



**WELLINGTON**  
SHIRE COUNCIL  
*The Heart of Gippsland*

## **Council Meeting Agenda**

**Meeting to be held at**

**Port Of Sale Civic Centre**

**Foster Street, Sale**

**Tuesday 2 December 2014, commencing at 3pm**

**or join Wellington on the Web:  
[www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)**

# ORDINARY MEETING OF COUNCIL – 2 DECEMBER 2014

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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:

ACTING GENERAL MANAGER GOVERNANCE

DATE:

2 DECEMBER 2014

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**OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 18 November 2014 as tabled.

**CONFLICT OF INTEREST**

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

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

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**RECOMMENDATION**

***That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 18 November 2014 as tabled.***



## **A - PROCEDURAL**

### **A5 BUSINESS ARISING FROM PREVIOUS MEETING/S**

**ITEM A5****BUSINESS ARISING FROM PREVIOUS MEETING/S**

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

2 DECEMBER 2014

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ITEM	FROM MEETING	COMMENTS	ACTION BY
Item C4.2 Proposed transfer of land to Gippsland Water	5 November 2014	<u>2 December 2014</u> Contact has been made with Gippsland Water to seek the additional information that Council require. Awaiting a response from Gippsland Water.:	Manager Built Environment/ Coordinator Commercial Facilities Management

**ITEM C4.2****PROPOSED TRANSFER OF LAND TO GIPPSLAND WATER**

DIVISION: BUILT AND NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

DATE: 5 NOVEMBER 2014

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

**OBJECTIVE**

For Council to consider a request from Central Gippsland Region Water Corporation (trading as Gippsland Water) to transfer a parcel of Council owned land to be used as an underground pumping station.

**BACKGROUND**

Gippsland Water have written to Council seeking an area of land for a new pumping station to be located in part of the Stead Street Reserve, Sale (see Attachment One for an aerial overview). They have indicated that the current pump is to be replaced and whilst the existing pumps location is within land controlled by Gippsland Water this location is not suitable for a new pumping station for logistical reasons.

Accordingly Gippsland Water is seeking Council to transfer land in order to accommodate a new pumping station. The area of land, with its increased footprint, will ensure the sewer system can cope with existing and future capacity requirements. Gippsland Water have stated that the existing infrastructure has exceeded its lifespan and capacity rating and there is some risk of failure which may result in a spill of sewer into surrounding areas.

Gippsland Water have drafted a proposed plan of subdivision to allow them to acquire land for the new pump station within the Stead Street Recreation Reserve (see Attachment Two). This has been reviewed by relevant Wellington Shire Council Business Units who have no objection to the proposed land transfer.

Gippsland Water have indicated that the transfer of land should be at no consideration as the project was instigated for the benefit of residents and the works will provide a benefit to Council in ensuring that sewerage facilities are available for future subdivisions. In light of this, Gippsland Water will meet all legal and design costs and disbursements (see Attachment Three).

The report however recommends that the consideration for the transfer of land be at market valuation.

**OPTIONS**

Council has the following options available:

1. Transfer the land at no consideration; or
2. Require a financial consideration as a term of the transfer. For the purposes of assessing the land value a valuation has been commissioned.

## **PROPOSAL**

That:

1. Council resolve to transfer to Central Gippsland Region Water Corporation (Gippsland Water) Part of Certificate of Title Volume 4867 Folio 847, Lot 1 TP 205342 as described on draft PS704992E, at the assessed market valuation as consideration with Gippsland Water meeting all costs; and
2. Council enact the provisions of Section 191 of the *Local Government Act 1989* (the Act) to authorise the transfer of the agreed land parcel to Gippsland Water at the assessed market valuation as noting that the public notification process stipulated under Section 189 of the *Local Government Act* is not applicable in this case.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

An appropriate market valuation has been commissioned for council by Gippsland Water and the land has been valued at \$13,000 (see excerpt in Attachment Four).

Gippsland Water have stated they will meet all costs associated with the preparation of the plans of subdivision, all legal expenses and the lodgement of the plans at Land Victoria for issue of titles, and other direct costs.

## **COMMUNICATION IMPACT**

No communication impacts have been identified.

## **LEGISLATIVE IMPACT**

Council is exempt from the provisions of the *Local Government Act 1989*, Section 189, with respect to the transfer of lands effected with a "public body" as defined in the legislation. As such, Council is exempt from the requirement to publically advertise the proposed land transfer and to receive submissions.

Gippsland Water as the acquiring authority must comply with the provisions of the *Land Compensation and Acquisition Act 1989* (Vic) which requires the Authority to serve an acquisition notice on the Council.

Any planning permit requirements would need to be satisfied by Gippsland Water for the land to be used as a pump station.

## **COUNCIL POLICY IMPACT**

The proposed transfer does not conflict with Council's policy regarding Sale, Exchange and Acquisition of Land.

The policy outlines that transactions should be in the interests of the community and provide the best result (financial and non-financial).

It has been assessed that there is no specific justification that the land should be transferred at less than market value and this is reflected in the reports recommendation.

## **COUNCIL PLAN IMPACT**

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategies:

### Strategic Objective

*“Assets and infrastructure that meet current and future community needs.”*

### Strategy

*“4.1 Undertake service delivery planning to provide community assets in response to identified needs”.*

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

## **RESOURCES AND STAFF IMPACT**

Workload requirements resulting from this proposal will be met from existing resources.

## **COMMUNITY IMPACT**

Substantial community benefit will result from ensuring that there is reduced potential for the failure of the sewer pump system.

## **ENVIRONMENTAL IMPACT**

The transfer will support the benefits from the sewerage scheme by removing the potential for effluent seepage into the Gippsland Lakes.

In relation to any amenity impacts such as noise or odour, Gippsland Water have advised that the proposed design is in line with Gippsland Water's standards. Gippsland Water does not believe the pump station will impact the surrounding houses or users of the reserve in terms of noise or odour. There may be some impact during construction and Gippsland Water will coordinate with the users of the reserve and the adjacent landowner to ensure minimal disruption to them.

## **CONSULTATION IMPACT**

Council has requested that Gippsland Water consult and inform relevant stakeholders regarding the project, including users of the recreation reserve and adjoining land owner/occupiers. Following enquiries, Gippsland Water received no objections to consultation undertaken with the user groups of the Recreation Reserve.

Gippsland Water have advised that there is only one surrounding resident who may be impacted and pursuant to s175 of the *Water Act 1989 (Vic)* Gippsland Water is required to serve a notice advising of the work and seek submissions. This will occur once the land tenure is known. In the

interim Gippsland Water will write to the landowner and occupier (if different) to advise of the possible works.

It should be noted that the existing pump station control cabinet is located to the north of this property in the road reserve. These works will be removed as part of the decommissioning.

## **RISK MANAGEMENT IMPACT**

No issues of risk management have been identified as applicable in approving the transfer of Council land.

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

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### **RECOMMENDATION**

***That:***

- 1. Council resolve to transfer to Central Gippsland Region Water Corporation (Gippsland Water) Part of Certificate of Title Volume 4867 Folio 847, Lot 1 TP 205342 as described on draft PS704992E, at the assessed market valuation as consideration with Gippsland Water meeting all costs; and***
- 2. Council enact the provisions of Section 191 of the Local Government Act 1989 (the Act) to authorise the transfer of the agreed land parcels to Gippsland Water at the assessed market valuation as consideration noting that the public notification process stipulated under Section 189 of the Act is not applicable in this case.***

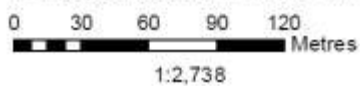
ATTACHMENT ONE



# Stead Street Recreation Reserve Sale



Print Date: 26/08/2014 1:41:03 PM



This material may be of assistance to you but Wellington Shire Council and the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained in this material (or publication).

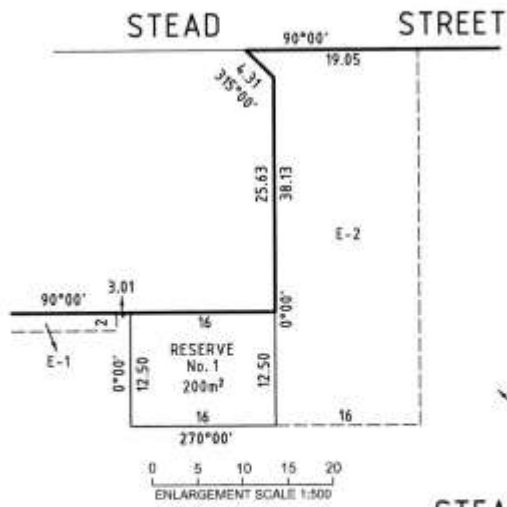
**ATTACHMENT TWO**

<b>PLAN OF SUBDIVISION</b> PURSUANT TO SECTION 35 SUBDIVISION ACT 1988		EDITION 1	PS704992E	
<p style="text-align: center;"><b>LOCATION OF LAND</b></p> Parish : SALE Township : — Section : 1 Crown Allotment : 23(PT) Crown Portion : — Title Reference : Vol: 9467 Fol: 847 Last Plan Reference : TP205342 (LOT 1) Postal Address : STEAD STREET (At time of subdivision) SALE 3850 MGA94 Co-Ordinates (of approx centre of land in plan) E 507 570 ZONE: 55 N 5 782 450 GDA 94		DRAFT		
		<b>NOTATIONS</b>		
		DEPTH LIMITATION OF 15.24m APPLIES TO C.A. 144 & 142(PT) ONLY		
<b>VESTING OF ROADS AND/OR RESERVES</b>				
<b>IDENTIFIER</b>	<b>COUNCIL/BODY/PERSON</b>			
	Land to be acquired by compulsory process: — Land to be acquired by agreement: RESERVE No. 1 All the land is to be acquired free from all encumbrances other than any easements specified on this plan. Survey: This plan is based on survey. To be completed where applicable: This survey has been connected to permanent marks no(s) SALE PMS 190 In Proclaimed Survey Area No. —			
<b>NOTATIONS</b>				
<p><b>ADDITIONAL PURPOSE OF PLAN</b>                  CREATION OF CARRIAGEWAY, ELECTRICITY SUPPLY, WATER SUPPLY &amp; SEWERAGE EASEMENTS SHOWN AS E-2 ON THIS PLAN</p> <p><b>GROUND FOR CREATION</b>                  BY AGREEMENT OF INTERESTED PARTIES UPON REGISTRATION OF THIS PLAN</p>		STAGING This is not a staged subdivision. Planning Permit No. — Underlined dimensions are not the result of this survey. Area of Lot 1 has been derived by deduction from Title.		
<b>EASEMENT INFORMATION</b>				
<b>LEGEND:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easements marked (-) are existing easements. Easements marked (+) are created upon registration of this plan. Easements marked (*) are created when the appropriate vesting date is recorded or transfer registered. Easements marked (#) are removed when the appropriate vesting date is recorded or transfer registered.				
<b>Easement Reference</b>	<b>Purpose</b>	<b>Width (Metres)</b>	<b>Origin</b>	<b>Land Benefited/In Favour Of</b>
(-) E-1	DRAINAGE	2	LP139747	LOTS IN LP139747
(+) E-2	ELECTRICITY SUPPLY BY UNDERGROUND CABLE	SEE PLAN	THIS PLAN	CENTRAL GIPPSLAND REGION WATER CORPORATION
(+) E-2	CARRIAGEWAY	SEE PLAN	THIS PLAN	CENTRAL GIPPSLAND REGION WATER CORPORATION
(+) E-2	WATER SUPPLY & SEWERAGE AS SPECIFIED & SETOUT IN MEMORANDUM OF COMMON PROVISIONS No. AA2378	SEE PLAN	THIS PLAN	CENTRAL GIPPSLAND REGION WATER CORPORATION
 Part of the SMEC Group Traralgon - T 03 5173 0100		DIGITALLY SIGNED BY LICENSED SURVEYOR: JONATHAN PAUL NEILSON		Sheet 1 of 3 Sheets
		REF 30041441S    VERSION A		ORIGINAL SHEET SIZE A3

**PLAN OF SUBDIVISION**  
PURSUANT TO SECTION 35 SUBDIVISION ACT 1988

EDITION 1

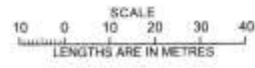
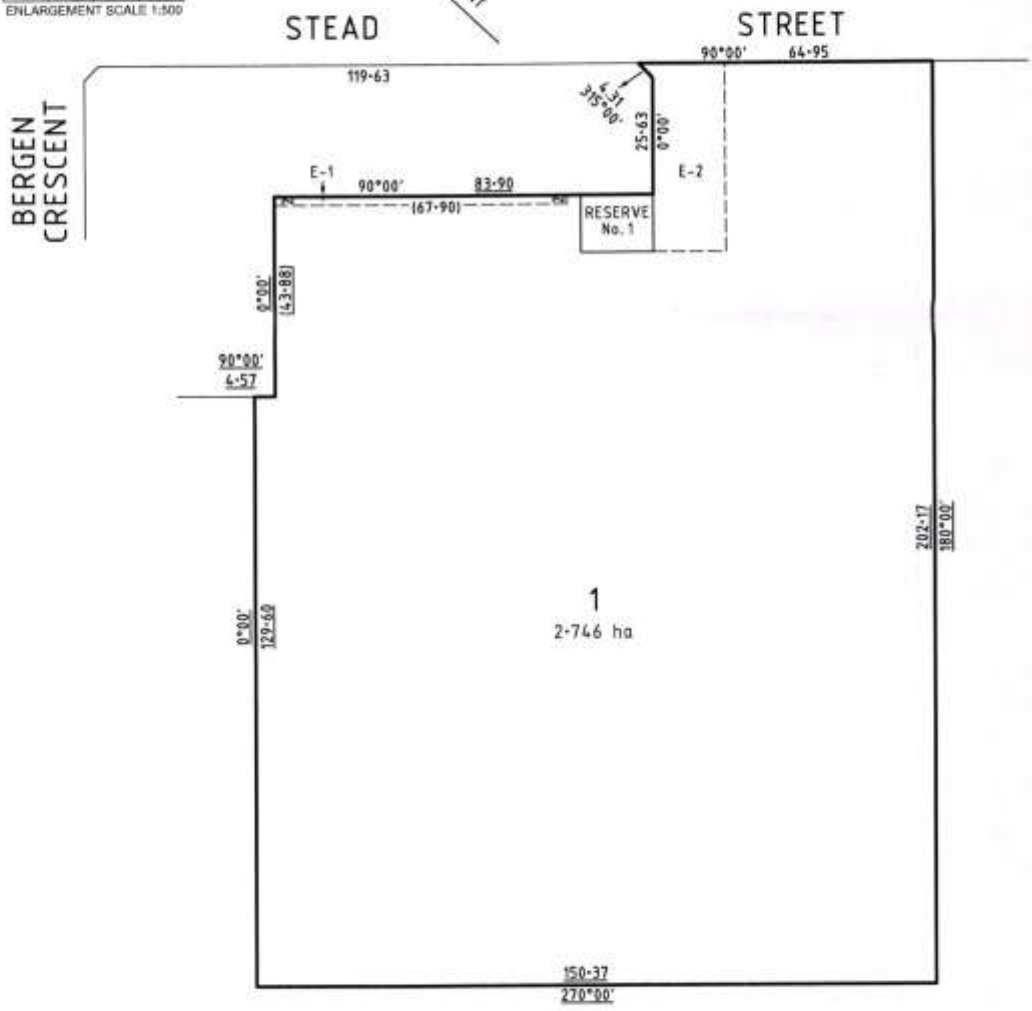
PS 704992E



**DRAFT**



SEE ENLARGEMENT



ORIGINAL SCALE 1:1000

Sheet 2  
ORIGINAL SHEET SIZE A3  
WELLINGTON SHIRE COUNCIL

DIGITALLY SIGNED BY LICENSED SURVEYOR:  
JONATHAN PAUL NEILSON  
REF 30041441S VERSION A

ATTACHMENT THREE

Our reference:  
Your reference:

9 May 2014

Mr Daniel Gall  
Coordinator Commercial Facilities Management  
Wellington Shire Council  
70 Foster Street  
**SALE 3850**



GIPPSLAND  
WATER

Hazelwood Road  
PO Box 348  
Traralgon Victoria 3844  
Telephone: (03) 81774800  
Facsimile: (03) 8174 8103  
contactus@gippswater.com.au  
www.gippswater.com.au

Dear Sir

**RE: LAND REQUIRED BY GIPPSLAND WATER  
STEAD STREET RESERVE LOT 1 TP205342**

We refer to recent discussions between yourself and Glenn Nankervis regarding the new pump station to be located within Stead Street Reserve.

The existing pump station located in road reserve on Stead Street is to be replaced and for logistical reasons it was decided that it should not be located in the road reserve. The present location of the pump is not suitable for the new pump station as it requires an increase in plant footprint to cope with current and future capacity. The present location is also impractical as, being the road reserve, it poses a risk to work personnel during maintenance procedures.

The current facility has exceeded its lifespan and capacity rating. It is at risk of failure and possible spill of sewer to the surrounding area. The proposed facility will allow for any future subdivisional progression. The costs associated with the implementation of this project are estimated to be \$730,000.00.

In consultation with Council, suitable land for the proposed pump station has been identified as Part of Certificate of Title Volume 4867 Folio 847, Lot 1 TP205342 which is owned by Council. Gippsland Water seeks to acquire a small reserve within this land by agreement with Council.

We enclose for your information a draft plan of subdivision showing the proposed location of the reserve which will be 200 metres square. In addition to the reserve Gippsland Water is seeking an easement for drainage, electricity, carriageway and water supply and sewerage. The easements will be co-located within an area of approximately 613 metres square.

The water supply and sewerage easement is as specified in the Memorandum of Common Provisions No AA 2378 a copy of which is attached for your information.

This project was instigated for the benefit of residents and the works will provide a benefit to Council in ensuring that, sewerage facilities are available for future subdivisions.

It is often the case that the transfer of land between Government bodies is for no payment. Gippsland Water requests that Council consider providing the reserve to Gippsland Water at no cost. Gippsland Water will of course meet all the legal and design costs and disbursements.

If you require any further information in regard to the land acquisition, please contact Donna Wardle, Land and Legal Advisor on 5177 4678.

Yours sincerely



Tony Staley

**GENERAL MANAGER COMMERCIAL SERVICES**

enc

**ATTACHMENT FOUR**

Our reference:  
Your reference:

14 August 2014

Mr Daniel Gall  
Coordinator Commercial Facilities Management  
Wellington Shire Council  
70 Foster Street  
**SALE 3850**



Dear Sir

**RE: LAND REQUIRED BY GIPPSLAND WATER  
STEAD STREET RESERVE LOT 1 TP205342**

We refer to the above matter and previous correspondence.

In accordance with your email of 13 June 2014 Gippsland Water has obtained a valuation through the Valuer General's Office. The valuation was conducted by Herron Todd White. It is in the amount of \$13,000.00. We enclose a copy for your information.

Gippsland Water is seeking to acquire the land by agreement. This can be achieved by way of a written agreement or simply, Council approving the plan of subdivision and executing the Transfer.

In respect to the consultation requested by Council we advise Lorraine Glover of St Johns Ambulance had no issue with the location or the construction. Mr Ross Coulthard of the Sale Cricket Club had no issue with the location or construction other than whether the pump station would be fenced, to which we advised "no", and access to enable patrons to park vehicles to which we advised "there should be ample room to allow traffic through".

We apologise for the delay in providing this information. We ask that Council no consider the request for the reserve.

If you require any further information in regard to the land acquisition, please contact Donna Wardle, Land and Legal Advisor on 5177 4678.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Lynley Keene".

Lynley Keene  
**MANAGER COMMERCIAL SERVICES**  
enc



**Department of Transport,  
Planning and Local Infrastructure**

**RECEIVED**  
14 AUG 2014

BY: .....

**Valuer-General Victoria Reference: S129584**

Valuer-General Victoria  
Level 15, 570 Bourke Street  
Melbourne Victoria 3000 Australia  
Telephone: 03 8636 2515  
www.dtpli.vic.gov.au  
DX 250639

13 August 2014

**Lynley Keene  
Manager Commercial Services  
Central Gippsland Region Water Corporation  
55 Hazelwood Road  
TRARALGON VIC 3844**

**Attention: Donna Wardle**

Dear Lynley

WELLINGTON  
SHIRE COUNCIL  
18 AUG 2014  
**RECEIVED**

**RE: Request for Compensation Valuation  
Lot 1 on TP205342R  
Stead Street, Sale Vic 3850**

Thank you for your instructions dated 27 June 2014. Please find enclosed a report and valuation from Mr Craig McMillan, Valuer, of Herron Todd White (Consolidated) Pty Ltd, the delegated contract valuer for the above-mentioned property. The valuation has been made in accordance with the provisions of the Valuation of Land Act 1960.

The contents of this report and the methodology and calculations applied to the valuation have been examined by a Valuer from this Office and you are advised that the valuation is certified as meeting the standard of Valuer-General Victoria for quality and accuracy.

Valuer-General Victoria (VGV) reports and valuations are valid for three (3) months from the date of valuation unless otherwise stipulated in the certification letter or report. VGV will not accept any responsibility for your agency's reliance upon a report and valuation beyond that period. Therefore, a review of this opinion should be sought after 3 months, if no transaction has taken place.

Please note that a fee for providing this assessment will be forwarded in due course.

Should a conference of valuers be required or if you have any queries in regard to this matter you should direct these enquiries through this Office by contacting Mr Gary Wills, Senior Valuer, Government Valuations on (03) 8636 2580.

Yours sincerely

**ROBERT MARSH**  
Valuer-General

j:\vgv\generalvaluations\waterauthorities\gippsland water\s129584.docx\fb



(Panel) (L) General Valuations (19/03/2014) Ver. 0.8



## **A - PROCEDURAL**

### **A6 ACCEPTANCE OF LATE ITEMS**



## **A - PROCEDURAL**

### **A7 NOTICE/S OF AMENDMENT OR RESCISSION**



## **A - PROCEDURAL**

### **A8 NOTICE/S OF MOTION**



## **A - PROCEDURAL**

### **A9 RECEIVING OF PETITIONS OR JOINT LETTERS**

**ITEM A9(1)**

**OUTSTANDING PETITIONS**

ACTION OFFICER

GOVERNANCE

DATE:

2 DECEMBER 2014

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ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			

**ITEM A9(2)****RECEIPT OF PETITION: UPGRADE AND MAINTAIN A SAFER ROAD SURFACE ON THE LONGFORD TO GOLDEN BEACH ROAD**

DIVISION: BUILT & NATURAL ENVIRONMENT  
 ACTION OFFICER: MANAGER BUIT ENVIRONMENT  
 DATE: 2 DECEMBER 2014

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

**OBJECTIVE**

To present Council with a petition in relation to the upgrade and maintaining a safer road surface on the Longford to Golden Beach Road.

**BACKGROUND**

A petition containing 208 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.”

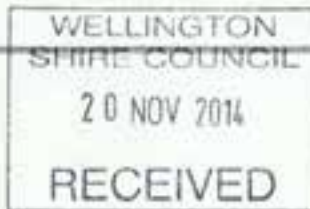
**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY****RECOMMENDATION**

***That Council receive the attached petition in relation to the upgrade and maintaining a safer road surface on the Longford to Golden Beach Road.***

**GOLDEN PARADISE BEACH RATEPAYERS & RESIDENTS ASSOCIATION Inc.**

Registered No: A0014979J

ABN: 23 434 081 321



17<sup>th</sup> November 2014

Customer Service  
VicRoads  
Lower Ground Floor North Building  
60 Denmark Street  
KEW Vic 3101

*Attention: Martin Morris  
Wellington Shire Council*

**Re: Customer Complaint Petition – Longford to Golden Beach Road**

On behalf of the road users we hereby submit signed petitions requesting investigation and improvement to the road surface on the Longford to Golden Beach Road.

Figures provided by the Wellington Shire Council indicate that VicRoads data shows 1500 vehicles per day (of all types) use this road. Use by trucks has increased in the past two years with heavy haulage going into the Gippsland Water recycling facility. Trucks also use this road to access Glencoe Lime, Revive (Gibson's fertiliser), Krusic's Gravel and Dutson Gravel businesses as well as the Wellington Shire Council gravel pit. I have been informed that a B Double truck can weigh up to 64 tonne and this type of heavy vehicle uses the road every day. Recently Krusic's opened a Ride Park for motorbike riders and this has also seen an increase of cars and trailers using the road.

The road surface has had quick patch up jobs which barely last 24hrs on the most dangerous corners of the road. Markings currently on the road indicate that more patch up work is scheduled. We believe this is not good enough. The road surface and shoulders are constantly breaking up from the high volume of heavy haulage.

There have been several collisions on this road and users report damage to their vehicles when being forced to drive through the large potholes. Caution signs have been erected at one corner only requesting speed be reduced to 80ks an hour then on the 14<sup>th</sup> of November this was changed to 60ks an hour. Even at low speeds damage can be sustained by small passenger vehicles when forced to drive through these damaged sections of the road. Inevitably it is at these dangerous corners that you will meet an oncoming vehicle and have to navigate through broken sections of the road.

This is a school bus route and bus drivers have also indicated they consider the road dangerous. There is no alternative route for people living in Loch Sport, Dutson or Golden Beach to access their towns.

We urge you to make a full investigation of this road and schedule works to upgrade the surface and install shoulders on the curves to improve driving conditions for all motorists and provide a safer road.

Sincerely

A handwritten signature in black ink that reads "Fran Zuijdwijk".

Fran Zuijdwijk  
Chairperson

cc Wellington Shire Council  
RACV

Please address all correspondence to:  
Christine Hawker, Secretary

Telephone: 5146 3426  
Golden Beach 3851 Email: [gpbratepayors@gmail.com](mailto:gpbratepayors@gmail.com)

# Petition to Vic Roads & Wellington Shire Council

Petition summary and background	The Longford to Golden Beach Road has seen an increase in vehicular traffic including B doubles and heavy trucks and subsequently the road surface has been deteriorating for some time. Small patch up maintenance in problem areas lasts less than 24hrs in some of the most dangerous corners of the road. Vehicles have been damaged when hitting large potholes and collisions have occurred. This is a school and community bus route and we are concerned for the safety of the passengers and drivers on this road.
Action petitioned for	We, the undersigned, are concerned citizens who urge your authorities to act now to upgrade and maintain a safer road surface on the Longford to Golden Beach Road.

PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL <sup>18</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
MARG FLINT	<i>Marg Flint</i>		IN BAD CONDITION	17/11/14
DAN MARKLAND	<i>Dan Markland</i>		" " "	17/11/14
CHRISTINE BOWEN	<i>Christine Bowen</i>		R/R " " "	17/11/14
DOREEN GARDNER	<i>Doreen Gardner</i>		" " "	17/11/14
JEFF AMOS	<i>Jeff Amos</i>		" " "	17/11/14
NOB WHEELER	<i>Nob Wheeler</i>		" " "	17/11/14
RHONDA COOK	<i>Rhonda Cook</i>		" " "	17/11/14
BEV ROBINSON	<i>Bev Robinson</i>		" " "	17-11-14
ALAN (MOB) ROE ROE BARTLET	<i>Alan Roe</i>		207 " " " "	17/11/14
			Do your Job - Fix it	17.11.14

# Petition to Vic Roads & Wellington Shire Council

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PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL 7<sup>th</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
GEOFF GREGG	<i>[Signature]</i>		Dangerous - cars	2/11/2014
HUGH JARSE	<i>[Signature]</i>		No Good	2/11/14
ROD ILSLEY	<i>[Signature]</i>		BEACH UNFIT ROADS	2-11-14
FRANK DEMONAKIS	<i>[Signature]</i>		BEACH INFRASTRUCTURE?	2-11-14
Graham Taylor	<i>[Signature]</i>		Blockly Dangerous	3/11/14
IAN BISHOP	<i>[Signature]</i>		DANGEROUS	3/11/14
Daryl Greig	<i>[Signature]</i>		Dangerous	3/11/14
Kael Pitzer	<i>[Signature]</i>		VERY DANGEROUS AND UNSAFE	7-11-14
June Griffiths	<i>[Signature]</i>		Respectably needs upgrade	8/11/14
CHRIS GUEST	<i>[Signature]</i>		" "	8/11/14
DEANA LEWIS	<i>[Signature]</i>		" "	" "

# Petition to Vic Roads & Wellington Shire Council

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Printed Name	Signature	Address	Comment	Date
REBECCA WESS	[Signature]	41-5	FIX FOR REAL !! STOP PATCHING UP!	9/11/14
Graham Sibson	[Signature]		STATE OF ROAD UNSAFE	9.11.14
Dinah Barton	[Signature]		Fix please	9.11.14
Cheryl Newman	[Signature]		Bad roads	9.11.14
BELINDA JOHNSON	[Signature]		VERY UNSAFE	9.11.14
Barbara Stal	[Signature]		VERY UNSAFE	9.11.14
FRED JEV	[Signature]		UNSAFE	
C BRUCE	[Signature]		DO WE WAIT FOR ACCIDENTS?	9.11.14
J ANTT	[Signature]		About time to fix.	9.11.14
Anna Roberts	[Signature]		"	9.11.14
DIAN WOODS	[Signature]		is slow	9.11.14
M BRUCE	[Signature]		very unsafe	9.11.2014

# Petition to Vic Roads & Wellington Shire Council

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Printed Name	Signature	Address	Comment	Date
COLIN KIRKLAND		-- --	LOCH NEEDS REAL RESURFACING RATHER THAN TEMP PATCHING	8/11/14
TOM FIRMALONE				"
Ronald Ferguson				"
Brenda Cochrane			"	"
Alicia Gossain				8/11/14
Lynda Primmer			"	8/11/14
Laura Pearson			"	8.11.14
MERINJA LEATHAM			"	8-11-14
Ren Leatham			"	8/11/14
Simone Tennant			"	8.11.14
David Leatham			"	8.11.14
Helen Burgess			"	9.11.14

# Petition to Vic Roads & Wellington Shire Council

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Printed Name	Signature	Address	Comment	Date
DENNIS BEGG	[Signature]		VERY DANGEROUS ROAD	13/11/14
KARE BEGG	[Signature]		" " "	12/11/14
GARAGE WADE	[Signature]		NO GOOD TAKEN PICTURES FIX IT	8-11-14
JOAN GLEED	[Signature]		VERY DANGEROUS ESPECIALLY ON BENDS	8-11-14
NOREEN BROWN	[Signature]		New road & minor sign work/repairs will be better	8-11-14
R Ransom	[Signature]		I have had a close call	8-11-14
P RANSOM	[Signature]		DANGEROUS	8-11-14
P. CAMPBELL	[Signature]		POT HOLES	8/11/14
A. BEECROFT	[Signature]		DISGUSTING	8/11/14
R BROWN	[Signature]		DANGEROUS	8-11-14
K Reed	[Signature]		very dangerous	8-11-14
Helen Eastwood	[Signature]		at Pot Holes/Kingston	8-11-14

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Printed Name	Signature	Address	Comment	Date
J. SACKMAN			Do the road properly	9/11/14
DOUG MAWSON			" " "	9/11/14
M. MAWSON			Very Dangerous	9.11.14
Jon. Andrew			Car broken.	9.11.14
JULIAN JACOBI			POTH SHOULD BE FIXED	9.11.14
Kylie Eicke			Dangerous	9.11.14
Gary Keed			" " Shit	9.11.14
K. LOVISOY			BLOODY DISGUSTING SHOULD HAVE BEEN DONE AGES AGO	9.11.14
M Clifford			Death Trap	9.11.14

# Petition to Vic Roads & Wellington Shire Council

<p><b>Petition summary and background</b></p>	<p>The Longford to Golden Beach Road has seen an increase in vehicular traffic including B doubles and heavy trucks and subsequently the road surface has been deteriorating for some time. Small patch up maintenance in problem areas lasts less than 24hrs in some of the most dangerous corners of the road. Vehicles have been damaged when hitting large potholes and collisions have occurred. This is a school and community bus route and we are concerned for the safety of the passengers and drivers on this road.</p>
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Printed Name	Signature	Address	Comment	Date
FRANCES ZUYDWIJK	<i>Frances Zuydwijk</i>		Disgraceful leads to your attention	6-11-14
MICHAEL LAST	<i>M. Last</i>		"	7-11
GERARD ZUYDWIJK	<i>Gerard Zuydwijk</i>		"	7/11/14
VICTORIA LINDEN	<i>Victoria Linden</i>		"	7/11/14

NEEDED

# Petition to Vic Roads & Wellington Shire Council

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Printed Name	Signature	Address	Comment	Date
Angie Green	[Signature]		Very dangerous	27/10
Sarah Green	[Signature]		Dangerous	27/10
Kayte Tetlay	[Signature]		You can't be serious	27/10
Leah Sullivan	[Signature]		CRASH & INJURY	27/10
Lynne Stephens	[Signature]		It can't be a myth!	27/10
Robert Toole	[Signature]		BE PRO ACTIVE RATHER THAN REACTIVE - TODAY	27/10
REGINE OLIVER	[Signature]		DITTO	27/10
Dale Cassidy	[Signature]		Very Dangerous	27/10
Brooke McLaughlin	[Signature]		Almost had accident there	25/10
Bonnie Jessup	[Signature]		Dangerous	25/10
JODEE KRZCIUK	[Signature]		Scary to drive on this road	28/10
Simone Mudd	[Signature]		disgusting condition	28/10
BRUCE HILLMAN	[Signature]		Garage Run	29/10

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Printed Name	Signature	Address	Comment	Date
S. Ceccomanni	<i>[Signature]</i>		Absolutely dangerous	28/10.
G Peterson	<i>[Signature]</i>		Horrible	28/10/2014
C. Rowman	<i>[Signature]</i>		Waiting for Accident	28/10.
S. Ryding	<i>[Signature]</i>		to happen all of above + more	
L. Grummisch	<i>[Signature]</i>		Very Dangerous	30/10/14
G. Gow-Brown	<i>[Signature]</i>		ABSOLUTE DISGRACEFUL	30/10/14
H. Manning	<i>[Signature]</i>		Dangerous lethal	30/10/14
J Prentice	<i>[Signature]</i>		Dangerous	30/10/14
K Jenkins	<i>[Signature]</i>		Rebuild to take <sup>HEAVY</sup> VEHICLES	31/10/14
L Kehey	<i>[Signature]</i>		Dangerous + Disgraceful	31/10/14
J. McDiough	<i>[Signature]</i>		Terrible Example of	31/10/14
DINO BELVEDERE	<i>[Signature]</i>		NEED FIXING	31/10/14

# Petition to Vic Roads & Wellington Shire Council

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Printed Name	Signature	Address	Comment	Date
G. Greig	<i>G. Greig</i>		Very dangerous	29/10 2014
J SHEPHERD	<i>J Shepherd</i>		" " "	29/10
K SHEPHERD	<i>K Shepherd</i>		TOO MANY TRUCKS	29/10
T Matthews	<i>T Matthews</i>		Very dangerous	29/10
J CASSIDY	<i>J Cassidy</i>		POOR PATCH OPS	29/10
A Matthews	<i>A Matthews</i>		Dangerous	29/10
M. LEBREW	<i>M. Lebrun</i>		SICK OF CRACKED WINDSCREEN & DAMAGE TO MY CAR.	29/10
L. LONG	<i>L. Long</i>		= COULD CASE FATAL	29/10
Erin Bateson	<i>Erin Bateson</i>		Accident almost had head on collision	29/10/14
A Speirs	<i>A Speirs</i>		It will cause an accident	1/11/14
Rob Speirs	<i>Rob Speirs</i>		in Public Hazard!	1/11/14
LEANE BELWEDER	<i>Leane Belweder</i>		BIG TRUCKS	1/11/14

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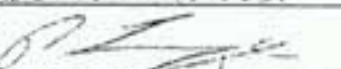

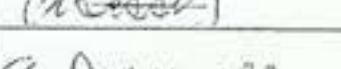
PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL 7<sup>th</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
BRIAN EWING			IT IS ONLY A MATTER OF TIME THAT THERE HASN'T BEEN A FATALITY	1/11/14
ANIS EWING			It will be only a matter of time before a serious accident	1/11/14
JUNE HIFFERMAN			CONSTANTLY BREAKING UP - EXTREMELY DANGEROUS	1/11/14
MICHAEL FRITH			TRUCKS WAY TO BIG FOR NARROW RD	1/11/14
FRANCESC RUBIO			BIG POT HOLES	1/11/14
BARRY FRITH			NO EDGE ON SIDE OF ROAD/POT HOLES	1/11/14
COLIN MCINTOSH			LARGE POT HOLES LEADING TO DAMAGE + POTENTIAL INJURY	1/11/14
TIM BRADSHAW			CAR DAMAGED BY STONES THROWN UP BY BIG TRUCK	1/11/14
MICHAEL TERRYSON			POT HOLE	1/11/14
SANDRA MCINTOSH			VERY DANGEROUS.	1/11/14
Neva & Greg Lock			Hit the (Pothole) sucker	
Cait Eves			matter of time	2/11/14

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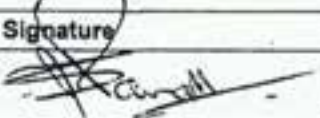
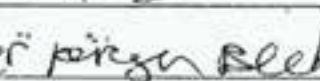
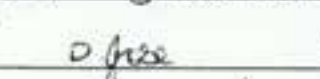
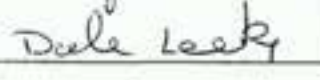
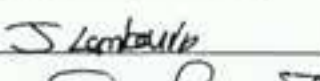
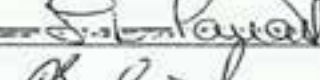
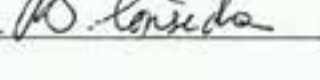
PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL 7<sup>th</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
Pete Croward			Surrey is on B side	01/11/14
John Price				01/11/14
PHIL LARSE			SC. Hool BUS DRIVER	1 NOV 14
Gordon Wessing			Works in Selk 3 days	01/11/14
Simon Arnold				1/11/14

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Printed Name	Signature	Address	Comment	Date
STEVE FARRATT			ACCIDENT ABOUT TO HAPPEN DAMAGE TO VEHICLES	23/10/14
Keryn Blocher			dangerous intersection can NOT see OTHERS coming ACCIDENT TO happen ANY MISS	23-10-14
DIANNE JOSE			ACCIDENT WAITING TO HAPPEN	23-10-14
Dale Leckie			waiting for a dangerous ACCIDENT	23-10-14
Joe Lamborn			I have seen 3 near misses on this corner	23/10/14
Steve Lawatt			Near misses One head on smash very dangerous	23-10-14
Pauline Considine			Damage to car is inevitable as tyres are being damaged on rough and broken surfaces	23-10-14

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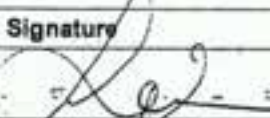

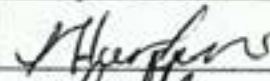
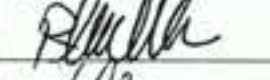
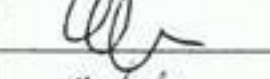

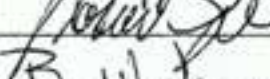
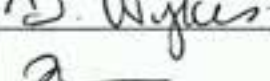
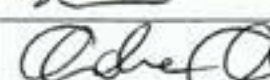
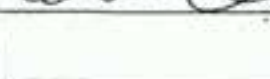
PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL 7<sup>th</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
S. BIRNIR	[Signature]		CARS coming onto w/ldy side of road to miss holes	2/11/14
N Speed	[Signature]		cont. - Dangerous	2/11/14
T. Simep	[Signature]		potholes	2/11/14
L. STUART	[Signature]		DANGEROUS	2/11/14
M FORD	[Signature]		REALLY BAD - Dangerous	2/11/14
A Goldsack	[Signature]		shocking	2/11/14
M. Rosna	[Signature]		danger - safe cycle	2/11/14
			Bad corner near Gipp H20 facility	2/11/14

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Printed Name	Signature	Address	Comment	Date
Leanne Austin			NEEDS URGENT work	2-10-2014
Patrick Austin			" "	2-10-2014
A. HARDING			" "	2-11-2014
Bec Williams			" "	2/11/14
C Williams			" "	2/11/14
MARGARET WIFF			" "	2/11/14
Ros Gilliland			" "	2/11/14
Barb Wykes			" "	2/11/14
Lauree Ann			" "	2/11/14
Andrea Annis			Safety issue work needs urgent work	2/11/2014
K. Whitmore				2/11/14
Ima... B... ..				2-11-14

# Petition to Vic Roads & Wellington Shire Council

Petition summary and background	The Longford to Golden Beach Road has seen an increase in vehicular traffic including B doubles and heavy trucks and subsequently the road surface has been deteriorating for some time. Small patch up maintenance in problem areas lasts less than 24hrs in some of the most dangerous corners of the road. Vehicles have been damaged when hitting large potholes and collisions have occurred. This is a school and community bus route and we are concerned for the safety of the passengers and drivers on this road.
Action petitioned for	We, the undersigned, are concerned citizens who urge your authorities to act now to upgrade and maintain a safer road surface on the Longford to Golden Beach Road.

PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL 7<sup>th</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
Edel Doyle			Very BAD	2-11-14
Jenina Balpin			305	2-11-14
I. Marcus			NEED MAINTAIN	2.11.14
J. Hughes			Please Maintain	2-11-14
M. MACKENZIE			Please update.	2-11-14
M. HAGAN			" "	"
P. Baird			Love Community	2-11-14
S. Horner			" "	2-11-14
Jessica Kingwill			" "	2-11-14
Wendy Whittingham			Dangerous	2/11/14
GREG BUNNETT			Yo	2/11/14
GRAHAM SORRILL			Very BAD	2/11/14

# Petition to Vic Roads & Wellington Shire Council

Petition summary and background	The Longford to Golden Beach Road has seen an increase in vehicular traffic including B doubles and heavy trucks and subsequently the road surface has been deteriorating for some time. Small patch up maintenance in problem areas lasts less than 24hrs in some of the most dangerous corners of the road. Vehicles have been damaged when hitting large potholes and collisions have occurred. This is a school and community bus route and we are concerned for the safety of the passengers and drivers on this road.
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PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL 7<sup>th</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
Peter Stark			NOT SAFE!	25.10.2014
Veronica Short			Golden Beach - unsafe	25-10-2014
Brian Short			Golden Beach vic	25-10-2014
Shannon Mills	S. Mills		Golden Beach	31/10/2014
Anthea Kaitau			A fatality waiting to happen. I live on the edge.	31/10/14
Joindy Halson			I don't think I live life on the edge.	08/11/14
Jess Chuhaj			<del>unsafe</del> unsafe	8/11/14
Steven Canal			its not cricket made	8/11/14
Jason Canal			I fear for my life everytime I drive that road	8/11/14
Madeline Polzari			Not Safe.	8/11/14

# Petition to Vic Roads & Wellington Shire Council

Petition summary and background	The Longford to Golden Beach Road has seen an increase in vehicular traffic including B doubles and heavy trucks and subsequently the road surface has been deteriorating for some time. Small patch up maintenance in problem areas lasts less than 24hrs in some of the most dangerous corners of the road. Vehicles have been damaged when hitting large potholes and collisions have occurred. This is a school and community bus route and we are concerned for the safety of the passengers and drivers on this road.
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Printed Name	Signature	Address	Comment	Date
JENNY COLLINS	<i>J. Collins</i>		THE ROAD IS DANGEROUS BIG TIME	1.11.14
Kyla Manic	<i>Kyla Manic</i>		Extremely dangerous	3.11.14
Debra Love	<i>DL</i>		Potholes - edges deteriorated	4/11/14
ANN PAPRYAN	<i>A Papryan</i>		EXTREMELY DANGEROUS	4/11/14
Sue Cousins	<i>Sue Cousins</i>		Dangerous - <sup>Not</sup> acceptable	4/11/14
Phil Brooks	<i>Phil Brooks</i>		Getting dangerous	6/11/14
DARLIN CHARLESWORTH	<i>Darlin Charlesworth</i>		A fatal head on collision is highly likely	7/11/14
Amar Rod Bartlett	<i>Amar Rod Bartlett</i>		'dangerous	10-11-14
J HARKES	<i>J Harkes</i>		DEADLY	10.11.14



# Petition to Vic Roads & Wellington Shire Council

Petition summary and background	The Longford to Golden Beach Road has seen an increase in vehicular traffic including B doubles and heavy trucks and subsequently the road surface has been deteriorating for some time. Small patch up maintenance in problem areas lasts less than 24hrs in some of the most dangerous corners of the road. Vehicles have been damaged when hitting large potholes and collisions have occurred. This is a school and community bus route and we are concerned for the safety of the passengers and drivers on this road.
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Printed Name	Signature	Address	Comment	Date
A-SAVINOFF	[Signature]		LOUD - PHECH... WORK	25/10/14
IVAN MAMIC	[Signature]		DANGEROUS	25/10/14
JOANVA SCHMIDT	[Signature]		MOTOR CYCLE NIGHTMARE	25/10/14
CRACK STREET	[Signature]		Had a near miss with DANGEROUS patch on road	25/10/14
YOUNG LOVE	[Signature]		A LOT OF TRUCKS USING OUR ROAD	25/11/14
ROBERT LOVE	[Signature]		REVIEW PLANT 80 TRUCKS USING PER DAY	25/11/14
CWENNA LIVINGSTON	[Signature]		HEAVY ROCK SUSPENSION	25/11/14
JOHN HAYES	[Signature]		DANGEROUS	
ROBERT HUDSON	[Signature]		" "	25-10-14
Bob Livingston	[Signature]		DUTSON CAR NEEDS COMPLETE REBUILD	28/1/14
Bob Johnson	[Signature]		A Dangerous Spotting	28/10/14
GEOFF COOPER	[Signature]		BADLY BROKEN EDGES.	28/10/14

# Petition to Vic Roads & Wellington Shire Council

Petition summary and background	The Longford to Golden Beach Road has seen an increase in vehicular traffic including B doubles and heavy trucks and subsequently the road surface has been deteriorating for some time. Small patch up maintenance in problem areas lasts less than 24hrs in some of the most dangerous corners of the road. Vehicles have been damaged when hitting large potholes and collisions have occurred. This is a school and community bus route and we are concerned for the safety of the passengers and drivers on this road.
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PETITION ON DISPLAY FOR SIGNING AND COMMENT UNTIL 7<sup>th</sup> November at Golden Beach and Loch Sport businesses, school and sporting venues.

Printed Name	Signature	Address	Comment	Date
M.A. Brown	<i>M.A. Brown</i>		BADLY NEEDS ATTENTION	2/11/14
R-L CLAY	<i>R-L Clay</i>		ABSOLUTE DISGRACE	2/11/14
J MAY	<i>J May</i>		ON COMING DANGEROUS TRAFFIC	2/11/14
K. MAY	<i>K May</i>		NEEDS TO BE FIXED	2/11/14
D. STRICKENS	<i>D Strickens</i>		they just need work	2/11/14
J. GREENING	<i>J Greening</i>		NEEDS FIXING	2/11/14
N. Danks	<i>N Danks</i>		Very dangerous	2/11/14
S. Aspinall	<i>S Aspinall</i>	Golden Beach		2/11/14
B. JENNER	<i>B Jenner</i>		UNEXCEPTIONAL	2/11/14
K. Scott	<i>K Scott</i>		Dangerous to travel	2/11/14
I COOK	<i>I Cook</i>		" " "	2/11/14
M Dyer	<i>M Dyer</i>		" " "	2/11/14



## **A - PROCEDURAL**

### **A10 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**

**ITEM A11**

**GALLERY COMMENTS**

DIVISION:

CHIEF EXECUTIVE OFFICER

ACTION OFFICER:

CHIEF EXECUTIVE OFFICER

DATE:

2 DECEMBER 2014

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## **A - PROCEDURAL**

### **A12 QUESTIONS ON NOTICE**

**ITEM A12(1)**

**OUTSTANDING QUESTIONS ON NOTICE**

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

2 DECEMBER 2014

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ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			



## A - PROCEDURAL

# A13 MAYOR'S REPORT

A Mayor's Report is due to be presented on the 16 December 2014.



## **A - PROCEDURAL**

# **A14 YOUTH COUNCIL REPORT**

Youth Council will present a report to Council quarterly due January 2015.



