



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Council Meeting Agenda

Meeting to be held at

Port Of Sale Business Centre

Foster Street, Sale

Tuesday 15 March 2016, commencing at 6pm

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

ORDINARY MEETING OF COUNCIL – 15 MARCH 2016

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Council Meeting Information

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

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

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



A - PROCEDURAL



STATEMENT OF ACKNOWLEDGEMENT

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



PRAYER

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

Amen



A - PROCEDURAL

A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

ITEM A4

ADOPTION OF MINUTES OF PREVIOUS MEETING/S

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

15 MARCH 2016

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 1 March 2016 as tabled.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 1 March 2016 as tabled.

CONFLICT OF INTEREST

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



A - PROCEDURAL

A5 BUSINESS ARISING FROM PREVIOUS MEETING/S

ITEM A5

BUSINESS ARISING FROM PREVIOUS MEETING/S

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

15 MARCH 2016

ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			



A - PROCEDURAL

A6 ACCEPTANCE OF LATE ITEMS



A - PROCEDURAL

A7 NOTICE/S OF MOTION



A - PROCEDURAL

A8 RECEIVING OF PETITIONS OR JOINT LETTERS

ITEM A8(1)**OUTSTANDING PETITIONS**

ACTION OFFICER

GOVERNANCE

DATE:

15 MARCH 2016

ITEM	FROM MEETING	COMMENTS	ACTION BY
Sealing of Banks Road Gormandale	1 March 2016	Response to Council 5 April 2015	Manager Built Environment



A - PROCEDURAL

A9 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS



A - PROCEDURAL

A10 QUESTIONS ON NOTICE

ITEM A10(1)**OUTSTANDING QUESTIONS ON NOTICE**

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

15 MARCH 2016

ITEM	FROM MEETING	COMMENTS	ACTION BY
<p><i>Question on Notice</i> <i>"The Victorian Government has committed to make Victoria the "Education State", promising to deliver a \$320 million TAFE Rescue Fund. Can the CEO please provide council with an update on our local Federation Training campus noting how much of the TAFE rescue fund has been spent, what the effect of this spending is, the enrolment and completion rates at Federation Training's campuses compared with other comparable institutions across Victoria and future directions.</i></p>	<p>4 November 2015</p>	<p>A response will be provided at a future Council Meeting</p> <p><u>15 December 2015</u> "Council has contacted Federation Training seeking a response to a number of the points raised as these matters are not able to be answered without their input. It is anticipated that we will have a response for Council's first meeting in 2016."</p> <p><u>2 February 2016</u> "Council has contacted Federation Training seeking a response to a number of the points raised as these matters are not able to be answered without their input. Although we anticipated that we would have a response for Council's first meeting in 2016 this has not been achieved. Council officers will be meeting with Federation Training over the coming weeks and we are hopeful that a final response will be in hand by the end of February 2016."</p> <p><u>16 February 2016</u> No further update</p> <p><u>1 March 2016</u> Mayor McCubbin and CEO met with Federation Training executives on 11 February they were advised that a detailed response would be made within 4 weeks. A detailed verbal update will be provided to Councillors at that time.</p> <p><u>15 March 2016</u> No further update</p>	<p>General Manager Development</p>



A - PROCEDURAL

A11 MAYOR'S REPORT

ITEM A11(1)**MAYOR'S REPORT**

OFFICER:

COUNCILLOR McCUBBIN

DATE:

15 MARCH 2016

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

16 February 2016 – 14 March 2016

17 February 2016	Esso Longford Pipeline Ground breaking ceremony which was also attended by the Hon Lily D'Ambrosio, Minister for Energy and Resources and Exxon Mobil Australia's Chairman, Richard Owen	Mayor and Cr Wenger attended.
18-19 February	South Eastern Australian Transport Strategy (SEATS) forum	Cr Wenger attended.
18 February	Community Planning Groups Forum	Cr Crossley attended.
19 February	RAAF Ceremonial Colour Parade for Disestablishment of School of Air Warfare to Number 1 Flying Training School	Mayor attended.
19 February	Guest speaker at Flourish Art Exhibition, Sale	Mayor and Cr Crossley attended.
23 February	Met with Gippsland Water Chair, Therese Ryan	Mayor attended.
23 February	MAV Regional Meeting followed by MAV 2016 Strategic Planning Directions meeting	Mayor, and Cr Hole attended.
23 February	Councillor Community meeting, Stratford	Mayor, Cr Cleary and Cr Crossley attended.
25 February	Presentation of Swing Bridge plaque	Mayor attended.
26 February	Federation Training Graduation and Awards ceremony	Cr Crossley attended.
29 February	Completion of the Loch Sport Sewerage Project by Gippsland Water RAAF Laying up Ceremony	Mayor attended.
29 February	Sale Business Tourism Association (SBTA) event	Mayor attended.

2 March	Sale Stationeers Group meeting, Sale Railway Station	Mayor attended.
4 March	2016 Victorian Rural Health Awards ceremony	Mayor attended.
5 March	Officially open Heyfield Relay for Life event.	Mayor attended
8 March	Port Albert Progress Association Meeting	Mayor attended
9 March	Fulham Correctional Centre – International Women’s Day Celebrations – “Garden of Meaning” Rose Planting	Mayor attended
10 March	International Women's Day Breakfast	Mayor, Cr Crossley and Cr Davine attended.
12 March	Open Studios – Briagolong and Stratford	Cr Cleary and Cr Crossley attended
12 March	Lead Grand Parade - Seaspray Centenary celebrations	Mayor attended.
12 March	Gippsland Swimming Championships - Official opening and medal presentation	Mayor attended.
12 March	Official opening of Seaspray Surf Lifesaving Club by the Hon Jaala Pulford, Minister for Regional Development	Mayor, Cr Wenger, Cr Mclvor and Cr Crossley attended.
13 March	Official opening of the Seaspray Fire Station extension by Ms Harriet Shing MLC, Member for Eastern Victoria Region	Mayor attended.

COUNCILLOR DARREN McCUBBIN
MAYOR



A - PROCEDURAL

A12 YOUTH COUNCIL REPORT

ITEM :A12(1)**YOUTH COUNCIL REPORT**

OFFICER: YOUTH MAYOR, Kaitlin Woolford

DATE: 15 MARCH 2016

RECOMMENDATION***That Council receive the Youth Mayor's report for the period ending March 2016.***

The first quarter of Youth Council this year has seen many new changes to the group, one big change being a new group of Youth Councillors and the election of this years' leadership team; Youth Mayor (myself), Youth Deputy Mayor (Tia McLachlin) and Secretary (Grace de Keersmaeker).

December 2-15 saw the new group of Youth Councillors head to Licola for the annual Leadership Camp. It was 3 days filled with fun, time and activities to get to know each other and some workshops that had us all work on what we wanted to get out of Youth Council this year. After a six week break we have hit the ground running. On 18 January Youth Council had their first training day for the year. Governance, OH&S and many other things were spoken about, but the main part of the day was working on our 2016 Action Plan. We identified the top two major issues Youth Council wanted to tackle this year: Mental Health, Drugs and Alcohol. Most of us chose a project that we wanted to lead/support that focused on one of those main themes.

On 19 and 20 January, a majority of Youth Councillors got the chance to participate in a 2 day training workshop that was all about Youth Mental Health. Each Youth Councillor that attended got a lot out of the training and are fully equipped to help give first aid to other youth in need of mental help.

Not many events have been held since the start of the New Year, but Youth Councillors are currently working on a few projects for events in the near future. Current projects include: International Woman's Day Breakfast; Relay for Life; Sale Music Festival; Sale Regional Skate League event; Maffra Neighbourhood House: Movie in the Park; Wellington Youth Art Prize as well as the planning for events focused on Mental Health for later in the year.

The next few months are looking very busy! Along with the events mentioned above we have Youth Parliament starting up soon and work with the Wellington Youth Services Network to assist in canvassing the opinions of young people across Wellington to create a Youth Strategy for Wellington.

KAITLIN WOOLFORD
Youth Mayor



B –REPORT

DELEGATES



C1 - REPORT

CHIEF EXECUTIVE OFFICER

ITEM C1.1**FEBRUARY 2016 PERFORMANCE REPORT**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 15 MARCH 2016

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

OBJECTIVE

For Council to receive and note the February 2016 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

<p><i>That Council receive and note the February 2016 Council Performance Report as attached.</i></p>
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BACKGROUND

The February 2016 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 February 2016 Performance Report, Council can resolve to either:

1. Receive and note the February 2016 Council Performance Report; or
2. Not receive and note the February 2016 Council Performance Report and seek further information for consideration at a later Council meeting.

PROPOSAL

That Council receive and note the attached February 2016 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 February 2016 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".

FEBRUARY PERFORMANCE REPORT

FEBRUARY 2016 COUNCIL PLAN HIGHLIGHTS

Aqua Energy

Riviera Triathlon Club have successfully conducted triathlon events each week from the Sale outdoor pool. Numbers have continued to be strong and we are now investigating options for winter events with the club.

School bookings and carnivals continue to be strong with several large events with local schools arranged. Aqua Energy also hosted a Sale Swim Club event on 13 February with competitors attending from all over Gippsland.

GRSC

GRSC has hosted Netball Victoria's U15 Regional Victorian Netball League - Eastern Conference throughout February with teams participating from across Gippsland.

Library

Tech Savvy Seniors sessions have been fully booked with new digital TV's installed at Maffra and Sale libraries allowing for improved shared education experience.

Library has partnered with GoDigi to offer a greater range of online learning opportunities for beginners developing computer literacy skills. This is especially important as seniors' interaction with eGov and health providers becomes more online focused.

Work has commenced in transitioning data from Dynix to Symphony library management system as we align with SWIFT consortia. Many aspects of our library operations will be enhanced including improved access to a greater range of materials available for patrons, communication via SMS/email instead of physical mail for notices where possible, and an enhanced catalogue search experience.

Patrons have embraced the new outreach service with 99 patrons visiting in the first fortnight of its operation across five sites. Prior to introduction of the outreach service an average of 300 patrons used the mobile library service each fortnight.

Gippsland Art Gallery

A gallery opening event was held for Helen Masin's exhibition 'Italian Connection' at the Maffra Exhibition Space on Thursday 11 February. The guest speaker was artist and former lecturer in art at Monash University Bill Young. The event was attended by 72 people.

An exhibition opening event was held for the VCE student exhibition 'Flourish' on Friday 19 February in the temporary gallery in the Port of Sale Business Centre. The guest speaker was Mayor Cr Darren McCubbin. On the same evening the exhibition 'Long Dark Night: German Expressionism' was opened by Sydney art dealer Rex Irwin. The event was attended by 99 people.

A professional development workshop was held for art teachers in the Gallery workshop on Thursday 18 February. Teachers were given a preview of current and upcoming exhibitions and education programs and were invited to book in their classes for inreach and outreach sessions and for ArtieBus bookings. The workshop was attended by 25 art teachers.

449 people attended exhibitions and events at the Gippsland Art Gallery temporary exhibition space up to 24 February. 419 people attend exhibitions and events at the Maffra Exhibition Space up to February 24. Total attendance for the month was 868.

