weight on the fact that the strategic direction of the Wellington Planning Scheme lends significant support to the proposals and that the relevant agencies and Council also support the development outcomes. The Panel considers that net community benefit has been demonstrated, and the Amendments and planning permit applications can therefore be supported.

8 Form of the Amendments and Planning Permits

A number of post exhibition changes to the Amendment documentation and the wording of the draft planning permits were proposed by Council.

In addition to matters addressed elsewhere in this report, Council noted that it would welcome the Panel's advice on whether Design and Development Overlay Schedule 22 should retain exemptions from notice and review and how Council should approach the issue of further residential development along the balance of the land along the south side of Steven Street.

8.1 Post Exhibition Changes to Zone and Overlay Controls

(i) Updated Diagram 2 to reflect the location of the Pumping Station

Gippsland Water requested that the pumping station to service the subdivision at 74 Stevens Street be re-positioned and shown on Diagram 2 of both Schedules included in the Amendment. Both Council and the proponent accepted the new location required by Gippsland Water. The Panel is satisfied that the new location is necessary to improve safety and comply with the Authorities design standards.

The Panel accepts that the pump station can be appropriately screened. The updated version of Diagram 2 has been inserted the Panel Recommended Version of Neighbourhood Residential Zone Schedule 1 and Design and Development Overlay Schedule 22 within Appendices C and D.

(ii) Updated Application Requirements (Design and Development Overlay Schedule 22)

Council's Part B submission requested two additional post exhibition additions be included in the 'Application Requirements' specified in Design and Development Overlay Schedule 22 being:

- *The location of any proposed building and works clearly dimensioned on a site plan drawn to scale; and*
- *Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands through an Environment Management Plan.*

The proponent did not oppose either addition.

The Panel accepts the inclusions, and it notes that arising from the evidence of Mr Treadwell, both planning permit applications have been amended to require the preparation of an Environment Management Plan prior to the commencement of any works. The Panel has included a new condition (Condition 12) requiring the preparation of a Construction Management Plan. The Panel considers the proposed inclusion of the Environmental Management Plan requirement in the Design and Development Overlay is consistent with the planning permit requirement.

The two additional application requirements are reflected in the Panel Recommended Version of Design and Development Overlay Schedule 22 in Appendix D.

(iii) Exemption from Notice and Appeal

As exhibited, Design and Development Overlay Schedule 22 provides an exemption from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act for a planning permit application to subdivide, construct a building or construct or carry out works for a use within Section 1 of the zone.

In discussing this aspect in its Part B submission, Council said:

Council would welcome comments/recommendations from the Panel regarding whether this notice and review exemption should be retained or be omitted if the amendments are ultimately approved by Council.

The Panel considers that it is reasonable to retain this exemption. The schedule was exhibited and the design guidelines were discussed during the Hearing. Council and the various agencies provided a detailed review of the schedule and its guidelines. The Panel finds that the guidelines respond appropriately to the visual amenity and urban design challenges along Steven Street. So long as the provisions are upheld in the design and future development of the 11 sites, the Panel considers it appropriate that there will be no further third party involvement. Accordingly, the Panel has retained exemption provision in its Panel recommended version of the Schedule contained in Appendix D.

(iv) Balance of Land

Council submitted that not all land identified for residential expansion within the *Sale, Wurruk and Longford Structure Plan* and subsequent *Strategy Plan* in Clause 21.05 is subject to the proposed amendments. It noted that the balance of undeveloped land along the southern side of Stevens Street has the potential to be the subject of further rezoning/planning permit requests. With respect to this, Council's submission stated:

On the basis of the steeply sloping topography Council does not consider that it would be developable if the design requirements developed for NRZ1 and DDO22 are applied to the land. It therefore welcomes a view from the Panel as to whether:

- *the remainder of the land should be retained in the Strategy Plan in Clause 21.05 and identified as an area for potential urban expansion;*
- *if not, should Council remove the balance land from the Planning Scheme?*

Based on the geotechnical and ecological evidence presented and tested during the hearing, the determination of the contours of the land south of Steven Street, and the submissions from WGCMA, the Panel considers that there may be two further locations south of Stevens Street where:

- Enough land is located above the 1% AEP Flood Level to create a viable building envelope
- The land could be economically connected to reticulated sewer.

These two locations are at the eastern and western extremities of Stevens Street. In noting the above, the Panel is not endorsing the rezoning of the land parcels.

It is not an option for Council to amend the Strategy Plan in Clause 21.05 via this Amendment process as such was not exhibited. It is a matter for Council, in consultation

with the community, to determine whether the Strategy Plan and the related local planning policy provisions at Clause 21 should be amended to preclude the potential for further development along south side of Stevens Street via a subsequent planning scheme amendment process. The Panel notes however, that this proposal will create an unusual zoning pattern.

8.2 Post Exhibition Changes to Planning Permit Conditions and Plans

Council and the proponent accepted that the following changes should be made to the exhibited versions of both P124/2013 and P373/2012:

- In response to the submission by the WGCMA to add additional conditions to assist in the protection of water quality add the following:

The owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1989 which will covenant that:

- *The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.*
- In response to the submission by the Department of Defence add the following planning permit note:

Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.
- In response to a review by Council's statutory planning team make minor updates to reflect existing planning permit standards within Council, which have been revised since the exhibition of these amendments.
- In response to the ecological evidence of Mr Treadwell, amend Condition 11 of both permits to require that the Environmental Management Plan be prepared prior to the commencement of any works, and introduce a new Condition to require the preparation of a Construction Management Plan also prior to the commencement of any works (Refer new Conditions 12).
- In response to the ecological evidence of Mr Treadwell and with the support of the WGCMA, update the subdivision plans to benefit the land in the drainage easements in favour of the responsible land owner for maintenance of the swales (as outlined in the planning permits).

The Panel accepts all of the above post exhibition modifications. The Panel recommended versions of the permits contained in Appendices E and F reflect the agreed changes.

Council's Part B submission noted that Council will request that the proponent add the following notation to the Title Plan or include as part of the Section 173 agreement the following:

- *'This land may be subject to aircraft noise from time to time resulting from the operations at the RAAF Base East Sale'.*

Council advised that this additional notation was at the request of the Department of Defence. The Panel is not opposed to this outcome.

8.3 Recommendations

The Panel recommends:

Replace the exhibited versions of the Neighbourhood Residential Zone Schedule 1 and the Design and Development Overlay Schedule 22 with the Panel recommended versions contained in Appendices C and D.

Replace the exhibited versions of Planning Permit P124/2013 and Planning Permit P373/2012 with the Panel recommended versions contained in Appendices E and F.

Appendix A List of Submitters

No.	Submitter	No.	Submitter
1	Gillian Gregory	30	C and M McMillan
2	Jonathan Barnett	31	Patrick Barnes
3	Meryl Edwards and Mr Trevor Tucker	32	Gavin Ronchi
4	Meryl Edwards and Mr Trevor Tucker	33	Robert Smith
5	APA Group	34	Maree Love*
6	Department of Environment and Primary Industries	35	Delwyn Ahern*
7	Val Perkins	36	Ilgia Backman
8	Joshua Charteris	37	Natalie Dimarco
9	Jason Frost	38	David Backman
10	John and Anne Tempest	39	Brittany McGregor*
11	Kathy Osborn	40	Meredith Johnston
12	Lisa Wegener Property	41	Judy Davies*
13	Travis and Kylie Morgan	42	Bruce Johnston*
14	Daniel and Carolyn Holmes	43	Alan Armstrong
15	Anthony Lazzaro	44	Kern Brown*
16	Keith Boyd	45	Sheryl Vivian
17	Karen Backman	46	Peter Hulland*
18	Jason McMillan	47	Mark Yeowell*
19	Robin Lowe	48	Renee Yeowell*
20	Mel Trease	49	David Thatcher
21	Elle James	50	David Harrington
22	Department of Defence	51	Renee Sarolea
23	Leanne Backman	52	Gloria Townsend*
24	J and M Gray	53	Graham Chalmer Real Estate
25	Leonie Roberts	54	Frank and Janice Vanatta
26	Not supplied	55	Colin Love*
27	Angela Derham	56	Lee Mynard*
28	West Gippsland Catchment Management Authority	57	Anne-Maree Best*
29	West Gippsland Catchment Management Authority	58	Mary Connor
		59	Kathryn Brothie and Mr Joel Black
		60	Helen Humphrey*

No.	Submitter	No.	Submitter
61	E Mahoney*	93	Susan Jones*
62	John Meade*	94	Russell Matson*
63	Gordon Robertson*	95	Mitchell Dowse*
64	Gillian Meade*	96	Robert Eustace*
65	Peter Tuss*	97	P Moulton*
66	Judith Rose*	98	Kath Jones*
67	V Whykes*	99	Y Clavarino*
68	Sarah Shingles*	100	G and G Petruska*
69	Corey Oliver*	101	C Allman*
70	Ellen Shingles*	102	Lucy Dowd*
71	John Clancy*	103	A Robinson*
72	Campbell Meade*	104	Beryl Dowd*
73	Tom Kelly*	105	Emily Dowd*
74	Michael Oliver*	106	Rosalind Dowd*
75	Helen Farley*	107	Wayne Dowd*
76	J Easton*	108	Harry Dowd*
77	Kevin Rose*	109	Emily Benson*
78	Douglas Thompson*	110	Jenny Benson*
79	Fred Crook*	111	Dean Benson*
80	Kirsten Collins*	112	Anna Luhrs*
81	John and Rhonda Barnett	113	Gabrielle Luhrs*
82	Concerned Residents Group*	114	Ross Luhrs*
83	Petition – Concerned Residents Group *	115	Catherine Boyd*
84	Peter Komen*	116	Owner of 48 Gilmour Street*
85	Jim McLeod	117	Owner of 1 Debra Court*
86	Simon and Robyn Williams	118	Owner of 40 Mark Avenue*
87	Ernest Edwards	119	Owner of 16 King Avenue*
88	Anton Fernando*	120	Karen Bayliss*
89	Marg Ziffer	121	Bertacchini-Jones*
90	Rob Righela*	122	Charmaine Wilson*
91	Melissa Righela*	123	Tony Capurso*
92	Laura Righela*	124	Allison Bigham*

No.	Submitter	No.	Submitter
125	Melanie Waite*	133	Leo Mornssy
126	Roseanne Phillips*	134	Iain Miller*
127	Cindy Doecke	135	Len Baker*
128	Pamela Brand	136	Ross Scott
129	Lauren Little*	137	Gippsland Water
130	Don Gaskill*	138	Eric Thome
131	Jenny Gaskill*		
132	Peter and Helen Greer		

* Template letter opposing the proposals.

Appendix B Document List

Date	Document No.	Document Name	Submitted By
20/04/2015	1	Part A Submission on behalf of Wellington Shire Council	Sabine Provily
*	2	Part B Submission on behalf of Wellington Shire Council	Sabine Provily
*	3	Submitter Map	Sabine Provily
*	4	Council Officer Report 7 Sept 2010 – Adoption of Sale, Wurruk and Longford Structure Plan	Sabine Provily
*	5	Written Submission	Meredith Johnston
*	6	Sale, Wurruk and Longford Structure Plan Map	Sabine Provily
*	7	Exhibited Version of Sale, Wurruk and Longford Structure Plan (May 2010)	Sabine Provily
*	8	Copy of Authorisation Letter P373/2012	Sabine Provily
*	9	Council Officer Report 17 February 2009 – Adoption of Sale, Wurruk and Longford Residential Land Supply Review	Sabine Provily
21/04/2015	10	Copy of written submission of Meredith and Bruce Johnson	Sabine Provily
*	11	Copy of written submission of Mr Eric Thorn	Sabine Provily
*	12	Written Submission of Ruth Jordan	Sabine Provily
*	13	Map 13 Regional Growth Plan – Sale Framework Plan	Sabine Provily
*	14	Copy of Authorisation Letter P124/2013	Sabine Provily
*	15	Submission on behalf of Applicants –C85 and C88	Nick Anderson
*	16	Extract from 1981 City of Sale Development Study – Possible Residential Development Units	Nick Anderson
22/04/2015	17	Speaking Notes	Ron Gregory
*	18	PowerPoint Slides	Ron Gregory
*	19	Plan showing Land Affected by C8, C9, C10, C11 and C12 Panels	Ron Gregory
*	20	Photos x 4	Meredith Johnston
*	21	Written Submission	Gillian Gregory
*	22	Written Submission	Peter Greer

"	23	Revised Planning Permit P124/2013	Sabine Provily
"	24	Revised Planning Permit P373/2012	Sabine Provily
"	25	Revised Schedule 22 to the Design and Development Overlay	Sabine Provily
"	26	Land Ownership Plan	Sabine Provily
"	27	Combined Zone and Overlay Plan	Sabine Provily
"	28	Strategic Planning File Note – Further Background Information	Sabine Provily
"	29	Council Officer Report 7 February 2012 – Request to the Minister to prepare and approve Amendment C67	Sabine Provily
"	30	Written Submission and Attachments, 21 April 2015	Ruth Jordan

Appendix C Clause 32.09 Schedule 1

Note: This version of Clause 32.09 Schedule 1 is the version contained in Council's Part B submission.

DDMMYYYY
 Proposed
 NSR 2015

CLAUSE 32.09: NEIGHBOURHOOD RESIDENTIAL ZONE SCHEDULE 1

Shown on the planning scheme map as NRZ1.

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

1.0 Minimum subdivision area

DDMMYYYY
 Proposed
 NSR 2015

Subdivision of the land must be in accordance with Wellington Planning Scheme permit numbers P373/2012 and P124/2013.

A permit may be granted to vary this requirement in the following circumstances:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- The subdivision is being undertaken to create land for a road, utility installation or for any other public purpose.

2.0 Permit requirement for the construction or extension of one dwelling on a lot

DDMMYYYY
 Proposed
 NSR 2015

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

3.0 Requirements of Clause 54 and Clause 55

DDMMYYYY
 Proposed
 NSR 2015

	Standard	Requirement
Minimum street setback	A3 and B6	5 metres
Site coverage	A5 and B8	Contained within building envelope as per diagrams 1 and 2
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	As per diagrams 1 and 2
Walls on boundaries	A11 and B18	None specified

	Standard	Requirement
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1 metre

4.0 Number of dwellings on a lot

[Proposed
C85, C88](#)

The number of dwellings on a lot must not exceed one, excluding a dependent person's unit.

Dependent person's unit

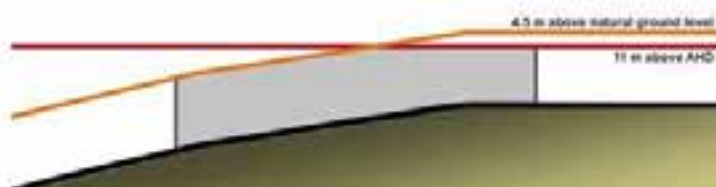
A planning permit is required to construct a dependent person's unit.

No more than one dependant person's unit may be constructed on a lot. This requirement cannot be varied with a permit.

5.0 Maximum building height requirement for a dwelling or residential building

[Proposed
C85, C88](#)

A building used as a dwelling or a residential building must not exceed a height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest.



6.0 Application requirements

[Proposed
C85, C88](#)

None specified.

7.0 Decision guidelines

[Proposed
C85, C88](#)

The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- The impact of the development on the environment, landscape values and character of Stevens Street and the Ramsar wetlands.
- The height of buildings to ensure that they retain an inconspicuous profile and do not dominate the landscape.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level building forms that follow the natural slope of the land and reduce the need for site excavation or filling.



Diagram 1: Building envelopes and subdivision plan opposite 37-39 and 41 Stevens Street, Sale.



Diagram 2: Building envelopes and subdivision plan 74 Stevens Street, Sale.

Appendix D Design and Development Overlay Schedule 22

This version of Design and Development Overlay Schedule 22 is the version contained in Council's Part B submission.

DDMMYYYY
Proposed
Text only

DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 22

Shown on the planning scheme map as **DDO22**.

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

Stevens Street is at the edge of the urban growth boundary to the south of Sale. Stevens Street is characterised by detached dwellings. Front yards along this street are predominately free of front fences which give the street a green and open landscape character. The majority of dwellings are on the northern side of Stevens Street. The Ramsar wetlands are located directly south of Stevens Street and extensive views over the wetlands are visible along the entire street.

1.0 Design objectives

DDMMYYYY
Proposed
Text only

To promote high quality architectural designed dwellings that utilise design and materials which are sympathetic to the landscape including split level building forms.

To ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.

To protect view lines to the Ramsar wetlands from Stevens Street.

To ensure development responds to the topography of the land and earthworks do not alter the nature of the topography of the area.

To ensure development is not visually intrusive and does not dominate the streetscape and wider landscape setting.