# **B –REPORT**

# **DELEGATES**



# C1 - REPORT

# CHIEF EXECUTIVE OFFICER



## **C2 - REPORT**

# **GENERAL MANAGER CORPORATE SERVICES**

**ITEM C2.1****COUNCIL MEETING DATES FOR 2015**

DIVISION: CORPORATE SERVICES  
 ACTION OFFICER: ACTING GENERAL MANAGER CORPORATE SERVICES  
 DATE: 2 DECEMBER 2014

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

**OBJECTIVE**

To plan and make public a schedule of proposed Council Meetings to be held during 2015 as attached.

**BACKGROUND**

Council Meetings are currently held on the first and third Tuesdays of the month (excepting January). This has been the practice for some years now.

At a Councillor Workshop on 21 October 2014 to discuss Council meeting frequency and times, most of the Councillors present expressed a preference for retaining the first and third Tuesday model. Currently the first meeting of the month starts at 3pm, and the second at 6pm, but Councillors also agreed that both meetings start at 6pm to allow for more members of the community to attend.

**OPTIONS**

Council has the following options:

1. Adopt the dates and times of proposed meetings for 2015 as attached; or
2. Seek further information prior to receiving and endorsing the attached dates and times of proposed meetings for 2015.

**PROPOSAL**

That Council continues the current practice of holding two Council Meetings each month (excepting January) and formally adopt the dates and times of proposed meetings for 2015 as attached.

**CONFLICT OF INTEREST**

No Staff and/or Contractors involved in the compilation of this report have declared a Conflict of Interest

**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.

**COMMUNITY IMPACT**

Council's meeting schedule has been designed to enable maximum opportunity for input and participation from members of the community.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

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**RECOMMENDATION**

***That Council continues the current practice of holding two Council meetings each month (excepting January) and formally adopt the dates and times of proposed meetings for 2015 as attached.***

## COUNCIL MEETING DATES FOR 2015

<b><u>Council Meeting</u> 6pm 1<sup>st</sup> Tues of Month</b>	<b><u>Council Meeting</u> 6pm 3<sup>rd</sup> Tues of Month</b>
3 February 2015	17 February 2015
3 March 2015	17 March 2015
7 April 2015	21 April 2015
5 May 2015	19 May 2015
2 June 2015	16 June 2015
7 July 2015	21 July 2015
4 August 2015	18 August 2015
1 September 2015	15 September 2015
6 October 2015	20 October 2015
4 November 2015 (Wed)	17 November 2015
1 December 2015	15 December 2015

**ITEM C2.2****ASSEMBLY OF COUNCILLORS**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: ACTING GENERAL MANAGER CORPORATE SERVICES

DATE: 2 DECEMBER 2014

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 11 November to 25 November 2014.

**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 11 November to 25 November 2014.

<b>Assembly of Councillors summary of reports received between 11 November to 25 November 2014</b>		
<b>Date</b>	<b>Matters considered</b>	<b>Councillors and officers in attendance</b>
18 November 2014	1. Councillors' Diary Meeting	Councillors Crossley, Rossetti, Cleary, McCubbin, Mclvor, Wenger, Davine David Morcom, Chief Executive Officer Sharon Willison, Mayoral & Councillor Support Officer Gail Hogben, Executive Assistant
18 November 2014	1. Place Names Committee Minutes	Councillors McCubbin, Mclvor, Davine Dean Morahan, Manager Assets & Projects James Blyth, GIS Officer
18 November 2014	1. Pre Council Meeting Agenda 2. C86 Rosedale Structure Plan Implementation 3. New Town Entry Signs 4. Council and Community Planning 5. Budget Review 6. Australia Day Awards	Councillors Crossley, Rossetti, Cleary, McCubbin, Mclvor, Wenger, Davine, Duncan David Morcom, Chief Executive Officer Chris Hastie, General Manager Built and Natural Environment Glenys Butler, General Manager Liveability John Websdale, General Manager Development Lesley Fairhall, Acting General Manager Corporate Services Josh Clydesdale, Manager Land Use Planning (Item 2)

<b>Assembly of Councillors summary of reports received between 11 November to 25 November 2014</b>		
<b>Date</b>	<b>Matters considered</b>	<b>Councillors and officers in attendance</b>
		Ben Proctor, Strategic Planner (Item 2) Barry Hearsey, Coordinator Strategic Planning (Item 2) Sabine Provily, Strategic Planner (Item 2) Katy Cummins, Coordinator Media & Public Relations (Item 6) Leanne Wishart, Acting Coordinator Social Planning & Policy (Item 4) Meg Capurso, Community Planning Officer (Item 4) Karen McLennan, Acting Manager Community Wellbeing (Item 4)

## **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 11 November to 25 November 2014.

## **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.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

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**RECOMMENDATION**

***That Council note and receive the attached assembly of Councillors records received during the period 11 November to 25 November 2014.***

## ASSEMBLY OF COUNCILLORS

**1. DATE OF MEETING:**

**18/11/2014**

**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		√

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

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

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

**1. Councillors' Diary Meeting**

**4. Conflict of Interest disclosures made by Councillors:**

## ASSEMBLY OF COUNCILLORS FOR PLACE NAMES COMMITTEE

**1. DATE OF MEETING:**

18/11/2014

**2. ATTENDEES:**

**Councillors:**

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr McCubbin	√				
Cr McIvor	√				
Cr Davine	√				

**Officers In Attendance:**

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Dean Morahan, Manager Assets & Projects	√				
Sandra Rech, Coordinator Asset Management		√			
James Blythe, GIS Officer	√				

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

Name	Item No.		

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

1. Place Names Committee Minutes

**4. Conflict of Interest disclosures made by Councillors:**

Nil

## ASSEMBLY OF COUNCILLORS

1. **DATE OF MEETING: 18/11/2014**

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	√				

Cr Mclvor left the meeting at 11.50am, and returned at 1.15pm.

Cr Duncan joined the meeting at 2.05pm

Cr McCubbin left the meeting at 2.05pm, and returned at 2.55pm

**Officers In Attendance:**

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom, CEO	√		G Butler, GML	√	
L Fairhall, Acting GMCS	√		J Websdale , GMD	√	
C Hastie, GMB&NE	√				

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

Name	Item No.	Name	Item No.
Sabine Provily, Strategic Planner	2	Katy Cummins, Coordinator Media & Public Relations	6
Barry Hearsey, Coordinator Strategic Planning	2	Leanne Wishart, Acting Coordinator Social Planning & Policy	4
Josh Clydesdale, Manager Land Use Planning	2	Meg Capurso, Community Planning Officer	4
Ben Proctor, Strategic Planner	2	Karen McLennan, Acting Manager Community Wellbeing	4

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

6. Pre Council Meeting Agenda
7. C86 Rosedale Structure Plan Implementation
8. New Town Entry Signs
9. Council and Community Planning
10. Budget Review
11. Australia Day Awards

4. **Conflict of Interest disclosures made by Councillors:**

NIL



## **C3 - REPORT**

# **GENERAL MANAGER DEVELOPMENT**

**ITEM C3.1****PLANNING DECISIONS**

DIVISION:

DEVELOPMENT

ACTION OFFICER:

MANAGER LAND USE PLANNING

DATE:

2 DECEMBER 2014

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

**OBJECTIVE**

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of October 2014 for information.

**BACKGROUND**

Statutory Planners have delegated authority under the *Planning and Environment Act 1987* to make planning decisions in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme including the issue of: planning permits, amended permits, extensions of time, refusal of planning permits and notices of decision to grant a planning permit.

A copy of planning permit decisions made between 1 October and 31 October 2014 is included in Attachment 1.

Attachment 2 provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly Planning Permit Activity Reporting data).

**OPTIONS**

Council may choose to note this report, alternatively, Council may choose to seek further information and refer this report to another meeting.

**PROPOSAL**

That Council note the report on recent planning permit trends and planning application determinations between 1 October and 31 October 2014.

**CONFLICT OF INTEREST**

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

## **COMMUNICATION IMPACT**

The monthly report communicates information about planning trends and determinations including the issue of planning permits, amended permits, refusal of planning permits and notices of decision to grant a planning permit.

## **LEGISLATIVE IMPACT**

All planning decisions have been processed and issued in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

## **COUNCIL POLICY IMPACT**

All planning decisions have been issued after due consideration of relevant Council policy, including Council's Heritage Policy and the requirements of the State and Local Planning Policy Framework in the Wellington Planning Scheme.

## **COUNCIL PLAN**

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 5.2

*"Provide user friendly, accessible planning information and efficient planning processes."*

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

## **ENVIRONMENTAL IMPACT**

Planning decisions are made in accordance with the relevant environmental standards to ensure that environmental impacts are minimised.

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

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## **RECOMMENDATION**

***That Council note the report on recent planning permit trends and Planning Application Determinations between 1 October and 31 October 2014.***

PLANNING APPLICATION DETERMINATIONS  
BETWEEN 1/10/2014 AND 31/10/2014

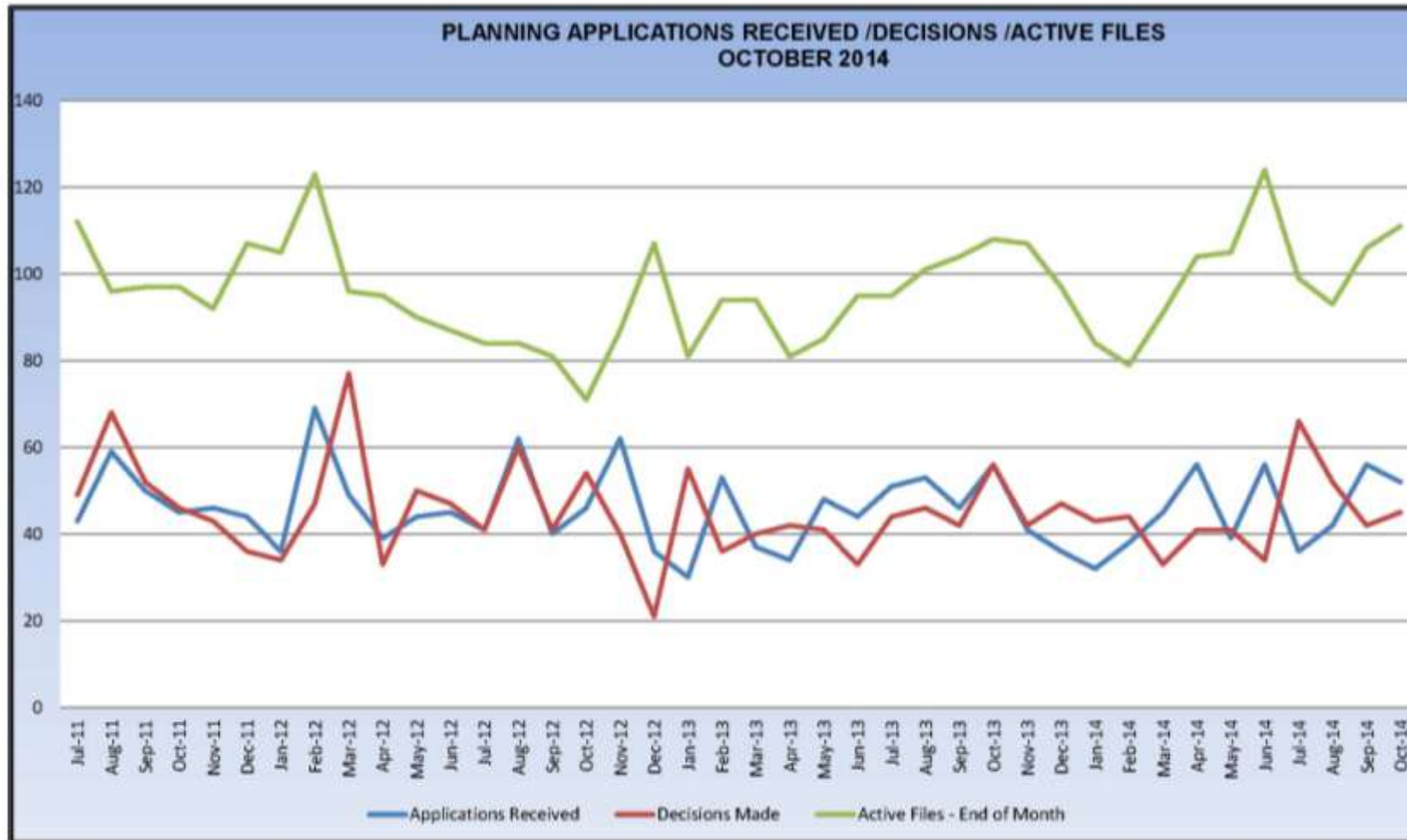
<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
220-2/2012	8/10/2014	Assessment No. 202481 LOT: 1 PS: 110910 R/860 LONGFORD-LOCH DUTSON	Amendment to permit for extensions to an existing dwelling.	Permit Issued by Delegate of Resp/Auth 29/10/2014
382-1/2012	11/10/2012	Assessment No. 14068 PCA: 116 SEC: 1 44-50 MAFFRA-SALE RD SALE	Re-subdivision of the land into two lots	Permit Issued by Delegate of Resp/Auth 16/10/2014
431-2/2013	23/09/2014	Assessment No. 303487 LOT: 1 TP: 568734U 45 CHURCH ST MAFFRA	Amendment to permit for use and development of a second dwelling.	Permit Issued by Delegate of Resp/Auth 15/10/2014
18-2/2014	18/09/2014	Assessment No. 78808 LOT: 1 PS: 344821N 64 TYERS ST STRATFORD	Amendment to permit for renovation of post box facility.	Permit Issued by Delegate of Resp/Auth 16/10/2014
35-3/2014	12/09/2014	Assessment No. 182386 PC: 355213Q 3 MANDALAY DVE THE HONEYSUCKLES	Amendment to permit/use and development of a dwelling and outbuildings	Permit Issued by Delegate of Resp/Auth 27/10/2014
73-2/2014	22/09/2014	Assessment No. 116806 PC: 352597J 57 EDGEWATER DVE GOLDEN BEACH	Amendment to permit for use and development of a dwelling/shed.	Permit Issued by Delegate of Resp/Auth 8/10/2014
75-2/2014	1/10/2014	Assessment No. 241836 LOT: 1189 PS: 58872 60 SEAGULL DVE LOCH SPORT	Development of a dwelling and a colorbond fence.	Permit Issued by Delegate of Resp/Auth 10/10/2014
79-1/2014	17/03/2014	Assessment No. 30122 LOT: 5 PS: 10213 211 RAGLAN ST SALE	Three lot subdivison/3 dwellings/access to road zone.	NOD issued by Delegate of Respon/Auth 31/10/2014
91-2/2014	11/08/2014	Assessment No. 374413 LOT: 2 PS: 400070Y R/108 WEBBS RD HIAMDALE	Amendment to permit for an outdoor recreation facility.	Permit Issued by Delegate of Resp/Auth 20/10/2014
92-2/2014	14/10/2014	Assessment No. 279059 LOT: 1 PS: 528319W 39 WHARF ST PORT ALBERT	Amendment to permit for a liquor license.	Permit Issued by Delegate of Resp/Auth 24/10/2014
130-1/2014	22/04/2014	Assessment No. 280404 LOT: 74 PS: 44853 34 JANETTE ST MCLOUGHLINS BEACH	Buildings and works associated with a relocatable dwelling.	Permit Issued by Delegate of Resp/Auth 24/10/2014

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
142-1/2014	28/04/2014	Assessment No. 65151 LOT: 4 PS: 93333 SALEYARDS RD SALE	Buildings/works associated with refurbishment of existing saleyards.	Permit Issued by Delegate of Resp/Auth 6/10/2014
153-1/2014	7/05/2014	Assessment No. 364380 LOT: 1 TP: 183686X R/24B REEDYS RD RIVERSLEA	FZ subdivision of the land into 2 lots (house excision).	Refusal Issued by Delegate of Respo/Auth 9/10/2014
170-1/2014	28/05/2014	Assessment No. 351247 LOT: 127 PS: 54201 2 NARROBUK ST COONGULLA	Use and development of a relocatable dwelling and shed.	Permit Issued by Delegate of Resp/Auth 31/10/2014
207-2/2014	27/10/2014	Assessment No. 242354 LOT: 2303 PS: 70939 59 THE BOULEVARD LOCH SPORT	Amendment to permit for use and development of a two storey dwelling.	Permit Issued by Delegate of Resp/Auth 31/10/2014
216-1/2014	30/06/2014	Assessment No. 345371 LOT: 2 PS: 635546M POLEYS LANE LLOWALONG	Use of the land for industry (materials screening and sorting).	Permit Issued by Delegate of Resp/Auth 6/10/2014
227-1/2014	9/07/2014	Assessment No. 331710 CA: 5 SEC: 1 24 CAHILL ST BRIAGOLONG	Buildings and works for a shed.	Permit Issued by Delegate of Resp/Auth 3/10/2014
255-1/2014	11/08/2014	Assessment No. 386284 LOT: 907 PS: 40160 7 TWENTY FIFTH ST PARADISE BEACH	Development of a dwelling.	Permit Issued by Delegate of Resp/Auth 23/10/2014
257-1/2014	12/08/2014	Assessment No. 125591 PC: 374972K 2-6 SONGBIRD AVE GOLDEN BEACH	Use and development of a dwelling.	Permit Issued by Delegate of Resp/Auth 30/10/2014
258-1/2014	12/08/2014	Assessment No. 280370 LOT: 71 PS: 44853 28 JANETTE ST MCLOUGHLINS BEACH	Buildings and works associated with the development of a dwelling.	Permit Issued by Delegate of Resp/Auth 15/10/2014
260-1/2014	15/08/2014	Assessment No. 235184 LOT: 590 PS: 53109 13 MARINA DVE LOCH SPORT	Buildings and works associated with alterations to a dwelling.	Permit Issued by Delegate of Resp/Auth 1/10/2014
263-1/2014	18/08/2014	Assessment No. 197202 PC: 360403F 11 SHORELINE DVE SEASPRAY	TZ subdivision of the land into 2 lots.	Withdrawn 17/10/2014
264-1/2014	18/08/2014	Assessment No. 191072 PCA: 1E 49-53 LYONS ST ROSEDALE	Two lot subdivision of the land.	Permit Issued by Delegate of Resp/Auth 17/10/2014

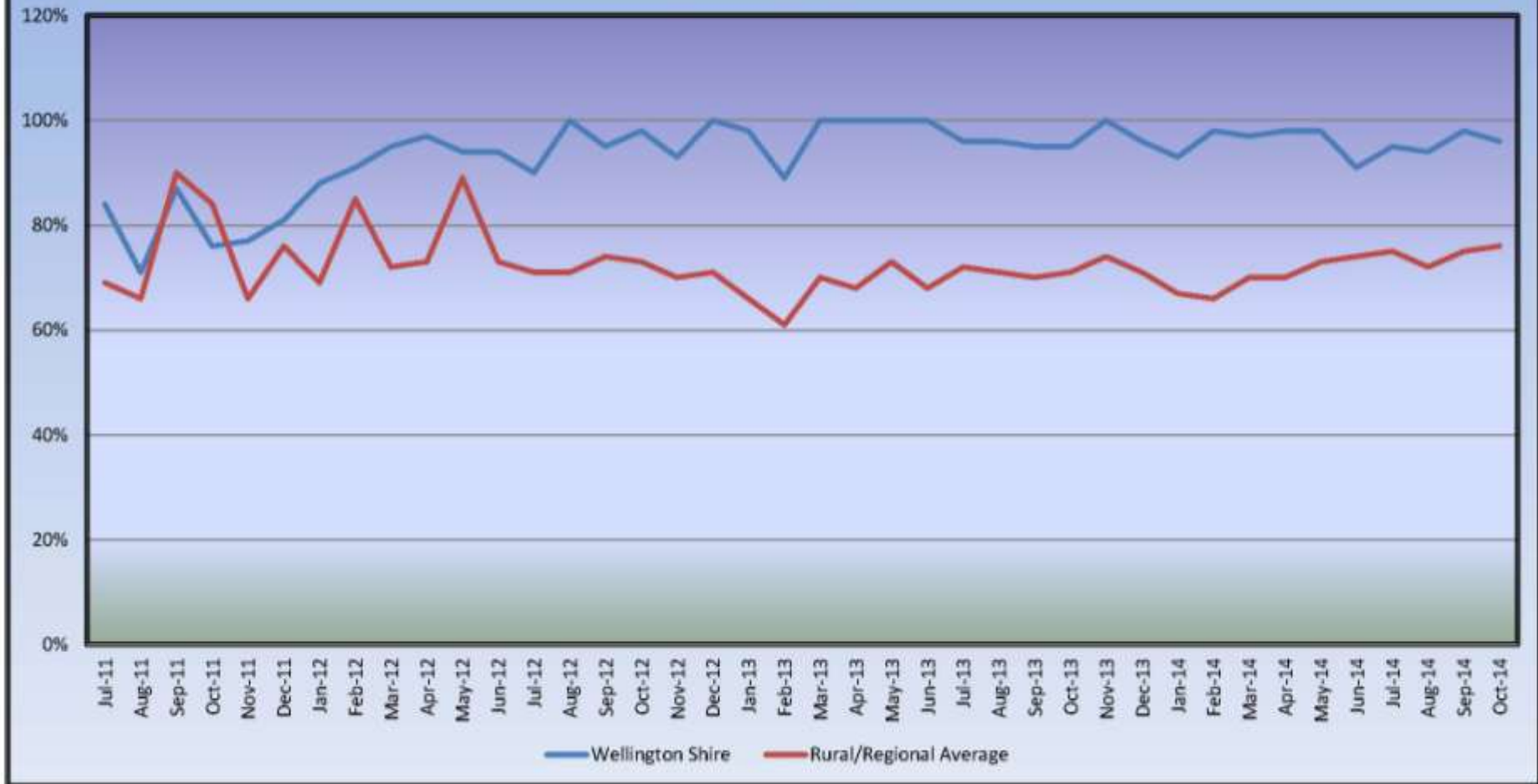
<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
267-1/2014	18/08/2014	Assessment No. 230821 LOT: 2383 PS: 70941 1 DAVID CRT LOCH SPORT	Buildings and works associated with construction of a garage.	Permit Issued by Delegate of Resp/Auth 17/10/2014
271-1/2014	22/08/2014	Assessment No. 206425 LOT: 2 PS: 139280 SEASPRAY RD LONGFORD	FZ subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth 14/10/2014
275-1/2014	25/08/2014	Assessment No. 225037 PC: 108910 28 CAMERONS RD LOCH SPORT	Buildings and works associated with construction of a shed.	Refusal Issued by Delegate of Respo/Auth 16/10/2014
280-1/2014	28/08/2014	Assessment No. 375121 LOT: 1 PS: 348040W R/5457 SOUTH STRADBROKE	Buildings and works associated with additional concrete yard.	Permit Issued by Delegate of Resp/Auth 30/10/2014
281-1/2014	29/08/2014	Assessment No. 354761 LOT: 1 PS: 729729 32 GEORGE ST MAFFRA	GRZ1 subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth 16/10/2014
282-1/2014	1/09/2014	Assessment No. 394486 LOT: 2 PS: 530589C SOMERTON PARK RD SALE	Buildings and works associated with construction of a cattle shelter.	Permit Issued by Delegate of Resp/Auth 29/10/2014
283-1/2014	1/09/2014	Assessment No. 242040 LOT: 2620 PS: 70942 10 SNIPE ST LOCH SPORT	Buildings and works associated with construction of a garage.	Permit Issued by Delegate of Resp/Auth 10/10/2014
285-1/2014	2/09/2014	Assessment No. 351221 LOT: 180 PS: 54201 3 MT BRADLEY ST COONGULLA	Buildings and works associated with relocation of a dwelling.	Permit Issued by Delegate of Resp/Auth 31/10/2014
287-1/2014	2/09/2014	Assessment No. 289017 LOT: 9 PS: 4382 39 BLAND ST YARRAM	Reduction of car parking spaces.	Permit Issued by Delegate of Resp/Auth 3/10/2014
295-1/2014	8/09/2014	Assessment No. 411520 LOT: 28 PS: 316758B R/26 SCOTT'S LANE MAFFRA	Buildings and works associated with construction of an outdoor area.	Permit Issued by Delegate of Resp/Auth 10/10/2014
297-1/2014	9/09/2014	Assessment No. 297820 PTL: 8 PS: 4556 77 RODGERS ST YARRAM	Buildings and works associated with additions to existing office.	Permit Issued by Delegate of Resp/Auth 8/10/2014
303-1/2014	12/09/2014	Assessment No. 278614 LOT: 1 PS: 531376Q 26 TARRAVILLE RD PORT ALBERT	Buildings and works associated with the development of a dwelling.	Permit Issued by Delegate of Resp/Auth 24/10/2014

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
310-1/2014	17/09/2014	Assessment No. 278705 LOT: 1 TP: 819693L 62 TARRAVILLE RD PORT ALBERT	Two lot subdivision of the land.	Permit Issued by Delegate of Resp/Auth 3/10/2014
313-1/2014	18/09/2014	Assessment No. 390195 CA: 55C LICOLA RD GLENMAGGIE	Removal of native vegetation.	Withdrawn  17/10/2014
319-1/2014	25/09/2014	Assessment No. 400010 LOT: 3 PS: 635556J 8-10 DAWSON ST SALE	Installation of a fibre glass display pool.	Permit Issued by Delegate of Resp/Auth 7/10/2014
321-1/2014	29/09/2014	Assessment No. 195099 LOT: 1 TP: 200633G 25 DAVIES ST SEASPRAY	Buildings and works associated with construction of a shed.	Permit Issued by Delegate of Resp/Auth 29/10/2014
322-1/2014	29/09/2014	Assessment No. 269860 CA: 34 SEC. C GIFFARD-GIFFARD GIFFARD	Removal of native vegetation.	Permit Issued by Delegate of Resp/Auth 24/10/2014
323-1/2014	29/09/2014	Assessment No. 35766 LOT: 1 PS: 729734 2 BURLING CRT SALE	Subdivision of the land into 2 lots (boundary realignment).	Permit Issued by Delegate of Resp/Auth 24/10/2014
325-1/2014	30/09/2014	Assessment No. 397984 LOT: 29 PS: 534182N 22-24 MALMO ST MAFFRA	Buildings and works associated with construction of storage units.	Permit Issued by Delegate of Resp/Auth 31/10/2014
331-1/2014	3/10/2014	Assessment No. 205088 PCA: 176 R/1674 PRINCES HWY FLYNN	Alterations to an existing dam within the flood overlay.	Permit Issued by Delegate of Resp/Auth 23/10/2014
337-1/2014	9/10/2014	Assessment No. 50161 LOT: 1 PS: 75220 90-100 YORK ST SALE	Buildings/works associated with alterations existing retail premise.	Permit Issued by Delegate of Resp/Auth 17/10/2014
356-1/2014	24/10/2014	Assessment No. 288068 LOT: 3 PS: 125770 R/366 DEVILS PINCH RD WONYIP	Buildings and works associated with construction of an extension.	Permit Issued by Delegate of Resp/Auth 31/10/2014

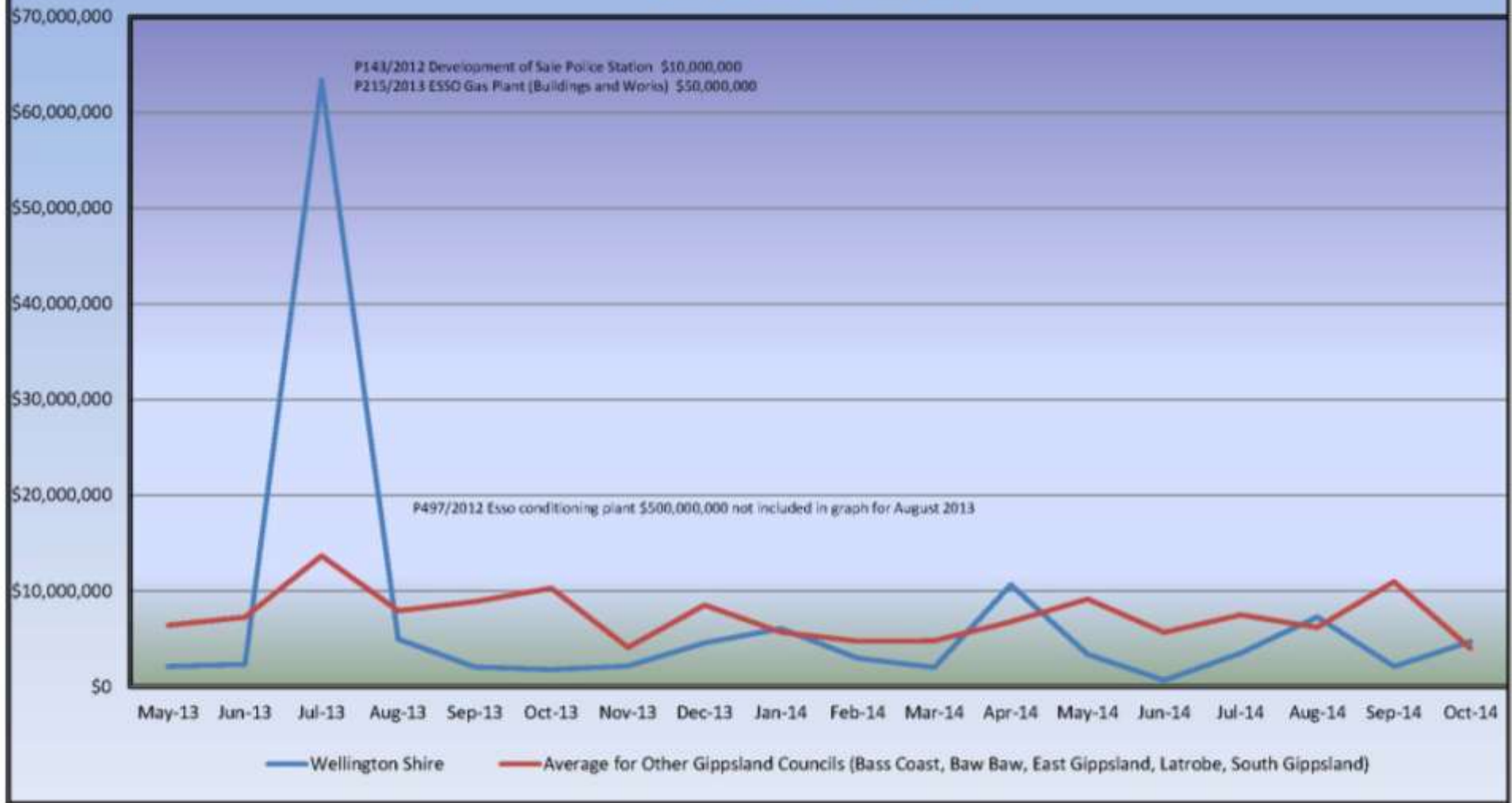
**Total No of Decisions Made: 45**



**DECISIONS ISSUED WITHIN 60 DAYS  
OCTOBER 2014**



### ESTIMATED VALUE OF WORKS MAY 2013 - OCTOBER 2014



## ITEM C3.2

## PORT ALBERT RURAL LIFESTYLE LOTS REVIEW - FINAL RECOMMENATIONS REPORT

DIVISION: DEVELOPMENT  
ACTION OFFICER: MANAGER LAND USE PLANNING  
DATE: 2 DECEMBER 2014

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

### OBJECTIVE

1. To adopt the Port Albert Rural Lifestyle Lots Review Final Recommendations Report (in relation to precincts 2, 4 and parts of precincts 5 and 6).
2. To prepare a planning scheme amendment and seek Ministerial Authorisation to:
  - a) rezone Precinct 2 and part of Precinct 5 (being land on the northern side of Kilgowers Road) to the Rural Living Zone – Schedule 2;
  - b) rezone Precinct 4 to Low Density Residential Zone (with the exception of 180 Yarram-Port Albert Road);
  - c) rezone mapping anomalies at 68 & 86 Yarram-Port Albert Road; and
  - d) rezone the existing caravan park within Precinct 6 to the Rural Activity Zone.

### BACKGROUND

The Port Albert Rural Lifestyle Lots Review (the Review) began in March 2014 and has been developed through a process that has involved a significant amount of background and research work, detailed analysis and community involvement.

'Spiire' town planning consultants, who were appointed to undertake the Review, has now provided Council with a Final Recommendations Report (**Attachment 1**) for Council's consideration.

A key component of the Review was to investigate and address (community) concerns regarding the perceived mismatch of zoning to rural properties and other anomalies brought about by more recent changes to the Wellington Planning Scheme and the associated uncertainty surrounding ongoing land use and development rights.

The Review provides a sequenced analysis of the following key strategic considerations:

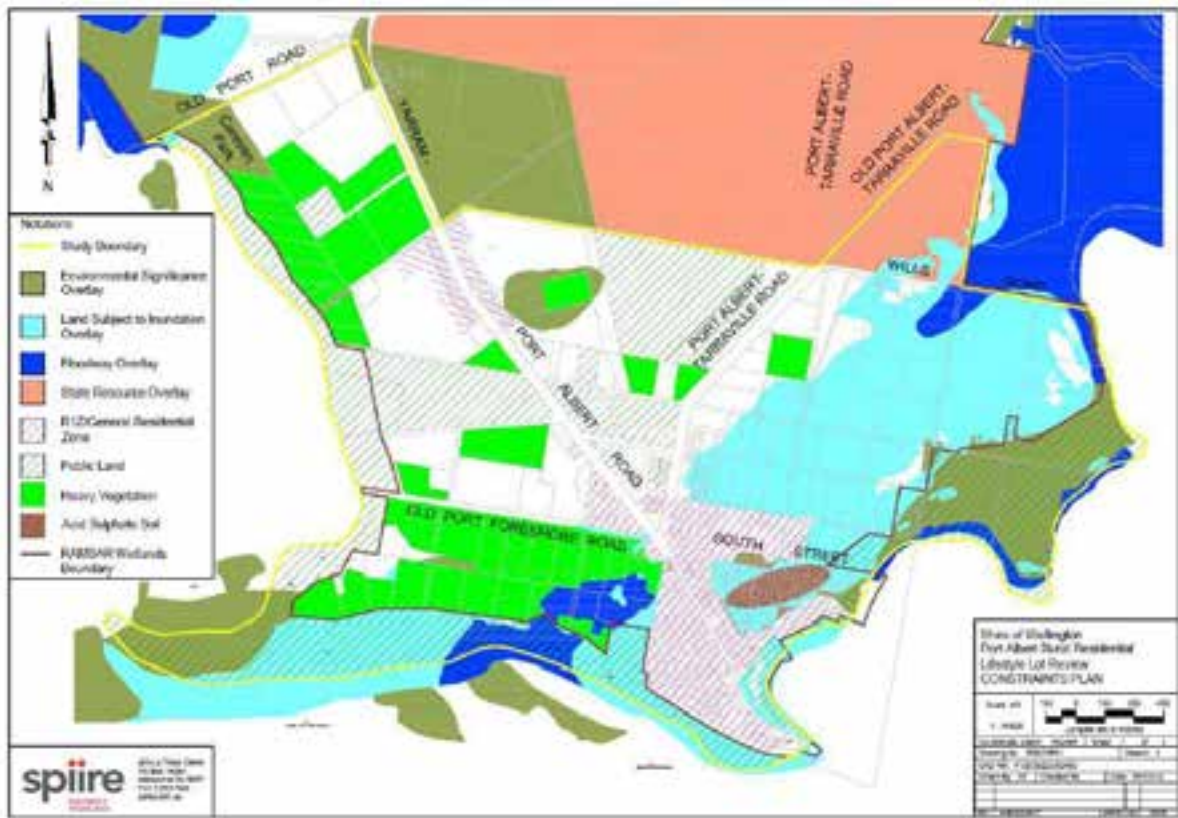
- The role and significance of the study area (*refer to Figure 1*) in both a regional and local context.
- The significant physical opportunities and constraints of the study area (*refer to Figure 2*).
- Housing need, including the existing supply and likely future demand for rural residential development within the locality.
- The issues and concerns raised by local residents and landowners.
- The pertinent planning context of the study area at the state, regional and local levels - including planning policy and controls.

The above analysis is based on a thorough review of:

- The Wellington Planning Scheme and relevant recent amendments.
- A series of relevant strategic studies.
- The outcomes of targeted community and stakeholder consultation.



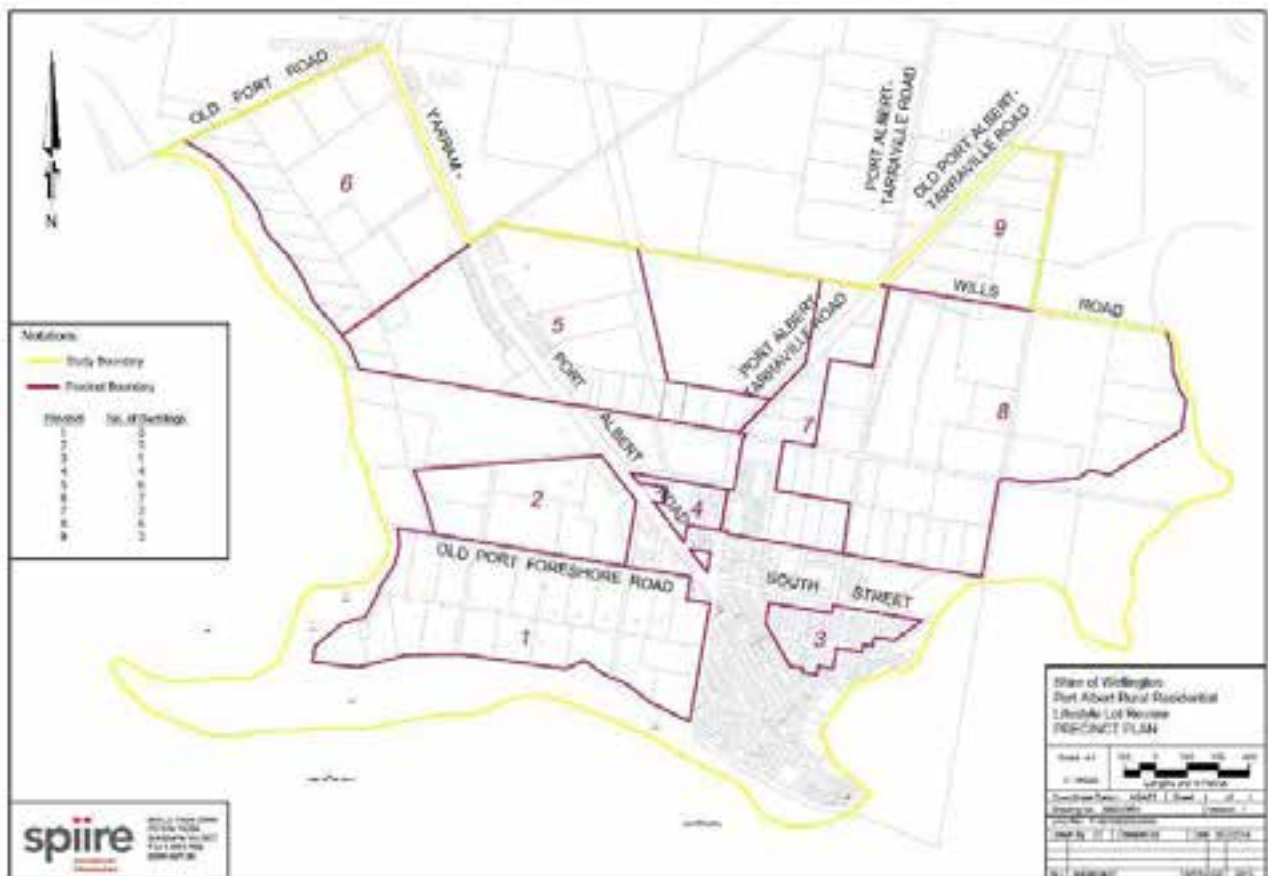
**Figure 1: Study Area**



**Figure 2: Constraints Map  
Review Methodology**

The study area has been divided into a total of nine (9) individual precincts as shown in Figure 3 (below) in accordance with state government guidance, which advocates an approach focused on larger strategic areas rather than on an individual 'lot-by-lot' basis.

The extent of the precincts has been determined on an assessment of both the planning controls that apply to the land and an on-site assessment including: land use, vegetation cover, environmental issues and access constraints. All of the precincts are currently within the Farming Zone.



**Figure 3: Study Precinct Areas**

### **Final Review Recommendations**

Overall, the Final Review finds that there is some scope to provide rural living opportunities within the study area.

The findings of the Review are based on the following key considerations:

- The significant supply of standard town lots within the area for sale or development.
- A low level of anticipated population growth for the study area.
- Low projected demand for rural living lots based on demographics and growth projections.
- The extent of existing significant vegetation coverage within the area, including identified Ecological Vegetation Classes.
- The extent of fire risk due to the significant density of vegetation on both public and private land.
- The extent of potential flooding and inundation risk within the area, drainage constraints as well as the potential for increased tidal inundation.
- The ability to appropriately and sustainably service additional rural residential land.
- The location of the area to the immediate south of land within the State Resource Overlay in recognition of its valuable coal.
- The close proximity of the area to land utilised for significant levels of agricultural production, including dairy farms and timber harvesting.
- The location at the edge of Ramsar Convention listed and significant coastal wetland areas.

In the context of State and Local Planning Policy and having regard to the relevant Planning Practice Notes<sup>1</sup>, the Review provides the following recommendations in respect of each of the nine individual precinct areas:

**Precinct 1:** Investigate rezoning Precinct 1 to Rural Conservation Zone – Schedule 1.

**Precinct 2:** Rezone Precinct 2 to Rural Living Zone – Schedule 2 to facilitate rural residential development.

**Precinct 3:** Investigate rezoning Precinct 3 to Rural Conservation Zone – Schedule 1 in recognition of the environmental constraints and potential impacts that development could have on the characteristics and function of the wetlands and disturbance of Coastal Acid Sulphate Soils.

**Precinct 4:** Rezone Precinct 4 to Low Density Residential Zone to better reflect existing land use patterns (*excluding land at 180 Yarram-Port Albert Road which will be subject to an alternative rezoning process based on previous detailed discussions with Council*).

**Precinct 5:** Rezone land at 68 and 86 Yarram-Port Albert Road to correct mapping anomalies, investigate the rezoning of land at Lot 2 LP95313 from the General Residential Zone to Farming Zone and rezone land along Kilgowers Road to Rural Living Zone – Schedule 2 in recognition of the existing development levels and their location on the edge of Langsborough.

**Precinct 6:** Retain Precinct 6 in the Farming Zone. Investigate extending the Environmental Significance Overlay Schedule 2 to land at 19 Old Port Road. Investigate applying the Rural Activity Zone on a 'site-specific' basis to the existing caravan park.

**Precinct 7:** Retain land in Precinct 7 within the Farming Zone to reflect existing constraints.

**Precinct 8:** Retain Precinct 8 within the Farming Zone in view of the existing environmental constraints - including inundation and the potential for agricultural activity to occur.

**Precinct 9:** Retain Precinct 9 in the Farming Zone given the need to protect the land because of its identification in the Regional Growth Plan for coal resources and the constraints placed on development due to the land's inundation levels.

Subject to meeting the provisions of the Wellington Planning Scheme and obtaining planning approval, the recommended rezonings could provide the potential for 17 new dwellings.

In view of the existing Strategic Planning Work Program and competing priorities, the further investigative work required to support the potential rezoning within Precincts 1, 3, 5 and 6 is highly likely to be a longer-term action for Council. In addition, given that the focus for the Review was to identify opportunities for rural living growth, implementation actions will focus on rezoning Precincts 2 and part of Precinct 5 to the Rural Living Zone – Schedule 2 and precinct 4 to the Low Density Residential Zone.

In addition to adopting the Final Review included in Attachment 1, it is also recommended that Council initiate a planning scheme amendment to advance the rezoning of Precincts 2,4 and 5 (part of) to allow for appropriate rural living growth; rezone mapping anomalies at 68 and 86 Yarram-Port Albert Road and rezone the caravan park in Precinct 6 to the Rural Activity Zone.

The statutory planning scheme amendment process required to facilitate the recommended rezonings in the Final Review would provide an opportunity for further community consultation.

---

<sup>1</sup> Planning Practice Note 37: *Rural Residential Development (DTPLI, 2013)*  
Planning Practice Note 42: *Applying the Rural Zones (DTPLI, 2013)*

## OPTIONS

Council has the following options:

Adopt the Port Albert Rural Lifestyle Lots Review Final Recommendations (in relation to precincts 2, 4 and parts of precincts 5 and 6).

1. and prepare a planning scheme amendment and seek Ministerial Authorisation to:
  - a) rezone Precinct 2 and part of Precinct 5 (being land on the northern side of Kilgowers Road) to the Rural Living Zone – Schedule 2;
  - b) rezone Precinct 4 to Low Density Residential Zone (*with the exception of 180 Yarram-Port Albert Road*);
  - c) rezone mapping anomalies at 68 and 86 Yarram-Port Albert Road; and
  - d) rezone the existing caravan park within Precinct 6 to the Rural Activity Zone;
2. Not adopt and note the contents of the Port Albert Rural Lifestyle Lots Review Final Recommendations Report; or
3. Seek further information at a future Council meeting prior to considering the Review and its implementation through a planning scheme amendment.

## PROPOSAL

Adopt the Port Albert Rural Lifestyle Lots Review Final Recommendations Report (in relation to Precincts 2, 4 and parts of Precincts 5 and 6) at Attachment 1 and prepare a planning scheme amendment and seek Ministerial Authorisation to:

1. rezone Precinct 2 and part of Precinct 5 (being land on the northern side of Kilgowers Road) to the Rural Living Zone – Schedule 2;
2. rezone Precinct 4 to Low Density Residential Zone (*with the exception of 180 Yarram-Port Albert Road*);
3. rezone mapping anomalies at 68 and 86 Yarram-Port Albert Road; and
4. rezone the existing caravan park within Precinct 6 to the Rural Activity Zone.

## CONFLICT OF INTEREST

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

## FINANCIAL IMPACT

The resources associated with the consequent planning scheme amendment to implement the recommendations of the Review have been accounted for in the budget for the 2014/15 financial year.

## COMMUNICATION IMPACT

Council officers have notified all submitters to the Review of the date at which Council will consider adopting the final recommendations.

Should Council resolve to adopt the Review, officers and Spiire will prepare and circulate a final newsletter to inform the community of the outcomes.

## **LEGISLATIVE IMPACT**

The Review has been prepared having regard to the *Planning and Environment Act 1987*, the provisions of the Wellington Planning Scheme and relevant state and local planning policy. The implementation of the Review through a planning scheme amendment will be undertaken 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 contains 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.”*

The Review supports the above Council Plan strategic objective and strategy.

## **PLANNING POLICY IMPACT**

The Review has been prepared having regard to the State and Local Planning Policy Frameworks (SPPF and LPPF) within the Wellington Planning Scheme; the Gippsland Regional Growth Plan (2014) and the relevant State Government Planning Practice Notes.

## **RESOURCES AND STAFF IMPACT**

If adopted, the recommendations of the Review will be implemented into the Wellington Planning Scheme through the planning scheme amendment process that will be facilitated by Council officers. This work is part of the 14/15 Strategic Planning work program.

## **COMMUNITY IMPACT**

Adoption and implementation of the Review will provide Port Albert with a supply of land for rural lifestyle living opportunities and potentially facilitate additional growth and the ‘value-adding’ associated economic benefits. Whilst some submitters to the Review requested that additional land be rezoned within the study area it is important to note that the Review must be strategically robust to obtain the support of a Planning Panel/Minister for Planning and take into consideration various constraints within the study area such as inundation, vegetation, access and environmental issues.

## **ENVIRONMENTAL IMPACT**

The Review has been developed having regard to the environmental implications associated with land within the study area.

It is noted that following exhibition, the West Gippsland Catchment Management Authority raised concerns relating to Precinct 7 and for this reason the precinct is not recommended for rezoning on the basis that it would be unlikely to be supported by a Planning Panel or the Minister for Planning.

## CONSULTATION IMPACT

The development of the Review has been supported and informed by a comprehensive consultation process.

The project brief for the Review, including the agreed extent of the study area, was drafted in consultation with members of the Port Albert Progress Association in order to ensure that prospective tenderers for the project had a clear understanding of the community issues.