Entertainment Centre

Secured an increase to 17 sponsors for Entertainment Centre performances this year (from 16 last year), with 4 new sponsors coming on board, being Colmac Homes, Mummy Daddy & Me, Amcal Chemist and Gippsland Funeral Services.

EBBWEC's Season Launch was held on the evening of Wednesday 10 February with an almost full house. 11,000 Season brochures were printed, and over 10,000 are already in circulation. 147 tickets to upcoming shows were sold on the night.

EBBWEC presented four shows this month: Forever Diamond on Friday 12 February, The Diamonds on Saturday 20 February, Shakespeare's Best Bits on Sunday 21 February, and Forever Young on Friday 26 February. The Wiggles concert went on sale Monday 22 February, selling out their 10.00am show and have released a 12.30pm show which is selling quickly.

Entertainment Centre tickets sold in February to date – 3,478. This sales figure is up by 792 tickets from February 2015.

The Entertainment Centre collaborated with the Natural Environment and Parks Unit to present the Australian Shakespeare Company's "Shakespeare's Best Bits" on Sunday 21 February. The event was performed in the LEAF at the Sale Botanic Gardens with perfect weather and a fantastic response from a 200 strong audience.

Emergency Management

All vulnerable facilities have now been mapped in Council's GIS system and uploaded into Crossworks.

New Youth Council

Youth Council leadership team has been elected and the new Youth Council will be formally inducted on Tuesday 1 March 2016. Work has commenced on development of a Youth Strategy, with the next 'Speak up for Youth' forum being planned for 7 March, in partnership with Berry Street. Several agencies including School Focussed Youth Services, Centre for Multicultural Youth and Youth InSearch are involved in developing a survey to inform this work.

First AGM of Yarram Early Learning Centre

Yarram Early Learning Centre has held its first AGM, celebrating the achievements of the first several months of operation and electing a new committee.

International Women's Day

A major event is being planned for 10 March to celebrate International Women's Day. This breakfast will be held in Sale Memorial Hall Supper Room from 7.00am – 8.30 am, with a panel of women from a range of backgrounds reflecting on their experiences and their strategies to work towards gender equity in the local community. This is a free event but bookings are essential. Women and men are all welcome - you can register for the breakfast by visiting:

www.trybooking.com/KKIU

Amendment C80 – Gormandale rezoning

Council finalised the rezoning of land in Gormandale to provide the basis for future housing development in the township.

Mosquito Management Education Program

Wellington Shire's Mosquito Management Education Program was completed on 26 January 2016 in the Loch Sport and surrounding beachside areas. This program was very successful and received positive community feedback.

New Performance Appraisal System

People & Excellence are developing a new performance appraisal system which will assist in the recording, tracking and completion of individual performance appraisals.

Tertiary Studies Program

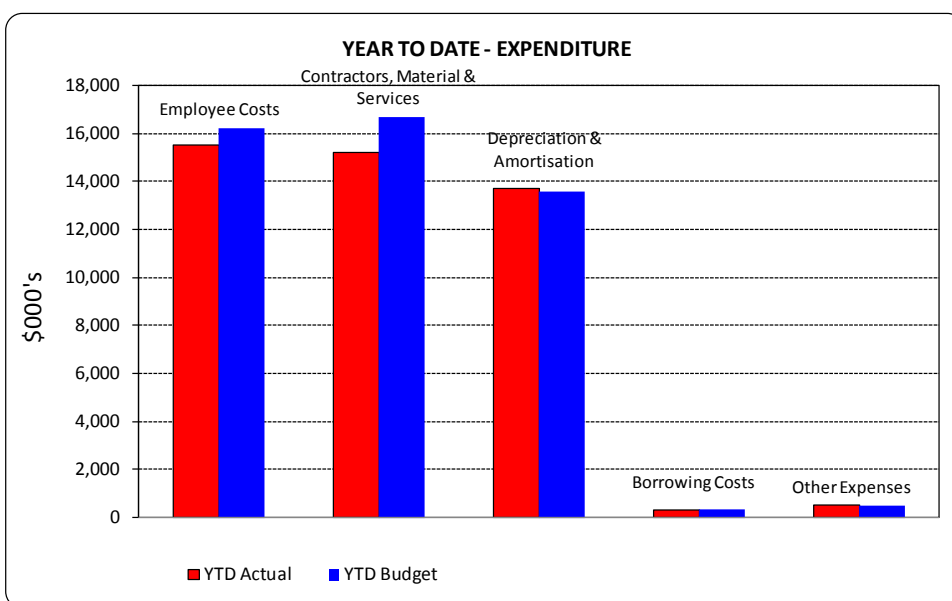
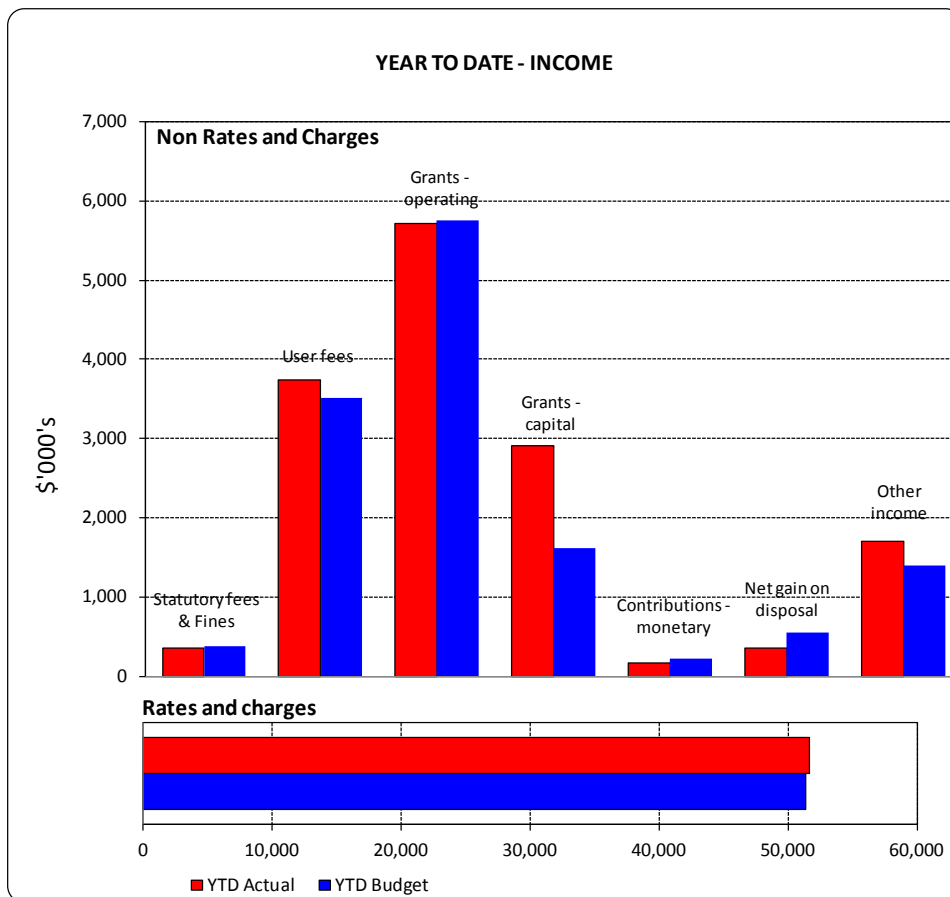
An improved process for Tertiary Studies Applications has been implemented.

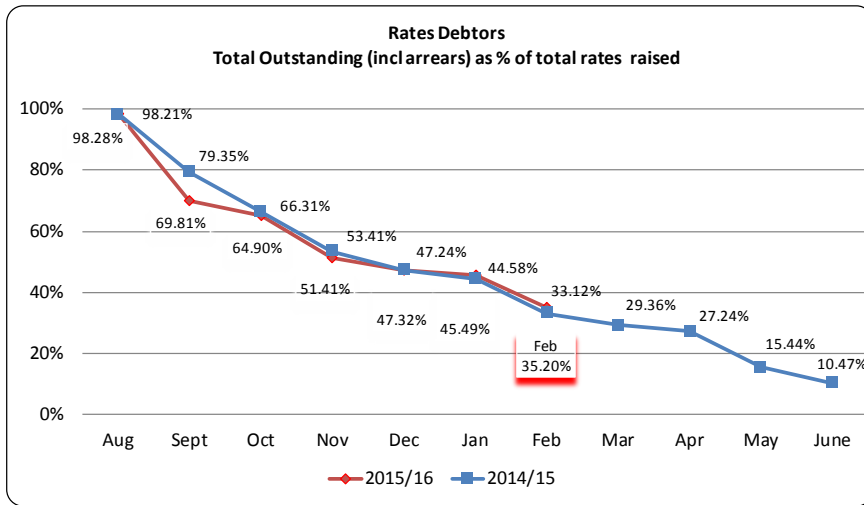


FEBRUARY 2016 PERFORMANCE REPORT

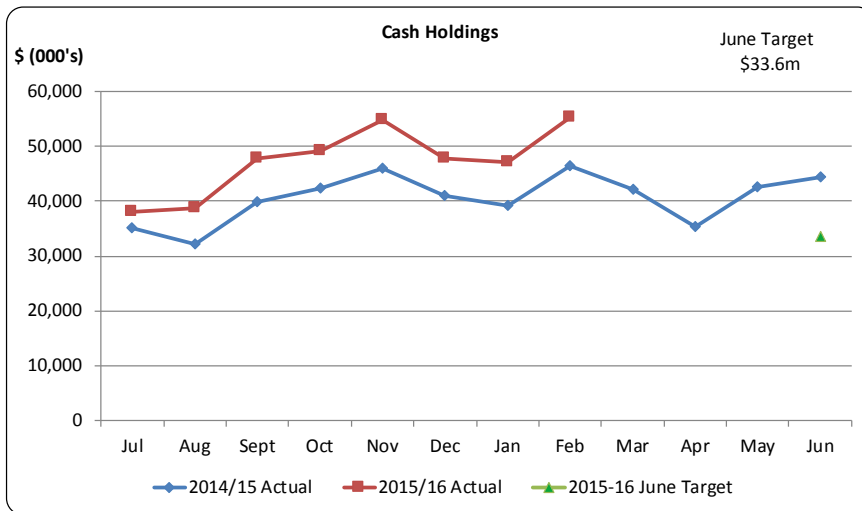
FEBRUARY 2016 FINANCIAL HIGHLIGHTS

The financial highlight report as at 29 February 2016 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 February 2016 is slightly above February 2015. With one more rate instalment remaining, Council is continuing its emphasis on debt collection on outstanding rate debtors. The third rate instalment was due on 29 February 2016.



Council cash holdings at the end of February 2016 of \$55.3 million are above the February 2015 balance of \$46.5 million. The higher than expected current cash holdings includes restricted funds of \$6.7 million to cash back reserves, \$8.2 million to cover provisions, approximately \$6.4 million associated with the 2014/15 operating and capital carry forwards and \$1.5 million for 2015/16 Victoria Grants Commission advance.