2.0 Buildings and works

DDMMYYYY
Proposed
Text only

A permit is required to construct a building or carry out works including:

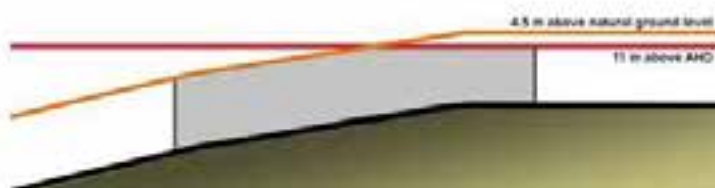
- A fence.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or veranda with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above natural ground level.
- A deck or balcony with a finished floor level not more than 800mm above ground level.

Design Standards

The following requirements apply, as appropriate, to all buildings and works.

Building height

All buildings, including outbuildings, should not exceed a maximum building height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest.



Minimum Finished Floor level

All buildings, including outbuildings, should have a minimum finished floor level of 3.7 metres above the AHD.

Building envelope

- All buildings and works must be contained within the building envelope of each lot as per diagrams 1 and 2 included in this schedule. This includes any associated outbuildings.
- The following buildings and works are allowable outside the building envelope:
 - A fence
 - A pergola or veranda.
 - A deck or balcony.

Siting and sloping considerations

- Dwellings should be sited and designed to take advantage of the natural slope conditions. Split level designs are encouraged to compliment the slope of the land.
- All buildings, including outbuildings, decks and verandas should not exceed the maximum finished floor level of 1 metre above natural ground level.
- Careful siting of buildings and works is required to ensure that:
 - The benefit of passive solar access is utilised and maximised and to minimise energy consumption.
 - The privacy and amenity of neighbours is respected.
 - Views from the site are capitalised upon.
 - Space between buildings is maintained.

Built form and architectural style

- Dwellings should be designed to be the dominant building on the lot.
- The style and architecture of all development should strongly relate to and is complimentary to the unique environment of the adjacent Ramsar wetlands and floodplain by ensuring that:
 - the built form is articulated and fragmented in its appearance to break up the mass of the building. Roofs should be designed to be of low visual impact to protect views;
 - balconies and decks are encouraged to extend the interior of the house outside and integrate the architecture with the natural environment; and
 - a cohesive image for the development is created by a considered and restrained use of colour and materials that will enable harmony between the architecture and natural environment. Muted tones and materials to all buildings and works, including fencing must be used to blend with the landscape and preserve the aesthetic amenity of the area.
- Dwellings should be designed to provide active and aesthetic street frontages as such front facades should incorporate at least one habitable window.
- Front facades are to be articulated with stepped walls or architectural detail to prevent a "flat" appearance. Dwellings with the same or similar facade design must not be constructed within three house lots on either side of a property.

Fencing

Fencing should be designed to maintain the open nature of the streetscape and surrounding Ramsar wetlands.

- Fences should be placed on the lot boundary.
- Any fence forward of the front facade must be no more than a 1 metre in height and be semi-permeable. This includes side boundary fences forward of the front facade to enable the open and seamless feel of the streetscape to be maintained.
- Fences on the back boundary should be semi-permeable to maintain the open and seamless feel and connection with the Ramsar wetlands.

Landscaping and access

- There must be no more than one single driveway / access per allotment.
- Front yards should be surfaced with predominately permeable material.
- No fill whatsoever is permitted below 3.7 metres AHD.

Application Requirements

An application for buildings and works, including fences, pergolas, verandas, decks and balconies must include the following information to the satisfaction of the Responsible Authority:

- The location of all proposed buildings and works clearly dimensioned on a site plan drawn to scale.
- Location, height and form of any existing dwellings abutting and adjacent to the property.
- The location, dimensions and depth of any proposed excavations or fill.
- Elevations that show the natural ground level, height of proposed buildings and works and all external materials, colours and finishes, including roofs. Drawings should be to scale and refer to AHD.
- How the application meets the design objectives and decision guidelines of this schedule.
- How Water Sensitive Urban Design (WSUD) is incorporated into the design.
- Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands through an Environment Management Plan.

Exemption from notice and appeal

An application to subdivide, construct a building or construct or carry out works for a use within Section 1, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

3.0

Decision guidelines



Before deciding on an application the responsible authority must consider:

- The design objectives of this schedule.
- The impact of the development on the environment, landscape values and character of Stevens Street and the Ramsar wetlands.
- The height of buildings to ensure that they retain an inconspicuous profile and do not dominate the landscape.
- Minimum finished floor levels to ensure appropriate level of protection from flooding risks.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level building forms that follow the natural slope of the land and reduce the need for site excavation or filling.
- The design response to the unique landscape setting of Stevens Street to ensure an appropriate interface with the public realm and the significant views to the Ramsar wetlands is achieved.
- The views of any relevant agencies including Department of Defence.



Diagram 1: Building envelopes and subdivision plan opposite 37-39 and 41 Stevens Street, Sale.



Diagram 2: Building envelopes and subdivision plan 74 Stevens Street, Sale.

Appendix E Planning Permit P124/2013

This version of the Planning Permit is based on Hearing Document 23 which was the subject of a without prejudice discussion on Day 3 of the Hearing. The Panel's additional modifications are tracked as follows:

- ~~Recommended deletion~~
- [Recommended addition](#)

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: P124/2013

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND:

CA: 2A SEC: 4, CA: 2 SEC: 4, STEVENS STREET, SALE.

THE PERMIT ALLOWS:

Subdivision of the land into 3 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

2. This permit will expire if:

- a) the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
6. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:
 - a) The owner of each lot is required to maintain their own section of swale in accordance with the approved maintenance plan.

- b) The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.
- c) The owner of each lot is required to comply with the approved Environmental Management Plan.

The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

Telecommunications

- 7. The owner of the land must enter into an agreement with:
 - a) 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;
 - b) 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.
- 8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Infrastructure

- 9. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:
 - a) Sprayed bituminous seal for the full width of the nature strip from the edge of road seal. 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:
 - Width of crossing at property line 3.0 metres (min)
 - Width of crossing at kerbs 4.0 metres (min)
 - Thickness 125 mm
 - Reinforcement F 72 mesh
 - Concrete strength 30 Mpa.

This work is to include any reinstatement works as deemed necessary.
 - b) Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.
 - c) Entrances to the property shall be indented to allow vehicles accessing the property to park clear of the road formation.
- 10. The location of the crossovers to the lots must be approved and constructed to the satisfaction of the Responsible Authority.

Environmental Management Plan

11. Prior to the ~~issue of Statement of Compliance~~ commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:
- All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.
 - The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
 - To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.
 - ~~Management of the development site during construction.~~

Construction Management Plan

12. ~~Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will managed during construction and should at least address the following:~~
- ~~The exact format of sediment and erosion measures proposed during construction.~~
 - ~~The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.~~
 - ~~Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).~~

West Gippsland Catchment Management Authority

- ~~13~~ Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.

Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

PERMIT NOTE

- Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

Appendix F Planning Permit P373/2012

This version of the Planning Permit is based on Hearing Document 23 which was the subject of a without prejudice discussion on Day 3 of the Hearing. The Panel's additional modifications are tracked as follows:

- ~~Recommended deletion~~
- [Recommended addition](#)

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: P373/2012

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire
Council

ADDRESS OF THE LAND:

CA: 8 SEC: 4, 74 STEVENS STREET, SALE

THE PERMIT ALLOWS:

Subdivision of the land into 10 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

2. This permit will expire if:
 - the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
6. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:
 - a) The owner of each lot is required to maintain their own section of swale in accordance with the approved maintenance plan.

- b) The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.
- c) The owner of each lot is required to comply with the approved Environmental Management Plan.

The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

Telecommunications

- 7. The owner of the land must enter into an agreement with:
 - a) 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;
 - b) 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.
- 8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Public Open Space Contribution

- 9. Prior to the issue of Statement of Compliance, the applicant or owner must pay to the Council an amount equal to five per cent of the site value of all the land in the subdivision. This payment may be adjusted in accordance with Section 19 of the Subdivision Act 1988. The requirement in this condition shall not operate until 7 days before the issue of a Statement of Compliance. However the condition must be complied with prior to the issue of a Statement of Compliance.

Infrastructure

- 10. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:
 - a) Sprayed bituminous seal for the full width of the nature strip from the edge of road seal. 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:
 - Width of crossing at property line 3.0 metres (min)
 - Width of crossing at kerbs 4.0 metres (min)
 - Thickness 125 mm
 - Reinforcement F 72 mesh
 - Concrete strength 30 Mpa.

This work is to include any reinstatement works as deemed necessary.

- b) Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.
- c) Entrances to the property shall be indented to allow vehicles accessing the property to park clear of the road formation.

Environmental Management Plan

11. Prior to the ~~issue of Statement of Compliance~~ commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:
- All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.
 - The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
 - To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.
- ~~d) Management of the development site during construction.~~

Construction Management Plan

12. Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will managed during construction and should at least address the following:
- The exact format of sediment and erosion measures proposed during construction.
 - The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.
 - Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).

West Gippsland Catchment Management Authority:

- ~~42~~13 Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.
- ~~44~~14 Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

SP Ausnet

- ~~44~~15 Prior to the Issue of the Statement of Compliance, the owner of the land must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- ~~45~~16 Prior to the Issue of the Statement of Compliance, the owner of the land must provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Gippsland Water

- ~~46~~17 Prior to the issue of Statement of Compliance, the owner of the land must complete the following to the satisfaction of Gippsland Water:
- Pay New Customer Contributions to Gippsland Water for water and wastewater service(s) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.
 - ~~SEWER-EXTENSION-ONLY~~—Enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of sewerage services to all lots of the subdivision. Pay to

Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.

- c) Install separate sewage disposal connections to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- d) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
- e) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.
- f) Install separate water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- g) Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision.

PERMIT NOTES

Preliminary Advice For Sewer

- A Sewer Pump Station (SPS) and gravity mains with connection to each lot will be required as per the preliminary infrastructure servicing report.
- The Rising Main will need to discharge to a maintenance hole in Nest Court.
- Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

ATTACHMENT 3

Planning and Environment Act 1987
WELLINGTON PLANNING SCHEME
AMENDMENT C85
EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of NBA Group Pty Ltd on behalf of Graeme Dyer.

Land affected by the amendment

The land affected by the amendment is on the southern side of Stevens Street, Sale being Crown Allotments 2 and 2A Section 4 Parish of Sale. Certificates of Title Volume 2714 Folio 769.



The combined permit and amendment process

The amendment has been prepared under Section 96A of the *Planning and Environment Act 1987* (the Act) to facilitate a combined planning permit and amendment process.

Division 5 of Part 4 of the Act provides for a combined permit and amendment process. Section 96A of the Act provides for a planning authority to consider an application for a planning permit concurrent with an amendment to a planning scheme. Notice must be given both of the preparation of the amendment and the permit application.

The Minister may grant a permit at the same time as the amendment is approved.

What the amendment does

Subdivide land opposite 37-39 and 41 Stevens Street above the flood contour and rezone to Neighbourhood Residential Zone 1 with a Design and Development Overlay 22 for residential development as identified in the *Sale Wurruk and Longford Structure Plan, 2010*.

The amendment:

- Rezones land opposite 37-39 and 41 Stevens Street, Sale from Farming Zone to Neighbourhood Residential Zone 1.
- Inserts a new Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 1 to Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 22 to Clause 43.02 Design and Development Overlay into the Wellington Planning Scheme.
- Amends the boundary of the Land Subject to Inundation Overlay to the 3.2m AHD contour.
- Amends Planning Scheme Maps 100, 100DDO and 100LSIO.

The permit:

- Subdivides land above the 3.2m AHD contour into 2 lots.

Strategic assessment of the amendment

- **Why is the amendment required?**

The rezoning is proposed to provide for the residential use and development of land within the Urban Growth Boundary (UGB) in Sale in accordance with the *Sale Wurruk and Longford Structure Plan, 2010*.

- **How does the amendment implement the objectives of planning in Victoria?**

The objectives of planning in Victoria are:

- a) To provide for the fair, orderly, economic and sustainable use and development of land.
- b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- f) To facilitate development in accordance with the objectives set out in the points above.
- g) To balance the present and future interests of all Victorians.

The amendment implements the objectives of the *Planning and Environment Act 1987* by allowing for the residential development of well-located fully serviceable land within the Urban Growth Boundary.

- **How does the amendment address any environmental, social and economic effects?**

The amendment has been limited to land within the Urban Growth Boundary (UGB) to protect the sensitive environment of the balance of this land.

The amendment will provide for the residential use of a fully serviced parcel of land contained within the UGB. Community benefits will include the better utilisation of existing infrastructure, local employment opportunities, and the creation of additional and different lifestyle opportunities.

- **Does the amendment address relevant bushfire risk?**

The amendment has considered the relevant bushfire risk. The site is situated within a Bushfire Prone Area, however the site and surrounding area is generally cleared and as such the risk of bushfire is not significant. The amendment does not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

The Country Fire Authority was consulted as part of the amendment process but did not give any further comments.

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

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes pursuant to s 7(5) of the *Planning and Environment Act 1987* (the Act).

Pursuant to section 12 of the *Planning and Environment Act 1987*, the amendment complies with the following applicable Ministerial Directions:

- Ministerial Direction No. 11 - Strategic Assessment of Amendments; and
- Ministerial Direction No. 15 - The Planning Scheme Amendment Process.

This planning scheme amendment is accompanied by all the required information.

- **How does the amendment support or implement the State Planning Policy Framework (SPPF) and any adopted State Policy?**

The amendment satisfies the SPPF objectives in particular:

- Clause 11.02 Urban Growth - The proposal will contribute toward providing additional urban land available for residential development which has regard to neighbourhood character, and creates a premium development with stringent built form controls. This further contributes to achieving objectives relating to diversity of choice and realising an opportunity for development utilising existing and available infrastructure.
- Clause 11.08-3 Sustainable Communities - The proposal ensures that growth is maintained within the existing Sale settlement boundary and limited risks to the natural environment and agriculture.
- Clause 12.04: Significant Environments and Landscapes - The proposal will ensure protection of the Ramsar wetland through ensuring all development is contained outside the areas subject to inundation and that any impacts on the wetland areas are avoided.

- Clause 13.02: Floodplains - The proposal will ensure that the area of the site subject to inundation is created as a separate parcel and that new lots to be created are not impacted by potential flooding. Specific controls on the built form are proposed to ensure an appropriate response to potential flooding impacts is achieved.
 - Clause 15.01: Urban Environment - The proposal will achieve a high quality development which creates a sense of place responding to the context of the site. The lot configuration responds positively to the constraints of the site and the nominated building envelopes and DDO will ensure that the built form is of the highest quality.
 - Clause 16.01-4: Housing Diversity - The proposal will see a form of housing in a unique setting which contributes to the diverse lifestyle opportunities available within the municipality.
- **How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically the Municipal Strategic Statement (MSS)?**

The amendment satisfies the LPPF objectives in particular:

- Clause 21.04: Settlement and Housing - The proposal will see further population growth and the provision of additional housing opportunities within the existing township boundary of the Sale township. The proposed controls will ensure that subsequent development in terms of scale, height and building materials has regard to the character of the area.
 - Clause 21.05: Sale, Wurruk and Longford Strategic Framework - The proposal is consistent with the strategic direction set out within the *Sale, Wurruk and Longford Structure Plan* at this Clause which designates the site as a future urban growth area. The unique nature of the controls will assist in delivering a diverse range of housing and lifestyle options for the community and activate a small urban growth front away from the primary growth to the north of the township.
 - Clause 21.13-1: Rural and Natural Landscapes - The proposal will ensure that the views from the public realm to the Ramsar wetlands are maintained through the siting of building envelopes and specific controls relating to the future development of the land. The controls relating to building scale and height will ensure that is sensitive to the existing views from properties on the northern side of Stevens Street.
- **Does the amendment make proper use of the Victorian Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by:

- Providing for the rezoning of fully serviced land within the existing urban growth boundary by rezoning the subject land from a Farming Zone to a Neighbourhood Residential Zone and applying specific development controls through a new Schedule 1 to the zone;
 - Including the application of a Design and Development Overlay – Schedule 22 to provide guidance for future development;
 - The amendments to the LSIO boundary will ensure that the overlay control aligns with the West Gippsland Catchment Management Authority agreed flooding extent; and
 - The amendment does not affect, conflict with or duplicate another existing provision of the planning scheme.
- **How does the amendment address the views of any relevant agencies?**
- Gippsland Water has advised that the subject land can be sewerred and provided with reticulated water at the developer's cost.
 - West Gippsland Catchment Management Authority has provided its support for the proposal.
 - The Department of Defence has advised that it has no objection to the proposal.

- SPAusNet has advised that the existing electricity network has the capacity to service this development.
- APA Gas/Envetra has advised that the existing gas network has the capacity to service this development.
- Telstra has advised that the existing telecommunications cables have the capacity to service this development.

- **Does the amendment address the requirements of the Transport Integration Act 2010?**

The amendment is not considered to have any impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

There are no applicable statements of policy principles prepared under Section 22 of the *Transport Integration Act 2010*.

Resource and administrative costs

- **What impact will the new planning provisions have on the administrative costs of the responsible authority?**

The rezoning of this in-fill parcel is not likely to result in any cost implications for implementing and administering the change resulting from the amendment.