Members of the Port Albert Progress Association also attended the Inception Meeting with the successful consultants (Spiire) at the commencement of the project to further convey and clarify issues of concern very early in the Review process.

The following consultation mechanisms have also been employed to seek input from the Port Albert community:

- Community consultation day held on 23 April 2014 (including an afternoon 'drop-in' session and an evening community workshop).
- Three newsletters provided to over 400 properties within the study area.
- One-on-one meetings held with the Port Albert Progress Association.
- Related articles published in the local newspaper (Yarram Standard).
- Councillor site visit conducted on 6 October 2014.

In the event that the Final Review is adopted, a fourth and final newsletter will be prepared to inform the community of the outcomes of the Review.

The formal public exhibition of the Draft Recommendations Report was held between 16 July and 13 August 2014 with copies of the document available for viewing and comment on Council's website and hard copies placed at the Sale and Yarram Service Centres. Copies of the Draft Recommendations Report were also made available within Port Albert itself.

As part of the exhibition process, the Draft Recommendations Report was provided to the following authorities for comment:

- The Department of Transport, Planning and Local Infrastructure
- South Gippsland Water
- Country Fire Authority
- West Gippsland Catchment Management Authority
- Wellington Shire Council Statutory Planning Team
- Wellington Shire Council Infrastructure Team
- Wellington Shire Council Environmental Planner

A total of twenty-eight submissions were received during the formal exhibition period. Of these, six were submitted by Statutory Authorities and twenty-two were from members of the community. Overall, there were twenty submissions objecting to various recommendations within the report, two in support and six providing comments.

Some of the key issues raised by objectors include:

- Greater emphasis is needed on existing use of land.
- Consider the land not viable for agriculture due to size and conditions. Precinct 7 in particular.
- Lots should be assessed on individual basis rather than in Precincts.
- Land Subject to Inundation Overlay doesn't prohibit development and should not be used as a reason for retaining the Farming Zone.

- Site specifics justify a different zone.
- Lack of infrastructure does not justify retention in the Farming Zone.
- Coastal Acid Sulphate Soils can be managed and development should be allowed in Precinct 3.
- Precincts are poorly considered and boundaries should change.
- Vegetation is of least concern and doesn't require Rural Conservation Zone (Precinct 1), land should be Rural Living Zone.
- Demands stifled by planning controls, figures are outdated.
- Desktop analysis is not adequate.
- Query growth projections.
- Consistency in applying Rural Living Zone is questioned.
- Precinct 8 should be considered for future Rural Living Zone.
- More land in Precinct 5 should be rezoned to Rural Living Zone.
- Further subdivision is not sought, just the ability to build a dwelling on the land.
- Constraints aren't as significant as suggested (Precinct 1) and Rural Conservation Zone would restrict businesses.
- Demand requires more than Rural Living Zone in Precinct 2 and 5.

Copies of the full submissions have been made available to Councillors electronically and are available to view in hard copy at Council's Customer Service Centres in Sale and Yarram. Copies of the key issues and responses can be found in **Attachment 2** to this report.

The statutory planning scheme amendment process required to facilitate the recommended rezonings in the Final Review would provide an opportunity for further community consultation.

## **RISK MANAGEMENT IMPACT**

It is not anticipated that there are any significant risk management impacts associated with the adoption of the Review and its implementation through a planning scheme amendment.

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

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### **RECOMMENDATION**

***That:***

***Council adopts the Port Albert Rural Lifestyle Lots Review Final Recommendations (in relation to Precincts 2, 4 and parts of Precincts 5 and 6) at Attachment 1 and prepares a planning scheme amendment and seeks Ministerial Authorisation to:***

- 1. rezone Precinct 2 and part of Precinct 5 (being land on the northern side of Kilgowers Road) to the Rural Living Zone – Schedule 2;***
- 2. rezone Precinct 4 to Low Density Residential Zone (with the exception of 180 Yarram-Port Albert Road);***
- 3. rezone mapping anomalies at 68 and 86 Yarram-Port Albert Road; and***
- 4. rezone the existing caravan park within Precinct 6 to the Rural Activity Zone.***



**ATTACHMENT 1**

Prepared by Spiire for Wellington Shire Council



# FINAL RECOMMENDATIONS REPORT PORT ALBERT RURAL RESIDENTIAL LIFESTYLE LOTS REVIEW

October 2014



**This report has been prepared by the office of Spiire**

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### **Acknowledgements and Recognition**

<b>Issue Date</b>	<b>Revision No</b>	<b>Author</b>	<b>Checked</b>	<b>Approved</b>
4/7/14	1	CD, JM, EF	EF	EF
11/7/14	2	EF	JM	JM
27/10/14	3 (Final post submissions)	EF	JM, CC	JM
7/11/14	4 (comments from Council)	EF	EF	EF

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## 1 Executive Summary

### 1.1 Introduction

Spiire has been engaged by Wellington Shire Council to review rural living opportunities for the coastal township of Port Albert. Specifically, this study seeks to:

- Determine the current supply of, and likely future demand for rural lifestyle lots in the Study Area.
- Identify any physical opportunities and constraints on the provision of additional rural living lots.
- Identify any specific sites for potential rezoning and associated planning scheme changes.

A central component of this study is to investigate and address community concern regarding the perceived mismatch of zoning to rural properties and other anomalies brought about by recent changes to the Wellington Planning Scheme, and the associated uncertainty surrounding ongoing land use and development rights.

The study is to be prepared in accordance with the guiding principles for rural residential development and applying the rural zones as set out in Planning Practice Notes 37 and 42, respectively.

### 1.2 Overview

This study provides a sequenced analysis of the following key strategic considerations:

- The role and significance of the Study Area in both a regional and local context.
- The significant physical opportunities and constraints of the Study Area.
- Housing need, including the existing supply and likely future demand for rural residential development within the locality.
- The issues and concerns raised by local residents and landowners.
- The pertinent planning context of the Study Area at both a State and local level, including policy and controls.

The above analysis is based on a thorough review of:

- The Wellington Planning Scheme (WPS).
- Relevant recent amendments to the WPS.
- A series of relevant strategic studies.
- The outcomes of targeted community and stakeholder consultation.

A list of the relevant policies, studies and consultation outcomes are provided in the Issues and Options Paper (May 2014) previously released.

### 1.3 Findings and Recommendations

Overall, this report finds that there is some scope to provide further rural living opportunities within and around Port Albert, whilst accounting for constraints in the area. This finding is based on the following key considerations:

- The significant supply of standard town lots within the area for sale or development.
- A low level of anticipated population growth for the Study Area.
- Low projected demand for rural living lots based on demographics and growth projections.
- The extent of existing significant vegetation coverage within the area, including identified Ecological Vegetation Classes (EVCs).
- The extent of fire risk due to the significant density of vegetation on both public and private land.
- The extent of potential flooding and inundation risk within the area, drainage constraints as well as the potential for increased tidal inundation.
- The ability to appropriately and sustainably service additional rural residential land.
- The location of the area to the immediate south of land within the State Resource Overlay in recognition of its valuable coal.
- The close proximity of the area to land utilised for significant levels of agricultural production including dairy farms and timber harvesting.
- The location at the edge of Ramsar Convention listed and significant coastal wetland areas.

There are a number of specific sites which could reasonably be rezoned to accommodate additional rural living opportunities. These sites and their recommended rezonings are summarised in the Precinct analysis.

This study also finds that, as identified by the local community, there are a number of zoning anomalies in the area that ought to be rectified to ensure proper land use planning. The land affected and the associated recommendations are summarised in the Precinct Analysis.

The report analyses the Port Albert Hinterland Study Area in a series of nine precincts. Figure 1 below identifies the nine precincts.

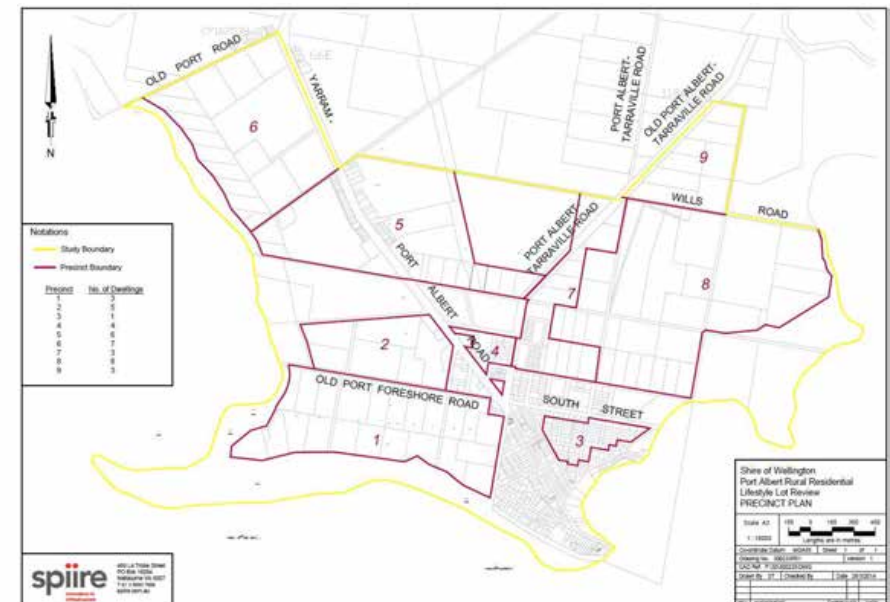


Figure 1 Study Area Precincts

The recommendations from this analysis are summarised below:

Precinct 1:

- Investigate rezoning Precinct 1 to the Rural Conservation Zone Schedule 1 in recognition of the biodiversity levels. This would assist in protecting the land's and the adjoining marine and coastal park's environmental values from further degradation and would provide for land uses and development consistent with the environmental and landscape values.

Precinct 2:

- Given the area is already significantly developed for rural residential development and there is little opportunity for more traditional agricultural activity to occur on the site it would be appropriate for Precinct 2 to be rezoned to the Rural Living Zone Schedule 2. This change would essentially recognise the existing residential development levels of the Precinct and the residential zoning and development of land to the immediate east. Subdivision within the Precinct could yield an additional 10 lots. It is likely the provision of this area of the Hinterland for rural residential development will meet the projected demand for growth.

Precinct 3:

- Investigate rezoning Precinct 3 to the Rural Conservation Zone Schedule 1 in recognition of the environmental constraints affecting the Precinct. This would prevent inappropriate development which could impact on the characteristics and function of the wetlands and would disturb the Coastal Acid Sulphate Soils.

Precinct 4:

- Precinct 4 is essentially a rural residential area and should be considered for application of the Low Density Residential Zone in recognition of its existing development level.
- 180 Yarram-Port Albert Road is proposed by Council to be rezoned to the General Residential Zone.

Precinct 5:

- Given the anomalies that exist in the area it is recommended that the following changes are made to rectify these issues:
  - Rezone the front portion of 68 Yarram-Port Albert Road to the Farming Zone to recognise it is part of a larger farm land holding. The owner of the site specifically requested this land not be rezoned to rural living.
  - Rezone the back portion of 86 Yarram-Port Albert Road to the General Residential Zone to ensure the whole site is within one zone.
  - Investigate rezoning the portion of Lot 2, LP95313 from the General Residential Zone to the Farming Zone, to prevent further development of this area and to ensure it is in one zone.
  - Rezone land along the northern side of Kilgower Road to the Rural Living Zone Schedule 2 in recognition of the existing development levels and their location on the edge of Langsborough.

Precinct 6:

- Given the significant levels of vegetation in this Precinct it is recommended Precinct 6 remain within the Farming Zone. Existing use rights and the recent changes to the Farming Zone will ensure any further development of the caravan park is

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permissible and it is therefore appropriate to leave this land use within the current zone.

- In response to community concerns regarding support for the caravan park, Council should investigate providing additional policy support at Clause 21.12 – Coastal Areas Strategic Framework and investigate applying the Rural Activity Zone on a site specific basis.
- Investigate extending the Environmental Significant Overlay in this area to reflect the presence of vegetation within an endangered EVC.

Precinct 7:

- Retain the Precinct within the Farming Zone including land fronting Gibson Street and on the western side of Tarraville-Port Albert Road due to its constraints including inundation, vegetation cover and lack of road access. Precinct 7's characteristics and lack of vegetation on some lots make it more appropriate for low levels of agricultural production to occur.

Precinct 8:

- Retain Precinct 8 in the Farming Zone in recognition of the significant environmental constraints including existing inundation levels and the potential for agricultural activity to occur.

Precinct 9:

- Given the need to protect this land due to its identification in the Regional Growth Plan for coal resources and the constraints placed on development due to the land's inundation levels, it would be inappropriate to rezone the land in Precinct 9 from the Farming Zone.



## 2 The Study Area

### 2.1 Strategic Role

Port Albert is a coastal settlement situated approximately 85 kilometres south of Sale, and some 15 kilometres south of Yarram (refer Figure 2: Context Plan).



Figure 2 Context Plan

An historic fishing town, Port Albert functions as both a residential hamlet and seasonal tourism destination, noted for its special heritage significance as one of Victoria's oldest seaports.

Port Albert is located on the Gippsland coast and is accessed via a series of local roads which connect to the South Gippsland Highway. Notably, Port Albert has no direct access from either the South Gippsland or Princes Highways, the latter being located at least an hour's travel to the north. Given Port Albert's limited range of goods and services, residents tend to travel to the nearby town of Yarram to access services, and many residents also travel to Yarram for employment. The need for a wider variety and higher order goods and services necessitates travel to a city such as Sale. Nearby Alberton provides a limited range of goods and services, including a primary school.

Whilst Port Albert is one of the two larger coastal settlements within Wellington Shire, the other being Loch Sport, in terms of the settlement hierarchy for Wellington Shire, it is not one of the main towns or settlements.

The Port Albert area comprises the Port Albert and Langsborough town areas, as well as the surrounding rural land. The population of this area is characterised largely by retirees with a small component of families (particularly within Langsborough). The population demographics of the Study Area show it to be less advantaged with lower incomes than the rest of the State, which is reflective of the slightly older population and lack of employment in the wider area. The permanent population of around 600 people is augmented by seasonal influxes of residents due to the tourism and coastal attractions of the area. This influx of people can more than double the population of the area and is particularly evident in Summer and at Easter. Further detail on the demographic makeup of the area is provided in Section 3.1 of this report.

The town of Port Albert has few commercial and community facilities available for residents, including a fish and chip shop/restaurant, general store, café, museum and general store. The Port Albert Hotel was burnt down in early 2014 and may be rebuilt in the future. A number of small scale agricultural businesses are present (flower growing) as well as several accommodation facilities. The limited array of economic activities within the area means residents generally need to seek employment elsewhere or maximise income from their land.

## 2.2 Site Analysis

The extent of land pertaining to this study is specifically identified in Figure 3. The Study Area was determined by Council in consultation with the Port Albert Progress Association, its boundaries were then confirmed during community consultation in April 2014.

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Figure 3 Study Area

The following is an analysis of the Study Area's salient features.

### 2.2.1 Land Uses, Zoning and Settlement Patterns

- Two distinct settlements of Langsborough and Port Albert/Palmerston which are largely zoned General Residential (GRZ).
- Surrounding Hinterland is generally zoned Farming (FZ) with areas of Public Use (PUZ) and Public Park and Recreation (PPRZ) zones. Figure 4 identifies the zones applying to the Study Area.
- Areas of old small lot and inappropriate subdivisions within the Farming Zone which are often much smaller than the minimum subdivision size.
- Blurred lines around the edges of the township areas have caused potential land use conflict between farming activities and residential amenity expectations.
- There are currently significant areas of undeveloped, underutilised land within the towns of Port Albert and Langsborough for residential development. A significant proportion of properties are currently for sale within the towns.
- The Farming Zone land is a mix of heavily vegetated coastal woodland and cleared low lying farmland. In general only limited agricultural production occurs in the area.



Figure 4 Zoning Plan

## 2.2.2 Agricultural Values

- Areas of productive agricultural land (dairying, beef) to the north of the Study Area.
- Presence of hobby farming, flower growing and other smaller scale/boutique agricultural uses.
- Generally the land systems present in the Hinterland are not considered to be conducive to high levels of agricultural production. The area predominantly comprises the Barrier Complex Geomorphic land system, with land to the north within the High level terraces and fans land system. Figure 5 identifies the land systems and their location. These land systems are derived by integrating environmental features including geology, landform, climate, soils and native vegetation using an ecological approach and can provide a basis for sustainable land use.
- The quality of agricultural soils in the broader area is a mix of Class 3 (Moderate Quality) and 3A soils. Class 3 soils are *generally of limited versatility but is very good dairying and grazing land, sometimes suitable for orchards and extensive area cropping but not suitable for intensive uses*. Class 3A soils are *suitable for more intensive uses than Clause 3 provided care is taken with the soil condition*<sup>1</sup>.

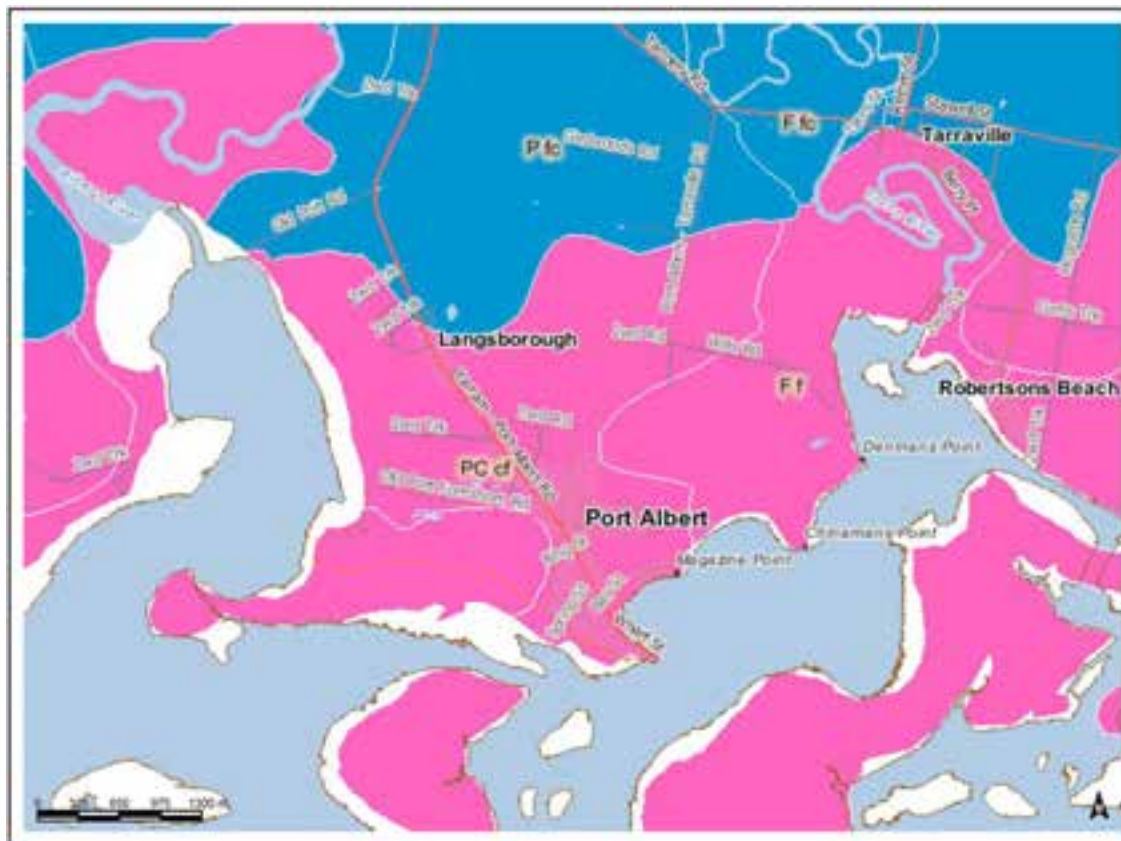


Figure 5 Geomorphic Land Systems

(Blue: high level terraces and fans; Magenta: Barrier Complexes Gippsland).

<sup>1</sup> Descriptions from *Wellington Rural Zones Review Vol 1 2009*.

### 2.2.3 Environmental Values

- Ramsar Convention wetlands (Nooramunga Marine and Coastal Park) are located along Port Albert's coastal boundaries.
- There are areas of environmental sensitivity, including Heathy Woodlands EVC (least concern), Wetlands EVC (least concern) and Riparian Scrubs EVC (endangered). Figures 6 and 7 show the location and conservation status of the EVCs (Ecological Vegetation Class).

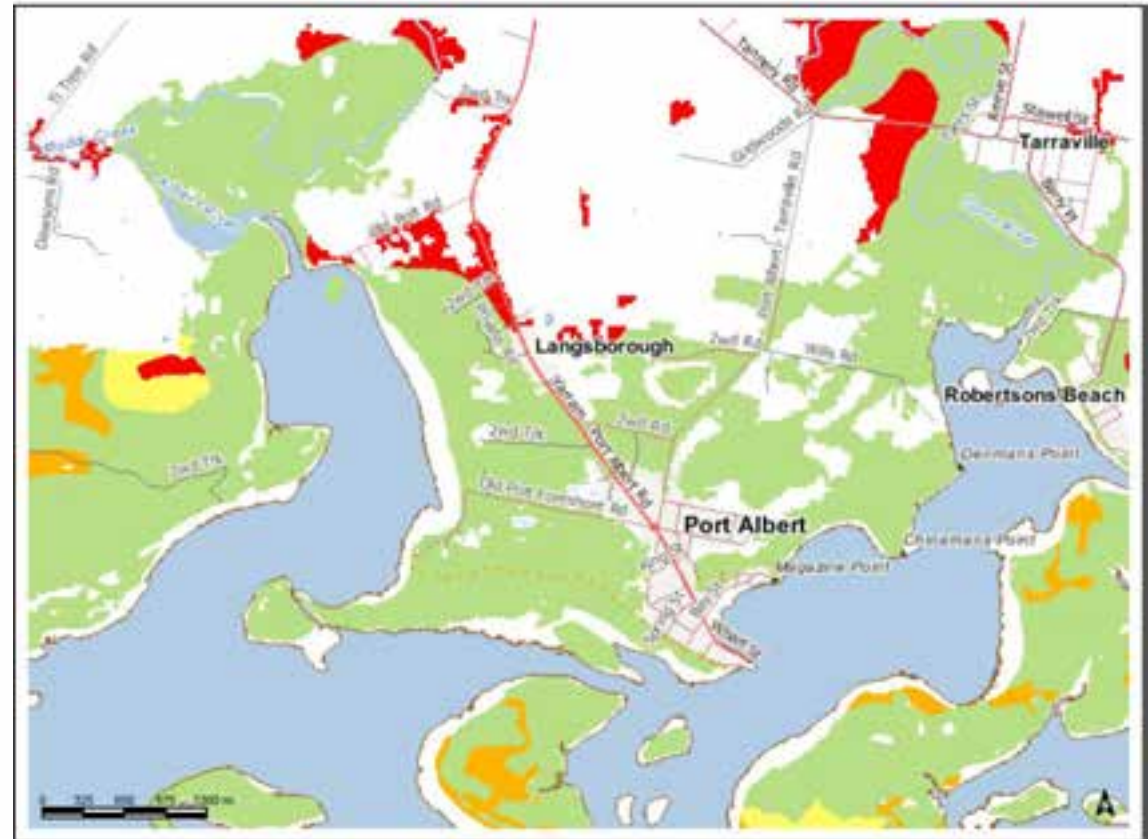


Figure 6 Conservation Status

*EVC Conservation Status Map (red: endangered; green: least concern)*

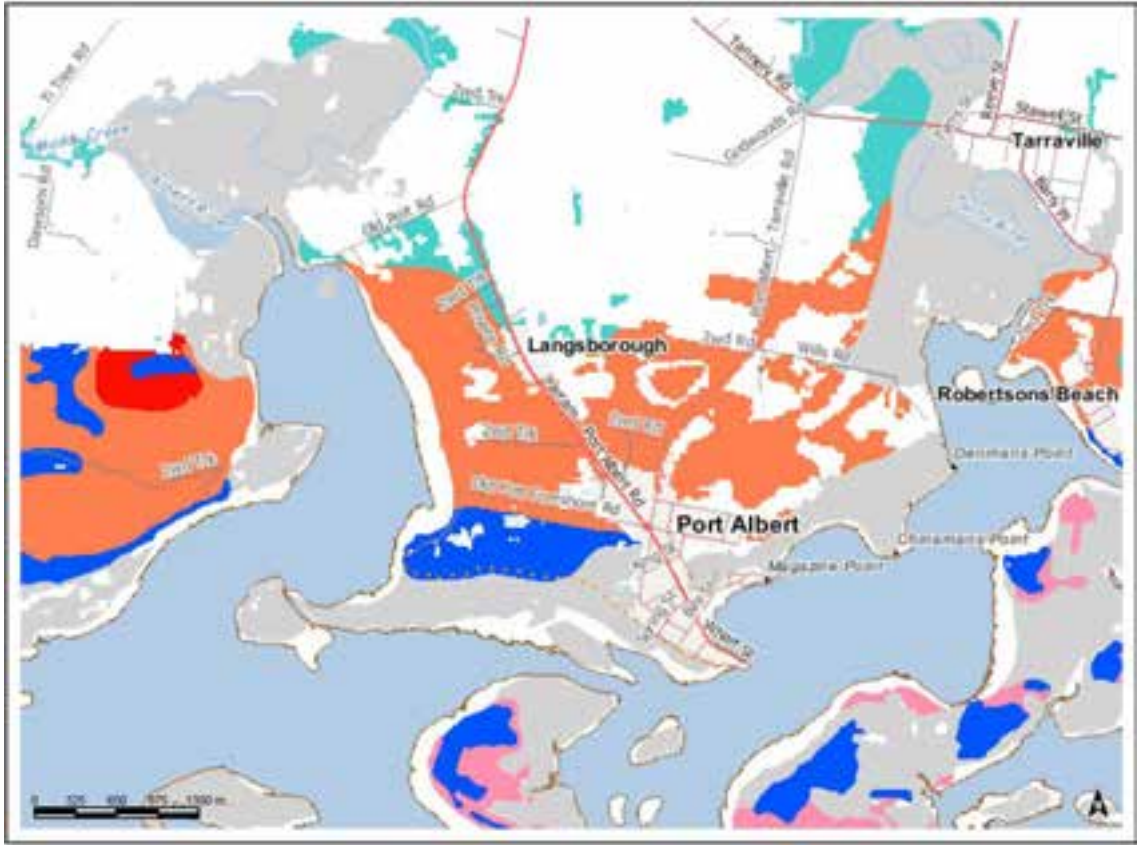


Figure 7 EVC Groups

*EVC Groups 2005 (teal: riparian scrubs; orange: heathy woodlands; blue: wetlands)*

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- Significant areas are covered by the Environmental Significance Overlay Schedule 1 – Coastal and Gippsland Lakes Environs and Schedule 2 – Wetlands.
- Areas of Coastal Acid Sulphate Soils exist in the south eastern areas of Farming Zone land on the edge of the Port Albert township area.
- High levels of vegetation cover, including remnant native vegetation throughout the Study Area. Vegetation removal controls relate to both trees and understorey vegetation, the need to retain this vegetation can significantly constrain development potential. The extent of tree cover is a good indication of land which may require approvals to remove native vegetation cover and could prevent dwelling development, tree cover is mapped in Figure 8 to identify the significant extent of vegetation in the Study Area.

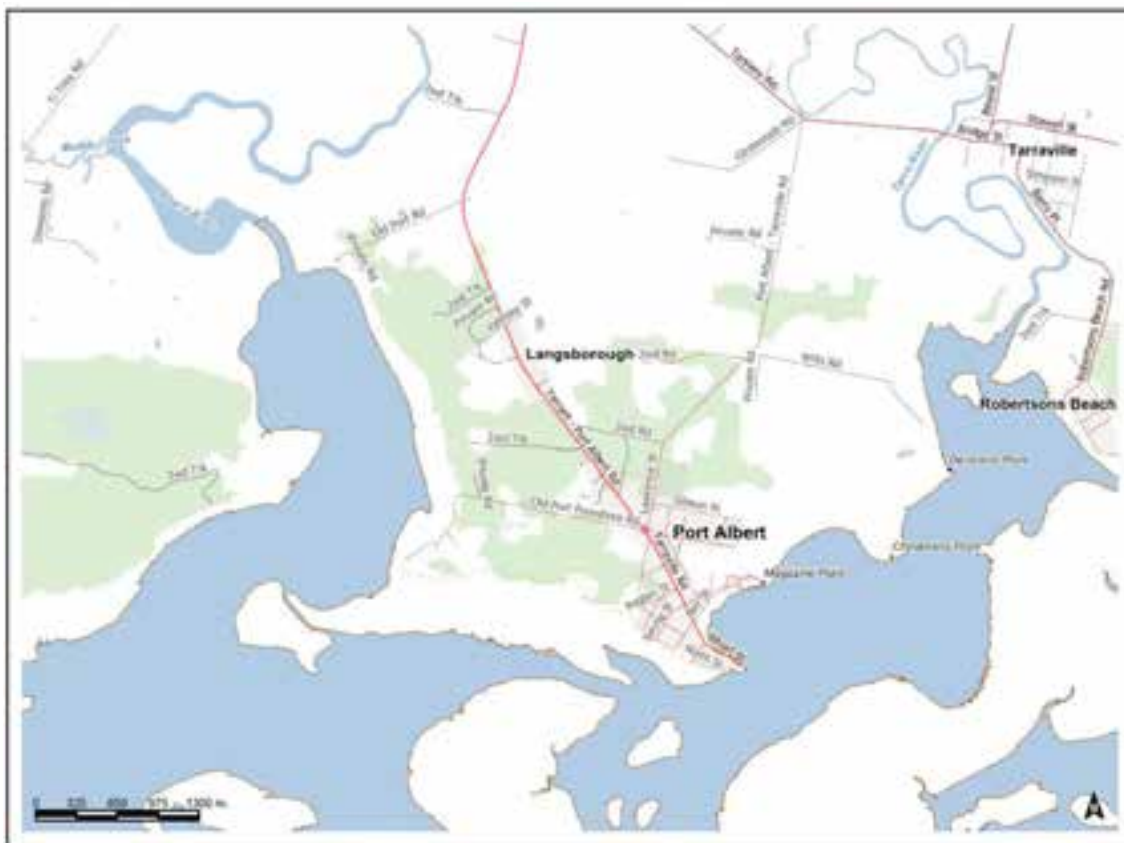


Figure 8 Tree Cover

### 2.2.4 Flooding and Inundation

- The eastern and southern parts of the Study Area are affected by either the Land Subject to Inundation Overlay or the Floodway Overlay (LSIO/FO) due to the levels of mainly tidal inundation. The use of the overlays also reflects the constraints to drainage in the area due to the high levels of land saturation present. The current extent of flood and inundation overlays is shown in Figure 9.
- Amendment C33 identified additional flooding constraints to land within the Port Albert town itself. No overlays apply as the Minister for Planning excluded the town area from Amendment C33.
- Flooding in the area can be attributed in part to the location on the edge of significant wetland and coastal areas.

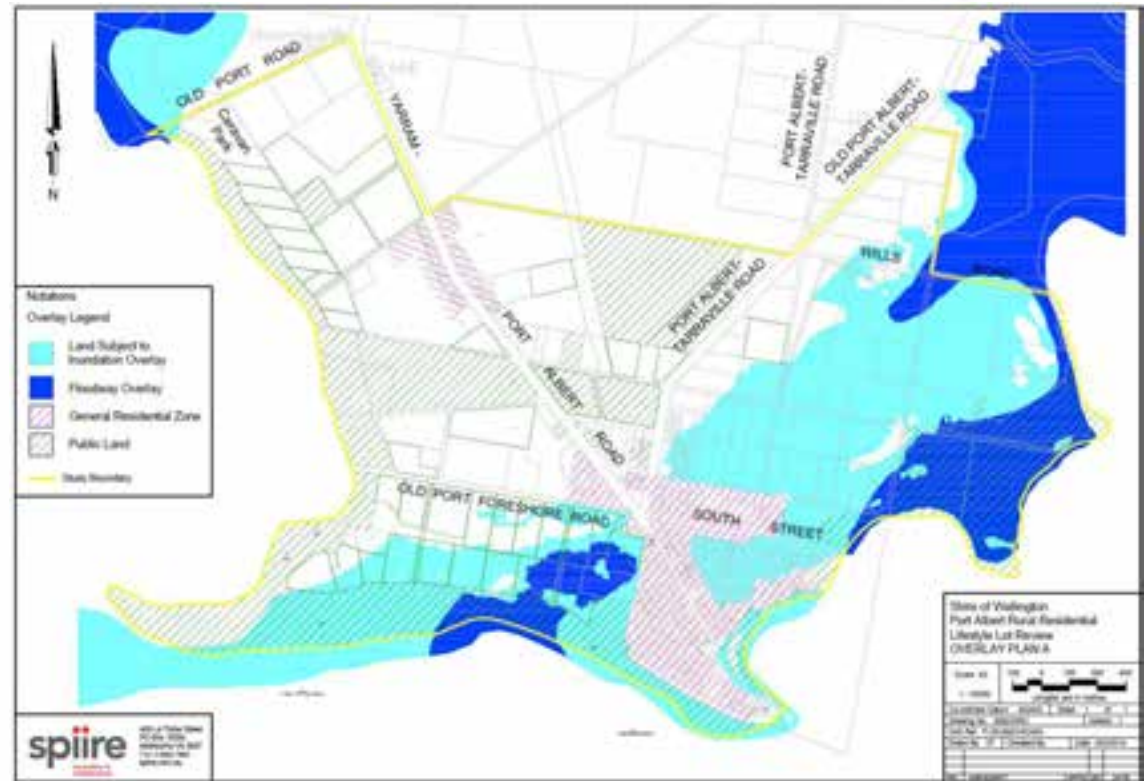


Figure 9 Flood Overlays

### 2.2.5 Bushfire Prone Areas

- The land within the Study Area is not currently affected by the Bushfire Management Overlay (BMO). However under the building regulations the area is within a Bushfire Prone Area. This requires development to meet certain construction standards for bushfire protection known as BAL (Bushfire Attack Level) 12.5.
- Detailed mapping of areas which require higher levels of bushfire protection have not yet been released by the State Government. As such, the higher level of control, the Bushfire Management Overlay, is not yet in place in the Port Albert area.
- Recent fire history for the area and the density and status of existing vegetation cover in the area leads to a high level of fire risk which may impact on the levels of development permissible in the area. The CFA in particular indicated additional rural residential development would need to be cognisant of fire protection guidelines which may require certain land sizes and vegetation setbacks.

### 2.2.6 Physical Servicing and Infrastructure

- Port Albert has a small network of roads with two main roads in and out of the Study Area (one to Yarram and one to Tarraville). Much of the cadastre road network is unmade or not in existence, making access in and around the Study Area challenging. A number of lots in the Study Area have no formal road access.
- Further development is generally constrained due to the limited drainage infrastructure in the towns and Hinterland and the capacity constraints in the network. Council's

preference is for drainage to be provided formally in the road network.

- Only the residential areas of Port Albert are provided with reticulated sewerage. Langsborough and the Hinterland are reliant on septic systems or onsite waste water treatment systems. Lack of reticulated sewer increases the likelihood of additional rural residential development contaminating the sensitive environment.
- Power is provided to the Study Area generally (electricity).

### 2.2.7 Social Services and Infrastructure

- Limited social services and infrastructure.
- No education or health facilities, residents must travel to Alberton and Yarram to access these services.
- Public transport is not available. A private bus service to nearby towns is proposed.
- Retail is limited to small operations in Port Albert town area. These include a restaurant/take away store, general store, museum and café. This retail offering has been further impacted by the loss of the historic Port Albert Hotel to fire in January 2014.

### 2.2.8 Constraints Summary

Overall, the Port Albert Hinterland has a number of constraints which together and separately prohibit or impact development and land use. The key constraints are summarised as follows:

- Fragile coastal environment due to its location on the edge of an important coastal marine park with a fragile environment and the presence of dense and important vegetation communities.
- Significant levels of vegetation/tree cover which would require planning approval to remove in order to develop many of the sites.
- Significant proportion of the area is impacted by flooding or inundation under existing climatic conditions.
- Potential for bushfires due to the high level of vegetation in the Study Area in particular around the vast areas of public land.
- Varying degrees in the productive capacity of the farming zoned land.
- Limited physical infrastructure including small road network, lack of formalised and extensive drainage, and a limited extent of reticulated sewerage networks.
- Few retail or community services available within the townships and Hinterland.
- Small lot, old and undeveloped subdivision patterns which are not conducive to rural residential scale development due to their sub hectare size which poses environmental constraints in meeting bushfire protection requirements and treating wastewater. These township sized lots are also not conducive to farming activities due to the potential for multiple ownership and the implications this may have on land management.

Figure 10 provides an overall look at the constraints facing the Hinterland.

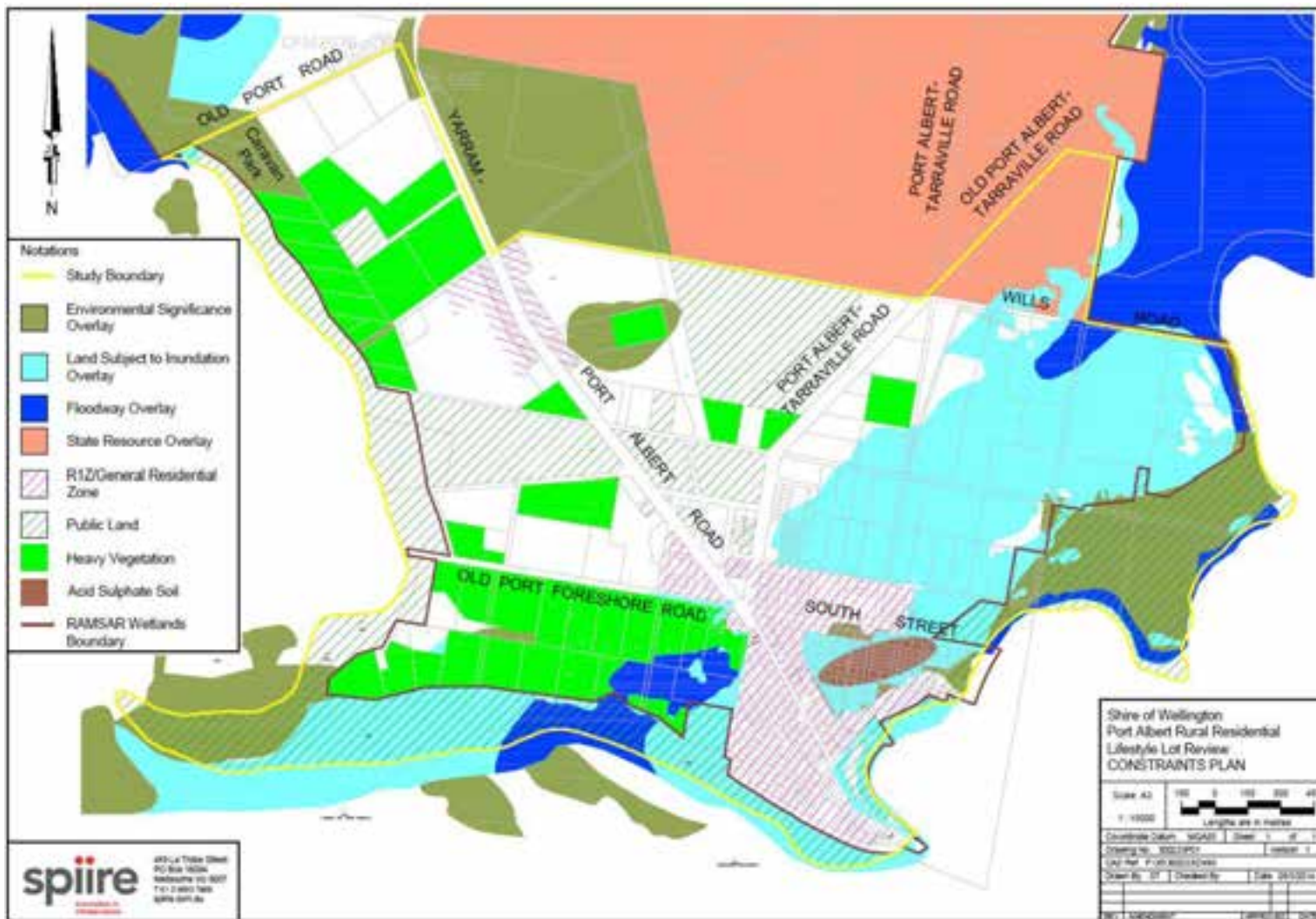


Figure 10 Constraints Plan



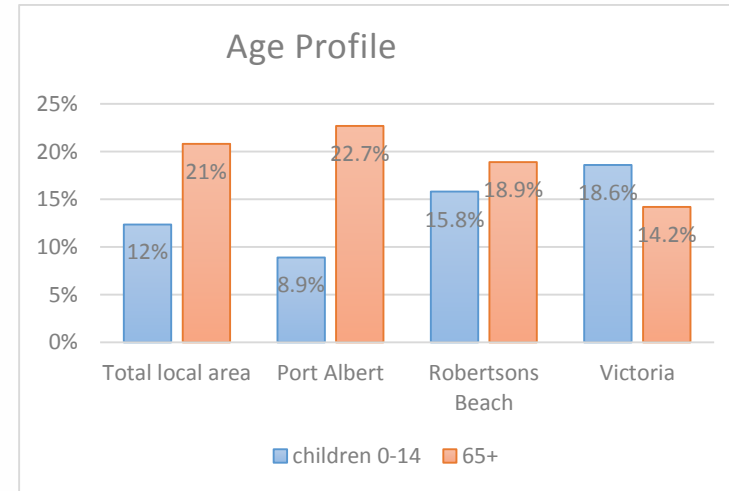
### 3 Housing Supply and Demand

#### 3.1 Demographic Analysis

An analysis of current demographics has been undertaken to provide a picture of the Study Area. ABS Census data<sup>2</sup> from 2011 has been used for the state locations of Port Albert and Robertsons Beach, as these are the most appropriate matches to the Study Area. The Port Albert data refers generally to land within the urban zones (mainly General Residential Zone) whilst the Robertsons Beach data refers to an area which includes the Port Albert Hinterland, including Langsborough and land to the east.

Currently these combined areas have a total population of 607 people, with 247 people residing in the town of Port Albert. The median age is 55 years, indicating a slightly older population, this is again reflected in the age profiles which indicate significantly higher proportions of people aged over 65 than the State average (refer Table 1). The family configurations indicate almost 60% of families are couples without children, generally a reflection of an older community. However it is noted the Robertsons Beach area has almost double the proportion of children than Port Albert being almost 1 in 5 persons. This accords with commentary that Langsborough is home to more young families than the balance of the Study Area.

Table 1 Age Profile



There were 514 dwellings in the combined area in 2011, with 46% of these located in the town of Port Albert. As expected for a rural coastal settlement, the majority of dwellings are detached and comprise multiple bedrooms as shown in Table 2. Given the seasonal nature of the coastal community a significant proportion of dwellings were unoccupied on Census night which occurs in August.

Table 3 provides details on household tenure for the Study Area and indicates a higher number of rental properties within the town area compared with the Hinterland (30% and 12.4% respectively).

<sup>2</sup> Quick stats and table builder ABS Census 2011

Table 2 Dwelling Characteristics

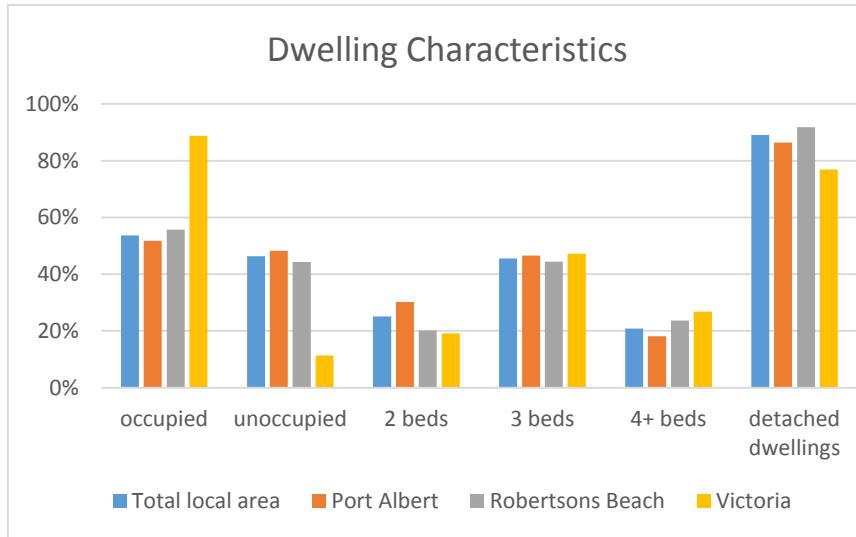
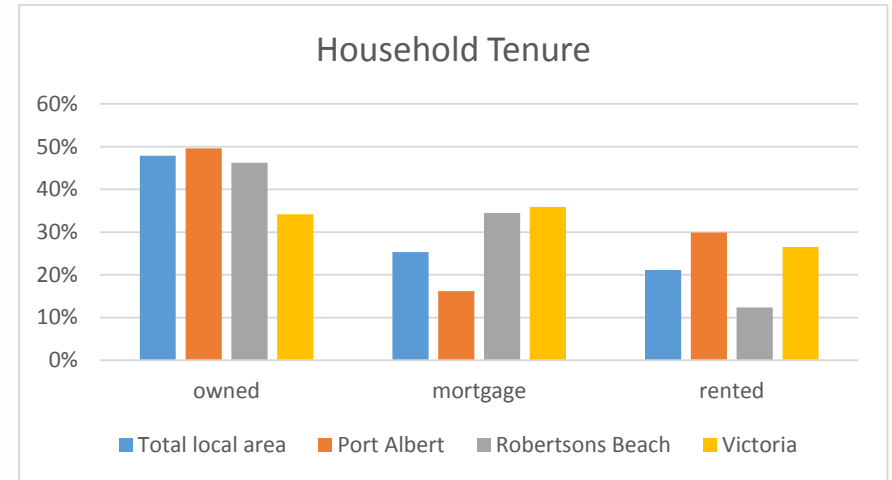


Table 3 Household Tenure

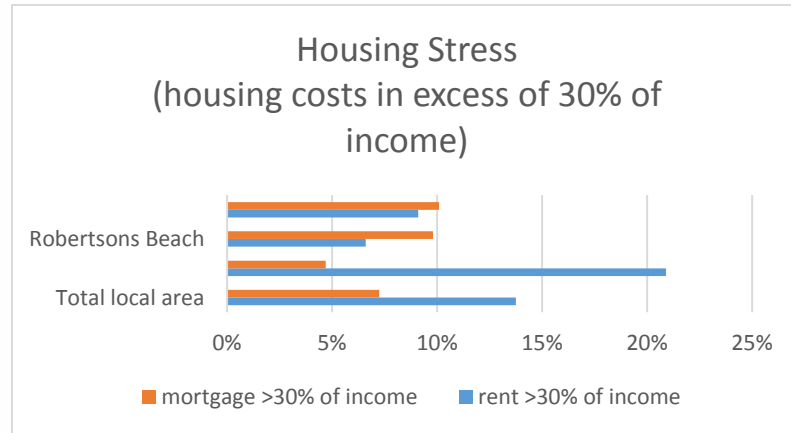


Socio economic scoring<sup>3</sup> indicates Port Albert and its Hinterland community are considered to be less advantaged than other parts of Victoria. The area has a median weekly household income which is below that of the State average and mortgage stress<sup>4</sup> also appears to be present in the Study Area, particularly for those renting in Port Albert itself, which has a figure double the State average, as shown in Table 4.

<sup>3</sup> SEIFA Index of advantage and disadvantage scores – Wellington 961, Port Albert 881 (rank 61 in Vic.), Robertsons Beach 908 (rank 117 in Vic.)

<sup>4</sup> Mortgage Stress is indicated when housing costs equate to more than 30% of income.

Table 4 Housing Stress



and demolition of sheds (3). The low number of dwelling approvals within the Farming Zone may indicate either the difficulty of developing the land for dwellings or a lack of demand.