INCOME STATEMENT

For the period ending 29 February 2016

	YEAR TO DATE 2015-16			FULL YEAR 2015-16		
	Actual \$000's	Adjusted Budget \$000's	Variance \$000's	Adjusted Budget \$000's	Achieved \$000's	Adopted Budget \$000's
Income						
Rates and charges	51,650	51,390	260	51,390	101%	51,372
Statutory fees & fines	364	386	(22)	525	69%	525
User fees	3,742	3,510	232	5,833	64%	5,813
Grants - operating	5,720	5,759	(39)	7,856	73%	13,648
Grants - capital	2,908	1,612	1,296	8,721	33%	5,710
Contributions - monetary	169	217	(48)	493	34%	486
Contributions - non monetary	5,053	2,451	2,602	2,451	206%	-
Net gain on disposal of property, infrastructure, plant and equipment	362	546	(184)	652	56%	236
Other income	1,698	1,391	307	2,712	63%	2,492
Total Income	71,666	67,262	4,404	80,633	89%	80,282
Expenditure						
Employee costs	15,500	16,229	729	24,296	64%	24,327
Contractors, materials and services	15,213	16,665	1,452	31,227	49%	30,612
Bad and doubtful debts	3	-	(3)	111	3%	111
Depreciation and amortisation	13,683	13,565	(118)	22,156	62%	22,155
Borrowing costs	341	340	(1)	731	47%	731
Other expenses	521	516	(5)	658	79%	461
Total Expenditure	45,261	47,315	2,054	79,179	57%	78,397
Surplus/(Deficit) for the period	26,405	19,947	6,458	1,454		1,885

Note: The adjusted budget figures reflect any known changes that have arisen since the adoption of the original budget, including such things as new and unsuccessful grants, additional revenue such as rates and operating expenditure carried forward from 2014/15. Including these changes in an adjusted budget figure enables Council to more accurately monitor financial performance during the year and predict the end of year position. Council must, however, report publicly against the original adopted budget on a quarterly basis. The full year adopted budget has been reclassified in order to comply with Local Government Model Financial report disclosure requirements.

SUMMARY

The operating result as at the end of February 2016 reflects a surplus of \$26.4 million against an adjusted budget surplus of \$19.9 million. Overall, Council expects that the final result for 2015/16 will be a \$1.4 million surplus, which is a decline of \$431k from the adopted budget. The majority of the change results from the removal of \$6.0 million of the Victoria Grants Commission 2015/16 allocation which was received on 30 June 2015, offset by additional Roads to Recovery funding allocated to 2015/16 projects (\$3.0 million) and the recognition of assets (non monetary) contributions (\$2.5 million).

INCOME VARIANCES:

Rates - Additional rates and garbage charges have been raised due to the finalisation of supplementary valuations after the completion of the 2015/16 budget.

User Fees - A shared services initiative between Wellington Shire Council and East Gippsland Shire Council has generated unbudgeted income of \$76k as Council is reimbursed for the information technology services it has provided. \$74k of extra commercial tipping fees has been raised during the year due to increased landfill waste collected. Other additional income received year to date includes subdivision audit fees, parks and reserves reimbursements, septic tank and pound release fees. Leisure facilities earnings are lower than expected mainly due to poor attendance at Aqua Energy and outdoor pools, but is partly offset by increased revenue from the GRSC summer programs. Income for swim school is expected to significantly exceed budget due to increased attendances.

Grants - (capital) - The second quarter Road to Recovery grant funding was received in February 2016, including \$1.2 million advance for works planned to be constructed in the next financial quarter. Grant instalments expected to be received in 2015/16 from state and federal governments for the Port of Sale Cultural Hub could be delayed to the following financial year, if the expected construction commencement date moves beyond June 2016 through design documentation being completed a month later than planned.

Contributions - (non monetary) - Unbudgeted asset contributions (non monetary) of \$2.6 million associated with new subdivisions in Sale and Maffra were recognised in February 2016.

Other income - Interest earned on short term investments is greater than the budget by \$275k due to a high cash balance and lower than expected expenditure.

EXPENDITURE VARIANCES:

Employee Costs - As at the end of February 2016 staff costs are under budget due to various vacancies and the timing of annual and long service leave by \$729k. The use of agency staff and contractors to backfill some critical job roles has occurred but in the majority of cases existing staff are undertaking additional duties to minimise costs.

Contractors, Materials and Services - \$1.45 million - There are various underspends throughout the organisation driving the majority of the positive variance. These relates to road operations and maintenance \$473k, parks and reserves operations and maintenance \$206k, property valuations \$203k, and municipal emergency programs \$117k. A number of these underspends have commitments pending for \$761k, but some are presently stalled due to legislation or other issues outside Council's control. These are bushfire mitigation project, the Loch Sport Foreshore management plan project and expenditure on the Wellington Coastal Subdivision Strategy voluntary assistance scheme. There has been savings to date of \$63k relating to street lighting due to changes in LED globes which are more energy efficient and are cheaper to replace; it is anticipated this will equate to just over \$120k savings for this year.

BALANCE SHEET
As at 29 February 2016

Actual		Actual	Adjusted Budget	Adopted Budget
February 15		February 16	June 16	June 16
\$000's		\$000's	\$000's	\$000's
<u>Current Assets</u>				
46,523	Cash and Cash Equivalents	55,300	33,560	31,374
16,112	Trade and Other Receivables	16,090	5,097	5,113
1,460	Other Assets	1,345	818	261
64,095	Total Current Assets	72,735	39,475	36,748
<u>Non Current Assets</u>				
1,246	Trade and Other Receivables	1,512	1,285	1,285
874,039	Property, Infrastructure, Plant & Equipment	890,528	902,086	888,344
386	Intangible Assets	740	781	766
875,671	Total Non Current Assets	892,780	904,152	890,395
939,766	Total Assets	965,515	943,627	927,143
<u>Current Liabilities</u>				
2,006	Trade and Other Payables	1,952	5,656	5,663
2,003	Interest Bearing Borrowings	2,389	1,871	1,871
5,325	Employee Benefits	5,739	6,204	6,090
1,551	Trust Deposits	2,817	769	720
540	Provisions	558	-	-
11,425	Total Current Liabilities	13,455	14,500	14,344
<u>Non Current Liabilities</u>				
12,566	Interest Bearing Borrowings	9,262	11,325	11,325
302	Employee Benefits	253	297	297
1,487	Provisions	1,603	2,161	916
14,355	Total Non Current Liabilities	11,118	13,783	12,538
25,780	Total Liabilities	24,573	28,283	26,882
913,986	Net Assets	940,942	915,344	900,261
<u>Represented by Ratepayer Equity</u>				
305,493	Accumulated Surplus	327,680	305,234	295,279
600,729	Reserves	606,539	605,964	600,729
7,764	Other Reserves	6,723	4,146	4,253
913,986	Total Equity	940,942	915,344	900,261

CAPITAL EXPENDITURE PROGRAM

For the period ending 29 February 2016

	YEAR TO DATE 2015-16			FULL YEAR 2015-16		
	Actual	Adjusted Budget	Variance	Adjusted Budget	Achieved	Adopted Budget
	\$000's	\$000's	\$000's	\$000's	%	\$000's
Art Gallery Stock	50	40	(10)	40	125%	20
Bridges	810	948	138	2,497	32%	2,471
Drainage	18	56	38	258	7%	305
Footpaths & Cycleways	294	558	264	1,116	26%	1,154
Plant, Machinery & Equipment	1,786	2,286	500	2,969	60%	2,525
Roads	3,781	5,356	1,575	12,095	31%	9,415
Buildings	3,717	4,563	846	9,956	37%	9,183
Parks & Environmental Services	412	576	164	3,951	10%	3,550
Waste Management	312	490	178	834	37%	690
Landfill Improvements	1	30	29	60	2%	61
Furniture and Fittings	122	148	26	204	60%	163
Information Technology	19	213	194	224	8%	122
Library Books	138	174	36	213	65%	229
Intangibles	104	220	116	781	13%	766
Grand Total	11,564	15,658	4,094	35,199	33%	30,654

SUMMARY YEAR TO DATE

As at 29 February 2016, the adjusted capital expenditure budget is \$35.2 million with 138 projects planned for the year. 8 months through 2015/16 there has been \$11.6 million spent on the capital works program, this is 33% of the annual budgeted expenditure.

Of the 138 projects planned for this year, 36% are complete, 37% have commenced, 10% are in the contract stage, and 13% are in preplanning. An amber status has been given to 3% of projects, these are projects for which there are concerns over whether the project can commence within the 2015/16 capital works program. The remaining 1% is for the Library self checkout kiosk which has been removed from the current year program.

49 projects have been completed by 29 February 2016, this amounts to \$4.0 million or 12.4% of the total capital works budget. 87% of the total annual budgeted expenditure has progressed to contract stage and beyond. 50 projects were carried forward from the 2014/15 program and 21 of those projects are now complete.

