



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

## **Council Meeting Agenda**

**Meeting to be held at**

**Port Of Sale Civic Centre**

**Foster Street, Sale**

**Tuesday 17 February 2015, commencing at 6pm**

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

# ORDINARY MEETING OF COUNCIL – 17 FEBRUARY 2015

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## Council Meeting Information

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

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

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



## **A - PROCEDURAL**



### **STATEMENT OF ACKNOWLEDGEMENT**

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



### **PRAYER**

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

***Amen***



## **A - PROCEDURAL**

### **A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S**

**ITEM A4****ADOPTION OF MINUTES OF PREVIOUS MEETING/S**

ACTION OFFICER:

GENERAL MANAGER GOVERNANCE

DATE:

17 FEBRUARY 2015

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**OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 3 February 2015 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 3 February 2015 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:

17 FEBRUARY 2015

ITEM	FROM MEETING	COMMENTS	ACTION BY
<b>Sale Specialist School</b> <i>That:</i> <b>a) Council write to the Deputy Premier and Minister for Education, the Hon. James Merlino, highlighting the urgent need to address the current situation at the Sale Specialist School, the growing demand for specialist school enrolments and the longstanding inadequacies of the existing facility;</b>  <b>b) Council seek a meeting with the Minister for Education to discuss the future plans for the school and seek a commitment from him to secure funding for the new school; and</b>  <b>c) This resolution is passed to MLA for Eastern Victoria Harriet Shing and Daniel Mulino.</b>	3 February 2015	General Manager Liveability drafted letter 10 February 2015	General Manager Liveability



## **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:

17 FEBRUARY 2015

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ITEM	FROM MEETING	COMMENTS	ACTION BY
Request to seal Huffers Road, Merriman Street and Kyle Street in Rosedale	3 February 2015	Actioned: Refer to Item A9(2) below	Manager Built & Environment

**ITEM A9(2)****RESPONSE TO PETITION: REQUEST TO SEAL HUFFERS ROAD, MERRIMAN STREET AND KYLE STREET, ROSEDALE**

DIVISION: BUILT AND NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

DATE: 17 FEBRUARY 2015

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

**OBJECTIVE**

To consider and respond to the petition received by Council at its meeting of 3 February 2015, requesting Council to raise the priority of construction and sealing of Huffers Lane, Merriman Street and Kyle Street, Rosedale, for implementation under the Residential Road and Street Construction Plan.

**BACKGROUND**

Huffers Lane, Merriman Street and Kyle Street, Rosedale are designated as Local Access B roads and are currently inspected and maintained in line with Council's Road Management Plan.

The existing unsealed section of Huffers Lane, Merriman Street and Kyle Street, Rosedale measure approximately 2.7km in total length. Total property frontage measures approximately 5.4km, of which 3.6km is adjacent to 16 rural residential lots and 1.8km is adjacent to farming land.

The 13 signatories of the petition received by Council at its meeting of 3 February 2015 relate to 12 of the 16 adjacent properties. This represents demonstrated in-principle support for the project by abutting owners of 75%.

This project is currently identified in the Residential Road and Street Construction Plan, however is not currently identified for implementation within 4 years. The Residential Road and Street Construction Plan presently stipulates that the progression of such projects is dependent on support being demonstrated from adjacent property owners.

Given the high level of support to progress the sealing of Huffers Lane, Merriman Street and Kyle Street, Rosedale, as demonstrated through the petition received by Council on 3 February 2015, raising the priority of this project would be in line with the principles set out in the Residential Road and Street Construction Plan.

Raising the priority of this project would result in a draft special scheme being prepared, including specifying scope of works, beneficiaries, costs and apportionment of costs. Following these preliminary works, consultation with adjacent works would follow. These preliminary works would be scheduled to facilitate the administrative process to commence in the 2015-16 financial year, potentially allowing construction works from 2016-17, if the special charge scheme process is supported by participants.

**OPTIONS**

Council has the following options:

1. Advise the head petitioner that preliminary special charge scheme activities will commence in 2015-16 for the construction of Huffers Lane, Merriman Street and Kyle Street, Rosedale, in line with the Residential Road and Street Construction Plan; and

2. Advise the head petitioner that priority for the construction of Huffers Lane, Merriman Street and Kyle Street, Rosedale, under the Residential Road and Street Construction Plan, is not altered.

## **PROPOSAL**

1. Council agree to the request to raise the priority of construction and sealing of Huffers Lane, Merriman Street and Kyle Street, Rosedale, in line with the residential road Street and Construction Plan, and
2. The Chief Executive Officer write to the head petitioner to advise them of Councils decision in relation to this matter and that in accordance with Council Policy 4.2.4 Special Charge Schemes Roads, Streets and Drainage preliminary planning for a Special Charge Scheme will commence in 2015 -2016.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL**

Should the recommendation be adopted, followed by support for a special charge scheme, Council will be required to contribute towards the works in line with the provisions of the Residential Road and Street Construction Plan. Construction activities would potentially commence from 2016-17, in which there is an allocation in Councils 10 year capital works program for such activities.

The total cost of the project if pursued is approximately \$250,000 per km. This results in an approximate total project cost of \$675,000.

In line with the Residential Road and Street Construction Plan, Council would contribute 40% towards the cost of works adjacent to residential land and 100% of costs associated with works adjacent to farming land. Based on the land abuttal relevant to this particular project, Council would contribute 60%, or approximately \$405,000, other special charge scheme participants would contribute a total of 40%, or approximately \$270,000. More detailed cost estimates and apportionment strategy would need to be confirmed prior to an official consultation.

## **COUNCIL POLICY**

The recommendation has been developed in line with Council policy 4.2.4; Special Charge Schemes – Roads, Streets & Drainage. This policy is supported by identifying circumstances where people involved in identified an project will receive a special benefit and the amount of benefit, establishes consistent infrastructure standards and forms the basis for key uniform administrative procedures with regard to special charge schemes.

## COUNCIL PLAN IMPACT

The Council Plan 2013-2017 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.”

Strategy 4.2

“Ensure assets are managed, maintained and renewed to meet service needs.”

## RESOURCES AND STAFF IMPACT

The proposal can be undertaken within existing allocated resources.

## PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

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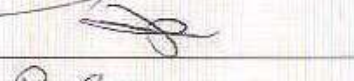



### RECOMMENDATION

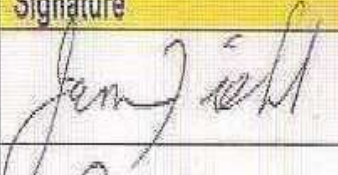



***That:***

- 1. Council agree to the request to raise the priority of construction and sealing of Huffers Lane, Merriman Street and Kyle Street, Rosedale, in line with the residential road Street and Construction Plan, and***
- 2. The Chief Executive Officer write to the head petitioner to advise them of Councils decision in relation to this matter and that in accordance with Council Policy 4.2.4 Special Charge Schemes Roads, Streets and Drainage preliminary planning for a Special Charge Scheme will commence in 2015 -2016.***

## Petition to Seal Huffers Road, Merriman Street & Kyle Street Rosedale.

Petition Summary and Background:	To raise the priority level for the sealing of Huffers Road, Merriman Street & Kyle street, all of which are listed under the Wellington Shire Council's Road Construction program.
Action Petitioned For:	<p>We the undersigned, being the residents and ratepayers of Huffers Road, Merriman Street and Kyle Street in Rosedale lodge this petition to request that Wellington Shire Council urgently raise the priority level of all these roads/streets to bring forward the future construction/sealing as proposed in Council's Road Construction Plan.</p> <p>All of the above roads/streets have ongoing quality issues and are currently in terrible condition. We also consider all to have quite high maintenance requirements.</p> <p>We are aware that the Special Charge Scheme would apply, but to remain fair and equitable to all of us we hope that the three roads/streets can be combined into one single job with the contributions evenly divided between all property owners, as Huffers Road has very low residents per kilometre.</p>

Printed Name	Signature	Address	Comment	Date
R. CLERK.				28/12/14
B Foster				28/12/14
J LENNEX				29/12/2014
P Borradaile				29/12/2014
Mollan	R. Cannon			29/12/2014
J. Parsons				
P. KALMS	P. Kalms			3/1/15.
S. Mifsud				3/1/15
S GILCORNE				5/1/15

Printed Name	Signature	Address	Comment	Date
JAMES FIELD				5-1-15
PEER LAND			SE	5-1-15
MICHELLE CLEGG				5-1-15
SIM FLEMING				6-1-15



## **A - PROCEDURAL**

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

Youth Council Induction

**ITEM A11**

**GALLERY COMMENTS**

DIVISION:

CHIEF EXECUTIVE OFFICER

ACTION OFFICER:

CHIEF EXECUTIVE OFFICER

DATE:

17 FEBRUARY 2015

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## **A - PROCEDURAL**

### **A12 QUESTIONS ON NOTICE**

**ITEM A12(1)**

ACTION OFFICER

DATE:

**OUTSTANDING QUESTIONS ON NOTICE**

CHIEF EXECUTIVE OFFICER

17 FEBRUARY 2015

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ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			



## **A - PROCEDURAL**

# **A13 MAYOR'S REPORT**

**ITEM A13****MAYOR'S REPORT**

OFFICER:

COUNCILLOR CROSSLEY

DATE:

17 FEBRUARY 2015

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**Victorian Show Jumping Championships**

Nearly 400 horses, accompanied by their riders, galloped into Sale on Sunday 1 February for the Victorian Show Jumping Classic at the Sale Showground's Elms Summer Show. The Grand Prix competition saw Olympians and other high level participants competing, each participant I spoke to commented on how much they had enjoyed coming to Sale.

I warmly congratulate the Sale and District Show Jumping Club for hosting this spectacular event. To all of the volunteers and local sponsors, thank you for your hard work and support which has proven Sale and Wellington Shire to be a thoroughbred choice for equine competition.

**Coongulla Community Celebration**

Cr Malcolm Hole and I had the great pleasure of joining the Lake Glenmaggie Community Representative Group (LGCRG) for a grand celebration on Friday 9 January. The LGCRG works tirelessly for their community on a voluntary basis. This event enabled the community to thank the volunteers for their hard work preparing the local Community Emergency Plan and overseeing completion of Coongulla Reserve and playground upgrades.

As with all Community Planning Groups across Wellington, the LGCRG's role is to seek community feedback and support; liaise with council, local business, CFA, the boat club, halls and other stakeholders to sustain and deliver projects that are relevant to their local area. Congratulations to the Group for your hard work and thanks to the community for your immense support of these dedicated individuals.

**RDV Industry Visits**

The recently appointed new Regional Director for Regional Development Victoria (RDV), Leigh Kennedy joined myself and Council staff on Friday 5 February for tours of the Australian Sustainable Hardwoods (ASH) processing plant and Covino Farms. This enlightening day was spent being briefed on local industry, including current and planned expansion projects all of which have the potential to provide a valuable boost to our local economy.

We were also provided a tour of the Fulham Correctional Centre. I was particularly impressed by the operation and demonstration of the ongoing interface with local and regional industries to facilitate employment of prisoners and undertaking of community projects using prison labour. As an example, they were involved in setting out and retrieving the jumps and rails for all four equestrian events at the Sale Showgrounds each. Fulham has long worked with Wellington Shire on community projects, and together we have won a number of awards for work completed across our parks and gardens. I highly commend their work and wish them well as they seek new opportunities with our various community groups within the shire.

**RAAF Base East Sale and Officers' Welcome**

Over the past month I have been fortunate to have toured the RAAF Base East Sale, viewing the current upgrade works in progress to the base accommodation and gymnasium. These works provide valuable economic benefits for our Shire through employment of local contractors and tradespeople.

The base is good for our economy and great for our community. New postings to Sale bring entire new families to Wellington on a regular basis. New residents mean new children at our schools and kindergartens, new customers for our businesses which leads to the need for and supply of new employees. I was honoured to be given the opportunity to greet new officers posted to Sale,

having been invited as guest speaker at the Officer's Mess for a welcome function. Thank you to the RAAF for your hospitality, and welcome to all of our new residents.

### **Australia Day Celebrations and Citizenship**

It was a privilege to attend this year's Australia Day celebrations in Cowwarr and Sale as Mayor of Wellington Shire. Councillors and Youth Councillors attended celebratory events across Wellington, joining with our communities to celebrate what it means to each of us to be Australian.

From Wellington's high country to its coast, we gathered together to reflect on our past, enjoy our present and look forward to our future. We held breakfasts and barbeques, we sang songs, we held raffles and played games, we listened to bands, and we celebrated and thanked our community volunteers, we presented awards and held sporting events.

At the Sale event in the Botanic Gardens, I was delighted to welcome two new citizens, leading them through their oaths or affirmations, which are the final step in the long journey toward becoming Australian. I wish congratulations to you both, and warmly welcome you to Wellington.

Wherever you were and whoever you were with, I hope you enjoyed your day and took the opportunity to give thanks for the freedoms and privileges we enjoy here in Australia.

### **The New Year Ahead**

This year, 2015, will be an interesting one for Wellington Shire Council. We face a number of significant challenges, such as how we will balance our budget in the face of cuts to Federal Assistance Grants. Extensive work is underway across the organisation to ensure that we may continue to deliver essential community services for the lowest feasible rate.

We look forward to continuing a number of exciting projects and delivering others. As an example, in the coming months, our Council meetings will temporarily relocate as we vacate this building to make way for its redevelopment as Wellington's new Cultural Hub.

**COUNCILLOR CAROLYN CROSSLEY  
MAYOR**

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### **RECOMMENDATION**

***That the Mayor's report be noted.***



## A - PROCEDURAL

# A14 YOUTH COUNCIL REPORT

Youth Council will present a report to Council at the 3 March 2014 Council Meeting.



# **B –REPORT**

# **DELEGATES**



## C1 - REPORT

# CHIEF EXECUTIVE OFFICER

**ITEM C1.1****CHIEF EXECUTIVE OFFICER'S REPORT**

OFFICER:

CHIEF EXECUTIVE OFFICER

DATE:

17 FEBRUARY 2015

- 
- 12 – 18 January**    **Annual Leave**
- 20 January**        **Meeting with Clinton Rodda, CEO Southern Rural Water, Maffra**  
discussing MID Stage 2 and how both Wellington Shire Council and the  
Gippsland Leadership Group can assist with future advocacy
- 22 January**        **Meeting with CEO Gippsland Water, David Mawer** to 'catch up' and discuss  
a range of issues
- 26 January**        **Australia Day Celebrations and Citizenship Ceremony, Sale Botanical  
Gardens**
- 28 January**        **Gippsland Regional Plan** – meeting with representatives from Regional  
Development Victoria to discuss the draft Gippsland Regional Plan
- 29 January**        **Meeting with Angela Hutson, Mayor Crossley and John Websdale,**  
**General Manager Development** re future of TAFE/Federation Training, Sale
- Gippsland Regional Plan Leadership Group** - Governance Review working  
group in Traralgon
- 30 January**        **Meeting with CEO East Gippsland Shire Council and representative of  
GLGN secretariat**
- Attending Gippsland Local Government Network Meeting, Latrobe City  
Council**
- Attending Meeting with Cr Neal from East Gippsland Shire Council, CEO  
of East Gippsland Shire Council and representative from GLGN  
secretariat**
- 10 February**       **Meeting with CEO, Southern Rural Water and representatives from  
Regional Development Victoria, Maffra**
- 12 February**       **Attending Regional Development Australia Gippsland Committee  
Meeting, Traralgon**
- Attending Esso BHP Billiton Wellington Entertainment Centre Season  
Launch 2015**

13 February

Attending Gippsland Local Government Network Group Forum Meeting  
and MAV Strategic Planning Meeting 2015 with Cr Crossley, Bass Coast  
Shire Council

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**RECOMMENDATION**

*That the Chief Executive Officer's Report be received.*

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

DIVISION: CHIEF EXECUTIVE OFFICER  
 ACTION OFFICER: CHIEF EXECUTIVE OFFICER  
 DATE: 17 FEBRUARY 2015

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

**OBJECTIVE**

For Council to receive and note the January 2014 Council Performance Report.

**BACKGROUND**

The January 2014 Council Performance Report comprises key highlights towards achievement of the 2013 -17 Council Plan together with an overview of Council finances including an Income Statement with commentary regarding any major variances, information on cash balances, the level of rates outstanding and a progress update on Council's Capital Works program.

**OPTIONS**

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

1. Receive and note the January 2015 Council Performance Report; or
2. Not receive and note the January 2015 Council Performance Report and seek further information for consideration at a later Council meeting.

**PROPOSAL**

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

**CONFLICT OF INTEREST**

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

**FINANCIAL IMPACT**

Provision of a monthly financial report to the community facilitates accountability and transparency and ensures that Council and management are able to make informed decisions in a timely manner.

## **COMMUNICATION IMPACT**

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

## **LEGISLATIVE IMPACT**

There is no legislative requirement for provision of a monthly Council Performance report however, Council has determined that in the interests of accountability and transparency, this report will be provided to the community.

## **COUNCIL POLICY IMPACT**

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

## **COUNCIL PLAN IMPACT**

Objective 2.2 states that Council will:

*"Maintain processes and systems to ensure sound financial management".*

Objective 2.3 states that Council will:

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

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

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### **RECOMMENDATION**

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

# JANUARY PERFORMANCE REPORT

## JANUARY 2015 COUNCIL PLAN HIGHLIGHTS



### ***Volunteer and Community Leader Training Calendar***

Community Wellbeing staff along with staff from other Council business units have collaborated to produce a Volunteer and Community Leader Training Calendar for the first half of 2015. Twelve sessions of free training are being offered from February to June 2015 and will assist volunteers and community leaders to enhance their skills in risk management, advertising and distributing community newsletters, community planning, social media, communication, securing grant funding and understanding roles and responsibilities in a committee. Attendance numbers and feedback from the training will determine whether a training calendar is developed for the second half of 2015. These training opportunities are being offered to help groups and community committees work effectively and productively.

### ***2015 Youth Council***

The 2015 Youth Council is proving to be a dynamic and proactive team. They have numerous projects in progress with lots of planning happening behind the scenes through closed chat groups on Facebook. Youth Council prioritised being represented at all 10 locations of Australia Day Events across the Shire. They were active at the events and 17 of the 18 Youth Councillors were involved.

### ***E-Smart Accreditation***

The Library has completed requirements for accreditation as an "e-Smart Library" by reviewing, planning and implementing changes required to ensure sustainable e-smart status. Both organisation and community benefit knowing safe online practices are observed and endorsed by Council in provision of library services. Formal accreditation to be announced soon with appropriate media promotion.

### ***REAL Access & Inclusion Training***

Five library staff have completed online training developed by the State Library of Victoria in collaboration with the Public Libraries Victoria Network. This program has direct benefits in terms of staff awareness and capacity to deal with a variety of situations where persons with a disability may need support in the library environment. This program also supports Wellington Shire Access and Inclusion Plan objectives.

### ***Puss in Boots***

913 patrons saw 23 young Wellington Shire performers in “Puss in Boots” over the January school holidays. This was the first time the Entertainment Centre has “produced” its own show by engaging local director Deirdre Marshall to take on the project. Feedback to date has been excellent.

### ***Wind in the Willows***

648 patrons saw the Australian Shakespeare Companies production of Wind in the Willows at the Sale Botanic Gardens on the Sunday and Monday prior to Christmas. This is the first time this production has left the Melbourne Botanic Gardens and builds on the Shire’s relationship with this prestigious company.

### ***Gippsland Art Gallery exhibition Freedom of Expression.***

This exhibition of paintings by prisoners from the Fulham Correctional Centre’s Aboriginal Art Program was opened on Thursday 22 January 2015 at 6pm at the Maffra Exhibition Space. The exhibition has been very well received, with a number of members of the public making the effort to contact the Gallery Director to make known their pleasure in seeing the artworks.

### ***Funding from the Department of Education and Training has been approved for the Art Gallery.***

Strategic Partnerships Program funding for the Gallery’s Education Program has been approved for the period of 1 January 2015 to 31 December 2017.

### ***International Basketball Coach visits Sale***

Sale Amateur Basketball Association hosted a Shooting Clinic at GRSC, conducted by an international coach from the USA. The clinic attracted over 60 participants from across Gippsland and as far afield as Melbourne.

### ***Summer Holiday In-10-Sive Program at Aqua Energy***

The annual summer holiday swimming program held at Aqua Energy has seen a significant increase in participation from last year. The In-10-Sive program has been running each Christmas school holidays for a number of years, with 2014/15 recording 111 participants – an increase of 44% on 2013/14.

### ***Sale Outdoor 50m Pool***

Capital works to maintain the Sale Outdoor 50m Pool as the premier outdoor pool in Gippsland is almost complete. A new head wall has been installed at the deep end, with only the new starting blocks yet to be installed. Once completed, this project will allow the installation and use of electronic time keeping facilities which should prove a big draw card for major outdoor swimming events in the future.

### ***Municipal Emergency Management Plan Audit***

The Municipal Emergency Management Plan was externally audited on 12 January 2015 and passed audit. The audit report and certificate of audit are yet to be received.

### ***Sale Business and Tourism Association Case Study***

The Sale Business and Tourism Association (SBTA) Shop in Sale E-voucher initiative has been provided as an innovative case study to be used in revised Rural Councils Victoria - Rural Retail Handbook.

### ***Growth Area Planning Advancing***

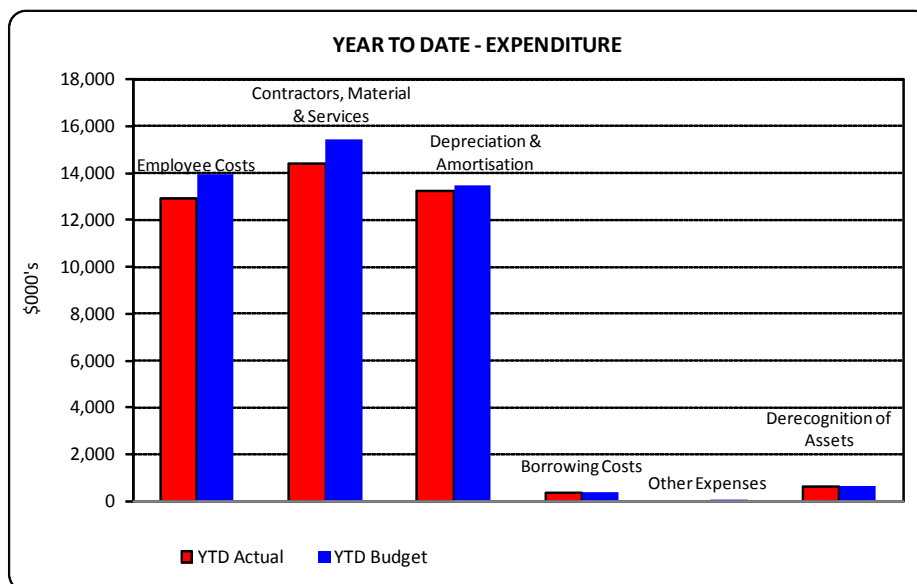
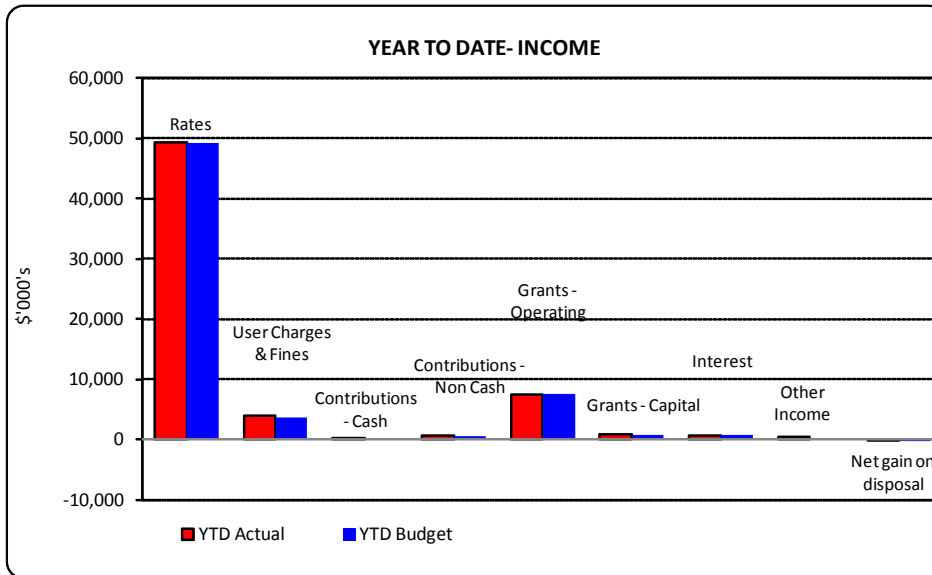
Detailed planning work is underway in all of Sale’s main growth areas - North Sale, Wurruk and Longford. This planning work will provide the basis for future rezoning and development in accordance with Council’s adopted Sale, Wurruk and Longford Structure Plan.