Where you may inspect this Amendment

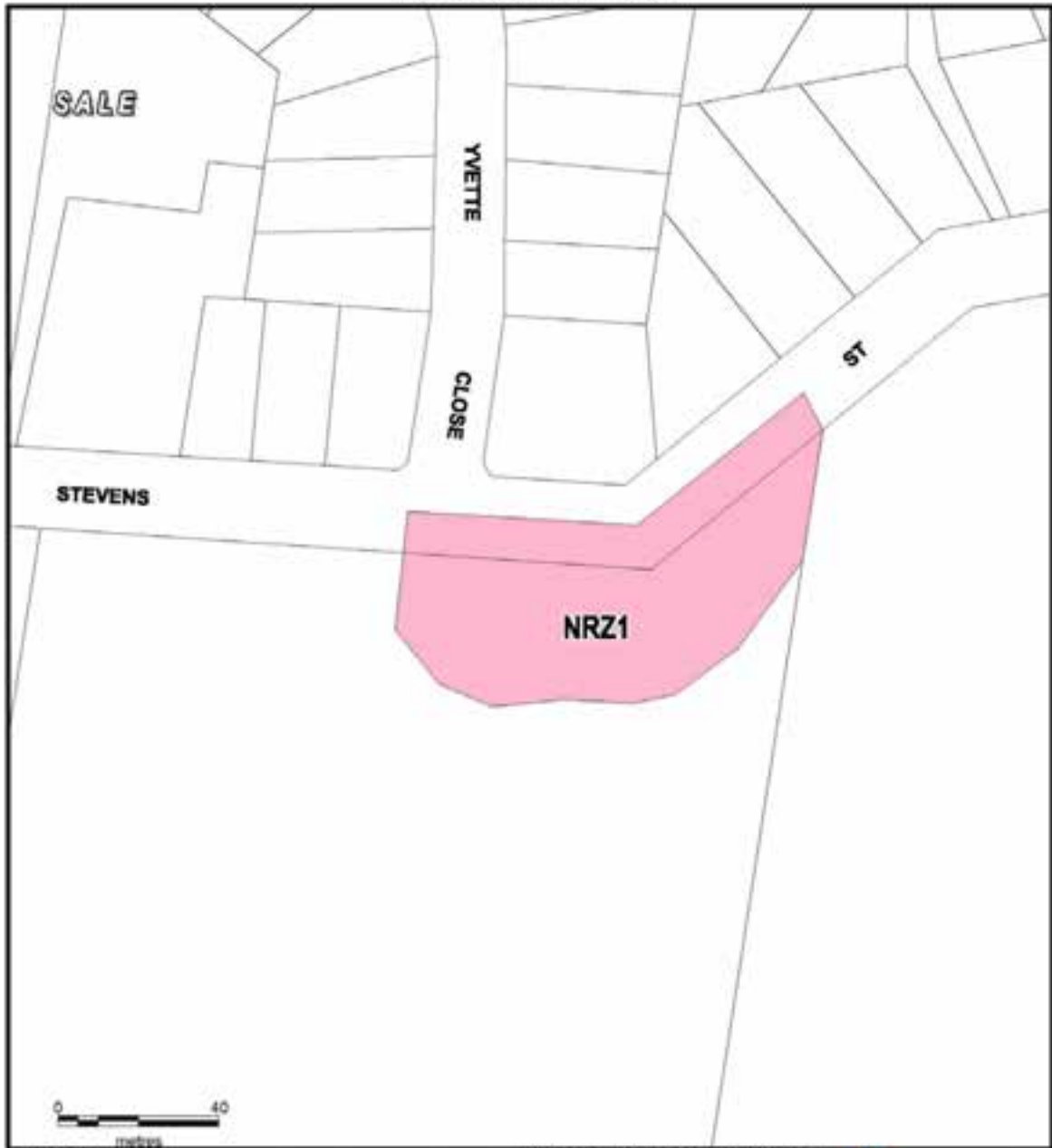
The amendment is available for public inspection, free of charge, during office hours at the following places:

Wellington Shire Council
Sale Service Centre
18 Desailly Street
Sale VIC 3850

Wellington Shire Council
Yarram Service Centre
156 Grant Road
Yarram VIC 3971

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection.

WELLINGTON PLANNING SCHEME LOCAL PROVISION



LEGEND

Part of Planning Scheme Map 100

NRZ1 NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1

AMENDMENT C85

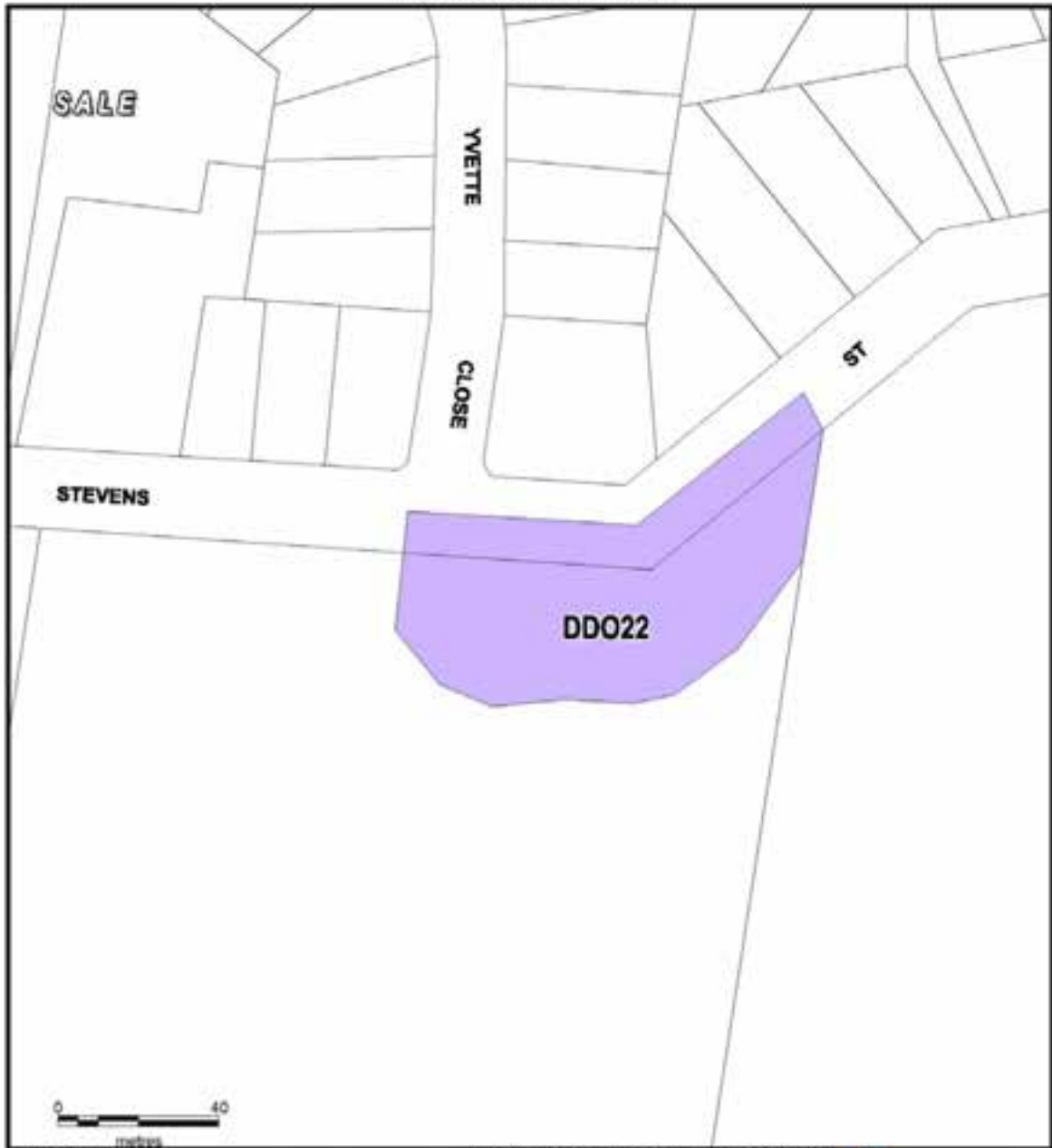
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]



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WELLINGTON PLANNING SCHEME LOCAL PROVISION



LEGEND

Part of Planning Scheme Map 100DDO

DD022 DESIGN AND DEVELOPMENT PLAN - SCHEDULE 22

AMENDMENT C85

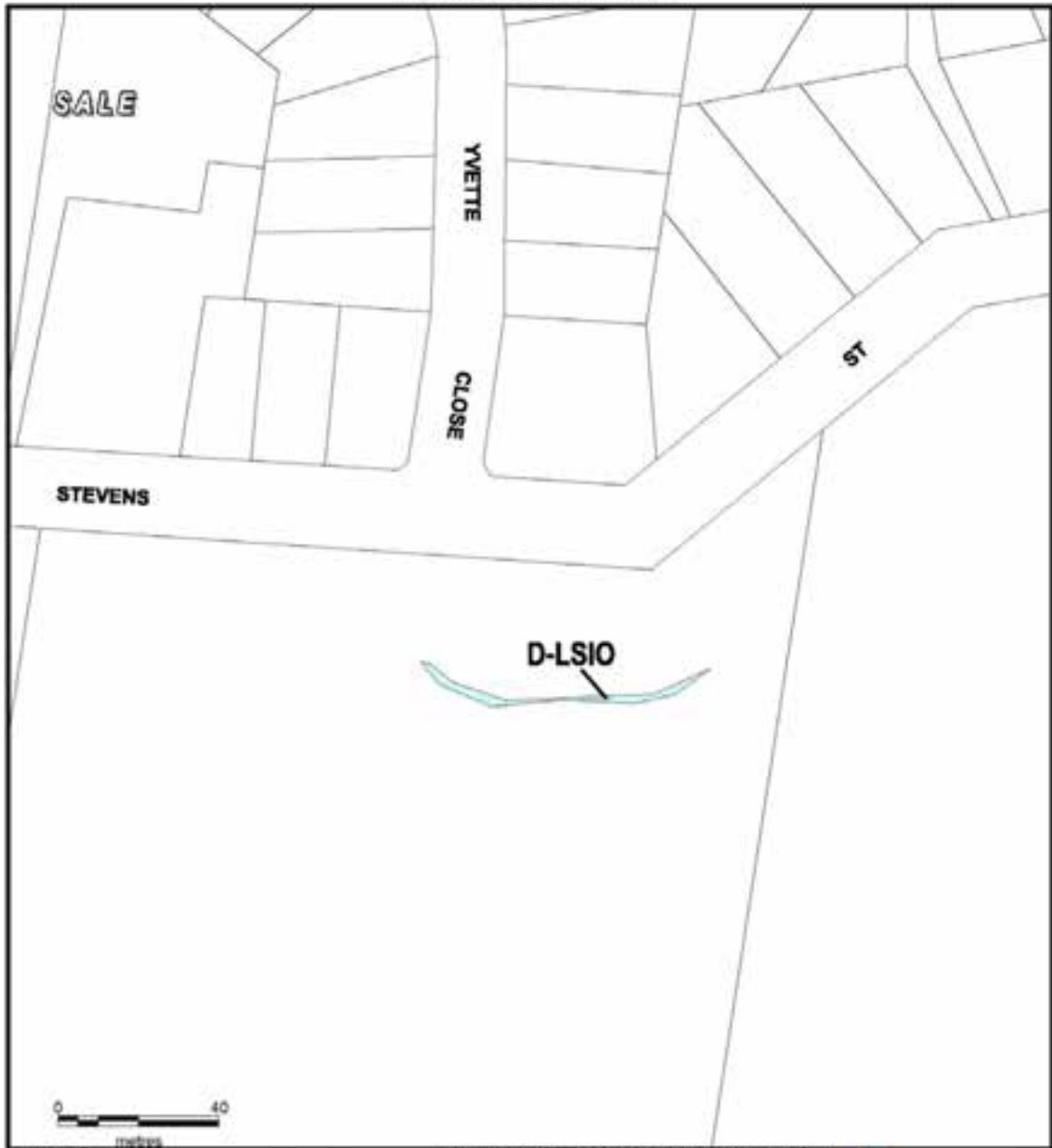
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]



Department of
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Local Infrastructure



WELLINGTON PLANNING SCHEME LOCAL PROVISION



LEGEND

Part of Planning Scheme Map 100LSiO-FO

- D-LSIO** AREA TO BE DELETED FROM A LAND SUBJECT TO INUNDATION OVERLAY

AMENDMENT C85

- [Planning Mapping Services]
- [Amendments Coordination Team]
- [Planning & Building Systems]
- [Planning, Building & Heritage]



Department of
Transport, Planning and
Local Infrastructure



Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C85

INSTRUCTION SHEET

The planning authority for this amendment is the Wellington Shire Council.

The Wellington Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 3 attached maps sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 100 in the manner shown on the one attached map marked "Wellington Planning Scheme, Amendment C85".

Overlay Maps

2. Amend Planning Scheme Maps No. 100DDO, 100LSIO in the manner shown on the two attached maps marked "Wellington Planning Scheme, Amendment C85".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Zones - insert Clause 32.09 in the form of the attached document.
4. In Zones –Clause 32.09, insert a new Schedule 1 in the form of the attached document.
5. In Overlays – Clause 43.02 insert a new Schedule 22 in the form of the attached document.

End of document

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C88

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of NBA Group Pty Ltd on behalf of Jeremy & Kelly Fleming.

Land affected by the amendment.

The land affected by the amendment is 74 Stevens Street, Sale being Crown Allotments 4, 8 & 9 Section 4 Parish of Sale. Certificates of Title Volume 2615 Folio 916, Volume 9217 Folio 166 and Volume 7329 Folio 663.



The combined permit and amendment process

The amendment has been prepared under Section 96A of the *Planning and Environment Act 1987* (the Act) to facilitate a combined planning permit and amendment process.

Division 5 of Part 4 of the Act provides for a combined permit and amendment process. Section 96A of the Act provides for a planning authority to consider an application for a planning permit concurrent with an amendment to a planning scheme. Notice must be given both of the preparation of the amendment and the permit application.

The Minister may grant a permit at the same time as the amendment is approved.

What the amendment does

Subdivide land on 74 Stevens Street above the flood contour and rezone to Neighbourhood Residential Zone 1 with a Design and Development Overlay 22 for residential development as identified in the *Sale Wurruk and Longford Structure Plan, 2010*.

The amendment:

- Rezones part of 74 Stevens Street, Sale from Farming Zone to Neighbourhood Residential Zone 1.
- Inserts a new Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 1 to Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new schedule 22 to Clause 43.02 Design and Development Overlay into the Wellington Planning Scheme.
- Amends the boundary of the Land Subject to Inundation Overlay to the 3.2m AHD contour.
- Amends Planning Scheme Maps 100, 100DDO and 100LSIO.

The permit:

- Subdivides land above the 3.2m AHD contour into 9 lots.
- Consolidates land below the 3.2m AHD to prevent a land-locked lot.

Strategic assessment of the amendment

- **Why is the amendment required?**

The rezoning is proposed to provide for the residential use and development of land within the Urban Growth Boundary (UGB) in Sale in accordance with the *Sale Wurruk and Longford Structure Plan, 2010*.

- **How does the amendment implement the objectives of planning in Victoria?**

The objectives of planning in Victoria are:

- a) To provide for the fair, orderly, economic and sustainable use and development of land.
- b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- f) To facilitate development in accordance with the objectives set out in the points above.
- g) To balance the present and future interests of all Victorians.

The amendment implements the objectives of the *Planning and Environment Act 1987* by allowing for the residential development of well-located fully serviceable land within the Urban Growth Boundary.

- **How does the amendment address any environmental, social and economic effects?**

The amendment has been limited to land within the UGB to protect the sensitive environment of the balance of this land.

The amendment will provide for the residential use of a fully serviced parcel of land contained within the UGB. Community benefits will include the better utilisation of existing infrastructure, local employment opportunities, and the creation of additional and different lifestyle opportunities.

- **Does the amendment address relevant bushfire risk?**

The amendment has considered the relevant bushfire risk. The site is situated within a Bushfire Prone Area, however the site and surrounding area is generally cleared and as such the risk of bushfire is not significant. The amendment does not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

The Country Fire Authority was consulted as part of the amendment process but did not give any further comments.

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

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes pursuant to s. 7(5) of the *Planning and Environment Act 1987* (the Act).

Pursuant to Section 12 of the *Planning and Environment Act 1987*, the amendment complies with the following applicable Ministerial Directions:

- Ministerial Direction No. 11 - Strategic Assessment of Amendments; and
- Ministerial Direction No. 15 - The Planning Scheme Amendment Process.

This planning scheme amendment is accompanied by all the required information.