Current Properties for Sale

Anecdotal evidence has suggested people are seeking rural residential allotments rather than township lots in Port Albert. At the time of writing realestate.com.au<sup>5</sup> has approximately 120 lots for sale within the Study Area, the majority of these properties are within the town area itself. There are currently nine properties for sale within the Farming Zone ranging in size from 4,000m<sup>2</sup> (1 acre) to 40 hectares (100 acres).

Lot Density

There are currently 243 lots zoned Farming within the Study Area. These lots have an average size of approximately 2.15 hectares (5.3 acres). Figure 11 provides an indication of lot size diversity in the Study Area. Lots less than 2,000m<sup>2</sup> (approximately half an acre) account for 44% of the lots, while lots between 2,000m<sup>2</sup> and 4,000m<sup>2</sup> (half an acre and an acre) account for nearly 12% of lots. Only 12 lots (5%) within the area are over 8 hectares (20 acres). The fact that many of the existing lots are already quite small resonates with comments by community representatives that they do not see a need for further subdivision. Table 5 identifies the Lot density breakdown.

**3.2 Supply of Housing/Residential Lots**

The town area of Port Albert (generally General Residential Zone land) currently has a relatively high number of properties for sale.









Building Approvals Data

Building approvals data shows 145 building permits have been issued for the Port Albert area over the last 10 years. These include approvals for dwellings, dwelling alterations/extensions, cabins, units, carports, sheds, garages, decks, barbeque shelters, a fire station, warehouse, restaurant and demolition works.

In relation to land within the Farming Zone there have been a total of 22 building permits issued in the last 10 years, and these varied from new sheds (10), dwelling alterations (3), new dwellings (4), cabins (2)

<sup>5</sup> Accessed April 17<sup>th</sup>, 2014

Table 5 Lot Density Breakdown

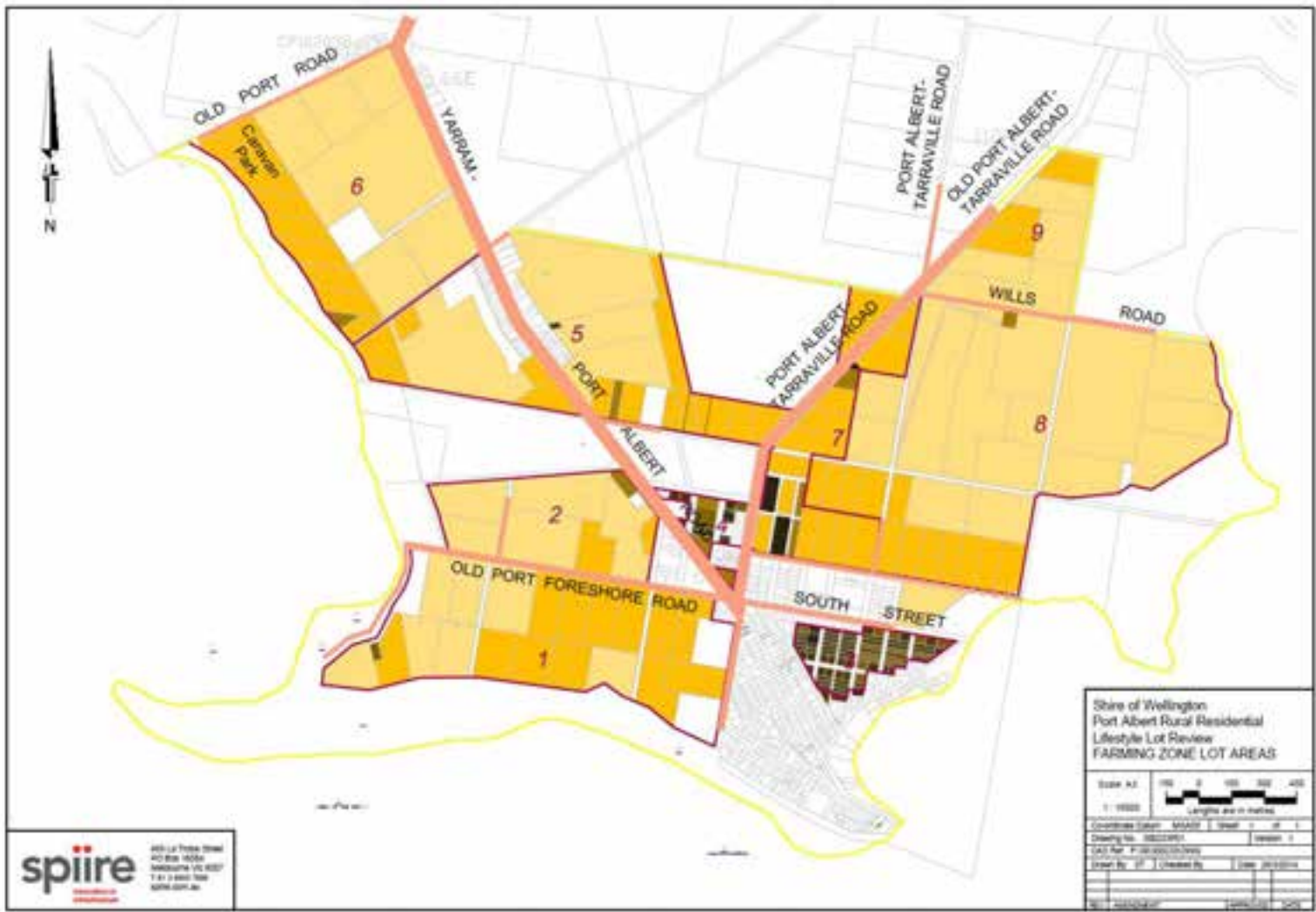
Notations			
Farming Zone Lot Areas			
<u>LOT MIX TABLE</u>			
TOTAL NUMBER OF LOTS :		243	AVERAGE: 21481.5m <sup>2</sup>
	LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	40	AVERAGE: 696.3m <sup>2</sup> 16.5%
	LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	67	AVERAGE: 1526m <sup>2</sup> 27.6%
	LOTS 2023m <sup>2</sup> (½ acre) TO 4046m <sup>2</sup>	19	AVERAGE: 2287.2m <sup>2</sup> 7.8%
	LOTS 4047m <sup>2</sup> (1acre) TO 9999m <sup>2</sup>	10	AVERAGE: 6473.9m <sup>2</sup> 4.1%
	LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	24	AVERAGE: 16144.2m <sup>2</sup> 9.9%
	LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	41	AVERAGE: 30853.7m <sup>2</sup> 16.9%
	LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	30	AVERAGE: 53703.3m <sup>2</sup> 12.3%
	LOTS 80000m <sup>2</sup> (8ha) AND GREATER	12	AVERAGE: 143179.2m <sup>2</sup> 4.0%

#### Dwellings in the Farming Zone

Within the Farming Zone areas there are approximately 38 dwellings. This equates to 15% of the 243 lots which are zoned Farming in the Study Area. The Hinterland area has essentially one in every six lots developed with a dwelling, suggesting the area is not used purely for traditional farming.



Figure 11 Lot Size Distribution



### 3.3 Demand for Housing/Residential Lots

#### Anecdotal Demand

Discussions with the community and local real estate agents have indicated that there is a level of demand for rural residential land in the Port Albert Hinterland.

Discussions with the local real estate agents in Yarram (Elders and Landmark Harcourts) have indicated the following demand levels and influences:

- There is low demand for township blocks partly as the size of these lots does not cater to residents wishing to come to the area for fishing as they need storage areas for boats and trailers.
- Rural lots can be too difficult to develop.
- Demand for rural lots is generally for lots sized between 1-10 acres (0.4ha to 4ha).
- Planning requirements (zones and overlays) can impact on the ability to build on smaller lots and this perception can deter buyers - this includes the issues around the 'prohibitive' impact of the controls.
- There is demand for both sewerred and unsewerred lots.
- Vegetated characteristic is sought after, as well as cleared and well drained land.

We note that anecdotal demand may be impacted by the implications of the existing controls in the area.

#### Growth Projections

Victoria in Future 2012 (VIF 2012) projects rates of growth per annum for Regional Victoria at 1.3% for the next 10 to 15 years. When applied to the population of the Study Area this is approximately 0.7 persons per annum.

VIF 2012 projects private dwelling occupancy rates for Wellington Shire in 2016 as 17,500 dwellings or 82% of total dwellings. This occupancy rate is considerably higher than that experienced in the Study Area at the 2011 census. It is anticipated occupancy rates of approximately 50% will remain in the Study Area.

In conclusion, based on data and anecdotal evidence, current projected demand could be reasonably assessed at a rate of 2 additional persons per annum.

The growth projections for Wellington are supported by the Gippsland Regional Growth Plan which identifies an increase of approximately 3,000 people every 10 years to 2021 and 2031.

#### 4 Community Values and Concerns

This report has been developed following consultation with the local Port Albert community, and in particular the Port Albert Progress Association (PAPA). The PAPA has been a key community voice for Port Albert for over a century and often represents the community in discussions with Council and in presenting to planning strategies and panels.

The PAPA assisted Council with development of the brief for the project based on their desire to see additional development and growth in the area, potentially through the rezoning of land to allow for rural residential development in the Port Albert Hinterland. The PAPA helped Council determine the extent of the project Study Area.

Community views have been canvassed during the project in the following ways:

- Discussions with PAPA members including at the project inception meeting.
- Online community survey through Council's Have a Say website which canvassed views on the key issues pertaining to the area as well as anecdotal views on supply and demand in the Study Area.
- Community drop in afternoon at the Port Albert hall attended by approximately 30 residents (late April 2014).
- Community workshop at the Port Albert Hall to workshop the key issues from the survey and key principles going forward on the project, attended by approximately 25 residents (late April 2014).

#### 4.1 Summary of Key Issues Raised

The key issues affecting the Port Albert Hinterland, as gleaned from the community surveys and consultation, can be summarised as follows:

- Impact of previous planning decisions including Planning Scheme Amendments.
- Inability to build a dwelling on Farming Zone land due to requirements for an agricultural activity to support the need for a dwelling. The requirements of the Farming Zone on dwellings were seen by 91% of survey respondents as the key issue, with more than a third also indicating planning permit refusals as an issue.
- Existing land sizes are too small to productively farm, making the application of the Farming Zone appear misguided and inappropriate to the land. Perception that the land is not suitable for farming due to low lying nature, with the exception of discrete pockets along the northern edge.
- Constraints on development due to the application of overlays, high levels of existing native vegetation, fire risk, ability to treat wastewater (septic tanks and run off issues due to soil type) and the capacity to manage stormwater (flooding and drainage were issues for the majority of survey respondents).
- Supply of rural residential lots is very low due to the unlikelihood of planning permits for dwellings being issued.
- A substantial number of town lots are currently for sale with few buyers.
- Anecdotal demand exists for rural residential lots between 0.4 – 8 hectares (1 and 20 acres).
- Existing subdivision sizes and patterns are not suited to traditional large scale farming. Fragmentation of productive

farmland should be avoided, however a significant proportion of the Study Area is already fragmented.

- Low population levels, limited job opportunities, lack of a commercial hub and low levels of investment are impacting on Port Albert generally. Greater promotion of the town for tourism and investment is needed.
- Existence of land which has limited or no ability to be developed for a range of reasons, including access and environmental features.
- Lack of appropriate development and associated housing affordability levels due to a confidence loss within coastal areas generally and Port Albert in particular.
- Holiday service role highlights infrastructure limitations and the impact of poor land management and absentee owners.
- Lack of certainty and consistency in land use outcomes and rules, including the impact of climate change/sea level rise.
- Lack of investment in and use of community assets including crown land.
- Demographics have an impact on service offerings in town.
- Perception of infrastructure constraints – i.e. poor road maintenance, sea wall and drainage infrastructure, limited foreshore access.
- Community belief that people should be able to build when and where they want within the area.
- Difficulty of balancing removal of vegetation with the protection of the existing landscape character and recognition that not all the vegetation is significant/remnant.
- A perception that restrictions and regulations have reduced the amount of development/investment that has occurred in and

around Port Albert. These restrictions are in addition to the hurdles that the environment poses.

## 5 Strategic Planning Policy Context

Recommendations and outcomes arising from this project must be grounded in the strategic planning policy context for both rural residential development and for Port Albert. Planning for rural residential development and local areas must abide by the directions set by the State Government.

### 5.1 State Planning Policy Framework (SPPF)

In determining how land should be used and developed, Council must have regard to the State Planning Policy Framework (SPPF). The Framework contains specific policies in relation to urban development, rural development, the environment, heritage and built form, housing, transport, infrastructure and economic development to ensure the orderly and consistent planning of Victoria.

Clause 11.05-3 Rural Productivity seeks, *'To manage land use change and development in rural areas to promote agriculture and rural production'*, by preventing inappropriately dispersed urban activities and limiting new housing development in rural areas.

Coastal settlement strategies at Clause 11.05-5 include support for a network of diverse coastal settlements which provides for a broad range of housing types, economic opportunities and services; avoiding ribbon development within rural landscapes; and directing urban development and infrastructure within defined settlement boundaries.

Clause 11.02-1 relates to the supply of urban land and includes the following strategies:

- Ensure that sufficient land is available to meet forecast demand.

- Plan to accommodate projective population growth over at least a 15 year period and provide clear direction on locations where growth should occur...on a municipal basis...

Clause 11.08 – Gippsland Regional Growth provides high level guidance for land use and development in the region based on the *Gippsland Regional Growth Plan (2014)*. This guidance includes promotion of a healthy environment by valuing Gippsland's environmental and heritage assets; strengthening economic resilience through diversification; developing sustainable communities through a settlement framework of major urban centres; and deliver timely infrastructure. The Clause identifies land to the south of Yarram as containing high value terrestrial habitat.

Clause 16.02-1 provides guidance on rural residential development and includes a number of strategies to manage development in rural areas and to identify land suitable for rural living and rural residential development. These strategies include:

- Demonstrating the need for rural residential development;
- Ensuring planning for it avoids or significantly reduces adverse impacts;
- Ensuring rural residential development does not encroach on high quality productive agricultural land or impact on waterways or other natural resources; and
- Is only zoned where it is located close to existing towns...and can be supplied with electricity and water and good quality road access.

## 5.2 Planning Practice Notes

The State Government prepares practice notes which relate to a range of planning processes and topics, including preparation of planning scheme content and assessment under schemes. Of particular relevance to this project are Practice Note 37 – Rural Residential Development and Practice Note 42 – Applying the Rural Zones. These are discussed below.

### Rural Residential Development

Practice Note 37 provides guidance for rural residential land use and development. (A complete copy of the practice note is contained in Appendix 1 of this report).

The Practice Note defines “rural residential development” as:

*...land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Some agriculture may take place on the land however it will be ancillary to the use for a dwelling. It is likely to be carried on for ‘lifestyle’ reasons and is unlikely to provide a significant source of household income. Rural residential land is typically also used for non-agricultural home occupations or for large gardens. These lots are larger than typical residential lots, but are usually too small for agricultural use.*

Because of its primarily residential function, the Practice Note recognises that rural residential development requires access to most of the normal services and infrastructure provided in urban settlements, and typically generates urban residential amenity expectations. This has implications for agricultural activities and for the provision of services and infrastructure.

The SPPF and Practice Note 37 recognise that reasonable opportunities should be found for rural residential development as part of providing for housing diversity and choice. However, the Practice Note stipulates that rural living requires special consideration due to its ‘*environmental, social and economic impacts that can be significantly higher than those of standard residential development*’.

In this regard, the Practice Note requires any new rural living proposal to address the following key issues:

- Land use conflicts between agricultural activities and the amenity expectations of rural residential dwellers should be minimised.
- Significant impacts to primary production or to the environmental or cultural values of a rural area should be avoided.
- Finite and valuable natural resources present on the land should not be lost.
- The local environment and landscape should have the capacity to absorb more intensive use and development without significant or irreversible harm to its values or to the new use and development.
- Demand for costly or inefficient community services or infrastructure should not be generated.

These considerations give rise to the following broad questions which should be answered in sequence:

- **Strategy:** Does rural residential development align with the overall strategic planning of the municipality?

- **Housing need:** How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?
- **Location:** Where should new rural residential development take place?

### Applying the Rural Zones

Planning Practice Note 42 recognises the role of, and need for, sound strategic planning in rural areas given the changing nature of farming, and growing number of people seeking a rural lifestyle.

The practice note identifies that farming is becoming more diverse, industrialised, intensifying, aggregating and undergoing social change. At the same time, more people are seeking to live in rural areas for a range of social, environmental and economic reasons.

As a result, in some rural areas:

- There is more competition for rural land, which is affecting rural land prices and the capacity of farmers to expand their businesses and maintain productivity.
- There is renewed interest in part-time small-scale farming.
- More people are living in rural areas for lifestyle reasons not related to farming, increasing the potential for land use conflicts because people pursuing a rural lifestyle often have amenity expectations that conflict with modern farming practices.
- Local rural economies are diversifying as rural land is used for more diverse purposes (such as tourism or recreation).

The Practice Note stipulates that:

*Victoria's changing rural landscape requires planning authorities to think strategically about their farming areas and rural settlement patterns, so that sustainable farming is promoted and potential conflicts between farming and other land uses are avoided.*

The Practice Note outlines the key features of each rural zone and provides direction as to their proper use and application. These elements are discussed in detail in Section 6 of this report.

The Practice Note confirms strategic work should be used to guide the use and development of rural areas and should be grounded in consideration of the following:

- Planning Scheme context.
- Housing needs and likely trends.
- Physical attributes of the land and its capacity to support productive agriculture (soil type, climate, vegetation cover, water access, slope and drainage).
- Agricultural trends in the area.
- Natural resources and environmental features in the area and their importance.
- Environmental hazards that could affect how the land is used and developed (erosion, salinity, flooding and wildfire risk).
- Existing lot size and land use patterns.
- Infrastructure available.
- Settlement patterns.

### 5.3 Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework within the Wellington Planning Scheme provides guidance for land use and development at a more localised level and includes policy for and commentary on coastal areas, including Port Albert.

Clause 21.04 Settlement, identifies Port Albert as one of the larger coastal settlements and a place of special heritage significance. Coastal areas in Wellington are particularly sensitive from an environmental perspective with inundation, climate change and significant biodiversity areas all playing a part in the future of this coast.

Objectives for coastal settlements in Wellington include recognition that some settlements can accommodate growth and change whilst others cannot; requirements for necessary infrastructure to protect the environment; provision of rural lifestyle opportunities in appropriate locations; and protection of agricultural land from inappropriate urban encroachment (Clause 21.04-2).

Land use and development within Port Albert is specifically guided by Clause 21.12-10 of the Wellington Planning Scheme which seeks, '*To protect and enhance the character and environment of Port Albert*'.

Strategies to support this objective include:

- Encourage those activities which cater for the needs of the town's growing permanent and tourist populations.
- Encourage tourism development which responds to the town's environmental constraints and special character.

- Ensure that urban development occurs in stages that can be appropriately serviced.
- Ensure that development is sympathetic to the heritage/character qualities of the town.
- Encourage major tourism uses or developments which are not dependent on a coastal location to develop within the main existing townships of Loch Sport and Port Albert.

Clause 22.02 – Rural Policy has recently been introduced to the Wellington Planning Scheme and provides clear guidance on land use and development within the Farming Zone, Rural Conservation Zone and Rural Activity Zone.

In particular the Clause highlights the key issues facing rural areas of the Shire including the wider economic impact of the fragmentation and loss of productive agricultural land and the problems caused by small lot subdivisions and houses in rural areas such as conflicting expectations, poor land management and demands for urban services.

Clause 22.02 includes the following objectives of relevance to this project:

- To protect agriculture and agricultural land from inappropriate encroachment by urban and non-production based rural land use and settlement.
- To discourage the creation of small lots on farming properties.
- To encourage the consolidation of farm lots for more efficient agricultural production.
- To discourage dwellings on small lots that do not support and comprise rural production activities and operations.

- To ensure that inappropriate small rural lot development does not occur in areas of environmental significance and sensitivity.
- To discourage subdivision which re-aligns boundaries, particularly in irrigated areas, for the purpose of creating small lots for housing purposes.
- To ensure that the infrastructure for getting water to agricultural land is not compromised.
- To discourage the use and development of agricultural land that would be incompatible with its sustainable use for ongoing agricultural production.

Decision guidelines are provided for housing as follows:

*The use and development of dwellings should be strongly discouraged unless it can be demonstrated that the dwelling is necessary for carrying out an economically viable and sustainable rural activity on the land, and where the sustainability of the agricultural resource is not threatened by the use of the land for housing.*

## 5.4 Strategic Planning Documents

There are a number of strategic planning documents which impact on this project and have, in some cases, led to planning scheme amendments, thereby altering the controls affecting the Port Albert area. Those of particular relevance to this project are detailed below.

### 5.4.1 Gippsland Regional Growth Plan 2013

The Gippsland Regional Growth Plan (RGP) provides broad direction for land use and development across the region with a long term view of the region to 2041 and beyond.

The RGP provides direction for accommodating growth and change including residential, employment, industrial, commercial, agriculture and other rural activities and also identifies which areas of land can accommodate growth and which are to be preserved. It is guided by principles which include to develop sustainable communities through a settlement framework comprising major urban centres that ensures residents have convenient access to jobs, services, infrastructure, and community facilities.

The RGP outlines that it is critical to protect and maintain Gippsland's strategic and productive agricultural land as it is essential for the continued growth of the food manufacturing sector in Victoria.

In relation to Port Albert the RGP identifies the key assets of the Port where commercial fishing is to be encouraged and the coal reserve to the north which is to be maintained. Port Albert is also identified as an historic place. The RGP seeks to reduce the impact of development on the high value area of Corner Inlet.

### 5.4.2 Gippsland Rural Areas Project (GRAP, 2007)

The GRAP provides a basis for a review of rural land uses and a model framework for the review and application of rural zones for Gippsland Councils. The GRAP recommends:

- Agricultural strategic importance be defined.
- Physical Land Units be identified.
- Rural Planning Policy Units be identified.
- A planning scheme amendment be prepared.

The GRAP provides assessment criteria for rural land reviews which includes:

- Settlement: housing trends, demographics, lot size and land use patterns, infrastructure.
- Agriculture: trends, land capability, agricultural quality, water availability, small lot/lifestyle farming.
- Regional Economy: agriculture, tourism, processing/manufacturing, plantations, sand extraction/mineral sands, coal, other value adding industries.
- Environment: native vegetation, fauna, water catchments, national/state parks, landscape values, sites of cultural significance, sites of European heritage significance, wildfire risk.
- Coastal Issues: landscapes, coastal pressures, infrastructure development.
- Mapping.
- Interface Issues.

inland to a low shrubland vegetation and then to a closed tea tree dominated scrub.

The Rural Zones Review itself included preparation of an *Environmental Investigation Report – Wonnangatta and Port Albert 2012*, which looked at land either side of the Old Port Foreshore Road in Port Albert. Whilst the report noted a high degree of disturbance in the vegetation on the northern side of the road it also identified:

*Properties south of Old Port Foreshore Road occur within an area of EVC 10 Estuarine Wetland with some smaller portions of Heathy Woodland. This area borders the marine and coastal park and have little sign of disturbance.*

The Rural Zones Review report provided criteria for implementing each of the four rural zones within the Shire which added to the GRAP principles (developed to guide the implementation of rural zones in Gippsland) and State Government Planning Practice Notes.

### 5.4.3 Rural Zones Review (2009)

Council's Rural Zones Review (2009) included descriptions of Planning Units and the rural areas, and sought to increase the recognition and protection of the agricultural base of the Shire by providing greater clarity and direction for use and development.

Planning Unit 8 – Coastal applies to this Study Area. This unit applies to land within the narrow primary dune system and associated lakes and lagoons at the western edge of the unit. It is a sensitive and fragile coastal sand dune environment and integral to the Ninety Mile Beach. The unit includes grassy vegetation on the foredunes which trends

## 6 The Rural Zones

The current suite of rural zones was introduced to the Victoria Planning Provisions in 2003 and 2004 via Amendments V22, 23 and 24.

Collectively, the zones:

- Recognise the state, regional and local importance of farming as an industry and provide greater protection for productive agricultural land.
- Provide a wide choice of zones with clear purposes and controls to match.
- Discourage ad hoc and incompatible use and development.
- Recognise the changing nature of farming and reduce the potential for conflict between farming and other land uses.
- Recognise that rural areas are places where people live and work.
- Recognise and protect rural areas that are environmentally sensitive.

The zones relevant to this study are:

- **Farming Zone (FZ)** – a zone that is strongly focussed on protecting and promoting farming and agriculture.
- **Rural Activity Zone (RAZ)** – a mixed use rural zone that caters for farming and other compatible land uses.
- **Rural Conservation Zone (RCZ)** – a conservation zone that caters for rural areas with special environmental characteristics.
- **Rural Living Zone (RLZ)** – a zone that caters for residential use in a local setting.

The rural zones replaced the following, now defunct zones:

- Rural Zone (RUZ)
- Environmental Rural Zone (ERZ)

The Rural Zone, which applied to most of the land in the Port Albert Hinterland prior to 2007, included the following purposes:

- To provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production).
- To encourage:
  - An integrated approach to land management.
  - Protection and creation of an effective rural infrastructure and land resource.
  - Improvement of existing agricultural techniques.
  - Protection and enhancement of the biodiversity of the area.
  - Value adding to agricultural products at source.
  - Promotion of economic development compatible with rural activities.
  - Development of new sustainable rural enterprises.
- To ensure that subdivision promotes effective land management practices and infrastructure provision.

The Rural Zone prohibited only a small number of uses (brothel, cinema and shop) whilst allowing all other uses subject to planning approval, including accommodation and retail premises.

The suite of rural zones was again reformed in September 2013 for the following reasons as identified in the State Government's Improved Rural Zones Fact Sheet:

- Support agriculture by making most agricultural uses ‘as of right’ in most zones instead of needing a planning permit.
- Respect the rights of farmers by removing permit requirements for farming related development such as netting and crop support structures.
- Provide flexibility for farmers by allowing for the sale of farm produce without the need for a planning permit and removing restrictions on the sale of processed produce. For example, an olive farmer can sell bottled olive oil to complement the sale of fresh olives.
- Facilitate business by removing the prohibitions on complementary business uses in some zones, such as landscape gardening supplies.
- Facilitate tourism uses by reducing or removing permit limitations relating to tourism uses. For example, a residential hotel would no longer be required to be in conjunction with an agricultural use. This will enable permits to be considered on their merits.
- Make some prohibited uses discretionary by, for example, allowing a proposal for a Primary or Secondary school to be considered. This reflects the Government’s election commitment to allow schools to be permitted in urban fringe and rural areas.
- Cut red tape for dwelling additions and farm outbuildings by increasing the permit exemption threshold for altering or extending an existing dwelling.
- Provide flexibility for future subdivision by encouraging councils to vary the inflexible 40 hectare minimum lot size in the Farming Zone to match local circumstances and by removing the limitation in all rural zones on future applications to subdivide a lot after an initial subdivision has been approved.

- Attract and retain population in rural Victoria by reducing the current default minimum lot size in the Rural Living Zone from eight hectares to two hectares.

Practice Note 42: Applying the Rural Zones provides an overview of each of the new rural zones as well as strategic guidance as to their proper use and application. (A complete copy of the practice note is contained at Appendix 1 of this report).

The following is a synopsis of the key features of each zone as relevant to this project.

## 6.1 Farming Zone

The Farming Zone is strongly focused on protecting and promoting farming and agriculture. It focuses on avoiding land uses that could limit future farming or constrain agricultural activities. The zone is essentially the only available zone for Victoria’s rural areas where the other zones do not or cannot reasonably be applied. As such the zone applies to a diverse range of rural areas and situations.

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

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

Key features of the zone include:

- Confirmation farming is the dominant land use and all other land uses are subordinate to farming.
- Farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment.
- Non-farm dwellings and land uses not related to farming may be considered but should not limit the operation and expansion of agricultural uses.
- It does not provide an “as of right” entitlement for a dwelling and dwellings must meet certain requirements. Planning permission is required for dwellings on lots smaller than the identified minimum size (generally 40 hectares / 100 acres).
- Uses not requiring a planning permit include: agriculture, cattle feedlots, dwelling, primary produce sales, rural industry and timber production. All these uses are subject to specific conditions. Uses which are subject to a planning permit include: broiler farm, caravan park, dwelling, group accommodation, industry, intensive animal husbandry, place of assembly, residential hotel and warehouse. Prohibited uses include accommodation, education centre, office and retail.
- Farm-related tourism and retailing uses may be considered.
- Decision guidelines need to be considered or met including: general land use compatibility issues, agricultural impacts,

dwelling issues, environmental issues, and design and siting issues. Uses that could lead to the loss or fragmentation of productive agricultural land, or which could be adversely affected by farming activities, are prohibited.

- Land subdivision that could take farmland out of production or limit future farming productivity is discouraged.
- The minimum lot size for subdivision may be tailored to suit the farming practices and productivity of the land.
- Productive agricultural land generally has one or more of the following characteristics: suitable soil type; suitable climatic conditions; suitable agricultural infrastructure, in particular irrigation and drainage systems; and a present pattern of subdivision favourable for sustainable agricultural production.

The Farming Zone should be applied to rural areas where:

- Farmers require certainty about undertaking normal farming practices and need the flexibility to change farming practices in the future.
- Farming is the principal activity in the area and the protection of productive farmland is of primary strategic importance.
- The farmland is of state, regional or local significance in terms of agricultural production or employment.
- The farmland has physical attributes that are scarce or essential to sustaining particular agricultural activities.
- Pressures to use and develop land for non-farming purposes pose a significant threat to the supply and productivity of farmland in the area.
- The scale, nature and intensity of farming uses in the area have the potential to significantly impact upon sensitive land uses, such as housing.

- The efficient and effective use of agricultural infrastructure will be maximised.

The minimum subdivision size in the Farming Zone is 40 hectares.

### 6.1.1 Changes to the Farming Zone

The Farming Zone had originally been developed in 2004 to replace the Rural Zone and place more emphasis on the protection of agriculture in Victoria. The State Government in September 2013 altered the Farming Zone in response to concerns that the original control was too restrictive.

The recently updated Farming Zone is different to that in place prior to September 2013 for the following reasons:

- It promotes the retention of employment and population to support existing rural communities.
- It reduces the restrictions for alterations and extensions to dwellings and farm buildings.
- It removes the dwelling decision guideline: *Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.*

The changes to the zone allow a number of uses to now occur (subject to planning approval) than in the previous version of the Farming Zone, which replaced the more lenient Rural Zone. This includes tourism type uses such as “camping and caravan parks”.

Despite the recent changes to the zone, it is important to recognise Clause 22.02 – Rural Policy of the Wellington Planning Scheme applies to land within the Farming Zone. This Clause recognises the importance of agriculture to the Shire’s economy and that the fragmentation and loss of productive agricultural land from production will diminish the value of the Shire’s agricultural sector.

The Clause also identifies the issues which can arise from houses in rural areas and includes in its objectives *to protect agricultural land from inappropriate encroachment by urban and non-production based rural land use and settlement and to discourage dwellings on small lots that do not support and comprise rural production activities and operations.*

### 6.2 Rural Activity Zone

The Rural Activity Zone is a mixed use rural zone that caters for farming and other compatible land uses. The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.*
- *To ensure that use and development does not adversely affect surrounding land uses.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The main features of the Rural Activity Zone are:

- To support the continuation and growth of farming but provide the opportunity for non-farming uses to be considered in appropriate locations.
- Support a wide range of tourism, commercial and retail uses.
- Farming uses are encouraged to establish and expand, subject to proper safeguards for the environment and amenity considerations.
- A planning permit is always required to use land for a dwelling. However the zone should not be mistaken for a quasi rural residential zone.

The Rural Activity Zone is designed to be applied to precincts and rural areas where:

- Farming is an important activity in the area but the planning objectives identified for the land support the establishment of other land uses.
- A mixed-use function would support farming activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure.

- The use of land in the area for non-farming purposes would not compromise the long term productivity for surrounding farmland.
- Appropriate buffers can be provided between different land uses so that land use conflicts are avoided.
- The Planning Authority has developed a clear policy about how discretion in the zone will be exercised.

In Wellington Shire the minimum subdivision size for the RAZ is generally 40 hectares.

An example of the use of the Rural Activity Zone is within the municipalities of Campaspe and Moira where it has been applied to protect the rural character of the Murray River Corridor. Agricultural activities within this Corridor are recognised and protected, however there is also a promotion of rural based tourism land uses and activities. The use of the zone is supported by an accompanying local planning policy which provides direction on how discretion should be used in the corridor.

### 6.3 Rural Conservation Zone

The Rural Conservation Zone caters for rural areas with special environmental characteristics and serves to protect and conserve rural land for these characteristics. The conservation values of the land must be identified in the schedule to the zone and could be historic, archaeological, landscape, ecological, cultural or scientific values. In this zone: all uses are subordinate to the environmental values of the land; farming is allowed provided that it is consistent with the environmental values of the area; and the minimum lot size for

subdivision is tailored to suit the environmental features and values of the land. The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.*
- *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.*
- *To provide for appropriate resource based uses.*

The Rural Conservation Zone is designed to be applied to rural areas where:

- The protection of the environmental features of the land is of primary strategic importance including, for example, native vegetation, flora and fauna, significant habitats, or they could relate to the visual qualities of the land.
- The environmental features of the land are scarce and strict controls are required to prevent the further loss or decline of those features.
- Land use and development could directly or indirectly threaten the environmental values of the land and strict controls are required to manage this.

In Wellington Shire the minimum subdivision size for the RCZ is generally 40 hectares with areas affected by the ESO1 – Coastal and Gippsland Lakes Environs being 100 hectares.

#### 6.4 Rural Living Zone

The Rural Living Zone caters for residential use in a rural setting and generally includes lots large enough to accommodate a dwelling and a farming use with the farming use not necessarily required as a significant household income source. The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The Rural Living Zone is designed to be applied to areas where:

- The rural land has a mainly residential function.
- Farming may take place on the land but this is subordinate to the residential use.
- Residents require certainty about the residential amenity of the area and are protected from potentially incompatible land uses.
- Farming is of a nature or scale that will not conflict with housing.
- A wider range of tourism, commercial and retail uses may be considered.

In Wellington Shire the minimum subdivision size of the zone varies from the standard 2 hectares through the use of schedules identifying minimums between 0.4 hectares and 4 hectares. The Schedules currently used in Wellington include 0.4 hectares as the minimum area for which no permit is required to use land for a dwelling.

## 6.5 Original Application of the New Rural Zones to Port Albert

In considering potential zoning changes in Port Albert to allow for additional rural lifestyle opportunities, it is important to be cognisant of the recent history of rural zone changes in the locality and the associated consequences these amendments had.

The application of the new rural zones to Port Albert originally took place in 2007. The State Government initiated Amendment C43 to the Wellington Planning Scheme which saw the translation of land in the RUZ and ERZ directly to the FZ and RCZ respectively.

The amendment was considered important to provide a stronger focus on the protection of productive agricultural land and environmentally significant areas from urban development and associated land use conflicts.

A number of Port Albert residents, however, contested Amendment C43. Residents took specific issue with the FZ, arguing it was applied incorrectly to areas that are clearly unsuitable for farming either due to land size, vegetation cover, soil quality, or a combination thereof. Furthermore, residents asserted that they could no longer build a house on their property, leaving them with land that they can neither farm nor live on.

It is important to note that Amendment C43 took place prior to Council having undertaken a strategic review of rural land to guide the application of the new zones. This strategic analysis was later taken up as part of Amendment C55 in 2009 which sought to introduce the *Rural Zones Review* to the planning scheme.

Whilst C55 introduced new planning policy to the scheme to increase the recognition and protection of rural land, it did not result in further changes to zoning in or around Port Albert.

Amendment C55 was also contested by residents of Port Albert. The Panel considering C55 noted that many of the issues raised by residents in fact related to the application of the FZ via Amendment C43.

Significantly, the Panel agreed that there were indeed some properties within Port Albert which were clearly unable to be farmed as per the purpose and objectives of the FZ. As such, it recommended that:

*Council proceed with review of rural residential lot opportunities in Port Albert and surrounding areas in the 2013/2014 strategic planning work program and resolves to rezone land in this area for its most appropriate use, whether that be for rural/residential living, farming or conservation values.*

The Port Albert Rural Lifestyle Lots Study is a direct response to this recommendation. The balance of this report is dedicated to an assessment of rural living opportunities and associated zoning changes.

## 7 Assessment of Rural Living Opportunities

The purpose of this study is to investigate the potential opportunities to provide additional rural lifestyle living lots within the Port Albert Hinterland. This is to be done in the context of the strategic role of the area, the demographic projections for the area, agricultural productivity considerations and physical constraints to the Study Area.

The previous sections of this report have outlined a low demand for growth in Port Albert and the Study Area. Given the low growth projections and the significant number of dwellings for sale in the Study Area, including in the town of Port Albert, rezoning to provide significantly more land for rural residential development cannot be justified. It is acknowledged the community desire is for additional rural residential development; however this must be tempered against the identified needs for growth in the area.

The Port Albert area is to the immediate south of both highly productive agricultural land, and State recognised coal reserves. Whilst the Port Albert Hinterland is not used for traditional types of agriculture as those to the immediate north, parts are utilised for agriculture at a smaller or more intensive scale. As such, the Study Area has a role in the overall agricultural productivity of the region, including a role in preventing incompatible land uses from impacting on traditional farming land to the north. It is important that these farmlands are protected and retained for farming uses into the future. This can best be achieved by retaining the Farming Zone in the Hinterland where possible.

The Farming Zone is no longer as restrictive as it was prior to changes in September 2013, and it now recognises the need to retain

populations in rural Victoria. These changes make the application of the Farming Zone more relevant for areas such as the Study Area. Wellington Shire's recent inclusion of a new Rural Policy at Clause 22.02 of the Planning Scheme provides additional guidance on use and development in the rural areas which balances the need to protect the role of farming in the Shire with the State Government changes to the Farming Zone controls.

Rural residential development is guided by the Practice Notes outlined earlier in this report. These Notes clearly state rural residential development should not be located in areas where there are significant environmental constraints.

### 7.1 Guiding Principles and Preferred Strategic Directions

Given the range of issues raised by the local community, the following set of key principles and preferred strategic directions were established, and 'ground proofed' as part of the community consultation process, to guide future land use and development recommendations forming part of this study.

- Retain Port Albert's role as a small coastal town with significant heritage built form in Wellington Shire.
- Retain high quality agricultural land within the Hinterland.
- Responsibly recognise the environmental features and constraints for the area including levels of inundation (mainly tidal or drainage related), potential fire risk, coastal wetlands and vegetation cover.
- Recognise the existing assets available before creating new opportunities for dwellings and population growth – in relation to existing dwelling supply and vacant lots.

- Protect existing levels of vegetation cover and landscape characteristics.
- Recognise the town’s fishing village and seasonal role and the varying demands on infrastructure throughout the year.
- Recognise community desires for growth within the context of existing demographic trends.
- Recognise of the requirements and guidelines with Practice Note 37 and Practice Note 42 regarding the appropriateness of rural residential land and the application of the rural zones.
- Consider the GRAP assessment criteria (2007): settlement, agriculture, regional economy, environment, coastal issues, mapping and interface issues\*.

*\*The GRAP was discussed in further detail in Section 5.4.2 of this report.*

During consultation sessions, the possibility of applying the Rural Living Zone to land with access to the existing road network was raised. As indicated previously, Port Albert has a limited existing road network meaning many of the lots are not physically accessible via roads. Whilst access is a key criteria in determining appropriate locations for rural residential development it is not the only criteria. The designation of land for rural living purposes should also consider the environmental characteristics of the land, the surrounding agricultural context and the strategic justification for such a designation. Given the constraints affecting the Study Area from an environmental perspective, and the need to preserve agricultural land in the surrounding environs, the use of such a singular focussed measure would be inappropriate. As such this has not been included in the guiding principles for consideration of rural living.

## 7.2 Rural Residential Development and Port Albert

Port Albert as a coastal town plays a specific role in the hierarchy of settlements within Wellington Shire. This role is as a small town providing for coastal lifestyle. There is currently no formal rural residential development within the Port Albert area, however the existing subdivision pattern of small farming zone lots has led to informal rural residential development occurring, particularly near the edges of the two residential areas of Port Albert and Langsborough.

Port Albert’s role is also guided by the area’s context in terms of agriculture and resources in the surrounding environs. Its proximity to significant coal reserves, sensitive marine parks and highly productive agricultural land requires sensitive land use and development outcomes.

The provision of additional rural residential development should also be viewed in the context of projected growth and demand. Port Albert is not anticipated to experience a significant amount of growth in the foreseeable future. The Regional Growth Plan for Gippsland directs population growth to the larger towns, such as Sale, where services and facilities are provided and can be readily accessed. As such, it is unlikely substantial amounts of additional rural residential land will be required in the long term.

## 7.3 Implications of Policy Context

The policy context outlined in previous sections of this report has significant implications for this project, and has heavily influenced the Guiding Principles above. In particular this policy context requires:

- Protection of productive agricultural land within the region through the retention of existing farming zone land where

appropriate and the avoidance of further fragmentation and loss from subdivision and inappropriate housing development.

- Application of the rural zones in line with the purposes of each zone and in recognition of the characteristics and use of the land and in the context of strategy.
- Recognition of the importance of agriculture to Gippsland.
- Respect for the constraints that land places on development and the need to prevent additional risk to life and the environment.
- Activation of the economy through appropriate use of zoning and overlay controls.
- Provision of land for a range of purposes including farming and residential/rural residential development in line with anticipated demand across the municipality.

#### 7.4 Precinct Analysis

The Port Albert Study Area comprises a high degree of variability in its landscape character, land use and planning controls. As such it is considered more effective to analyse the area in specific precincts than as one whole.

The Study Area has been divided into a total of nine (9) precincts as shown in Figure 12 below, whilst Figure 13 shows the precincts on an aerial base of the Study Area. Each precinct is described and analysed in the following sections. Figures 14 to 17 show the planning controls relating to the precincts including zones, overlays, road access and tree cover.

The division of the Study Area into these nine precincts to determine zoning recommendations is consistent with the Rural Zones Practice Note which focuses on areas rather than individual lots and land parcels.

The Precincts have been determined based on assessment of both the planning controls that apply to the land and onsite assessment of the land including land use, vegetation cover and access constraints. All the precincts are currently zoned Farming.

The Precincts have been analysed in consideration of the principles outlined above. As required by the State Government, the Practice Notes have provided a key contribution to the analysis.

When considering the application of the rural zones and in particular the Rural Living Zone it is important to remain aware of the purposes of each of the rural zones and the directions for their application in the context of planning for rural areas. In particular it is important to note the Rural Living Zone is the most appropriate zone for residential uses in a rural setting and that it should be applied to areas where:

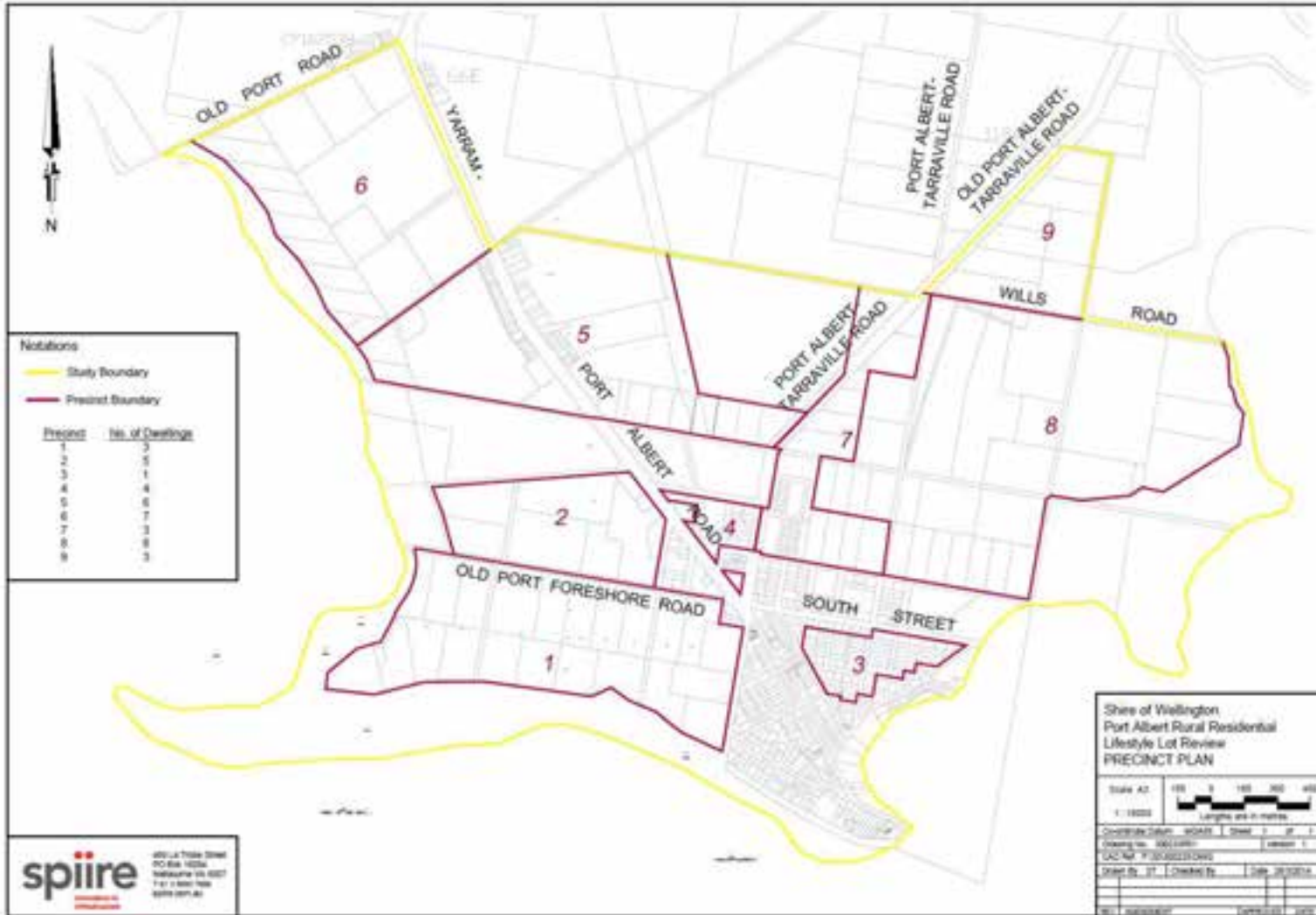
- The rural land has a mainly residential function.
- Farming may take place on the land but this is subordinate to the residential use.
- Residents require certainty about the residential amenity of the area and are protected from potentially incompatible land uses.
- Farming is of a nature or scale that will not conflict with housing.
- A wider range of tourism, commercial and retail uses may be considered.

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- Land is not considered to be productive agricultural land nor is in a special water supply catchment.
- Development will not have an adverse impact on the environment, native vegetation and biodiversity.
- Land is not overly constrained by environmental features including flood and bushfire risk.
- The land can be provided with certain community infrastructure and services normally expected for residential areas. This

- includes appropriate levels of land capability, access to formed and constructed roads, ability for adequate water and wastewater systems.
- Land is not within 500 metres of a national park or marine park or in close proximity to public land of environmental significance.