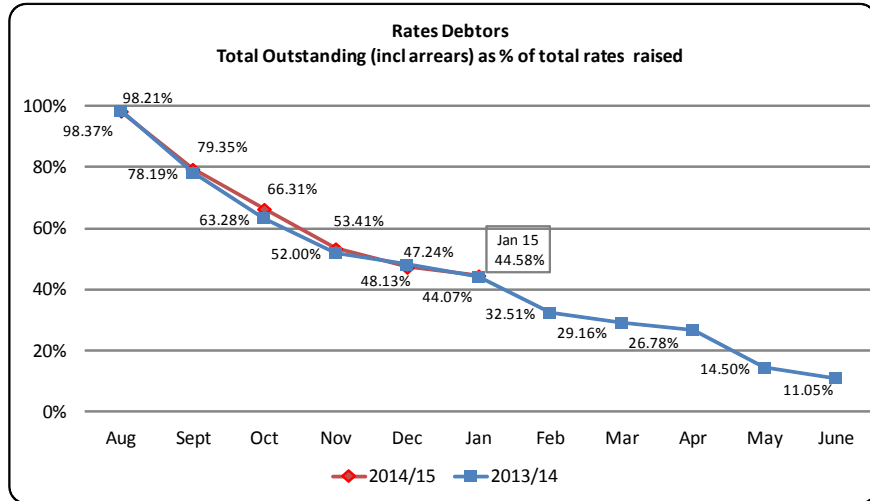


# JANUARY 2015 PERFORMANCE REPORT

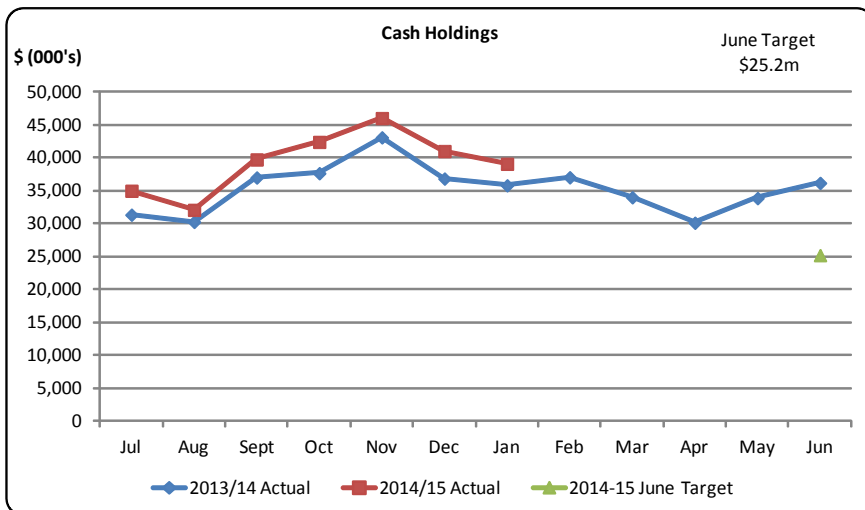
# JANUARY 2015 FINANCIAL HIGHLIGHTS

The financial highlight report as at 31 January 2015 provides summary information regarding Council's operating and capital works performance for the year to date.





The percentage outstanding on rate debtors as at the end of January 2015 is slightly above January 2014. The third rate instalment will be due on 28 February 2015 and final notices were sent out mid January 2015.



Council cash holdings at the end of January 2015 of \$39.1 million are above the January 2014 balance of \$35.8 million. The higher than expected current cash holdings includes restricted funds of \$7.8 million to cash back reserves, \$7.5 million to cover provisions and \$9.9 million associated with the 2014/15 operating and capital carry forwards.

**INCOME STATEMENT**  
For the period ending 31 January 2015

	YEAR TO DATE 2014-15			FULL YEAR 2014-15		
	Actual \$000's	Adjusted Budget \$000's	Variance \$000's	Adjusted Budget \$000's	Achieved %	Adopted Budget \$000's
<b>Income</b>						
Rates	49,294	49,201	93	49,301	100%	48,923
User Charges & Fines	3,889	3,617	272	6,640	59%	6,611
Contributions - Operating	183	181	2	247	74%	228
Contributions - Capital	19	10	9	707	3%	773
Contributions - Capital (non cash)	618	613	5	613	101%	-
Grants - Operating (recurrent)	7,155	7,157	(2)	13,504	53%	13,427
Grants - Operating (non-recurrent)	302	299	3	1,003	30%	783
Grants - Capital (recurrent)	-	-	-	1,600	0%	1,600
Grants - Capital (non-recurrent)	797	735	62	4,032	20%	3,403
Interest	719	670	49	1,100	65%	1,100
Other Income	337	146	191	240	140%	192
Net gain on disposal of property, infrastructure, plant and equipment	(176)	(135)	(41)	(85)	208%	93
<b>Total Income</b>	<b>63,137</b>	<b>62,494</b>	<b>643</b>	<b>78,902</b>	<b>80%</b>	<b>77,133</b>
<b>Expenditure</b>						
Employee Costs	12,898	13,944	1,046	23,612	55%	23,453
Contractors, Materials and Services	14,410	15,425	1,015	32,108	45%	31,006
Bad and Doubtful Debts	-	1	1	112	0%	112
Depreciation and Amortisation	13,233	13,454	221	23,170	57%	22,854
Borrowing Costs	375	375	-	816	46%	816
Derecognition of Assets	644	628	(16)	628	103%	-
<b>Total Expenditure</b>	<b>41,560</b>	<b>43,827</b>	<b>2,267</b>	<b>80,446</b>	<b>52%</b>	<b>78,241</b>
<b>Surplus/(Deficit) for the period</b>	<b>21,577</b>	<b>18,667</b>	<b>2,910</b>	<b>(1,544)</b>		<b>(1,108)</b>

**SUMMARY**

The operating result as at the end of January 2015 reflects a surplus of \$21.6m against an adjusted budget surplus of \$18.7m. Overall, Council expects that the final result for 2014/15 will be slightly worse than originally budgeted (by \$0.4m). The majority of the change is from budget adjustments made for non cash items and additional 2013/14 operating carry forwards, funded from cash unspent at June 2014. This was offset by additional grant funding, rates raised and savings on insurance premiums.

**INCOME**

**Rates** - Additional rates have been raised due to supplementary valuations being greater than originally anticipated.

**User Charges & Fines** - Fire infringements notices issued during the summer season have increased significantly from the prior year due to an increased fire safety focus. The collection of landfill gate fees is unpredictable resulting in higher year to date commercial tipping fees. Ticket sales for EBBWEC have exceeded expectations due to the popularity of the internal programming. This is partially offset by higher operational costs incurred for risk sharing arrangements and artists fees. A cool summer has resulted in attendance numbers at the rural pools being below expectations.

**Grants** - An invoice for the Royal Flying Doctor Service Facilities has been raised earlier than expected; this additional income has been partly offset by a delay in the final claim for the Yarram Hub which will not be received until the submission of the final report.

**Interest** - Interest earned to date is higher than expected due to lower than expected expenditure resulting in increased cash balances. Future interest earnings depend on many volatile factors and are therefore difficult to forecast accurately.

**Other income** - Year to date variance relates to unbudgeted proceeds from the sale of miscellaneous equipment and structures from the Sale Livestock Exchange and unbudgeted insurance claims. Interest on rates has exceeded budget and it is expected this trend will continue for the rest of the year, even though an active debt collection process is underway.

**EXPENDITURE**

**Employee Costs** - Year to date employee costs are under budget due to the reversal of the 2013-14 wage accrual, vacancies, staff on long service leave and the timing of annual leave. Some savings from staff vacancies/ long service leave have been partly offset by the use of agency staff but in the majority of cases replacement staff has not been available with existing staff undertaking additional duties.

**Contractors, Materials and Services** - There are many underspends throughout the organisation driving the majority of the \$1.0m underspend, with the majority of this variance offset by purchase orders raised. Material costs relating to road operations and parks and environmental services are currently underspent due to seasonal timing and work priorities, in addition there has been less demand for vegetation maintenance due to slow growth during the current season. Utilities charges for Aqua Energy are lower than expected which will result in savings for the year. A number of programs and projects have been delayed due to staffing unavailability.

**Depreciation and Amortisation** - The year to date depreciation is below budget due to delays in the completion of various capital projects.

## CAPITAL EXPENDITURE PROGRAM EXPENDITURE

For the period ending 31 January 2015

	YEAR TO DATE 2014-15			FULL YEAR 2014-15		
	Actual	Adjusted Budget	Variance	Adjusted Budget	Achieved	Adopted Budget
	\$000's	\$000's	\$000's	\$000's	%	\$000's
Bridges	162	224	62	1,924	8%	1,823
Drainage	48	50	2	150	32%	150
Footpaths & Cycleways	199	191	(8)	1,095	18%	932
Plant, Machinery & Equipment	434	1,180	746	1,990	22%	1,786
Roads	2,915	3,236	321	10,959	27%	10,353
Buildings	4,829	5,235	406	13,237	36%	12,315
Parks & Environmental Services	650	844	194	3,861	17%	3,773
Waste Management	13	12	(1)	759	2%	753
Landfill Improvements	12	30	18	30	40%	30
Furniture and Fittings	310	309	(1)	343	90%	257
Information Technology	534	720	185	851	63%	769
Library Books	177	192	15	260	68%	251
Intangibles	118	310	192	556	21%	444
<b>Grand Total</b>	<b>10,401</b>	<b>12,533</b>	<b>2,132</b>	<b>36,015</b>	<b>29%</b>	<b>33,634</b>

As at 31 January 2015, the adjusted capital expenditure budget is \$36.0 million, up from an adopted budget of \$33.6 million due to additional carry forwards (which include multiyear projects – Yarram District Hub, Desailly Street Corporate Headquarters and Sale Livestock Exchange upgrade) and unbudgeted grant funding for the Royal Flying Doctor Services Sale Facilities.

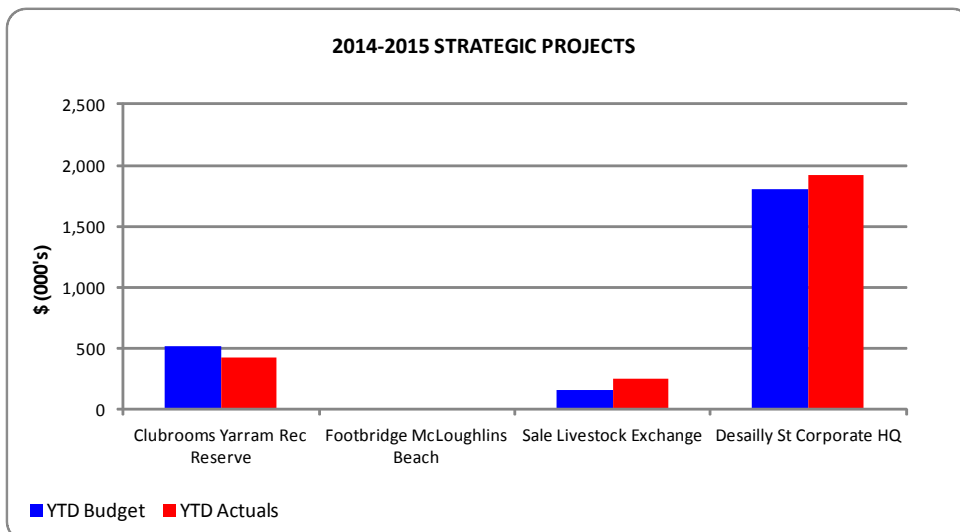
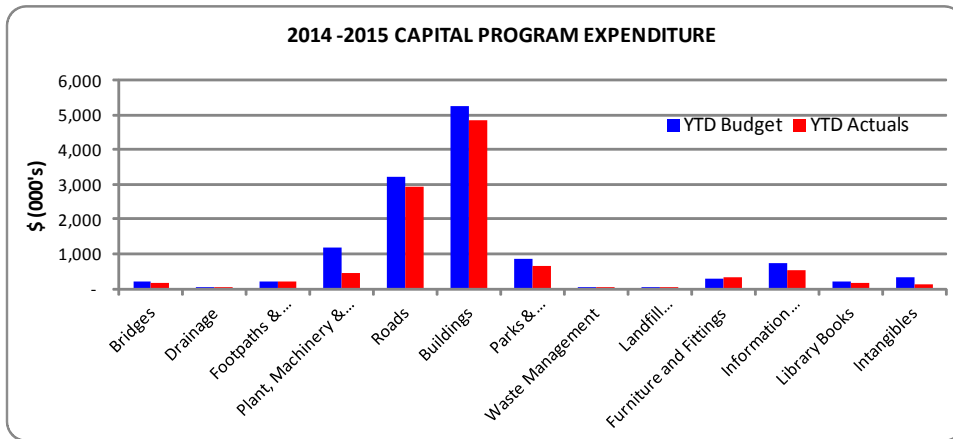
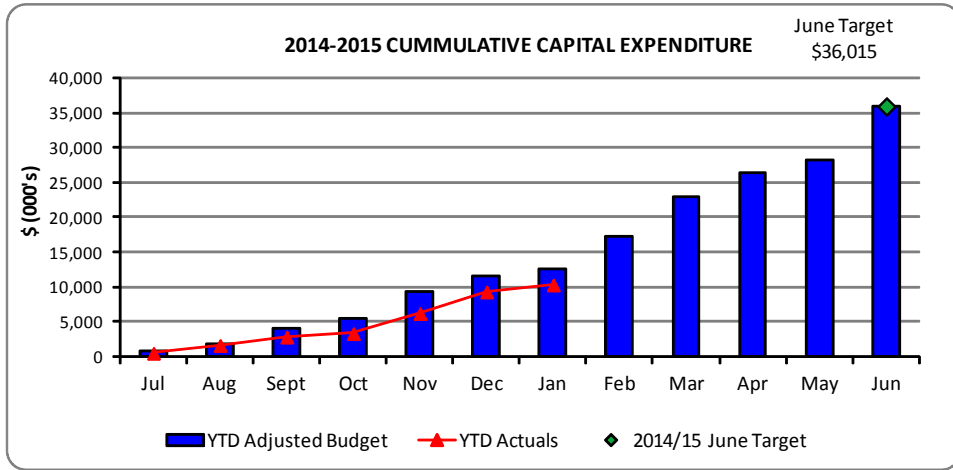
Of the 139 projects planned for this year, 23% are complete, 40% have commenced, 6% are in the contract stage and 29% are in preplanning. The remaining 2% represents Maxfield's Footbridge renewal which is on hold awaiting upon the decision of a funding application and Rosedale Streetscape Improvements which is awaiting design input from a third party. The proposed work on Taylors Lane has been cancelled due to funding not being received.

The Yarram District Hub building works are complete and Lawler Street road works are expected to be completed by April 2015. Works on the Yarram Recreation Reserve clubrooms refurbishment are progressing, however there have been some issues with design which will delay the completion to May 2015. Funding for the McLoughlins Beach Footbridge Renewal was announced in November 2014, with designs to be completed February-March 2015 and works delivered by March 2016 in line with the funding agreement. Construction of the buyer's walkway and the shed at the Sale Livestock Exchange has commenced and the fitout contract awarded.

The Desailly Street Corporate Headquarters project is progressing well with completion scheduled for April 2015. The associated information and communication systems are also scheduled for completion in April 2015, with work on remote sites continuing after Desailly Street is complete. The Port of Sale Cultural Hub project is progressing with the concept design presented to the Victorian Design Review Panel, Council will be briefed in February 2015 and the final design is expected to be completed by June 2015.

The annual road reseal program (\$3.0 million) is 85% complete with planned completion in March 2015. Works are to commence in February 2015 on the replacement of the Lyons and the Greigs Creek Bridges, completion of these works is expected by April 2015.

The fleet renewal program has been delayed due to staff vacancies, this program is to be prioritised in the coming months and the budget is expected to be met by year end. The plant renewal program has also been delayed but will get back on schedule once the ordered prime mover and loader are received.





## **C2 - REPORT**

# **GENERAL MANAGER CORPORATE SERVICES**

**ITEM C2.1****ASSEMBLY OF COUNCILLORS**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 17 FEBRUARY 2015

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

**OBJECTIVE**

To report on all assembly of Councillor records received during the period 27 January 2015 to 10 February 2015.

**BACKGROUND**

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

Below is a summary of all assembly of Councillors records received during the period 27 January 2015 to 10 February 2015.

<b>Assembly of Councillors summary of reports received between 27 January 2015 to 10 February 2015</b>		
<b>Date</b>	<b>Matters considered</b>	<b>Councillors and officers in attendance</b>
27 January 2015	<ol style="list-style-type: none"> <li>2015/16 Budget Context and Direction</li> <li>Council Plan update</li> </ol>	Councillors Crossley, Rossetti, Cleary, Davine, Duncan, Mclvor, Wenger, Hole Davis Morcom, Chief Executive Officer Arthur Skipitaris, General Manager Governance Glenys Butler, General Manager Liveability Chris Hastie, General Manager Built & Natural Environment Lesley Fairhall, Manager Finance (Item 1) Tracey Cummings (Item 2)
3 February 2015	<ol style="list-style-type: none"> <li>Councillors Diary Meeting</li> </ol>	Councillors Crossley, Rossetti, Davine, McCubbin, Mclvor, Wenger, Hole John Websdale, General Manager Development Sharon Willison, Mayoral & Councillor Support Officer
3 February 2015	<ol style="list-style-type: none"> <li>Pre-Council meeting Agenda</li> <li>December 2014 Performance Report</li> <li>Port of Sale Cultural Hub – Budget options</li> <li>Wellington Regional Tourism</li> </ol>	Councillors Crossley, Rossetti, Cleary, Hole, Davine, McCubbin, Mclvor, Wenger, Duncan (Items 4 & 5 only) Arthur Skipitaris, General Manager Governance Glenys Butler, General Manager Liveability Chris Hastie, General Manager Built & Natural

<b>Assembly of Councillors summary of reports received between 27 January 2015 to 10 February 2015</b>		
<b>Date</b>	<b>Matters considered</b>	<b>Councillors and officers in attendance</b>
	5. Fees for Domestic Animal Businesses -	Environment John Websdale, General Manager Development Sharon Houlihan, Manager Healthy Lifestyles (Item 2) Vanessa Ebsworth, Manager Municipal Service (Item 4) Luke Brayshaw, Local Laws Officer (Item 4)
10 February 2015	1. Strategic Land Use Planning Projects Agenda	Councillors McCubbin, McIvor, Wenger Joshua Clydesdale, Manager Land Use Planning Ben Proctor, Strategic Planner Sabine Provily, Strategic Planner Barry Hearsey, Coordinator Strategic Planning Dean Morahan, Manager Assets & Projects

## **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 27 January 2015 to 10 February 2015.

## **CONFLICT OF INTEREST**

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

## **LEGISLATIVE IMPACT**

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

## **COUNCIL PLAN IMPACT**

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

### Strategic Objective

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

Strategy 2.3

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

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

**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 27 January 2015 to 10 February 2015.***

## ASSEMBLY OF COUNCILLORS

1. **DATE OF MEETING:**  
27/01/2015

2. **ATTENDEES:**  
**Councillors:**

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

**Officers In Attendance:**

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

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

Name	Item No.	Name	Item No.
Lesley Fairhall, Manager Finance	1	Tracey Cummings, Manager	2

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

1. 2015/16 Budget Context & Direction
2. Council Plan update

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

Nil

## ASSEMBLY OF COUNCILLORS

---

**1. DATE OF MEETING:**

03/02/2015

**2. ATTENDEES:**

**Councillors:**

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

**Officers In Attendance:**

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

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

Name	Item No.	Name	Item No.
Sharon Willison	1		

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

3. Councillors' Diary Meeting

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

Nil

## ASSEMBLY OF COUNCILLORS

**1. DATE OF MEETING:**

03/20/2015

**2. ATTENDEES:**

**Councillors:**

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Crossley	✓		Cr McCubbin	✓	
Cr Rossetti	✓		Cr Mclvor	✓	
Cr Cleary	✓		Cr Wenger	✓	
Cr Davine	✓		Cr Hole	✓	
Cr Duncan (Items 4 & 5)	✓				

**Officers In Attendance:**

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

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

Name	Item No.	Name	Item No.
Sharon Houlihan, Manager Healthy Lifestyles	2	Vanessa Ebsworth, Manager Municipal Services	4
Luke Brayshaw, Local Laws Officer	4		

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

- |   |                                     |
|---|-------------------------------------|
| 4. Pre-Council Meeting Agenda                 | 5. December 2014 Performance Report |
| 6. Port of Sale Cultural Hub – Budget Options | 7. Wellington Regional Tourism      |
| 8. Fees for Domestic Animal Businesses        |                                     |

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

Nil

## ASSEMBLY OF COUNCILLORS

**1. DATE OF MEETING:**

10/02/15

**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		✓
L Collins, GMG		✓	J Websdale , GMD		✓
C Hastie, GMB&NE		✓			

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

Name	Item No.	Name	Item No.
Joshua Clydesdale, Manager Land Use Planning	1	Dean Morahan, Manager Assets & Projects	1
Ben Proctor, Strategic Planner	1	Sabine Provily, Strategic Planner	1
Barry Hearsey, Coordinator Strategic Planning	1		

**3. Matters/Items considered at the meeting:**

1. SLUPP Agenda - 10 February 2015

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

Joshua Clydesdale (MLUP) declared a conflict of interest in the Longford ODP under Item No.2 of the Agenda and left the room.

**ITEM C2.2****UPDATED S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF**

DIVISION: GOVERNANCE  
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES  
 DATE: 17 FEBRUARY 2015

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

**OBJECTIVE**

For Council to adopt an updated S6 Instrument of Delegation to Members of Council Staff as attached.

**BACKGROUND**

Section 98(1) of the *Local Government Act 1989* provides Council with the ability to delegate power, duties and functions of the Council to a member of its staff. There have been changes to the *Planning and Environment (Fees) Further Interim Regulation 2014* and *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010* which require the current S6 Instrument of Delegation to be updated.

**OPTIONS**

Council has the following options:

1. To adopt the attached updated S6 Instrument of Delegation to Members of Council Staff; or
2. To amend the attached updated S6 Instrument of Delegation to Members of Council Staff prior to adoption.

**PROPOSAL**

It is proposed that Council adopt the updated S6 Instrument of Delegation to Members of Council Staff, as attached.

**CONFLICT OF INTEREST**

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

**LEGISLATIVE IMPACT**

Section 98(1) of the *Local Government Act 1989* provides Council with the authority to delegate to a member of Council staff certain powers and duties.

## **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.

## **REOURCES AND STAFF IMPACT**

Upon notification of the legislative changes, all relevant staff were consulted and have contributed to the updating of this S6 Instrument of Delegation. Following adoption, our processes ensure that all staff with altered or new delegations are notified.

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

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### **RECOMMENDATION**

***That Council adopt the updated S6 Instrument of Delegation to Members of Council Staff as attached.***

**Wellington Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **date** and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
    - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - a) policy; or
      - b) strategyadopted by Council; or
    - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
    - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The Common Seal of WELLINGTON )  
SHIRE COUNCIL was hereunto affixed )  
this            day of            2015 )  
in accordance with Local Law No. 1    )  
in the presence of:                            )

.....  
Chief Executive Officer

# SCHEDULE

## INDEX

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## **CEMETERIES AND CREMATORIA ACT 2003**

[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii), as though it were a cemetery trust (see section 53)

**Provisions Not Delegated – Wellington Shire Council not appointed as a cemetery trust.**

## **CEMETERIES AND CREMATORIA REGULATIONS 2005**

[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

**Provisions Not Delegated – Wellington Shire Council not appointed as a cemetery trust.**

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	General Manager Development Manager Municipal Services Coordinator Local Laws	Council may delegate this power to an authorised officer

**ENVIRONMENT PROTECTION ACT 1970**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	power to require further information	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.53M(4)	duty to advise applicant that application is not to be dealt with	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.53M(5)	duty to approve plans, issue permit or refuse permit	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	refusal must be ratified by Council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	refusal must be ratified by Council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	refusal must be ratified by Council or it is of no effect

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	Coordinator Environmental Health Environmental Health Officer	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	Coordinator Environmental Health Environmental Health Officer	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	Coordinator Environmental Health Environmental Health Officer	If section 19(1) applies
s.19(4)(b)	duty to notify the Department of the making of the order	Coordinator Environmental Health Environmental Health Officer	If section 19(1) applies
s.19(4)(c)	duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	Coordinator Environmental Health Environmental Health Officer	If section 19(1) applies and if Council is not the registration authority
s.19(6)(a)	duty to revoke any order under s.19 if satisfied that an order has been complied with	Coordinator Environmental Health Environmental Health Officer	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Coordinator Environmental Health Environmental Health Officer	If section 19(1) applies
s.19A(4)(b)	function of receiving notice from authorised officer	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19BA(3)	duty to give notice of the variation or revocation of	Coordinator Environmental Health Environmental Health Officer	must be done by the same person

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	the order to the general public in the same manner as the original notice		as gave the original notice
S19.CB(4)(b)	power to request copy of records	Coordinator Environmental Health Environmental Health Officer	Where council is the registered authority
s.19E(1)(d)	power to request a copy of the food safety program	Coordinator Environmental Health Environmental Health Officer	where Council is the "registration authority"
s.19EA(3)	function of receiving a copy of any significant revision made to the food safety program	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19I	duty to conduct a food safety assessment as required under section 19H	Coordinator Environmental Health Environmental Health Officer	Subject to section 19J where council is the registration authority
s.19IA(2)	duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with unless subsection (3) applies	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19M(4)(a) &	power to conduct a food safety audit and take	Coordinator Environmental Health	where council is the registration

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
(5)	actions where deficiencies are identified	Environmental Health Officer	authority
s.19N	function of receiving information from a food safety auditor	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	Coordinator Environmental Health Environmental Health Officer	
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	Coordinator Environmental Health Environmental Health Officer	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	Coordinator Environmental Health Environmental Health Officer	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39
s.19UA(4)	duty to consider proprietor's history of compliance in deciding whether to charge the fee	Coordinator Environmental Health Environmental Health Officer	
s.19UA(5)	duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public	Coordinator Environmental Health Environmental Health Officer	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Coordinator Environmental Health Environmental Health Officer	power of registration authority

**FOOD ACT 1984**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Coordinator Environmental Health Environmental Health Officer	power of registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	Coordinator Environmental Health Environmental Health Officer	power of registration authority
	power to register, renew or transfer registration	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council (see section 58A(2))
s.35A(2)	function of receiving notice of operation from the proprietor of a food premises	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.37	function of receiving application, information and documents required under section 36 from the proprietor of a food business	Coordinator Environmental Health Environmental Health Officer	
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)	Coordinator Environmental Health Environmental Health Officer	
s.38AA(2)	function of being notified of operation	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority

**FOOD ACT 1984**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38A(5) & (6)	function of receiving a food safety audit certificate from a proprietor	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38B(1)(c)	duty to inspect	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority

**FOOD ACT 1984**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38E(1)(c)	function of assessing the requirement for a food safety program	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority  not exceeding the prescribed time limit defined under subsection (5).
s.38E(3)(a)	function of receiving certificates	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38E(4)	duty to register the food premises when conditions are satisfied	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38F(3)(a)	duty to note the change to the classification of the food premises on the certificate of registration	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.39(2)	duty to inspect within 12 months before renewal of registration	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.39(3)	duty to inspect within 3 months before renewal of	Coordinator Environmental Health Environmental Health Officer	where council is the registration

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	registration if circumstances in section 39(3)(a)-(d) apply		authority
s.39A	power to register renew or transfer food premises despite minor defects	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority  only if satisfied of matters in subsections (2)(a)-(c)
s.39A(6)	duty to comply with direction of Secretary	Coordinator Environmental Health Environmental Health Officer	
s.40(1)	duty to issue a certificate of registration in the prescribed form	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.40E(4)	duty to comply with direction of Secretary	Coordinator Environmental Health Environmental Health Officer	
s.43(1) and (2)	duty to keep register of all registrations, renewals	Coordinator Environmental Health Environmental Health Officer	where council is the registration

**FOOD ACT 1984**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	or transfers of registration		authority
s.43(3)	duty to make available information held in records, free of charge, on request	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
S.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
S.43I	function of receiving a statement of trade of a proprietor of a food business	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority

<b>HERITAGE ACT 1995</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(2)	power to sub-delegate Executive Director's functions	General Manager Development Manager Land Use Planning	must obtain Executive Director's written consent first.