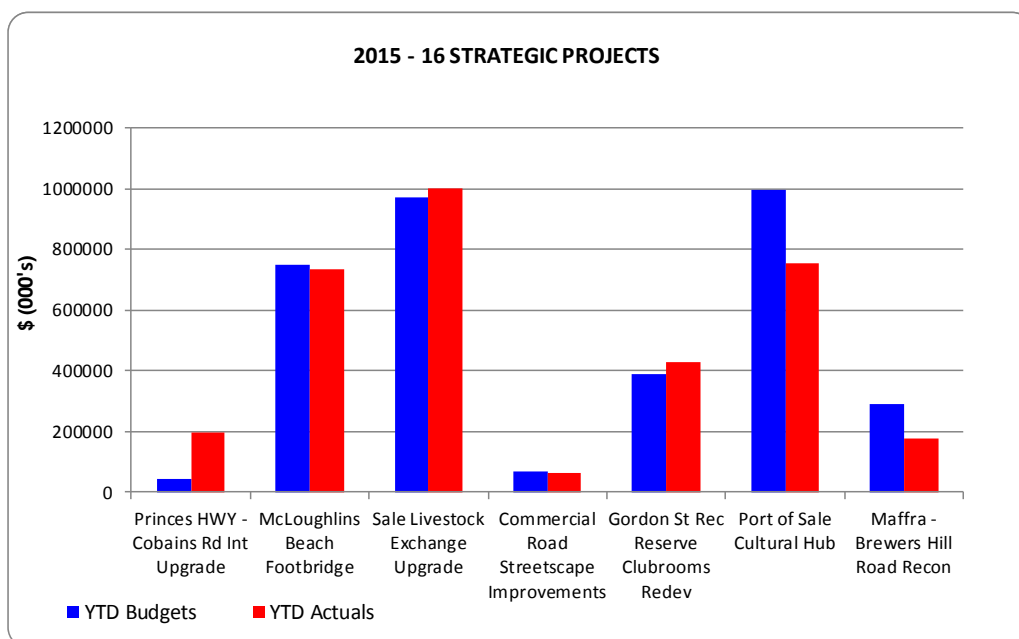
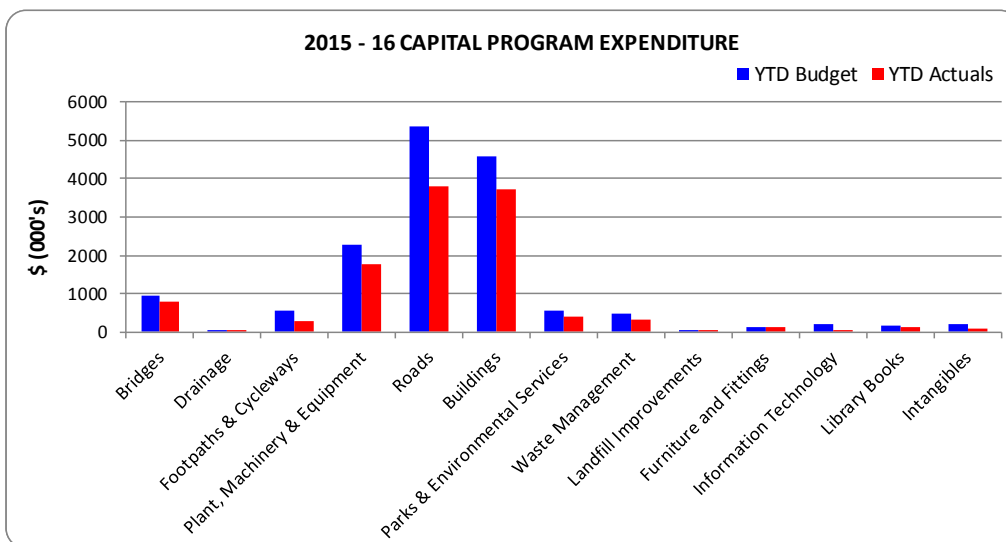
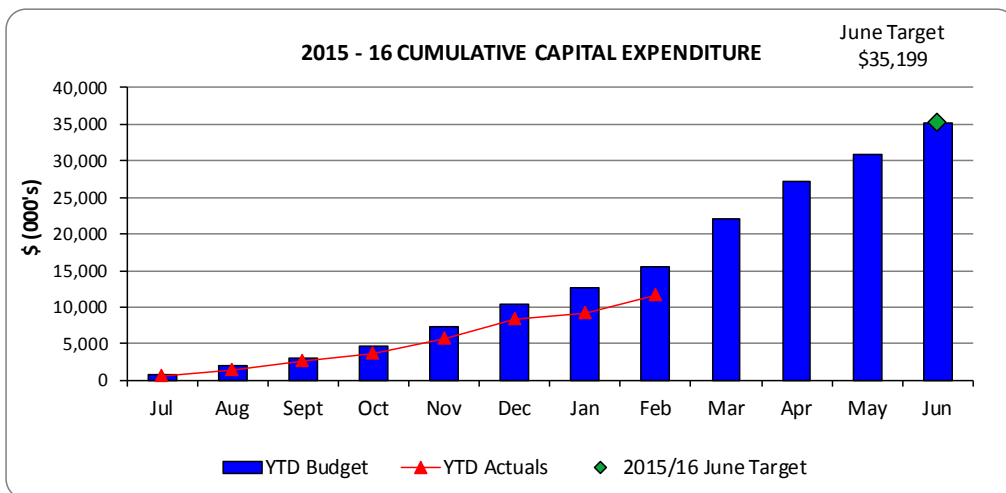
FEBRUARY HIGHLIGHTS

Projects completed in January 2016 include the new shared paths program comprised of the Sale-Longford Path and McLean Street and Boisdale Street Maffra, the GIS imagery update and the Yarram Aerodrome Apron Lighting. The Sale Livestock Exchange has commenced operation despite some civil works yet to be completed, the official opening will be held in April 2016.

The annual road reseal program \$3.8 million is 90% complete and is expected to be completed in March 2016. The Yarram Morwell Jack River Valley Road - Intersection Improvement has taken slightly longer to complete than anticipated but will be completed in March 2016. Maffra - Brewers Hill Road Reconstruction is progressing despite being behind schedule and will be completed by May 2016.

The fleet renewal program is delaying several purchases until 2016/17 as they not yet reached the required mileage for changeover. The plant program is expecting delivery on its ordered sweeper and tipper in March 2016.

Works are progressing on the Port of Sale Cultural Hub. The internal demolition is complete. The architects are currently preparing tender documentation for the hub construction works and working on the designs for precinct works which are expected to be completed in June 2016. Due to scope changes following the additional funding announcement, some of the projects' grant funding may be delayed to next financial year and significant building funds will be carried forward.



ITEM C1.2**CHIEF EXECUTIVE OFFICER'S REPORT**

OFFICER: CHIEF EXECUTIVE OFFICER

DATE: 15 MARCH 2016

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

- 8 February Guest speaker at **Sale Rotary Club** meeting
- 10 February Attended **Maffra Business and Tourism Association (MBTA)** meeting to discuss a range of projects around Maffra.
- 11 February Met with **Federation Training** Executives Scott Dargan, mark Potter and Karen Bird to update status of Sale facilities. Also in attendance was Mayor Darren McCubbin.
- Meeting with **the Hon Jacinta Allan, Minister for Public Transport**. Also in attendance was Mayor, Cr Darren McCubbin. Discussed V-line services.
- 19 February Teleconference with **Danny O'Brien**, member for Gippsland South, to discuss a range of matters including Federation training update
- 22 February Attended meeting with RAAF representatives, **Group Captain Mark McCallum and Wing Commander Marty Quirke**. Also in attendance was Mayor, Cr Darren McCubbin and Manager Economic Development Sharyn Bolitho.
- 23 February Met with **Gippsland Water Chair, Therese Ryan and CEO David Mawer**. Also attending was the Mayor, Cr Darren McCubbin. We discussed a range of ongoing issues including waste water options for Vantage Point, ongoing access issues for Sentosa Safaris, and the pumping station at the Port of Sale.
- Attended **Municipal Association Victoria (MAV) Regional Meeting, followed directly by MAV 2016 Strategic Planning Directions Meeting**. Other attendees included Mayor, Cr Darren McCubbin, Cr John Duncan and Cr Malcolm Hole.
- 24 February Attended an **Infrastructure Victoria** workshop to look at planning Victoria's infrastructure for the next 30 years.
- 25 February Attended **2016 Annual LGPro Conference** in Melbourne.
- 29 February Met with John Leslie, OBE, to update him on a number of strategic projects within the Shire.
- Attended and spoke at the **Sale Business and Tourism Association** event which had a business and industry focus. Other speakers included Mr Danny O'Brien MLA, Member for Gippsland South and the Regional Manager of

VECCI. The Mayor, Cr Darren McCubbin, General Manager Development, John Websdale, and other officers also attended.

- 1 March Attended **Civic Reception for Induction of Wellington Shire Council Youth Councillors** to mark the commencement of their term at Youth Councillors. Also in attendance were the Mayor, all Councillors and members of the Corporate Management Team.
- 3 March Attended meeting with **Clinton Rodda, Managing Director, Southern Rural Water** in Maffra for update on their activities.
- 4 March Met with **Inspector Rob Wallace**, Victoria Police to discuss a range of issues around the Shire.
- 8 March Met with delegates from **Greyhounds Victoria** with Cr Malcolm Hole
- 10 March Attended **International Women's Day Breakfast** in Sale to celebrate the achievements of women. Also in attendance were the Mayor, Cr Darren McCubbin, Cr Carolyn Crossley and General Manager Community Culture, Dr Glenys Butler.
- Attended meeting with **VicRoads and Department of Economic Development, Jobs, Transport and Resources (DEDJTR)**.



C2 - REPORT

GENERAL MANAGER CORPORATE SERVICES

ITEM C2.1**ASSEMBLY OF COUNCILLORS**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 15 MARCH 2016

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 6 February 2016 and during the period 23 February 2016 to 8 March 2016.

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

That Council note and receive the attached Assembly of Councillors records received 6 February 2016 and during the period 23 February 2016 to 8 March 2016.

BACKGROUND

Section 80A of the *Local Government Act 1989* requires a written record 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 6 February 2016 and during the period 23 February 2016 to 8 March 2016.

Assembly of Councillors summary of reports received 6 February 2016 and during the period 23 February 2016 to 8 March 2016.		
Date	Matters considered	Councillors and officers in attendance
6 February 2016	Swing Bridge Meeting	Cr McCubbin John Tatterson, Manager Built Environment Daniel Gall, Coordinator Commercial Property David Butler, Coordinator Built Environment Facilities Denis Murphy, Commercial Property Officer Samantha Maxfield, Executive Assistant Built and Natural Environment

1 March 2016	Council Diary Meeting	Cr Crossley, Cr Cleary, Cr Davine, Cr McCubbin, Cr Mclvor, Cr Wenger, Cr Hole, Cr Rossetti David Morcom, Chief Executive Officer Sharon Willison, Mayor & Councillor Support Officer
1 March 2016	Pre Council Agenda	Cr Crossley, Cr Cleary, Cr McCubbin, Cr Mclvor, Cr Wenger, Cr Hole, Cr Davine, Cr Rossetti, Cr Duncan (Items 2 to 6) David Morcom, Chief Executive Officer Chris Hastie, General Manager Built & Natural Environment Arthur Skipitaris, General Manager Corporate Services, Glenys Butler, General Manager Community & Culture John Websdale, General Manager Development Trish Dean, Governance Officer (Item 0 & 2) Leanne Wishart, Rural Access Coordinator (Item 3) Frances Ford, Manager Community Wellbeing (Item 3) Karen McLennan, Coordinator Social Planning & Policy (Item 3) Joshua Clydesdale, Manager Land Use Planning (Item 4) Barry Hearsey, Coordinator Strategic Planning (Item 4) Ian Carroll, Manager Finance (Item 5 & 6) Dean Morahan, Manager Assets & Projects (Item 6)

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 at a future Council meeting.

PROPOSAL

That Council note and receive the attached assembly of Councillors records received on 6 February 2016 and during the period 23 February 2016 to 8 March 2016.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

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

COUNCIL PLAN IMPACT

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

Strategic Objective

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

Strategy 2.3

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

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

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

6 February 2016 Swing Bridge Meeting

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
John Tatterson	✓				

Others in attendance

Name	Item No.	Name	Item No.
Daniel Gall Coordinator Commercial Property	All items	Mr Peter Synan	All Items
David Butler	All items		
Denis Murphy Commercial Property Officer	All items	Samantha Maxfield Minutes	

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

- 1 Previous Actions
- 2 Visitor Update
- 3 Latrobe Wharf
- 4 Proposed Port of Sale Works
- General Business

4. Conflict of Interest disclosures made by Councillors:

NIL

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

1 March 2016

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):

1. Councillors' Diary Meeting

4. Conflict of Interest disclosures made by Councillors:

NIL

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

1 March 2016

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 2 to 6)	✓				

Officers in Attendance:

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

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

Name	Item No.
	0
Arthur Skipitaris	1
Trish Dean	2
Leanne Wishart, Frances Ford, Karen McLennan	3
Joshua Clydesdale, Barry Hearsey,	4
Arthur Skipitaris, Ian Carroll	5
Ian Carroll, Dean Morahan	6

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

0. Pre-Council Agenda
 1. 2013 – 2017 Council Plan Annual Review
 2. Reforms From Local Government Amendment Act 2015
 3. Preparing for the NDIS – The Role of Local Government
 4. Strategic Planning Work Priorities for 2016/17
 5. 2016/17 Fees and Charges Workshop
 6. 2016/17 Capital Workshop

4. Conflict of Interest disclosures made by Councillors:

NIL

ITEM C2.2**ELECTION CARETAKER POLICY**

DIVISION:

CORPORATE SERVICES

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

15 MARCH 2016

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

OBJECTIVE

To adopt the revised Election Caretaker Policy following reforms arising from the *Local Government Amendment (Improved Governance) Act 2015*.