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Figure 12 Precinct Breakdown of the Study Area



Figure 13 Precincts and Aerial Image



Figure 14 Precincts and Zones

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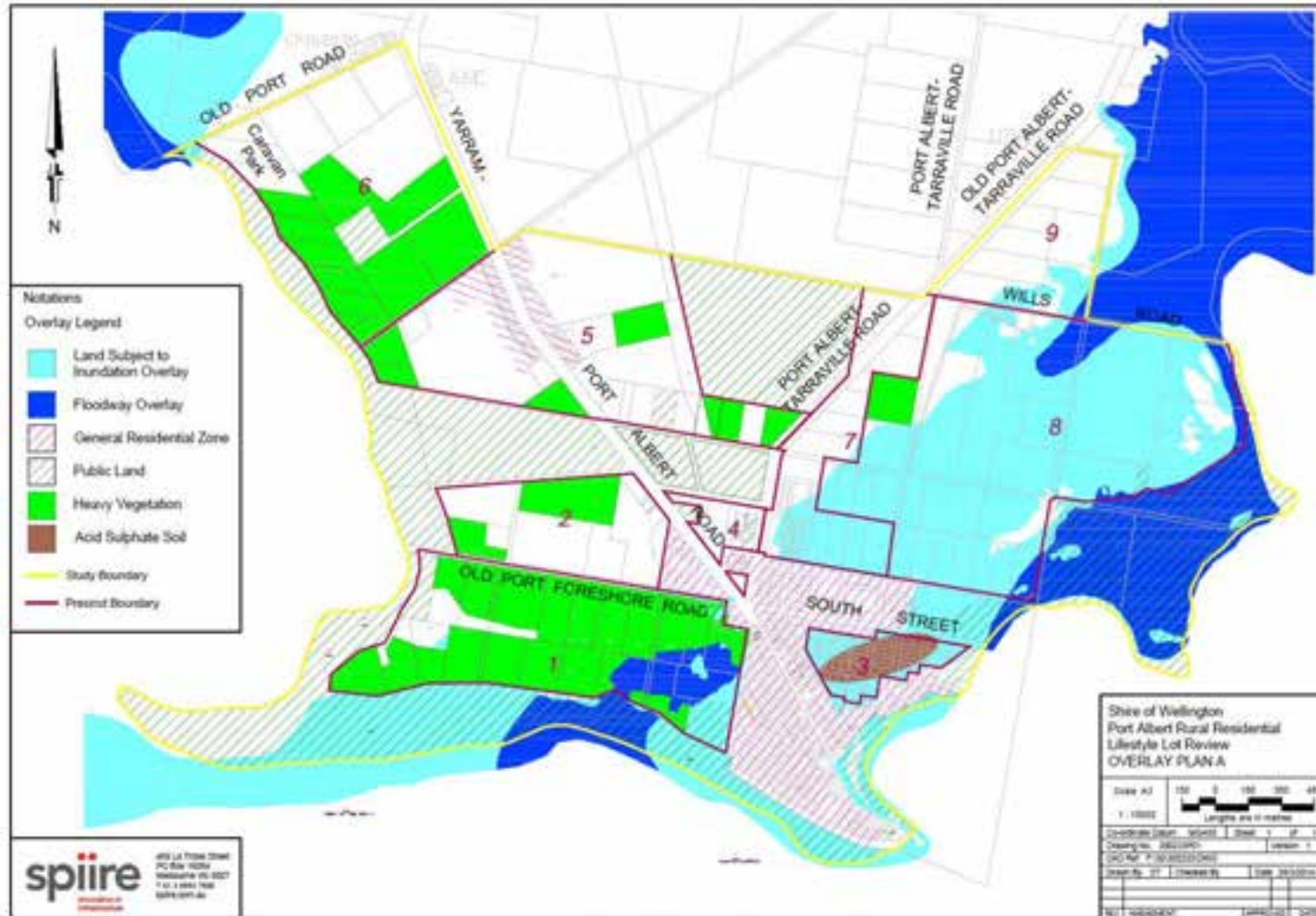


Figure 15 Precincts and Overlays

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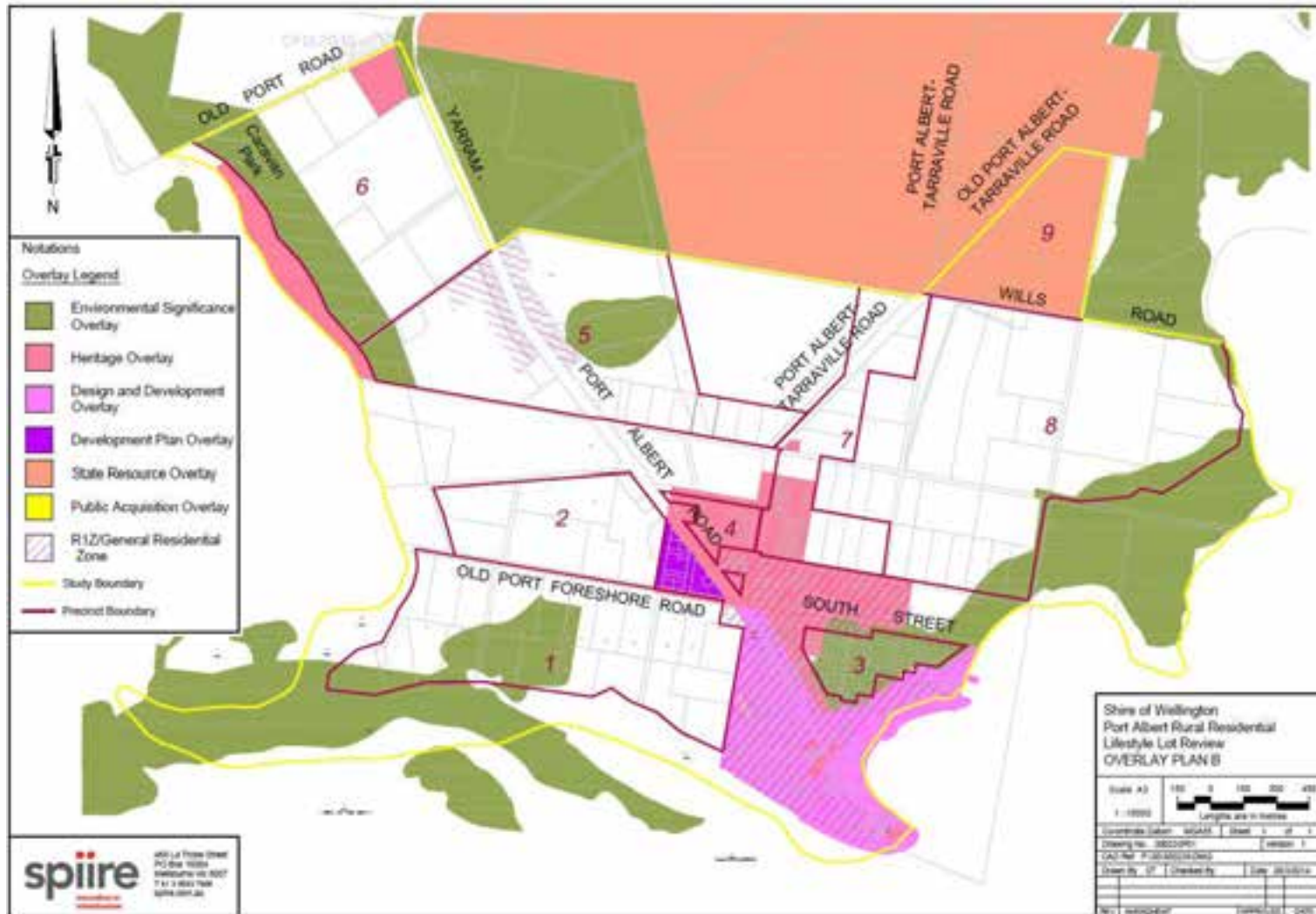


Figure 16 Precincts and Overlays

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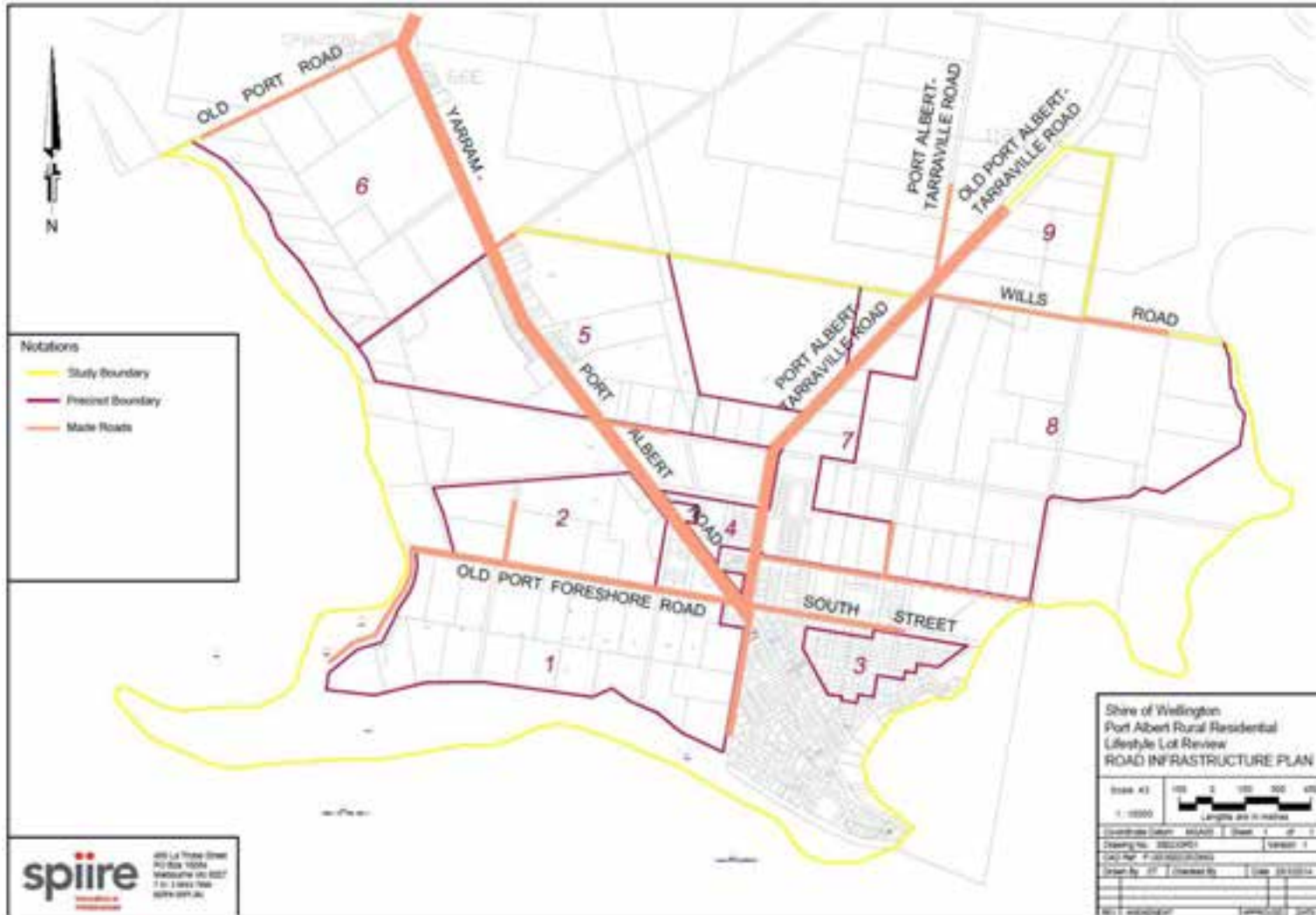


Figure 17 Precincts and Road Network

### 7.4.1 Precinct 1

Land to the south of Old Port Foreshore Road, west of West Boundary Road.



The southern portion of Precinct 1 is affected by the LSIO and FO, reflecting its position on the edge of the marine park and its wetland nature. The ESO2: Wetlands also applies to the southern and eastern edges of the Precinct.

There are 20 lots within the Precinct with an average lot size of 3.8 hectares. Lots are generally rectangular in shape and orientated in a north-south direction. The land is heavily vegetation with only a few (3) dwellings evident. Access is via the Old Port Foreshore Road. One allotment is utilised for native plant growing and cabin style accommodation.

Vegetation in the Precinct is classified as within the coastal woodland vegetation EVC and a mix of remnant and exotic vegetation. When the location of this remnant vegetation is considered in the context of the neighbouring marine park means it is valuable and requires protection. The high levels and density of vegetation restrict the ability to build dwellings in the Precinct. This is verified in Council's Environmental Assessment Report undertaken in line with the recommendations of the Rural Zones Review.

**Farming Zone Lot Areas**

LOT MIX TABLE

LOT SIZE RANGE	NUMBER OF LOTS	AVERAGE LOT AREA	PERCENTAGE OF TOTAL
TOTAL NUMBER OF LOTS:	20	AVERAGE: 38762m <sup>2</sup>	
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	1	AVERAGE: 3240m <sup>2</sup>	5%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 10000m <sup>2</sup> (2ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	12	AVERAGE: 38556.3m <sup>2</sup>	60%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	7	AVERAGE: 44117.1m <sup>2</sup>	30%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%

**Recommendation:**

Investigate rezoning Precinct 1 to the Rural Conservation Zone in recognition of its biodiversity and environmental values. This would assist in protecting these values from further degradation and would provide for land uses and development consistent with the environmental and landscape values. Schedule 1 to the Rural Conservation Zone is proposed, this has a minimum subdivision size of 40 hectares or 100 hectares on land where the ESO1 – Coastal and Gippsland Lakes Environs.

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The majority of Precinct 1, including lots with frontage to Old Port Foreshore Road is within approximately 500 metres of the marine park. In line with the Practice Note on applying the rural zones, it would not be appropriate to rezone this area to the Rural Living Zone due to this proximity.

**Recommendation: Investigate rezoning Precinct 1 to Rural Conservation Zone – Schedule 1.**

### 7.4.2 Precinct 2

Land to the north of Old Port Foreshore Road, west of the Yarram Port Albert Road and south of the Old Rifle Range public land.



Precinct 2 is located to the north of Old Port Foreshore Road and consists of eight lots with an average size of 4.75 hectares with the smallest lot being 4,000m<sup>2</sup> (1 acre). Five of the eight lots are already developed with dwellings.

The precinct is vegetated mainly with *Xanthorrhoea* plants and other vegetation forms. The vegetation is considered to be within the Heathy Woodlands EVC and of Least Concern status wise. No overlays affected the site.

The land use is predominantly rural residential with little agricultural activity occurring on the site.

Farming Zone Lot Areas			
LOT MIX TABLE			
TOTAL NUMBER OF LOTS :	8	AVERAGE: 47563.8m <sup>2</sup>	
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 6440m <sup>2</sup>	12.5%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	1	AVERAGE: 10810m <sup>2</sup>	12.5%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	1	AVERAGE: 35550m <sup>2</sup>	12.5%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	3	AVERAGE: 54676.7m <sup>2</sup>	37.5%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	2	AVERAGE: 60840m <sup>2</sup>	25%

#### Recommendation:

Given the area is already significantly developed for rural residential development and there is little opportunity for agricultural activity to occur on the site due to tree cover it is appropriate for Precinct 2 to be rezoned to the Rural Living Zone. This change would essentially recognise the existing residential development levels of the Precinct, and the residential zoning and development of land to the immediate east. It is likely the provision of this area of the Hinterland for rural residential development will meet the projected demand for growth. Schedule 2 to the Rural Living Zone is proposed, this has a minimum subdivision size of 2 hectares and dwellings can be built without a planning permit on land over 0.4 hectares). This will potentially enable further subdivision in this precinct.

**Recommendation: Rezone Precinct 2 to Rural Living Zone – Schedule 2 to facilitate rural residential development.**

### 7.4.3 Precinct 3

Land to the immediate east and south east of the Port Albert residential area.



This area is undeveloped with only one dwelling constructed. There are approximately 75 individual allotments in the Precinct with an average size of almost 1,600m<sup>2</sup>. The land is swampy with wetland type vegetation and limited road access. The land is affected by the Land Subject to Inundation Overlay and the Environmental Significance Overlay – Schedule 1: Coastal and Gippsland Lakes Environs and Schedule 2: Wetlands.

The area is subject to Coastal Acid Sulphate Soils, possibly in connection with the wetlands around Port Albert. As noted in the Regional Growth Plan for Gippsland these soils should remain undisturbed to prevent serious impacts on infrastructure and human health that can result from their mismanagement.

The area should not be further developed without detailed consideration of the impact on the environment.

**Farming Zone Lot Areas**

LOT MIX TABLE

Lot Area Range	Number of Lots	Average Area (m <sup>2</sup> )	Percentage
TOTAL NUMBER OF LOTS	75	AVERAGE: 1593.5m <sup>2</sup>	
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	4	AVERAGE: 873.3m <sup>2</sup>	5.3%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	57	AVERAGE: 1500.6m <sup>2</sup>	76%
LOTS 2022m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	14	AVERAGE: 2145.9m <sup>2</sup>	18.7%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%

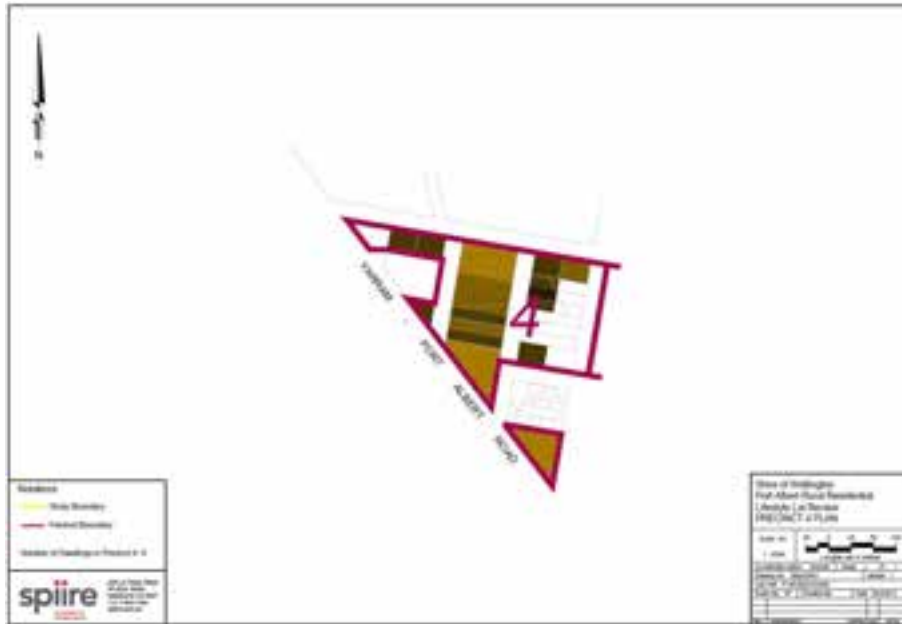
**Recommendation:**

Investigate rezoning Precinct 3 to the Rural Conservation Zone in recognition of the environmental constraints affecting the Precinct. This would prevent inappropriate development which could impact on the characteristics and function of the wetlands and would disturb the Coastal Acid Sulphate Soils. Schedule 1 to the Rural Conservation Zone is proposed, this has a minimum subdivision size of 40 hectares or 100 hectares on land where the ESO1 – Coastal and Gippsland Lakes Environs.

**Recommendation: Investigate rezoning Precinct 3 to Rural Conservation Zone – Schedule 1.**

**7.4.4 Precinct 4**

Land to the immediate north of the round-about between Yarram Port Albert Road and Lawrence Street.



Precinct 4 is located to the immediate north of the main roundabout in the Study Area, between areas of public land. The Precinct comprises 17 relatively small lots with an average size of 2,500m<sup>2</sup> (approximately half an acre). The size of these lots is more closely related to low density residential allotments than farming land, however only four of the lots appear to be developed with dwellings.

The area is within Precinct 4 of the Design and Development Overlay – Schedule 9: Port Albert and Palmerston (DDO9-4). One lot, 22 Fitzroy Street, is affected by an individual heritage overlay HO28.

The inclusion of the area within the Port Albert/Palmerston DDO indicates that it is seen as connected to the existing residential areas.

Note: Council has previously agreed to rezone land at 180 Yarram-Port Albert Road to the General Residential Zone as it is surrounded by residential land.

**Farming Zone Lot Areas**

LOT MIX TABLE

LOT SIZE RANGE	NUMBER OF LOTS	AVERAGE SIZE (m <sup>2</sup> )	PERCENTAGE
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	1	AVERAGE: 807m <sup>2</sup>	5.9%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	9	AVERAGE: 1689.3m <sup>2</sup>	52.9%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	4	AVERAGE: 2533.3m <sup>2</sup>	23.5%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	3	AVERAGE: 5634m <sup>2</sup>	17.6%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%
<b>TOTAL</b>	<b>17</b>	<b>AVERAGE: 2543.3m<sup>2</sup></b>	

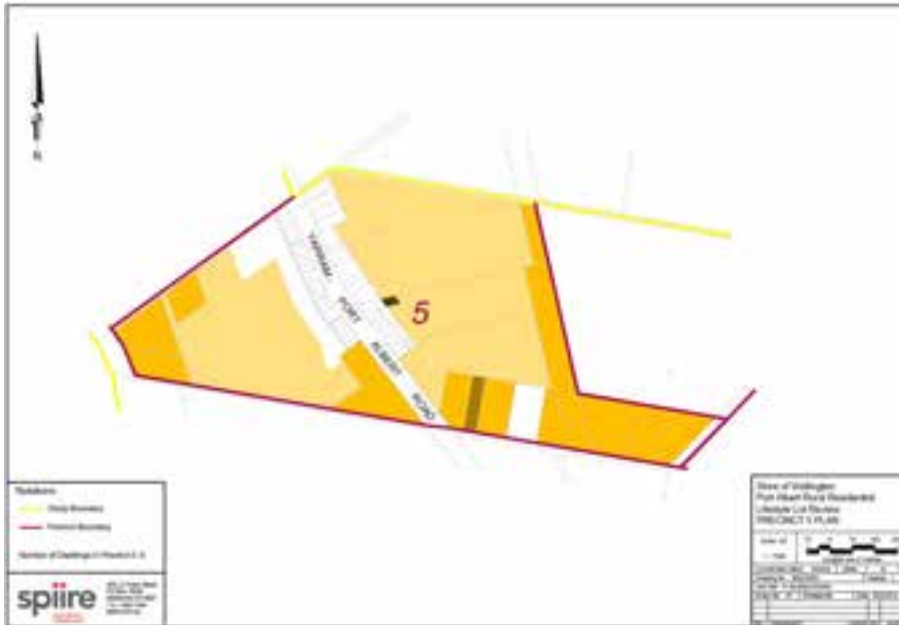
**Recommendation:**

Precinct 4 is essentially a rural residential area and should be considered for application of the Low Density Residential Zone in recognition of its existing development level. This reflects the area's location on the edge of the Port Albert township area and the existing lot pattern which is predominantly over 1,500 square metres. The Low Density Residential Zone has a minimum subdivision size of 0.2 hectares where land is sewered and 0.4 hectares where land is unsewered. 180 Yarram-Port Albert Road should be rezoned General Residential Zone as agreed with Council based on its location.

**Recommendation: Rezone Precinct 4 to Low Density Residential Zone with the exception of 180 Yarram-Port Albert Road which will be rezoned General Residential Zone.**

### 7.4.5 Precinct 5

Land either side of the Langsborough residential area generally between Kilgowers Road and Valeska Street.



Precinct 5 is the land to the east and west of the Landsborough town area. There are 20 lots within the Farming Zone area of the Precinct with an average land size of 4 hectares. The majority of the lots are between 1 hectare and 2 hectares in size. There are currently six dwellings within the Farming Zone lots.









Most of the area is not affected by overlays, however two lots on the western edge of the area are affected by the ESO1 and HO35.

There are a number of anomalies within the Precinct in relation to the application of zones in that land is partly affected by two zoning controls (residential zone and farming zone controls). This includes land at 68 Yarram-Port Albert Road, 86 Yarram-Port Albert Road and land to the rear of the lots along the western side of Yarram-Port Albert Road (Lot 2, LP95313).

Vegetation in the precinct is relatively dispersed with the exception of land on the western and southern edges.

**Farming Zone Lot Areas**

LOT MIX TABLE

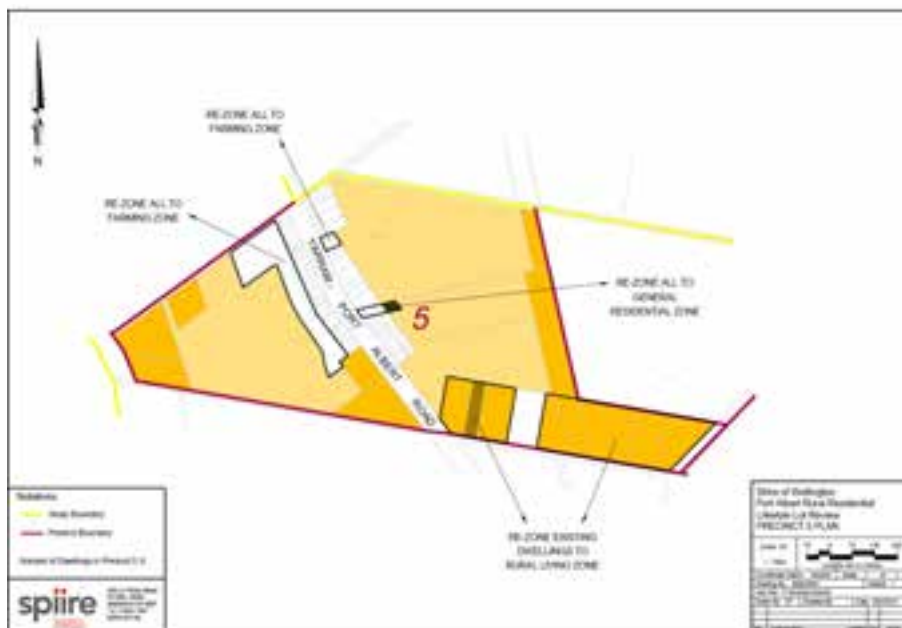
TOTAL NUMBER OF LOTS:		20	AVERAGE: 4000m <sup>2</sup>
	LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	1	AVERAGE: 1500m <sup>2</sup> 5%
	LOTS 2023m <sup>2</sup> (1/2 acre) TO 4044m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 8020m <sup>2</sup> 5%
	LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	11	AVERAGE: 16499.2m <sup>2</sup> 55%
	LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	3	AVERAGE: 29670m <sup>2</sup> 15%
	LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	1	AVERAGE: 69200m <sup>2</sup> 5%
	LOTS 80000m <sup>2</sup> (8ha) AND GREATER	3	AVERAGE: 15563.3m <sup>2</sup> 15%

Land along the northern side of Kilgowers Road is mainly developed for rural residential dwellings. Access to these lots and Kilgowers Road is provided from the Yarram-Port Albert Road.

**Recommendation:**

Given the anomalies that exist in the area it is recommended that the following changes are made to rectify these issues in Precinct 5:

- Rezone the front portion of 68 Yarram-Port Albert Road to the Farming Zone to recognise it is part of a larger farm land holding. The owner of the site specifically requested this land not be rezoned to rural living.
- Rezone the back portion of 86 Yarram-Port Albert Road to the General Residential Zone to ensure the whole site is within one zone.
- Further investigate rezoning the portion of Lot 2, LP95313 from the General Residential Zone to the Farming zone, to prevent further development of this area and to ensure it is in one zone.
- Rezone land along the northern side of Kilgower Road to the Rural Living Zone –Schedule 2 in recognition of the existing development levels and their location on the edge of Langsborough.



**Recommendation: Rezone particular lots within Precinct 5 to resolve anomalies and rezone land along Kilgowers Road to Rural Living Zone – Schedule 2 to facilitate rural residential development.**

### 7.4.6 Precinct 6

Land south of Old Port Road to the west of Yarram Port Albert Road.



Precinct 6 is an area with both rural residential development and extensive and dense vegetation. There are 16 lots within the Precinct with an average size of 5.4 hectares. There are seven dwellings in the precinct in addition to the caravan park located at the end of Old Port Road.

Most of the area is not affected by overlays. However, the lots along the western edge are affected by the Schedule 1 to the Environmental Significance Overlay (ESO1) and the six southern most of these lots are also affected by the H035. In addition, H022 affects the corner lot at 19 Old Port Road and the edge of this lot and the adjoining intersection are also affected by the Schedule 2 to the Environmental Significance Overlay (ESO2). The eastern portion of this area contains vegetation within the endangered Riparian Scrubs Ecological Vegetation Class (EVC).









The recent changes to the Farming Zone to allow a greater range of uses, in addition to the existing use rights provisions in the Wellington Planning Scheme will provide ample recognition and support for the existing caravan park in precinct 6. However, Council should consider including a map of the Port Albert-Langborough area and directions regarding development within their Coastal Areas Strategic Framework at Clause 21.12.

Whilst the Farming Zone could be retained at the caravan park site, in response to community concerns regarding adequate policy and planning support for the operation of the caravan park, Council could investigate applying the Rural Activity Zone on a site specific basis.

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19 Old Port Road – ESO2 could be extended here.

Farming Zone Lot Areas			
LOT MIX TABLE			
TOTAL NUMBER OF LOTS		16	AVERAGE: 5361.3m <sup>2</sup>
	LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 6640m <sup>2</sup> 6.3%
	LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	1	AVERAGE: 12270m <sup>2</sup> 6.3%
	LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	8	AVERAGE: 26302.5m <sup>2</sup> 50%
	LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	4	AVERAGE: 67062.5m <sup>2</sup> 25%
	LOTS 80000m <sup>2</sup> (8ha) AND GREATER	2	AVERAGE: 172400m <sup>2</sup> 12.5%

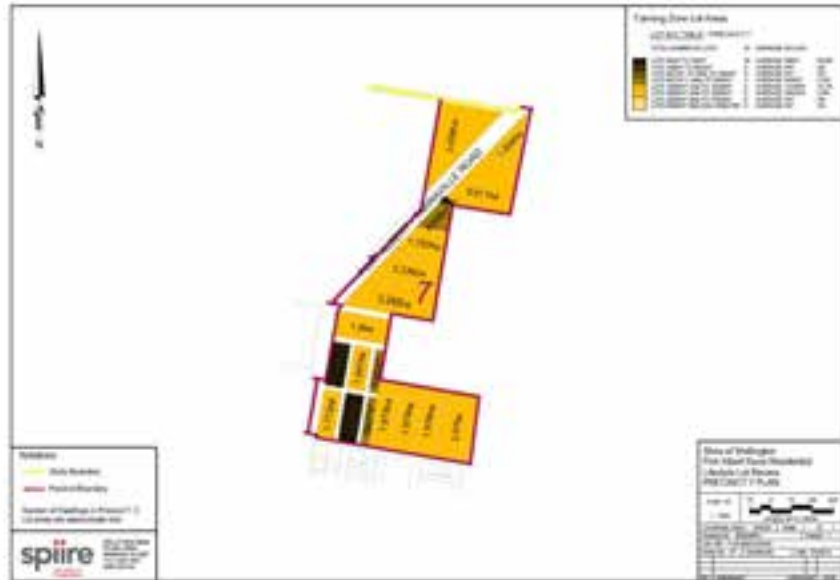
**Recommendation:**

Given the significant levels of vegetation in this Precinct it is recommended Precinct 6 remain within the Farming Zone. The recent changes to the Farming Zone will ensure any further development of the caravan park is permissible and it is therefore appropriate to leave this land use within the current zone. Consideration of extending the Environmental Significance Overlay in this area to reflect the presence of vegetation within an endangered EVC should be made.

**Recommendation: Retain Precinct 6 in the Farming Zone. Investigate extending the Environmental Significance Overlay Schedule 2 to land at 19 Old Port Road. Investigate applying the Rural Activity Zone on a site specific basis to the caravan park.**

**7.4.7 Precinct 7**

Land to the north of Gibson Street, west of the Albany Street alignment and generally on the eastern side of the Port Albert Tarraville Road and accessible by road.











Precinct 7 is at the edge of the original Palmerston subdivision area. It comprises a total of 51 allotments with 35 of these located in the south western corner and each less than 1000 square metres. All the remaining lots are between 0.4 and 4 hectares in size.

The southern portion is mostly affected by the LSIO in reference to the inundation potential of this area. The West Gippsland Catchment Management Authority (WGCMA) has indicated all of the Precinct would be inundate at 2100 sea levels. As such they would not support any change to zoning in this area.

The small lot subdivision area in south west corner is affected by the DDO9-4 in recognition of its more residential lot size.

The area is relatively un-developed with only three dwellings, these are mainly located along the northern side of Gibson Street and along the Tarraville Road. The area has limited levels of vegetation and many of the lots have unmade road access.

Farming Zone Lot Areas			
LOT MIX TABLE - PRECINCT 7			
TOTAL NUMBER OF LOTS :		51	AVERAGE: 6512.5m <sup>2</sup>
	LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	35	AVERAGE: 656m <sup>2</sup> 68.6%
	LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	3	AVERAGE: 6495m <sup>2</sup> 5.9%
	LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	6	AVERAGE: 16190m <sup>2</sup> 15.7%
	LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	5	AVERAGE: 32034m <sup>2</sup> 9.8%
	LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
	LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup> 0%

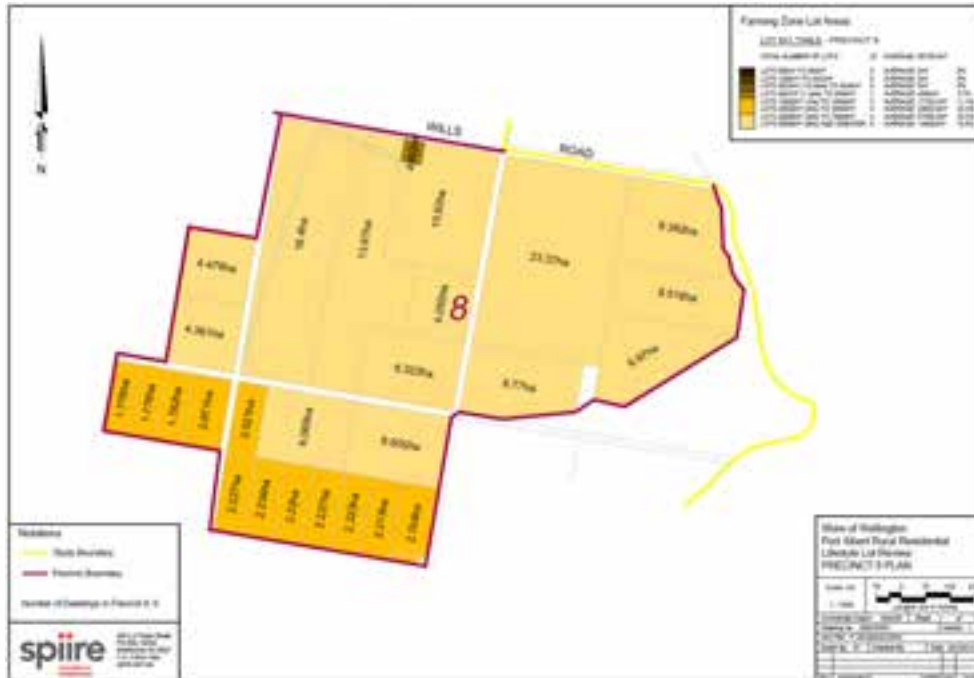
**Recommendation:**

Retain Precinct 7 (land to the west of Port Albert-Tarraville Road – CA91 B, Parish Alberton West and land fronting Gibson Street) within the Farming Zone due to its constraints including existing inundation and lack of road access. Precinct 7's characteristics and lack of vegetation make it more appropriate for low levels of agricultural production to occur. The existing inundation levels along Gibson Street pose access issues in a flood event, making it unsafe to encourage rural residential development in this part of Port Albert. Future inundation levels modelled by the WGCMA show the whole precinct is likely to be inundated in the future to some degree, which makes it inappropriate to rezone to the Rural Living Zone.

**Recommendation: Retain land in Precinct 7 in the Farming Zone to reflect existing constraints.**

### 7.4.8 Precinct 8

Land to the north of the Gibson Street alignment, between Albany Street and the bay.



Precinct 8 comprises 27 lots and has quite a large average at 5.7 hectares with most of the lots over 2 hectares in size. Only six of the lots are developed with dwellings. Many of the land parcels have no physical road access.

The Precinct's location on the edge of the bay is recognised through the application of a number of overlays including the LSIO which affects almost all of the area with the eastern edge also affected by the FO and ESO2.

The Precinct is quite swampy and has only a few areas which are highly vegetated. The lack of significant vegetation and the larger lot sizes make this Precinct more suited to farming activity than other areas in the Study Area.

It is not appropriate to rezone land on the eastern side of Albany Street due to greater difficulties with road access and physical constraints.

**Farming Zone Lot Areas**

**LOT MIX TABLE - PRECINCT 8**

TOTAL NUMBER OF LOTS :	27	AVERAGE: 56758.6m <sup>2</sup>
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 4992m <sup>2</sup> 3.7%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	3	AVERAGE: 17793.3m <sup>2</sup> 11.1%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	9	AVERAGE: 23055.6m <sup>2</sup> 33.3%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	9	AVERAGE: 57956.9m <sup>2</sup> 33.3%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	5	AVERAGE: 148924m <sup>2</sup> 18.5%

**Recommendation:**

Retain Precinct 8 in the Farming Zone in recognition of the significant environmental constraints, including inundation, and the potential for agricultural activity to occur.

**Recommendation: Retain Precinct 8 in the Farming Zone.**

**7.4.9 Precinct 9**

Land to the north of Wills Road and east of the Port Albert Tarraville Road.



Precinct 9 is at the north eastern edge of the Study Area and comprise seven lots with an average size of 3.8 hectares. Three of the lots have dwellings. Road access is available along the Tarraville Road.

The whole precinct is affected by the State Resources Overlay – Schedule 1: Gippsland Brown Coalfields. It is also partly covered by the Land Subject to Inundation Overlay (LSIO).

Farming Zone Lot Areas			
LOT MIX TABLE			
TOTAL NUMBER OF LOTS:		7	AVERAGE: 38641.4m <sup>2</sup>
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	3	AVERAGE: 28723.3m <sup>2</sup>	42.9%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	4	AVERAGE: 46080m <sup>2</sup>	57.1%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%

**Recommendation:**

Given the need to protect this land due to its identification in the Regional Growth Plan for coal resources and the constraints placed on development due to the land's inundation levels, it would be inappropriate to rezone the land in Precinct 9 from the Farming Zone.

**Recommendation: Retain Precinct 9 in the Farming Zone**



## 7.5 Implications of the Recommendations

Recommendations from this report propose to rezone land in the Study Area as follows:

### Rezone land to the Rural Living Zone:

- Precinct 2
- Precinct 5 (part)

### Investigate rezoning land to the Rural Conservation Zone:

- Precinct 1
- Precinct 3

### Other changes to zones and overlays:

- Precinct 4 – LDRZ
- Precinct 6 – apply the ESO to one lot; investigate applying the Rural Activity Zone to the caravan park

### No changes to zones and overlays:

- Precinct 5 (part)
- Precinct 6
- Precinct 7
- Precinct 8
- Precinct 9

### 7.5.1 Rezone land to the Rural Living Zone

The land proposed to be rezoned to the Rural Living Zone – Schedule 2 will provide ample land for rural residential development within the Port Albert Study Area. The areas proposed for rezoning have existing levels of rural residential development and are relatively free from environmental and infrastructure constraints.

The total area to be rezoned to the Rural Living Zone is 66.6 hectares.

It is proposed to utilise Schedule 2 to the Rural Living Zone for all rural residential areas in Precincts 2 and Precinct 5. This existing schedule has a minimum subdivision size of two hectares and minimum area for which no permit is required to use land for a dwelling size of 0.4 hectares (1 acre). This schedule best reflects the intended small lot rural residential outcomes desired by the Port Albert community, as well as the existing subdivision pattern of the Precincts, particularly Precinct 5. Given the existing subdivision and land use patterns, it is noted the proposed controls will only allow for dwellings where there is no existing dwelling and generally further subdivision, with the exception of some lots in Precinct 2, will not be possible.

The use of this Schedule in these three precincts will ensure that only lots within Precinct 2 will be able to be further subdivided. This subdivision potential is approximately 10 additional lots. In all, the future rural residential supply in the Port Albert Hinterland would be 28 lots in the Rural Living Zone and the construction of up to 17 additional dwellings.

### 7.5.2 Investigate rezoning land to the Rural Conservation Zone

It is proposed to investigate the rezoning of Precinct 1 and Precinct 3 to the Rural Conservation Zone (RCZ) in recognition of their environmental values and the resulting inability to farm much of the precincts.

The RCZ seeks to conserve environmental values, protect and enhance the natural resources and biodiversity whilst encouraging sustainable development and land use.

A range of uses are permissible in the RCZ. Uses that are prohibited include accommodation facilities such as hotels, abattoirs, child care centres, industry, intensive animal husbandry, retail, places of assembly, warehouse and office. Like the FZ, the RCZ allows for group accommodation, subject to planning approval. This is similar to the RLZ which requires planning approval for accommodation uses (a slightly broader definition than group accommodation). This ensures the existing tourism use within Precinct 1 can continue to operate and grow.

In recommending investigating the application of the RCZ in Precincts 1 and 3, it is noted recent panel reports into the application of this zone provide further guidance on the justification for this change. The recent Loddon Planning Scheme Amendment C36 Panel Report dealt with the implementation of the RCZ to a number of precincts considered to be of environmental significance and with limited prospects for agriculture. The Panel noted:

*The Panel considers that rezoning to RCZ requires rigorous justification. In most cases, we conclude that this justification was present, except for two properties that are parts of larger agricultural enterprises, and should be retained in the FZ.*

It is noted much of the submission content in the Loddon amendment related to the impacts on existing agricultural uses occurring in the area.

Land in Precinct 1 is not used, and in its current form cannot be used, for agricultural activities. Further its environmental values were previously identified in Aecom's *Environmental Investigation Report – Wonnangatta and Port Albert 2012* which concluded:

*Properties south of Old Port Foreshore Road occur within an area of EVC 10 Estuarine Wetland with some smaller portions of Heathy Woodland. This area borders the marine and coastal park and have little sign of disturbance. Consideration in the future should be given to applying the Rural Conservation Zone as part of an overall study of zoning in the area.*

With its vegetation relatively undisturbed, and its immediate proximity to the wetlands, the precinct forms a vital environmental buffer between more disturbed areas to the north and neighbouring areas of greater environmental significance to the south.

The RCZ is designed for application to areas where the recognition and protection of the environmental features are most important, and where specific controls are required to prevent further loss or threats to these values. It is a more appropriate fit to this precinct than its current Farming Zone.

As such, this report supports rezoning the land in Precinct 1 to RCZ, for the following reasons:

- The RCZ better reflects the existing conditions and environmental values of the precinct.
- The RCZ better recognises the importance of the area in its role as a buffer to more significant wetlands.

- The RCZ requires a stringent environmental assessment of opportunities to use and develop land, including identification of appropriate land management practices and plans.
- Given the environmental values of this precinct, it is unlikely the area will be cleared to allow for agricultural or farming activities.
- A recently completed study also identified the environmental features of the precinct as worthy of recognition and protection under a RCZ.

Whilst this report considers there to be adequate support for the RCZ, Council may wish to consider undertaking a more detailed and up to date assessment of vegetation condition to complement the 2012 Aecom Report prior to rezoning the land to provide additional justification for the change. As such, the recommendation for Precinct 1 is to investigate application of the RCZ.

For Precinct 3, this report suggests further detailed assessment into the environmental values and constraints be undertaken prior to rezoning land to the RCZ. The scope of this investigation did not include detailed environmental assessments.

### 7.5.3 Retain land in the Farming Zone

It is proposed to retain the Farming Zone in all of Precincts 6, 7, 8 and 9 and in parts of Precinct 5. The Farming Zone is the most appropriate zone for these areas due to the land uses existing in the area coupled with the existing constraints and the policy directions for protecting agriculture in Gippsland.

The changes to the Farming Zone in September 2013 by the State Government make this zone more appropriate for use as a general zone in rural areas. A greater range of uses is now permissible with Council approval, and the focus of the zone has shifted to promote the retention of rural populations as well as protecting land for and promoting agriculture.

These changes are particularly relevant in considering the appropriate zoning control for Precinct 6 where the Caravan Park is located. As part of the changes the use “camping and caravan park” has been brought back into as a permissible use in the Farming Zone. Coupled with the existing use rights available to this land use, the zone changes make it appropriate to retain the land in the Farming Zone. However, as noted, Council could investigate applying the Rural Activity Zone to the caravan park on a site specific basis to respond to community concerns.

To assist in directing discretion in the Farming Zone, Rural Activity Zone and Rural Conservation Zone, Council relies on Clause 22.02 – Rural Policy of their local planning policies. This policy focuses on protecting agriculture and areas of environmental sensitivities in the long term. This direction for land in the Port Albert Hinterland can be complemented through the provision of additional policy for Port Albert at Clause 21.12 – Coastal Areas Strategic Frameworks.

### 7.5.4 Proposed Minimum Lot Sizes

The following minimum lot sizes are recommended for each precinct:

Table 6 Proposed minimum lot sizes

Precinct	Proposed Zone and Schedule	Minimum Subdivision Size	Minimum area for which no permit is required to use land for a dwelling.
1	Investigate rezoning to RCZ Schedule 1	40 hectares or 100 hectares in ESO1	n/a
2	Rezone to RLZ Schedule 2	2 hectares	0.4 hectares
3	Investigate rezoning to RCZ Schedule 1	40 hectares or 100 hectares in ESO1	n/a
4	Rezone to LDRZ	0.4 hectares if not connected to sewerage	n/a
5	Rezone part to RLZ Schedule 2	2 hectares	0.4 hectares
6	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)

7	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)
8	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)
9	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)

The recommendations in this Report include rezoning land within Precincts 1, 2, 3, 4 and 5. Rural Zones are proposed for these precincts with the exception of Precinct 4 (LDRZ is included in the residential suite of zones) and each of these zones can utilise a schedule to specify the minimum subdivision size and the size of land for which a planning permit is not required for the use of land for a dwelling.

As discussed above, it is proposed to utilise Schedule 2 to the Rural Living Zone in the Hinterland, Precinct 2 and parts of Precinct 5.

In relation to Precincts 1 and 3 the Rural Conservation Zone, Schedule 1 is recommended to be investigated. This Schedule has a minimum subdivision size of 40 hectares for all land, other than land in the ESO1 which has a minimum subdivision size of 100 hectares. We note however, that the existing lot sizes are significantly smaller than the minimum specified in the schedule, and therefore further subdivision will not be possible. Regardless of lot size, planning approval will be required to use and develop land for a dwelling, and each application will be assessed as per the provisions of the Zone.

### 7.5.5 Potential Lot and Dwelling Yield Comparisons

Potential lot and dwelling yield has been calculated based on the assumption of rezoning land as outlined in the Table in Section 3 above.

Whilst the community survey indicated a preference for smaller lots of 0.4 hectare (1 acre) in size, this lot size has not been recommended as it is generally considered inadequate for wastewater treatment systems and would result in significant levels of land supply in Port Albert. Further, the size of 0.4 hectares is akin to town sized residential allotments, not rural living lots as is the focus of this study.

As the 2 hectare size is the most appropriate to respond to the environmental and physical attributes of the lots, and to provide supply for the anticipated demand for rural residential lots, it has been used to calculate an anticipated lot yield. Based on the current subdivision sizes, using the recommendations of the Report, it is anticipated an additional 10 lots could be yielded. This is in addition to the existing lots, which are also specified in the table below.

As the table also demonstrates, there are a number of vacant lots for which there is potential for the use and development of a dwelling, subject to planning approval.



Table 7 Potential lot and dwelling yields

Precinct	Proposed Zone and Schedule	Min Subdivision Size	No. of Existing Lots**	Additional Lot Yield	No. of Existing Dwellings	Potential new Dwellings ***
2	Rezone to RLZ 2	2 hectares	8	10	5	13
5	Rezone part to RLZ 2	2 hectares	20 (8 RLZ and 12 FZ)	0 - all RLZ lots less than 4 ha	7	4
<b>Totals</b>			<b>28</b>	<b>10</b>	<b>12</b>	<b>17</b>

\*\* Includes all existing lots, including those with dwellings, and those which are inaccessible, have high vegetation cover and other such constraints.

\*\*\* The potential for new dwellings is approximate only and makes some assumptions as to the likelihood of the lots being developed with dwellings, including accessibility/lack of physical road access, high vegetation cover and planning controls. New dwellings will generally be subject to Council approval.

It is anticipated 10 additional lots could be yielded, and when combined with the existing lots, this results in a supply of 38 rural lifestyle lots. When adopting the current take up rate of one dwelling per year, this provides a supply for 38 years. When adopting a take up rate of 2 dwellings per year, this provides a 19 year supply.

Potentially a more realistic approach for supply would be to review the potential new dwellings. This has taken into consideration factors such as accessibility (ready availability of a road frontage/connection), vegetation cover and the like. Subject to meeting the requirements of the planning scheme, and obtaining planning approval, there could be a potential for 17 new dwellings, representing a supply for 17 years if the take of 1 dwelling per year was adopted. If two dwellings per year were taken up, this would equate to 8 years of supply, providing a significant contribution to the supply of rural lifestyle lots across the whole of the Wellington Shire.