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Strategic Planner	
s.4H	duty to make amendment etc available	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.4I	duty to keep Victoria Planning Provisions and other documents available	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.84(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.8A(3)	power to apply to Minister to prepare an amendment to the	General Manager Development Manager Land Use Planning	Council must apply to

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	planning scheme	Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	Minister for authorisation to prepare amendment
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s 12A (1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the Planning and Environment (Planning Schemes) Act 1996)	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Strategic Planner	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure coordination of planning scheme with these persons	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Strategic Planner	
s.12B(1)	duty to review planning scheme	General Manager Development Manager Land Use Planning	Deletion to wording of

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Coordinator Strategic Planning Strategic Planner	provision
s.12B(2)	duty to review planning scheme at direction of Minister	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Strategic Planner	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	General Manager Development Manager Land Use Planning, Coordinator Strategic Planning Strategic Planner	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.17(1)	duty of giving copy amendment to the planning scheme	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.17(2)	duty of giving copy s.173 agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18	duty to make amendment etc. available	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.20(1)	power to apply to Minister for exemption from the requirements of s 19	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.21 (2)	duty to make submissions available	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.21A(4)	duty to publish notice	General Manager Development Manager Land Use Planning Project Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22	duty to consider all submissions	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.23(2)	power to refer submissions to a panel	General Manager Development Manager Land Use Planning, Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s 96D)	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.26(1)	power to make report available for inspection	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.26(2)	duty to keep report of panel available for inspection	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.27 (2)	power to apply for exemption if panel's report not received	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.28	duty to notify the Minister if abandoning an amendment	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.30(4)(b)	duty to provide information in writing upon request	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.32(2)	duty to give more notice if required	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Strategic Planner	
s.33(1)	duty to give more notice of changes to an amendment	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.36(2)	duty to give notice of approval of amendment	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.38(5)	duty to give notice of revocation of an amendment	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.40(1)	function of lodging copy of approved amendment	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Strategic Planner	
s.41	duty to make approved amendment available	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.42	duty to make copy of planning scheme available	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Strategic Planner	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.46O(1)(a) &	power to ensure that community infrastructure levy is paid, or	General Manager Development Manager Land Use Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
(2)(a)	agreement is in place, prior to issuing building permit	Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	General Manager Development Manager Land Use Planning	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	General Manager Development	
s.46Q(1)	duty to keep proper accounts of levies paid	General Manager Development Manager Land Use Planning	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency	General Manager Development Manager Land Use Planning	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	General Manager Development Manager Land Use Planning	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	General Manager Development Manager Land Use Planning	Only applies when levy is paid to Council as a 'development agency'

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	General Manager Development Manager Land Use Planning	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	General Manager Development Manager Land Use Planning	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	General Manager Development Manager Land Use Planning	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	General Manager Development Manager Land Use Planning General Manager Governance Manager Finance	
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not delegated	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not delegated	
s.47	power to decide that an application for a planning permit does not comply with that Act	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Statutory Planner	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.49(2)	duty to make register available for inspection	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.50(4)	duty to amend application	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.50(5)	power to refuse to amend application	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.50(6)	duty to make note of amendment to application in register	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.50A(1)	power to make amendment to application	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Statutory Planner	
s.50A(4)	duty to note amendment to application in register	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.51	duty to make copy of application available for inspection	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(1A)	power to refuse an application	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.52(3)	power to give any further notice of an application where appropriate	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.54(1)	power to require the applicant to provide more information	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.54(1B)	duty to specify the lapse date for an application	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.55(1)	duty to give copy application, together with the prescribed	General Manager Development Manager Land Use Planning	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	information, to every referral authority specified in the planning scheme	Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57(5)	duty to make available for inspection copy of all objections	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57A(5)	power to refuse to amend application	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57A(6)	duty to note amendments to application in register	General Manager Development Manager Land Use Planning Coordinator Statutory Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Senior Statutory Planner Statutory Planner	
s.57B(1)	duty to determine whether and to whom notice should be given	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.57C(1)	duty to give copy of amended application to referral authority	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.58	duty to consider every application for a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.58A	power to request advice from the Planning Application Committee	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.60	duty to consider certain matters	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Statutory Planner	
s60(1A)	power to consider certain matters before deciding on application	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.61(1)(a)	power to decide to grant a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)(b)	power to decide to grant a permit with conditions	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	he permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)(c)	power to refuse the permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.61(2)	duty to decide to refuse to grant a permit if a relevant referral authority objects to grant of permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.62(1)	duty to include certain conditions in deciding to grant a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.62(2)	power to include other conditions	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.62(4)	Duty to ensure conditions are consistent with subsections (a), (b) and (c)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with .62(5) or s.46N	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	This provision applies also to a decision to grant an amendment to a permit – see section 75
s.64(3)	duty not to issue a permit until after the specified period	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	This provision applies also to a decision to grant an amendment to a permit – see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	This provision applies also to a decision to grant an amendment to a permit – see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	This provision applies also to a decision to grant an amendment to a permit – see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under Section 57	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Statutory Planner	
s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decided to grant and a copy of any notice given under section 64 or 64	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition to be included on the permit
s.69(1)	function of receiving application for extension of time of permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.69(1A)	function of receiving application for extension of time to complete development	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.69(2)	power to extend time	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.70	duty to make copy permit available for inspection	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Statutory Planner	
s.71(1)	power to correct certain mistakes	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.71(2)	duty to note corrections in register	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.73	power to decide to grant amendment subject to conditions	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.74	duty to issue amended permit to applicant if no objectors	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	General Manager Development Manager Land Use Planning; Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decided to grant and a copy of any notice given under section 64 or 76	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If the recommending referral authority did not object to the amendment of the

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			permit or the recommending referral authority did not recommend a condition to be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.83	function of being respondent to an appeal	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.83B	duty to give or publish notice of application for review	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Senior Statutory Planner Statutory Planner	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.86	duty to issue a permit at order of Tribunal within 3 working days	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.91(2)	duty to comply with the directions of the VCAT	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Statutory Planner	
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.93(2)	duty to give notice of VCAT order to stop development	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.95(3)	function of referring certain applications to the Minister	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.95(4)	duty to comply with an order or direction	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.96F	Duty to consider the panel's report under section 96E	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of <i>the Planning and Environment (Planning</i>	General Manager Development Manager Land Use Planning; Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	<i>Schemes) Act 1996)</i>	Coordinator Strategic Planning Strategic Planner	
s.96H(3)	power to give notice in compliance with Minister's direction	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.96J	power to issue permit as directed by the Minister	General Manager Development Manager Land Use Planning; Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.96K	duty to comply with direction of the Minister to give notice of refusal	General Manager Development Manager Land Use Planning; Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.97C	power to request Minister to decide the application	General Manager Development Manager Land Use Planning	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Strategic Planner	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.97L	duty to include Ministerial decisions in a register kept under section 49	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Statutory Planner	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	General Manager Development Manager Land Use Planning; Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.97Q(4)	duty to comply with directions of VCAT	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.101	function of receiving claim for expenses in conjunction with claim	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.103	power to reject a claim for compensation in certain circumstances	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.107(1)	function of receiving claim for compensation	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.107(3)	power to agree to extend time for making claim	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Compliance Officer	
s.114(1)	power to apply to the VCAT for an enforcement order	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Compliance Officer	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Compliance Officer	
s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	General Manager Development Manager Land Use Planning Coordinator Statutory Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Senior Statutory Planner Statutory Planner Compliance Officer	
s.123(1)	power to carry out work required by enforcement order and recover costs	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Compliance Officer	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	General Manager Development	To be ratified by Council  Except Crown Land
s.125	Power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order	General Manager Development Manager Land Use Planning Coordinator Statutory Planning	
s.129	function of recovering penalties	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Compliance Officer	
s.130(5)	power to allow person served with an infringement notice further time	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Compliance Officer	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.149A(1)	power to refer a matter to the VCAT for determination	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretations of a s.173 agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection 2(B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Strategic Planner	
s.171(2)(f)	power to carry out studies and commission reports	General Manager Development Manager Land Use Planning Project Manager Wellington Coast Subdivision Strategy Coordinator Strategic Planning Strategic Planner Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.171(2)(g)	power to grant and reserve easements	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	With the exception of proposals for reservation of easements on third

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Statutory Planner	party properties
s.173	power to enter into agreement covering matters set out in section 174	Not delegated	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.177(2)	power to end a section 173 agreement by agreement with all persons who are bound by any covenant in the agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178A(1)	function of receiving application to amend or end an agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178A(4)	function of notifying the applicant and the owner as to whether	General Manager Development	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	it agrees in principle to the proposal	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178A(5)	power to propose to amend or end an agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178C(4)	function of determining how to give notice under s.178C(2)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178E(1)	duty not to make decision until after 124 days after notice has	General Manager Development Manager Land Use Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	been given	Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If no objections are made under s178D Must consider matters in s.178B
s.178E(2)(C)	power to refuse to amend or end an agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	After considering objections, submissions and matters in s.148B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	After considering objections, submissions and matters in s.148B
s.178E(3)(C)	power to amend or end the agreement in a manner that is substantively different from the proposal	General Manager Development Manager Land Use Planning Coordinator Statutory Planning	After considering objections, submission and

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Senior Statutory Planner Statutory Planner	matters in s.148B
s.178E(3)(d)	power to refuse to amend or end the agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	After considering objections, submission and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a)or(b)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178F(2)	duty to give notice of its decision under s.178E(s)(c)or (3)(d)	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	amended agreement	Statutory Planner	
s.178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.178	power to amend a section 173 agreement by agreement with all persons who are bound by an covenant in the agreement	Not delegated	
s.179(2)	duty to make available for inspection copy agreement	Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.182	power to enforce an agreement	General Manager Development Manager Land Use Planning	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Compliance Officer	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.184F(3)	duty to inform the principal registrar if the responsible authority decided to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.184G(2)	duty to comply with a direction from the Tribunal	General Manager Development Manager Land Use Planning	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.184G(3)	Duty to give notice as directed by the Tribunal	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.198(1)	function to receive application for planning certificate	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.199(1)	duty to give planning certificate to applicant	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.201(1)	function of receiving application for declaration of underlying zoning	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.201(3)	duty to make declaration	General Manager Development Manager Land Use Planning; Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
-	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the	General Manager Development Manager Land Use Planning Coordinator Statutory Planning	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	satisfaction of Council	Senior Statutory Planner Statutory Planner	
-	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
-	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
-	power to give written authorisation in accordance with a provision of a planning scheme	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**Planning and Environment Act 1987 – Also see list containing powers not delegated**

**PLANNING AND ENVIRONMENT REGULATIONS 2005**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r 6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
r7	duty of responsible authority to provide copy information or report requested by Minister	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Coordinator Strategic Planning Strategic Planner	
r22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
r 55	duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	

**PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014**

Column 1	Column 2	Column 3	Column 4
<b>PROVISION</b>	<b>THING DELEGATED</b> <b>Note: these regulations expire on 16 October 2015</b>	<b>DELEGATE</b>	<b>COMMENTS</b>
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme		
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme		
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17		

## RAIL SAFETY ACT 2006

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATED	CONDITIONS & LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	Not delegated	Duty of council as a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	Not delegated	Duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	Not delegated	Duty of council as a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	Not delegated	where council is the relevant road manager
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	Not delegated	where council is the relevant road manager
s.34D(2)	function of receiving written notice of opinion	Not delegated	where council is the relevant road manager
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	Not delegated	where council is the relevant road manager
s.34E(1)(a)	duty to identify and assess risks to safety	Not delegated	where council is the relevant road manager
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	Not delegated	where council is the relevant road manager

**RAIL SAFETY ACT 2006**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATED</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Not delegated	where council is the relevant road manager
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	Not delegated	where council is the relevant road manager
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	Not delegated	where council is the relevant road manager
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Not delegated	where council is the relevant road manager
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	Not delegated	where council is the relevant road manager
s.34I	function of entering into safety interface agreements	Not delegated	where council is the relevant road manager
s.34J(2)	function of receiving notice from Safety Director	Not delegated	where council is the relevant road manager
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	Not delegated	where council is the relevant road manager
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	Not delegated	where council is the relevant road manager

## RESIDENTIAL TENANCIES ACT 1997

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATED	CONDITIONS & LIMITATIONS
s.14D	function of receiving notice regarding an unregistered rooming house	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	Not delegated	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	Not delegated	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.522(1)	power to give a compliance notice to a person	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.525(4)	duty to issue identity card to authorised officers	Manager Land Use Planning Manager Organisation Development Governance Officer	

**RESIDENTIAL TENANCIES ACT 1997**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATED</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.526(5)	duty to keep record of entry by authorised officer under section 526	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.526A(3)	function of receiving report of inspection	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	General Manager Development Manager Municipal Services Coordinator Environmental Health Environmental Health Officer	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r.7	function of entering into a written agreement with a caravan park owner	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.11	function of receiving application for registration	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.13(4) & (5)	duty to issue certificate of registration	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.15(1)	function of receiving notice of transfer of ownership	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.15(3)	power to determine where notice of transfer is displayed	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.16(1)	duty to transfer registration to new caravan park owner	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.16(2)	duty to issue a certificate of transfer of registration	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.18	duty to keep register of caravan parks	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.19(4)	power to determine where the emergency contact person's details are displayed	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.19(6)	power to determine where certain information is displayed	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.22(6)	duty to notify caravan park owners of emergency service agencies	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.22(7)	duty to consult with relevant emergency services agency	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.25(3)	duty to consult with relevant floodplain management authority	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r.26	duty to have regard to any report of the relevant fire authority	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.40(4)	function of receiving installation certificate	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	Manager Municipal Services Coordinator Environmental health Environmental Health Officer	

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s11(1)	power to declare a road by publishing a notice in the Government Gazette	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	obtain consent in circumstances specified in s11(2)
s11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	
s11(9)(b)	duty to advise Registrar	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	
s11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	clause subject to s11(10A)
s11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	duty of coordinating road authority
s12(2)	power to discontinue road or part of a road	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	power of coordinating road authority
s12(4)	power to publish, and provide copy, notice of proposed discontinuance	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	power of coordinating road authority where it is the discontinuing body  unless subsection (11) applies
s12(5)	duty to consider written submissions received	General Manager Built & Natural Environment Manager Assets & Projects	duty of coordinating road authority where

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	within 28 days of notice	Coordinator Asset Management	it is the discontinuing body  unless subsection (11) applies
s12(6)	function of hearing a person in support of their written submission	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	Function of coordinating road authority where it is the discontinuing body  Unless subsection (11) applies
s12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	duty of coordinating road authority where it is the discontinuing body  unless subsection (11) applies
s12(10)	duty to notify of decision made	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s13(1)	power to fix a boundary road by publishing notice in Government Gazette	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Asset Management	
s14(7)	power to appeal against decision of VicRoads	General Manager Built & Natural Environment Manager Assets & Projects	Report to council
s15(1)	power to enter into arrangement with another road authority or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	General Manager Built & Natural Environment Manager Assets & Projects Manager Built Environment	Report to council
s15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	General Manager Built & Natural Environment Manager Built Environment	
s15(2)	duty to include details of arrangement in public roads register	Manager Built Environment Coordinator Built Environment Planning	
s16(7)	power to enter into an arrangement under section 15	General Manager Built & Natural Environment	Report to council
s16(8)	duty to enter details of determination in public roads register	Manager Built Environment Coordinator Built Environment Planning	
s17(2)	duty to register public road in public roads register	Manager Built Environment Coordinator Built Environment Planning	

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s17(3)	power to decide that a road is reasonably required for general public use	General Manager Built & Natural Environment Manager Built Environment	
s17(3)	duty to register a road reasonably required for general public use in public roads register	Manager Built Environment Coordinator Built Environment Planning	
s17(4)	Power to decide that a road is no longer reasonably required for general public use	General Manager Built & Natural Environment Manager Built Environment	
s17(4)	duty to remove road no longer reasonably required for general public use from public roads register	General Manager Built & Natural Environment Manager Built Environment	
s.18(1)	power to designate ancillary area	General Manager Built & Natural Environment Manager Built Environment	obtain consent in circumstances specified in s18(2)
s.18(3)	duty to record designation in public roads register	Manager Built Environment Coordinator Built Environment Planning	
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	Manager Built Environment Coordinator Built Environment Planning	
s.19(4)	duty to specify details of discontinuance in public roads register	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Infrastructure Development	
s.19(5)	duty to ensure public roads register is available for public inspection	Manager Built Environment Coordinator Built Environment Planning	
s.21	function of replying to request for information or advice	General Manager Built & Natural Environment Manager Built Environment	obtain consent in circumstances specified in s11(2)

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22(2)	function of commenting on proposed direction	General Manager Built & Natural Environment Manager Built Environment	report to Council
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	General Manager Built & Natural Environment Manager Built Environment	where council is the road authority
s.22(5)	duty to give effect to a direction under this section.	General Manager Built & Natural Environment Manager Built Environment	
s.40(1)	Duty to inspect, maintain and repair a public road	General Manager Built & Natural Environment Manager Built Environment	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	General Manager Built & Natural Environment Manager Built Environment	
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair	General Manager Built & Natural Environment Manager Built Environment Manager Assets & Projects	
s.42(1)	power to declare a public road as a controlled access road	General Manager Built & Natural Environment Manager Built Environment	power of coordinating road authority and schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	General Manager Built & Natural Environment Manager Built Environment	power of coordinating road authority and schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	General Manager Built & Natural Environment Manager Built Environment	duty of coordinating road authority  if road is a municipal road or part thereof
s.42A(4)	Power to approve Minister's decision to specify a	General Manager Built & Natural Environment Manager Built Environment	power of coordinating road authority

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	road as a specified freight road		if road is a municipal road of part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	General Manager Built & Natural Environment Manager Built Environment	Duty of responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	General Manager Built & Natural Environment Manager Built Environment	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	General Manager Built & Natural Environment Manager Built Environment	
s.49	power to develop and publish a road management plan	General Manager Built & Natural Environment Manager Built Environment	
s.51	power to determine standards by incorporating the standards in a road management plan	General Manager Built & Natural Environment Manager Built Environment	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	Report to Council
s.54(2)	duty to give notice of proposal to make a road management plan	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	General Manager Built & Natural Environment Manager Built Environment	

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Coordinator Built Environment Planning	
s.54(6)	power to amend road management plan	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.54(7)	duty to incorporate the amendments into the road management plan	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.63(1)	power to consent to conduct of works on road	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	General Manager Built & Natural Environment Manager Built Environment	power of infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	General Manager Built & Natural Environment Manager Built Environment	duty of infrastructure manager or works manager
s.66(1)	power to consent to structure etc Placing of specified things on roads or road infrastructure	General Manager Development Manager Municipal Services Coordinator Local Laws	
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	General Manager Development Manager Municipal Services Coordinator Local Laws	where council is the coordinating road authority

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.67(3)	power to request information Disclosure of distributor's name	General Manager Development Manager Municipal Services Coordinator Local Laws	
s.68(2)	power to request information Depositors name disclosed by Distributor	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.71(3)	power to appoint an authorised officer	Not delegated	
s.72	duty to issue an identity card to each authorised officer	Chief Executive Officer	
s.85	function of receiving report from authorised officer	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.86	duty to keep register re section 85 matters	Not delegated	
s.87(1)	function of receiving complaints	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
s.87(2)	duty to investigate complaint and provide report	Not delegated	
s.112(2)	power to recover damages in court	General Manager Built & Natural Environment Manager Built Environment	
s.116	power to cause or carry out inspection	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning Road Construction & Maintenance Asset Inspector	

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Coordinator Risk Management	
s.119(2)	function of consulting with VicRoads		
s.120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	Manager Built Environment Manager Assets & Projects Manager Natural Environment & Parks	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	Coordinator Built Environment Planning Coordinator Infrastructure Development	
s121(1)	power to enter into an agreement in respect of works	General Manager Built & Natural Environment Manager Built Environment Manager Assets & Projects	
s.122(1)	power to charge and recover fees	Not delegated	
s.123(1)	power to charge for any service	Not delegated	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Not delegated	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not delegated	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not delegated	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	Not delegated	

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 5	duty to publish notice of declaration	Not delegated	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	General Manager Built & Natural Environment Manager Built Environment	duty of infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	duty of infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	duty of infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	duty of infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	duty of infrastructure manager or works

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	with persons likely to be significantly affected		manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	General Manager Built & Natural Environment Manager Built Environment/ Coordinator Built Environment Planning	power of coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	General Manager Built & Natural Environment Manager Built Environment/ Coordinator Built Environment Planning	power of coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	power of coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	power of coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	duty of works manager
Schedule 7 Clause 13(2)	power to vary notice period	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	power of coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	duty of infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	power of coordinating road authority
Schedule 7	duty to consult	General Manager Built & Natural Environment Manager Built Environment	where council is the coordinating road

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Clause 16(4)		Coordinator Built Environment Planning	authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
Schedule 7 Clause 19(2) &(3)	power to conduct rectification works or engage a person to conduct rectification works and power to recover costs incurred	General Manager Built & Natural Environment Manager Built Environment	where council is the coordinating road authority

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Infrastructure Development	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Infrastructure Development	where council is the responsible road authority for the road
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Infrastructure Development	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	General Manager Built & Natural Environment Manager Assets & Projects Coordinator Infrastructure Development	where council is responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.301(1)	duty to conduct reviews of road management plan	General Manager Built & Natural Environment Manager Built Environment	
r.302(2)	duty to give notice of review of road management plan	General Manager Built & Natural Environment Manager Built Environment	
r.302(5)	duty to produce written report of review of road management plan and make report available	General Manager Built & Natural Environment Manager Built Environment	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	General Manager Built & Natural Environment Manager Built Environment	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	
r.501(1)	power to issue permit	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under r.501(1)	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority

**ROAD MANAGEMENT (GENERAL) REGULATIONS 2005**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.508(3)	power to make submission to Tribunal	General Manager Built & Natural Environment Manager Built Environment Manager Assets & Projects	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	General Manager Built & Natural Environment Manager Built Environment Coordinator Built Environment Planning	where council is the coordinating road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	General Manager Built & Natural Environment Manager Built Environment	where council is the coordinating road authority
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	General Manager Built & Natural Environment Manager Built Environment	

**ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.10	power, where consent given under s.63(1) of the Act, to exempt a person from requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those work	General Manager Built & Natural Environment Manager Built Environment	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	General Manager Built & Natural Environment Manager Built Environment	where council is the coordinating road authority



## C3 - REPORT

# GENERAL MANAGER DEVELOPMENT

**ITEM C3.1****AMENDMENT C86 – ROSEDALE STRUCTURE PLAN IMPLEMENTATION**

DIVISION: DEVELOPMENT  
 ACTION OFFICER: MANAGER LAND USE PLANNING  
 DATE: 17 FEBRUARY 2015

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

**OBJECTIVE**

In accordance with Sections 22 and 23 of the *Planning and Environment Act 1987*, that Council:

1. Consider all written submissions to Amendment C86 ( Rosedale Structure Plan Implementation) to the Wellington Planning Scheme; and
2. Request the Minister for Planning to appoint a Planning Panel to consider all submissions.

**BACKGROUND**

Council prepared the Rosedale Structure Plan to facilitate growth and development in Rosedale. After extensive consultation, the Rosedale Structure Plan was formally adopted by Council in August 2012.

Amendment C86 seeks to implement and incorporate a number of the recommendations identified in the Rosedale Structure Plan into the Wellington Planning Scheme.