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

That Council adopt the revised Election Caretaker Policy, as attached

BACKGROUND

The Election Caretaker Policy has been revised so that the Council publicly explain to their communities how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering by existing Councillors and to safeguard incoming Councillors.

The *Local Government Amendment (Improved Governance) Act 2015* details three matters that must be included within the policy:

1. Preventing inappropriate decisions and misuse of resources
2. Limiting public consultation and council events
3. Equitable access to council information.

OPTIONS

The following options are available to Council:

1. Adopt the revised Election Caretaker Policy, as attached (amendments highlighted); or
2. Request further review and amendment of the revised Election Caretaker Policy, for consideration at a future Council meeting; or
3. Not Adopt the revised Election Caretaker Policy, as attached.

PROPOSAL

That Council adopt the revised Election Caretaker Policy, as attached.

CONFLICT OF INTEREST

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

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

ELECTION CARETAKER PERIOD

Policy Number:	2.1.8
Approved by	Council
Date Approved/Effective	31 March 2016
Date of Next Review:	End 2016
Related Policies:	Any related policies by title
Applicable to Unit(s):	Councillors and Organisation
Responsible Officer:	General Manager Corporate Services
Statutory Reference:	<i>Local Government Act 1989</i>

OVERVIEW

The purpose of this policy is to outline the conduct of Council during the Caretaker Period for Municipal General Elections. The Policy aims to ensure that general elections are conducted in a manner that is ethical, fair and equitable, are publicly perceived as such and support the conduct of good governance for Council and the organisation during the Caretaker Period for Municipal General Elections.

The Policy will also facilitate the continuation of the ordinary business of local government throughout the caretaker period in a responsible and transparent manner, in accordance with statutory requirements and established “caretaker” conventions.

This Policy also commits Council during the caretaker period to:

- Avoid making significant new policies or decisions that could unreasonable bind a future Council; and
- Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councilors as candidates in the election.

THE POLICY

1. Background

- 1.1 In the lead up to an election the local government sector adopts a Caretaker Period to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council. Specific provisions have been incorporated in the *Local Government Act 1989* (the Act), that prohibit Council from making major policy decisions or publishing or distributing electoral matter in a Caretaker Period.
- 1.2 Section 93A of the Act prescribes the conduct of a Council during the election period. This policy is seen as a way to ensure that Council complies with the Act and the municipal elections for Wellington Shire Council are conducted in a manner that is fair, equitable, upholds the highest standards of democratic governance and is publicly perceived as such.

2. Definitions

- 2.1 It should be noted that where terms used in this Policy are defined in the Act, their use in this Policy is consistent with the definitions in the Act. Definitions used in this Policy are detailed in Attachment 2.

3. Caretaker Period

- 3.1 The "election period" is defined by the Act as starting on the last day for nominations and ending at 6pm on the Election Day. A period of 32 Days.
- 3.2 During the "election period" the Council will be deemed to be in Caretaker mode.

The Chief Executive Officer will ensure that all employees are informed of the requirements of this policy.

4. Decision Making

- 4.1 Careful consideration will be given to what decisions at council or special committee meetings should be made in the 32 days leading up to the general election, so that the incoming councilors are not unreasonably compromised.
- 4.2 It is an established democratic principle that elected bodies should not unnecessarily bind government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that bind the incoming Council.
- 4.3 This includes a commitment to not only comply with the requirements of Section 93A of the Act, pertaining to major policy decisions, but as well relating to significant decisions as specified within this policy.
- 4.4 The types of decisions that should be avoided are:
- 4.4.1 Allocation of community grants or other direct funding to community organisations
 - 4.4.2 Major planning scheme amendments
 - 4.4.3 Awarding of contracts both civil and service type contracts
 - 4.4.4 Changes to strategic objective
 - 4.4.5 Strategies in the council plan
 - 4.4.6 Questions on notice
 - 4.4.7 Notice of motions
 - 4.4.8 Introduction of late items
 - 4.4.9 Decision relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer
 - 4.4.10 To terminate the appointment of a Chief Executive Officer
- 4.5 Ordinary Council Agenda / Special Council Meeting Agenda and / or Special Committee Meeting Minutes are to be carefully vetted by the Chief Executive Officer and / or Corporate Management Team to ensure that no agenda item is included in any council agenda during the election period that could potentially influence voters' intentions or encourage candidates to use as part of electioneering.

4.6 During the caretaker period, the Chief Executive Officer will ensure that a "Caretaker Statement" is included in every report submitted to an Ordinary Council Meeting and or Special Council Meeting.(if required) for a decision.

4.7 The "Caretaker Statement" will specify one of the following;

4.7.1 "The recommended decision is not a "Major Policy Decision" as defined in section 93A of the *Local Government Act 1989* or a "Significant Decision" within the meaning of this policy:

4.7.2 "The recommended decision is not a "Major Policy Decision" within the context of *Local Government Act 1989*. The recommended decision is a "Significant Decision" within the meaning of this policy, but an exception should be made for the following reason (insert reasons for making an exemption)

4.7.3 "The recommended decision is to seek an exemption from the Minister because the matter requires a "Major Policy Decision" within the meaning of section 93A of the *Local Government Act 1989*.

4.7.4 "The recommended decision is a "Major Policy Decision", as defined in section 93A of the *Local Government Act 1989*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on (insert date)

5. Major Policy Decisions

5.1 Section 93A of the Act prohibits a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election. If however Council considers that there are extraordinary circumstances which require the make of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption.

Section 93A (6) of the Act defines a major policy decision as:

- (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- (b) to terminate the appointment of a Chief Executive Officer under section 94;
- (c) to enter into a contract the total value of which exceeds whichever is the greater of
 - a. \$1000,000 or such higher amount as may be fixed by Order in Council under section 186(1); or
 - b. 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.
- (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

6. Significant Decisions

- 6.1 Over and above the decisions specified in section 93A of the Act, the Council will avoid making other decisions during the Caretaker Period that are of a significant nature and would unreasonably bind the incoming Council.

Significant decisions include:

- (a) Irrevocable decisions that commit the Council to substantial expenditure or major actions; and
- (b) Irrevocable decisions that will have a major impact on the municipality or the community.

7. Public Consultation

7.1 Definition

Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action or proposed policy, and includes discussion of that matter with the public.

7.2 Right to Postpone

Public consultation may be undertaken during the Caretaker Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultation will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of an election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.

7.3 Statutory Requirements

The requirements of 7.2 (above) do not apply to public consultation required under the *Planning and Environment Act 1987*, or matters subject to section 223 of the Act.

8. Council Resources

- 8.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits to this principle in that it will ensure Council resources are not used inappropriately during a Council election. This includes a commitment to comply with the following procedures in addition to the requirements of section 55D of the Act.
- 8.2 Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, **the matter must be referred to the Chief Executive Officer or his or her delegate**
- 8.3 Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business

during the election Caretaker Period, and shall not be used in connection with any electioneering activity.

- 8.4 Reimbursements of Councillors' out-of-pocket expenses during the election Caretaker Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 8.5 No Council logos, letterheads or other corporate branding will be used for, or linked in any way to, a candidate's election campaign.
- 8.6 Photos or images taken or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council's website that may be copied.
- 8.7 No election material or active campaigning is to be conducted at Council sponsored events or be displayed in any Council building.
- 8.8 Prior to the Caretaker Period the Chief Executive Officer will ensure that all members of Council staff are advised in regard to the application of the caretaker procedures.
- 8.10 In applying these principles, the Council understands that the following will be normal practice during the election Caretaker Period:
- (a) Public events will only be organized and run if it is totally unavoidable to conduct such events during the Caretaker Period and then only with the express permission of the Chief Executive Officer;
 - (b) Speeches for Councillors will only be prepared by Council staff in relation to events that are part of normal services or operation of the Council and such speeches will not be circulated or available for publication;
 - (c) Media services, including media releases, will not be provided to Councillors during the Caretaker Period;
 - (d) Media releases will not mention or quote any Councillor(s) during the Caretaker Period;
 - (e) All Council newsletters will not be printed by Council during the Caretaker Period; and
 - (f) Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.
- 8.11 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes.
- (a) Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the Caretaker Period that exceeds normal usage levels.

(b) Councillors may wish to consider the specific ways to administer this procedure. For instance Councillors may decide to use a private phone for all election enquiries and publicise such number on election material.

(c) Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. This includes photos or images provided by Council for past Council activities

9. Information

9.1 Candidates' Access to Information

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfill their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections.

There will be complete transparency in the provision of all information and advice during the election Caretaker Period.

9.2 Information Request Register

An Information Request Register will be maintained by Corporate Services during the election Caretaker Period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

Responses to Councillors and candidates requests, as per clause 9.1 will be provided by the Chief Executive Officer or General Managers. Managers will be required to discuss the request and the proposed response with their General Manager prior to the response being provided.

Only Information that can reasonably be accessed will be released.

10. Improper Use of Position

10.1 Section 76D and 76E of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of a Councillor, to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person or to cause, or attempt to cause, detriment to the Council or another person.

11. Assistance to Candidates

11.1 The Council affirms that all candidates for the Council election will be treated equally.

11.2 All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside

the responsibility of the Returning Officer (such as the CEO list), to the Chief Executive Officer or a designated member of Council staff.

- 11.3 Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.
- 11.4 Candidates will be informed of their obligation to complete a Nomination Form which will be available from the "Returning Officer", accompanied by the nomination fee
- 11.5 Candidates will also be informed of the requirements to complete and submit an "Election Campaign Return" to the Chief Executive Officer within 60 days after the election day. The return must contain details of any campaign donation or gift valued at more than \$500 which was received between 30 days after the previous election and 30 days after the current election.

12. Communication

- 12.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 12.2 During the election Caretaker Period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.
- 12.3 Any requests from Councillors for media advice or assistance during the election Caretaker Period will be channeled through the Chief Executive Officer.
- 12.4 In response to media enquiries the Chief Executive Officer, General Managers or the Media and Public Relations Team will only provide a response and such information should relate to current services and operations.
- 12.5 In the election Caretaker Period no media releases will be issued quoting or featuring any Councillor.
- 12.6 During the election Caretaker Period, Council initiated communications shall be restricted to communication of normal Council activities.
- 12.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 12.8 No publicity will be provided that involves specific Councillors.
- 12.9 Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.
- 12.10 Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.