## 8 Report Summary

The purpose of the Port Albert Rural Residential Lifestyle Lots Review Project was to review rural living opportunities for the coastal township of Port Albert. Specifically, this study seeks to:

- Determine the current supply of, and likely future demand for rural lifestyle lots in the Study Area.
- Identify any physical opportunities and constraints on the provision of additional rural living lots.
- Identify any specific sites for potential rezoning and associated planning scheme changes.

Overall, this report finds that there is some scope to provide further rural living opportunities within and around Port Albert whilst considering the constraints of the area. This finding is based on the following key considerations:

- The significant supply of standard town lots within the area for sale or development and the high proportion of existing dwellings which are already used for holiday homes rather than permanent homes.
- A low level of anticipated population growth for the Study Area, at approximately 2 persons per annum.
- Low projected demand for rural living lots based on demographics and growth projections.
- The extent of existing significant vegetation coverage within the area, including identified Ecological Vegetation Classes (EVCs), some of which is classified as endangered.
- The extent of fire risk due to the significant density of vegetation on both public and private land.

- The extent of potential flooding and inundation risk within the area, drainage constraints as well as the potential for increased tidal inundation.
- The ability to appropriately and sustainably service additional rural residential land due to the limited physical infrastructure within the Hinterland.
- The location of parts of the Study Area to the immediate south of land within the State Resource Overlay in recognition of its valuable coal.
- The close proximity of parts of the Study Area to land utilised for significant levels of agricultural production including dairy farms and timber harvesting.
- The location at the edge of Ramsar Convention listed and significant coastal wetland areas.
- Prevalence of small lot and undeveloped subdivisions.

There are a number of specific areas which could reasonably be rezoned to accommodate additional rural living opportunities. This study also finds that, as identified by the local community, there are a number of zoning anomalies in the area that ought to be rectified to ensure proper land use planning.

The report identifies that whilst there are clear constraints to growth and development for rural residential purposes in the Port Albert Hinterland, the community has concerns with the current application of planning controls. In particular the community has outlined that it perceives the area as not appropriate for farming activities and consider it could benefit from a revised application of zoning controls to encourage development and growth in the townships.

The report also highlights the implications of the State and Local Government Policy Context on which any review of planning controls must rely. This context includes strategic documents, existing planning policy and State Government directions on the application of the rural zones and the provision of rural residential development. The report confirms the implications of this context for this Port Albert project include:

- Protection of productive agricultural land within the region through the retention of existing farming zone land where appropriate and the avoidance of further fragmentation and loss from subdivision and inappropriate housing development.
- Application of the rural zones in line with the purposes of each zone and in recognition of the characteristics and use of the land and in the context of strategy.
- Recognition of the importance of agriculture to Gippsland.
- Respect for the constraints that land places on development and the need to prevent additional risk to life and the environment.
- Activation of the economy through appropriate use of zoning and overlay controls which would foster additional economic development and increased population levels.
- Provision of land for a range of purposes including farming and residential/rural residential development in line with anticipated demand across the municipality.

This in effect means there is little justification to rezone significant areas of the Hinterland for rural residential purposes due to the limited demand, significant environmental constraints, servicing implications and need to protect agricultural land.

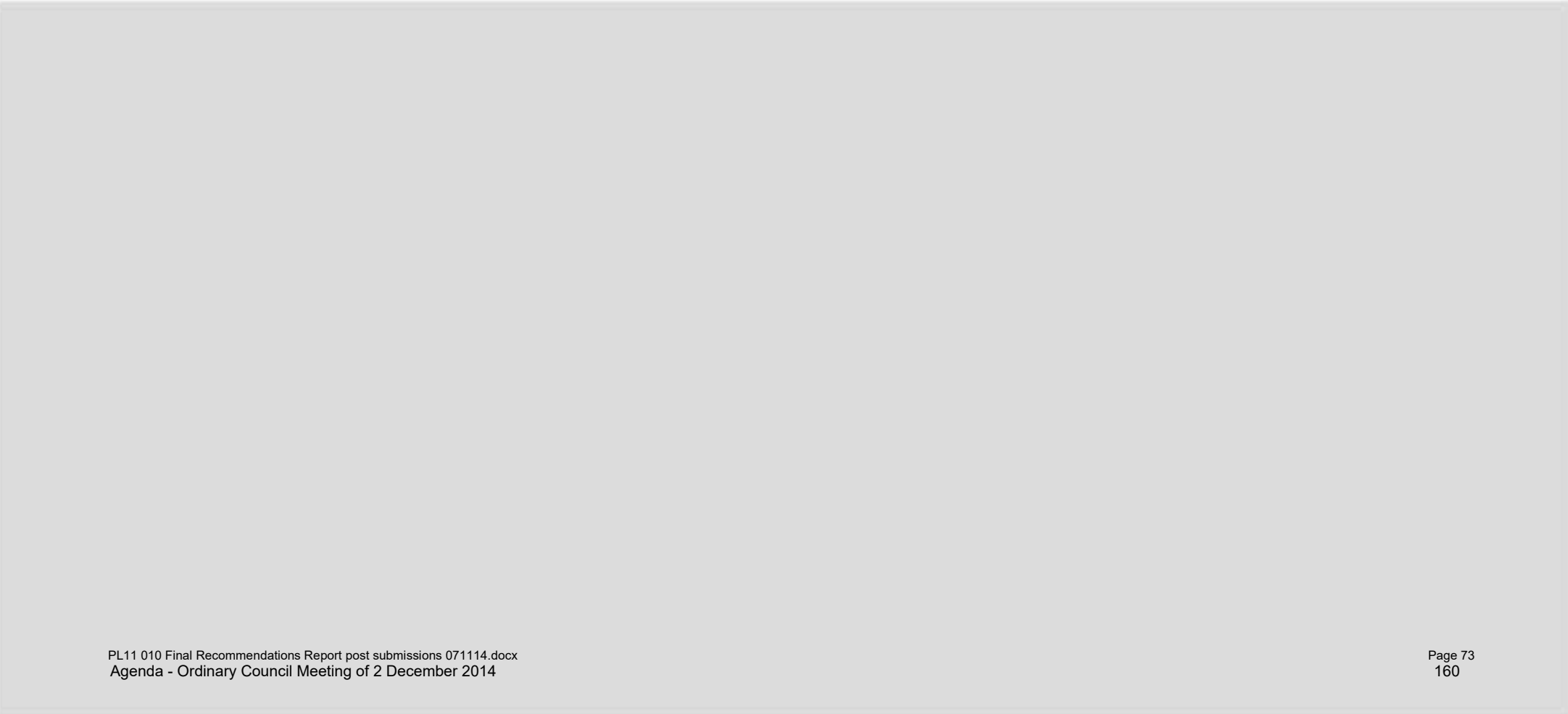
In summary this report recommends changes to the zones applying in five of nine precincts within the Study Area. This equates to changes predominantly located around the edges of the Port Albert and Langsborough settlements.

The recommendations only propose to apply the Rural Living Zone to Precinct 2 and parts of Precinct 5, with the application of other zones including the Rural Conservation Zone (Precincts 1 and 3, following further detailed investigations) proposed for the other precincts. The eastern and northern portions of the Study Area are to remain within the Farming Zone, reflecting the constraints which affect the land and the potential for agricultural production.

The proposed changes to the zones will release significant areas of land for rural residential development in three precincts which are already partially developed for these uses whilst currently located within the Farming Zone. This will more than cater for the projected population growth and demand for rural residential development in the Port Albert Hinterland.



**APPENDIX 1    PRACTICE NOTES**



# Rural Residential Development

The purpose of this practice note is to provide guidance when planning for, or assessing proposals for rural residential use and development.

## What is 'rural residential' development?

Rural residential development refers to land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Some agriculture may take place on the land however it will be ancillary to the use for a dwelling. It is likely to be carried on for 'lifestyle' reasons and is unlikely to provide a significant source of household income. Rural residential land is typically also used for non-agricultural home occupations or for large gardens. These lots are larger than typical residential lots, but are usually too small for agricultural use.

Because of its primarily residential function, rural residential development requires access to most of the normal services and infrastructure provided in urban settlements. Typically it also generates urban residential amenity expectations.

The zones usually applied to rural residential land are:

- **The Low Density Residential Zone (LDRZ)** is a 'residential' zone. It specifies a lot size of at least 0.4 hectares in areas where reticulated sewerage is not connected or 0.2 hectares for each lot connected to reticulated sewerage. A different lot size can be specified in a schedule to the zone.
- **The Rural Living Zone (RLZ)** is a 'rural' zone. It specifies a lot size of at least 2 hectares and provides opportunities for some rural uses to occur. A different lot size can be specified in a schedule to the zone.
- **The Green Wedge A Zone (GWAZ)** is a 'rural' zone. It provides for lot sizes of 8 hectares and above. It applies to non-urban land outside the Urban Growth Boundary to protect and recognise the area's agricultural, environmental, historic, landscape, infrastructure, natural resource and rural living attributes.

Limited residential development can occur in other rural zones, but generally, land proposed for rural residential development should be included in the Low Density Residential Zone or the Rural Living Zone.

### Farm dwellings

Farm workers and their families may need to live in farm dwellings, close to stock, crops or plants that require regular supervision. Farm dwellings that are genuinely required to support an agricultural use are not a form of rural residential development.

### Small lot agriculture

High value crops, such as grapes, olives, flowers, fruit or tobacco, can be cultivated on small lots. Some intensive agricultural uses can also take place on small lots. Dwellings on these lots will normally be farm dwellings. However, new small lot agriculture proposals need to be considered carefully, to ensure that they do not become unplanned rural residential development.

## Why does rural residential development require special consideration?

The planning scheme should ensure that reasonable opportunities are found for rural residential development, as part of providing for housing diversity and choice.

However, rural residential development can have environmental, social and economic costs that are significantly higher than those of standard residential development.

Land use conflicts between agricultural activities and the amenity expectations of rural residential dwellers should be minimised. Significant impacts to primary production or to the environmental or cultural values of a rural area should be avoided. Finite and valuable natural resources present on the land should not be lost.

The local environment and landscape should have the capacity to absorb more intensive use and development without significant or irreversible harm to its values or to the new use and development. Demand for costly or inefficient community services or infrastructure should not be generated.

These considerations mean that the following broad questions should be answered in sequence:

- **Strategy:** Does rural residential development align with the overall strategic planning of the municipality?
- **Housing need:** How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?
- **Location:** Where should new rural residential development take place?
- **Subdivision and design:** Is the new rural residential development subdivided and designed in an attractive setting offering high amenity and efficient infrastructure?

These broad questions should be taken into account when considering a proposed amendment.

Generally, final detailed subdivision and design matters can be considered as part of the permit application process.

All proposals must be accompanied by a site and context description.

## Site and context description

The site analysis should document the opportunities and constraints of the site in terms of landform, vegetation coverage and surrounding land uses and an explanation of how the proposal responds to the site analysis.

A site analysis should include where relevant:

- topography of the land (including ridgelines, landscape, geography, slope gradients and erosion areas)
- road access
- fire hazard

- land liable to inundation by floodwaters
- drainage lines and dams
- any significant environmental features including habitat corridors, threatened species, wetlands and watercourses
- vegetation category (scattered or patch, extent, risk status and ecological vegetation class), quality (habitat hectare assessment) and location
- waterway values
- land degradation (for example, salinity), land stability (land slip) or other erosion related hazards
- soil capability
- soil contamination with regard to past uses of the land
- views
- weather conditions including wind patterns
- available infrastructure including power, water and telecommunications
- existing buildings and works
- adjoining land uses and neighbouring buildings and works
- any other matter relevant to the site and its environment.

## Strategy

### **Does rural residential development fit into the overall strategic directions and planning of the municipality?**

It is important to consider a proposal for rural residential development as part of the broader strategic context.

A proposal for rural residential development must be considered against the state, regional and local strategic planning policies and objectives for the area.

These include:

- The State Planning Policy Framework (SPPF) and the need to protect

agricultural land and natural resources and the encouragement of urban consolidation

- Regional plans such as Plan Melbourne and the Regional Growth Plans
- other regional planning and land management strategies such as the Great Ocean Road Region Strategy 2004, the Victorian Coastal Strategy (as revised), Coastal Spaces Recommendations Report 2006, regional catchment management strategies and regional waterway strategies.

The objectives and strategies in the Municipal Strategic Statement (MSS), and any adopted land use strategy such as a housing strategy or rural land use strategy. A rural residential development should be capable of broad strategic support across all relevant policy areas.

## Housing need

How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?

A planning authority must be able to show that a rural residential rezoning is part of its strategy to provide appropriate housing for forecast increases in population and changes in household structure and composition.

A rural residential rezoning must be supported with evidence that the proposed use and development supports and implements the housing needs of the municipality as identified in the MSS. This includes understanding the demographic and housing needs of the area and likely future trends.

The Department of Transport, Planning and Local Infrastructure (DTPLI) provides useful demographic analysis such as 'Regional Victoria – Trends and Prospects', 'Towns in Time' 'Regional Matters – An Atlas of Regional Victoria' and related interim and updated population projections.

Generally, the municipal area will form the best and simplest area on which to base the analysis of local housing need. However if there are several service catchments in one municipality, smaller strategy areas might be appropriate.

A local housing analysis should:

- identify demographic trends, including changes in household structure and composition
- identify housing market trends, including dwelling type
- identify projected population and household increases and housing needs over a 10 year period for the area
- identify the number and types of additional houses required including the proportion of new housing that would be in the form of rural residential development

- What is council's projected population for the next 10 years?
- How many new households will be required?
- Given the existing number of dwellings, how many additional dwellings will be required to meet population and household projections?
- How many of these additional dwellings will be in the form of rural residential?

It is important to demonstrate that the proposed rural residential development meets the housing needs of the municipality and takes into account the need to maintain housing choice and diversity including a realistic mix of lot sizes.

## Location

Having established that there is a basic need for additional rural residential development to serve strategic objectives, an appropriate site or sites must be identified. Alternatively, it must be determined whether specific sites brought forward by private proponents are appropriate. A broad range of location-specific criteria provides a framework for identifying land suitable for rural residential development and eliminating unsuitable land from further consideration.

## Integration with existing urban areas

Rural residential development must be planned to show how it relates to, or is supported by, existing urban development.

It must not impede the proper long-term growth of an urban area based on fully serviced residential development at normal urban densities. Where there is an adopted settlement strategy (such as a local structure plan), it is clearly preferable that rural residential development should not compromise its implementation.

Where there is no adopted settlement strategy, or it is proposed that an existing strategy be changed, the likely future growth and structure of the urban area, based on analysis of physical and social infrastructure and service provision must be considered.

Rural residential development is inappropriate on land that is suitable and required for present or future residential use at usual urban densities. For example, if a town has limited supplies of development land at urban densities, but has unused town water and waste water treatment capacity, land that can easily be served by this infrastructure should normally be considered first as a candidate for development at urban densities.

## Protection of natural resources

The protection of natural resources is a State Planning Policy and is of fundamental importance to local and state economies. It is important to ensure that the location of rural residential use and development does not prejudice the long-term availability and management of Victoria's natural resources, of land, water, energy, wind, stone and minerals.

Rural residential development is not appropriate on land that:

- is productive agricultural land
- is in a special water supply catchment area under the *Catchment and Land Protection Act 1994*
- has identified potential to be used for commercial forestry
- has identified potential for mineral and stone production
- is close to a major industrial facility such as a gas plant or wind energy facility.

Productive agricultural land generally has one or more of the following characteristics:

- a present pattern of subdivision favourable for sustainable agricultural production
- can be used for a variety of agricultural pursuits
- suitable soil type
- suitable climatic conditions
- suitable water supply
- suitable agricultural infrastructure, in particular irrigation and drainage systems.

Issues such as tenure and infrastructure may change to support agricultural use in the future.

The proposal must include an assessment of the locality's natural resources, the impact of the proposal on these resources and the measures to be taken to protect the resources, including a description of:

- agricultural quality
- geology
- earth and energy resources (as governed by the *Mineral Resources (Sustainable Development) Act 1990*)
- soil types
- water resources (including groundwater).

Land resource information and various land capability studies are available for parts of Victoria.

Check with State government departments such as DTPLI, the Department of Environment and Primary Industries, the Department of State Development, Business and Innovation (Energy & Earth Resources Division) and with Catchment Management Authorities and councils about what information is available.

If the proposal is to use agricultural land, the SPPF requires consideration of the following issues:

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

## Protection of environmental areas and biodiversity

Rural residential development should be located in areas to avoid or minimise any adverse impact on the environment, native vegetation and biodiversity.

Where a proposal affects native vegetation, consideration must be given to *Permitted clearing of native vegetation – Biodiversity assessment guidelines, September 2013*.

The document sets out how impacts on Victoria's biodiversity are assessed when a planning permit application is made to remove native vegetation.

Consideration should also be given to the likelihood of whether a planning permit would be granted under Clause 52.17 of the planning scheme for the removal of native vegetation.

The proposal must include an assessment of the locality's environmental features and how these features could affect, or be affected by, rural residential development. The assessment of the environmental features must include native vegetation, significant wildlife and associated habitat or corridors, and any other biodiversity assets. Natural physical features including topography, slope, waterways, drainage lines and wetlands must also be identified.

Relevant public authorities may have mapping of natural hazards such as fire and flooding, and biodiversity values (see the Native Vegetation Information management System (NVIM), Department of Environment and Primary Industries).

Planning schemes may indicate areas of environmental significance such as salinity, wetlands, or areas of conservation significance.

In some cases, the preparation of a land management plan may be appropriate to show how the impact can be remediated or minimised and protected.

A land management plan should address the environmental and natural resource issues relevant to the site and may include:

- fire protection measures
- responses to flood hazards
- protection and enhancement of native vegetation
- protection and enhancement of waterways
- protection and stabilisation of soil
- pest plants and domestic feral animal control
- protection of areas of environmental significance.

A land management plan can be implemented through the use of a section 173 agreement, a requirement on an appropriate overlay or through a combined amendment-permit process.

## Landscape and heritage values

The proposal must include an adequate assessment of the locality's landscape and heritage values and the potential impacts of rural residential development on those values including:

- areas or features of aesthetic, archaeological, architectural, historical, scientific, social or other special cultural value
- areas of natural scenic beauty or importance, areas of valued landscape character and any significant views.

Areas and places of cultural and landscape significance are identified in planning schemes.

A proposal must demonstrate that it will not impact on the cultural or natural heritage values of the land. Landscapes or places classified by the National Trust of Australia or included in the Victorian Heritage Register, or registers maintained by the Office of Aboriginal Affairs Victoria or the Australian

Heritage Council must not be proposed for rural residential use or development without consultation with those organisations.

## Provision of social and physical infrastructure

As rural residential development is a type of residential land use, it must be provided with certain community infrastructure and services normally expected for residential areas. If those services are not provided by the developer from the outset, the expectations and future requirements of residents can lead to cost and disruption for communities as services are provided at a later time.

A proposal for rural residential development must be efficiently serviced by social and physical infrastructure at an acceptable and sustainable community cost.

The proposal must include an assessment of the public costs of providing social services, community facilities and physical infrastructure for the proposed rural residential development.

The assessment must adequately describe and discuss:

- the availability of existing infrastructure (that is, social facilities and services, schools, public transport, roads and waste disposal)
- the level and range of services which will need to be supplied or upgraded to meet the needs of the proposed population
- the costs of additional services and infrastructure and the options for meeting those costs, services or infrastructure.

## Land use compatibility

The proposed rural residential land use and development must be compatible with the existing and likely land uses of the locality.

Consideration should be given to the availability of alternative sites that could meet the same housing demand. Consideration of suitable alternative sites should also include those in the neighbouring local municipalities.

The nature of existing and possible uses of land adjacent to the land proposed to be rezoned must be documented in an assessment accompanying the proposal report. A map showing site context must be provided.

The assessment must also include consideration of the potential impacts of the proposal on adjoining and nearby land.

Rural residential development should not be provided on land that is:

- within the separation requirements of an amenity reducing land use as described in the Environment Protection Authority's *Recommended Separation Distances for Industrial Residual Air Emissions*, and is a 'sensitive' land use in applying the EPA guidelines
- within the separation requirements of other offensive uses such as intensive animal husbandry and sewage treatment plants and certain agricultural activities, such as poultry farming, piggeries and feedlots. Codes of practice for certain activities have separation distances from sensitive land uses that must be complied with.
- adversely affected by noise levels generated by adjoining land uses including wind energy facilities
- within the 25 Australian Noise Exposure Forecast (ANEF) contour of an airport and careful consideration given to building requirements within the 20-25 ANEF affected by agricultural spraying and aerial spraying of neighbouring agricultural land
- adversely affected by land or groundwater contamination

- within 500 metres of a national park, reference area, wilderness, marine park or state park unless the Department of Environment and Primary Industries agrees to a lesser distance
- located in close proximity to public land that is of environmental significance, including land that is fire prone, unless a suitable buffer zone and/or a land management plan are provided in consultation with the public land manager. The width and nature of the buffer zone will vary depending on local circumstances. The buffer zone and/or land management plan should address issues such as fire, amenity, pest plants and animals, drainage and access
- located in close proximity to land that uses treated wastewater from sewerage for agricultural and horticultural irrigation
- within the separation distance prescribed in the Industrial 1 Zone, Industrial 2 Zone and Industrial 3 Zone between industrial activity and a sensitive use.

## Land servicing capability

The proposal must include an assessment of the land's physical capability to sustain rural residential development, and where appropriate a land capability assessment, addressing:

- whether the land has been found to have satisfactory physical characteristics for sustainable on-site wastewater management and can meet the *Guidelines for Environmental Management – Code of Practice Onsite Wastewater Management* or can be connected to a reticulated sewerage system
- whether the land can be provided with an adequate water supply of an acceptable quality to service the development
- whether the land is accessible by properly formed and constructed roads
- whether the land can be connected to or provided with drainage that effectively removes storm water from each house

and lot, prevents inundation of effluent disposal fields, and is designed to handle the one in 100 year storm event where required

- the availability and provision of other normal residential services (electricity, telephone).

Where the land can easily be connected to existing infrastructure and services, it may be suitable for development at standard urban densities.

The cost of providing the services to the land must be at the developer's cost.

## Subdivision and lot design

**How can new rural residential development be subdivided and designed in an attractive setting to offer high amenity and efficient infrastructure?**

Subdivision layouts should respond to the physical features of the land and the environmental, landscape, infrastructure and servicing features and constraints of the land.

In designing subdivisions and the location of buildings and works, consideration should include:

- identifying remnant native vegetation and any fauna habitat for protection
- retaining and providing riparian corridors along waterways and providing riparian corridor links to other areas of local and regional significance
- identifying and controlling existing and potential erosion prone areas
- identifying land liable to inundation by floodwaters
- identifying fire protection measures
- locating buildings off ridgelines to protect sensitive landscapes and preserve views from roads and other land
- including building and effluent disposal envelopes or building exclusion zones to guide the location of buildings and works within subdivisions

- avoiding buildings and works on slopes greater than 15 per cent or when buildings and works would protrude above significant ridgelines
- establishing landscaping with subdivision, buildings and works to protect and restore rural landscapes and significant ridgelines
- using building materials that do not visually impact on the rural landscape
- providing public road access in preference to the creation of carriageway easements or common property
- providing adequate supply of domestic and stock water to individual properties and ensuring that existing water entitlements are not impacted upon by dams
- implementing policies of the relevant water or drainage authority
- any other matter relevant to the site and its environment.

The proposal must:

- show the layout of the proposed subdivision, how the subdivision relates to the landform and vegetation and how it responds to the site analysis
- show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land
- demonstrate that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*
- show for each lot:
  - a building envelope and driveway to the envelope
  - existing vegetation
  - areas of active vegetation management or re-vegetation or other environmental improvement works such as soil stabilisation and erosion management
  - an area suitable for the location of any future dam
  - an effluent disposal area.

## Who should be consulted?

Consultation should occur with relevant agencies, including the following where appropriate:

Agency	Issue
Road Corporation (VicRoads)	Where the site gains access from a Road Zone or a declared road under the <i>Road Management Act 2004</i>
Relevant Catchment Management Authority or water authority	Where the land is in a special water supply catchment area. Where land is liable to inundation or flooding.
Department of Environment Primary Industries	Where the land is currently used for agriculture.
Department of State Development, Business and Innovation	Where the land is: <ul style="list-style-type: none"> <li>• within 500m of an existing extractive industry work authority</li> <li>• within an Extractive Industry Interest Area</li> <li>• within an area that has been identified with potential for mineral production.</li> </ul>
Department of Environment and Primary Industries	Where the removal of native vegetation may be required, where there may be an impact on fauna habitat, where the land is prone to erosion or the land adjoins Crown land.
Servicing agencies (for example, water authorities)	Servicing of land for water supply, sewerage, drainage, electricity and telephone.
Water authorities	Where the use can impact on ground or surface water resources and infrastructure (including irrigation channels or drains, waterways or storages). Where the land is located within an irrigation district.
Environment Protection Authority	Where the land is within the recommended buffer distance for an industrial residual air emission.
Country Fire Authority	Where the land is fire prone.
Airport operator	Where the land is affected by an Airport Environs Overlay.
Adjoining municipal councils	Where land is close to an adjoining municipality.

Consultation with peak interest groups, for example key farming groups, should also be considered as well as neighbouring property owners and occupiers.

## Documenting a proposal

An amendment proposal for a rural residential development must be supported by the following information:

1. A site and context description.
2. A report explaining:
  - the proposal
  - how the proposal supports the strategic framework
  - how the proposal meets housing needs and the housing objectives of the area
  - why the proposed location is suitable for rural residential development. This should include an assessment, where appropriate, of:
    - how the proposal is supported by existing urban development
    - the land's capability for agricultural use and how the proposal will impact the long term continuation of agriculture in the area
    - the locality's natural resources and the measures that may be taken to protect those resources
    - the locality's environmental features and biodiversity and how these could be protected and enhanced
- the locality's landscape and heritage values and how these could be protected
- the proposal's social and physical infrastructure requirements and the community cost of providing these services
- the proposal's compatibility or impact on the surrounding land uses
- the land's servicing capability.
3. A summary of relevant agency comments and any other comments from peak groups or known affected persons.

A planning application for subdivision for rural residential development must be supported by:

1. A site and context description.
2. A development plan responding to the site and context description and showing details of the proposal. This should show and provide a description of how the proposal has been designed to avoid or minimise any adverse impacts on the environment (including native vegetation, natural physical features, fire or flood hazards and landscape character, where appropriate).

Authorised and published by Victorian Government  
Department of Transport, Planning and Local Infrastructure  
1 Spring Street, Melbourne 3000

Published November 2013  
ISBN 1-74152-658-2

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## Applying the Rural Zones

The purpose of this practice note is to provide guidance to planning authorities about:

- the strategic work required to apply the Farming Zone, Rural Activity Zone, Rural Conservation Zone, Green Wedge Zone, Green Wedge A Zone and Rural Living Zone
- the purposes and features of each zone and where they may be applied.

The practice note seeks to ensure that the most appropriate rural zones are used to achieve a planning authority's rural strategic planning objectives.

### The suite of rural zones for Victoria

The rural areas of Victoria accommodate a range of farming, residential and commercial uses and contain many of the state's significant natural resources, such as native vegetation, minerals and water. They also provide important resources for recreation, tourism and timber production.

The suite of rural zones for Victoria:

- recognise the state, regional and local importance of farming as an industry and provide greater protection for productive agricultural land
- provide a wide choice of zones with clear purposes and controls to match
- discourage ad hoc and incompatible use and development
- recognise the changing nature of farming and reduce the potential for conflict between farming and other land uses
- recognise that rural areas are places where people live and work
- recognise and protect rural areas that are environmentally sensitive.

## The changing nature of farming

The nature of farming in Victoria is changing in ways that require careful consideration. It is:

- **Becoming more diverse.** Farming in Victoria is constantly changing and expanding in response to changing world and domestic consumption patterns and the need to remain profitable and sustainable.
- **Becoming more industrialised.** Modern farming practices may involve the use of heavy machinery and large scale irrigation and plant equipment, all-hours operation, and the application of chemicals and fertilizers.
- **Intensifying.** Intensive farming enterprises, such as aquaculture, poultry farms and horticulture are growing in numbers and in their contribution to the economy.
- **Aggregating.** In western Victoria particularly, farms are becoming bigger to achieve the economies of scale for farm investment and to maintain productivity.
- **Undergoing social change.** More farmers are taking on off-farm work, the economic value of off-farm work is increasing, and there is a shift from full-time to part-time farming in some rural areas.

More changes in farming structures and practices are expected due to drier climatic conditions and growing community pressure for more efficient water use by all industries.

At the same time, more people are seeking to live in rural areas for a range of social, environmental and economic reasons. As a result, in some rural areas:

- there is more competition for rural land, which is affecting rural land prices and the capacity of farmers to expand their businesses and maintain productivity
- there is renewed interest in part-time small-scale farming

- more people are living in rural areas for lifestyle reasons not related to farming increasing the potential for land use conflicts because people pursuing a rural lifestyle often have amenity expectations that conflict with modern farming practices
- local rural economies are diversifying, as rural land is used for more diverse purposes (such as tourism or recreation).

Victoria's changing rural landscape requires planning authorities to think strategically about their farming areas and rural settlement patterns, so that sustainable farming is promoted and potential conflicts between farming and other land uses are avoided.

## Strategic planning for rural areas

Sound strategic planning for rural areas is essential to ensuring that land use and development achieves the planning authority's vision, objectives and desired outcomes for an area. It can help ensure that:

- use and development in rural areas fits into the overall strategic planning of the municipality
- farmland and farming industries of state, regional or local significance are protected
- housing development in rural areas is consistent with the housing needs and settlement strategy of an area
- future use of existing natural resources, including productive agricultural land, water, and mineral and energy resources, is sustainable
- scarce resources, such as water, are protected
- social networks and infrastructure essential to rural communities are maintained
- existing visual and environmental qualities of rural areas are protected

- conflicts between farming and other land uses are avoided
- the most appropriate planning scheme tools (for example, the right rural zone) are used to achieve strategic planning objectives.

Applying a new rural zone or making adjustments to a schedule to an existing rural zone should be underpinned by clearly expressed planning policies in the planning scheme. If a proposed change is at odds with the existing policy framework, either a different planning tool or approach should be used or the policy framework itself might need re-assessment.

The existing State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) in the planning scheme should be the starting point for deciding whether the council's strategic objectives are still valid and sound, or whether new strategic work is required. Many councils have already undertaken strategic planning, policies and resource management studies for their rural areas and used this work to articulate rural strategic objectives in their Municipal Strategic Statements (MSS).

New strategic work may not be required if the existing MSS addresses the key rural land use issues and adequately reflects the planning outcomes that the council wants to achieve. The scheme may already contain a sufficient strategic basis for applying a different rural zone or making adjustments to an existing rural zone.

However, if the MSS objectives are no longer relevant, they do not provide clear guidance for decision-making, or there are strategic gaps, new strategic work for a part or parts of the municipality may be required.

Before commencing new strategic work, the council should review the policy components of its planning scheme, past and present council strategic work, relevant studies prepared by government departments and agencies, relevant recommendations of planning panels and past planning scheme review

recommendations. This will help to establish whether new strategic work is required, the scope of the strategic work and the main issues to be focussed on.

There is no prescribed content or format for a rural strategy or study, however it should:

- develop a vision, role and purpose for the rural area
- identify the values and features within the rural area
- identify the key opportunities and constraints
- establish a strategic direction for land use and development within the rural area
- articulate how the strategic vision for the rural area is to be implemented through the planning scheme.

The information used to develop the strategy should be tailored to suit the area. In general it should include an assessment of:

- the state, regional and local strategic planning policies and objectives for the area, including relevant regional growth plans or strategies
- the housing needs of the municipality and likely future trends which is particularly relevant if one of the aims of the strategy is to provide for rural living development
- the physical attributes of the land and its capacity to support productive agricultural uses including soil type, climate, vegetation cover, access to water, slope and drainage
- agricultural trends in the area, including agricultural productivity, changes in farming practices and processes, and farm investment patterns
- the natural resources and environmental features in the area and their importance including flora and fauna, significant habitats, wetlands, scenic landscapes and sites of archaeological or cultural significance

- environmental hazards that could affect how the land is used and developed, such as erosion, salinity, flooding and wildfire risk
- the existing lot size and land use patterns
- infrastructure available for agriculture and other relevant land uses
- settlement patterns in the area.

## Implementing rural strategic objectives

A planning authority may need to use a number of VPP tools to successfully implement its rural strategic objectives. There are circumstances where a zone and one or more overlays may be needed to deliver the desired outcome. Councils should think laterally about the mix of policies and controls required to achieve their objectives and be prepared to consider using a range of tools to achieve the desired strategic outcomes.

In deciding which rural zone should apply, the following principles should be considered:

- The zone should support and give effect to the SPPF.
- The zone should broadly support all relevant policy areas in the MSS (for example, economic, housing, environment and infrastructure policy).
- The rationale for applying the zone should be clearly discernible in the LPPF.
- The zone should be applied in a way that is consistent with its purpose.
- The requirements of any applicable Minister's Direction must be met.

The existing size or pattern of allotments in an area should not be the sole basis for deciding to apply a particular zone. For example, it is not appropriate to decide that the Rural Living Zone should be applied to an area simply because it comprises small lots. Traditionally, farms have comprised multiple allotments, sometimes contiguous, sometimes in different locations. The fact

that an area may comprise many lots does not mean that it cannot be used productively or should not be included in a zone that supports and protects farming. Many factors will determine the suitability of an area for farming, rural living, rural industry, rural conservation or green wedge land.

## Local planning policy

Wide discretion is available in the rural zones, particularly the Farming Zone, Rural Activity Zone and Rural Living Zone. To guide the exercise of this discretion and fully implement their strategic objectives, the planning authority should consider whether a Local Planning Policy (LPP) is necessary. An LPP can help to establish realistic expectations about how land in an area may be used and developed, and provide the responsible authority with a sound basis for making consistent, strategic decisions. Refer to *Planning Practice Note 8: Writing a Local Planning Policy* for more guidance on using local planning policies.

## The zones in detail

The six zones are summarised as follows:

- **Farming Zone** – a zone that is strongly focussed on protecting and promoting farming and agriculture
- **Rural Activity Zone** – a mixed use rural zone that caters for farming and other compatible land uses
- **Rural Conservation Zone** – a conservation zone that caters for rural areas with special environmental characteristics
- **Green Wedge Zone** – a zone that provides for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity or other reasons
- **Green Wedge A Zone** – a zone that provides for all agricultural uses and limits non-rural uses to those that support agriculture, tourism, schools, major infrastructure and rural living

- **Rural Living Zone** – a zone that caters for residential use in a rural setting.

## The zone purposes

All of the zones provide for the use of land for agriculture; however while it is implicit in the purpose of the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone that farming will be a primary land use activity, in the Rural Conservation Zone and Rural Living Zone, farming is subordinate to other land uses or the environmental values of the land.

### Farming Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

### Rural Activity Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.
- To ensure that use and development does not adversely affect surrounding land uses.

- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

### Green Wedge Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.
- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area.

### Green Wedge A Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.
- To ensure that use and development promotes sustainable land management practices and infrastructure provision.

- To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.
- To recognise and protect the amenity of existing rural living areas.

### Rural Conservation Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To conserve the values specified in a schedule to the zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

### Rural Living Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for residential use in a rural environment.
- To provide for agricultural uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

## What are the main features of each zone?

### Farming Zone

The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities. In this zone:

- farming is the dominant land use and all other land uses are subordinate to farming
- farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment
- non-farm dwellings and land uses not related to farming may be considered but should not limit the operation and expansion of agricultural uses
- farm-related tourism and retailing uses may be considered
- uses that could lead to the loss or fragmentation of productive agricultural land, or which could be adversely affected by farming activities, are prohibited
- land subdivision that could take farmland out of production or limit future farming productivity is discouraged
- the minimum lot size for subdivision may be tailored to suit the farming practices and productivity of the land.

### Productive agricultural land

Productive agricultural land generally has one or more of the following characteristics:

- suitable soil type
- suitable climatic conditions
- suitable agricultural infrastructure, in particular irrigation and drainage systems

- a present pattern of subdivision favourable for sustainable agricultural production.

The basic physical characteristics of the land, such as soil type and climate, access to water, and infrastructure are critical to determining the agricultural use of land and whether agricultural productivity can be sustained in the future. However, productivity is also affected by many other factors, including market demand, access to suitable storage and transport facilities, access to efficient processing and value adding capability, availability of technology, the skills of the farmer, research and development, access to capital, marketing, effective industry support, availability of land for expansion and farm labour costs.

Productive agricultural land is a finite resource that makes a significant contribution to the economy of the state and individual municipalities. Its significance is recognised in the SPPF.

Productive agricultural land should be clearly identified and protected in the planning scheme. If the protection and retention of this land for agricultural production is of primary strategic importance, then it should be included in the Farming Zone.

The Farming Zone is designed to encourage diverse farming practices, some of which can have significant off-site impacts. For this reason, the level of amenity that can be expected in this zone will usually not be compatible with sensitive uses, particularly housing.

#### **Decision guidelines**

In reaching a decision on a proposal in this zone, the responsible authority must give significant weight to the farming productivity of the land and the relevance of the proposal to farming. There is an expectation that decisions will be made in favour of protecting and supporting farming. In relation to agricultural issues, the responsible authority must consider:

- whether the use or development will support and enhance agricultural production

- whether the use or development will permanently remove land from agricultural production
- the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses
- the capacity of the site to sustain the agricultural use
- the agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure
- any integrated land management plan prepared for the site.

In relation to dwellings, the responsible authority must also consider:

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

The zone's focus on farming does not mean that there should be little or no consideration of the impact of farming on the environment. The zone encourages farming based on comprehensive and sustainable land management practices and a planning permit is required to establish or expand certain farming enterprises. However, in these cases, the focus of the responsible authority's decision will usually be on whether off-site impacts that may result from the proposal are reasonable for a farming area.

## Rural Activity Zone

The main feature of the Rural Activity Zone is the flexibility that it provides for farming and other land uses to co-exist. In this zone:

- the purpose and provisions support the continuation and growth of farming but provide the opportunity for non-farming uses to be considered in appropriate locations
- a wide range of tourism, commercial and retail uses are supported
- farming uses are encouraged to establish and expand, subject to proper safeguards for the environment and amenity considerations
- a planning permit is always required to use land for a dwelling.

Because the mix of uses that is supported in the Rural Activity Zone is wide-ranging, the planning scheme should be clear about:

- what the planning authority wants to achieve in the area where the zone is to be applied
- how discretion in the zone will be exercised.

This can be done by:

- setting out clear objectives for the zone and explaining how discretion in the zone will be exercised in the LPPF, or
- including a purpose statement in the schedule to the zone. If this option is chosen, the statement should be inserted above the table setting out minimum and maximum areas, it should not repeat or contradict the SPPF and LPPF, and it should be more specific than the zone purpose.

If the planning scheme is clear about what is to be achieved in the zone, this will enable the responsible authority to make decisions on a consistent, strategic basis and avoid land use conflicts in the future.

A purpose statement in the schedule to the zone may describe:

- desired or preferred mix of land uses
- desired or preferred locations for particular land uses
- preferred approaches for managing off-site land use impacts
- a specific need that a proposal should meet.

A good purpose statement should reference local conditions, be grounded in reality, and help the responsible authority to make planning decisions, for example:

*To achieve a mix of nature-based recreation facilities and tourist accommodation that complements the wilderness values of Gumnut National Park and is compatible with organic food production activities in the area.*

The mix of uses that a planning authority may want to encourage in the zone could include:

- farming, rural industry and associated agribusiness
- farming and tourist facilities
- intensive animal husbandry and associated rural processing industries
- nature-based tourism and recreation facilities
- agricultural and environmental education and research facilities.

The application of the Rural Activity Zone does not mean that protecting or maintaining farming activities will be of low importance. The zone caters for a wide range of farming activities, including intensive animal husbandry, rural processing industries and timber production, and a planning authority may want to apply the zone to encourage a particular mix of farming and non-farming activities. However, the needs of farmers will need to be balanced with the council's other planning objectives for the area.

The mix of uses that is encouraged in the zone should complement the environmental and landscape values of the land, and support the council's overall urban and rural settlement strategies. It would be inappropriate to apply the zone to encourage a rural mixed use area if the land is required for urban development in the future, or if the particular uses would be better located in an existing town, where there is access to a wider range of urban services and infrastructure.

The zone should not be mistaken for a quasi rural residential zone. Housing is only one of a number of uses that may be considered in the zone, and, in some circumstances, it may be incompatible with the particular mix of uses that the planning authority is seeking to achieve.

### **Tourism**

Rural Victoria is home to many trails, transport routes and nature-based attractions that have strong tourist appeal and create demand for recreation and tourism facilities and services. Tourism can promote and facilitate economic activity that supports aspects of regional and rural life. For example, farm stays, cellar door sales and the sales of local produce support agriculture.

A range of farming-related tourism uses may be considered in the Farming Zone (such as farm stays, group accommodation, market, residential hotel, restaurants, and primary produce sales). However, if a planning authority is keen to facilitate the establishment of larger scale tourism uses or a more diverse mix of tourism and recreation uses, the Rural Activity Zone may be a more appropriate zone to apply as hotel and tavern are permit required uses.

In deciding to apply the Rural Activity Zone to facilitate tourism in an area, matters to be considered include:

- the need to protect the agricultural, environmental and cultural values of the area
- the scale and mix of tourism and recreation uses to be encouraged

- whether there are opportunities to build alliances between tourism business operators, farmers, food and wine producers and trail network managers
- the product and infrastructure needs of tourists and the local community
- requirements for the siting, planning and design of tourism facilities.

In reaching a decision on proposals in the Rural Activity Zone, the responsible authority must consider whether the use or development will support and enhance agricultural production and other matters relating to protecting and enhancing farming. However, the weight that is given to these considerations will need to be balanced with other social, environmental or economic objectives and policies identified for the land in the scheme.

The schedule to the Rural Activity Zone requires the planning authority to nominate an appropriate minimum lot size. This will vary depending on the physical attributes of the land, the type of agricultural activities being encouraged and the mix of non-farming land uses being sought. The minimum lot size should promote effective land management practices and infrastructure provision and could be large or small.

### **Rural Conservation Zone**

The Rural Conservation Zone is primarily concerned with protecting and conserving rural land for its environmental features or attributes. The conservation values of the land must be identified in the schedule to the zone and could be historic, archaeological, landscape, ecological, cultural or scientific values. In this zone:

- all uses are subordinate to the environmental values of the land
- farming is allowed provided that it is consistent with the environmental values of the area
- the minimum lot size for subdivision is tailored to suit the environmental features and values of the land.

Land use and development is controlled in the zone to safeguard the natural environment and conserve the identified environmental qualities of the land. Most agricultural uses require a planning permit. In general, there is an expectation that a proposal will only be permitted if it conserves the values identified for the land, the site is environmentally capable of sustaining the proposal, and it is compatible with surrounding land uses.

Industrial uses other than Rural industry, Warehouse uses other than Rural store, most types of Retail premises, and Intensive animal husbandry are prohibited in the zone.

### Green Wedge Zone

The Green Wedge Zone is primarily concerned with protecting and conserving non-urban land outside of the Urban Growth Boundary (UGB) for its agricultural, environmental, historic, landscape, or recreational values, or mineral and stone resource attributes.

The zone provides opportunity for all agricultural uses and most farming uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity and other reasons (such as airports, schools, waste treatment plants, land fills and reservoirs). A dwelling requires a permit and is restricted to one dwelling per lot.

The zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

Industrial uses other than Rural industry, Warehouse uses (except Rural store), and most types of Retail premises are prohibited in the zone.

### Green Wedge A Zone

The Green Wedge A Zone is primarily concerned with protecting and conserving non-urban land outside of the Urban Growth Boundary (UGB) for its agricultural, environmental, historic, landscape, infrastructure, natural resource or rural living attributes.

The zone provides opportunity for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, schools, major infrastructure and rural living. A dwelling requires a permit and is restricted to one dwelling per lot.

The zone provides a minimum lot size of eight hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

Industrial uses other than Rural industry (except for Abattoir and Sawmill), Warehouse uses (except Rural store), most types of Retail premises, and Intensive animal husbandry are prohibited in the zone.

### Rural Living Zone

This zone provides for residential use in a rural environment. It is designed to cater for lots in a rural setting that are large enough to accommodate a dwelling and a farming use. The farming use is likely to be carried on for reasons other than the need to provide a significant source of household income.

In this zone:

- it is not essential that a dwelling be genuinely associated with a farming use of the land
- some farming may take place on the land, however this will not always be the case
- residents have a reasonable expectation that their amenity will be protected
- a wider range of tourism, commercial and retail uses may be considered in the zone.

Although the Rural Living Zone is catering primarily for residential use, the allotment size and subdivision layout should provide the opportunity for farming activities to occur, without adversely affecting the natural environment or the amenity of surrounding land uses. This means that the minimum lot size could be quite large.

If the planning authority's objective is to encourage rural residential development at densities that are defacto large residential lots or which would preclude farming activities, then it should consider applying the Low Density Residential Zone.

Because of the zone's primarily residential function, a planning authority must be able to show that using the Rural Living Zone is part of its strategy to provide appropriate housing diversity and choice to meet housing needs.

In the Rural Living Zone, development must be provided with certain community infrastructure and services normally expected for residential areas. This is why land uses that are normally located in urban areas may be considered in the zone. These uses need to be considered carefully, to ensure that the zone does not become an unplanned urban area and farming on adjacent land is not compromised.

For more information about the key strategic and land capability requirements that a proposed Rural Living rezoning must meet refer to *Planning Practice Note 37: Rural Residential Development*

## Potable water supply catchment areas

A potable water supply catchment provides water resources to a reservoir used primarily for domestic water supply purposes. Special water supply catchment areas are listed in Schedule 5 of the *Catchment and Land Protection Act 1994*.

There are two types of potable water supply catchments. An 'open' catchment is where part or all of the catchment area is in private ownership and access to the catchment is

unrestricted. A 'closed' catchment means that the whole of the catchment area is publicly owned and public access is prohibited.

Water authorities do not have direct control over land use and development in open, potable water supply catchments, however because of the risks to public health, all use and development should be sited and managed to protect the quality of water collected from the catchment. Residential development and agriculture particularly have the potential to impact adversely on water quality through the discharge of contaminated runoff and wastes, nutrient contributions or sediment to waterways.

To protect water quality in open, potable water supply catchments, the preferred approach is to apply the Rural Conservation Zone. However, in deciding to apply this zone to these areas, a planning authority should carefully consider the type and extent of development expected in the area, the potential sources of pollutants, and the conditions or standards that new use and development would be required to meet to maintain an acceptable water quality. For further information about potable water supply catchments, refer to the *Guidelines for Planning Permits in Open, Potable Water Supply Catchment Areas*.

## Where should the zones be applied?

The differences between the zones' purposes and provisions decide where they should be applied. Examples of candidate areas for each zone are provided below, however these are indicative only. The decision about which zone is applied should be driven by the strategic objectives in the scheme.

The **Farming Zone** is designed to be applied to rural areas where:

- farmers require certainty about undertaking normal farming practices and need the flexibility to change farming practices in the future

- farming is the principal activity in the area and the protection of productive farmland is of primary strategic importance
- the farmland is of state, regional or local significance in terms of agricultural production or employment
- the farmland has physical attributes that are scarce or essential to sustaining particular agricultural activities
- pressures to use and develop land for non-farming purposes pose a significant threat to the supply and productivity of farmland in the area
- the scale, nature and intensity of farming uses in the area have the potential to significantly impact upon sensitive land uses, such as housing
- the efficient and effective use of agricultural infrastructure will be maximised.

Possible Farming Zone areas include:

- horticulture areas
- intensive animal husbandry areas
- irrigated areas
- dairying areas
- forestry plantation areas
- other broad hectare cropping areas
- areas where the consolidation, intensification or aggregation of farming activities is encouraged
- areas where non-farming uses and development need to be strictly controlled so that potential land use conflicts can be avoided.