On 15 July 2014 Council resolved to request the Minister for Planning to Authorise Council as the Planning Authority to proceed with exhibition of the amendment. Authorisation was received on 29 July 2014 and Amendment C86 was exhibited from 18 September to 3 November 2014.

All information in relation to Amendment C86 and the Rosedale Structure Plan can be found on Council's website: <http://www.wellington.vic.gov.au/Developing-Wellington/Planning-Scheme-Amendments/Amendment-C86>

At the close of the exhibition period, fourteen (14) submissions were lodged with Council. Copies of all submissions can be inspected at the Sale Customer Service Centre and have been made available electronically to Council for review.

Nine (9) submissions were received from statutory authorities.

- The Department of Environment and Primary Industries supports the amendment.
- The other statutory authorities who submitted comments do not have any objections; however there have been some small textual changes suggested to Clause 21.10 – Rosedale Strategic Framework and to the proposed Development Plan Overlay 8.

Five (5) submissions were received from local residents and community groups, which raise the following key issues:

- One (1) submitter objects to the proposed rezoning of land from the Farming Zone to Rural Living Zone 1 (0.8 Ha minimum lot size) on the basis that encouraging new residential uses in

close proximity to his existing greyhound business might create the potential for neighbour conflict/disputes.

Changes to the Development Plan Overlay 8 will be proposed to the Planning Panel, which will limit urban encroachment by not allowing new houses to be built any closer than the existing closest house (which is approximately 35 metres from the submitter's lot boundary).

- Two (2) submitters object to the rezoning of 15 Albert Street from Public Park and Recreation Zone to General Residential Zone 1 on the basis that it should stay reserved for potential future expansion of the swimming pool in light of the expected growth in the community.

It is noted that the provisions of the proposed General Residential Zone would allow for the subject land to be used for car parking or as a swimming pool, if required. It is proposed that Council awaits the advice from the Planning Panel prior to making a final decision on this component of the amendment.

- Two (2) submitters, both in different locations, do not believe that the land highlighted as potential General Residential in Clause 21.10 is suitable for this type of development and would prefer the Low Density Residential Zone.

Both areas are identified as long-term residential use on the basis of their geographical location towards the periphery of the town. No change is proposed and it is recommended that these submissions be referred to a Planning Panel.

A summary of each submission including a preliminary officer response is included in Attachment 1. Several issues raised cannot be resolved and it is therefore recommended that all submissions received be referred to a Planning Panel.

## **OPTIONS**

Council has the following options:

1. To consider all written submissions and request the Minister for Planning to appoint a Planning Panel to consider all written submissions received to Amendment C86 pursuant to Sections 22 and 23 of the *Planning and Environment Act 1987*; or
2. To consider all written submission and abandon Amendment C86 (in full or in part) pursuant to Sections 22 and 23 of the *Planning and Environment Act 1987*.

## **PROPOSAL**

That:

1. Pursuant to Section 22 of the *Planning and Environment Act 1987*, Council consider all written submissions received to Amendment C86; and
2. Pursuant to Section 23 of the *Planning and Environment Act 1987*, Council request the Minister for Planning to appoint a Planning Panel to consider all written submissions received to Amendment C86.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

Costs associated with this Planning Scheme Amendment, including the need for a Planning Panel, have been included in the Strategic Planning budget.

## **LEGISLATIVE IMPACT**

Pursuant to the requirements of Section 22 of the *Planning and Environment Act 1987*, Council must consider all submissions to Amendment C86. A decision regarding each submission must be made under Section 23 of the *Planning and Environment Act 1987*. Council may choose to:

1. Change the amendment in the manner requested; or
2. Refer the submission to a Planning Panel; or
3. Abandon the amendment or part of the amendment.

## **COUNCIL PLAN IMPACT**

The Council Plan 2013–17 Theme 5 Land Use Planning states the following strategic objective and related strategy:

Strategic Objective

*“Appropriate and forward looking land use planning that incorporates sustainable growth and development.”*

Strategy 5.1

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

Amendment C86 supports the above Council Plan strategic objective and strategy.

## **PLANNING POLICY IMPACT**

Amendment C86 is consistent with the State Planning Policy Framework (SPPF) and will amend the Settlement Strategy and Strategy Plan within the Municipal Strategic Statement (MSS) of the Wellington Planning Scheme.

The changes to the MSS seek to define the preferred future strategic growth directions for the town and aims to reflect the objectives identified within the Rosedale Structure Plan.

## **CONSULTATION IMPACT**

The exhibition of Amendment C86 took place between 25 September and 3 November 2014 and included:

- Approximately 159 notification letters with information sheets sent to all land owners/ occupiers directly affected by the amendment and to all landowners/ occupiers on adjacent lots.
- Seventeen (17) notification letters were sent to the relevant State Authorities.
- Poster place in a number of shopfronts around Prince Street advertising the exhibition and community drop-in session.
- Notification in the Gippsland Times (16 September 2014) and Latrobe Valley Express (18 September 2014).
- A community drop-in session at the Rosedale Neighbourhood House on 8 October 2014.

Information regarding Amendment C86 was also provided in the following locations:

- Copies of the information sheets were available from the Rosedale Library and Neighbourhood Centre and the Rosedale Post Office.
- Copies of the exhibited amendment documents were available for viewing in the Rosedale Library and the Council Service Centres in Sale and Yarram.
- Council and Department of Transport, Planning and Local Infrastructure Websites.

Should Council decide to refer all submissions to a Planning Panel, letters will be sent to all submitters inviting them to present their submission at the Panel Hearing.

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

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### **RECOMMENDATION**

***That:***

- 1. Pursuant to Section 22 of the Planning and Environment Act 1987, Council consider all written submissions received to Amendment C86; and***
- 2. Pursuant to Section 23 of the Planning and Environment Act 1987, Council requests the Minister for Planning to appoint a Planning Panel to consider all written submissions received to Amendment C86.***

# RESPONSE TO SUBMISSIONS

## Amendment C86 – Implementation Rosedale Structure Plan




### Submissions received from Authorities (9)



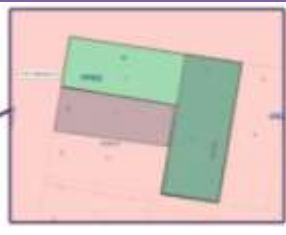

Sub.No	Authority	Key issues raised	Preliminary response
1.	Heritage advisor	Has provided comments on Clause 21.10 to better align wording with definitions for heritage in the Burra Charter.	Suggestions will all be considered and the changes will be made were appropriate.  Submitter will be contacted with suggested updates to Amendment C86 in relation to their submission.
2.	West Gippsland Catchment Management Authority (CMA)	The CMA provides the following comments: Rezoning Industrial 1 Zone to Rural Activity Zone: no objection, but affected by Flood Overlay and development is limited to uses and activities that will not expose people or development to the flood hazard. Rezoning Swimming Pool and old CFA site: Flood risk is low, residential development can be appropriately designed and sited. Railway precinct: rezoning will not increase flood risk, any future development applications will be assessed on their merits. Overall CMA has no objection to the proposed amendment.	Comments are noted
3.	Internal Wellington Shire Council ( Built and Natural Environment)	Proposes to change suitable native species in Clause 21:10 to suitable species as there are already exotic species used in the town.	Change will be made.  Submitter will be contacted to confirm suggested change.

5.	Department of Environment and Primary Industries	Support is given for the amendment.	Comment noted.
9.	Gippsland Water	No objection	Comment noted
10.	Public Transport Victoria (PTV)	<ol style="list-style-type: none"> <li>1. Development within the railway precinct should not compromise function of the public transport network. PTV, Department of Transport Planning and Local infrastructure and VicTrack recommend to be involved in early stages of development proposals.</li> <li>2. Reference should be made to Public Transport Guidelines for Land Use and Development, 2008.</li> <li>3. The Plan on page 7 of proposed Clause 21.10 should reflect Rosedale's location on the Victoria's Principal Freight Network and National Transport Network.</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted. The relevant authorities will be involved in development proposals.</li> <li>2. A stronger reference will be made in Clause 21.10</li> <li>3. Clause 21.10 will be updated to better reflect Rosedale's location on the key networks.</li> </ol> <p>Submitter will be contacted with suggested updates to Amendment C86 in relation to their submission.</p>
11.	APA Group	No objection	Comment noted
13.	Department of State Development, Business and Innovation	<p>No objection but provides the following comments:</p> <ol style="list-style-type: none"> <li>1. Include reference in the Development Plan Overlay 8 (DPO8) to the proximity of the coal resource and that it should be considered in subdivision design and siting of dwellings.</li> <li>2. Rosedale Strategy Map Clause 21.10- identifies area west of Rosedale-Flynn's Creek Road as Low Density Residential Zone- growth area, Rural Living Zone- growth area, was identified in Rosedale Structure Plan and is preferred.</li> <li>3. Rosedale Structure Plan: the township boundary aligns with the Rural Living Zone (RLZ) and not ESO3. There would</li> </ol>	<ol style="list-style-type: none"> <li>1. The Environment Significance Overlay 3 (ESO3) is designed as an urban and construction buffer between the Coal Resource and the urban areas. The proposed rezoning is outside this buffer. The close by resources could be identified in the DPO8 but it would be inappropriate to introduce extra requirements on development as a buffer is already in place.</li> <li>2. This area is meant to be a Rural Living Zone growth area but this is not clear on the map, it will be updated accordingly.</li> <li>3. The Rosedale Structure Plan is adopted by Council and can therefore not be updated. It should be noted that the township boundary is not used in the Strategy Plan in Clause 21.10 as it was not meant to work as an Urban Growth Boundary.</li> </ol>

		be merit in changing the township boundary to the ESO3 buffer.	Submitter will be contacted with suggested updates to Amendment C86 in relation to their submission.
14.	EPA	No concerns	Comment noted

## Submissions received from the community (5)

Sub. No	Area	Key issues raised	Preliminary response
4.		<ol style="list-style-type: none"> <li>1. What happened with Structure Plan submission?</li> <li>2. Proposed rezoning will encroach on lifestyle choice and privacy. Not in line with raising family in small rural town and diversification of lots: where will you find 13 acre lots.</li> <li>3. Risk of objections from people moving in encouraging a potential conflict of dispute</li> <li>4. Thought Council would support growing local Greyhound businesses.</li> <li>5. Would like to increase current Planning Permit to 20 racing dogs, 6 breeding bitches and 40 pups.</li> <li>6. Costs: <ul style="list-style-type: none"> <li>- Who is expected to pay for moving (our) business?</li> <li>- If rezoning occurs who has to pay for road construction?</li> </ul> </li> </ol>	<p>Council Officers and representatives from Greyhound Racing Victoria have met with the submitter on 17 November 2014.</p> <ol style="list-style-type: none"> <li>1. The submission to the Structure Plan was considered as part of the Structure Plan process. As existing use rights exist no change to the intention in the Structure Plan was deemed necessary.</li> <li>2. The proposed rezoning will allow for Rural Lifestyle lots which are sought after by people looking for families who want to live in small rural towns.</li> <li>3. It is recognised that a buffer exists and should be protected and therefore changes will be proposed to the Development Plan Overlay 8 to protect the existing buffer.</li> <li>4. Council allows Greyhound businesses in appropriate locations, all planning permit applications are assessed on their merits.</li> <li>5. This is part of a separate planning permit application process. When the submitter applies for an amendment to the planning permit, it will be assessed on its merits. Notification and referral to relevant authorities is part of this process.</li> <li>6. The developer will be responsible for any costs, directly associated with the proposed development.</li> </ol>

6.		<p>Sale of the block next to the Swimming Pool is a short-sighted decision. Could be better used for parking for the swimming pool or allow for additional facilities as a much needed lap pool.</p>	<p>The proposed zoning (GRZ1) will still allow the land to be developed with parking and/or leisure and recreation (which includes a swimming pool) if deemed necessary. As the area is currently not in use as a public area, it is considered that the most appropriate zone is GRZ1 as it best reflects the use of the land.</p>
7.		<p>Has included previous letters about his land. Does not believe the land will be suitable for the intended residential development. Would like to meet on site once the details of the Flood Study are available. Would like to have 4 bigger lots.</p>	<p>Letters and information are noted. At this moment a Flood Study is underway for this area. Council has forwarded the submitter's contact details to the WG CMA. They will keep him up to date as part of the Flood Study. Based on the outcome of the Flood Study the most appropriate development pattern can be discussed for that area. At this moment Council still has a preference for normal residential development.</p>
8.		<p>The Rosedale Community Planning Group object, on behalf of the Pool Sub Committee to rezone 15 Albert Street from PPRZ to GRZ1. The land should stay reserved for expansion of the pool in light of the expectation of growth in the community.</p>	<p>See preliminary response under submission 6.</p>
12.		<p>Land should be rezoned to Low Density Residential in the short term to provide new lots for people looking for this certain lifestyle:</p> <ul style="list-style-type: none"> <li>- There is enough residential land available, people do not want normal residential lots in these towns</li> <li>- Rosedale Shire previous vision was to develop this area to LDRZ ( Amendment L20).</li> </ul>	<p>This area is identified as long term General Residential as it has a prominent location on the Princes Highway at the entrance of Rosedale. Due to the floodplain from the Latrobe River and the State Resource Overlay land with a location suitable for residential development in close proximity of Rosedale is limited.</p> <p>Practice Note 37 states: "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."</p>

**ITEM C3.2****AMENDMENT C85 AND AMENDMENT C88, PROPOSED RESIDENTIAL DEVELOPMENT STEVENS STREET, SALE**

DIVISION: DEVELOPMENT  
 ACTION OFFICER: MANAGER LAND USE PLANNING  
 DATE: 17 FEBRUARY 2015

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

**OBJECTIVE**

In accordance with Sections 22, 23 and 96B of the *Planning and Environment Act 1987*, that Council:

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

**BACKGROUND**

Council has received two private combined rezoning and planning permit application requests for Stevens Street, Sale (see image below).



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

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

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

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

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

Five (5) submissions were received from Statutory Authorities.

- The Department of Environment and Primary Industries supports the amendments.
- The other statutory authorities who submitted comments do not have any objections however;
  - The Department of Defence suggests putting a notation on the title to make landowners aware of the close proximity of RAAF Base East Sale and potential aircraft noise;
  - The West Gippsland Catchment Management Authority recommends adding another planning permit condition in relation to rainwater tanks for detention storage; and
  - Gippsland Water raise concerns relating to the proposed location of the pumping station (in Amendment C88), as it is currently proposed to be located beneath power lines.

Submissions from the community include the following:

- Twenty-seven (27) submissions indicate support for the proposed development;
- One (1) comment raises the issue of land stability; and
- One-hundred and three (103) submissions raise objections.

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

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

A summary of each submission, including a preliminary officer response, is included in Attachment 1 to the report. It is noted that in relation to the Department of Defence and West Gippsland Catchment Management Authority submissions requested changes will be made and will be referred to the Planning Panel for further consideration.

In response to issues raised in submissions, the proponents were requested to provide further information about:

1. The location of the proposed pumping station at 74 Stevens Street and the consequential impacts on the proposed subdivision layout.

After further investigation and discussions with Gippsland Water, the proponent has subsequently updated the subdivision plan and proposed planning permit conditions, both of which are included in Attachment 2 to the report. These changes will be referred to the Planning Panel for consideration.

2. Concerns relating to the stability of the subject land.

The proponents have prepared the relevant geotechnical reports in response to the concerns of the submitters. The geotechnical reports (included in Attachment 3 to the report) conclude that the subject land is capable of being developed as proposed and that there will be no impact on existing properties along the northern side of Stevens Street.

In view of the fundamental objection to any form development taking place along the southern side of Stevens Street, officers consider that it is highly unlikely that a satisfactory resolution that addresses the concerns of all objectors can be reached in this instance. On this basis it is recommended that all submissions received be referred to an Independent Planning Panel for review.

## OPTIONS

Council has the following options:

1. Pursuant to Sections 22, 23 and 96B of the *Planning and Environment Act 1987*, to consider all written submissions and request the Minister for Planning to appoint a Planning Panel to review all written submissions received to Amendment C85 and C88 concurrently with the proposed planning permit applications P124/2013 and P373/2012 (respectively); or
2. Pursuant to Section 22, 23 and 96B of the *Planning and Environment Act 1987*, to consider all written submissions and abandon Amendment C85 and C88 concurrently with the proposed planning permit applications P124/2013 and P373/2012 (respectively); or
3. To seek further information or changes for consideration at a future Council Meeting.

## PROPOSAL

That:

In accordance with Sections 22, 23 and 96B of the *Planning and Environment Act 1987*, that Council:

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

## CONFLICT OF INTEREST

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

## FINANCIAL IMPACT

As Amendment C85-P124/2013 and C88-373/2012 have been requested by two private proponents all direct financial costs associated with the Amendments will need to be met by the proponents. This includes the costs for the Planning Panel and relevant statutory fees.

## LEGISLATIVE IMPACT

Pursuant to the requirements of Section 22 and 96B of the *Planning and Environment Act 1987*, Council must consider all submissions to Amendment C85 and C88 and the combined planning permit applications P124/2013 and P373/2012. A decision regarding each submission must be made under Section 23 and 96B of the *Planning and Environment Act 1987*. Council may choose to:

1. Change the amendments in the manner requested; or
2. Refer the submissions to a Planning Panel; or
3. Abandon the amendments or part of the amendments.

## COUNCIL PLAN IMPACT

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

Strategic Objective

*“Appropriate and forward looking land use planning that incorporates sustainable growth and development.”*

Strategy 5.1

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

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

## PLANNING POLICY IMPACT

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

Clause 21.05 – *Sale, Wurruk and Longford Strategic Framework* identifies the subject land for urban residential expansion.

## CONSULTATION IMPACT

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

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

- Two information sessions were held by the proponent on 13 August 2014 (morning and evening session).

Information regarding the amendments is also provided at the following locations:

- Copies of the exhibited documents can be viewed at the Council Service Centres in Sale and Yarram; and
- Council and Department of Transport, Planning and Local Infrastructure websites.

Should Council decide to refer all submissions to a Planning Panel, letters will be sent to all submitters inviting them to present their submission at the Panel Hearing.

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

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### **RECOMMENDATION**

***That***

***In accordance with Sections 22, 23 and 96B of the Planning and Environment Act 1987, Council:***

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

# RESPONSE TO SUBMISSIONS

Amendment C85 – Planning permit 124/2013

Amendment C88 – Planning permit 373/2012



## Submissions received from Authorities (5)

Submission No	Amendment	Authority	Key issues raised	Preliminary response
5	Both	APA Group	No objection	Comments noted
6	Both	DEPI	Support	Comments noted
22	Both	Department of Defence	No objection subject to implementing the following: <ul style="list-style-type: none"> <li>Put the following notation on the title of the newly created residential allotments: <i>"This land may be subject to aircraft noise from time to time resulting from the operations at RAAF Base East Sale"</i>.</li> <li>Future development complies with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.</li> </ul>	Comments noted. Recommendations will be incorporated into relevant planning permits.
28	C88	WG CMA	Answering questions in relation to Submissions 3 and 4. Recommendation to add another condition on the planning permit in relation to rainwater tanks for detention storage. Answers the concerns from submitter in relation to	Comments noted. Recommended condition will be included in both planning permits.

			swales, possibility of poisonous pollutants and changes to LSIO.	
29	C85	WG CMA	Answering questions in relation to Submissions 3 and 4. Recommendation to add another condition on the planning permit in relation to rainwater tanks for detention storage. Answers the concerns from submitter in relation to swales, possibility of poisonous pollutants and changes to LSIO.	Comments noted. Recommended condition will be included in both planning permits.
137	C88	Gippsland Water	Concerns were raised in relation to the final location of the pumping station and the consequent impact on the subdivision plan.	The proponents have liaised with Gippsland Water and provided an updated subdivision plan. The planning permit conditions will also be updated accordingly.

## Objections received from the community

Submission No	Amendment	Key issues raised	Preliminary response
1	Both	<p>Strongly object to any infrastructure which will impact on the environment and aesthetic aspect of the area (designated farming area and an important wetland and wildlife refuge) by:</p> <ol style="list-style-type: none"> <li>Disturbed by loss of views enjoyed by all;</li> <li>Rising flood levels may impact this area;</li> </ol>	<ol style="list-style-type: none"> <li>It is acknowledged that the proposed development will have some impact on the overall character of Stevens Street and the associated views of the wetlands. It should be noted that the Sale Common Wetland is accessible to the public and extensive views can also be enjoyed from numerous other locations within the area. The proposed schedules to the Neighbourhood Residential Zone (NRZ) and Design and Development Overlay (DDO) have been drafted to ensure that development respects and responds to the character of Stevens Street. Controls over building envelopes and building heights are included within the schedules to manage the impact of development on the landscape.</li> <li>The land proposed to be rezoned is located above the 3.2m AHD contour. The schedules prescribe that the finished floor level of buildings cannot be lower than 3.7m AHD. This is based on advice obtained from the West Gippsland Catchment Management Authority (WGCMA), which states that: <i>“The general policy around sea level rise in Victoria is to add 0.8 metres to the 1% AEP flood level for the</i></li> </ol>

year 2100. However, this location is unlikely to experience the entire 0.8 metre increase.

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

3. The (proponents) supporting Infrastructure Report suggests the use of vegetated swales, which is in line with best management practice guidelines to ensure no adverse effects on the health of the wetland system.

3. Run off from land development could be disastrous to wildlife;

**1a (letter to the minister)**

Both

1. Twenty two years ago residents were assured by Council that a maximum of 3 blocks would be permitted for building purposes.

1. The first planning permit application on the south side of Stevens Street was the subject of discussion at VCAT on 17 June 1992. During the Hearing, it was acknowledged that under the provisions of (the then) Rural Zone only six houses could be built on the six tenements which existed on the south side of Stevens Street between Guthridge Parade and Somerton Park Road. A town planning report of 18 February 1992 indicates that further housing was limited due to the Rural Zone provisions.