- 12.11 Publicity of Council events (if any during the election Caretaker Period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- 12.12 Councillor participation at Council sponsored events (if any during the election Caretaker Period) should not be used to gain attention in support of an election campaign. Council sponsored events includes launches, events, and any other public forum outside of the normal Council meeting cycle – the easiest way to deal with these is to simply not have them during the election Caretaker Period.

13. Council Publications

- 13.1 Section 55D of the Act places limitations on Council from printing, publishing or distributing or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer..

This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

- 13.2 The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process. – it is an offence for the Chief Executive Officer to contravene this requirement.
- 13.3 Electoral matter is any matter that is intended or likely to affect voting in an election.
- 13.4 **Despite section 98(2)**, certification by the Chief Executive Officer must be in writing and cannot be delegated. Certification wording – over the Chief Executive Officers signature – should be as follows: ***“Certified by the Chief Executive Officer in accordance with section 55D of the local Government Act 1989.”***
- 13.5 The interpretation of section 55D is extremely broad. Even though section 55D refers specifically to “an advertisement, handbill, pamphlet or notice” it has been interpreted to refer to documents produced for the purpose of communicating with the community, including:
- Council newsletters
 - Advertisements and notices eg: job advertisements, public notices of contracts etc.
 - Media releases
 - Leaflets and brochures
 - Mailouts to multiple addresses

All these publications will require certification by the Chief Executive Officer

Material is definitely electoral matter if it:

- Publicises the strength or weakness of a candidate
- Advocates the policies of the Council or of a candidate
- Responds to claims made by a candidate
- Publicises the achievements of the elected Council
- Publicises matters that have already been the subject of public debate
- About matters that are known to be contentious in the community and likely to be the subject of election debate
- Dealing with Election Candidates' statements
- Referring to Councillors or candidates by name or by implicit reference

- 13.6 Section 55D also applies to the publication of material specified in 13.5 (above) on Council's website. This applies to all websites under the auspice of Council. Any new pages on the website or new material will require certification by the Chief Executive Officer.
- 13.7 The recommended practice, in line with State and Federal Governments, is where possible; avoid all publication activity during the election Caretaker Period except where it is essential for the conduct of Council operations.
- 13.8 A number of Council publications with reference to either current Councillors or candidates, both on the website and public display will be withdrawn from display during the election Caretaker Period.
- 13.9 During the election Caretaker Period Council's website will not contain material which is precluded by this Policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process.
- 13.10 Profiles of the current Mayor and Councillors will be removed from Council's website during the election Caretaker Period but retain their contact details for their day-to-day role as a Councillor i.e. names, photos and mobile phone numbers.
- 13.11 Any new material published on Council's website during the election caretaker period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process.
- 13.12 Council is required by the Act to produce an annual report, and the annual report may be published during the election Caretaker Period. The annual report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfill its statutory obligations on reporting matters. In accordance with the requirements of section 134 of the Act, Council may be required to consider the annual report at a meeting of Council held during the election Caretaker Period.
- 13.13 Social media – any publication on social media sites such as facebook, twitter or Council blog sites that are under the auspice of Council will also require certification by the Chief Executive Officer.

Attachment 1

Relevant sections from the *Local Government Act 1989*

Section 3 (1)

Election period (Caretaker Period)

In relation to an election, means the period that—

- (a) starts on the last day on which nominations or that election can be received; and
- (b) ends at 6 p.m. on election day;

Electoral advertisement, handbill, pamphlet or notice

means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;

Publish

Means publish by any means including by publication on the Internet;

Section 3(1A)

In this Act, “**electoral matter**” means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purpose of conducting an election.

Note: **printed electoral matter** has the same meaning.

Section 3(1B)

Without limiting the generality of the definition of “electoral matter”, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on-

- (a) The election; or
- (b) A candidate in the election; or
- (c) An issue submitted to, or otherwise before, the voters in connection with the election.

Section 55D Prohibition on Council

- (1) A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

(1A) For the purposes of subsection (1), the publication of a document of a kind specified in that subsection does not include –

- (a) Publication of any document published before the commencement of the election period; and
 - (b) Publication of any document required to be published in accordance with, or under, any Act or regulation.
- (2) The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

- (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.
- (4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorize to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

Section 93A Conduct of Council during an Election Period

- (1) Subject to this section, a Council, a special committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.
- (2) If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.
- (3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (4) A major policy decision made in contravention of this section is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.
- (6) In this section, a “**major policy decision**” means any decision –
 - (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
 - (b) to terminate the appointment of a Chief Executive Officer under section 94;
 - (c) to enter into a contract the total value of which exceeds whichever is the greater of –
 - (i) \$100,000 (or such higher amount as may be fixed by Order in Council under section 186(1)); or
 - (ii) 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year;

- (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of Council's revenue from rates and charges levied under section 158 in the preceding financial year.

Section 95 Conduct Principles

- (1) Council staff must in the course of their employment –
 - (a) act impartially;
 - (b) act with integrity including avoiding conflicts of interest;
 - (c) accept accountability for results; and
 - (d) provide responsive service.

- (2) Nothing in sub-section (1) (c) affects the granting of an indemnity to a member of Council staff in respect of any liability or limits the effect of –
 - (a) any such indemnity, whether granted before or after the commencement of section 67 of the *Local Government (Democratic Reform) Act 2003*; or
 - (b) any immunity conferred on a member of Council staff by or under any Act, whether before or after that commencement.

Attachment 2

Definitions

It should be noted that some of the terms used in this Policy are defined in the *Local Government Act 1989* (the Act) and their use in this Policy is consistent with the Act.

Caretaker Period has the same meaning as “election period” in section 3(1) of the Act, and means the period that starts on the entitlement date and ends at 6pm on Election Day.

Electoral advertisement, handbill, pamphlet or notice has the same meaning as section 3(1) of the Act, and means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

Electoral matter has the same meaning as electoral matter in section 3(1A) of the Act and means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.

Section 3(1B) of the Act further qualifies “electoral matter”.

“3(1B) Without limiting the generality of the definition of “electoral matter” matter is to be taken or be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- (a) The election; or
- (b) A candidate in the election; or
- (c) An issue submitted to, or otherwise before, the voters in connection with the election.”

Major Policy Decision has the same meaning as section 93A of the Act and means any decision:

- (a) Relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- (b) To terminate the appointment of a Chief Executive Officer under section 94;
- (c) To enter into a contract the total value of which exceeds whichever is the greater of
 - (i) \$100,000 (or such higher amount as may be fixed by Order in Council under section 186(1)) or
 - (iii) 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year;
- (d) To exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of Council’s revenue from rates and charges levied under section 158 in the preceding financial year.

Pre-election Caretaker Period has the same meaning as “election period” in section 3(1) of the Act, and means the period that starts on the last day on which nominations for the election can be received and ends at 6pm on election day.

Printed electoral material has the same meaning as section 3(1) of the Act and means an advertisement, handbill, pamphlet or notice that contains electoral matter and is intended or calculated to affect the result of an election, and includes a how-to-vote card.

Public consultation is not defined in the Act, but in this context means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.

Publish has the same meaning as section 3(1) of the Act, and means publish by any means including publication on the internet.

Significant Decision is not defined in the Act, but in this context means an irrevocable decision that significantly affects the municipality.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

Related Documents

Type:	Details:
Procedure	
General	Gifts and Donations Register Staff Code of Conduct Councillor Code of Conduct Human Rights Charter

ITEM C2.3

AUDIT COMMITTEE MINUTES

DIVISION: CORPORATE SERVICES
ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
DATE: 15 MARCH 2016

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

OBJECTIVE

To receive and note the minutes of the Audit Committee meeting held on 25 February 2016.

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief (Attachment 1) and the confidential attachment at Item F1.1 Audit Committee Minutes of 25 February 2016; and**
- 2. The information contained in the confidential attachment Item F1.1 Audit Committee Minutes of 25 February 2016 of this Council meeting agenda and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Corporate Services on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: e) proposed developments; f) legal advice; and h) any other matter which the Council considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.**

BACKGROUND

Council maintains an Audit Committee in accordance with Section 139 of the *Local Government Act 1989*. The Audit Committee is an independent advisory Committee to Council and its primary objective is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development. Minutes of the Audit Committee are reported direct to Council. A copy of the minutes in brief from the Audit Committee meeting of 25 February 2016 can be found at Attachment 1 of this report and is provided for the information of Council and the public in general.

OPTIONS

Council has the following options:

1. To receive and note the minutes from the Audit Committee Meeting of 25 February 2016; or
2. To seek further information and consider the minutes at a future meeting.

PROPOSAL

To receive and note the minutes of the Audit Committee meeting held on 25 February 2016.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

The *Local Government Act 1989*, section 139(1) requires Council to establish an audit committee. Council's Audit Committee is an Advisory Committee to Council and operates within the Terms of Reference and Charter adopted by Council.

The Audit Committee Terms of Reference require the minutes of the Audit Committee to be forwarded to an ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes. The Audit Committee is also required to report annually to the Council summarising the activities of the Committee during the previous financial year.

This report complies with the legislative requirements and the Audit Committee Terms of Reference requirements.

COUNCIL PLAN IMPACT

The Council Plan 2013–2017 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.

RISK MANAGEMENT IMPACT

The Audit Committee Charter identifies the management of risk as one of the primary objectives of the Audit Committee. The Audit Committee monitors the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.

**MINUTES IN BRIEF OF AUDIT COMMITTEE MEETING HELD ON
THURSDAY 25 FEBRUARY 2016 AT 2PM**

Present: Mr Peter Craighead (Chair)
Mr Alan Hall
Mr Joel Churchill
Councillor John Duncan
Councillor Peter Cleary

In attendance: Mr Arthur Skipitaris (General Manager Corporate Services)
Mr Ian Carroll (Manager Corporate Finance)
Mrs Lesley Fairhall (Manager Finance)
Mrs Sheryl Saynor (Executive Support Officer)

1. Welcome

2. Apologies -

David Morcom, Chief Executive Officer

3. Closure of Meeting to Public:-

Alan Hall/Joel Churchill

That the meeting be closed to the public under Section 89(2) of the Local Government Act 1989 to discuss proposed developments, legal advice and any other matter which the Council or special committee considers would prejudice the Council or any person.