The **Rural Activity Zone** is designed to be applied to rural areas where:

- farming is an important activity in the area but the planning objectives identified for the land support the establishment of other land uses

- a mixed-use function would support farming activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure
- the use of land in the area for non-farming purposes would not compromise the long term productivity of surrounding farmland
- appropriate buffers can be provided between different land uses so that land use conflicts are avoided
- the planning authority has developed a clear policy about how discretion in the zone will be exercised.

Possible Rural Activity Zone areas include:

- an existing mixed use rural area where the mix of uses complements the agricultural, environmental and landscape values of the area and supports the council's urban settlement objectives
- rural areas where commercial, tourism or recreational development will complement and benefit the particular agricultural pursuits, landscape features or natural attractions of the area
- farming areas where complementary rural industry, agribusiness uses, and rural research facilities are encouraged.

The **Rural Conservation Zone** is designed to be applied to rural areas where:

- the protection of the environmental features of the land is of primary strategic importance including, for example, native vegetation, flora and fauna, significant habitats, or they could relate to the visual qualities of the land
- the environmental features of the land are scarce and strict controls are required to prevent the further loss or decline of those features
- land use and development could directly or indirectly threaten the environmental values of the land and strict controls are required to manage this.

If the environmental or landscape features cover a large rural area, the Rural Conservation Zone is likely to be suitable. However, if the features are widely dispersed or fragmented and the surrounding land has been substantially altered (for example, broadacre farming areas with wildlife corridors), the other rural zones may be more appropriate supplemented with overlays.

Possible Rural Conservation Zone areas include:

- relatively intact natural areas where land use and development could result in the loss of important environmental features or values
- areas of biodiversity or ecological significance
- rural areas that contain threatened species habitat, such as wetlands, water catchments and grasslands
- rural areas of high scenic or landscape value
- environmentally degraded areas where a cautious approach to land use and development is required to avoid further environmental damage
- rural areas that are unstable or prone to erosion or salinity
- open, potable water supply catchment areas.

The **Green Wedge Zone** is designed to be applied to green wedge land where:

- agriculture and farming is an important activity in the area, complemented by other land uses
- a mixed-use function would support farming activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure to service urban areas
- the use of land in the area for non-farming purposes, such as tourism uses,

would support the long term productivity of surrounding farmland

- the protection of the environmental features of the land is important including, for example, native vegetation, flora and fauna, cultural heritage, significant habitats, or they could relate to the landscape and visual qualities of the land
- significant mineral and stone resources are located in the area.

Possible Green Wedge Zone areas include:

- rural land defined as green wedge land
- areas of agricultural and farming land
- relatively intact natural areas where land use and development could result in the loss of important environmental features or values
- areas of biodiversity significance
- rural areas more remote from townships and township areas supporting a variety of land uses and lot sizes of around 40 hectares or greater
- rural areas of high scenic or landscape value
- areas for infrastructure provision or stone and mineral resources.

The **Green Wedge A Zone** is designed to be applied to green wedge land where:

- agriculture and farming is an important activity in the area but the planning objectives identified for the land support the establishment of other land uses
- a mixed-use function would support farming and tourism activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure to service urban areas
- the use of land in the area for non-farming purposes, such as tourism uses, would support the long term productivity of surrounding farmland

- the protection of the environmental features of the land is important including, for example, native vegetation, flora and fauna, cultural heritage, significant habitats, or they could relate to the landscape and visual qualities of the land
- significant natural resources are located in the area
- rural living areas with lot sizes of around eight hectares or greater located on the periphery of, or between, townships.

Possible Green Wedge A Zone areas include:

- rural land defined as green wedge land
- relatively intact natural areas where land use and development could result in the loss of important environmental features or values
- areas of biodiversity significance
- rural areas surrounding townships supporting a variety of land uses with lot sizes of around eight hectares or greater
- rural areas of high scenic or landscape value
- areas with significant natural resources.

The **Rural Living Zone** is designed to be applied to areas where:

- the rural land has a mainly residential function

- farming may take place on the land but this is subordinate to the residential use
- residents require certainty about the residential amenity of the area and are protected from potentially incompatible land uses
- farming is of a nature or scale that will not conflict with housing
- residents will have access to most of the normal services and infrastructure provided in urban areas.

Possible Rural Living Zone areas include:

- rural areas that have been substantially subdivided and developed for dwellings in proximity to an urban area or township with a range of urban services and infrastructure.

## Further information

More information is available on the DTPLI website at [www.dtpli.vic.gov.au/planning](http://www.dtpli.vic.gov.au/planning)

Other planning practice notes:

- *PPN62: Green Wedge Planning Provisions*
- *PPN31: Preparing a Green Wedge Management Plan*
- *PPN37: Rural Residential Development*

Authorised and published by Victorian Government  
Department of Transport, Planning and Local Infrastructure  
1 Spring Street, Melbourne 3000

Published November 2013  
ISBN 978-1-922250-13-1

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Final RECOMMENDATIONS REPORT  
PORT ALBERT RURAL RESIDENTIAL LIFESTYLE LOTS REVIEW

## **APPENDIX 2    PRECINCT PLANS**



CP162038  
 OLD PORT ROAD

66E  
 YARRAM-

PORT ALBERT-  
 TARRAVILLE ROAD

113  
 OLD PORT ALBERT-  
 TARRAVILLE ROAD

WILLS ROAD

PORT ALBERT-  
 TARRAVILLE ROAD

5  
 PORT ALBERT ROAD

2  
 OLD PORT FORESHORE ROAD

3  
 SOUTH STREET

**Notations**

- Study Boundary
- Precinct Boundary

Precinct	No. of Dwellings
1	3
2	5
3	1
4	4
5	6
6	7
7	3
8	6
9	3

Shire of Wellington  
 Port Albert Rural Residential  
 Lifestyle Lot Review  
 PRECINCT PLAN



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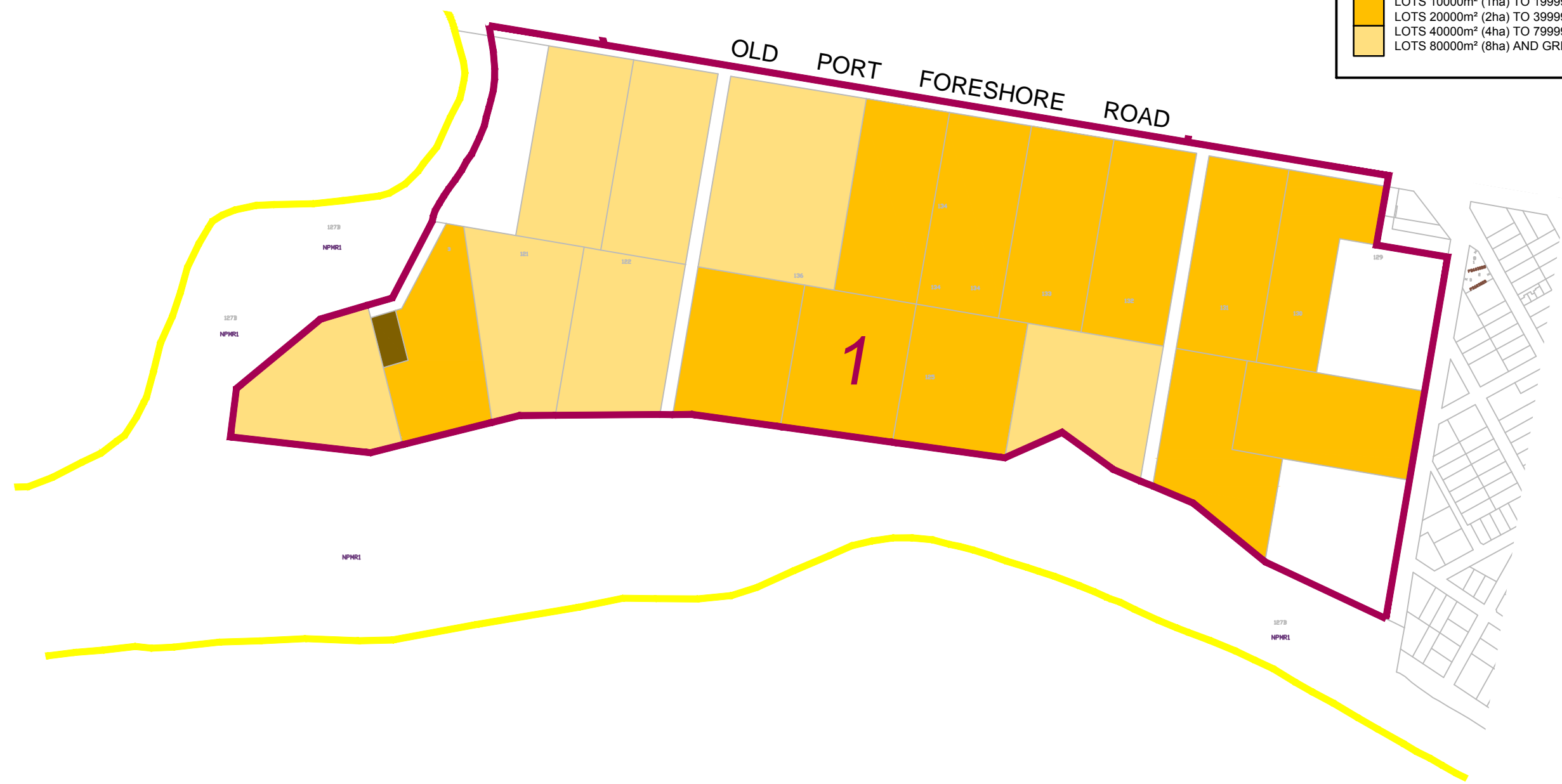
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### Farming Zone Lot Areas

#### LOT MIX TABLE

TOTAL NUMBER OF LOTS :	20	AVERAGE: 38762m <sup>2</sup>
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	1	AVERAGE: 3240m <sup>2</sup> 5%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup> 0%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	12	AVERAGE: 38598.3m <sup>2</sup> 60%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	7	AVERAGE: 44117.1m <sup>2</sup> 35%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup> 0%



**Notations**

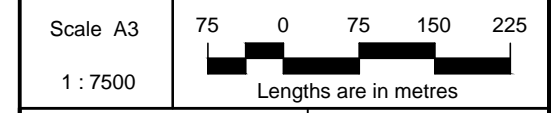
— Study Boundary

— Precinct Boundary

Number of Dwellings in Precinct 1: 3

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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 1 PLAN











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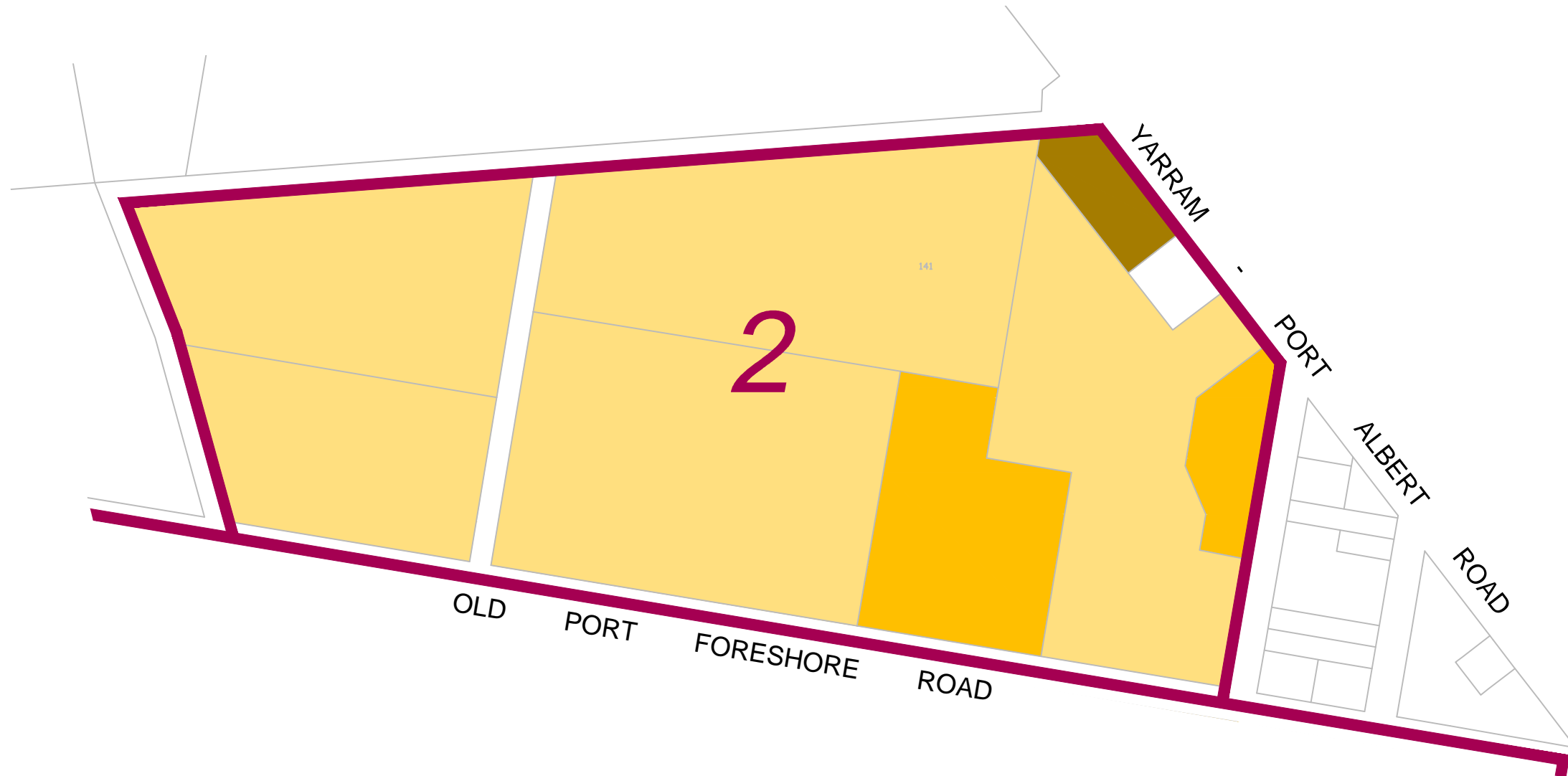


### Farming Zone Lot Areas



#### LOT MIX TABLE

TOTAL NUMBER OF LOTS : 8 AVERAGE: 47563.8m<sup>2</sup>

	LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 8440m <sup>2</sup>	12.5%
	LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	1	AVERAGE: 10810m <sup>2</sup>	12.5%
	LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	1	AVERAGE: 35550m <sup>2</sup>	12.5%
	LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	3	AVERAGE: 54676.7m <sup>2</sup>	37.5%
	LOTS 80000m <sup>2</sup> (8ha) AND GREATER	2	AVERAGE: 80840m <sup>2</sup>	25%



#### Notations

-  Study Boundary
-  Precinct Boundary

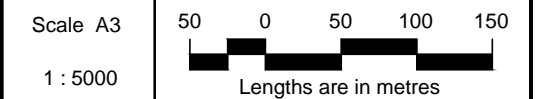
Number of Dwellings in Precinct 2: 5



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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 2 PLAN



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### Farming Zone Lot Areas

#### LOT MIX TABLE

TOTAL NUMBER OF LOTS : 75 AVERAGE: 1593.5m<sup>2</sup>

LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	4	AVERAGE: 973.3m <sup>2</sup>	5.3%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	57	AVERAGE: 1500.6m <sup>2</sup>	76%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	14	AVERAGE: 2148.9m <sup>2</sup>	18.7%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%



#### Notations

- Study Boundary
- Precinct Boundary

Number of Dwellings in Precinct 3: 1



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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 3 PLAN

Scale A3  
1 : 4000  
40 0 40 80 120  
Lengths are in metres

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### Farming Zone Lot Areas

#### LOT MIX TABLE

TOTAL NUMBER OF LOTS : 17 AVERAGE: 2543.3m<sup>2</sup>

LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	1	AVERAGE: 997m <sup>2</sup>	5.9%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	9	AVERAGE: 1689.3m <sup>2</sup>	52.9%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	4	AVERAGE: 2533.3m <sup>2</sup>	23.5%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	3	AVERAGE: 5634m <sup>2</sup>	17.6%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%



#### Notations

- Study Boundary
- Precinct Boundary

Number of Dwellings in Precinct 4: 4



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Scale A3  
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40 0 40 80 120  
Lengths are in metres









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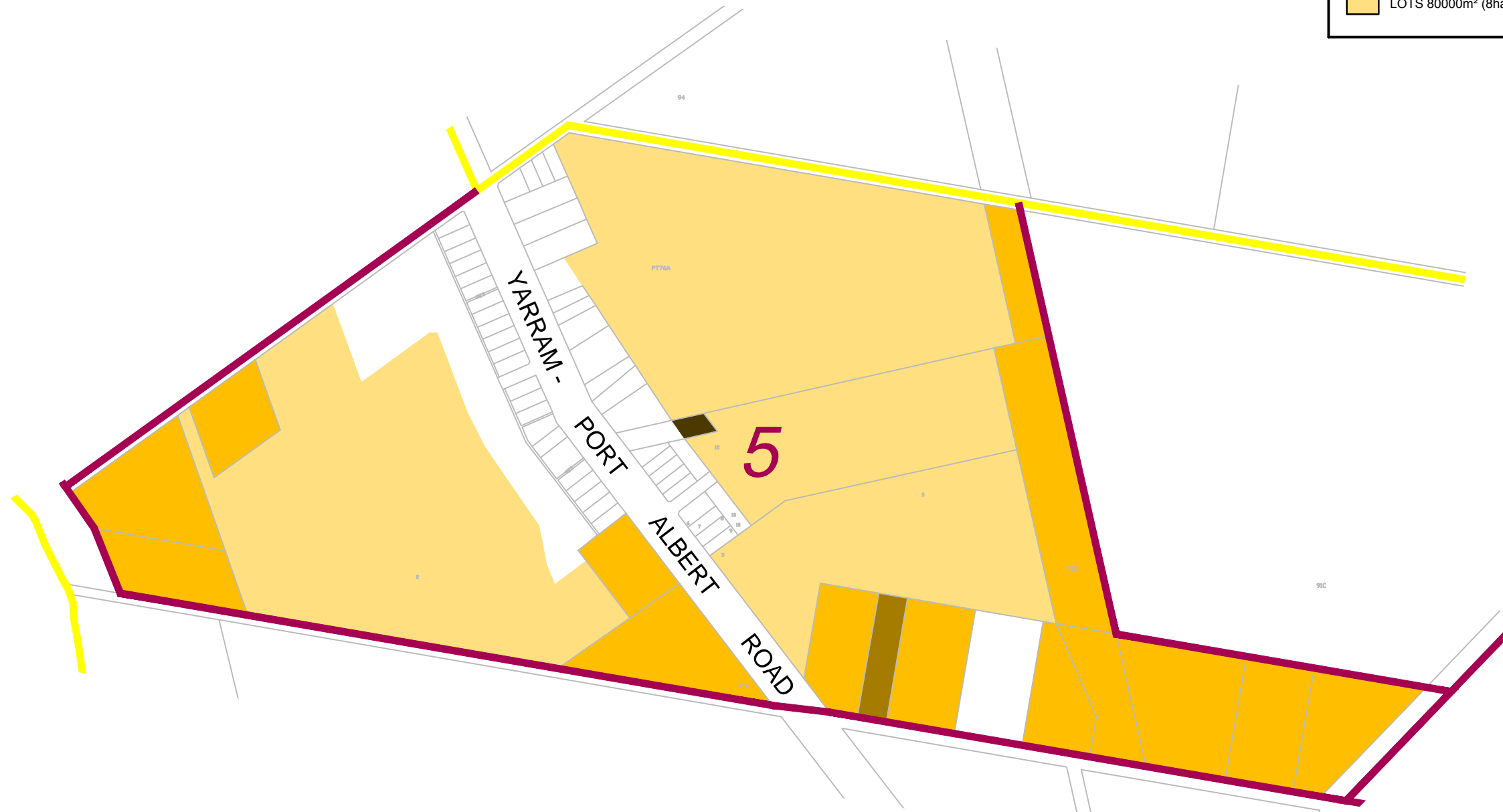


### Farming Zone Lot Areas



#### LOT MIX TABLE

TOTAL NUMBER OF LOTS : 20 AVERAGE: 40669m<sup>2</sup>

	LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	1	AVERAGE: 1500m <sup>2</sup>	5%
	LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 8080m <sup>2</sup>	5%
	LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	11	AVERAGE: 16498.2m <sup>2</sup>	55%
	LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	3	AVERAGE: 28670m <sup>2</sup>	15%
	LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	1	AVERAGE: 69260m <sup>2</sup>	5%
	LOTS 80000m <sup>2</sup> (8ha) AND GREATER	3	AVERAGE: 155683.3m <sup>2</sup>	15%



#### Notations

-  Study Boundary
-  Precinct Boundary

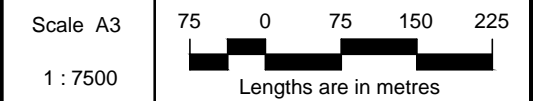
Number of Dwellings in Precinct 5: 6



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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 5 PLAN



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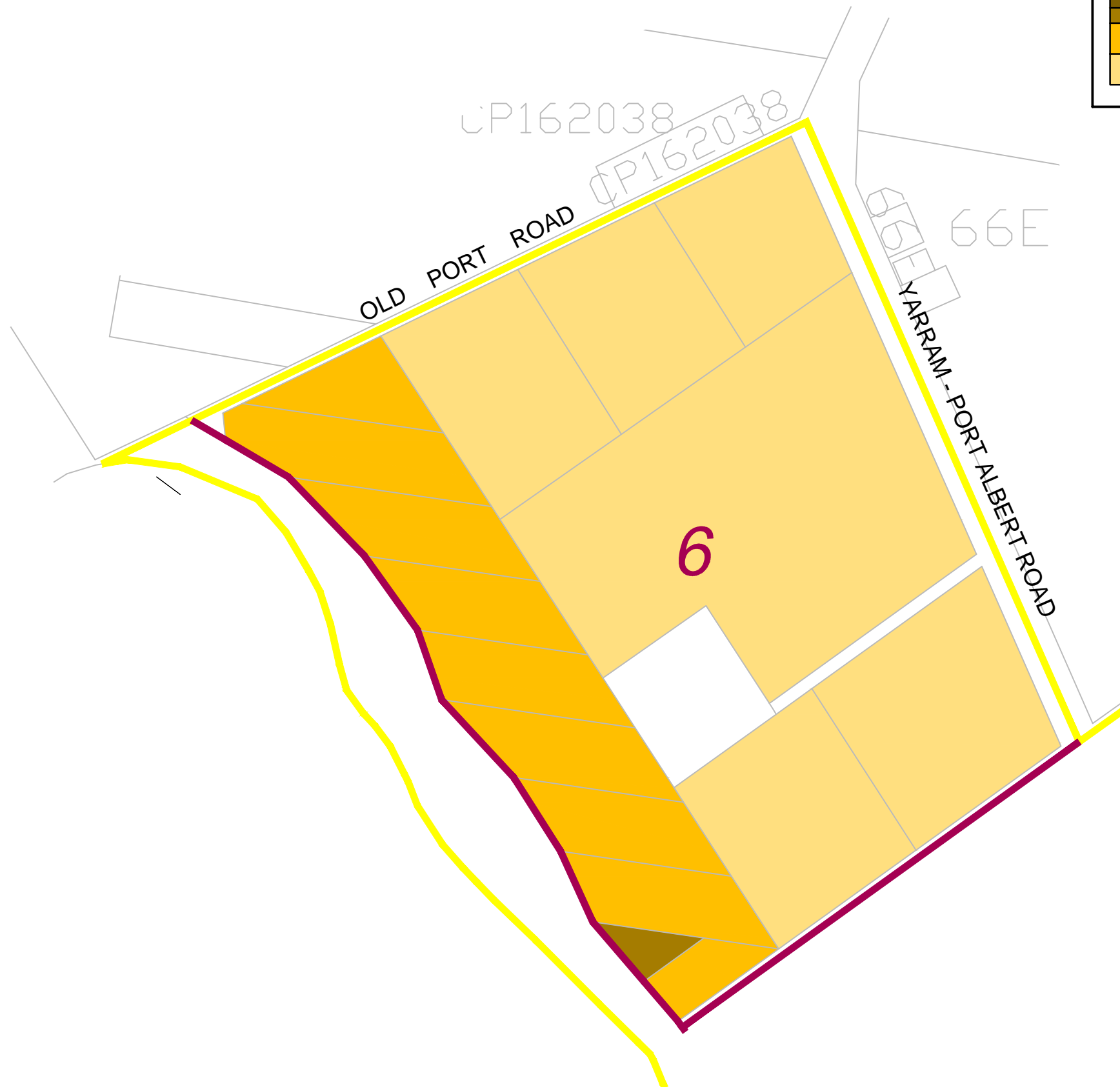


### Farming Zone Lot Areas

#### LOT MIX TABLE

TOTAL NUMBER OF LOTS : 16 AVERAGE: 53661.3m<sup>2</sup>

LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 6840m <sup>2</sup>	6.3%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	1	AVERAGE: 12270m <sup>2</sup>	6.3%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	8	AVERAGE: 28302.5m <sup>2</sup>	50%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	4	AVERAGE: 67062.5m <sup>2</sup>	25%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	2	AVERAGE: 172400m <sup>2</sup>	12.5%



#### Notations

- Study Boundary
- Precinct Boundary

Number of Dwellings in Precinct 6: 7



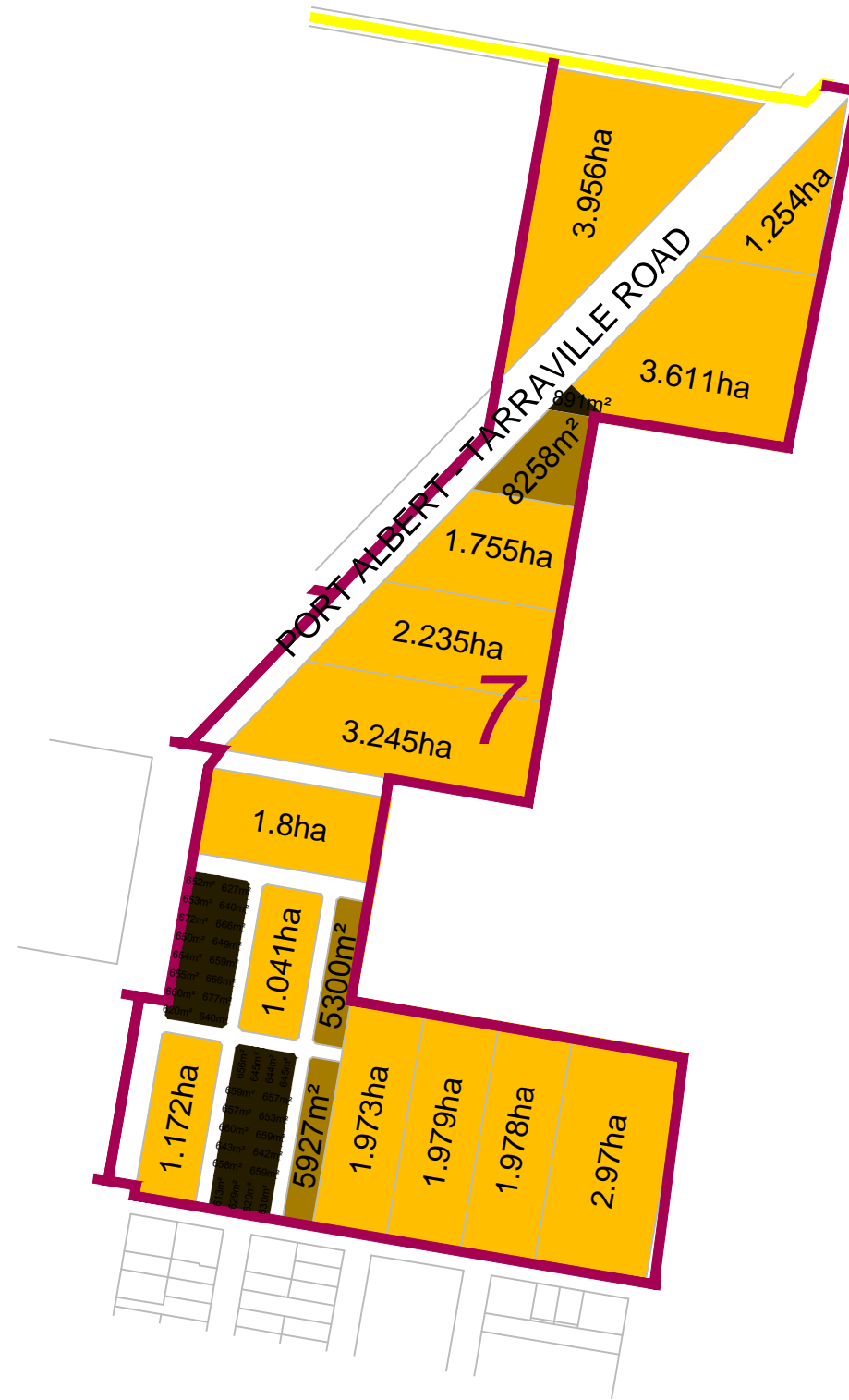
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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 6 PLAN

Scale A3  
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Lengths are in metres

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### Farming Zone Lot Areas

#### LOT MIX TABLE - PRECINCT 7

TOTAL NUMBER OF LOTS : 51 AVERAGE: 6512.5m<sup>2</sup>

Lot Area Range	Number of Lots	Average Area (m <sup>2</sup> )	Percentage
LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	35	AVERAGE: 656m <sup>2</sup>	68.6%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	3	AVERAGE: 6495m <sup>2</sup>	5.9%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	8	AVERAGE: 16190m <sup>2</sup>	15.7%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	5	AVERAGE: 32034m <sup>2</sup>	9.8%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%

#### Notations

- Study Boundary
- Precinct Boundary

Number of Dwellings in Precinct 7: 3  
Lot areas are approximate only



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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 7 PLAN

Scale A3  
1 : 7500  
75 0 75 150 225  
Lengths are in metres

Co-ordinate Datum	MGA55	Sheet	1	of	1
Drawing No.	300233P01	Version	1		
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Drawn By	ST	Checked By	Date 5/9/2014		
REV	AMENDMENT	APPROVED	DATE		

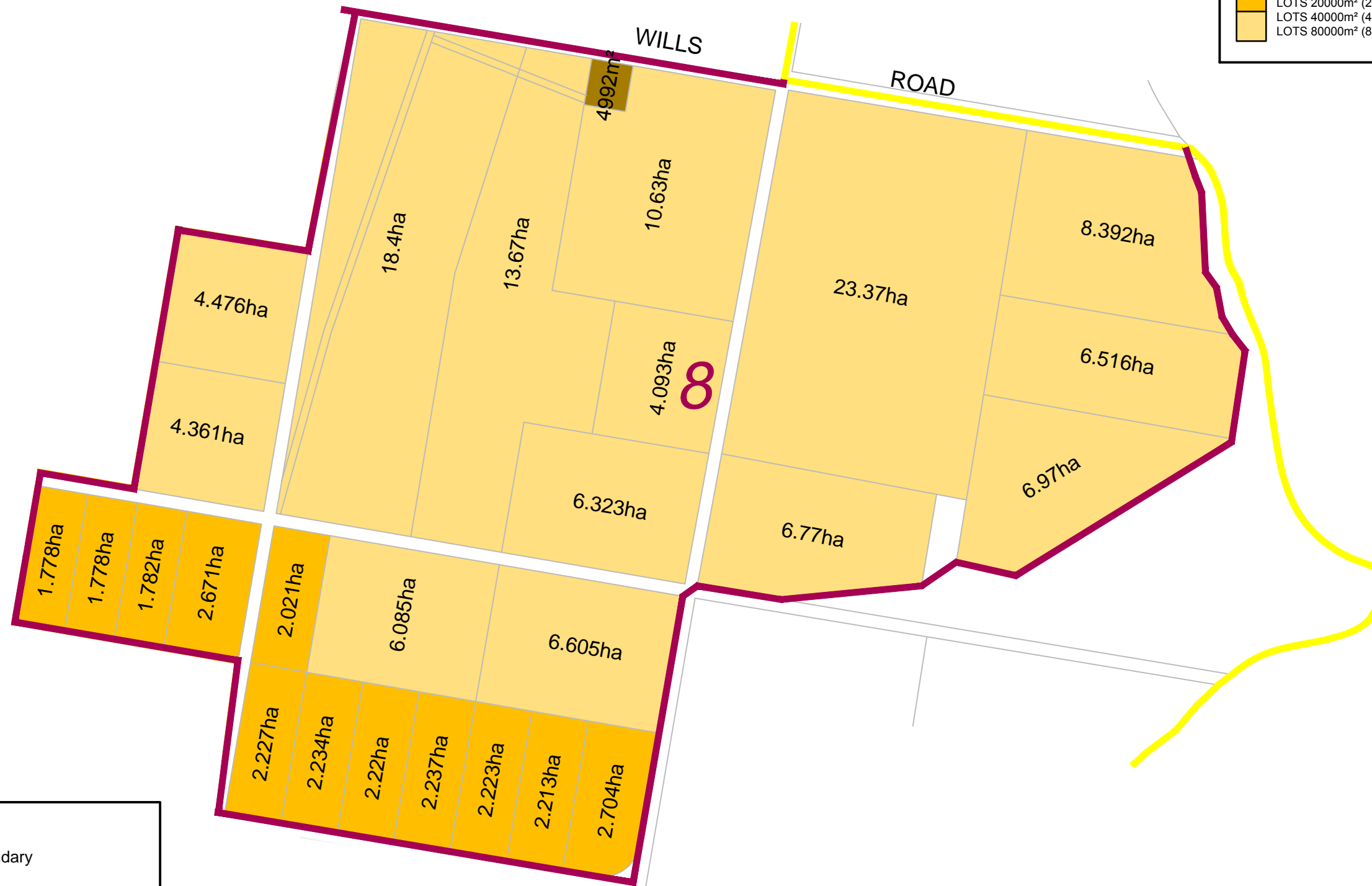


### Farming Zone Lot Areas

#### LOT MIX TABLE - PRECINCT 8

TOTAL NUMBER OF LOTS : 27 AVERAGE: 56758.6m<sup>2</sup>

LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	1	AVERAGE: 4992m <sup>2</sup>	3.7%
LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	3	AVERAGE: 17793.3m <sup>2</sup>	11.1%
LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	9	AVERAGE: 23055.6m <sup>2</sup>	33.3%
LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	9	AVERAGE: 57998.9m <sup>2</sup>	33.3%
LOTS 80000m <sup>2</sup> (8ha) AND GREATER	5	AVERAGE: 148924m <sup>2</sup>	18.5%



#### Notations

- Study Boundary
- Precinct Boundary

Number of Dwellings in Precinct 8: 6



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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 8 PLAN











Co-ordinate Datum	MGA55	Sheet	1	of	1
Drawing No.	300233P01	Version	1		
CAD Ref. F:\30\300233\DWG					
Drawn By	ST	Checked By	Date		28/3/2014
REV	AMENDMENT	APPROVED	DATE		



### Farming Zone Lot Areas



#### LOT MIX TABLE

TOTAL NUMBER OF LOTS : 7 AVERAGE: 38641.4m<sup>2</sup>

	LOTS 500m <sup>2</sup> TO 999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 1000m <sup>2</sup> TO 2022m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 2023m <sup>2</sup> (1/2 acre) TO 4046m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 4047m <sup>2</sup> (1 acre) TO 9999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 10000m <sup>2</sup> (1ha) TO 19999m <sup>2</sup>	0	AVERAGE: 0m <sup>2</sup>	0%
	LOTS 20000m <sup>2</sup> (2ha) TO 39999m <sup>2</sup>	3	AVERAGE: 28723.3m <sup>2</sup>	42.9%
	LOTS 40000m <sup>2</sup> (4ha) TO 79999m <sup>2</sup>	4	AVERAGE: 46080m <sup>2</sup>	57.1%
	LOTS 80000m <sup>2</sup> (8ha) AND GREATER	0	AVERAGE: 0m <sup>2</sup>	0%



#### Notations

-  Study Boundary
-  Precinct Boundary

Number of Dwellings in Precinct 9: 3



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### Shire of Wellington Port Albert Rural Residential Lifestyle Lot Review PRECINCT 9 PLAN

Scale A3  
1 : 5000  
50 0 50 100 150  
Lengths are in metres

Co-ordinate Datum	MGA55	Sheet	1	of	1
Drawing No.	300233P01	Version	1		
CAD Ref.	F:\30\300233\DWG				
Drawn By	ST	Checked By	Date 28/3/2014		
REV	AMENDMENT	APPROVED	DATE		



Final RECOMMENDATIONS REPORT  
PORT ALBERT RURAL RESIDENTIAL LIFESTYLE LOTS REVIEW

## **APPENDIX 3      ECOLOGICAL VEGETATION CLASS**

# EVC/Bioregion Benchmark for Vegetation Quality Assessment

## Gippsland Plain bioregion

### EVC 11: Coastal Lagoon Wetland

#### Description:

Occupies the margins of coastal freshwater lagoons that have formed behind the coastal dune barrier and the adjacent hills. It has several zones dependent upon water depth and persistence of inundation. Within the lagoon itself where exposure is rare, the vegetation is dominated by graminoids whereas on the lagoon margin a tall scrub layer is common.

#### Life Forms:

Life form	#Spp	%Cover	LF code
Medium Shrub	4	15%	MS
Small Shrub	2	1%	SS
Large Herb	1	1%	LH
Medium Herb	2	5%	MH
Small or Prostrate Herb	1	1%	SH
Large Tufted Graminoid	1	5%	LTG
Large Non-tufted Graminoid	2	15%	LNG
Medium to Small Tufted Graminoid	1	5%	MTG
Medium to Tiny Non-tufted Graminoid	2	5%	MNG
Ground Fern	1	5%	GF
Scrambler or Climber	1	1%	SC
Bryophytes/Lichens	na	10%	BL
<b>Total understorey projective foliage cover</b>		<b>60%</b>	

LF Code	Species typical of at least part of EVC range	Common Name
MS	<i>Leptospermum continentale</i>	Prickly Tea-tree
MS	<i>Melaleuca squarrosa</i>	Scented Paperbark
MS	<i>Melaleuca ericifolia</i>	Swamp Paperbark
MH	<i>Gonocarpus tetragynus</i>	Common Raspwort
LTG	<i>Carex appressa</i>	Tall Sedge
MTG	<i>Triglochin procerum s.l.</i>	Water Ribbons
LNG	<i>Phragmites australis</i>	Common Reed
LNG	<i>Lepidosperma longitudinale</i>	Pithy Sword-sedge
MNG	<i>Baumea tetragona</i>	Square Twig-sedge
SC	<i>Cassytha glabella</i>	Slender Dodder-laurel

#### Recruitment:

Continuous

#### Organic Litter:

20% cover

#### Weediness:

There are no consistent weeds in this EVC.

# EVC 11: Coastal Lagoon Wetland - Gippsland Plain bioregion

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# EVC/Bioregion Benchmark for Vegetation Quality Assessment

## Gippsland Plain bioregion

### EVC 48: Heathy Woodland

#### Description:

Spans a variety of geologies but is generally associated with nutrient-poor soils including deep uniform sands (aeolian or outwash) and Tertiary sand/clay which has been altered to form quartzite gravel. Eucalypt-dominated low woodland to 10 m tall lacking a secondary tree layer and generally supporting a diverse array of narrow or ericoid-leaved shrubs except where frequent fire has reduced this to a dense cover of bracken. Geophytes and annuals can be quite common but the ground cover is normally fairly sparse.

#### Large trees:

Species	DBH(cm)	#/ha
<i>Eucalyptus</i> spp.	50 cm	15 / ha
<i>Banksia serrata</i>	40 cm	

#### Tree Canopy Cover:

%cover	Character Species	Common Name
10%	<i>Eucalyptus willisii</i>	Jimmy's Shining Peppermint
	<i>Eucalyptus obliqua</i>	Messmate Stringybark
	<i>Eucalyptus radiata</i> s.l.	Narrow-leaf Peppermint
	<i>Eucalyptus viminalis</i> ssp. <i>pryoriana</i>	Rough-barked Manna Gum
	<i>Banksia serrata</i>	Saw Banksia

#### Understorey:

Life form	#Spp	%Cover	LF code
Immature Canopy Tree		5%	IT
Medium Shrub	5	30%	MS
Small Shrub	5	20%	SS
Medium Herb	2	5%	MH
Small or Prostrate Herb	2	5%	SH
Large Tufted Graminoid	1	5%	LTG
Large Non-tufted Graminoid	1	1%	LNG
Medium to Small Tufted Graminoid	1	5%	MTG
Medium to Tiny Non-tufted Graminoid	2	5%	MNG
Ground Fern	1	5%	GF
Bryophytes/Lichens	na	10%	BL
Soil Crust	na	10%	S/C

#### LF Code

#### Species typical of at least part of EVC range

#### Common Name

MS	<i>Epacris impressa</i>	Common Heath
MS	<i>Leptospermum myrsinoides</i>	Heath Tea-tree
MS	<i>Leptospermum continentale</i>	Prickly Tea-tree
MS	<i>Monotoca scoparia</i>	Prickly Broom-heath
SS	<i>Amperea xiphoclada</i> var. <i>xiphoclada</i>	Broom Spurge
SS	<i>Leucopogon virgatus</i>	Common Beard-heath
SS	<i>Dillwynia glaberrima</i>	Smooth Parrot-pea
LTG	<i>Gahnia sieberiana</i>	Red-fruit Saw-sedge
MTG	<i>Xanthorrhoea minor</i> ssp. <i>lutea</i>	Small Grass-tree
MNG	<i>Hypolaena fastigiata</i>	Tassel Rope-rush
SC	<i>Cassytha glabella</i>	Slender Dodder-laurel

# EVC 48: Heathy Woodland - Gippsland Plain bioregion

**Recruitment:**

Episodic/Fire. Desirable period between disturbances is 20 years.

**Organic Litter:**

40 % cover

**Logs:**

15 m/0.1 ha.

**Weediness:**

There are no consistent weeds in this EVC.

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# EVC/Bioregion Benchmark for Vegetation Quality Assessment

## Gippsland Plain bioregion

### EVC 191: Riparian Scrub

#### Description:

A dense shrubland to 6 m tall with occasional eucalypt emergents growing on waterlogged substrates often with a peaty surface horizon. Emergent eucalypts may be occasionally present. The understorey is often species-poor and consists typically of sedges tolerant of seasonal waterlogging. Occurs along creeks and minor stream tributaries of the lowland plains.

#### Canopy Cover:

%cover	Character Species	Common Name
60%	<i>Melaleuca squarrosa</i>	Scented Paperbark
	<i>Leptospermum continentale</i>	Prickly Tea-tree

#### Understorey:

Life form	#Spp	%Cover	LF code
Medium Shrub	3	10%	MS
Small Shrub	1	1%	SS
Medium Herb	1	1%	MH
Small or Prostrate Herb	1	1%	SH
Large Tufted Graminoid	1	10%	LTG
Large Non-tufted Graminoid	1	5%	LNG
Medium to Small Tufted Graminoid	1	1%	MTG
Medium to Tiny Non-tufted Graminoid	3	15%	MNG
Ground Fern	1	5%	GF
Scrambler or Climber	2	15%	SC
Bryophytes/Lichens	na	20%	BL
<b>Total understorey projective foliage cover</b>		<b>80%</b>	

LF Code	Species typical of at least part of EVC range	Common Name
MS	<i>Coprosma quadrifida</i>	Prickly Currant-bush
MS	<i>Ozothamnus ferrugineus</i>	Tree Everlasting
MS	<i>Acacia verticillata</i>	Prickly Moses
MS	<i>Ozothamnus rosmarinifolius</i>	Rosemary Everlasting
SS	<i>Amperea xiphioclada</i> var. <i>xiphioclada</i>	Broom Spurge
MH	<i>Gonocarpus tetragynus</i>	Common Raspwort
MH	<i>Selaginella uliginosa</i>	Swamp Selaginella
LTG	<i>Gahnia sieberiana</i>	Red-fruit Saw-sedge
LNG	<i>Lepidosperma longitudinale</i>	Pithy Sword-sedge
MNG	<i>Baumea tetragona</i>	Square Twig-rush
MNG	<i>Schoenus brevifolius</i>	Zig-zag Bog-sedge
MNG	<i>Empodisma minus</i>	Spreading Rope-rush
GF	<i>Pteridium esculentum</i>	Austral Bracken
SC	<i>Gleichenia microphylla</i>	Scrambling Coral-fern
SC	<i>Billardiera scandens</i>	Common Apple-berry
SC	<i>Cassytha glabella</i>	Slender Dodder-laurel

#### Recruitment:

Continuous

#### Organic Litter:

40 % cover

#### Weediness:

There are no consistent weeds in this EVC.