The current amendment process is proposing to change the zoning to allow further residential development. Urban growth in this area was identified in the *Sale Wurruk and Longford Structure Plan (2010)*. Planning Scheme Amendment C67 (8 November 2012) updated Clause 21.05 - *Sale, Wurruk and Longford Strategic Framework* of the Wellington Planning Scheme and identified the subject land for Urban Residential Expansion

- 2 Unstable land; current house (74 Stevens St) required stabilisation.
- 3 Rising water levels there is a potential environmental disaster.
- 4 Designated Ramsar site, Aboriginal

2. Council requested a geotechnical report from the proponents for both amendments. Both reports have been prepared and conclude that the subject land is stable and therefore developable.
3. See preliminary response to 1.2
4. All relevant statutory authorities and interested parties have been consulted as part of the preparation of the proposal. As part of the permit application an ecological and cultural heritage assessment

		community may require consultation.	was undertaken. The assessments have addressed concerns and where necessary, proposed mitigation/protective measures that are either reflected within the provisions of the proposed zone and overlays or included as conditions on the planning permits.
		<ul style="list-style-type: none"> <li>5 Views are enjoyed by all.</li> <li>6 No shortage of alternative land.</li> </ul>	<ul style="list-style-type: none"> <li>5. See preliminary response to 1.1</li> <li>6. It is acknowledged that Sale and its immediate surroundings have a number of larger residential growth areas to accommodate future demand. Notwithstanding this, the proposed housing will provide a unique opportunity for a limited amount of more 'executive' style housing on relatively small lots in an established area of East Sale and will provide a more diverse range of house and lifestyle opportunities.</li> </ul>
<b>1b</b>	Both	<p>Invites Councillors to visit Stevens Street.</p> <ul style="list-style-type: none"> <li>1. Development will have an impact on the wetlands which are valued for their ecological role and the global ecosystem.</li> </ul>	<ul style="list-style-type: none"> <li>1. The Department of Environment and Primary Industries has reviewed the proposals and indicated support for the amendments.</li> </ul> <p>The West Gippsland Catchment Management Authority believes that with the implementation of its suggested planning permit conditions there will be no negative impact on the health of the wetland system.</p>
<b>2</b>	Both	<ul style="list-style-type: none"> <li>1. Potential environmental impact; would remove place of refuge for animals living in the flood plain.</li> <li>2. Any further development would be to the detriment of the amenity of the streetscape. By approving this development any future opportunity to create another great public space will be lost.</li> <li>3. Increase daily traffic. 11 houses will significantly increase traffic. Street has no kerb and channelling or footpaths and poor street lighting. There are also blind corners and sharp bends.</li> <li>4. Supply and demand. There is 25 to 30</li> </ul>	<ul style="list-style-type: none"> <li>1. See preliminary response to 1.2 In the context of the whole wetland system, only a small area of high ground is proposed to be developed. Other places of refuge for wildlife exist within the remainder of the wetland system.</li> <li>2. See preliminary response to 1.1 Stevens Street provides a view over privately owned wetlands. The Sale Common Wetlands, which is publicly accessible open space is connected to this. The publicly accessible areas are not affected by the proposed development; paths in this area are currently upgraded and Council is working on a proposal to replace the bridge on Maxfields Road, which will create better access for recreational use between the lakes and the wetlands.</li> <li>3. The additional eleven houses will not create a significant increase in traffic. The submitted traffic report, which was part of the permit application, does not foresee an increase in traffic that will necessitate upgrades to the road network or changes to the kerb and channel.</li> <li>4. See preliminary response to 1a.6</li> </ul>

		years of vacant R1Z land available providing a mixture of sizes and locations. Is this really necessary.	
<b>3 &amp; 4</b>	Both	<ol style="list-style-type: none"> <li>1. The development is proposed on manmade land which is proved to be unstable.</li> <li>2. Concern about drainage directly into the wetlands. ( degradation to soil and water quality)</li> <li>3. Concern about the use and restrictions on the swale (fluids, toxic waste and foreign entities, maintenance.)</li> <li>4. Why can the LSIO be amended for these plots. Have land levels changed?</li> <li>5. Ask for an extension to submit further questions after 8 September 2014.</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 1a.2</li> <li>2. See preliminary response to 1.3 and letter from West Gippsland Catchment Management Authority from 28 August 2014, which explains the background.</li> <li>3. See preliminary response to 1.3.</li> <li>4. The WGCMA has determined the extent of the LSIO and FO based on the most up-to-date information. The land was surveyed by the applicant and this showed discrepancies between the LSIO and the 3.2m contour. After consultation, the WGCMA indicated a preference for the surveyed 3.2m contour as it is more up-to-date and accurate.</li> <li>5. This question was responded to via email on 6 August 2014 and stated that: <i>“Council is, to large extent, bound by the statutory timeframes that are set out in the Planning &amp; Environment Act - in so far as they relate to the Planning Scheme Amendment process as a whole, which make it very difficult to extend the time frames for the exhibition period. To this extent, submissions received after 8 September 2014 will be treated as a late submission and as such, may not be considered. Notwithstanding this, as I intimated at our meeting on Friday last week, whilst not ‘a given’ - there is a strong possibility that an expert Planning Panel will be appointed to hear and consider (unresolved) submissions to the proposals and to provide an opportunity for you to elaborate on the particular issues that you have directly to the Panel member(s). “</i></li> </ol>
<b>10</b>	Both	<ol style="list-style-type: none"> <li>1. Destroy outlook which is tantamount to public property. View would remain for a select few, denying it to many. Proposed building envelopes are extensive, include fences and trees and the view will be mostly obliterated.</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 1.1.</li> </ol>

		2. The land was zoned Rural for a reason, Council does not need to give a reason to maintain the status quo.	2. The land is currently within the Farming Zone, however the <i>Sale, Wurruk and Longford Structure Plan</i> , which was adopted by Council in 2010 identifies the south side of Stevens Street as a potential urban growth area. This recommendation was incorporated into the Local Planning Policy Framework of the Wellington Planning Scheme in November 2011 and therefore Council must consider this rezoning application.
14	Both	<p>Strongly against proposed development:</p> <ol style="list-style-type: none"> <li>1. Three attractive aspects of Sale caused us to move here; Clock Tower, Lake Guthridge and the Wetlands. Taking away the viewing areas of our beautiful heritage will take away this exclusive identity for Sale.</li> <li>2. Will cause disruption to the wetland environment and therefore harmfully disturbing and displacing this wildlife.</li> <li>3. No shortage of land in North Sale, Wurruk and east of Somerton Park Road. This is a very expensive and unnecessary building project.</li> <li>4. The building envelopes exclude decking, verandas and landscaping. When fully developed there will be no viewing zones. And it will be an intrusion of privacy to use them as viewing zones.</li> <li>5. Will the road be modified to service the new housing? Is traffic considered?</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 1.1.  In addition to this it can be noted that this development will not change the wetlands itself but it is acknowledged that viewing opportunities from Stevens Street will be reduced.</li> <li>2. See preliminary response to 1a.4</li> <li>3. See preliminary response to 1a.6</li> <li>4. It is recognised that landscaping cannot be controlled under current or proposed planning controls. The proposed subdivision design creates a minimum 16 metre wide gap between buildings to maintain the 'green' street character - but it is also wide enough to create an awareness of the wetlands through the view lines between the houses.</li> <li>5. See preliminary response to 2.3.</li> </ol>
33	Both	Disapproval of proposed subdivision. The view needs to be protected. Will be very difficult to retrieve. Existing house shows how detrimental it would be if other houses are built. Council should consider	See preliminary response to 1.1.

		protecting the area by purchasing it and making it adjunct to the Botanic gardens.	
<b>34, 35, 39-42, 44, 46-48, 52, 55-57, 60-80, 84, 88, 90-126, 129- 131 134, 135</b>	Both	<p>Development would have a permanent and profoundly negative impact on this beautiful and ecologically important part of Sale.</p> <ol style="list-style-type: none"> <li>1. Uninterrupted views across the wetlands. Available to every resident and visitor and contributes to wellbeing and leisure.</li> <li>2. Proposed spaces between dwellings will be planted with trees. Restrictions on roof height are futile as the building will still obscure the outlook. Development will result in loss of unique rural streetscape.</li> <li>3. Was zoned rural for a reason. The applicants should give a compelling reason why the land could be rezoned.</li> <li>4. Sale has enough available building plots. No need for this location</li> <li>5. The Regional Growth Plan and Sale, Wurruk and Longford Structure Plan assert the importance of ensuring that urban development is directed away from wetlands.</li> <li>6. Council should be actively looking at ways to preserve this rural aspect and increase accessibility to encourage more people to enjoy it.</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 1.1</li> <li>2. Council acknowledges that the proposed development will impact on the existing character of Stevens Street. For this reason a Design and Development Overlay is developed which provides strong guidance on the development. The proposed development will obscure the outlook over the wetlands, but the guidelines are designed to ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.</li> <li>3. See preliminary response to 10.2</li> <li>4. See preliminary response to 1a.6</li> <li>5. The RGP and SWL Structure Plan indicate that further encroachment of urban development into the wetlands is not appropriate. However the proposed development is within the urban growth boundary, which is established in the RGP and the SWL Structure Plan and although close to the wetlands, development is not proposed in the wetlands per se.</li> <li>6. The Open Space Strategy shows that this area already has good access to open space due to the close by Lake Guthridge, Lake Guyatt and Sale Common. There is no need for an increase of open space in this area.</li> </ol>
<b>40a, 42a</b>	Both	<p>Urge to abandon this detrimental development.</p> <ol style="list-style-type: none"> <li>1. Outlook over treasured wetlands will be lost forever, along with degradation of the wetlands. Part of the lifestyle of Sale residents.</li> <li>2. Houses will block vista and</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 1.1</li> <li>2. See preliminary response to 2.1</li> </ol>

		dramatically impact on wildlife. Domestic pets will hunt the native birds and animals. Any decision affecting so many people and environment should not be governed by money and quick gain.	
45	Both	<ol style="list-style-type: none"> <li>1. Never thought the wetlands would be sold off. Thought it was part of the Sale 'Common' and for all to enjoy.</li> <li>2. Additional drainage into the wetlands must have an impact on waterways and bird life.</li> <li>3. It is used by lots of people. Why don't we put a bike path along the edge of Stevens Street and a picnic table near the end of Yvette Close?</li> </ol>	<ol style="list-style-type: none"> <li>1. The area proposed for development is not public and is in private ownership. The Sale Common is accessible to the public and this will not change.</li> <li>2. See preliminary response to 1.3</li> <li>3. Based on the current level of use, the need for a dedicated bike path is not considered to be justified at the present time. Picnic facilities are generally placed in areas of open space (e.g. parks). Stevens Street is not classed as open space.</li> </ol>
50 All C	Both	(Stevens Street) is one of the most beautiful and attractive streets in Sale. Some people are unable to walk through the wetlands walks and tracks, this is an opportunity to drive along, park and take in this unique scenery. Urges Councillors to say No to further development.	See preliminary response to 1.1. There are other alternative locations from which views can be enjoyed without leaving the car.
51	Both	<ol style="list-style-type: none"> <li>1. Who will pay the compensation for depreciation of house values to effected home owners on the northern side of Stevens Street, Council or developer?</li> <li>2. VCAT hearing stated that there would be no more blocks on the south side of Stevens Street than the 6 existing blocks.</li> <li>3. The height restriction on the dwelling for 98 Stevens Street is 4.5 metres.</li> <li>4. The average setback from the front boundary on Stevens Street is 7 metres. The proposed development</li> </ol>	<ol style="list-style-type: none"> <li>1. This is a matter that is beyond the scope of the Planning Scheme Amendment process.</li> <li>2. See preliminary response 1a.1</li> <li>3. The condition in relation to height on the planning permit for 98 Stevens Street stated that: "the design of the proposed house including it being of single storey height to a maximum of about 5 metres.</li> <li>4. It is believed that the proposed setback is of sufficient distance to</li> </ol>

		<p>has only a 5 metre setback.</p> <ol style="list-style-type: none"> <li>5. Front and side fence height is 1 metre to the front of the dwelling and then it can go to a height of up to 3 metres with a building permit from the building to the side boundary fence line due to privacy.</li> <li>6. How close can a dwelling be to a high voltage power line?</li> <li>7. 98 Stevens Street shows a mature garden blocking the views on the wetlands. This is not what residents want to see. Because there are no height restrictions on the garden home owners can blanket their house to the boundary.</li> </ol>	<p>allow for (green) frontages that will contribute to the overall character envisaged in the proposed DDO.</p> <ol style="list-style-type: none"> <li>5. Fencing/ privacy screening will be subject to planning and building processes (where appropriate).</li> <li>6. The easement in relation to the power lines annotated on the proposed subdivision plan was supplied by SP Ausnet, which is the responsible authority.</li> <li>7. Comment noted. Planting (in residential gardens) does not constitute 'development' under the provisions of the <i>Planning and Environment Act 1987</i> and is not subject to planning control. The proposed 16 metre wide spacing between dwellings would still contribute to the 'green' character of the street.</li> </ol>
<b>54</b>	C85	<p>Concern about traffic. Coming from Yvette Close visibility of traffic is difficult due to single lane and vegetation. It is believed straightening and widening to two lanes would greatly reduce the risk.</p>	<p>Officers believe that there is currently sufficient visibility at the moment. The single lane is meant to reduce speeding along Stevens Street. The additional proposed houses will not increase traffic numbers to the extent that a change to the single lane will be required.</p>
<b>58</b>	C85	<ol style="list-style-type: none"> <li>1. Keep open vista to view unique topography from the escarpment. Has been used to sell Sale as tourist destination. Would only benefit a few financially.</li> <li>2. Observed fill from tip trucks use to build up the bank over the last 26 years would be unsuitable for building upon.</li> <li>3. Council should acquire grassy land at the top and re-vegetate below.</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 1.1</li> <li>2. See preliminary response to 1a.2</li> <li>3. See preliminary response to 33</li> </ol>
<b>59</b>	Both	<p>Council should consider alternative project to maintain street as a valuable resource. Importance goes beyond natural beauty and protection of wetlands but includes psychological well being of the community.</p>	<ol style="list-style-type: none"> <li>1. The Department of Environment and Primary Industries has indicated support for both amendments.</li> </ol>

Deserves highest standards of protection.

1. The proposed development is placed at odds with the established priority to defend and maintain populations of species on the threatened and endangered list in our region.
  2. More detailed plans and analysis in relation to management of sewerage and storm water runoff needed by independent ecologists prior to making any decision.
  3. Need for more housing development in this area is not demonstrated.
  4. Further analysis in relation to flooding needed to determine the true risk. The flood data is not accurate enough.
  5. Why allow additional dependent persons units. Emergency management planning in flood prone regions holds a higher level of risk prevention of housing for the infirm.
  6. Land is believed to be unstable. Council will be placed at risk for legal proceedings in the event of a slope failure.
  7. Additional traffic, lack of established pavements to separate pedestrians from motorised traffic, heavy traffic during construction, collisions of cars opposite driveways will create hazards. Wildlife also uses this road as transit.
  8. Value of established use of the street as extension of Lake Guthridge facilities should not be underestimated. Create a shared path to the south side of Stevens Street. It is a valuable tourist destination and should be
2. See preliminary response to 3.3
  3. See preliminary response to 1a.6
  4. See preliminary response to 1.2.
  5. Under the provisions of the Wellington Planning Scheme, a dependent persons unit is 'as-of-right' and does not require a planning permit. Under the proposed provisions a planning permit will be needed to ensure that a dependent persons unit is not placed outside the proposed building envelop (which sits above the flood level).
  6. See preliminary response to 1a.2.
  7. See preliminary response to 54.
  8. See preliminary response to 45.3.

further developed with viewing platforms and pathways with appropriate compensation to the current landholders for the acquisition of part of this land for this purpose.

This would do more for the development of this region than construction of 11 houses on land which is unsuitable for this process.

9. Protecting this significant community asset whilst adequately compensating the current owners who have done much to maintain the value of this asset requires a long-term plan to protect this site from urban development.

9. Comment noted.

81

The street is an asset to Sale as it provides access for everyone to a lovely open space environment and ever changing views. Don't ruin it for the benefit of a few.

1. Street amenity; Proposal will alter amenity of Stevens Street. Is extension of Lake Guthridge and Lake Guyatt. Opposite 39 Stevens Street is best vantage area. Leave as is for all to enjoy.
2. Street safety: more traffic may cause safety issues. Street is actually signed local traffic only. C85 single lane has bad visibility for upcoming traffic. More driveways will be of a concern.
3. Wetlands environment: more houses must affect animal and birdlife. Society has damaged so much natural habitat we need to preserve any environment.
4. How will the predicted sea levels affect

1. See preliminary response to 1.1

2. See preliminary response to 54

3. See preliminary response to 1a.4

		<p>this area?</p> <p>5. Small natural drainage area opposite 41 Stevens Street land seemed to gradually falling away. Submitters have replaced dirt to stop getting this worse.</p> <p>6. Fence line: Current fence is not on property boundary. How will this be with the development and how will Council monitor.</p> <p>7. Plenty of other land available for development, don't use this narrow vulnerable area.</p>	<p>4. See preliminary response to 1.2</p> <p>5. See preliminary response to 1a.2</p> <p>6. As part of the next steps in the subdivision process (if approved) the land will be surveyed to set out the new property boundaries.</p> <p>7. See preliminary response to 1a.6</p>
82	Both	<p>1. Planning restrictions in respect to the two existing houses appear not to have been enforced. Examples of loosening permit requirements and evidence of failure to comply.</p> <p>2. Reducing the setback from 17.5 m to 5 metres is not in line with Council's statement of maintaining the character of street.</p> <p>3. Spokesman from Gippsland Water has advised the sewerage pumping station cannot be built. Pumping station as shown is not feasible, design should be reconsidered.</p> <p>4. Land has been filled. Nature and extent of this fill must be known prior to the consideration of a planning permit.</p> <p>5. There is no need for additional building plots, the population has been stable. Where is the evidence for additional demand for housing.</p> <p>6. Land bank suggests there is a 20-year supply without the need for considering further development. Regional Growth</p>	<p>1. Council is unaware of any issues that are not in compliance with the associated planning permits of the existing houses.</p> <p>2. 98 Stevens Street actually has a 5 metre setback. The building envelope is determined which creates 16 metre gaps between dwellings (on one site), this is also part of maintaining the green character of the street.</p> <p>3. Comment noted. The proponent has proposed changes to the subdivision design.</p> <p>4. See preliminary response to 1a.2</p> <p>5. The <i>Sale Wurruk Longford Structure Plan</i> and the <i>Regional Growth Plan</i> have both established that additional housing is needed for the coming 20 years in Sale. Those numbers are based on Statistics from the ABS and <i>Victoria in Future (DTPLI)</i>.</p> <p>6. The SWL Structure Plan states on page 32: 'Given that an estimated 810 lots are available for development, the structure plan needs to conservatively provide an additional 890 dwellings to meet the projected demand to 2025.' The RGP states in the table on page 55 that 1500 households are needed in 2041. The urban development program has identified 590 lots in residential zoned land, 1200 lots within future residential areas and 110 lots in minor infill locations. Although there is more residential land identified for rezoning, this does not necessarily</p>

		<p>Plan states 810 lots are currently available.</p> <ol style="list-style-type: none"> <li>7. On what basis is the 100- year flood level established? Higher flood levels have been observed in 1952.</li> <li>8. The area adjacent to the proposed building site is a wetland and Council must place restrictions on building materials etc.</li> <li>9. Swales are below the flood line. Will this work?</li> <li>10. The Built Environment Strategy (BES) refers to strategies that will ensure that significant landscapes should be preserved. This proposal is contrary.</li> <li>11. Restrict population growth in environmentally sensitive areas due to increase of interactions with wildlife.</li> <li>12. Development of Stevens Street will reduce its appeal as an exercise venue.</li> <li>13. There will be no control over additional incursions on the lines of sight.</li> </ol>	<p>mean landowners will develop their land. Stevens Street can be more appropriately considered in the context of an 'infill' location.</p> <ol style="list-style-type: none"> <li>7. See preliminary response to 1.2</li> <li>8. The West Gippsland Catchment Management Authority is the responsible authority for water quality in the wetlands. It has requested planning permit conditions in order to protect the water quality. See also preliminary response to 3.2</li> <li>9. The West Gippsland Catchment Management Authority has indicated that it's not unusual for swales to be inundated in less than a 1% AEP flood event as they're designed to convey minor floods (usually 1 in 5 year ARI).The West Gippsland Catchment Management Authority has no objection to the proposed development.</li> <li>10. The Built Environment Strategy sets the context for the management, maintenance and provision of infrastructure within the Wellington Shire in relation to Council's assets (roads, parks etc). This development is not proposed on a Council Asset. The proposed subdivision is located within the Sale Urban Growth Boundary.</li> <li>11. The Department of Environment and Primary Industries supports the amendment. See also preliminary responses to 1.2, 2.1 and 59.1.</li> <li>12. It is acknowledged that the community use Stevens Street for walking and cycling and that development may change this appeal for a number of users.</li> <li>13. See preliminary response to 51.7</li> </ol>
83	Both	<p>Petition.</p> <ol style="list-style-type: none"> <li>1. Will have a significant negative impact on streetscape, permanently deny visual access to all residents.</li> <li>2. Poses a significant environmental threat to the fauna and flora.</li> <li>3. Is unnecessary due to the existing surplus of residential land.</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 2.2</li> <li>2. See preliminary response to 1a.4</li> <li>3. See preliminary response to 1a.6</li> </ol>
85	Both	<ol style="list-style-type: none"> <li>1. Area is zoned rural and wetlands area is open for all to see. Do not allow further development but treat as a</li> </ol>	<ol style="list-style-type: none"> <li>1. See preliminary response to 10.2</li> </ol>

		<p>coastal zone: road acts as buffer between residential development and wetlands in the same way a road separates and identifies a protected strip of sand or cliffs that border the sea.</p> <p>2. People enjoy this area in combination with the Sale Common. The development will have a negative visual impact on the only vantage point of this unique and special part of Sale.</p>	<p>2. See preliminary response to 1.1.</p>
86	Both	<p>1. The wetlands have suffered degradation due to farming and the residential development of 74 and 98 Stevens Street. Further development will create more issues.</p> <p>2. Stevens Street is valued by the community as passive recreation area.</p> <p>3. 74 Stevens Street has received planning approval on the basis of the land as a farm and the building of a farm residence. The proposed development will reduce the size of the farm to a non viable status.</p> <p>4. There is no limited residential land available in Sale.</p> <p>5. What will be the effect on the property values of existing houses</p>	<p>1. See preliminary response to 1a.4</p> <p>2. See preliminary response to 2.2</p> <p>3. The area proposed for development is identified in the <i>Sale Wurruk and Longford Structure Plan</i> and in Clause 21.05 as potential residential expansion.</p> <p>4. See preliminary response to 1a.6</p> <p>5. This is a matter outside the scope of the Planning Scheme Amendment process.</p>
87	C85	<p>Does not oppose but has the following comments. Property used to be in the family and has some knowledge.</p> <p>1. It was no wetland</p> <p>2. There is a seepage belt which is the source of water in that area.</p> <p>3. There is a sinkhole just below the seepage belt in close proximity of the eastern boundary fence.</p>	<p>1-3 Comments noted. The matters are considered as part of the geotechnical reports.</p> <p>4 See preliminary response to 1a.2</p> <p>5 The proponent has surveyed and concludes that the lots can gravitate to the existing sewer. This sewer has capacity.</p> <p>6. The West Gippsland Catchment Management Authority has indicated that it's not unusual for swales to be inundated in less than a 1% AEP flood event as they're designed to convey minor floods</p>

		<p>4. Lots have been extensively filled using imported material. Is this stable enough?</p> <p>5. Sewerage: Lot 2 does not seem to be low enough to be able to connect to sewer without the need for a pumping station.</p> <p>6. Swales are below flood levels, how does that work?</p> <p>7. Floodlevels: suggest using 1952 flood event as a reference.</p>	<p>(usually 1 in 5 year ARI).</p> <p>7. West Gippsland Catchment Management Authority base their flood level on the 1 % Annual Exceedance Probability (AEP). The best estimate of the 1% AEP flood level under existing conditions for Stevens Street is 3.2 metres AHD which was obtained from the Authority's flood database. There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.</p>
<b>89</b>	Both	<p>1. To destroy these ambiances would be a farce as we try and attract more professionals to work in Sale. Sale has limited place s to enjoy peace and quiet.</p> <p>2. Understanding was that land was sold not be subdivided.</p> <p>3. Part of wetland system and wildlife will not cope with domestic pets.</p> <p>4. Lot sizes will be too small for big houses and outside space.</p> <p>5. Development is not appropriate for this area.</p>	<p>1. See preliminary response to 1.1</p> <p>2. See preliminary response to 1a.1</p> <p>3. See preliminary response to 2.1</p> <p>4. For that reason building envelopes are proposed.</p> <p>5. Comment noted.</p>
<b>127</b>	Both	<p>Unique and special area and should be protected and not given up for greed. Please do not allow this to continue.</p>	<p>See preliminary response to 1.1</p>
<b>132</b>	Both	<p>1. Will be the thin edge of the wedge to destroy the wetlands. This scene will disappear.</p> <p>2. Plenty of other areas for development.</p> <p>3. Impact on environment of the wetlands</p>	<p>1. See preliminary response to 1.1</p> <p>2. See preliminary response to 1a.6</p> <p>3. See preliminary response to 1.3</p>
<b>133</b>	Both	<p>Ideal place to enjoy the view. Rezoning would be bad decision making. And can't be reversed.</p>	<p>1. Comments noted.</p>

<b>136</b>	Both	1. Rehabilitation Plan for the Thomson River (1999) included purchase and reclamation of low lying Heart Morass properties to create a consolidated wetland ranging from the Swing Bridge to Lake Wellington. The last property was purchased in November 2013. In discussion with Ramsar to list the entire Heart Morass at an appropriate time.	1. Comment noted. However, it should be mentioned that all of the land between Stevens Street and Stephenson Street is in private ownership and is not part of this Rehabilitation Plan.
		2. A Significant Landscape Overlay would provide a platform to address development along Stevens Street overlooking the Heart Morass.	2. Although a Significant Landscape Overlay can protect sensitive landscapes a detailed strategic justification is required. This would include an extensive study to identify and determine which landscapes need further protection.
		3. State Planning Policy has as objective to conserve and enhance areas which are aesthetic, historic and of special cultural value.	3. Comment noted
		4. Important to maintain visual buffer zones around areas of public amenity value such as the Heart Morass and not allow overlooking.	4. See preliminary response 1.1.
		5. Risk to wildlife from pets, drainage concern.	5. See preliminary response to 1.3
		6. Council should protect the Heart Morass Reserve from inappropriate development.	6. Comment noted

### Submissions received from the community in support (27)

Submission No	Amendment	Key issues raised	Preliminary response
7	Both	I believe we have to make progress and not live in the past. The property owner/owners should be able to do what they want with the property as long as they comply with council regulations.	Comments noted
8	Both	Support is given due to intention to soon move back to the area and would be delighted to have the opportunity to buy land.	Comments noted

9	Both	Please note that we fully support of the subdivision on Stevens st. And wish to support Kelly and Jez in any further action required by them.	Comments noted
11	Both	I have no objection to the Stevens Street subdivision.	Comments noted
12	Both	Limited blocks available with views of the wetlands. Blocks will be sort after by purchasers in the marketplace.	Comments noted
13	Both	Definitely support the proposal as a very positive growth to your community not only for prime location blocks in which we have found sale is lacking in but also for creating much needed jobs for the local economy.	Comments noted
15	Both	In favour of rezoning, believes would be excellent blocks for people to built prestigious homes on. No other blocks like this in Sale and are sought after.	Comments noted
16	C88	Fully support. Will provide exceptional opportunities for purchases of this land. Would significantly enhance this area and add value to neighbouring properties. The construction of quality houses would produce a much more pristine outlook removing untidy long grass and cattle.	Comments noted
17	Both	I believe the subdivision in Steven Street is a development for the area.	Comment noted
18	Both	I would like to express my support for the Sevens Street Proposed Subdivision. I believe it would give local residence a chance to live in a unique setting and creating jobs for the local building industry.	Comments noted
19	Both	Support, Sale lacked genuine choice in relation to new home sites with little choice as to size or outlook, which discourages new people moving to Sale. The proposed subdivision will bring new interest into the Sale housing market and will provide immediate and ongoing benefits.	Comments noted
20	Both	I support the Stevens Street Subdivision as it will bring positive growth to our community. There's nowhere like this in Sale to build on and I believe that this land needs to be utilised to its full potential.	Comments noted
21	Both	Complete support. This is what Sale needs. Will give a high end and complete unique property choice. Will add a stunning point of difference to our growing town.	Comments noted
23	Both	Fully behind the Council to approve the subdivision. A beautiful continuation of Wandana Rd and it will increase property values of the existing homes on Stevens Street.	Comments noted
24	Both	Positive development in our area.	Comments noted

25	Both	Delighted to hear about the Stevens Street subdivision. Much needed blocks in town and will be sought after.	Comments noted
27	Both	Signed petition to “Save the Wetlands” not realising it was against the Stevens Street subdivision. Is giving her full support for the subdivision. Will enhance the look of the street, growth for our community. Keep our town alive for generations to come.	Comments noted
30	Both	Go ahead. Love to move back in the area but struggling to find a block with a view.	Comments noted
31	Both	Support. Private land, landowners didn’t purchase this for every-ones view. What wetlands; this is a floodway with the occasional animal.	Comments noted
32	Both	Support. No one owns a view, as it is out of the wetlands area, there is no impact on the wetlands. If this amendment has complied with all the council and all the authorities, there is no valid reason it shouldn’t go ahead. Will fill a void to have a choice of land to build a house out of the norm.	Comments noted
36	Both	Supporting Stevens Street. It’s good to see prime blocks in Sale being developed and we support it.	Comments noted
37	Both	We would like to see to purposed Stevens Street subdivision happen, they would be prime properties to purchase.	Comments noted
38	Both	We would like to see the Stevens Street subdivision go ahead. It would be a positive development for the town of Sale	Comment noted
43	Both	Expresses support. Wants to purchase a block in this subdivision. Will give potential homebuilders a great option that Sale currently does not have.	Comment noted
49	Both	Support. Believes development will be of benefit to the township. No legal case for this proposal not to go ahead. This area is not part of the Sale wetlands as said by members of the press and public, but in fact a privately owned flooded paddock.	Comments noted
53	Both	With a large portion of residential land in Sale quite flat and offering no views, these allotments would bring a new lease of life for a certain portion of the market. Will lift the real estate in the immediate area. Brilliant addition to the East Sale residential precinct.	Comments noted
128	Both	I would like to defend the Fleming’s family’s right to subdivide their land on Stevens St, Sale. Any development in regional Victoria can only be a positive situation, and I feel the Council is unjustified if they decide to oppose the application.	Comments noted

**NB: Submission 26 was withdrawn during the process and as such, has been removed from the above table.**

Our reference: 3498A  
 Your reference:

14 November 2014

ATT: PLANNING DEPARTMENT  
 WELLINGTON SHIRE COUNCIL  
 PO BOX 506  
 SALE VIC 3850

Dear Sir/Madam

#### PLANNING PERMIT REFERRAL

YOUR REFERENCE : P373/2012  
 SPEAR : N/A  
 OWNER : K & J FLEMING  
 LOCATION : CA 4,8 LOT 2 STEVENS ST SALE VIC 3850

We refer to your letter received at our office on 2 May 2014 and advise that Gippsland Water as the Water Supply and Sewerage Corporation under Section 56(1)(b) of the *Planning and Environment Act*, consents to the granting of a planning permit subject to the following conditions being met by the owner prior to the issue of a Statement of Compliance:

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



Hazelwood Road  
 800 Box 100  
 Traralgon/Victoria 3844  
 Telephone: (03) 5177 4500  
 Facsimile: (03) 5174 0103  
 email: [enquiries@gippswater.com.au](mailto:enquiries@gippswater.com.au)  
[www.gippswater.com.au](http://www.gippswater.com.au)

- Install separate water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision
- Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.