CARRIED

4. Declaration of Conflict(s) of Interest:-
Nil

5. Adoption of Minutes:-

Alan Hall/Councillor Duncan

That the Committee adopt the minutes of the previous meeting held on 23 November 2015 with the following amendment:

- *Under Item 10 – “Mark Hayes left the meeting at 2.17pm.” be replaced with “Mark Peters left the meeting at 2.17pm”.*

6. Action Items from Previous Minutes

Councillor Duncan/Alan Hall

That the Audit Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

*(h) any other matter which the Council or special committee considers would prejudice the Council or any person.
be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.*

CARRIED

7. Internal Audit

Joel Churchill/Councillor Duncan

That the Audit Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

8. Status of Internal Audit Recommendations

Alan Hall/Joel Churchill

That the Audit Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

9. Review of Risk Strategy

Councillor Cleary/Councillor Duncan

That the Audit Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

10. Review of Audit Committee Charter and Terms of Reference

Alan Hall/Joel Churchill

That the Audit Committee recommend to Council that the Charter be amended as attached.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Acting Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

11. Information Services Update

Joel Churchill/Councillor Cleary

That the Audit Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

12. VAGO Report: Local Government: 2014-15 Audit Snapshot

Alan Hall/Councillor Duncan

That the Audit Committee recommend to Council that it receive the Report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Act:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

13. Related Party Transactions

Councillor Duncan/Councillor Cleary

That the Audit Committee recommend to Council that it receive the Report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Act:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

14. Financials

Alan Hall/Joel Churchill

That the Audit Committee recommend to Council that it receive the Report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

15. Council Quarterly Performance Report

Councillor Duncan/Councillor Cleary

That the Audit Committee recommend to Council that it receive the Report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Act:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

16. Fraud Report (standard item)

Alan Hall/Joel Churchill

That the Audit Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

17. Excessive Staff Leave

Joel Churchill/Councillor Cleary

***That the Audit Committee recommend to Council that it receive the Report.
That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Act:***

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989.

CARRIED

18. Sale Livestock Exchange

Alan Hall/Councillor Duncan

That the Audit Committee recommend to Council that it receive the report.

That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

(e) proposed development;

(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

19. Current Key Risk Matters

Councillor Cleary/Councillor Duncan

That the Audit Committee recommend to Council that it receive the report.

That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

f) legal advice;

h) any other matter which the Council or special committee considers would prejudice the Council or any person;

be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989.

CARRIED

20. Risk Report

Joel Churchill/Councillor Duncan

That the Audit Committee recommend to Council that it receive the report.

That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Act:

h) any other matter which the Council or special committee considers would prejudice the Council or any person;

be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989.

CARRIED

21. Register of Commissioned Reports

Alan Hall/Councillor Cleary

That the Audit Committee recommend to Council that it receive the report.

That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:

- h) any other matter which the Council or special committee considers would prejudice the Council or any person;***

be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.

CARRIED

22. General Business

- 1. Internal Audit Contract Extension**
- 2. External Audit Fees – 2014/15 Audit**
- 3. CEO Update**
- 4. Retirement of Lesley Fairhall**

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3.07PM.

ITEM C2.4

INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

DIVISION: CORPORATE SERVICES
ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
DATE: 15 MARCH 2016

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

OBJECTIVE

For Council to adopt an updated Instrument of Delegation to Members of Council Staff as a result of recent amendments to the *Food Act 1984* and *Planning and Environment Act 1987*, as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the updated 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. A summary of the updates/amendments made are attached. There have been a number of changes to the *Food Act 1984* (s.19AA (7), *Planning and Environment Act 1987* (s.46GF to s.46GM, s.46QD, s.60(1B) new provisions & s.46Q(1A) to s.46Q(4)(c) amended wording, which require the current Instrument of Delegation to be updated.

OPTIONS

Council has the following options:

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

PROPOSAL

It is proposed that Council adopt the updated 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 Instrument of Delegation. Following adoption, our processes ensure that all staff with altered or new delegations are notified including updating of Council processes and procedures as required.

S6. Instrument of Delegation – Members of Staff

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 15 March 2016 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 3.3, 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

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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(6)(a)	duty to revoke any order under section 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.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	Coordinator Environmental Health Environmental Health Officer	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7) New Provision	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	Environmental Health Officer	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	Coordinator Environmental Health Environmental Health Officer	where council is the registration authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	General Manager Development Manager Land Use Planning Major Land Use Planning Projects Coordinator Coordinator Strategic Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Strategic Planner	
s.46GF New Provision	duty to comply with directions issued by the Minister	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Strategic Planner Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GG New Provision	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	Manager Land Use Planning Coordinator Strategic Planning Strategic Planner Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GH(1) New Provision	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	Manager Land Use Planning Coordinator Strategic Planning Strategic Planner Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GH(2) New Provision	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GH(3) New Provision	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(1) New Provision	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning	must be done in accordance with <i>Local Government Act 1989</i> . this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(2) New Provision	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(3) New Provision	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(4) New Provision	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GI(5) New Provision	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GL New Provision	power to recover any amount of infrastructure levy as a debt due to Council	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Coordinator Statutory Planning Compliance Officer	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GM New Provision	duty to prepare report and give a report to the Minister	General Manager Development Manager Land use Planning	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
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) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	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.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) Amended Wording	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency_or plan preparation costs incurred by a development agency	General Manager Development Manager Land Use Planning	
s.46Q(2) Amended Wording	duty to apply levy only for a purpose relating to the provision of plan preparation costs or 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) Amended Wording	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	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 this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
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 Corporate Services Manager Finance	
s.46QD New Provision	duty to prepare report and give a report to the Minister	General Manager Development Manager Land Use Planning	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier

s60(1A)	duty to consider certain matters.	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
s.60(1B) New Provision	duty to consider number of objectors in considering whether use or development may have significant social effect	General Manager Development Manager Land Use Planning Coordinator Strategic Planning Strategic Planner Coordinator Statutory Planning Senior Statutory Planner Statutory Planner Environmental Planner Planning Facilitator	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	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(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	General Manager Development Manager Land Use Planning Coordinator Statutory Planning Senior Statutory Planner Statutory Planner	
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	



C3 - REPORT

GENERAL MANAGER DEVELOPMENT

ITEM C3.1**PLANNING DECISIONS**

DIVISION:

DEVELOPMENT

ACTION OFFICER:

MANAGER LAND USE PLANNING

DATE:

15 MARCH 2016

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

OBJECTIVE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of January 2016 for information.

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

That Council note the report on recent planning permit trends and Planning Application Determinations between 1 January and 31 January 2016.

BACKGROUND

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

A copy of planning permit decisions made between 1 January and 31 January 2016 is included in Attachment 1.

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

OPTIONS

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

PROPOSAL

That Council note the report on recent planning permit trends and planning application determinations between 1 January and 31 January 2016.