- **How does the amendment support or implement the State Planning Policy Framework (SPPF) and any adopted State Policy?**

The amendment satisfies the SPPF objectives in particular:

- Clause 11.02 Urban Growth - The proposal will contribute toward providing additional urban land available for residential development which has regard to neighbourhood character, and creates a premium development with stringent built form controls. This further contributes to achieving objectives relating to diversity of choice and realising an opportunity for development utilising existing and available infrastructure.
- Clause 11.08-3 Sustainable Communities - The proposal ensures that growth is maintained within the existing Sale settlement boundary and limited risks to the natural environment and agriculture.
- Clause 12.04 Significant Environments and Landscapes - The proposal will ensure protection of the Ramsar wetland through ensuring all development is contained

outside the areas subject to inundation and that any impacts on the wetland areas are avoided.

- Clause 13.02: Floodplains - The proposal will ensure that the area of the site subject to inundation is created as a separate parcel and that new lots to be created are not impacted by potential flooding. Specific controls on the built form are proposed to ensure an appropriate response to potential flooding impacts is achieved.
 - Clause 15.01: Urban Environment - The proposal will achieve a high quality development which creates a sense of place responding to the context of the site. The lot configuration responds positively to the constraints of the site and the nominated building envelopes and DDO will ensure that the built form is of the highest quality.
 - Clause 15.03-2: Aboriginal Cultural Heritage - The subject site is noted as being of low cultural heritage significance and impacts on the cultural heritage locations cannot be avoided as part of the development.
 - Clause 16.01-4: Housing Diversity - The proposal will see a form of housing in a unique setting which contributes to the diverse lifestyle opportunities available within the municipality.
- **How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically the Municipal Strategic Statement (MSS)?**

The amendment satisfies the LPPF objectives in particular:

- Clause 21.04: Settlement and Housing - The proposal will see further population growth and the provision of additional housing opportunities within the existing township boundary of the Sale township. The proposed controls will ensure that subsequent development in terms of scale, height and building materials has regard to the character of the area.
 - Clause 21.05: Sale, Wurruk and Longford Strategic Framework - The proposal is consistent with the strategic direction set out within the *Sale, Wurruk and Longford Structure Plan* at this Clause which designates the site as a future urban growth area. The unique nature of the controls will assist in delivering a diverse range of housing and lifestyle options for the community and activate a small urban growth front away from the primary growth to the north of the township.
 - Clause 21.13-1: Rural and Natural Landscapes - The proposal will ensure that the views from the public realm to the Ramsar wetlands are maintained through the siting of building envelopes and specific controls relating to the future development of the land. The controls relating to building scale and height will ensure that is sensitive to the existing views from properties on the northern side of Stevens Street.
- **Does the amendment make proper use of the Victorian Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by:

- Providing for the rezoning of fully serviced land within the existing urban growth boundary by rezoning the subject land from a Farming Zone to a Neighbourhood Residential Zone and applying specific development controls through a new Schedule 1 to the zone;
 - Including the application of a Design and Development Overlay – Schedule 22 to provide guidance for future development;
 - The amendments to the LSIO boundary will ensure that the overlay control aligns with the West Gippsland Catchment Management Authority agreed flooding extent; and
 - The amendment does not affect, conflict with or duplicate another existing provision of the planning scheme.
- **How does the amendment address the views of any relevant agencies?**
 - Gippsland Water has advised that the subject land can be sewered and provided with reticulated water at the developer's cost.

- West Gippsland Catchment Management Authority has indicated its support for the proposal.
- The Department of Defence has advised that it has no objection to the proposal.
- SP AusNet has advised that the existing electricity network has the capacity to service this development.
- APA Gas/Envestra has advised that the existing gas network has the capacity to service this development.
- Telstra has advised that the existing telecommunications cables have the capacity to service this development.

- **Does the amendment address the requirements of the Transport Integration Act 2010?**

The amendment is not considered to have any impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

There are no applicable statements of policy principles prepared under Section 22 of the *Transport Integration Act 2010*.

Resource and administrative costs

- **What impact will the new planning provisions have on the administrative costs of the responsible authority?**

The rezoning of this in-fill parcel is not likely to result in any cost implications for implementing and administering the change resulting from the amendment.

Where you may inspect this Amendment

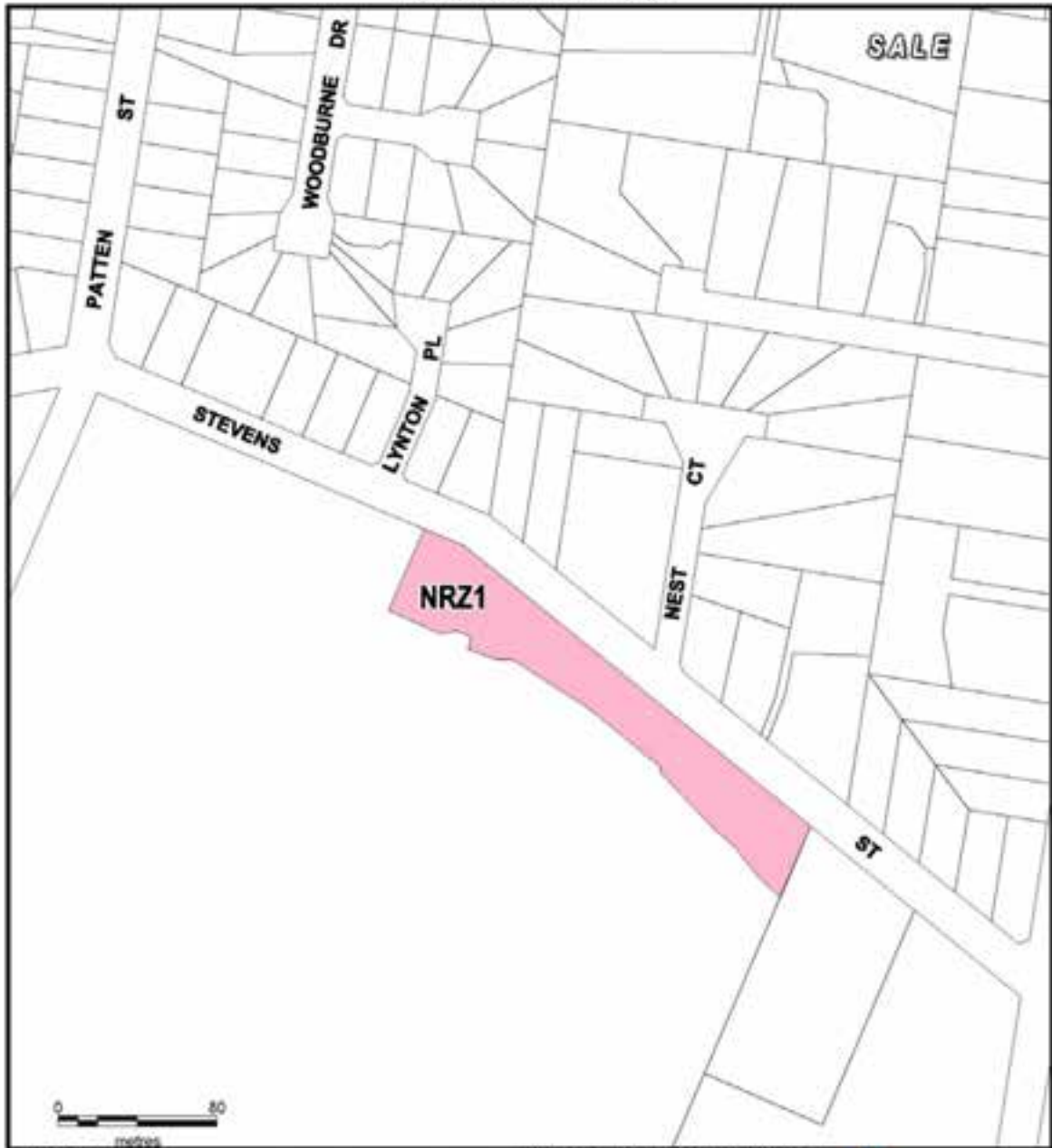
The amendment is available for public inspection, free of charge, during office hours at the following places:

Wellington Shire Council
Sale Service Centre
18 Desailly Street
Sale VIC 3850

Wellington Shire Council
Yarram Service Centre
156 Grant Road
Yarram VIC 3971

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection.

WELLINGTON PLANNING SCHEME LOCAL PROVISION



LEGEND

Part of Planning Scheme Map 100

NRZ1 NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1

AMENDMENT C88

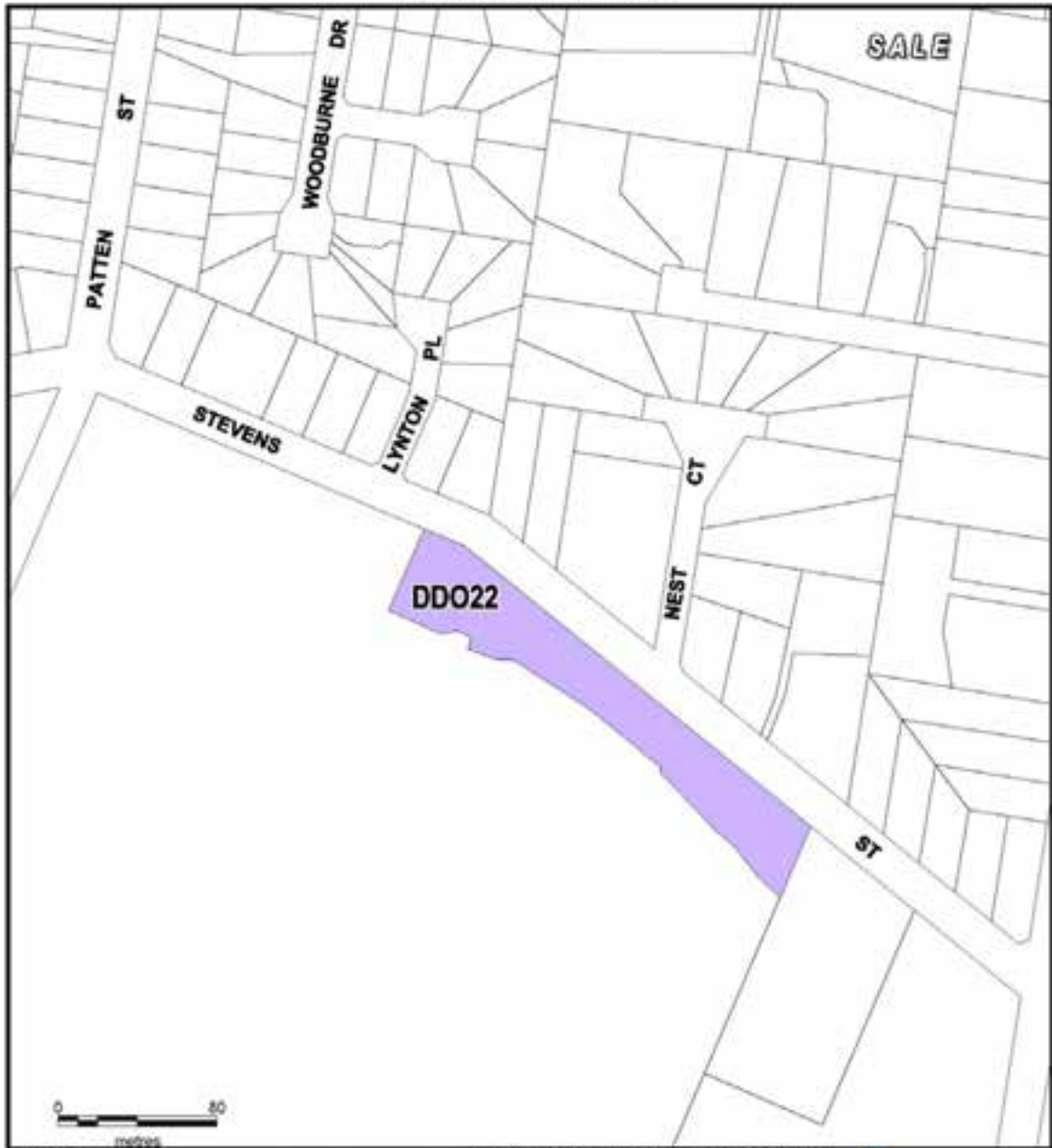
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]



Department of
Transport, Planning and
Local Infrastructure



WELLINGTON PLANNING SCHEME LOCAL PROVISION



LEGEND

Part of Planning Scheme Map 100DDO

DDO22 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 22

AMENDMENT C88

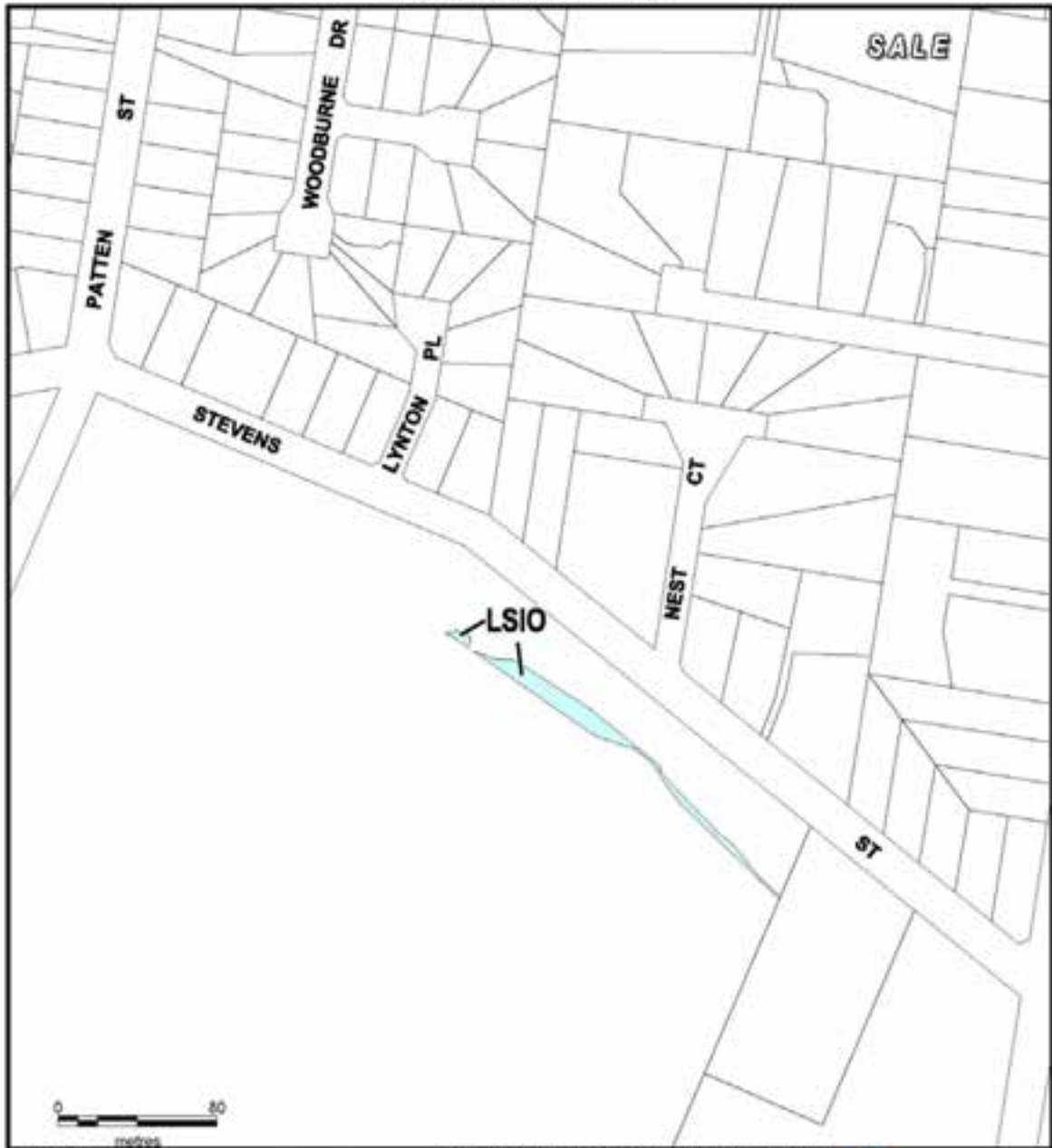
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]



Department of
Transport, Planning and
Local Infrastructure



WELLINGTON PLANNING SCHEME LOCAL PROVISION



LEGEND

Part of Planning Scheme Map 100LSIO-FO

LSIO LAND SUBJECT TO INUNDATION OVERLAY

AMENDMENT C88

- [Planning Mapping Services]
- [Amendments Coordination Team]
- [Planning & Building Systems]
- [Planning, Building & Heritage]



Department of
Transport, Planning and
Local Infrastructure



Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C88

INSTRUCTION SHEET

The planning authority for this amendment is the Wellington Shire Council.

The Wellington Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 3 attached maps.

Zoning Maps

1. Amend Planning Scheme Map No 100 in the manner shown on the one attached map marked "Wellington Planning Scheme, Amendment C88".

Overlay Maps

2. Amend Planning Scheme Map No.100DDO, 100 LSIO in the manner shown on the two attached maps marked "Wellington Planning Scheme, Amendment C88".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Zones - insert Clause 32.09 in the form of the attached document.
4. In Zones –Clause 32.09, insert a new Schedule 1 in the form of the attached document.
5. In Overlays – Clause 43.02 insert a new Schedule 22 in the form of the attached document.