**PRELIMINARY ADVICE FOR SEWER**

- A Sewer Pump Station (SPS) and gravity mains with connection to each lot will be required as per the preliminary infrastructure servicing report.
- The Rising Main will need to discharge to a maintenance hole in Nest Court.

If you have any queries in the matter please contact one of the Statutory Planning team on (03) 5175 7488.

Yours sincerely

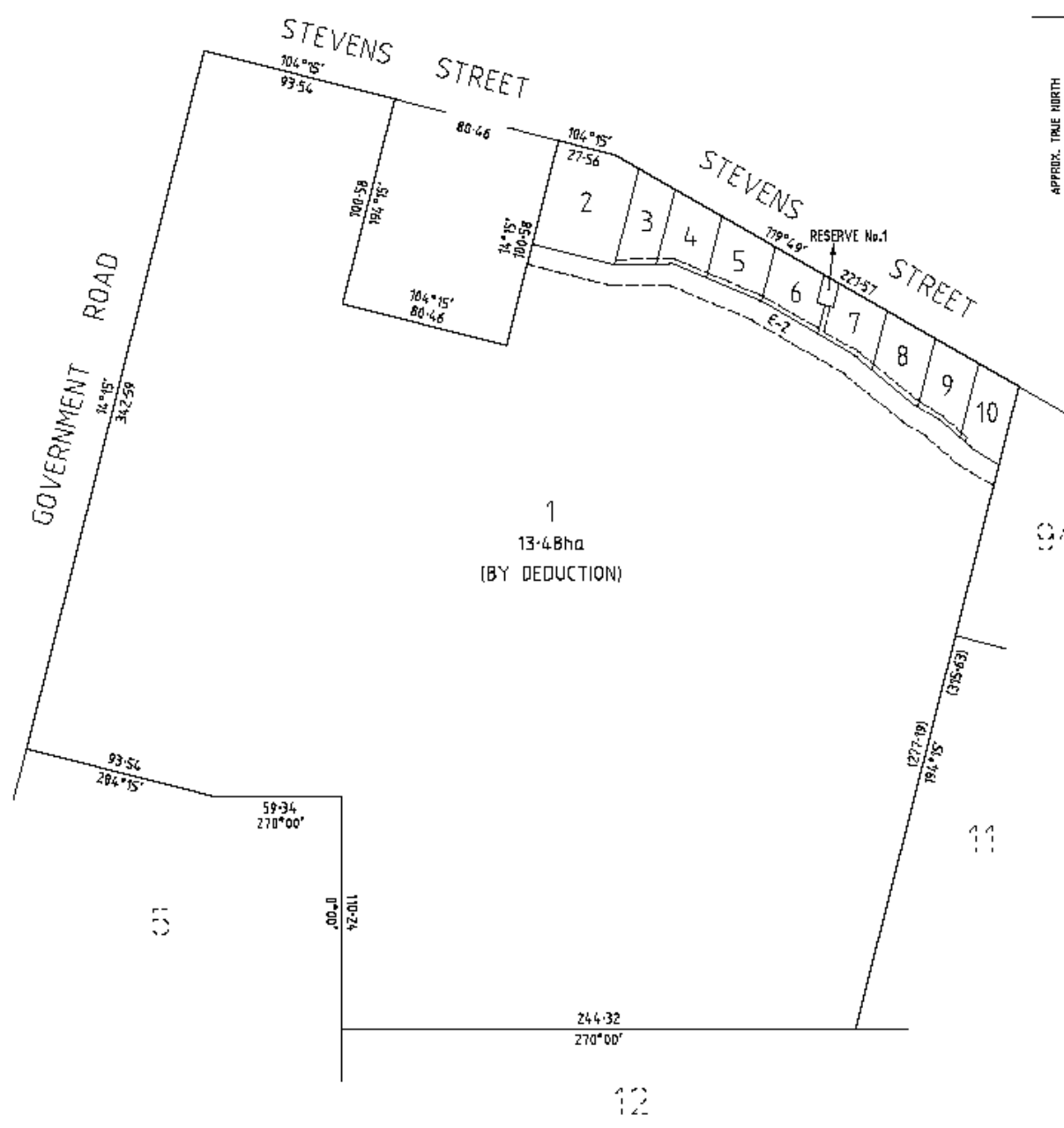
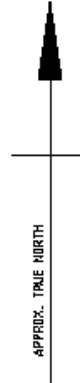


Nigel Gerreyn  
**MANAGER PROPERTY SERVICES**

cc: K & J FLEMING  
c/- NBA Group Pty Ltd  
93 MACALISTER STREET  
SALE VIC 3850

PLAN OF SUBDIVISION

Plan Number  
PS 713416S



**Millar Merrigan**

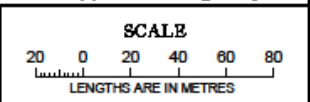
Millar & Merrigan Pty Ltd  
 21/21 Merivale Drive, Dandenong, Victoria 3175  
 PO Box 307, Dandenong, Victoria 3175  
 T 09 0762 8828 F 09 0762 8828  
 www.millarandmerrigan.com.au  
 e info@millarandmerrigan.com.au

LAND DEVELOPMENT CONSULTANTS

LICENSED SURVEYOR Bradley Terjesen  
 SIGNATURE DIGITALLY SIGNED  
 REF 15967S1 VERSION 3

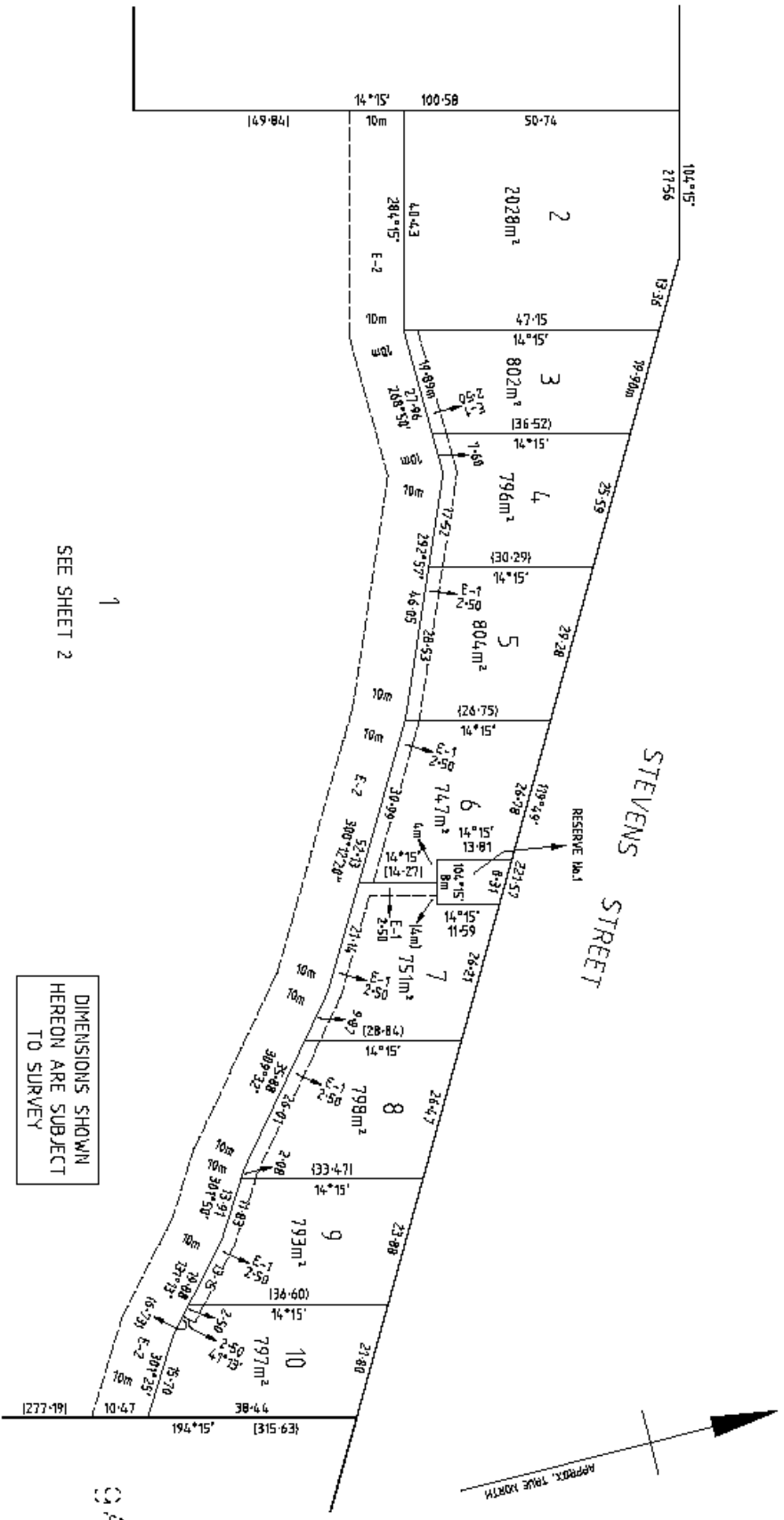
Sheet 2  
 ORIGINAL SHEET SIZE A3

ORIGINAL SCALE  
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PLAN OF SUBDIVISION

Plan Number  
PS 713416S



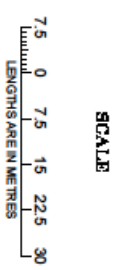
SEE SHEET 2

DIMENSIONS SHOWN  
HEREON ARE SUBJECT  
TO SURVEY

Miller Morrison

Land Development Consultants  
1992-2011  
1992-2011

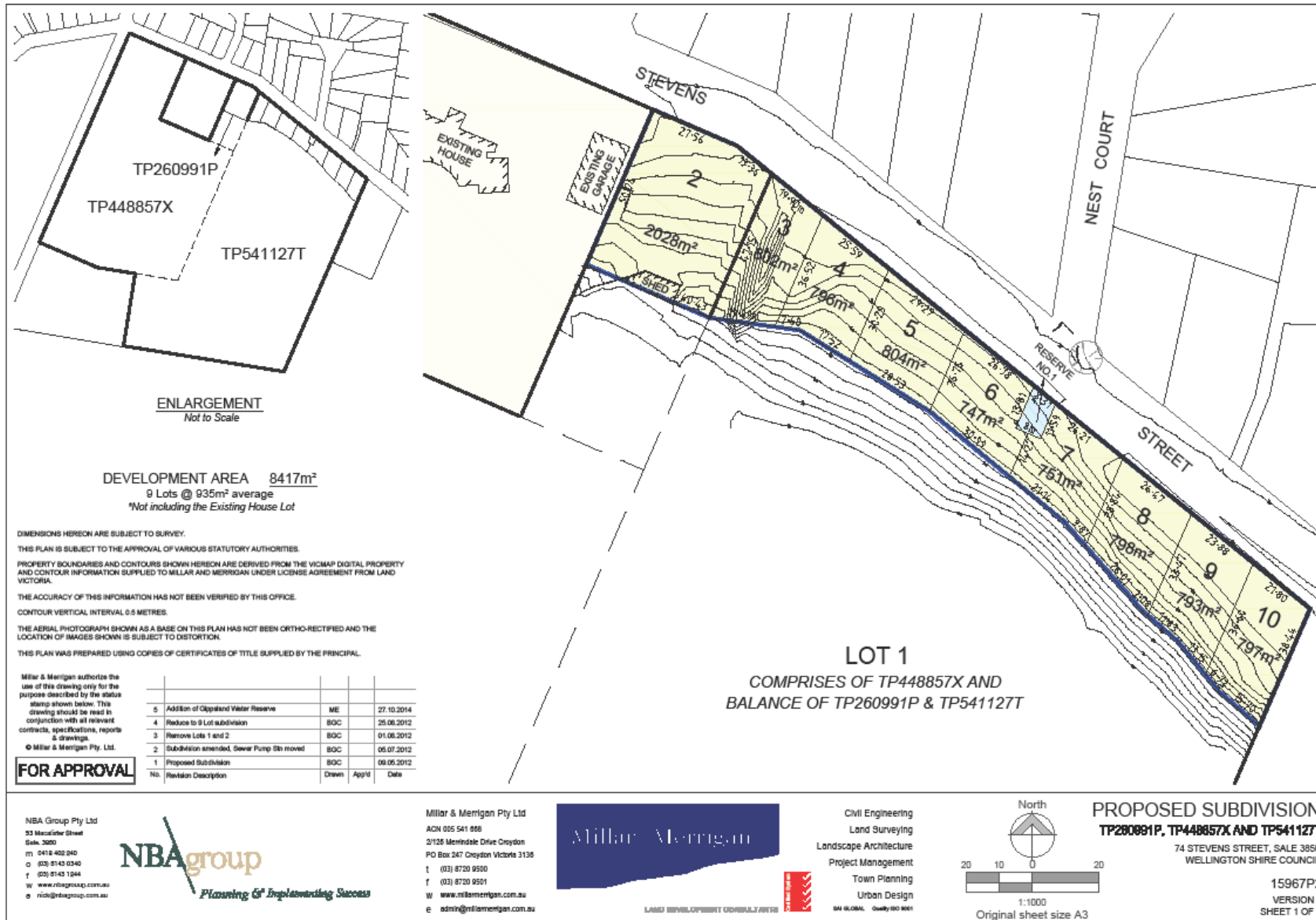
ORIGINAL SCALE  
1:750



LICENSED SURVEYOR  
SIGNATURE: Brodley Terjesen  
DIGITALLY SIGNED  
REP: 15967S1

VERSION 3

Sheet 3  
ORIGINAL SHEET SIZE A3



**Extract email 28 October 2014 request for further information in relation to Pumping Station from Sabine Provily to NBA group**

The updated subdivision plan looks good, however some submitters asked what the size of the pumping station was above the ground. Again it is considered important to provide a clear and direct response to the key issues that have been raised. I would welcome some additional information with the size of the pumping station and how the pumping station will look on ground (e.g. plans with measurements and photo's of similar pumping stations).

**Extract of response from NBA group to Sabine Provily 3 November 2014**

Please find attached the following:

- Images sought from Gippsland Water in relation to the final point in your notes below. It is noted the final detail of the Stevens Street pump station cannot be determined until it is designed but it is likely to be smaller than the images provided, but certainly no bigger. Based on the images provided and the position put forward by GW to us I think the black or green steel fence as used as the ROS interface in Traralgon (Franklin Place) would be worth pushing for given the specifics of this application and the desire to protect visual amenity.

**Gippsland Water Notes:**

Our engineers spoke with Lindsay Nation from Gippsland Water last week in relation to the point raised in your notes below. He subsequently sent through some photos from Gaston Ct, Traralgar, as this Pump Station has similar dimensions to the one required for Stevens Street.

He mentioned that Gippsland Water will request a wooden paling fence for the land abutting private land and bollards for the front abutting the road reserve. The fence typically requested (by default) is the same as the one in the Pump Station photos. Given our height restraints and visual amenity issues we would likely push for something lower as per what we achieved at Franklin Place in Traralgon. He suggested we could try to push for another type of fence but could not guarantee how successful we would be. I have attached a picture of the type of fence he suggested (Franklin Place) and I'm sure with Council support they would support this approach.



**Gaston Trafalgar Pumping Station**



Gaston Trafalgar Pumping Station



Fence Franklin Place Estate Stage 1, Traralgon.



## SIMON ANDERSON CONSULTANTS

5. *Land has been filled. Nature and extent of this fill must be known prior to the consideration of a planning permit.*

See point 3 above

6. *Does not oppose, but has the following comments.... Property used to be in the family and has some knowledge.*

- *It was no wetland*
- *There is a seepage belt which is the source of water in that area.*
- *There is a sinkhole just below the seepage belt in close proximity to the eastern boundary fence (of C85).*

Dot Point 1: As far as I am aware the Heart morass seasonal wetland

Dot Point 2: Seepage of groundwater at base of slope is common, this demonstrates good subsoil drainage.

Dot Point 3: There was no observable evidence of sinkholes on the subject sites.

7. *Lots have been extensively filled using imported material. Is this stable enough?*

The attached reports did not find extensive fill, notwithstanding, piered footings designed by Structural Engineer in accordance with BCA would remedy this.

8. *Small natural drainage area opposite 41 Stevens Street - land seemed to be gradually falling away. Submitters have replaced dirt to stop it getting worse.*

Good Water Sensitive Urban Drainage design during detail design would deal with any drainage issue.

I would be happy to discuss the responses with council further if required.

If you have any queries, please contact me on 0412544255.

Yours faithfully

**Simon Anderson BE (Civil), CPEng MIEAust 930355, NPER-3**  
Managing Director  
Registered Building Practitioner No. EC-1711

*Simplicity*

*Elegance*

*Service*

<b>SIMON ANDERSON CONSULTANTS</b> Structural, Civil & Project Engineers P.O. Box 1700                      P.O. Box 566 111 Main St                      191-193 Raymond St Beirrodale, Vic, 3875           Sale, Vic, 3850 ACN 073 392 266                      ACN 145 437 065	Job: Proposed Subdivision Stevens St Sale	Date: 17 Oct 2014
	Client: Graeme Dyer	Designed: SJA
	Checked: <i>[Signature]</i>	Job No.: 345379
		Page No.: 1 of 10

## GEOTECHNICAL RISK ASSESSMENT



Stevens St, Sale  
(as viewed from Lot 2 looking East)

### INTRODUCTION

This report is designed to demonstrate the level of geotechnical risk involved in relation to the proposed two lot residential subdivision at Stevens Street, Sale, during and after construction of associated works.

Note that in accordance with "Guideline for Landslide Susceptibility" section 5 : Landslide Zoning, the subject site would not be considered in a landslide hazard zone.

### SITE DESCRIPTION

The subject site is vacant land situated on the south side of Stevens Street. The site is situated on the edge of an Alluvial Plain Landform which slopes moderately towards the low lying flood plains of Flooding Creek, directly south of the proposed residential lots.

The north side of Stevens Street (Bitumen Sealed with concrete kerb) is fully developed. The residential sized allotments all have well-established dwellings with landscaped gardens, manicured lawns and gravel driveway access. There are no signs of soil erosion or landslip on the properties.

Allotments on the south side of Stevens Street also have fully developed residential dwellings (No. 74 & No 98 Stevens St). Both dwellings are well established, with landscaped gardens, manicured lawns and bitumen and gravel driveways respectively. These sites also show no signs of soil erosion or landslip.

345379 GRA (Dyer).docx

## SIMON ANDERSON

### CONSULTANTS

Structural, Civil & Project Engineers  
P.O. Box 1700 P.O. Box 566  
111 Main St 191-193 Raymond St  
Bairnsdale, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
Stevens St  
Sale

Client: Graeme Dyer

Checked: *[Signature]*

Date: 17 Oct 2014

Designed: SJA

Job No.: 345379

Page No.: 2 of 10



Aerial view of subject site  
(proposed title boundaries shown – approximate only)

## PROJECT DETAILS

A 2 lot residential subdivision is proposed for the site. Proposed construction details will be as follows;

- Lots 1 & 2 are to be sized 1952 m<sup>2</sup> and 1424 m<sup>2</sup> respectively.
- Lots 1 & 2 (and their subsequent building envelopes) are to be situated above the current flood level of 3.2m AHD.
- Crown Allotment 2 will remain undeveloped vacant land, within the low lying wetlands of The Heart Morass.
- Existing drainage patterns to remain (during subdivision stage of development).
- Stable vehicle access points to be provided for Lots 1 & 2 off Stevens Street.
- Best practice WSUD to treat/retain/discharge stormwater flows from the site.

345379 GRA (Dyer).docx

<b>SIMON ANDERSON CONSULTANTS</b> Structural, Civil & Project Engineers P.O. Box 1700 P.O. Box 566 111 Main St 191-193 Raymond St Bairnsdale, Vic, 3875 Sale, Vic, 3850 ACN 073 392 266 ACN 145 437 065	Job: Proposed Subdivision Stevens St Sale	Date: 17 Oct 2014
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		Page No.: 3 of 10

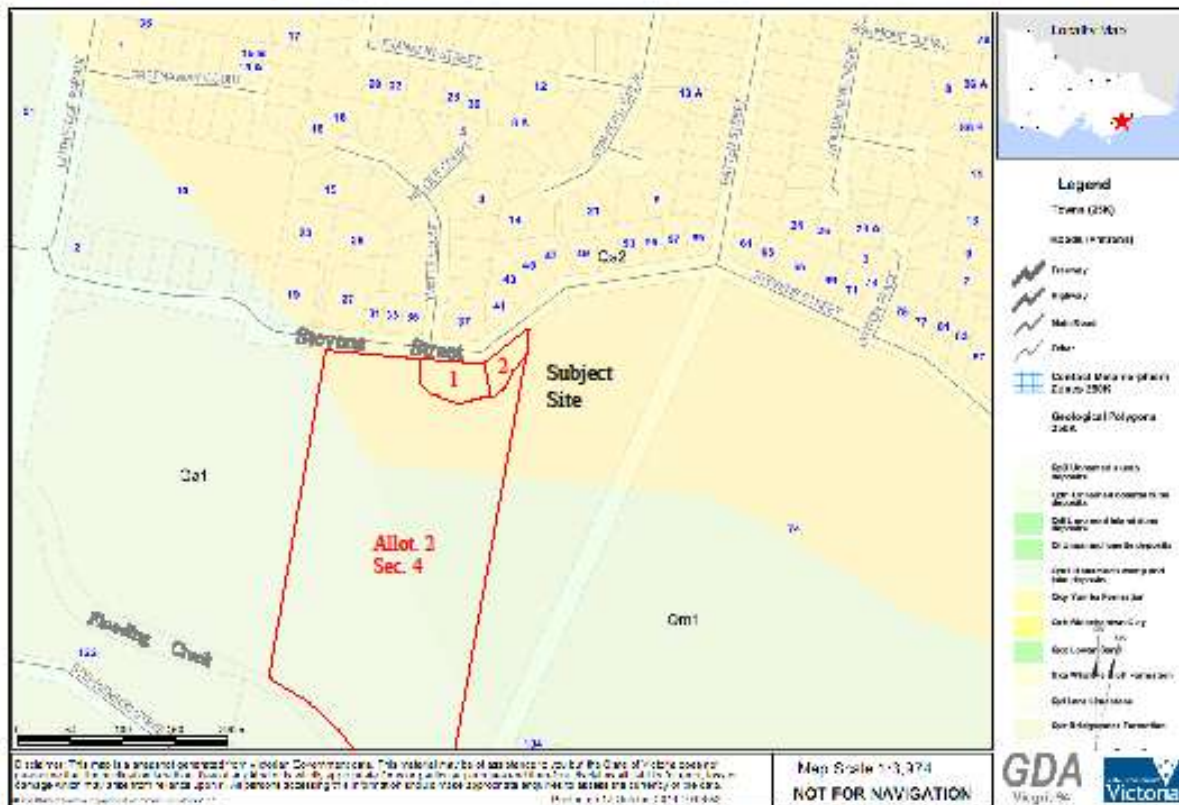
**METHODOLOGY**

**1. DESKTOP INVESTIGATION**

A desktop investigation of the subject site was carried out using DSE and GeoVIC mapping of published soil survey information and noted watercourse locations.