# EVC 191: Riparian Scrub - Gippsland Plain bioregion

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### **Acknowledgements and Recognition**

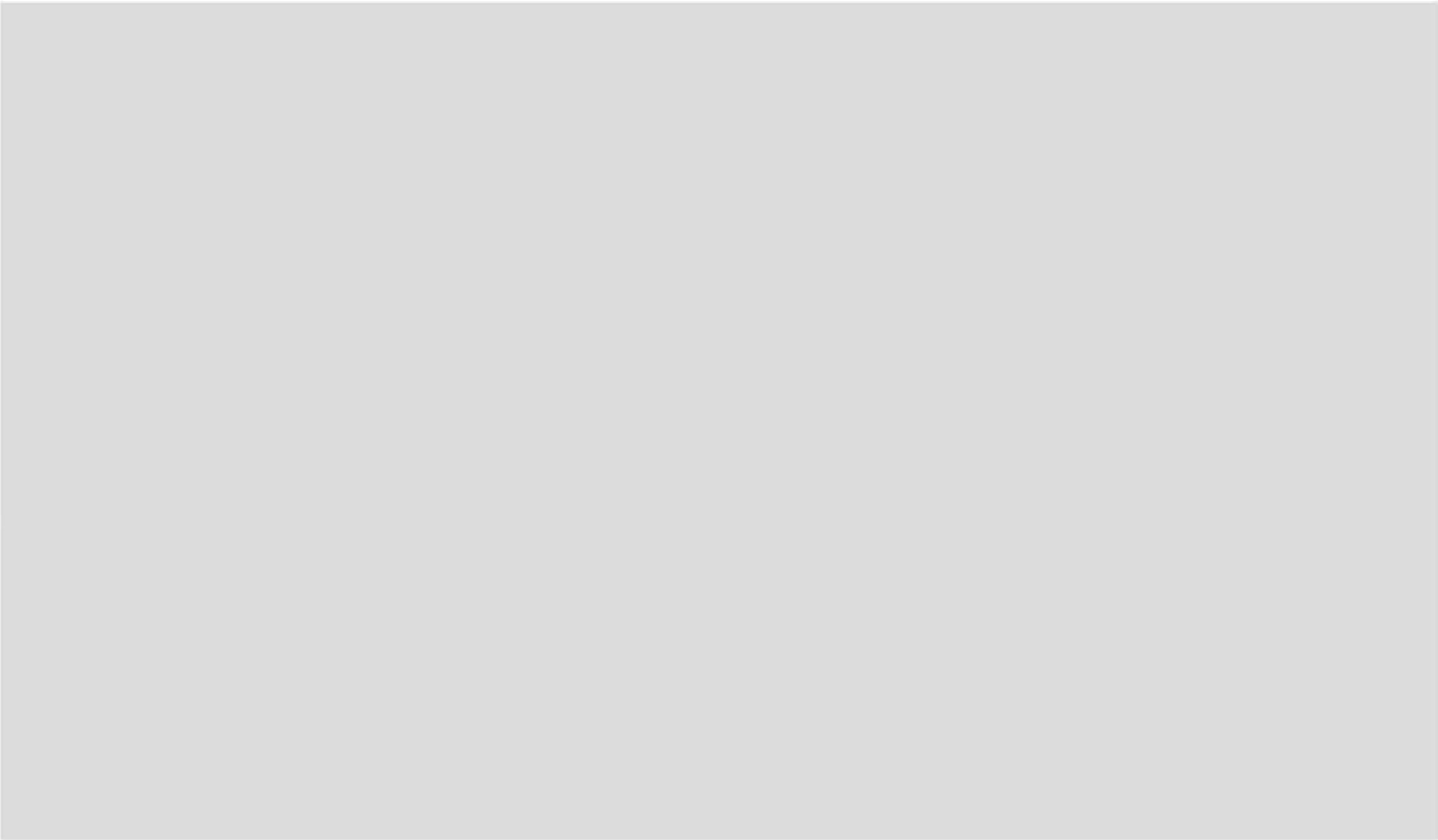
<b>Issue Date</b>	<b>Revision No</b>	<b>Author</b>	<b>Checked</b>	<b>Approved</b>
4 September 2014	1	JM EF	EF	JM
5 September 2014	2	JM EF	JM	JM
12 September 2014	3	JM EF	EF	EF
15 September 2014	4	JM EF	JM CC	JM
18 September 2014	5	JM EF	JM EF	JM
7 November 2014	6	JM EF	JM CC	JM

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2	Review of Precinct 7	22
3	Proposed Minimum Lot Sizes	23
4	Potential Lot and Dwelling Yield Comparisons	25




## 1 Response to Submissions to Port Albert RLLR



Submission	Precinct	Summary of Submission	Response
1	7	<p>Blocks should be assessed individually not in precincts.</p> <p>Argument that LSIO is subject to poor drainage is irrelevant and does not prevent development.</p> <p>Land is too small to be productive farming land and nearby properties are not used for farming.</p> <p>Inconsistency between rates applied and zones. RUZ1 at the time of purchase allowed for dwelling and other activities.</p> 	<p>The State Government/DTPLI direction for the consideration of amendments to planning schemes is for groups of sites/precincts to be considered for change, rather than individual sites. A precinct analysis minimises potential land use conflicts which may arise from rezoning individual sites.</p> <p>LSIO affected land may be developable, however the constraints need to be recognised and significant increases in built form avoided.</p> <p>Changing farming practices and planning policy seeks to protect agricultural land which is or has the potential to be productive.</p> <p>As with the current Farming Zone, the Rural Zone did not allow for dwellings “as of right” without a planning permit.</p> <p>Rates issue is outside the scope of this project.</p> <p><b>Recommendation: Amend Precinct 7 and its boundaries (refer Section 2 of this Report).</b></p>


<p>2</p>	<p>3</p>	<p>Precinct 3 is clear of vegetation, is above the high tide line, and is not a fire risk, land has been filled and has no coastal acid sulphate soil, and land abutting is zoned residential. Land should not be in RCZ.</p> 	<p>The property is located on the edge of the residential zoned area, with the section abutting South Street within the GRZ. The site is affected by the DDO, LSIO and two ESOs and is therefore considerably constrained.</p> <p>Given the proximity to the edge of town, consideration could be given to either rezoning the site to GRZ with a DPO to control development outcomes, or including it in the RCZ (as recommended) and using the schedule of the RCZ to control dwelling development as lots are typically 1,000sqm.</p> <p>At this stage, an additional 12 residential/township lots in Port Albert cannot be justified, <b>therefore the site should remain as per the recommendations and be rezoned RCZ.</b></p>
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<p>3</p>	<p>7</p>	<p>Land has not been subject to inundation and has access via fire access road (Gibson St).</p> <p>Lack of infrastructure is similar to land in the township.</p> <p>Land is very marginal and not suitable for agriculture. Blocks are ideal for a rural house with acreage. Dwellings already exist in this precinct, fairness should allow more to be built. Investment potential of land decreased. Port Albert needs to go ahead.</p> 	<p>LSIO affected land may be developable, however the constraints need to be recognised and significant increases in built form avoided.</p> <p>Lack of infrastructure, including practicable and legal road access is a consideration in the rezoning of any parcels of land.</p> <p>Planning should be orderly and needs to consider a number of factors including planning policy and site constraints. Planning policies and requirements change over time, and the existence of dwellings does not necessarily correlate into the allowance of more dwellings.</p> <p>Whilst planning concerns itself with factors of amenity, this does not extend to the impacts on property values which are not a required consideration under the objectives of planning in Victoria.</p> <p>The development and growth of Port Albert can occur through measures and actions outside of planning changes.</p> <p><b>Recommendation: Amend Precinct 7 and its boundaries (refer Section 2 of this Report).</b></p>
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<p>4</p>	<p>3</p>	<p>Report does not mention proposed rezoning of Precinct 3.</p> <p>Not all land is equal in this area and not all should be in the RCZ. There could be benefits to an environmentally considered development of the area.</p> <p>Port Albert Masterplan 2005 not mentioned (status queried). Global warming is not commented on, canal development could protect from this.</p> <p>CAS Soils can be managed.</p> <p>Precinct is within town boundary and should be designated for development. Severe limitation to town growth.</p> 	<p>It is acknowledged there have been previous proposals to develop this area with a marina, however it seems unlikely this will occur in the near future. Such a development would require a change of zone to a non-rural zone, and further, a large scale development would have significant supply implications for the Port Albert town area.</p> <p>The Port Albert Masterplan is approximately 10 years old, and over that time planning policy directions have altered in regard to balancing the protection of and development of coastal settlements.</p> <p>Whilst CAS soils can be managed, state government guidelines seek to minimise the adverse impacts from the intensification of use and development in these areas. This position will be strengthened by proposed pending state government changes to the planning scheme.</p> <p>DEPI supports the rezoning of this site to RCZ in response to the constraints and environmental values of this precinct.</p> <p><b>Recommendation: No change</b></p>
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5	1	<p>Land should be in RLZ or RAZ instead of RCZ.</p> <p>Precincts are poorly considered.</p> <p>Properties should be considered individually based on existing uses. Differences between lots that front the wetlands and lots fronting the road.</p> <p>LSIO does not discount development and block size allows for containment.</p> <p>EVC vegetation present is of least concern. Cleared properties are being rewarded with RLZ. Land is less than the RCZ and FZ minimums lot sizes.</p> <p>Demographics are dated. Demand was stifled by uncertainty in planning controls (C33 and C55). Want to grow and invest in tourism accommodation business.</p>	<p>Site currently comprises group accommodation and horticulture uses.</p> <p>The State Government/DTPLI direction for the consideration of amendments to planning schemes is for groups of sites/precincts to be considered for change, rather than individual sites. A precinct analysis minimises potential land use conflicts which may arise from rezoning individual sites.</p> <p>Whilst there are differences between the land fronting the road and those lots fronting the wetland, the precinct forms an interface with the adjoining wetland, which is sensitive and requires protection.</p> <p>Like the FZ, the RCZ allows for group accommodation, subject to planning approval. This is similar to the RLZ which requires planning approval for accommodation uses (a slightly broader definition than group accommodation). Whilst the emphasis of the RCZ is on protecting environmental and landscape values, it also provides for appropriate development in line with these values.</p> <p>Schedules to the FZ and RCZ can specify a minimum subdivision size that varies from the State default. The existing RCZ schedule in the Wellington Planning Scheme provides for the State default of 40 hectares, except for land within the ESO1, which has a minimum of 100 hectares. It is considered these subdivision sizes will ensure greater protection of the environmental values in these significant areas.</p> <p>Demographics used are from ABS Census 2011 and are the current data sets available.</p> <p><b>Recommendation: Apply the RCZ with a min subdivision size of 40ha</b></p>
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			<p>or 100ha in ESO1.</p>
6	6	<p>Half of property is bush which the submitter has been advised cannot be cleared.</p> <p>Only desktop analysis of property undertaken.</p> <p>Wants zoning to reflect rate notice.</p> 	<p>The project is to review the appropriateness of the application of the Farming Zone to the study area. Several visits to the study area were undertaken during the investigation period, as well as thorough research and review of relevant documents, physical conditions, planning polices and previous planning decisions.</p> <p>Rates issue is beyond the scope of this project.</p> <p><b>Recommendation: No changes, retain the site and precinct in the Farming Zone.</b></p>


<p>7 DEPI</p>		<p>RCZ implementation is supported in Precincts 1 and 3 to ensure land use and development is consistent with the environmental and landscape values/constraints. Vegetation removal in these areas would be assessed under moderate or high risk based pathways.</p> <p>Precinct 6 expansion of ESO1 is consistent with environmental objectives.</p> <p>Council should take into account VPP Amendment VC109 in relation to RCZs, clearance and defensible space for dwellings.</p>	<p>Noted</p> <p><b>Recommendation: No change</b></p>
<p>8</p>	<p>4</p>	<p>Concerns about rates.</p> <p>Flood problem and no drainage in area.</p> <p>Questions the wisdom of residential zoning in Port Albert. Many properties on the market.</p> 	<p>Rates issue is beyond the scope of this project.</p> <p>Comments regarding lack of demand for further residential lots are noted.</p> <p><b>Recommendation: No change</b></p>


<p>9</p>	<p>2</p>	<p>Historical and current use of parcels must be recognised.</p> <p>Questions growth projection calculations used.</p>	<p>Current use of lots is one consideration, however other considerations guide zoning choices. The existence of a dwelling on a lot alone generally does not provide sufficient justification for a change in zone.</p> <p>Victoria in Future data is typically available for larger areas. These projections are considered to be the most appropriate to use in strategic projects such as this study, and are readily adopted by most government agencies as providing a realistic guide to future population change.</p> <p><b>Recommendation: No change</b></p>
<p>10</p>	<p>1</p>	<p>Supports RCZ if a smaller subdivision size is applied.</p> 	<p>Justification for a smaller subdivision size is difficult as additional subdivision for this area could impact on environmental objectives. Wellington Shire Council currently utilises 40 hectares as a minimum subdivision size for RCZ land. This does not prevent dwellings on the existing lots, rather planning approval is required for the use and development of land for a dwelling.</p> <p><b>Recommendation: Apply the RCZ with a minimum subdivision size of 40 hectares or 100 hectares in ESO1.</b></p>
<p>11</p>	<p>6</p>	<p>Questions the level of vegetation in Precinct 6. Vegetation in road reserve is currently being cleared.</p> <p>Questions the consistency of the rezoning approach and highlights anomalies, such as</p>	<p>The site is affected by the Heritage Overlay and partly by the Environmental Significance Overlay.</p> <p>Precinct 6 is in close proximity to land used for agricultural production and is considered to have endangered vegetation.</p>


		<p>zoning land as Farming Zone that is only suitable for residential purposes.</p> 	<p>Based on the abovementioned constraints and rural living supply which could be provided in other precincts, it is considered premature to rezone this land to Rural Living.</p> <p><b>Recommendation: Minor change to recommendation – Investigate extending the ESO to this site.</b></p>
12	Council Officer	No concerns from a statutory planning perspective. The proposed changes reflect the existing usage of the land and will allow for more dwellings to be built in the area whilst also controlling development in other areas.	Noted
13	Council Officer	No objections to the proposed changes. In some cases existing infrastructure may need to be reviewed, this would occur when actual development occurs in the area.	Noted
14	South Gippsland Water	Proposed smaller allotments typically less than 400m <sup>2</sup> , or with an inability to retain and manage effluent on site will need to connect to South Gippsland Water's sewerage network.	Noted

<p>15</p>	<p>7</p>	<p>Believes the review falls short of implementing appropriate zones reflecting current use of the land.</p> <p>In precincts 7, 8 and 9, there are dwellings and infrastructure and therefore should be zoned for rural living.</p> <p>Precinct 7 is not suitable for full time agricultural production.</p> 	<p>The current use of lots is a consideration in the recommendations, however other considerations also guide zoning choices. The existence of a dwelling on a lot alone generally does not provide sufficient justification for a change in zone.</p> <p>Precincts 8 and 9 are considerably more constrained than Precincts in the western half of the study area. In addition, their increased distance from the town centre, combined with proximity to farming activities and the underlying coal resource make it inappropriate to rezone these areas from farming.</p> <p>However, upon review of the submission, the location of Precinct 7 and its boundaries will be reviewed.</p> <p><b>Recommendation: Amend Precinct 7 and its boundaries (refer Section 2 of this Report).</b></p>
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<p>16</p>	<p>8</p>	<p>Believes there is merit in allowing Precinct 8 to be considered as a future rural living zoned area, given the services available to the land, the existing subdivision pattern and that the land is unsuitable for agricultural activity.</p> <p>It is acknowledge that the Land Subject to Inundation Overlay is a constraint but it is not believed that this should be the determinant factor in whether the site is suitable for rural living.</p> 	<p>Precincts 8 is considerably more constrained than other precincts in the study area. In addition, its increased distance from the town centre, combined with proximity to farming activities and the underlying coal resource make it inappropriate to rezone this area from farming.</p> <p>The precinct is clearer of vegetation than other precincts in the study area and when combined with its larger lot sizes, Precinct 8 is considered to be more conducive to agricultural activity.</p> <p><b>Recommendation: No change, retain Precinct 8 in the Farming Zone.</b></p>
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17	5	<p>There are areas in Precinct 5 that should be reconsidered before being zoned farming.</p> <p>Believes Langsborough would be the most preferred area for future development as it is dry, cleared, has no flooding concerns and is not suitable for farming.</p> 	<p>Whilst Landsborough maybe suited for future development this study has identified a sufficient supply of rural residential on existing small lots or within existing rural living precincts.</p> <p>It is unclear which sites along Kilgowers Road are referred to in this submission.</p> <p><b>Recommendation: No change.</b></p>
18 Council Officer		Picks up a few edits that are required	<b>Recommendation: Review edits and make changes where appropriate.</b>
19 West Gippsland Catchment		No objection to the recommendations for all Precincts.	Noted



Management Authority			
20	7	<p>Believes land within Precinct 7 is inappropriate for farming due to the size of the properties and poor quality of the land.</p> <p>Precinct 7 should be zoned RLZ to reflect its true usage and should consider larger land parcels, rather than smaller ones.</p> 	<p>The current use of lots is a consideration in the recommendations, however other considerations also guide zoning choices. The existence of a dwelling on a lot alone generally does not provide sufficient justification for a change in zone.</p> <p>However, upon review of the submission, the location of Precinct 7 and its boundaries will be reviewed.</p> <p><b>Recommendation: Amend Precinct 7 and its boundaries (refer Section 2 of this Report).</b></p>


21	2	<p>Supports change of zoning of land as it is more appropriate. Believes the review may encourage greater investment in the town.</p> 	Noted
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<p>22</p> <p>Port Albert Progress Association</p>		<p>Emphasis that rural land needs to be zoned reflecting its usage and believe that report has fallen short of this. Believes that the focus was on identifying new land for RLZ, rather than applying the correct zone to reflect usage of existing land. Does not support the idea that there is little demand for rural lots around Port Albert. Believes that any new land released for RLZ should be kept at its original subdivision size and not be allowed to be reduced into small blocks.</p> <p>Believes the justification used for implementing some zones has not been applied equally to other zones.</p> <p>Precinct 1: Land Subject to Inundation only applies to the southern portion of the Precinct with the north portion of the Precinct well serviced. Existing businesses in this area are severely restricted under the RCZ. Therefore the northern portion of Precinct 1 should be included in Precinct 2.</p> <p>Precinct 2: Believes that the rezoning of this Precinct alone would not meet the demand for growth.</p> <p>Precinct 3: Believes this should not have</p>	<p>Current use of lots is a consideration in the recommendations, however other considerations also guide zoning choices. The existence of a dwelling on a lot alone generally does not provide sufficient justification for a change in zone.</p> <p>Recommendations to change the zoning of certain precincts has considered a range of factors including: strategic location in the context of the Langsborough and Port Albert; proximity to existing farming uses; vegetation levels; current subdivision and land use patterns; constraints (environmental and infrastructure) and implications on supply.</p> <p>Precinct 1: The RCZ will not significantly impact on the businesses operating in these areas. It recognises the need to consider the impacts of land use and development on the more sensitive land in the south and in the marine park. No changes to this precinct boundary are recommended.</p> <p>Precinct 2: The rezoning of Precinct 2 to RLZ can have significant implications on the supply of such lots, dependent on the minimum subdivision size applied. At a minimum of 2ha an additional 10 lots could be created in this precinct, representing a 10 year supply in this precinct alone (based on current take up rates).</p> <p>Precinct 3: This land is within the Farming Zone and not part of the township area. Recommendations to consider the western part of the precinct for further growth will be made.</p> <p>Precinct 4: Support noted.</p> <p>Precinct 5: No change to precinct boundaries is proposed. The precincts have been determined based on an assessment of key access. In this case</p>
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	<p>been included in the review as it is the town centre. The residential blocks on the western side should be zoned accordingly.</p> <p>Precinct 4: Agrees that the Low Density Residential Zone is the most appropriate use of this Precinct.</p> <p>Precinct 5: Believes existing rural lifestyle properties should be incorporated into RLZ in Precinct 7.</p> <p>Precinct 6: Believes the Precinct's boundary should be moved south to allow properties along Old Port Rd to be zoned RLZ, to reflect their true usage.</p> <p>Precinct 7: Believes it is inappropriate to zone rural living properties as FZ and therefore, given the nature of the small land parcels, existing use of properties and lack of agricultural value, these areas should be zoned RLZ.</p>	<p>the rural residential properties on Kilgowers Road are accessed from the Yarram-Port Albert Road.</p> <p>Precinct 6: No change is proposed. Most of the lots along Old Port Road already comprise dwellings and the caravan park is a permitted use in the Farming Zone. It would be premature to rezone this land as sufficient Rural Living Zone land will be provided in other precincts.</p> <p>Precinct 7: Following consideration of the submission, the boundaries of Precinct 7 were reviewed. Changes are recommended to the boundaries of Precinct 7, and therefore Precinct 8, and for Precinct 7 to be rezoned to RLZ with a min subdivision size of 2 hectares. Land to the east of the precinct and to the west of the Tarraville Road cannot be supported at this stage for rural living, primarily due to the absence of physical road access, current agricultural potential and significant vegetation cover.</p> <p>Precinct 8: Noted.</p> <p>Precinct 9: State resource overlay, proximity to farming activities and distance from Port Albert township it is considered appropriate the land be retained in the Farming Zone.</p>
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		<p>Precinct 8: Agrees that the majority of this Precinct should be retained in the FZ.</p> <p>Precinct 9: Believes, based off the historical and current use of the land, should be zoned RLZ.</p>	
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<p>23</p>	<p>7</p>	<p>Believes Precinct 7 should be zoned Rural Residential to reflect the true usage of the land.</p> 	<p>The current use of lots is a consideration in the recommendations, however other considerations also guide zoning choices. The existence of a dwelling on a lot alone generally does not provide sufficient justification for a change in zone.</p> <p>However, upon review of the submission, the location of Precinct 7 and its boundaries will be reviewed.</p> <p><b>Recommendation: Amend Precinct 7 and its boundaries (refer Section 2 of this Report).</b></p>
<p>24</p>	<p>7</p>	<p>Believes the continued application of the FZ in Precinct 7 is misguided. Growth in the land north of Gibson Street should be considered and land with limited agriculture ability should be excluded from the FZ.</p> 	<p>Upon review of the submission, the location of Precinct 7 and its boundaries will be reviewed.</p> <p><b>Recommendation: Amend Precinct 7 and its boundaries (refer Section 2 of this Report).</b></p>

<p>25</p>		<p>Believes that the rezoning process should have been carried out on a block by block basis.</p> <p>Concerns around land in the FZ which has never been suitable for farming and land in the Conservation Zone which does not have significant vegetation.</p>	<p>The State Government/DTPLI direction for the consideration of amendments to planning schemes is for groups of sites/precincts to be considered for change, rather than individual sites. A precinct analysis minimises potential land use conflicts which may arise from rezoning individual sites.</p> <p>Planning Practice Note 42 has provided guidance on the application of the Farming Zone. The recommendations accord with the direction of the Practice Note, which outlines a number of scenarios whereby the FZ and RCZ may be applied. Such scenarios include retaining the land in FZ until such time it may be required for future residential subdivision.</p> <p><b>Recommendation: No change</b></p>
<p>26</p>	<p>7</p>	<p>Believe retaining the FZ in Precinct 7 is ill advised.</p> 	<p>Upon review of the submission, the location of Precinct 7 and its boundaries will be reviewed.</p> <p><b>Recommendation: Amend Precinct 7 and its boundaries (refer Section 2 of this Report).</b></p>

<p>27</p>	<p>7</p>	<p>Does not agree that there is not demand for rural lifestyle block in Port Albert.</p> <p>Believes there needs to be a review on zoning that inhibits or prohibits building or residency.</p> 	<p>Demand can only be assessed based on available data. Whilst anecdotal data exists, it is difficult for this to be verified adequately to indicate a significant demand for rural lifestyle dwellings.</p> <p>Site is in the General Residential Zone.</p> <p><b>Recommendation: No change</b></p>
<p>28</p>	<p>5</p>	<p>Fully supports the rezoning in Precinct 5 as it would allow development as before.</p> 	<p>Noted</p>

## 2 Review of Precinct 7

Following consideration of the submissions received to the draft RLLR the boundaries and recommendations for Precinct 7 were reviewed. It is proposed to alter to the boundary between Precincts 7 and 8, as well as make changes to the recommendations for the revised Precinct 7.

The boundary of Precinct 7 will be altered so it comprises land generally fronting the north side of Gibson Street and the Port Albert-Tarraville Road. Six lots in the eastern part of the precinct will be removed from Precinct 7 and placed in Precinct 8 on the basis that these lots have limited, if any, practicable access, and are in some cases heavily vegetated.



Revised Precinct 7



Revised Precinct 8

The recommendation for the revised Precinct 7 area will be as follows:

*Rezone land within Precinct 7 (with the exception of land to the west of Port Albert-Tarraville Road – CA91 B, Parish Alberton West) to the Rural Living Zone – Schedule 2 with a minimum subdivision size of 2 hectares.*

It is not appropriate to rezone land further east of Albany Street due to greater difficulties with road access and physical constraints.

The proposed changes would not provide for any additional lots to be created. Consolidation of the small lots in the south west corner should still be encouraged, however the application of the Restructure Overlay to this area is not considered necessary given the revised recommended zone change.

Dwellings will not be “as of right” on the majority of the lots due to the existing lot sizes being less than 2 hectares. Four lots would have as of right dwellings, however most of these lots already have dwellings constructed.

## 2.1 Changes to recommendation following discussions with WGCMA

Following, the review of submissions and the change to the recommendation for Precinct 7 outlined above, comment was sought from the West Gippsland Catchment Management Authority (WGCMA). The WGCMA are obliged to look at future inundation for all rezoning proposals. Therefore the potential inundation of the area at the year 2100 is used to provide guidance on the appropriateness of residential development in areas such as the Port Albert Hinterland. These figures indicate all of Precinct 7 would be inundated at 2100 and the WGCMA therefore has indicated they could not support rezoning the land to allow rural residential development by applying the Rural Living Zone. Therefore, whilst there is some merit in rezoning parts of Precinct 7 for rural residential purposes, particularly where dwellings exist, the WGCMA’s comments make it impossible to continue with this recommendation change. Precinct 7 should therefore remain in the Farming Zone.

## 3 Proposed Minimum Lot Sizes

The following minimum lot sizes are recommended for each precinct:

Precinct	Proposed Zone and Schedule	Minimum Subdivision Size	Minimum area for which no permit is required to use land for a dwelling.
1	Investigate rezoning to RCZ Schedule 1	40 hectares or 100 hectares in ESO1	n/a



2	Rezone to RLZ Schedule 2	2 hectares	0.4 hectares
3	Investigate rezoning to RCZ Schedule 1	40 hectares or 100 hectares in ESO1	n/a
4	Rezone to LDRZ	0.4 hectares if not connected to sewerage	n/a
5	Rezone part to RLZ Schedule 2	2 hectares	0.4 hectares
6	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)
7	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)
8	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)
9	Retain in FZ	40 hectares (as not in Macalister Irrigation District)	40 hectares (as not in Macalister Irrigation District)

The recommendations in the draft Report included rezoning land within Precincts 1, 2, 3, 4 and 5. Rural Zones are proposed for these precincts with the exception of Precinct 4 (LDRZ is included in the residential suite of zones) and each of these zones can utilise a schedule to specify the minimum subdivision size and the size of land for which a planning permit is not required for the use of land for a dwelling.

It is proposed to utilise Schedule 2 to the Rural Living Zone for all rural residential areas in Precincts 2 and 5. This existing schedule has a minimum subdivision size of two hectares and minimum area for which no permit is required to use land for a dwelling size of 0.4 hectares (1 acre). This schedule best reflects the intended small lot rural residential outcomes desired by the Port Albert community, as well as the existing subdivision pattern of the Precincts, particularly Precinct 5. Given the existing subdivision and land use patterns, it is noted the proposed controls will only allow for dwellings where there is no existing dwelling and generally further subdivision, with the exception of some lots in Precinct 2, will not be possible.

In relation to Precincts 1 and 3 the Rural Conservation Zone, Schedule 1 is recommended to be used. This Schedule has a minimum subdivision size of 40 hectares for all land, other than land in the ESO1 which has a minimum subdivision size of 100 hectares. We note however, that the existing lot sizes are significantly smaller than the minimum specified in the schedule, and therefore further subdivision will not be possible. Regardless of lot size, planning approval will be required to use and develop land for a dwelling, and each application will be assessed as per the provisions of the Zone.



#### 4 Potential Lot and Dwelling Yield Comparisons

Potential lot and dwelling yield has been calculated based on the assumption of rezoning land as outlined in the Table in Section 3 above.

Whilst the community survey indicated a preference for smaller lots of 0.4 hectare (1 acre) in size, this lot size has not been recommended as it is generally considered inadequate for wastewater treatment systems and would result in significant levels of land supply in Port Albert. Further, the size of 0.4 hectares is akin to town sized residential allotments, not rural living lots as is the focus of this study.

As the 2 hectare size is the most appropriate to respond to the environmental and physical attributes of the lots, and to provide supply for the anticipated demand for rural residential lots, it has been used to calculate an anticipated lot yield. Based on the current subdivision sizes, using the recommendations of the Report, it is anticipated an additional 10 lots could be yielded. This is in addition to the existing lots, which are also specified in the table below.

As the table also demonstrates, there are a number of vacant lots for which there is potential for the use and development of a dwelling, subject to planning approval.

Precinct	Proposed Zone and Schedule	Min Subdivision Size	No. of Existing Lots**	Additional Lot Yield	No. of Existing Dwellings	Potential new Dwellings ***
2	Rezone to RLZ 2	2 hectares	8	10	5	13
5	Rezone part to RLZ 2	2 hectares	20 (8 RLZ and 12 FZ)	0 - all RLZ lots less than 4 ha	7	4
<b>Totals</b>			<b>28</b>	<b>10</b>	<b>12</b>	<b>17</b>

\*\* Includes all existing lots, including those with dwellings, and those which are inaccessible, have high vegetation cover and other such constraints.

\*\*\* The potential for new dwellings is approximate only and makes some assumptions as to the likelihood of the lots being developed with dwellings, including accessibility/lack of physical road access, high vegetation cover and planning controls. New dwellings will generally be subject to Council approval.

It is anticipated 10 additional lots could be yielded, and when combined with the existing lots, this results in a supply of 38 rural lifestyle lots. When adopting the current take up rate of one dwelling per year, this provides a supply for 38 years. When adopting a take up rate of 2 dwellings per year, this provides a 19 year supply.

Potentially a more realistic approach for supply would be to review the potential new dwellings. This has taken into consideration factors such as accessibility (ready availability of a road frontage/connection), vegetation cover and the like. Subject to meeting the requirements of the planning scheme, and obtaining planning approval, there could be a potential for 17 new dwellings, representing a supply for 17 years if the take of 1 dwelling per year was adopted. If two dwellings per year were taken up, this would equate to 8 years of supply, providing a significant contribution to the supply of rural lifestyle lots across the whole of the Wellington Shire.



## **C4 - REPORT**

# **GENERAL MANAGER BUILT & NATURAL ENVIRONMENT**

**ITEM C4.1****FIRST RIGHT OF REFUSAL - 11 TEMPLE STREET, HEYFIELD**

DIVISION: BUILT AND NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

DATE: 2 DECEMBER 2014

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 respond to an offer from the Department of Treasury and Finance (DTF) for Council to purchase 11 Temple Street, Heyfield.

**BACKGROUND**

Council has received correspondence from DTF offering to sell to Council 11 Temple Street, Heyfield.

Along with other state and federal agencies, Wellington Shire Council has been offered the first right of refusal (FROR) over the site pursuant to the State Governments Landholding Policy. DTF has outlined that the sale price would be at market value.

Attachment One shows the location of the property which is a residence situated on 720m<sup>2</sup>.

The area is zoned Commercial One Zone (C1Z) and has also had an Environmental Audit Overlay (EAO) applied to it.

The EAO imposes requirements that are relevant to how the land can be developed. Prior to any sensitive use commencing, it would be necessary to obtain either a Certificate of Environmental Audit or a statement from an environmental auditor noting the land is suitable for the sensitive use. A sensitive use is defined as a residence, child care centre, pre-school centre or primary school.

A process of due diligence would need to be completed. This would include a building condition audit. This type of investigation would also seek to identify any additional funds required to be expended on the property to bring it up to a standard required for its future purpose.

This property has not been identified as being required for council services or open space provision.

**OPTIONS**

Council has the following options available:

1. Express an interest in purchasing the site; or
2. Advise that Council is not interested in purchasing the site.

**PROPOSAL**

That Council reject the offer from the Department of Treasury and Finance to purchase 11 Temple Street, Heyfield.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

Any purchase of the property would require a provision within Council's capital budget for the market value of the site in addition to other costs associated with the acquisition.

A broad estimate of the property is within the range of \$180,000 to \$250,000 subject to its condition being good and no other issues that would otherwise impact its value.

There is currently no provision within Council's budget for this acquisition.

## **COMMUNICATION IMPACT**

No communication impacts have been identified.

## **LEGISLATIVE IMPACT**

Any acquisition would need to be consistent with relevant legislation. Council's solicitor would be instructed to ensure compliance with all relevant legislative requirements involved in the purchase.

## **COUNCIL POLICY IMPACT**

Any purchase would need to be consistent with Council's policy regarding Sale, Exchange and Acquisition of Land.

Upon review of the policy and reference to other Council plans and strategies it has been determined that there is no specific justification to support progressing the purchase of the property. This is reflected in the reports recommendation.

## **COUNCIL PLAN IMPACT**

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategies:

### Strategic Objective

*"Assets and infrastructure that meet current and future community needs."*

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

## **RESOURCES AND STAFF IMPACT**

Any progression of the purchase would require the use of resources within the Built and Natural Environment Division and involve engaging solicitors and other consultants as necessary.

## **COMMUNITY IMPACT**

It is appropriate that DTF have regard to any community impact as part the sale process.

## **ENVIRONMENTAL IMPACT**

An EAO has been applied under the planning scheme. These are generally applied due to sites being known to have a level of contamination. No detail has been provided by DTF regarding any environmental issues with the property so it would be necessary to define the extent of contamination prior to making an offer.

A disclosure statement within the contract of sale may provide more detail however it is still likely that further investigation would be necessary and entail assessing the property for contamination.

## **CONSULTATION IMPACT**

Internal business units have been consulted regarding the FROR.

## **RISK MANAGEMENT IMPACT**

No issues of risk management have been identified.

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

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## **RECOMMENDATION**

***That Council reject the offer from the Department of Treasury and Finance to purchase 11 Temple Street, Heyfield.***

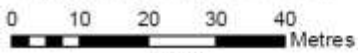
ATTACHMENT ONE



# 11 Temple Street, Heyfield



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## C5 - REPORT

# GENERAL MANAGER LIVEABILITY

**ITEM C5.1****MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: LIVEABILITY  
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES  
 DATE: 2 DECEMBER 2014

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

**OBJECTIVE**

For Council to receive the minutes from the Maffra Recreation Reserve Committee of Management's Ordinary Meeting held on 6 October 2014.

**BACKGROUND**

The Maffra Recreation 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 this Committee are:

- To manage, operate and maintain the Maffra Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Maffra Recreation 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 Maffra Recreation Reserve Committee of Management's Ordinary Meeting held on 6 October 2014; or
2. Seek further information for consideration at a future meeting of Council.

**PROPOSAL**

That Council receive the minutes from the Maffra Recreation Reserve Committee of Management's Ordinary Meeting held on 6 October 2014.

## **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 Maffra Recreation Reserve Special Committee of Council are open to the public.

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

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## **RECOMMENDATION**

***That Council receive the minutes from the Maffra Recreation Reserve Committee of Management’s Ordinary Meeting held on 6 October 2014.***

MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT  
(SPECIAL COMMITTEE of WELLINGTON SHIRE COUNCIL)  
GENERAL MEETING

Held Monday October 7<sup>th</sup>, 2014

PRESENT- Cheryl Dowling, Mark Hewlitt, Dennis Proud, Val Bragg, Jennifer Toma, Steve Dingwall & Cr Crossley.

APOLOGIES –John Vardy, Lisa Ogilvie, Matthew Coleman, Charlie Coleman and Irene Crockford.

Conflict of interest the Chairman, M. Hewlitt, advised committee members that they are obliged to declare any conflict of interest arising from items to be discussed at this meeting.

MINUTES of the general meeting held on Monday September 1<sup>st</sup>, 2014 were read and received on the motion of D. Proud and seconded by C. Dowling. CARRIED

BUSINESS ARISING –

1/ The re-vamped Demolition Derby will be held towards the west at the rear of the Function Centre.

2/ The Secretary reported that Matthew Coleman is to contact D. Bennett re electrical work required to be completed before the Maffra Show.

3/ ACTION – that an Ag Society working bee will take place before the upcoming Show to move dirt into the grass triangle.

4/ ACTION- D. Proud to collect “R lock” from the Secretary to replace the lock on the gate to “Siberia”.

5/ ACTION- Secretary to approach sign writers for quotes for a large sign and its construction.

CORRESPONDENCE

- Inward – nil

Outward – letters to committee members with meeting invitations & Minutes

Correspondence read and received on the motion of V. Bragg and seconded by D. Proud. CARRIED

The Secretary presented TREASURER’S REPORT- for the month in the absence of the Treasurer.

Secretary, J. Toma moved and S. Dingwall seconded that the Financial Report be received and any accounts passed for payment. CARRIED

REPORTS

Kennel Club- Judges for the 2015 shows will be a mix of international and Australian. There will be a change in office-bearers at the upcoming AGM in November.

Rockhounds- a meeting to decide the fate of this club will take place during this month as the AGM must be held in November.

Agricultural Society-Show preparations are progressing well. This Show will be a Jersey Feature show, the first of this breed for many years.

EVPHC Inc- a report was tabled (copy attached). ACTION- a clean up will be undertaken around the safety gate to ensure easy opening.

This committee endorses that the Jack Williamson Show Jumping arena will be available for use by user groups up to the month prior to the Maffra Show and will be available for use again one month after the Maffra Show.

Poultry Club-this club also has a declining membership.

GENERAL BUSINESS

1/ Public access to the Reserve- it is proposed that the eastern access gate be locked and only opened when required and a pedestrian gate is installed for public access.

ACTION- Secretary to contact Les Langshaw for a quote.

2/ The Maintenance Keys will be loaned to the Maffra Agricultural Society before the Show and will be returned promptly thereafter.

3/ It is noted that the Maffra Football/Netball Club Inc office was broken into and a number of items stolen. This was reported to the Police and re-enforced locks have been fitted to the office door.

4/ A meeting of interested parties was held on the subject of drainage within the Maffra Recreation Reserve.

5/ The operation to lease the old Social Clubrooms is an ongoing process with WSC.

The meeting closed at 9.00pm.

The next meeting will be held Monday November 3<sup>rd</sup>, 2014.

EASTERN VIC PLEASURE HARNESS CLUB INC.



**Maffra Recreation Reserve Meeting 6th October, 2014**

**Recent event held:**

- EVPHC held a one day dressage qualifying event– on Blackies Paddock Sunday 7<sup>th</sup> September, 2014 with absolutely perfect weather and pleasing support with outside entries.

**Access past GATE "D"**

- Edward St/Laneway - . These gates were not used by EVPHC at the recent Dressage Day as there still needs to be some 'general whipper snipping done to ensure the access is safe. Having been re-padlocked with the R Key, it certainly is a functional option for both horses and drivers to access Blackies Paddock.

**EVPHC Use of Recreation Reserve:**

- Request for confirmation/clarification regarding "use of and access to all areas of the recreation reserve as a user group."
- As October is the start of the show season and the club members will be out-and about supporting other events around the Gippsland areas – EVPHC will not be using the reserve.  
November: Unsure as at date of meeting whether EVPHC will utilise the grounds or not. Cheryl will inform Jenny of any potential future dates – noting that the Truck show weekend is already booked.  
It is possible that the Club may hold their Christmas Break-up at the Reserve – again YTBC.

Cheryl Dowling  
EVPHC  
Rep

**ITEM C5.2****BRIAGOLONG RECREATION RESERVE COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: LIVEABILITY  
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES  
 DATE: 2 DECEMBER 2014

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 Recreation Reserve Committee of Management's Annual General Meeting held on 21 October 2014 including Audited Financial Statements.

**BACKGROUND**

The Briagolong Recreation 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 Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Briagolong Recreation 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 Recreation Reserve Committee of Management's Annual General Meeting held on 21 October 2014 including Audited Financial Statements; or
2. Seek further information to be considered at a future Council Meeting.

**PROPOSAL**

That Council receive the minutes from the Briagolong Recreation Reserve Committee of Management's Annual General Meeting held on 21 October 2014 including Audited Financial Statements.

## **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 Recreation Reserve Special Committee of Council are open to the public.

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

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## **RECOMMENDATION**

***That Council receive the minutes from the Briagolong Recreation Reserve Committee of Management’s Annual General Meeting held on 21 October 2014 including Audited Financial Statements.***

**BRIAGOLONG RECREATION RESERVE  
Special Committee of Council**

**ANNUAL GENERAL MEETING MINUTES**

**MEETING DATE: 21<sup>ST</sup> OCTOBER 2014**

**MEETING TIME: 7.30PM – 8.23PM**

**MEETING VENUE: BRIAGOLONG RECREATION RESERVE ROOMS**

**1. Present/apologies**

Name	Title	Representing	Present/Apology
Peter Cleary	Councillor	Wellington Shire Council	Present
Megan Lee		Briagolong Junior Football	Absent
Chris Pleydell		Briagolong Junior Football	Absent
Kerrie Camp	Treasurer	Briagolong Tennis Club	Present
Roscelyn Annear	Chairperson	Briagolong Tennis Club	Present
Jacob Annear		Boisdale/Briagolong Cricket	Apology
Bradley Mynott		Boisdale/Briagolong Cricket	Apology
Kylie Wright		Briagolong & District Pony	Present
Jenny Elliot		Briagolong & District Pony	Present
Terri Matthiesson	Secretary	Community	Present
Neil Sandison		Community	Present
Stephen Noble		Community	Present

Quorum achieved: **YES**

**2. Declaration of conflicts of interest: NIL**

**3. Confirmation of minutes of previous meeting:**

Moved: Ros                      Seconded: Stephen

**4. Business arising from previous meeting:**

- Awaiting a new quote from Ron Orchard on internal driveway of recreation reserve.
- All pony club members have been sent a letter informing them of no horses to be on ovals unless permission is granted by the Recreation Reserve Committee.
- Pony club has agreed NO horses are to utilise the top oval. In lieu of this agreement, 6 competition weekends as well as normal rally weekends will occur utilising all other areas of the recreation reserve. This agreement is to be revisited each Briagolong Recreation Reserve at time of AGM.

**5. Reports:**

**5.1 Chairpersons' report** – Grant for the kitchen has been sent.

Tennis and Rec electricity account has been combined.

Top dressing and seeding of main oval has been completed.

Thanks to Jake Taylor for slashing, Darren Randle for organising delivery and spreading of mulch and to Nadine Pleydell for tidying up the end of fencing near tennis courts.

Defib has been purchased – still needs to be mounted.

**5.2 Treasurers' report** - presented by Kerry (attached), Seconded by Ros. Kerry has made numerous calls to DMG, is still awaiting audit report, advice received by Cheryl Hicks at the shire is that they will accept current statement of receipts.

Confirmation required from Brad that he will remain a signatory, Jenny and Kylie to complete required paperwork to be signatories.

### **5.3 User groups reports –**

Cricket club – Bradley Mynott and Jacob Annear are current representatives.

Football club – Megan Lee and Chris Pleydell are current representatives.

Pony Club - Jenny Elliot and Kylie Wright will remain representatives for the coming year.

Community – Stephen Noble, Terri Matthiesson and Neil Sandison will remain representatives for the coming year. Terri has resigned as Secretary, Kylie will replace Terri.

Tennis Club – Ros has resigned from President, Jenny Elliot will replace Ros, Kerry wishes to resign from Treasurer however will remain so for a short while until appointment of another. Kerry and Ros also wish to resign from Rec reserve committee – to be discussed at next meeting.

### **6. Election of Office Bearers –**

Peter declared all positions vacant.

Nomination for Chairperson:

Kylie nominated Jenny Elliot, Seconded by Kerry, all members present agreed, Jenny accepted.

Nomination for Secretary:

Neil nominated Kylie Wright, Seconded by Ros, all members present agreed, Kylie accepted.

Nomination for Treasurer: still to be elected.

Bookings officer: Terri Matthiesson to remain in this role.

### **7. Schedule of Fees –**

Annual fees for the following year to remain the same as previous.

Moved by Jenny, Seconded by Kylie.

**8. Committees Rules for the Reserve:** refer to Terms of reference.

**9. Forward Planning Strategies:** Presented by Kerry at previous meeting, were accepted and carried.

**10. Next Calender year meeting dates:** Every 3<sup>rd</sup> Monday of the month agreed by all present.

**11. Next Annual general meeting:** 19<sup>th</sup> October 2015

## Treasurers Report for meeting held October 20, 2014

Reconciled Statement for September 30, 2014

Cash at Bank as at 31/08/14 8894.06

Income:

Sept

Bank Interest	0.21	
		\$0.21

Payments:

Sept

Energy Australia	-857.18	
		-857.18

Reconciled Bank Balance to date 8037.09

unpresented chq's & deposits

Reimb. Brad Mynolt - safety goggles	-83.00	
DEPI invoice for use of oval (received not banked)	550.00	
Hire of Rec Reserve by Motor Bike Group (received not banked)	250.00	
		717.00

closing balance of accounts to date 8,754.09

Cheques to be authorised

A.J. Robinson - Hire of Roller for Rec Reserve TO BE DISCUSSED	-594.00	
Calcino - Top Soil & Spreading on top oval TO BE DISCUSSED	-3800.00	
Maffra Tip Bins - Oct-Dec 2014	-234.00	
A&E Magnuson - Fuel & Gas (inc roller & 2 x gas bottles)	-490.79	
		- 5,118.79
<b>Balance Remaining to date...</b>		<b><u>3635.30</u></b>

incoming correspondence:

20/10/14 - received a letter from DMG requesting Committee to sign Engagement Letter

outgoing correspondence:

20/10/14 completed - cosmetic alteration to the face of the end of year statement of balance of funds held.

**Note:**

Called Cheryl Hicks at the WSC and explained that the audit report was still in the hands of the Auditor and that I hope it will be returned by tomorrow (21/10/14) The altered statements are to be presented tonight 20/10/14 and then the signed audit report will be forwarded to Geoff Haynes & Cheryl Hicks as soon as available so that the annual WSC subsidy amount can be invoiced.

I also don't have the invoice & deposit books to complete invoicing and banking as these are still in the hands of the auditor despite having dropped the books off in mid July.



## AUDIT & ADVISORY

Web: [www.dmgfinancial.com.au](http://www.dmgfinancial.com.au)

e-mail: [admin@dmgfinancial.com.au](mailto:admin@dmgfinancial.com.au)

### INDEPENDENT AUDITOR'S REPORT

To the Briagolong Recreational Reserve

We have audited the Statement of Receipts and Expenses ("the statement") of Briagolong Recreational Reserve for the year ending 30 June 2014. The statement has been prepared by the committee members based on the financial reporting framework required by the Wellington Shire Council Terms of Reference ("Terms of Reference").

#### Committee Members' Responsibility for the Statement

The committee members are responsible for the preparation of the statement in accordance with the Terms of Reference and for such internal control as the committee members determine is necessary to enable the preparation of the statement that is free from material misstatement, whether due to fraud or error.

#### Auditor's Responsibility

Our responsibility is to express an opinion on the statement based on our audit. We have conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the statement. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of any accounting estimates made by the committee members, as well as evaluating the overall presentation of the statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.

#### Independence

In conducting our audit, we have complied with the independence requirements of the standards issued by the Accounting Professional and Ethical Standards Board (APESB).

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GippsAudit Pty Ltd - Trading as DMG Audit & Advisory - ABN 29 166 656 677

Justin Brook: 67-71 Foster Street, (Mail to: PO Box 1033), SALE Vic 3850. Phone (03) 5144 4422

Rochelle Wigglesworth: 156 Commercial Road (Mail to: PO Box 130), YARRAM Vic 3971. Phone (03) 5182 5544

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**Basis for Qualified Opinion**

*Cash Receipts*

It is impracticable to establish controls over all monies received prior to entry into the financial records. Accordingly, as the evidence available to audit regarding revenue was limited, our audit procedures were restricted to the amounts recorded in the financial records.

**Qualified Opinion**

In our opinion, except for the possible effects of the matters described in the Basis for Qualified Opinion paragraph, the financial information in the statement, being the Statement of Receipts and Expenses for the year ending 30 June 2014, is prepared in all material respects in accordance with the Wellington Shire Council Terms of Reference.

**Basis of Accounting**

Without further modifying our opinion, we draw attention the fact that the statement has been prepared for the purpose of fulfilling the committee members' reporting responsibilities under the Wellington Shire Council Terms of Reference. As a result, the statement may not be suitable for another purpose.



Rochelle Wrigglesworth  
Director  
GippsAudit Pty Ltd

Date: 20 October 2014  
Place: Sale

**Briagolong Recreation Reserve**  
**Statement of Receipts and Expenses**  
**for the year ended June 30, 2014**

	2013/14	2012/13
<b>CASH AT BANK JULY 1ST</b>	\$ 7172.09	\$ 12541.61
<b>Receipts</b>		
Rent	2400.00	2900.00
Wellington Shire - Operating Subsidy	13751.00	13350.00
Sale of Scrap (metal)	110.50	
Donations	102.40	0.00
Interest	4.84	5.72
Unpresented Chq's	0.00	0.00
GST Refunds	725.36	1546.52
<b>TOTAL RECEIPTS</b>	<u>17094.10</u>	<u>17802.24</u>
<b>Expenditure</b>		
Audit Fee	286.00	286.00
Asset Purchase	297.90	7000.00
Cleaning	1416.12	1526.37
Gas	66.00	330.00
Electricity	5461.07	4902.76
Maintenance/Facilities	2408.45	4956.95
Maintenance/Equipment	1002.02	2892.06
Miscellaneous items	162.09	
Water	2559.22	1407.98
GST Paid	0.00	77.64
<b>TOTAL EXPENDITURE</b>	<u>13658.87</u>	<u>23379.76</u>
<b>Net Surplus(loss) Year Ending</b>	<u>3435.23</u>	<u>-5577.52</u>
<b>Add: outstanding cheques</b>	<u>1386.00</u>	<u>208.00</u>
<b>BALANCE OF CASH AT BANK JUNE 30TH</b>	<u>11993.32</u>	<u>7172.09</u>

I hereby certify that the above statement is a true record of the income, expenses and financial activities of the Briagolong Recreation Reserve, the statement is unaudited and amounts presented are inclusive of GST to be consistent with the previous year's reporting.

Treasurer: Kerrie Camp .....

Dated: .....05/07/2014

*Transaction records, Ledger, minutes and treasurers reports of the Briagolong Recreation Reserve, for the 2013/14 financial year, audited by:*

**DMG Financial Pty Ltd**  
**67-71 Foster St, Sale Vic 3850**  
**PH: 51444422**

*and to complete the audit for the financial year ending 2013/14, the statement above was altered on 20/10/14; removing the amounts referred to as unpresented chq's and moved to below the net surplus line. No other alteration was requested.*



**D. URGENT BUSINESS**



**E. FURTHER GALLERY AND CHAT ROOM COMMENTS**



**F. CONFIDENTIAL ATTACHMENT/S**

**F. CONFIDENTIAL ATTACHMENT/S**



## 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***