End of document

32.0922/09/2013
VC104**NEIGHBOURHOOD RESIDENTIAL ZONE**

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

Purpose

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

To recognise areas of predominantly single and double storey residential development.

To limit opportunities for increased residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.09-101/07/2013
V8**Table of uses****Section 1 - Permit not required**

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. Must be located in an existing building. The site must adjoin, or have access to, a road in a Road Zone. Must not require a permit under clause 52.06-3.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.

Use	Condition
	Must not require a permit under clause 52.06-3.
Railway	
Residential aged care facility	
Tramway	
Any use listed in clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)	
Plant nursery	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> • Adjoin a commercial zone or industrial zone. • Adjoin, or have access to, a road in a Road Zone. <p>The site must not exceed either:</p> <ul style="list-style-type: none"> • 3000 square metres. • 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

Use	Condition
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

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

32.09-2
22/09/2013
VC104

Subdivision

Permit requirement

A permit is required to subdivide land.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.09-3
22/06/2013
VC194

Number of dwellings on a lot

The number of dwellings on a lot must not exceed the number specified in a schedule to this zone. If no number is specified, the number of dwellings on a lot must not exceed two.

Transitional provisions

Clause 32.09-3 does not apply to an application to construct two or more dwellings on a lot made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

32.09-4
01/07/2013
VR

Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of less than the lot size specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
 - A lot of less than 300 square metres, or
 - A lot of less than the lot size specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.09-5
22/08/2013
VC104

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55.

A permit is not required to construct one dependent person's unit on a lot.

Transitional provisions

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

32.09-6
01/07/2013
VB

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.09-7
01/07/2013
VB

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-1.

32.09-8
22/08/2013
VC104

Maximum building height requirement for a dwelling or residential building

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no

building height is specified, the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.
- The rebuilding of a lawful building or works which have been damaged or destroyed.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

Transitional provisions

Clause 32.09-8 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approval date continue to apply.

32.09-9

01/07/2013
VR

Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses, including siting and dimensioned setbacks.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.09-10 Exemption from notice and review

01/07/2013
VR

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.09-11 Decision guidelines

01/07/2013
VR

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

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.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.09-12 Advertising signs

23/09/2013
VC104

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

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

Check whether an overlay also applies to the land.

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

CC0466/17777
 Proposed
 City Centre

SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ1**.

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

1.0 Minimum subdivision area

CC0466/17777
 Proposed
 City Centre

Subdivision of the land must be in accordance with Wellington Planning Scheme permit numbers P373/2012 and P124/2013.

A permit may be granted to vary this requirement in the following circumstances:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- The subdivision is being undertaken to create land for a road, utility installation or for any other public purpose.

2.0 Permit requirement for the construction or extension of one dwelling on a lot

CC0466/17777
 Proposed
 City Centre

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

3.0 Requirements of Clause 54 and Clause 55

CC0466/17777
 Proposed
 City Centre

	Standard	Requirement
Minimum street setback	A3 and B6	5 metres
Site coverage	A5 and B8	Contained within building envelope as per diagrams 1 and 2
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	As per diagrams 1 and 2
Walls on boundaries	A11 and B16	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1 metre

4.0 Number of dwellings on a lot

DDMMYYYY
 Proposed
 DDMM YYYY

The number of dwellings on a lot must not exceed one, excluding a dependent person's unit.

Dependent person's unit

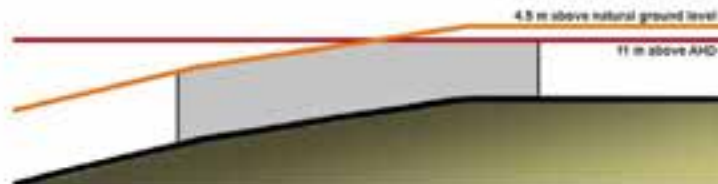
A planning permit is required to construct a dependent person's unit.

No more than one dependent person's unit may be constructed on a lot. This requirement cannot be varied with a permit.

5.0 Maximum building height requirement for a dwelling or residential building

DDMMYYYY
 Proposed
 DDMM YYYY

A building used as a dwelling or a residential building must not exceed a height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest.



6.0 Application requirements

DDMMYYYY
 Proposed
 DDMM YYYY

None specified.

7.0 Decision guidelines

DDMMYYYY
 Proposed
 DDMM YYYY

The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- The impact of the development on the environment, landscape values and character of Stevens Street and the Ramsar wetlands.
- The height of buildings to ensure that they retain an inconspicuous profile and do not dominate the landscape.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level building forms that follow the natural slope of the land and reduce the need for site excavation or filling.

WELLINGTON PLANNING SCHEME



Diagram 1: Building envelopes and subdivision plan opposite 37-39 and 41 Stevens Street, Sale.



Diagram 2: Building envelopes and subdivision plan 74 Stevens Street, Sale.

DDMMYYYY
Proposed
City Council

SCHEDULE 22 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO22**.

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

Stevens Street is at the edge of the urban growth boundary to the south of Sale. Stevens Street is characterised by detached dwellings. Front yards along this street are predominately free of front fences which give the street a green and open landscape character. The majority of dwellings are on the northern side of Stevens Street. The Ramsar wetlands are located directly south of Stevens Street and extensive views over the wetlands are visible along the entire street.

1.0

Design objectives

DDMMYYYY
Proposed
City Council

To promote high quality architectural designed dwellings that utilise design and materials which are sympathetic to the landscape including split level building forms.

To ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.

To protect view lines to the Ramsar wetlands from Stevens Street.

To ensure development responds to the topography of the land and earthworks do not alter the nature of the topography of the area.

To ensure development is not visually intrusive and does not dominate the streetscape and wider landscape setting.

2.0

Buildings and works

DDMMYYYY
Proposed
City Council

A permit is required to construct a building or carry out works including:

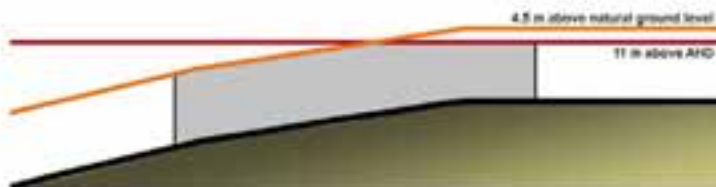
- A fence.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or veranda with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above natural ground level.
- A deck or balcony with a finished floor level not more than 800mm above ground level.

Design Standards

The following requirements apply, as appropriate, to all buildings and works.

Building height

All buildings, including outbuildings, should not exceed a maximum building height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest.



Minimum Finished Floor Level

All buildings, including outbuildings, should have a minimum finished floor level of 3.7 metres above the AHD.

Building envelope

- All buildings and works must be contained within the building envelope of each lot as per diagrams 1 and 2 included in this schedule. This includes any associated outbuildings.
- The following buildings and works are allowable outside the building envelope:
 - A fence.
 - A pergola or veranda.
 - A deck or balcony.

Siting and sloping considerations

- Dwellings should be sited and designed to take advantage of the natural slope conditions. Split level designs are encouraged to compliment the slope of the land.
- All buildings, including outbuildings, decks and verandas should not exceed the maximum finished floor level of 1 metre above natural ground level.
- Careful siting of buildings and works is required to ensure that:
 - The benefit of passive solar access is utilised and maximised and to minimise energy consumption.
 - The privacy and amenity of neighbours is respected.
 - Views from the site are capitalised upon.
 - Space between buildings is maintained.

Built form and architectural style

- Dwellings should be designed to be the dominant building on the lot.
- The style and architecture of all development should strongly relate to and is complimentary to the unique environment of the adjacent Ramsar wetlands and floodplain by ensuring that;
 - the built form is articulated and fragmented in its appearance to break up the mass of the building. Roofs should be designed to be of low visual impact to protect views;
 - balconies and decks are encouraged to extend the interior of the house outside and integrate the architecture with the natural environment; and
 - a cohesive image for the development is created by a considered and restrained use of colour and materials that will enable harmony between the architecture and natural environment. Muted tones and materials to all buildings and works, including fencing must be used to blend with the landscape and preserve the aesthetic amenity of the area.
- Dwellings should be designed to provide active and aesthetic street frontages as such front facades should incorporate at least one habitable window.
- Front facades are to be articulated with stepped walls or architectural detail to prevent a "flat" appearance. Dwellings with the same or similar facade design must not be constructed within three house lots on either side of a property.

Fencing

Fencing should be designed to maintain the open nature of the streetscape and surrounding Ramsar wetlands.

- Fences should be placed on the lot boundary.
- Any fence forward of the front facade must be no more than a 1metre in height and be semi-permeable. This includes side boundary fences forward of the front facade to enable the open and seamless feel of the streetscape to be maintained.

- Fences on the back boundary should be semi-permeable to maintain the open and seamless feel and connection with the Ramsar wetlands.

Landscaping and access

- There must be no more than one single driveway / access per allotment.
- Front yards should be surfaced with predominately permeable material.
- No fill whatsoever is permitted below 3.7 metres AHD.

Application Requirements

An application for buildings and works, including fences, pergolas, verandas, decks and balconies must include the following information to the satisfaction of the Responsible Authority:

- The location of all proposed buildings and works clearly dimensioned on a site plan drawn to scale.
- Location, height and form of any existing dwellings abutting and adjacent to the property.
- The location, dimensions and depth of any proposed excavations or fill.
- Elevations that show the natural ground level, height of proposed buildings and works and all external materials, colours and finishes, including roofs. Drawings should be to scale and refer to AHD.
- How the application meets the design objectives and decision guidelines of this schedule.
- How Water Sensitive Urban Design (WSUD) is incorporated into the design.
- Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands through an Environment Management Plan.

Exemption from notice and appeal

An application to subdivide, construct a building or construct or carry out works for a use within Section 1, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

4.0

DDMMYYYY
Planning
Schedule

Decision guidelines

Before deciding on an application the responsible authority must consider:

- The design objectives of this schedule.
- The impact of the development on the environment, landscape values and character of Stevens Street and the Ramsar wetlands.
- The height of buildings to ensure that they retain an inconspicuous profile and do not dominate the landscape.
- Minimum finished floor levels to ensure appropriate level of protection from flooding risks.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level building forms that follow the natural slope of the land and reduce the need for site excavation or filling.
- The design response to the unique landscape setting of Stevens Street to ensure an appropriate interface with the public realm and the significant views to the Ramsar wetlands is achieved.
- The views of any relevant agencies including Department of Defence.

WELLINGTON PLANNING SCHEME



Diagram 1: Building envelopes and subdivision plan opposite 37-39 and 41 Stevens Street, Sale.



Diagram 2: Building envelopes and subdivision plan 74 Stevens Street, Sale.

ATTACHMENT 4

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: P124/2013

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND:

CA: 2A SEC: 4, CA: 2 SEC: 4, STEVENS STREET,
SALE.

THE PERMIT ALLOWS:

Subdivision of the land into 3 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

2. This permit will expire if:

- the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
6. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:
 - a. The owner of each lot is required to maintain their own section of swale in accordance with the approved maintenance plan.

Date Issued:

Date Permit comes into
operation:

(if no date is specified, the permit
comes into operation on the same day as
the assessment to which the permit
applies comes into operation)

Signature for the Responsible
Authority

Permit No.: 124/2013

Page 1 of 5

- b. The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.
- c. The owner of each lot is required to comply with the approved Environmental Management Plan.
- d. This land may be subject to aircraft noise from time to time resulting from the operations at RAAF Base East Sale.

The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

Telecommunications

- 7. The owner of the land must enter into an agreement with:
 - a. 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;
 - b. 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.
- 8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Infrastructure

- 9. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:
 - a. Sprayed bituminous seal for the full width of the nature strip from the edge of road seal, 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:
 - Width of crossing at property line 3.0 metres (min)
 - Width of crossing at kerbs 4.0 metres (min)
 - Thickness 125 mm
 - Reinforcement F 72 mesh
 - Concrete strength 30 Mpa.

This work is to include any reinstatement works as deemed necessary.

Date Issued:	Date Permit comes into operation: <small>(if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
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- b. Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.
 - c. Entrances to the property shall be indented to allow vehicles accessing the property to park clear of the road formation.
10. The location of the crossovers to the lots must be approved and constructed to the satisfaction of the Responsible Authority.

Environmental Management Plan

11. Prior to the commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:
- a. All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.
 - b. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
 - c. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

Construction Management Plan

12. Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will be managed during construction and should at least address the following:
- a. The exact format of sediment and erosion measures proposed during construction.
 - b. The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.
 - c. Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).

West Gippsland Catchment Management Authority:

13. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.

Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

PERMIT NOTE

- Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

Date Issued:	Date Permit comes into operation: <small>(if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
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(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:	Date Permit comes into operation: <i>(if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</i>	Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

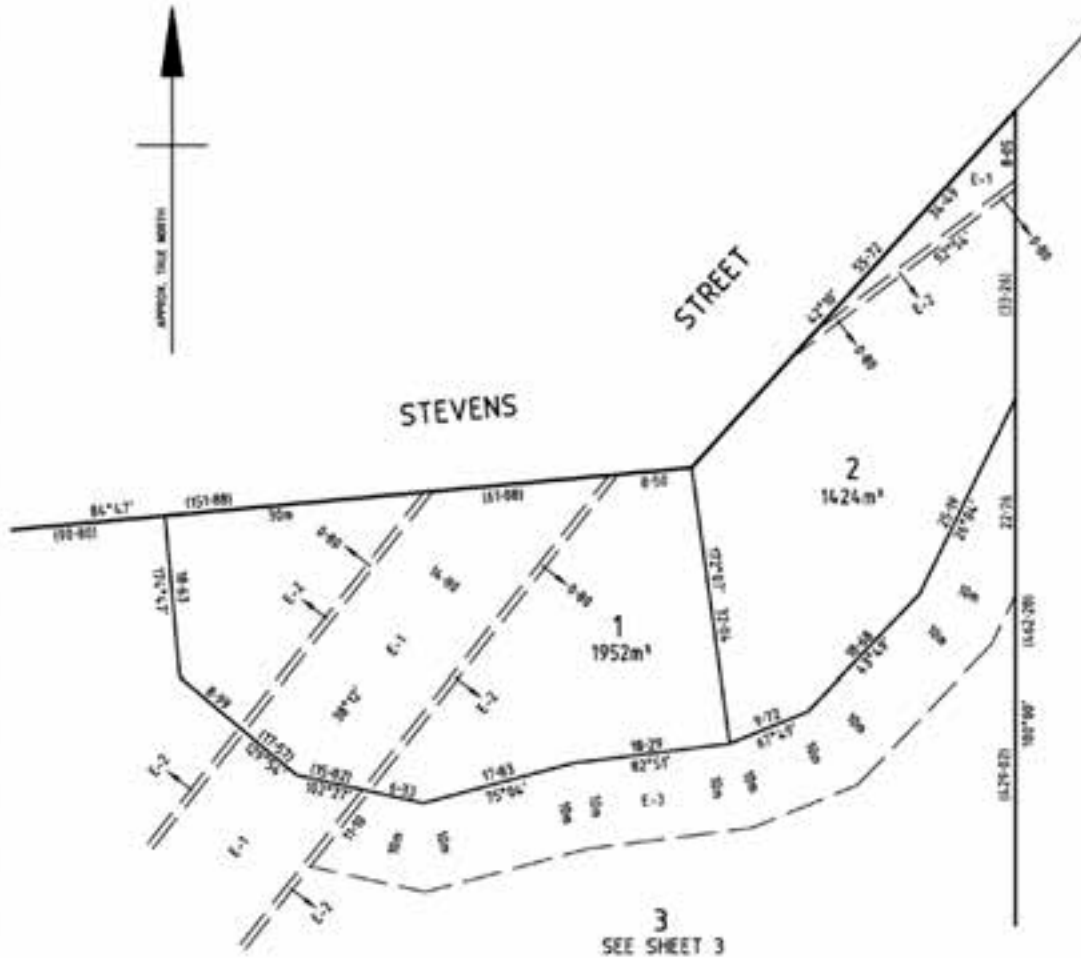
1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified, and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

PLAN OF SUBDIVISION

Plan Number
PS 718286B



Millar | Merrigan

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 Tel: 03 9593 0000
 Fax: 03 9593 0001
 www.millarandmerrigan.com.au
 e: info@millarandmerrigan.com.au