Soils of the site have been mapped and described in Department of Environment and Primary Industries "Soils and Landforms of West Gippsland – Sale 1:100 000 map sheet" and are described as belonging to the Tinamba (Ti) map unit. This unit occurs on stagnant alluvial plain landforms and is comprised of Late Pleistocene Alluvial Sediments.

Most, but not all of the soils have a texture contrast between the surface soil and subsoil. The majority have a dominantly brown fine sandy loam to fine sandy clay loam surface soil. Usually a sharp to clear change occurs at about 35 to 45cm to dominantly red or brown light to medium clays becoming fine sandy clays to light clays before 1m. The soils are generally classified as Red or Brown Chromosols or Sodosols using the Australian Soil Classification. Some soils lack strong texture contrast between the surface and subsoil – and are generally Red Dermosols.



REF: VANDENBERG, A.H.M., 1997. SALE SJ 55-11 Edition 2, 1:250 000 Geological Map (Series 1:250,000 geological maps. Geological Survey of Victoria.)

Geological Unit	Geological Description	Mapping Unit
Qa2 (Qpa)	Quaternary Non-marine (Alluvial) deposits consisting of Fluvial: gravel sand, silt.	Tinamba (Ti)
Qa1 (Qra)	Quaternary Non-marine (Alluvial) deposits consisting of Fluvial: alluvium, gravel, sand, silt.	Thomson (Th)

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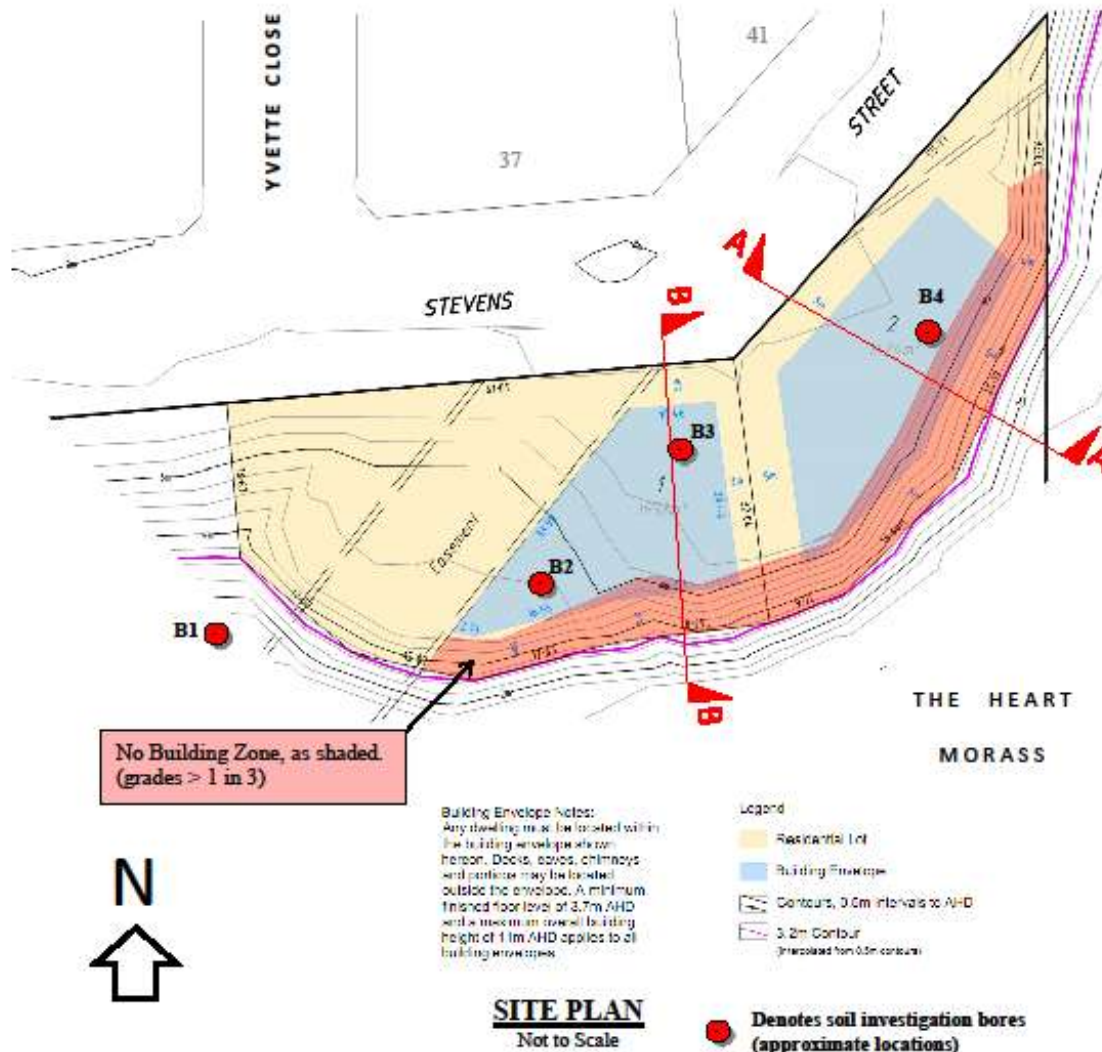
<b>SIMON ANDERSON CONSULTANTS</b> Structural, Civil & Project Engineers P.O. Box 1700                      P.O. Box 566 111 Main St                      191-193 Raymond St Bairnsdale, Vic, 3875              Sale, Vic, 3850 ACN 073 392 266                  ACN 145 437 065	<b>Job:</b> Proposed Subdivision Stevens St Sale	<b>Date:</b> 17 Oct 2014
	<b>Client:</b> Graeme Dyer	<b>Designed:</b> SJA
	<b>Checked:</b>	<b>Job No.:</b> 345379
		<b>Page No.:</b> 4 of 10

**METHODOLOGY cont'd.**

**2. FIELD INVESTIGATION**

A site visit was carried out with an inspection of the area of proposed subdivision and of nearby landforms, features and developments.

A series of soil investigation bores were taken throughout the site (B1-B4) as shown on the site plan below. The bore logs of these are shown on page 5. Cross Sections through the site have been taken at locations as marked below. (refer page 6 for details).



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**SIMON ANDERSON  
CONSULTANTS**

Structural, Civil & Project Engineers  
P.O. Box 1700 P.O. Box 566  
111 Main St 191-193 Raymond St  
Beiradesle, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
Stevens St  
Sale

Client: Graeme Dyer

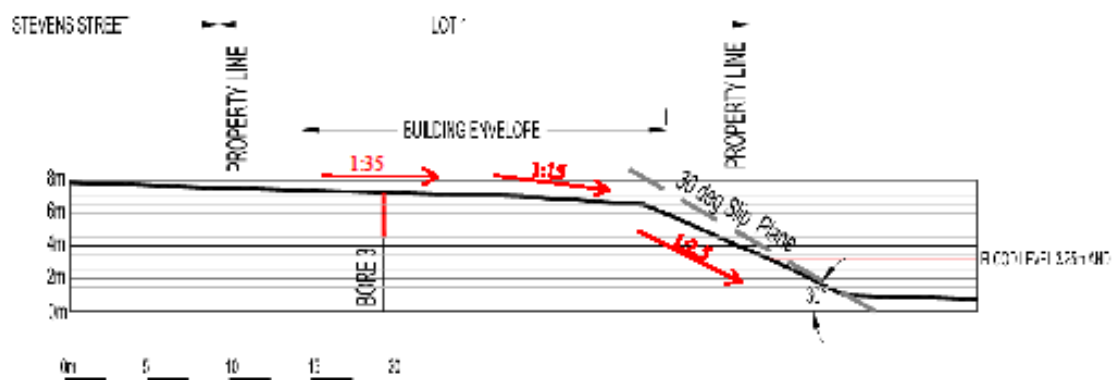
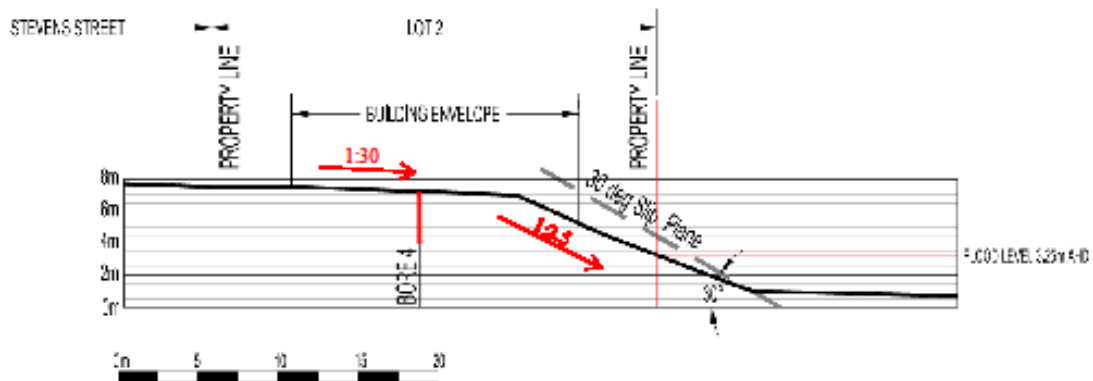
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Page No.: 6 of 10



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	Client: Graeme Dyer	Designed: SJA
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		Page No.: 7 of 10

## SUMMARY OF RISK

LANDSLIDE	LOW - ACCEPTABLE
SHEET/FILL EROSION	LOW - ACCEPTABLE
TUNNEL EROSION	LOW - ACCEPTABLE

- Low grades over the proposed residential allotments, ranging from approximately 1 in 35 to 1 in 15. Moderate grades on the batters down to the low lying floodplain, 1 in 2.5 (22 degrees).
- The well contoured landscape (Waxing divergent) provides excellent surface water drainage. Appendix A shows photo circa 1980 showing landform similar to current landform, indicating no change over past 30 years.
- "Infill Development" with well-established residential dwellings along Stevens Street, showing no signs of soil erosion or landslip.
- There is no evidence of soil erosion or landslip on the subject site or adjoining properties and I would consider the geotechnical risks to be low. No sinkhole activity or visible evidence was observed on the subject site.
- Natural soils of the site (stiff sandy clays) will have adequate strength and stability for residential slabs and footings.
- An Erosion Management Plan may need to be implemented during and after construction of future dwellings, if slab on ground design with cut/fill batters and retaining walls were adopted. For example;
  - i. The form, bulk, scale and location of cut and fill is to be controlled to ensure that there are no adverse impacts on the neighbouring wetlands. (i.e. diversion banks and spoon drains)
  - ii. Appropriate sub-soil drainage to be provided to effectively divert ground water away from any foundation work.
  - iii. Identify a suitable storage area for stockpiles, with appropriate erosion control measures (i.e. Diversion banks and Sediment fences)
  - iv. Where vegetation (natural grass cover) needs to be removed, leave it in place as long as possible.
  - v. All erosion and sediment control measures to be inspected and maintained daily by site manager.
  - vi. Cut/Fill batters (1 in 3 max) to be stabilised with grass at end of construction works.
  - vii. The conditions of retaining walls should be inspected annually to ensure there continued structural and drainage/erosion management adequacy. Any defective components should be removed and replaced immediately.
- Any nominated building envelope should be located north of the ground sloped at 1 in 3 or greater. Refer site plan (pg 4) for building exclusion zones.
- Any future construction works associated with the development of residential allotments will be protected by Building Code of Australia, Australian Standards, Building and Planning Permit requirements and normal construction practice.

Based on findings from both the Desktop and Site investigations the subject site is suitable for the proposed and further intensive investigation are not required.


## VERIFICATION

I, the author of this document, declare that I am suitably qualified and experienced to carry out this site assessment.



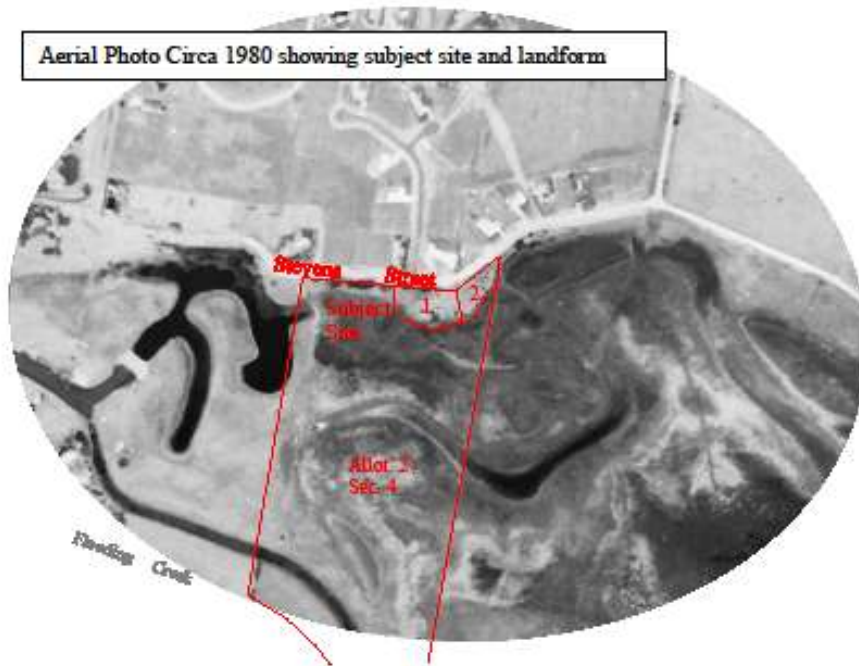
Simon Anderson BE (Civil)CPEng MIEAust No 930355  
 BCC Registration No EC-1711  
 Date 17 Oct 2014

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	Client: Graeme Dyer	Designed: SJA
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**APPENDIX A**

Aerial Photo Circa 1980 showing subject site and landform



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CONSULTANTS**

Structural, Civil & Project Engineers  
P.O. Box 1700 P.O. Box 566  
111 Main St 191-193 Raymond St  
Bairnsdale, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
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Sale

Client: Graeme Dyer

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Date: 17 Oct 2014

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**APPENDIX B**



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P.O. Box 1700 P.O. Box 566  
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Bairnsdale, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

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Photo 4: No. 74 Stevens Street.

Existing residential dwelling on south side of road. Bitumen sealed driveway, manicured lawns & landscaped gardens. No signs of soil erosion or landslip.



Photo 5: No. 98 Stevens Street.

Existing residential dwelling on south side of the road. Gravel driveway, manicured lawns & landscaped gardens. No signs of soil erosion or landslip.

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CONSULTANTS**

Structural, Civil & Project Engineers  
P.O. Box 1700 P.O. Box 566  
111 Main St 191-193 Raymond St  
Beirrodale, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
74 Stevens St  
Sale

Client: Jeremy Fleming

Checked: *[Signature]*

Date: 6 Oct 2014

Designed: SJA

Job No.: 345356

Page No.: 1 of 9

## GEOTECHNICAL RISK ASSESSMENT



74 Stevens St, Sale  
(as viewed from Lot 3 looking East)

### INTRODUCTION

This report is designed to demonstrate the level of geotechnical risk involved in relation to the proposed 10 Lot subdivision at 74 Stevens Street, Sale, during and after construction of associated works.

Note that in accordance with "Guideline for Landslide Susceptibility" section 5 : Landslide Zoning, the subject site would not be considered in a landslide hazard zone.

### SITE DESCRIPTION

The subject site is vacant land situated on the south side of Stevens Street. The site is situated on the edge of an Alluvial Plain Landform which slopes moderately towards permanent, low lying wet lands of The Heart Morass, directly south of the proposed residential lots.

The north side of Stevens Street (Bitumen Sealed) is fully developed. The residential sized allotments all have well-established dwellings with landscaped gardens, manicured lawns and sealed or gravel driveway access. There are no signs of soil erosion or landslip on the properties.

The adjoining properties to the East and West of the subject site are both fully developed residential dwellings also with landscaped gardens, manicured lawns and gravel and bitumen driveways respectively. These sites also show no signs of soil erosion or landslip.

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Structural, Civil & Project Engineers  
P.O. Box 1700 P.O. Box 566  
111 Main St 191-193 Raymond St  
Bairnsdale, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
74 Stevens St  
Sale

Client: Jeremy Fleming

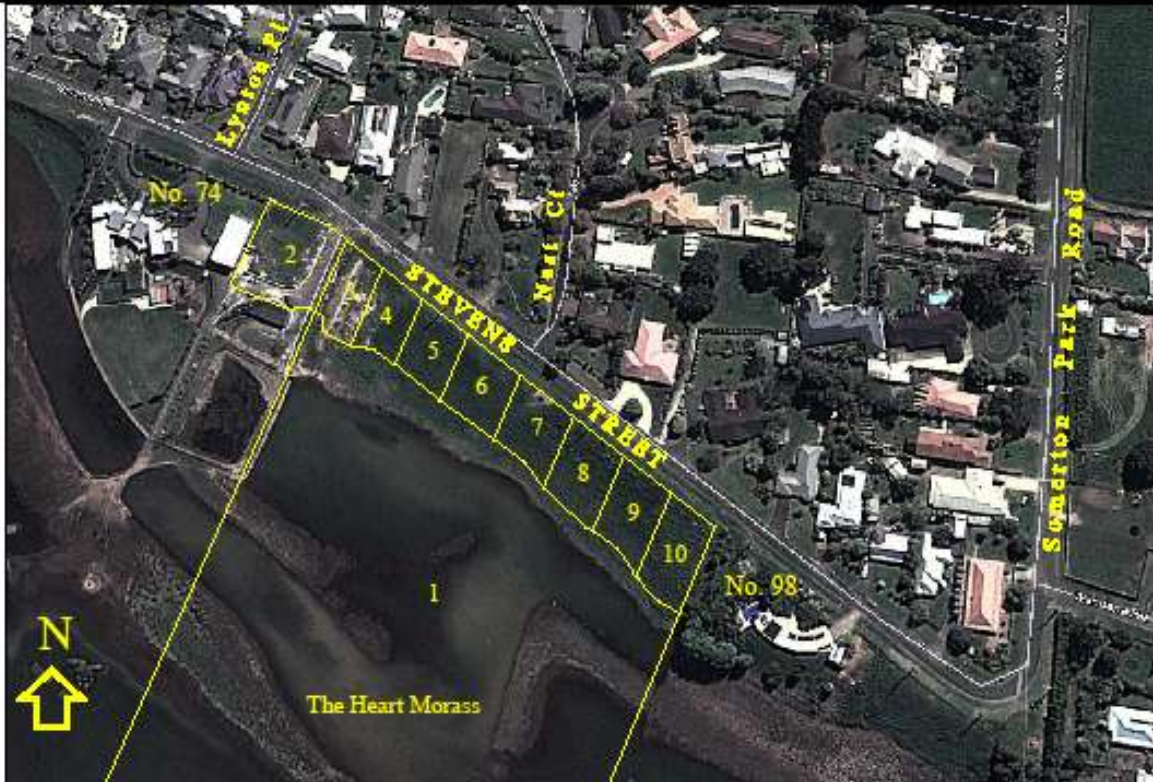
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Page No.: 2 of 9



Aerial view of subject site  
(proposed title boundaries shown – approximate only)

### PROJECT DETAILS

A 10 lot residential subdivision is proposed for the site. The subject site is infill development between, earlier similar stages of development to the North and South. Proposed construction details will be as follows;

- Lots 3-10 are to be sized between 742 m<sup>2</sup> – 798 m<sup>2</sup>, with Lot 2 remaining a larger 1,713m<sup>2</sup>.
- Lots 2-10 (and their subsequent building envelopes) are to be situated above the current flood level of 3.2m AHD
- Lot 1 will remain undeveloped vacant land, within the low lying wetlands of The Heart Morass.
- Existing drainage patterns to remain (during subdivision stage of development).
- Stable vehicle access points to be provided for Lots 2-10 off Stevens Street.
- Best practice WSUD to treat/retain/discharge stormwater flows from the site.

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Structural, Civil & Project Engineers  
P.O. Box 1700 P.O. Box 566  
111 Main St 191-193 Raymond St  
Beauregard, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
74 Stevens St  
Sale

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Date: 6 Oct 2014

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Page No.: 3 of 9

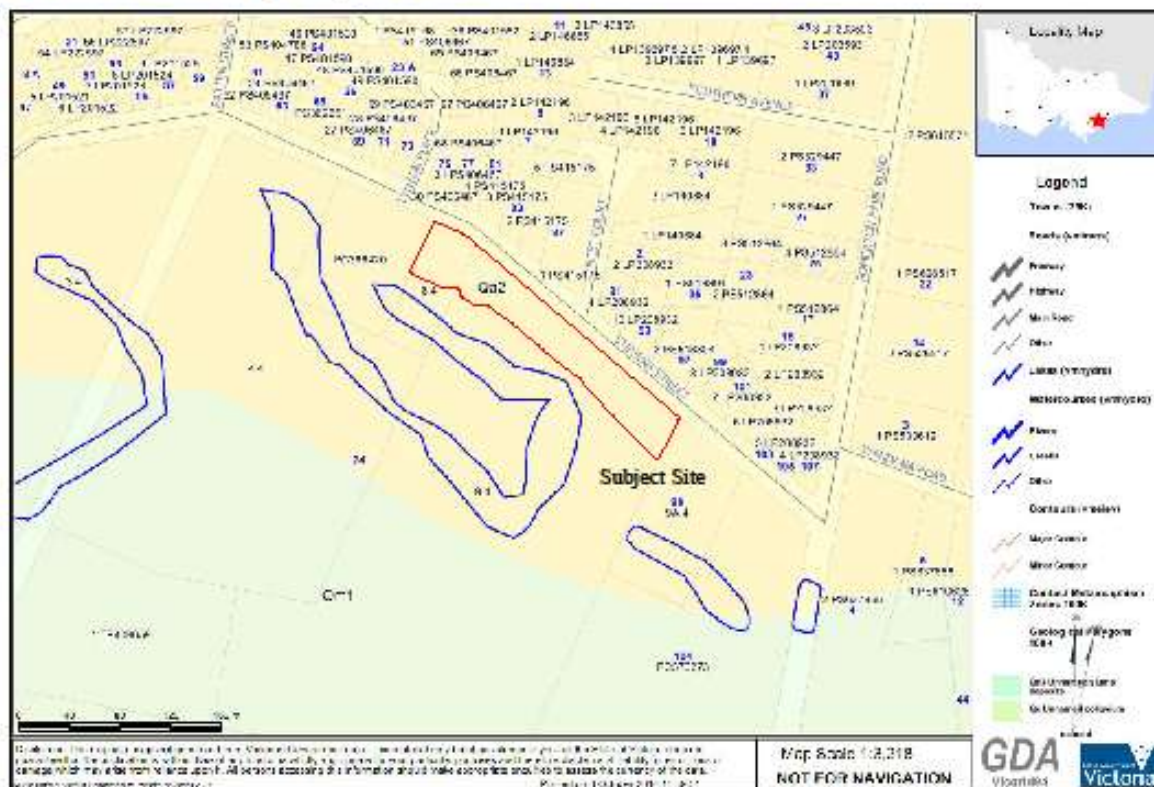
## METHODOLOGY

### 1. DESKTOP INVESTIGATION

A desktop investigation of the subject site was carried out using DSE and GeoVIC mapping of published soil survey information and noted watercourse locations.

Soils of the site have been mapped and described in Department of Environment and Primary Industries "Soils and Landforms of West Gippsland – Sale 1:100 000 map sheet" and are described as belonging to the Tinamba (Ti) map unit. This unit occurs on stagnant alluvial plain landforms and is comprised of Late Pleistocene Alluvial Sediments.

Most, but not all of the soils have a texture contrast between the surface soil and subsoil. The majority have a dominantly brown fine sandy loam to fine sandy clay loam surface soil. Usually a sharp to clear change occurs at about 35 to 45cm to dominantly red or brown light to medium clays becoming fine sandy clays to light clays before 1m. The soils are generally classified as Red or Brown Chromosols or Sodosols using the Australian Soil Classification. Some soils lack strong texture contrast between the surface and subsoil – and are generally Red Dermosols.



REF: VANDENBERG, A.H.M., 1997. SALE SJ 55-11 Edition 2, 1:250 000 Geological Map (Series 1:250,000 geological maps. Geological Survey of Victoria.)