ORIGINAL SCALE
1:500



LICENSED SURVEYOR Bradley Terjesen

SIGNATURE DIGITALLY SIGNED

REP 16723S1

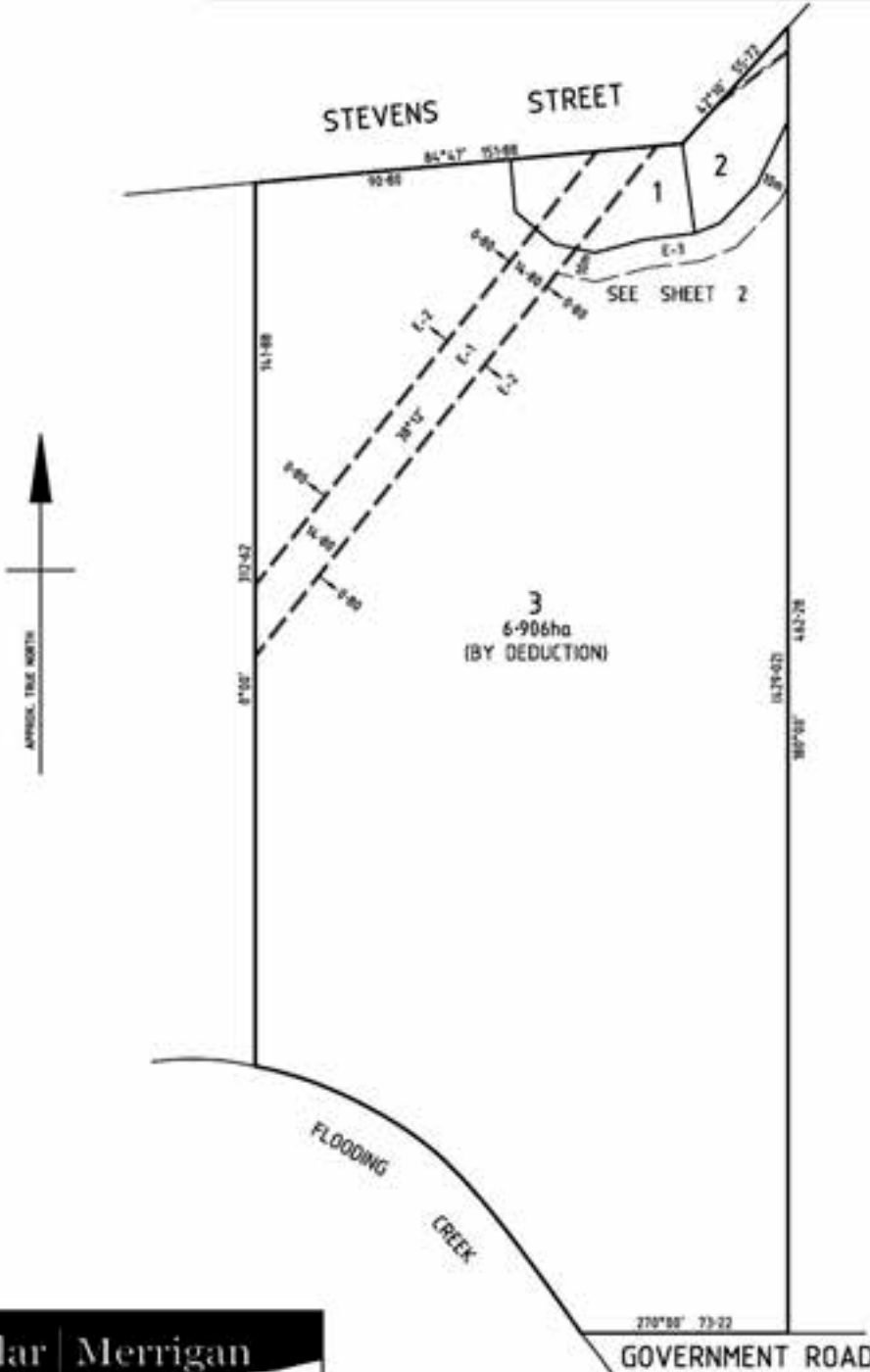
VERSION 2

Sheet 2

ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION

Plan Number
PS 718286B



Millar | Merrigan

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LAND DEVELOPMENT CONSULTANTS

ORIGINAL SCALE
1:1500

SCALE
0 15 30 45 60
LENGTHS ARE IN METRES

LICENSED SURVEYOR Bradley Terjesen

SIGNATURE DIGITALLY SIGNED

REP 16723S1 **VERSION 2**

Sheet 3

ORIGINAL SHEET SIZE A3

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: P373/2012

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND:

CA: 8 SEC: 4, 74 STEVENS STREET, SALE

THE PERMIT ALLOWS:

Subdivision of the land into 10 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

1. The layout and location of the lots must be in general accordance with the endorsed plan.

Time

2. This permit will expire if:

- the plan of subdivision is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. 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.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
6. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:
 - a. The owner of each lot is required to maintain their own section of swale in accordance with the approved maintenance plan.

Date Issued:

Date Permit comes into
operation:

(if no date is specified, the permit
comes into operation on the same day as
the amendment to which the permit
applies comes into operation)

Signature for the Responsible
Authority

Permit No.: 373/2012

Page 1 of 5

- b. The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.
- c. The owner of each lot is required to comply with the approved Environmental Management Plan.
- d. This land may be subject to aircraft noise from time to time resulting from the operations at RAAF Base East Sale.

The agreement will bind the Applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

Telecommunications

- 7. The owner of the land must enter into an agreement with:
 - a. 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;
 - b. 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.
- 8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Public Open Space Contribution

- 9. Prior to the issue of Statement of Compliance, the applicant or owner must pay to the Council an amount equal to five per cent of the site value of all the land in the subdivision. This payment may be adjusted in accordance with Section 19 of the Subdivision Act 1988. The requirement in this condition shall not operate until 7 days before the issue of a Statement of Compliance. However the condition must be complied with prior to the issue of a Statement of Compliance.

Infrastructure

- 10. All weather access must be provided to each lot. The minimum standard all weather vehicular crossing is comprised of:
 - a. Sprayed bituminous seal for the full width of the nature strip from the edge of road seal, 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:
 - Width of crossing at property line 3.0 metres (min)
 - Width of crossing at kerbs 4.0 metres (min)

Date Issued:	Date Permit comes into operation: <small>(if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
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- Thickness 125 mm
- Reinforcement F 72 mesh
- Concrete strength 30 Mpa.

This work is to include any reinstatement works as deemed necessary.

- b. Location of the crossings to the proposed lots shall be nominated prior to Certification of the subdivision.
- c. Entrances to the property shall be indented to allow vehicles accessing the property to park clear of the road formation.

Environmental Management Plan

11. Prior to the commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:
 - a. All sediment and erosion from the site must be controlled to ensure no polluted and/or sediment laden run-off is discharged directly or indirectly into the nearby drains or watercourses/wetland. The control measures must not use straw or hay bales.
 - b. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.
 - c. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

Construction Management Plan

12. Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will managed during construction and should at least address the following:
 - a. The exact format of sediment and erosion measures proposed during construction.
 - b. The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.
 - c. Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).

West Gippsland Catchment Management Authority:

13. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.
14. Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

SP Ausnet

15. Prior to the Issue of the Statement of Compliance, the owner of the land must enter into an agreement with SP1 Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.

Date Issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority
---------------------	--	--

16. Prior to the Issue of the Statement of Compliance, the owner of the land must provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Gippsland Water

17. Prior to the issue of Statement of Compliance, the owner of the land must complete the following to the satisfaction of Gippsland Water:
- a) Pay New Customer Contributions to Gippsland Water for water and wastewater service(s) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.
 - b) Enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
 - c) Install separate sewage disposal connections to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - d) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.
 - e) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.
 - f) Install separate water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
 - g) Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision.

PERMIT NOTES

- Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

Preliminary Advice for Sewer

- A Sewer Pump Station (SPS) and gravity mains with connection to each lot will be required as per the preliminary infrastructure servicing report.
- The Rising Main will need to discharge to a maintenance hole in Nest Court.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:	Date Permit comes into operation: <small>(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</small>	Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

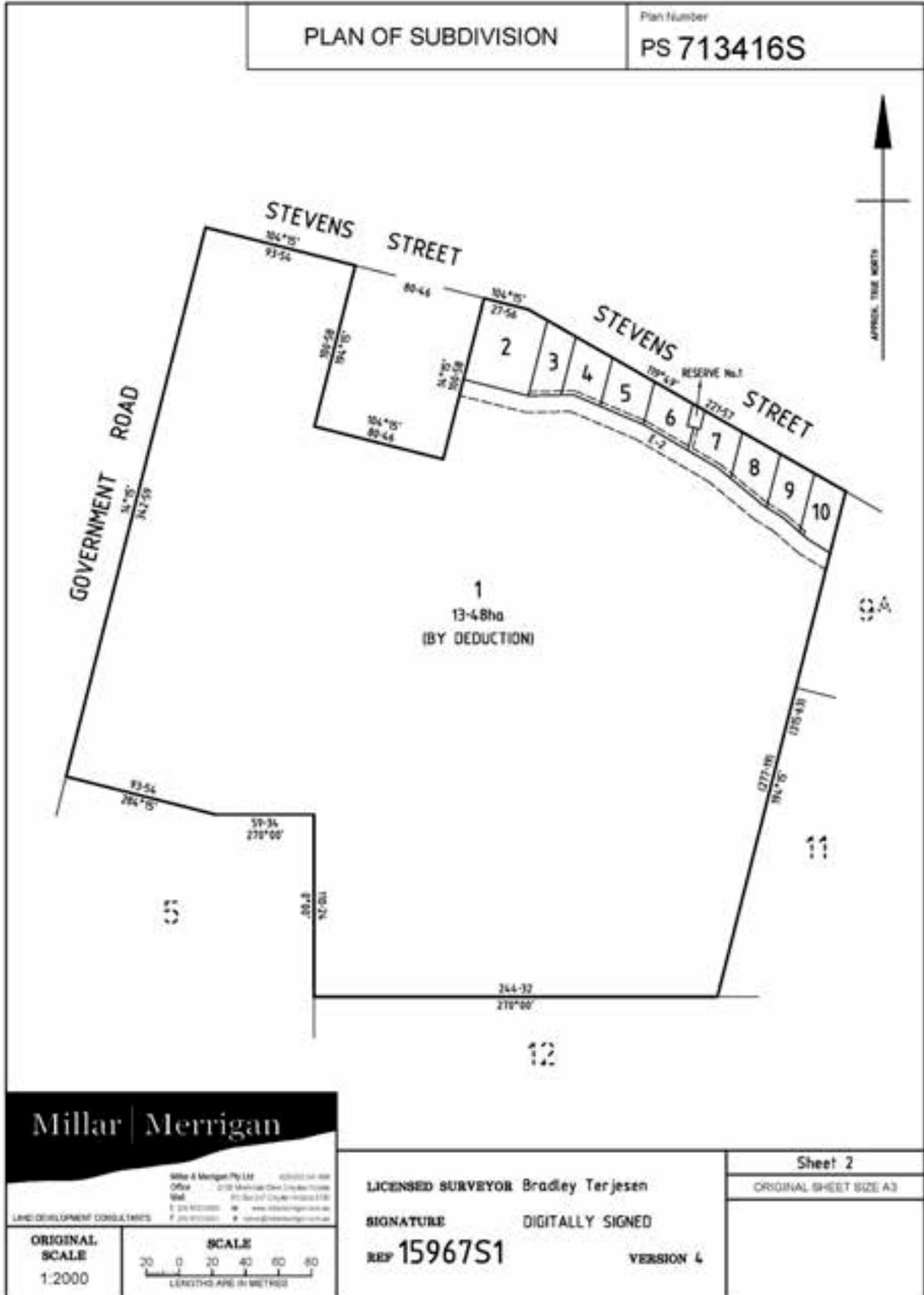
1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 3 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

PLAN OF SUBDIVISION

Plan Number
PS 713416S



Millar | Merrigan

Miller & Merrigan Pty Ltd
Office 270 Malpas Drive, Christchurch
Tel: 03 378 0000
www.millarmerrigan.co.nz
LAND DEVELOPMENT CONSULTANTS

ORIGINAL SCALE
1:2000



LICENSED SURVEYOR Bradley Terjesen

SIGNATURE DIGITALLY SIGNED

REF 15967S1

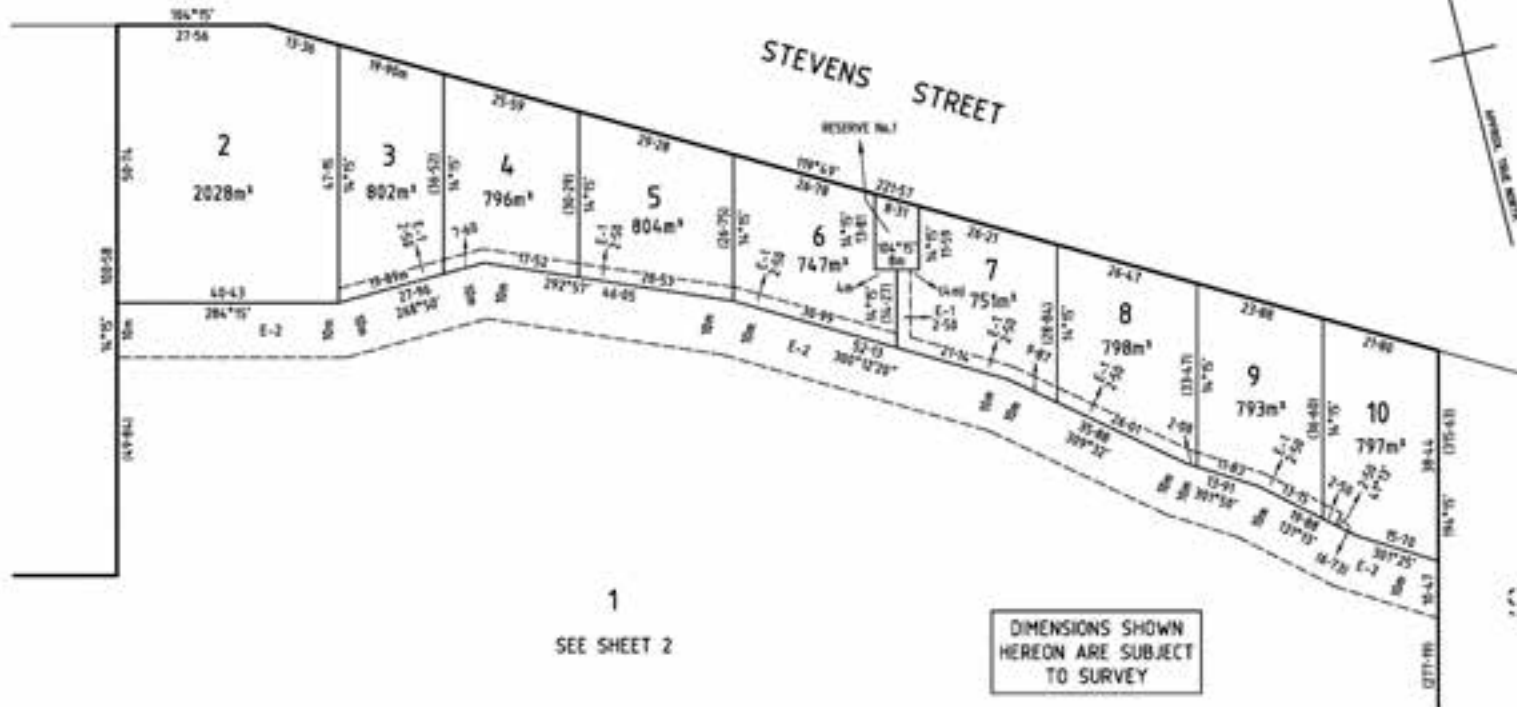
VERSION 4

Sheet 2

ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION

Plan Number
PS 713416S



Millar | Merrigan

Millar & Merrigan Pty Ltd
 100/101 Sturt Street, Adelaide SA 5000
 Phone: (08) 8472 2022
 Fax: (08) 8472 2023
 Email: info@millarandmerrigan.com.au
 www.millarandmerrigan.com.au

LAND DEVELOPMENT CONSULTANTS

ORIGINAL SCALE
1:750

SCALE

7.5 0 7.5 15 22.5 30
LENGTHS ARE IN METRES

LICENSED SURVEYOR Bradley Terjesen

SIGNATURE DIGITALLY SIGNED

REF 15967S1

VERSION 4

Sheet 3

ORIGINAL SHEET SIZE A3



C4 - REPORT

GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

ITEM C4.1**CONTRACT 2014/066 MCLOUGHLINS BEACH FOOTBRIDGE & PONTOONS**

DIVISION: BUILT AND NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER ASSETS & PROJECTS

DATE: 21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

OBJECTIVE

The objective of this report is for Council to consider entering into a contract to replace the existing footbridge and provide new floating pontoons to the existing boat ramp at McLoughlins Beach.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That***

1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.1 of the Council Meeting Agenda for contract 2014-066 McLoughlins Beach Footbridge & Pontoons; and
2. The information contained in the confidential document Item F1.1 Contract 2014-066 McLoughlins Beach Footbridge & Pontoons of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 8 July 2015 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public

BACKGROUND

This project includes two key components:

1. The replacement of the existing 184m timber footbridge, on the same footprint, which provides access to the Ninety Mile Beach and Nooramunga Marine & Coastal Park. These works have been necessitated by the poor condition of the existing infrastructure. A feasibility study conducted on the existing footbridge recommended that the bridge was at the end of its useful life and needed to be replaced to ensure safe reliable access to Ninety Mile Beach and Nooramunga Marine & Coastal Park. Currently a rigorous inspection and maintenance regime is in place. However the safety and continued operation of the footbridge cannot be guaranteed beyond 12 months.