Geological Unit	Geological Description	Mapping Unit
Qa2 (Qpa)	Quaternary Non-marine (Alluvial) deposits consisting of Fluvial: gravel sand, silt.	Tinamba (Ti)
Qm1 (Qpm)	Quaternary Non-marine (Paludal) deposits consisting of Paludal: lagoon and swamp deposits: silt, clay.	Swamp (sw)

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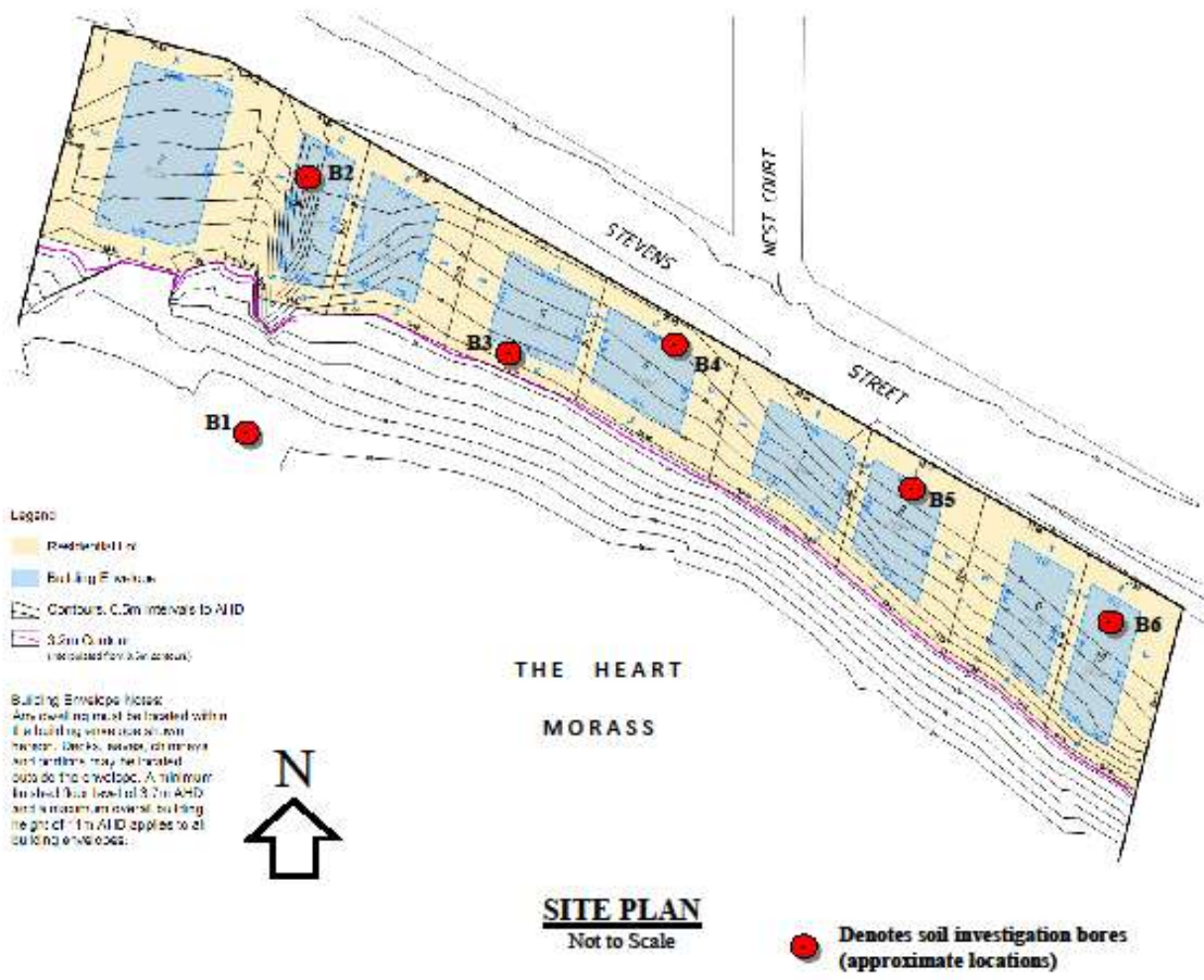
<b>SIMON ANDERSON CONSULTANTS</b> Structural, Civil & Project Engineers P.O. Box 1700                      P.O. Box 566 111 Main St                        191-193 Raymond St Beirrodale, Vic, 3875              Sale, Vic, 3850 ACN 073 392 266                    ACN 145 437 065	Job: Proposed Subdivision 74 Stevens St Sale	Date: 6 Oct 2014
	Client: Jeremy Fleming	Designed: SJA
	Checked:	Job No.: 345358
		Page No.: 4 of 9

**METHODOLOGY cont'd..**

**2. FIELD INVESTIGATION**

A site visit was carried out with an inspection of the area of proposed subdivision and of nearby landforms, features and developments.

A series of soil investigation bores were taken throughout the site (B1-B6) as shown on the site plan below. The bore logs of these are shown on pages 5 & 6. Cross Sections through the site have been taken at each bore location (refer pages 6 & 7 for details).



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CONSULTANTS**

Structural, Civil & Project Engineers  
P.O. Box 1700 P.O. Box 566  
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Bairnsdale, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
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Sale

Client: Jeremy Fleming

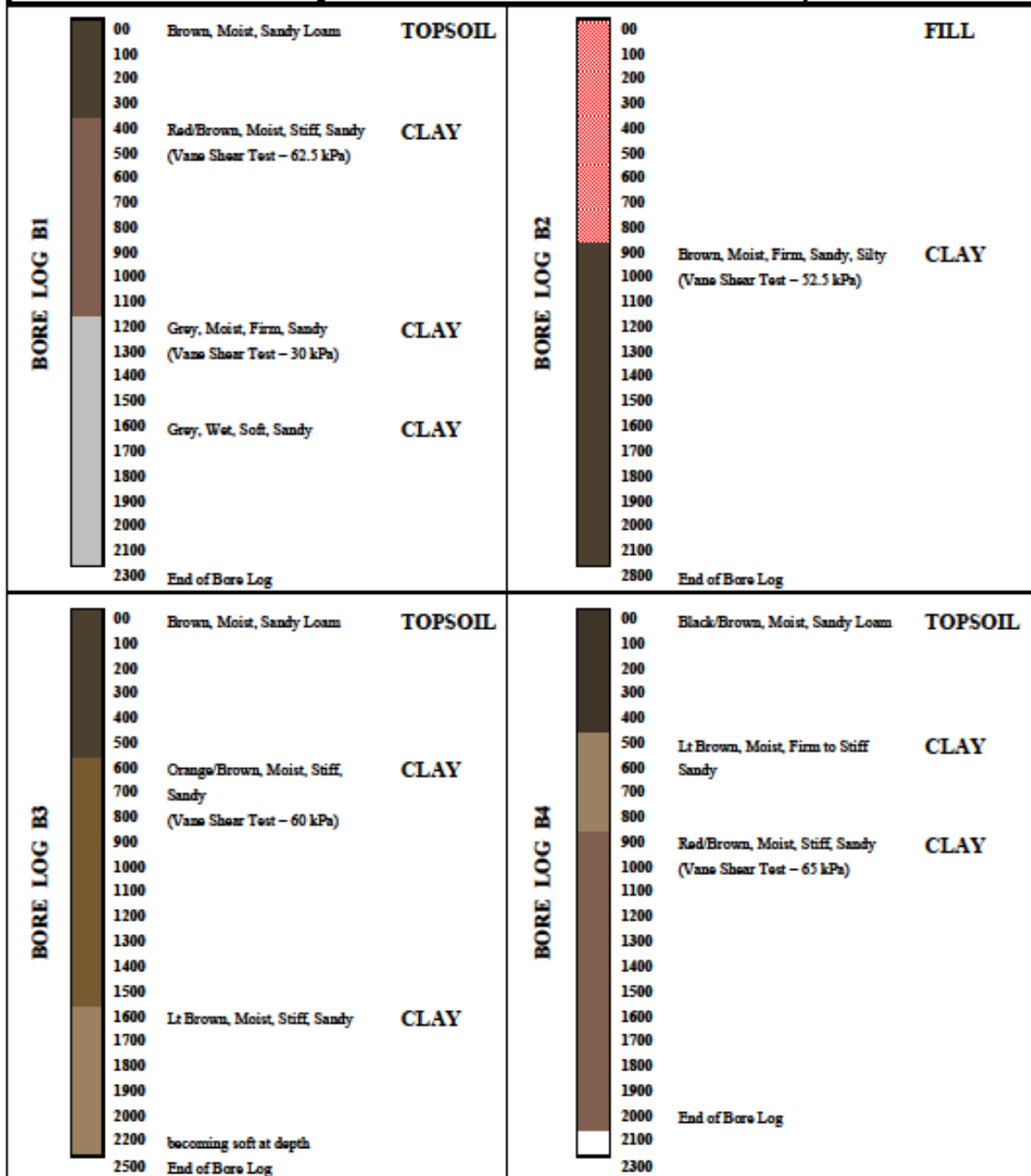
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Structural, Civil & Project Engineers  
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Job: Proposed Subdivision  
74 Stevens St  
Sale

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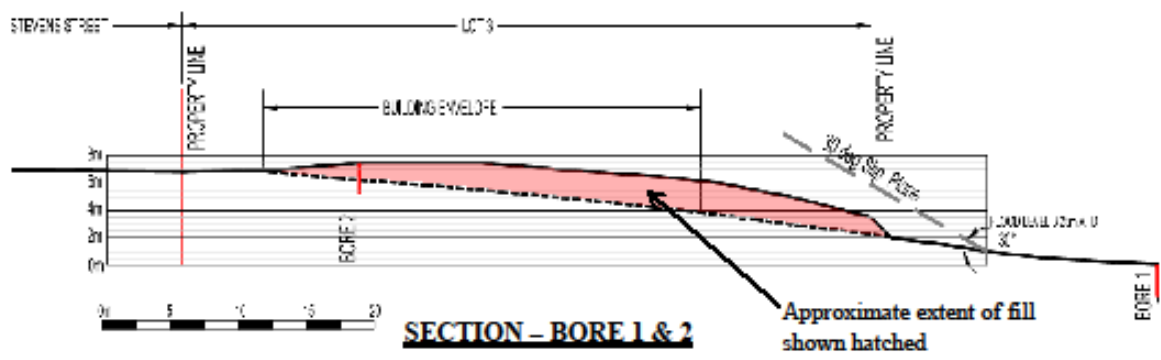
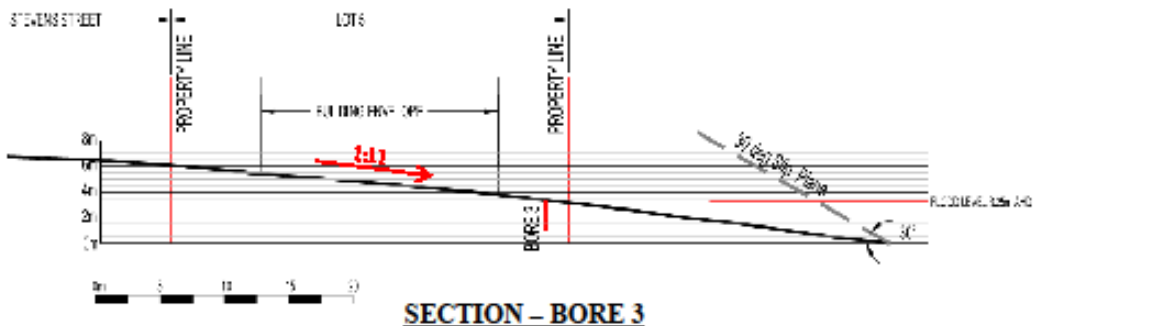
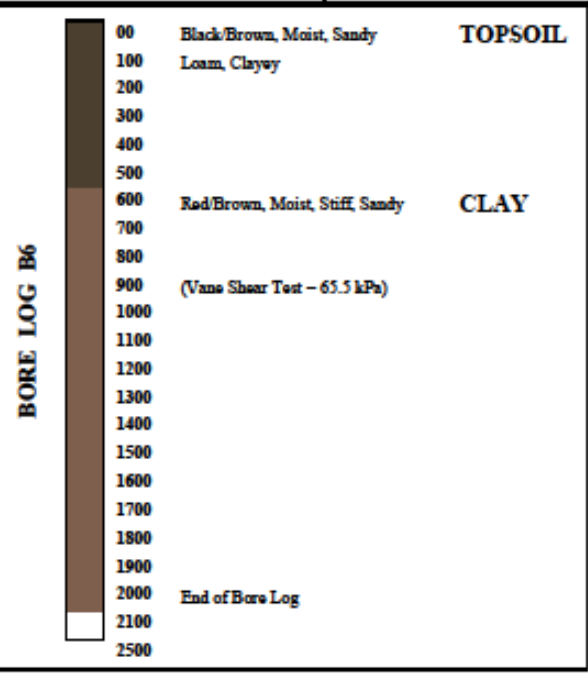
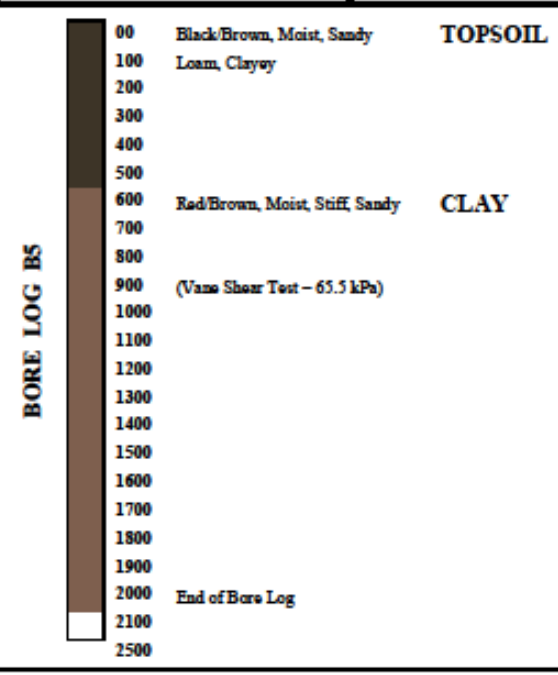
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Bairnsdale, Vic, 3875 Sale, Vic, 3850  
ACN 073 392 266 ACN 145 437 065

Job: Proposed Subdivision  
74 Stevens St  
Sale

Client: Jeremy Fleming

Checked: 

Date: 6 Oct 2014

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Job No.: 345356

Page No.: 8 of 9

**SUMMARY OF RISK**

**LANDSLIDE  
SHEET/RILL EROSION  
TUNNEL EROSION**

**LOW - ACCEPTABLE  
LOW - ACCEPTABLE  
LOW - ACCEPTABLE**

- Moderate to low grades over the residential allotments (Lots 2-10), ranging from approximately 1 in 30 to 1 in 5.
- Excellent grass coverage, preventing topsoils from being washed away (even in the heaviest torrential downpours).
- The well contoured landscape provides excellent surface water drainage. Appendix A shows photo circa 1980 showing landform similar to current landform, indicating no change over past 30 years.
- "Infill Development" with well-established residential dwellings along Stevens Street, showing no signs of soil erosion or landslip. There is no previous history of unstable land in area.
- There is no evidence of soil erosion or landslip on the subject site or adjoining properties and I would consider the geotechnical risks to be low. No sinkhole activity or visible evidence was observed on the subject site.
- Natural soils throughout the site (stiff sandy clays) will have adequate strength and stability for residential slabs and footings.
- A fill stockpile exists on proposed Lot 4, This can be removed from the site exposing natural soils for foundations.
- The land owner of No47 has advised that there was no particular issues requiring foundation stabilisation for the existing dwelling. The suitability of the subject site for the construction of dwellings has been confirmed through the soil borelogs.
- An Erosion Management Plan may need to be implemented during and after construction of future dwellings, if slab on ground design with cut/fill batters and retaining walls were adopted. For Example;
  - i. The form, bulk, scale and location of cut and fill is to be controlled to ensure that there are no adverse impacts on the neighbouring wetlands. (i.e. diversion banks and spoon drains)
  - ii. Appropriate sub-soil drainage to be provided to effectively divert ground water away from any foundation work.
  - iii. Identify a suitable storage area for stockpiles, with appropriate erosion control measures (i.e. Diversion banks and Sediment fences)
  - iv. Where vegetation (natural grass cover) needs to be removed, leave it in place as long as possible.
  - v. All erosion and sediment control measures to be inspected and maintained daily by site manager.
  - vi. Cut/Fill batters (1 in 3 max) to be stabilised with grass at end of construction works.
  - vii. The conditions of retaining walls should be inspected annually to ensure there continued structural and drainage/erosion management adequacy. Any defective components should be removed and replaced immediately.
- Any construction works associated with the dwelling will be protected by Building Code of Australia, Australian Standards, Building and Planning Permit requirements and normal construction practice.

Based on findings from both the Desktop and Site investigations the subject site is suitable for the proposed and further intensive investigation are not required.

**VERIFICATION**

I, the author of this document, declare that I am suitably qualified and experienced to carry out this site assessment.



**Simon Anderson BE (Civil)CPEng MIEAust No 930355  
BCC Registration No EC-1711  
Date 6 Oct 2014**

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CONSULTANTS**

Structural, Civil & Project Engineers  
P.O. Box 1700                      P.O. Box 566  
111 Main St                      191-193 Raymond St  
Beirrodale, Vic, 3875              Selk, Vic, 3850  
ACN 073 392 266                      ACN 145 437 065

Job: Proposed Subdivision  
74 Stevens St  
Sale

Client: Jeremy Fleming

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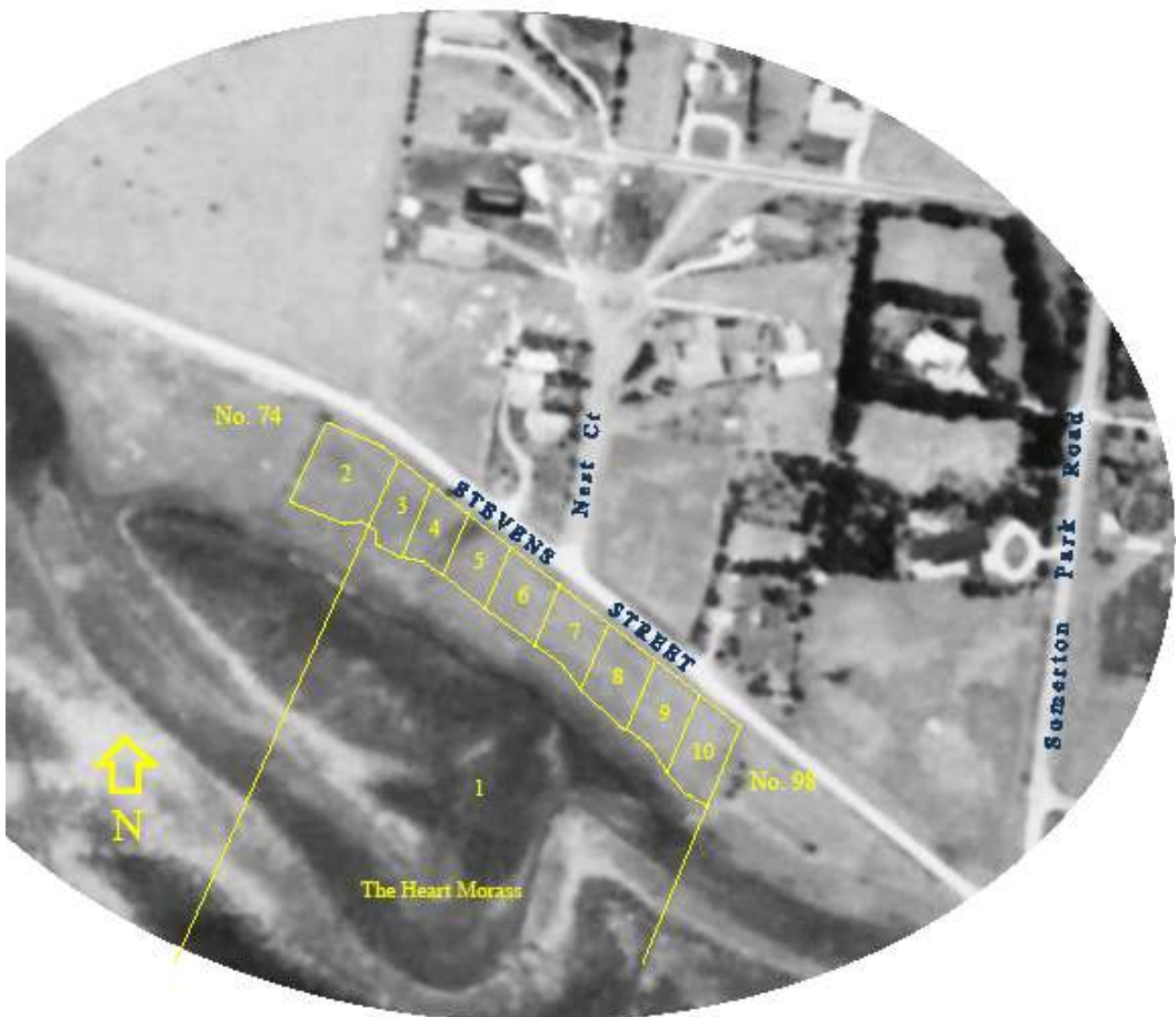
Date: 6 Oct 2014

Designed: SJA

Job No.: 345356


Page No.: 9 of 10

**APPENDIX A**



Aerial Photo Circa 1980 showing landform, subject site, and surrounds

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	Client: Jeremy Fleming	Designed: SJA
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		Page No.: 10 of 10

**APPENDIX B**



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## C4 - REPORT

# GENERAL MANAGER BUILT & NATURAL ENVIRONMENT



## C5 - REPORT

# GENERAL MANAGER LIVEABILITY

**ITEM C5.1****GIPPSLAND ART GALLERY ADVISORY GROUP MINUTES**

DIVISION: LIVEABILITY  
 ACTION OFFICER: MANAGER ARTS AND CULTURE  
 DATE: 17 FEBRUARY 2015

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

**OBJECTIVE**

To receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 1 December 2014.

**BACKGROUND**

The Gippsland Art Gallery Advisory Group is a Committee of Council that meets every two months. The membership of the Advisory Group includes representation for professional artists, art educators, community members, Gallery Society members and a Councillor.

As provided under the Committee's Instrument of Delegation, the objectives of the Committee include providing advice to the Gippsland Art Gallery Director of the views, requirements and aspirations of the community in relation to visual arts. This includes: art in public places; cultural and artistic matters relating to the Gippsland Art Gallery; proposed acquisitions to the Gippsland Art Gallery collection; development of policies for the management and promotion of the Gippsland Art Gallery; and promotion of community interest in the Gippsland Art Gallery.

The committee's Instrument of Delegation reflects the desire to seek community input, advice and feedback on the operations of the Gippsland Art Gallery and to present this information to Council.

It is to be noted that these minutes have yet to be formally ratified by a future Advisory Group meeting and are provided as current information for the Council.

**OPTIONS**

Council has the following options:

1. Receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 1 December 2014; or
2. Request additional information and receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 1 December 2014 at a future meeting.

**PROPOSAL**

To receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 1 December 2014.

**CONFLICT OF INTEREST**

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

### **COUNCIL POLICY IMPACT**

This report is in accordance with Council Policy 5.3.2 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

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

---

### **RECOMMENDATION**

***That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 1 December 2014.***

**GIPPSLAND ART GALLERY**  
**ADVISORY GROUP MEETING**  
*Monday 1 December 2014*  
*6:00pm Library/Meeting Room*

---

**MINUTES**

**1. Opening of meeting, welcome of visitors and attendance**

**1.1 Present:**

Claire Marston (Chair), Brian Cantwell, Clive Murray-White, Robbie Aitken, Rob Ziffer, Brian Castles, Bianca Taylor and Cr Emile Davine

**1.2 In attendance:**

Stephen Dempsey, Anton Vardy, Simon Gregg, Krystal Rawnsion (Minute secretary).

**1.3 Apologies:**

Nil

**1.4 Absent:**

Nil

**1.5 New Members**

The committee welcomed Bianca Taylor as the new Education Representative for the Advisory Group.

**1.6 Election of new Chair**

Claire Marston as new Chair.

**Moved:** Robbie Aitken      **Seconded:** Brian Castles

**1.7 Assembly of Councillors and Staff Conflict of Interest Declaration:**

Completed by Anton Vardy

**2. Minutes of the previous meeting Monday 6 October 2014**

**Moved:** Clive Murray-White    **Seconded:** Emile Davine

**3. Business Arising**

**3.1 Port of Sale Cultural Hub Project Steering Group Minutes**

- Minutes have not been released yet. Anton and Brian Castles informed the committee that the project is still in early concept stage but already appears to be an exciting project.

**4. Reports**

**4.1 Director's Report**

As distributed

#### 4.2 **Gallery Society Report**

Brian Cantwell reported that the Bill Henson Dinner went really well. 23 people attended. Brian felt more people would attend if the dinner wasn't during the lead up to Christmas. He commended the Society Committee for their efforts, in particular the work done by Louise Van Kuyk. Hopefully more dinners like this can happen next year.

#### 4.3 **Chair's Report**

No report at this time.

### 5. **General Business**

#### 5.1 **Planning and monitoring of programs, events and activities in the Art Gallery**

#### 5.2 **Expansion and encouraging of volunteer participation and community interest in the Art Gallery, and to assist with promoting the Art Gallery's events and facilities to visitors**

The Gippsland Art Gallery Society dinner with Artist Bill Henson was a great success.

#### 5.3 **Proposed acquisitions to, and de-accessioning from, the collection of the Art Gallery, as required for donations under the Cultural Gifts Program**

No acquisitions or de-accessions discussed.

#### 5.4 **Cultural and artistic matters relating to the Art Gallery, including promoting cooperation between the Art Gallery and other services of Council.**

The Director shared artist Charles Farrugia's public art installation proposal with the committee. The Advisory Group could not provide any support for the proposal. Anton will inform Charles on the committee's decision.

#### 5.5 **Maintenance, augmentation and development of the permanent collection of the Art Gallery.**

No collection issues discussed.

#### 5.6 **Advising Council on development of policies for the management and promotion of the Art Gallery.**

No policy issues discussed.

#### 5.7 **Utilise networks to obtain support for the Art Gallery, both financial and non-financial, and to assist with philanthropic support of these activities.**

No activities discussed.

**Meeting Closed: 6.30pm**

**Next Meeting**

Monday 2 February 2014 at 6:00pm

(Or earlier as per requirements of the redevelopment project)

Gippsland Art Gallery

Library/Meeting Room

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**D. URGENT BUSINESS**



**E. FURTHER GALLERY AND CHAT ROOM COMMENTS**



**F. CONFIDENTIAL ATTACHMENT/S**

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**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*