2. Construction of new floating pontoon mooring structures are proposed on both sides of the existing dual lane boat ramp. Provision of a floating pontoon to the south side of the boat ramp will provide safer access and egress

This is a multi-year project. Consultation, preplanning, concept design and scope, obtaining statutory permits and approvals were carried out in the 2014/15 Financial Year. It is proposed that final detailed design and construction be carried out as part of a design and construct contract in the first half of the 2015/16 financial year with an anticipated date for completion of works at the end of December 2015.

The funding for two aspects of the project is split as follows:

Footbridge Ledger 03.04198.3456.0205	
Grant (Putting Locals First):	\$500,000.00
Rates:	\$250,000.00
Footbridge Total:	\$750,000.00
Pontoons Ledger: 03.04973.4034.0205	
Grant (Boating Safety & Facilities Program – DELWP):	\$166,800.00
Rates:	\$56,000.00
Pontoons Total:	\$222,800.00
Overall Project Total	\$972,800.00

This report is for the Contract 2014-066 McLoughlins Beach Footbridge & Pontoons

OPTIONS

Council has the following options:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for contract 2014-066 McLoughlins Beach Footbridge & Pontoons; or
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council enter into a contract for the 2014-066 McLoughlins Beach Footbridge & Pontoons.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

FINANCIAL IMPACT

There are sufficient funds available for the works programmed for completion in this financial year.

COMMUNICATION IMPACT

Extensive community consultation with the McLoughlins Beach Residents & Rate Payers Association (MBRRA) has taken place to date in the planning of this project. Final consultation with MBRRA will take place once final designs have been provided as part of the design & construct contract.

This project is likely to result in positive public relations outcomes for Wellington Shire Council as it provides significant enhancement to the existing boating and recreational infrastructure, providing improved access to Bass Straight, estuarine areas and Ninety Mile Beach and Nooramunga Marine & Coastal Park.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Victorian Local Government Act 1989* and the Victorian Local Government Code of Tendering.

COUNCIL PLAN IMPACT

The Council Plan 2013–2017 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objective

“Assets and infrastructure that meet current and future community needs”

Strategy 4.2

“Ensure assets are managed, maintained and renewed to meet service needs.”

This report supports the above Council Plan strategic objective and strategy.

RESOURCES AND STAFF IMPACT

The Assets and Projects Unit will provide the staff and resources to manage this contract.

COMMUNITY IMPACT

The improved and upgraded infrastructure will provide safer and more usable recreational and boating access and this will produce a positive community impact.

ENVIRONMENTAL IMPACT

The proposed construction works will have minimal environmental impact, with the contractors complying with Council’s Guidelines on Environmental Management for Roadwork Projects. As a requirement of the contract and relevant statutory body permits the contractor will prepare and follow an approved environmental management plan.

CONSULTATION IMPACT

There will be short term interruptions associated with the construction works, as the bridge will be closed and one lane of the boat ramp intermittently closed. However there will be positive long term impacts on the community and tourists that use these facilities. Council’s standard consultation practices will be implemented on this project.

Launching and retrieving of boats as well as providing a waiting area for boats to moor while waiting for space on the boat ramp. The lower end portion of the existing jetty to the north side of the boat ramp is currently submerged during high tide and cannot be used. It is proposed that this lower end section be replaced with a floating pontoon that will function for mooring and access during most tide levels. Following extensive community consultation the proposed pontoons are the preferred option.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Council to any significant risks. All Occupational and Health and Safety and environmental risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.

The completed footbridge will provide a durable pedestrian crossing structure fit for purpose, replacing the existing failing bridge with its inherent risks and rigorous inspection and maintenance regime.

The completed pontoons will provide safer and more efficient access and mooring for launching and retrieving of boats, in lieu of current inadequacies at the launching facility which lead to congestion during peak times.



C5 - REPORT

GENERAL MANAGER COMMUNITY AND CULTURE

ITEM C5.1**BRIAGOLONG QUARRY RESERVE COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: COMMUNITY AND CULTURE
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES
 DATE: 21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓	✓	✓				✓	

OBJECTIVE

For Council to receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015.

RECOMMENDATION

That Council receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015.

BACKGROUND

The Briagolong Quarry Reserve Committee of Management is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

- To manage, operate and maintain the Briagolong Quarry Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Briagolong Quarry Reserve for the use and enjoyment of the local community.

As provided under the Committee's Instrument of Delegation the minutes of all meetings are to be presented to Council and highlight the day to day activities being undertaken by the Committee.

Conflict of Interest: It was noted that conflicts of interest were called for at the commencement of the meeting, with no conflicts being declared.

OPTIONS

Council has the following options:

1. Receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015; or
2. Seek further information to be considered at a future Council Meeting.

PROPOSAL

That Council receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

This report is in accordance with Council Policy 5.3.2 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objectives

Asset and infrastructure that meet current and future community needs.

Strategy 4.2

Ensure assets are managed, maintained and renewed to meet service needs.

CONSULTATION IMPACT

Meetings held by the Briagolong Quarry Reserve Committee of Management are open to the public.

**BRIAGOLONG QUARRY RESERVE
Special Committee of Council**

MINUTES

MEETING DATE: 15/6/2015.....MEETING TIME: 7.30.....

MEETING VENUE: BRIAGOLONG HOTEL.....

Meeting Opened Time:

1. Present / Apologies

Name	Title	Present / Apology
Peter Cleary	Councillor	/
Warrick Brown	Chairperson	/
Graeme Appleton		/
Jacob Taylor		/
Jodie Taylor		APOL
Kaye Whitworth		APOL
Marty Geaney		APOL

Quorum Achieved? Yes / No

2. Declaration of Conflicts of Interest ✓

3. Confirmation of Minutes of Previous Meeting (note any corrections)

Moved: JAKE

Seconded: APPLES

CARRIED ✓

Chairperson to sign and date previous minutes to be filed by Secretary

4. Business Arising from Previous Minutes

NN



5. Correspondence In

-
-
-

6. Correspondence Out – date previous minutes sent to Council

-
-
-

7. Reports

7.1 Chairperson's Report

.....
.....
.....

7.2 Treasurer's Report (Attached)

THERE IS \$8602.70 IN THE BANK

7.3 User Group Reports

CLIPSA L GROUP USED THE QUARRY FOR A
WEEKEND AT THE END OF MAY AND WERE
IMPRESSED AND THANKFUL FOR THE USE OF THE
RESERVE
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.....
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8. Volunteers

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.....

9. OHS / Risk / Facility Fault Report

.....
.....
.....
.....
.....

10. New Rules of the Committee to be endorsed by Council

NIL

11. General Business

SOLAR LIGHT FOR TOILETS APPLS IS LOOKING IN TO IT.

PUMP IS OPERATIONAL IN SHED, THANKS TO APPLS AND IAN CLUTTERBUCH FOR THEIR TIME

SHED NEEDS REPAINTING A WORKING BEZ WILL BE ORGANISED ~~IN~~ SEPTEMBER FOR OCTOBER 17TH

SIGNS NEED TO BE PUT IN TO SAY NOT FOR DRINKING IN TOILETS

FIRE RINGS / PLACES NEED TO BE LOOKED AT

12. Next Meeting

Meeting Closed Time: 8-20

These minutes are:

Confirmed as true and correct on 15/6/2012 Date

Or

Corrections have been made and noted at the meeting on Date

Chairperson Signature: [Signature] Date

ITEM C5.2**CAMERON STREET SPORTING COMPLEX COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: COMMUNITY AND CULTURE
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES
 DATE: 21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓	✓	✓				✓	

OBJECTIVE

For Council to receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015.

RECOMMENDATION

That Council receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015.

BACKGROUND

The Cameron Street Sporting Complex Committee of Management is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

- To manage, operate and maintain the Cameron Street Sporting Complex for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Cameron Street Sporting Complex for the use and enjoyment of the local community.

As provided under the Committee's Instrument of Delegation the minutes of all meetings are to be presented to Council and highlight the day to day activities being undertaken by the Committee.

Conflict of Interest: It was noted that conflicts of interest were called for at the commencement of the meeting, with no conflicts being declared.

OPTIONS

Council has the following options:

1. Receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015; or
2. Seek further information to be considered at a future Council Meeting.

PROPOSAL

That Council receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

This report is in accordance with Council Policy 5.3.2 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objectives

Asset and infrastructure that meet current and future community needs.

Strategy 4.2

Ensure assets are managed, maintained and renewed to meet service needs.

CONSULTATION IMPACT

Meetings held by the Cameron Street Sporting Complex Committee of Management are open to the public.

**CAMERON SPORTING COMPLEX
Special Committee of Council**

MINUTES

**MEETING DATE 21st May 2015 MEETING TIME 7pm
MEETING VENUE Cameron Sporting Complex**



Meeting Opened Time:

1. Present / Apologies

Name	Title	Representing	Present / Apology
Malcolm Hole	Councillor		x
Brad Spinner	Chairperson	Community	x
Peter Anderson	Vice Chairperson	Community	x
Tracy Cameron	Secretary	Community	x
Anna Gaw	Treasurer	Community	x
Timothy Kemp		Community	x
Vacant	Rob Rowley	Maffra Cricket	x
Yvonne Higgins		Maffra Basketball	x
Bronwyn Hillbrich		Maffra Hockey	x
Vacant	Pat Weatherley	Maffra Junior Football	x

Jane Gallatly and Prue Berry

Quorum Achieved? No

2. Declaration of Conflicts of Interest -Nil

3. Confirmation of Minutes of Previous Meeting (note any corrections)

Moved Y. Higgins Seconded: M. Hole CARRIED

Chairperson to sign and date previous minutes to be filed by Secretary

4. Business Arising from Previous Minutes

- Shower heads have been repaired
- Campbell street oval still under water, request no 3 oval Morison street be inspected for water drainage.
- Bore Finally passed by council, WSC to tender bore works.

5. Correspondence In

- Quotes, Brian Teese for works in Stadium, refer to general business
- GST, WSC
- WSC Re furniture

6. Correspondence Out – date previous minutes sent to Council

7. Reports

7.1 Treasurer's Report

Moved B Spinner Seconded M Hole

7.1 User Group Report

BASKETBALL

- 35 U/8 boys and girls.
- Gippsland players to do clinic for u/8 and 10 girls June 10
- Skills weekend in Maffra July 25th 26th. U/12 from all over Gippsland
- Country Vic to run shooting camp in June School holidays
- Only a few Harlem Globe Trotters tickets left

JUNIOR FOOTBALL

- Dog bags WSC, look into getting them
- U/10 great concept

CRICKET CLUB

- AGM end of June
- New A grade captain, Josh Rurrawhe.

GYMNASTICS

- Attached

HOCKEY CLUB

- 80 players registered
- 24 under 11's
- u/9's play when seniors have home games
- Maffra have 5 x u/13 players, 4 x u/15 players and 1 x u/17 players, to play Country championships
- New turf in Sale, Hockey Victoria have given \$2 million expected between 2015/2019
- Forward plan want an indoor facility to play on. Discussion about Stadium and Maffra Secondary college, Wooden floors in stadium would be a problem with damage

8. Volunteers

9. OHS / Risk / Facility Fault Report

10. New Rules of the Committee to be endorsed by Council

11. General Business

- Audit report Brian Wheatley WSC Have a meeting asap after Audit is done
- Basketball have floor boards to replace others, Brian Teese
- Cricket club room leaks, Rodney Fitt Plumber, Blocked drain pipe (audit report)
- Urinal button fixed
- Grader to smooth out, Blue metal
- Fence posts, Cricket club usually repairs needs more work.
- Nets Brocken posts on both, water sits around posts
- Cricket nets, club to raise money to put roof and easterly walls up
- Electronic score board approx 20,000 Junior football and cricket club trying to get funds
- Gymnastics spent \$9,000 on new foam for pit
- Hand dryers get a quote from Darren Bennett
- Ring WSC about paperwork for New members
- light poles done
- * Led lights, funding available. Brad keeping in touch with Melissa Bastion
- Prue would like the committee to but pads for defiuator, Brad moved Yvonne Secoded Carried

12. Next Meeting June 18th 8PM

Meeting Closed Time: 8.45pm

These minutes are:

Confirmed as true and correct on 18 June 15
Date

Or

Corrections have been made and noted at the meeting on
Date

Chairperson Signature.....

AMERON SPORTING COMPLEX - COMMITTEE OF MANAGEMENT
FINANCIAL STATEMENT - MONTH ENDED 31st MAY 2015

RECEIPTS

	MAY	Y.T.D.
Wellington Shire:		
Maintenance Grant		\$ 43,210.00
Audit Works		\$ 2,470.70
Reimbursements:		
Basketball Association		\$ 13,874.03
Gymnastics	\$ 383.99	\$ 7,998.78
Maffra Junior Football Club		
Maffra Cricket Club		
Rentals:		
Maffra Cricket Club		\$ 6,300.00
Schools		\$ 275.00
Hockey Club		\$ 2,535.00
Football Association		
Maffra Junior Football Club	\$ 6,300.00	\$ 6,300.00
Miscellaneous Rentals		
And Other Income:		
Miscellaneous		\$ 22.45
ST Reimbursement		\$ 1,964.81
ST Collected on Receipts	\$ 668.39	\$ 3,975.21
Bank Interest		
Transfers:		
From Investment Acc		\$ 14,000.00
Total Receipts	\$ 7,352.38	\$ 102,925.98
Balance 1st July 2014		\$ 9,416.55
Total		\$ 112,342.53

PAYMENTS

	MAY	Y.T.D.
Reserve:		
Telstra		
Gippsland Water		\$ 3,104.58
Origin		\$ 451.20
TXU		
Stadium:		
Origin		\$ 897.53
Electricity -		\$ 12,513.77
Contract Cleaning:		
Cleaning	\$ 1,572.81	\$ 17,499.08
Mowing Contract:		
Maffra Golf Club		\$ 9,472.73
Miscellaneous:		
Audit Costs		\$ 300.00
Rubbish Collection	\$ 315.00	\$ 2,816.50
Toilet Supplies	\$ 42.75	\$ 657.20
Maintenance:		
Stadium		\$ 1,429.60
Reserve/Pavilion		\$ 3,368.78
Sundries:		
PO Box Rental		\$ 24.54
Postage		\$ 12.73
Advertising		
Materials		\$ 117.87
Equipment		
Bank Charges		
Other Expenses:		
GST on Expenses	\$ 193.06	\$ 4,956.15
GST to Shire		\$ 834.02
Transfer:		
To Investment Account		\$ 40,000.00
Total Payments	\$ 2,123.62	\$ 98,456.28
Balance 31st May 2015		\$ 13,886.25
Total		\$ 112,342.53

Bank Reconciliation

Balance as per Bank Statement (copy attached)	\$ 13,886.25
Less unrepresented cheques	
Cheque No.	

Balance as at 31st May 2015 \$ 13,886.25

SAVINGS ACCOUNT**RECEIPTS**

	MAY	Y.T.D.
Interest	\$ 19.38	\$ 129.68
Transfers In		\$ 40,000.00
Total Receipts	\$ 19.38	\$ 40,129.68
Balance 1st July 2014		\$ 21,054.89
Total		\$ 61,184.57

PAYMENTS

	MAY	Y.T.D.
Bank Charges		
Transfers Out		\$ 14,000.00
Total Payments	\$ -	\$ 14,000.00
Balance 31st May 2015		\$ 47,184.57
Total		\$ 61,184.57

Bank Reconciliation

Passbook Balance as at 31st May 2015

\$ 47,184.57

ACCOUNT SUMMARY

Cheque Account	\$ 13,886.25
Savings Passbook	\$ 47,184.57
TOTAL 31st May 2015	\$ 61,070.82

ITEM C5.3**QUICK RESPONSE GRANT SCHEME**

DIVISION: COMMUNITY AND CULTURE
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES
 DATE: 21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓	✓			✓			✓	✓	✓

OBJECTIVE

For Council to note the information regarding successful applications under the Quick Response Grant Scheme (QRGS) for the period March to June 2015 as at Attachment A.

RECOMMENDATION

For Council to note the information regarding successful applications under the Quick Response Grant Scheme for the period March and June 2015 as at Attachment A.

BACKGROUND

The QRGS aims to fulfil community need by providing a quick turnaround for funding and provides an opportunity for the community to access funding outside the Community Grant timeline. The QRGS supports the delivery of projects that demonstrate positive impacts on the wider Wellington community. Eligible projects submitted under this program are assessed within two weeks.

Individuals can apply for a QRG of up to \$500 under the Individual Sponsorship category. Not for profit community groups operating in the Wellington Shire can apply for up to \$2,000 from the three minor community funding categories (Events, Projects and Facilities categories).

The applications included in this paper were assessed between March and June 2015.

Applications are assessed by an internal assessment panel. Each application is assessed on its benefit to the community, ability to fulfil a community need, project planning and the capacity of the applicant to deliver the project. The Panel allocates funding based on the assessment criteria and funding guidelines.

OPTIONS

Council has the following options:

1. Note the information regarding successful applications under the QRGS for the period March and June 2015 as at Attachment A.; or
2. Request further information at a future Council meeting.

PROPOSAL

For Council to receive the information regarding successful applications under the QRGs for the period March and June 2015 as at Attachment A.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

FINANCIAL IMPACT

These applications have been funded through the QRGs within the Healthy Lifestyles budget. The total available budget for the 2014/15 Quick Response Grant Scheme is \$95,000. A total of \$37,307.02 was allocated to successful applications between March and June 2015.

The table below is a summary of the funding allocation, detailed list at Attachment A.

Applications received and assessed	
• Minor Community Events	11 totalling \$18,485.02
• Minor Community Projects	7 totalling \$12,600.12
• Minor Community Facilities	4 totalling \$8,000
• Individual Sponsorship	7 totalling \$3,500
Successful Applications	
• Minor Community Events	11 totalling \$18,485.02
• Minor Community Projects	6 totalling \$11,322
• Minor Community Facilities	2 totalling \$4,000
• Individual Sponsorship	7 totalling \$3,500
Unsuccessful Applications	
• Minor Community Events	Nil
• Minor Community Projects	1 totalling \$1,278.12
• Minor Community Facilities	2 totalling \$4,000
• Individual Sponsorship	Nil

COMMUNICATION IMPACT

The funding of these events and projects facilitates positive community relationships for the Wellington Shire, highlighting Council's commitment to supporting not for profit community organisations in the delivery of their activities, projects and events that benefit the wider community.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 7 Community Wellbeing states the following strategic objective and related strategy:

Strategic Objective

"Enhance health and wellbeing for the whole Community".

Strategy 7.1

"Support access to a range of recreational opportunities for all sectors of the community".

COMMUNITY IMPACT

The funding of these individuals, events and projects will have a significant positive effect on the community, providing assistance to increase the range of events and activities that the wider Wellington community can access. Successful applicants have demonstrated a community need that will be filled through receiving the funding and show a community benefit through project outcomes.

ENVIRONMENTAL IMPACT

All events and projects are encouraged to be consider the waste that will be produced through delivering their grant outcomes and have appropriate measures in place to manage waste. Assistance from Council is offered to all events to minimise landfill waste through the use of recycle bins.

CONSULTATION IMPACT

Council officers were involved in consultation with grant applicants to provide advice and assistance in the completion of event grant applications.

RISK MANAGEMENT IMPACT

The events industry is strongly legislated and all events are encouraged to comply with current OH&S and best practice safety standards. It is the responsibility of applicants to ensure that their project complies with all current rules and regulations.

Quick Response Grant Scheme - Successful Applications – March - June 2015

Organisation	Project Title	Amount	Description	
Minor Community Projects				
1	Good Practice, Good Health Inc	Gippsland Health Summit	\$2,000	Gippsland Health Summit aims to build better partnerships between health care providers and patients/clients through education.
2	Groundwork Youth Theatre	Comical and Absurd - Clowning for kids	\$2,000	Internationally acclaimed clown and physical comedian Clint Bolster will teach you how to unleash your inner clown in a special workshop program designed for youth
3	Sale Business and Tourism Association	Shop in Sale Street Flags	\$1,390	A set of 12 flags printed and displayed along Raymond Street, Sale to promote our shop in Sale initiative and encouraging consumers to shop local.
4	Sale Women's Support Group (Commonsense Magic Connections Inc)	Sale Women's Support Group	\$2,000	Sale Women's Support group engages, encourages and empowers local women who may be socially isolated due to mental health, chronic pain or lifestyles factors.
5	St Vincent De Paul Maffra Conference (St Vincent De Paul Society Victoria Inc)	Replace an Aged Truck	\$2,000	The truck used for welfare work is worn out and has to be replaced, continuing to deliver and service the Maffra community and surrounds.
6	Wellington Toy Library Inc	Mibase Database for Toy Library Volunteers	\$1,932	Setting up a transition to volunteer-run Toy Library sessions by implementing an online catalogue database, custom-designed for toy libraries.
Total			\$11,322	
Minor Community Events				
1	Anglican Parish of Yarram	Blessing of the Fleet Port Albert	\$1,330.00	A continuation of a yearly community event in which the Blessing of the Fleet is performed for all sailors, boat persons and boats.
2	Dargo Bush Nursing Centre	Winter Christmas Lunch	\$2,000	Winter Christmas Lunch celebration at Dargo Hotel or Dargo Tavern at a time most suitable for the older and more isolated people in the community.
3	Family and Friends for Autism Awareness (Lions Club of Sale)	Walk for Autism Family Day	\$1,555.02	An awareness Family Day with a jumping castle, face painting, sausage sizzle, and walk around the lake.
4	Gippy Rocks (UnitingCare Gippsland)	Gippy Rocks Promotion Campaign	\$2,000	Gippy Rocks is a 3 day rock n roll festival featuring a Ronald McDonald charity dance, rock n roll workshops, all-day street festival, Victorian regional dance championships and hot rod display.
5	Glenmaggie Mechanics' Institute	Glenmaggie Scottish Folk Festival	\$2,000	A community festival celebrating the rich Scottish history of Glenmaggie and surrounds
6	Heyfield Family History Group (Heyfield Community Resource Centre)	Gowns Through the Decades	\$1,500.00	Be dazzles by the array of colours and designs of 'Bridesmaid' gowns through the decades Vintage, Retro and current designs to enjoy
7	Meerlieu and District Rural Community Group	ANZAC Day 2015 Commemoration	\$1,600.00	To commemorate the servicemen from the local district who served in the First World War.

8	Sale Netball Association	Sale Netball Association 2015 Tournament	\$1,000	Netball teams from both the Wellington Shire and state wide compete in a round robin tournament in age groups ranging from 11/U to Open Section.
9	Sale Vintage Tractor Club	31st Annual Tractor Pull	\$2,000	The Vintage Tractor Club is holding their 31st Tractor Pull. All proceeds are donated to local groups. The CFA, Longford PS and Longford Pony Club are involved on the day.
10	Veronica Maybury Memorial Reserve	VMMR Community Clubrooms Official Opening of Extension & Renovation	\$1,500	Celebrating the completion of the renovations and extensions to the VMMR Community Clubrooms. A Thank You event to the community.
11	Woodside Recreation Reserve Committee of Management	Monster Auction and Fun Day	\$2,000	Monster Auction, family fun day fundraiser. Important community event in an isolated community that attracts participation from surrounding communities.
Total			\$18,485.02	

Minor Community Facilities

1	Maffra Lawn Tennis	Replace spectator fence	\$2,000	Replace the fence between grandstand and grass courts. The existing fence is no longer practical or safe.
2	Yarram Campdraft Club Inc.	Upgrade of Camp and Cattle Yards	\$2,000	Return the Camp and Yards to a safe state, at the same time enhancing the appearance for visitors
Total			\$2,000.00	

Individual Sponsorship

Individual's Name	Supporting Organisation	Activity Title	Amount
Mr Solomon Jones	Rotary International	Rotary Adventure in Citizenship	\$500
Ms Charlie Noble	Swimming Australia	Australian Long Course Swimming Championships	\$500
Mr Harrison Conway	Sports Travel Australia	Track & Field, Canada	\$500
Ms Rebecca Ingram	Volleyball Australia	Junior Women's Development Program USA Tour	\$500
Miss Lilli Stobie	Banyule Netball Association	Banyule Netball School Holiday Program	\$500
Miss Maya Bown	Banyule Netball Association	Banyule Netball School Holiday Program	\$500
Miss Indigo Waugh	Banyule Netball Association	Banyule Netball School Holiday Program	\$500
Total			\$3,500

ITEM C5.4**ESSO BHP BILLITON WELLINGTON ENTERTAINMENT CENTRE
ADVISORY GROUP MINUTES**

DIVISION: COMMUNITY AND CULTURE
 ACTION OFFICER: MANAGER ARTS AND CULTURE
 DATE: 21 JULY 2015

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
			✓	✓		✓		✓	

OBJECTIVE

To receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council receive the minutes of the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015.

BACKGROUND

The Esso BHP Billiton Wellington Entertainment Centre Advisory Group is a Committee of Council that meets on a quarterly basis. The membership of the Esso BHP Billiton Wellington Entertainment Centre Advisory Group includes one Councillor representative, seven community members, and the Entertainment Centre Manager (ex-officio).

As provided under the Committee's Instrument of Delegation approved on 18 February 2014, the objectives and Terms of Reference of the Committee are to provide advice to the Wellington Shire Council representing equally and fairly the views, requirements and aspirations of the Centre in relation to:

- Advise Council on policies for the management and promotion of the performing arts in the Wellington Shire, in particular in relation to the Centre but also on other matters as designated by the Council.
- Develop and encourage community participation in, and utilisation of, the Centre and to assist with promoting the Centre's events and facilities to patrons and hirers.
- Advise the Entertainment Centre Manager of the Centre regarding the engagement of performances and events within the Centre's product mix.
- Liaise with the Council's art gallery and promote cooperation between the Centre and other cultural services of Council.
- Utilise networks to obtain support for the Centre, both financial and non-financial, and to assist with philanthropic support of those activities.

It is to be noted that these minutes have yet to be formally ratified by a future Advisory Group meeting and are provided for the information of Council.

OPTIONS

Council has the following options:

1. Receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015; or
2. Request additional information and receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015 at a future Council meeting.

PROPOSAL

To receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

COUNCIL POLICY IMPACT

This report is in accordance with Council Policy 5.3.2 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objectives

"Asset and infrastructure that meet current and future community needs."

Strategy 4.3

"Manage Council community facilities planning to ensure that outputs are based on identified community needs."

This report supports the above Council Plan strategic objective and strategy.



Advisory Group

Minutes

Wednesday 20 May 2015 6:10PM

Equus

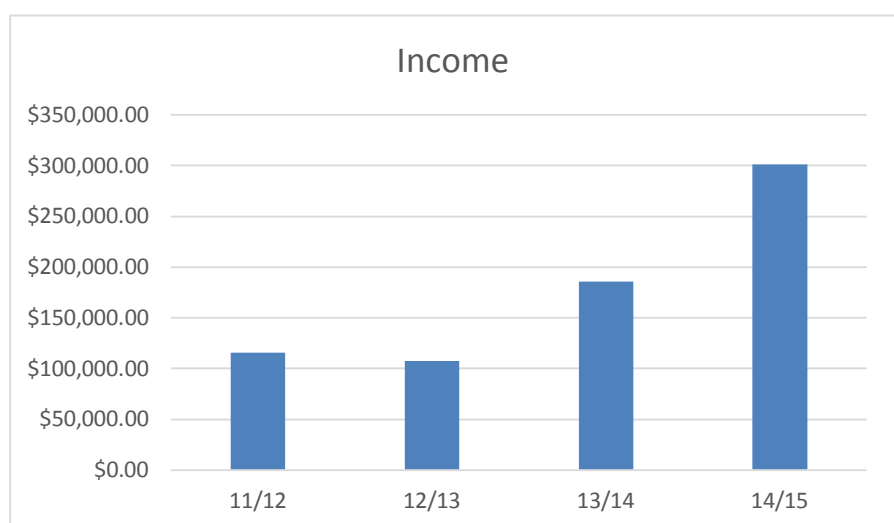
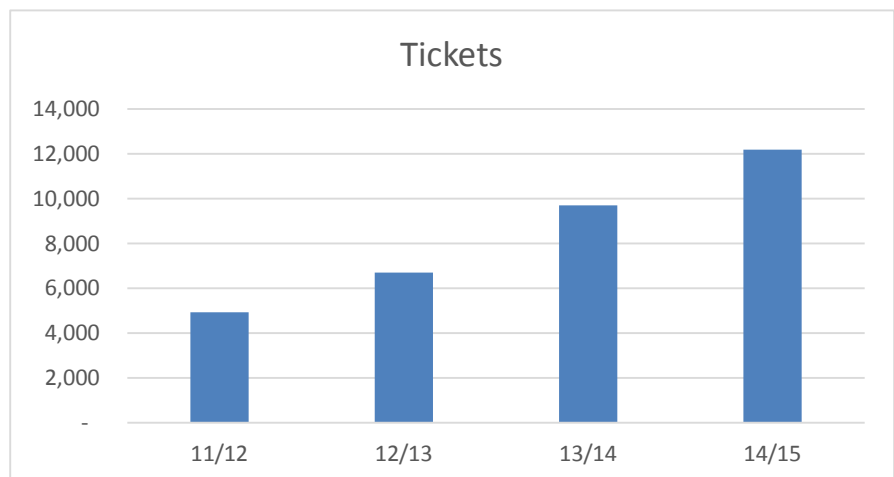
Item	
Open meeting	6:10pm
Present:	Don Carmichael, Stephen Dwyer (chair), Jo Clancy, Brian Teese, Deirdre Relph
In Attendance:	Brendan Peters, Andrew Thomson, Miranda Francis, Stephen Dempsey
1. Apologies	Cr Carolyn Crossley
2. Conflict of Interest	No conflicts
3. Approval of Previous Minutes	Motion to accept minutes of previous meeting as true and correct. <i>Moved:</i> Don Carmichael <i>Seconded:</i> Jo Clancy
4. Business Arising	<p>1. Drinks Trial</p> <p>A few concerns have been voiced on the matter of disorderly behaviour. Measures will be put in to place to make sure no one can bring drinks into the theatre “during” the performance. Motion carried by Jo Clancy that drinks trial becomes policy. <i>Seconded by</i> Brian Teese.</p> <p>2. Art Gallery / Library update</p> <p>Federal grant received for \$4.5 million towards art precinct project, focussing on linking the Entertainment Centre, port and skate park together.</p> <p>3. New Entertainment Centre Staff</p> <p>Melissa Forlano will start in the role of Coordinator Venue Administration on 1 July. Melissa is currently Philanthropy Coordinator for Opera Australia.</p>

5. General Business

1. Ticket Sales

Last year was our best yet, grossing \$185,594 through 9,715 ticket sales for our season shows. This year we have grossed \$301,225 through 12,197 ticket sales. This is a remarkable result and shows how the community are embracing and taking ownership of the Centre.

Year	Tickets	Income
11/12	4,934	\$115,567.00
12/13	6,704	\$107,796.50
13/14	9,715	\$185,594.25
14/15	12,197	\$301,225.05



2. Engage Programme

The Entertainment Centre in the motion of putting together community engagement programme bringing workshops and professional development with touring acts to the public. Looking at adding to website.

3. Vacant Advisory Committee Position

Position available to join the advisory committee due to a departure. Yet to be advertised.

4. New item- Library/gallery opening

Discussion about possible festival type opening for new cultural "hub". The idea put forth being that an event is made of it with suggestions of art, poetry readings, music and performances during the duration.

Organising needing to commence in order for this to be successful.

Deirdre Relph moves the prospect of an opening ceremony. All in favour.

This committee supports the opening ceremony of the cultural hub in 2017.

5. Accessibility

Prospect of removing a row of seating and replacing it with more accessible seating and walk way. Subject to further research and discussion.

6. Equus

Concerns have been raised in regards to staff, service and organization. People unhappy with speed of service. Suggested that further training is in order. Concerns about consistency of eftpos points also brought to discussion. EBBWEC Manager to discuss with Equus Management.

6. Other matters

Meeting Closed

7.00 pm

Next meeting

Wednesday May 20 at 6:00pm

Please call 5143 3200 or email andrew.thomson@wellington.vic.gov.au to RSVP.



D. URGENT BUSINESS



E. FURTHER GALLERY AND CHAT ROOM COMMENTS



F. CONFIDENTIAL ATTACHMENT/S

F. CONFIDENTIAL ATTACHMENT/S

**ITEM F1.1 2014-066 McLOUGHLINS BEACH FOOTBRIDGE & PONTOONS
(REFER TO ITEM C4.1 OF THIS AGENDA)**



**ORDINARY COUNCIL MEETING
21 July 2015**

On this day of 8 July 2015, in accordance with Section 77 Clause (2) (c) of *the Local Government Act 1989*; I, Chris Hastie General Manager Built and Natural Environment declare that the information contained in the attached document **ITEM F1.1 2014-066 McLoughlins Beach Footbridge & Pontoons** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

d) Contractual matters



.....
Chris Hastie General Manager Built and Natural Environment



G. IN CLOSED SESSION

G. IN CLOSED SESSION

That the meeting be closed to the public pursuant to Section 89(2) of the Local Government Act 1989 to consider:

- a) personnel matters*
- b) the personal hardship of any resident or ratepayer*
- c) industrial matters*
- d) contractual matters*
- e) proposed developments*
- f) legal advice*
- g) matters affecting the security of Council property*
- h) any other matter which the Council or special committee considers would prejudice the Council or any person*

IN CLOSED SESSION

COUNCILLOR

That:

That:

That Council move into open session and ratify the decision made in closed session.