CONFLICT OF INTEREST

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

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

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

COUNCIL POLICY IMPACT

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

COUNCIL PLAN

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

Strategic Objective

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

Strategy 5.2

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

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

ENVIRONMENTAL IMPACT

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

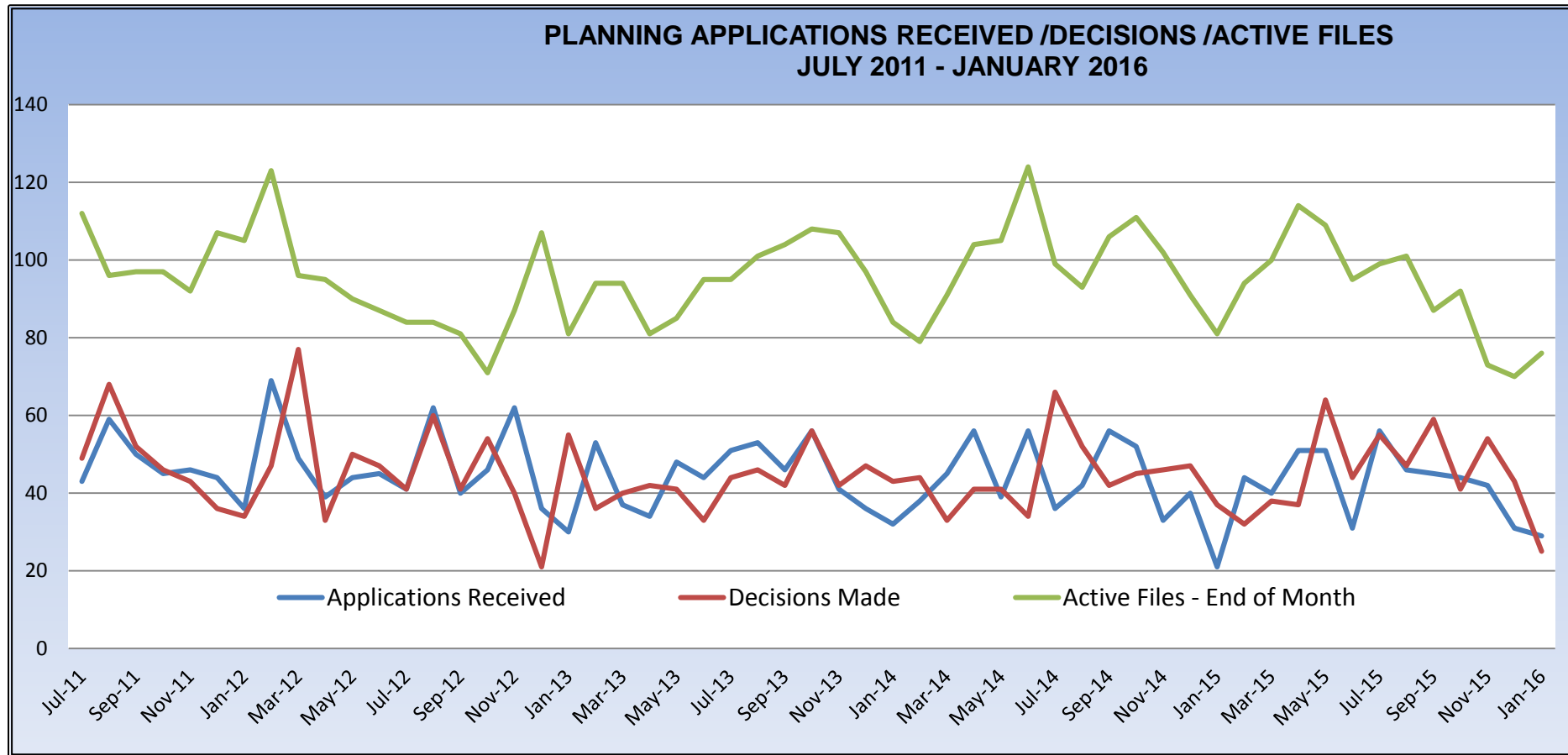
PLANNING APPLICATION DETERMINATIONS
BETWEEN 1/01/2016 AND 31/01/2016

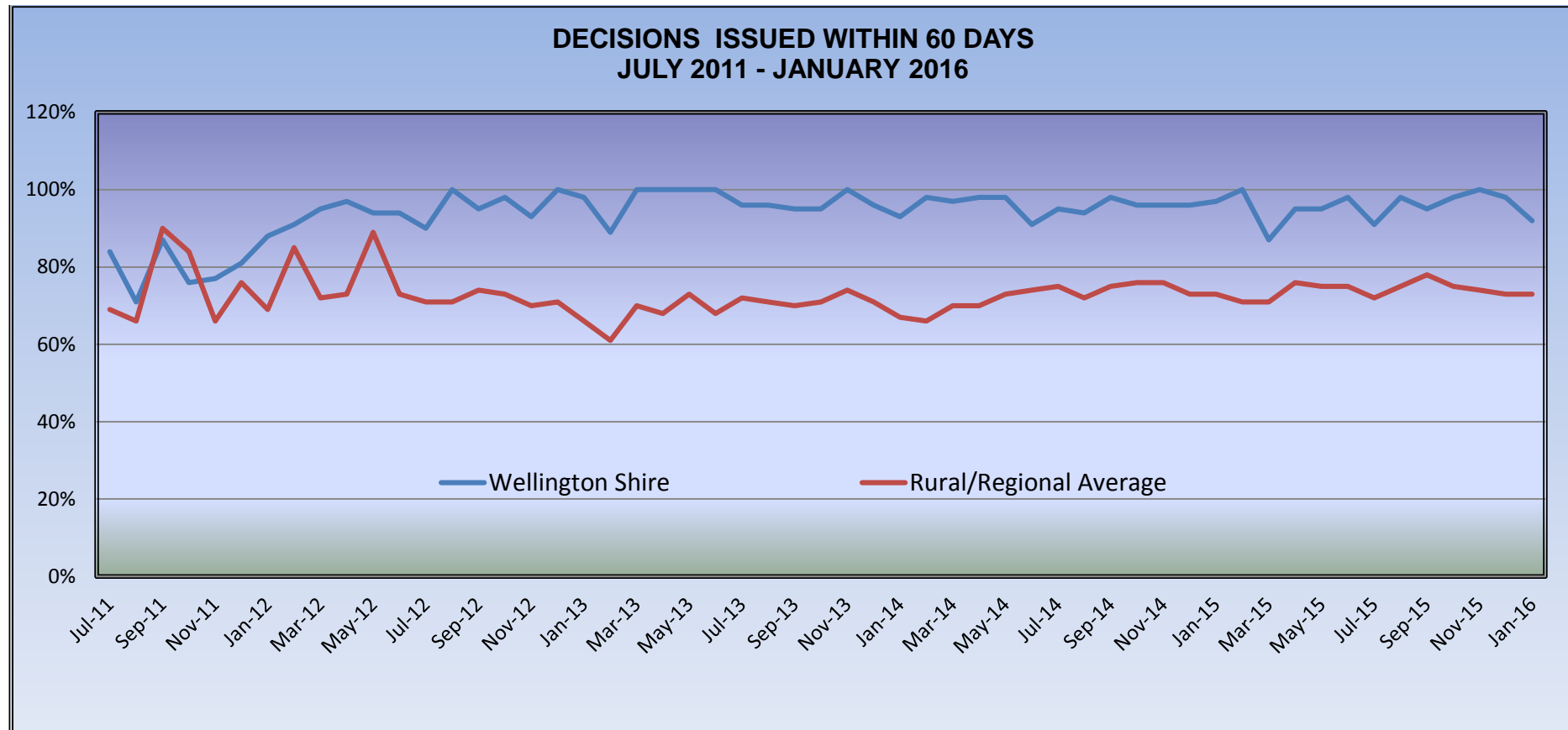
Application No/Year	Date Received	Property Title & Address	Proposal	Status
451-2/2013	8/01/2016	Assessment No. 83766 LOT: 8 PS: 212106 MONAGHANS LANE AIRLY	Amendment to permit to include different dwelling.	Permit Issued by Delegate of Resp/Auth 21/01/2016
93-2/2014	3/12/2015	Assessment No. 260299 LOT: 1323 PS: 40160 39 SEVENTH AVE PARADISE BEACH	Amendment to permit for use and development of a dwelling.	Permit Issued by Delegate of Resp/Auth 19/01/2016
398-2/2014	20/01/2016	Assessment No. 404665 LOT: 2 PS: 536484K 25 BROBERG CL HEYFIELD	Amendment to permit for use and development of a dwelling and shed.	Permit Issued by Delegate of Resp/Auth 21/01/2016
25-2/2015	14/12/2015	Assessment No. 13029 LOT: 1 TP: 230356M 138 REEVE ST SALE	Amendment to permit/development of 3 dwellings.	Permit Issued by Delegate of Resp/Auth 18/01/2016
30-1/2015	10/02/2015	Assessment No. 11098 PCA: 2 SEC: 63 36 RAGLAN ST SALE	Buildings and works associated with development of three dwellings.	Permit Issued by Delegate of Resp/Auth 4/01/2016
178-2/2015	30/11/2015	Assessment No. 98871 CA: 12A SEC: 1 UPPER DARGO RD DARGO	Amendment to permit for buildings and works of a single dwelling.	Permit Issued by Delegate of Resp/Auth 15/01/2016
240-1/2015	24/07/2015	Assessment No. 104455 PTL: 103 PS: 634482S 110 PRINCES HWY FULHAM	Subdivision of the land into 40 lots.	Permit Issued by Delegate of Resp/Auth 7/01/2016
275-1/2015	18/08/2015	Assessment No. 97899 CA: 2 SEC: 10 SLAVINS LANE STRATFORD	Use and development of the land for microbrewery (industry).	Permit Issued by Delegate of Resp/Auth 6/01/2016
356-1/2015	22/10/2015	Assessment No. 306894 LOT: 3 PS: 53084 123 JOHNSON ST MAFFRA	Use of the land for a dwelling.	Refusal Issued by Delegate of Respo/Auth 20/01/2016
361-1/2015	27/10/2015	Assessment No. 347021 LOT: 1 PS: 504056N 420 MAFFRA	Re-subdivision of existing lots to excise an existing dwelling.	Permit Issued by Delegate of Resp/Auth 22/01/2016
369-1/2015	6/11/2015	Assessment No. 398461 LOT: 4 PS: 344820Q MAFFRA-BRIAGOLONG BUSHY PARK	Re-subdivision of existing lots to create two new lots.	Permit Issued by Delegate of Resp/Auth 7/01/2016

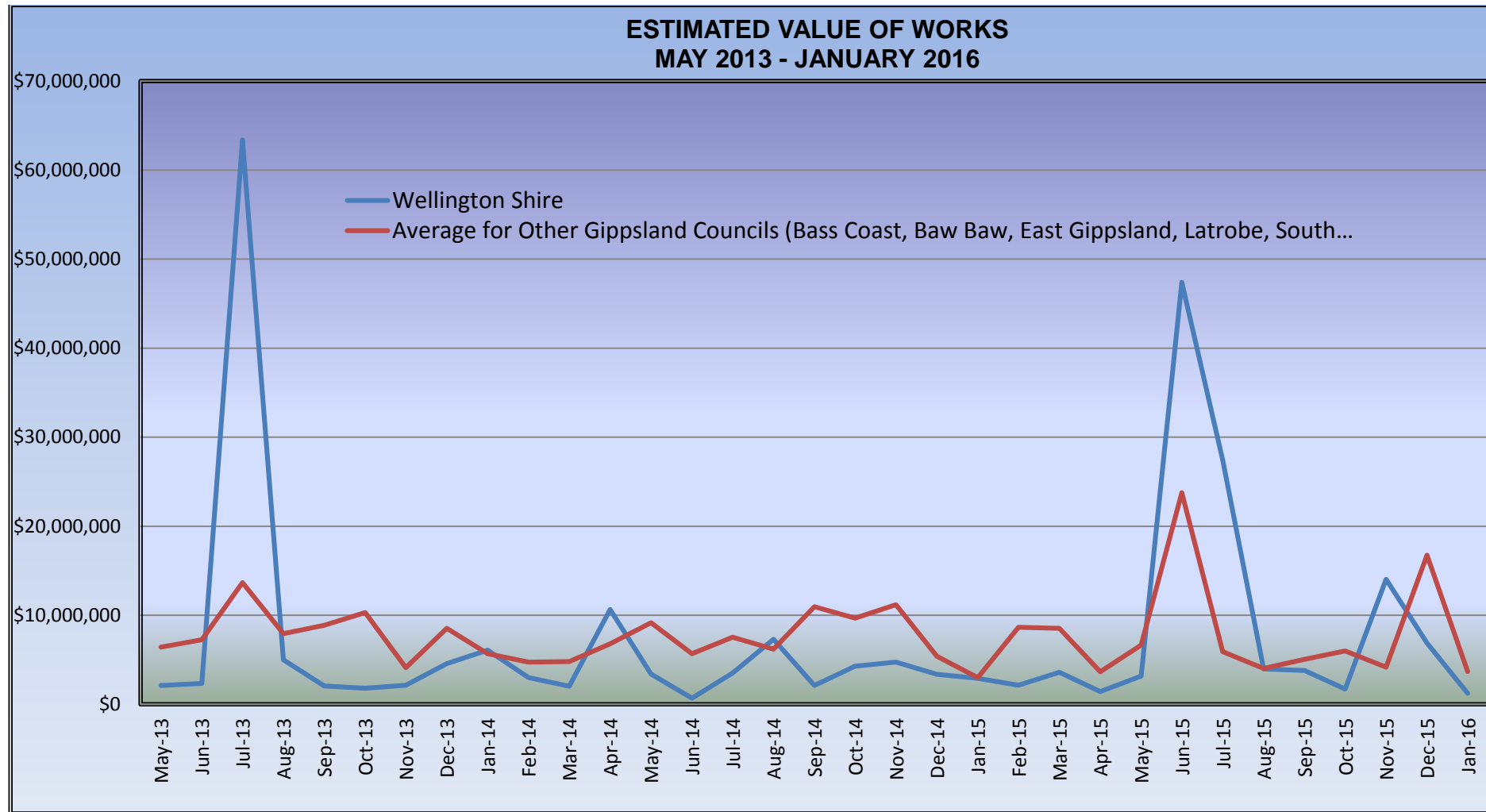
Application No/Year	Date Received	Property Title & Address	Proposal	Status
376-1/2015	9/11/2015	Assessment No. 225482 LOT: 1 TP: 189388Y 50 CAMPBELL ST LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 22/01/2016
379-1/2015	11/11/2015	Assessment No. 81414 LOT: 2 PS: 623668P 379 AIRLY RD AIRLY	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 7/01/2016
385-1/2015	18/11/2015	Assessment No. 81224 LOT: 2 PS: 314080 394 AIRLY RD AIRLY	Buildings and works associated with development of a shed.	Permit Issued by Delegate of Resp/Auth 22/01/2016
391-1/2015	24/11/2015	Assessment No. 93237 LOT: 5 PS: 203536 162 GOOCH RD STRATFORD	Variation to existing covenant.	Permit Issued by Delegate of Resp/Auth 7/01/2016
395-1/2015	27/11/2015	Assessment No. 345637 LOT: 1 PS: 212233K 241 HAMILTONS RD BOISDALE	Use and development of a dwelling to replace existing dwelling.	Permit Issued by Delegate of Resp/Auth 21/01/2016
399-1/2015	30/11/2015	Assessment No. 258996 LOT: 1172 PS: 40160 179 SEVENTH AVE PARADISE BEACH	Buildings and works associated with construction of a single dwelling.	Permit Issued by Delegate of Resp/Auth 19/01/2016
406-1/2015	4/12/2015	Assessment No. 103630 LOT: 1 PS: 713652E 53 MALVERN PARK RD DENISON	Buildings and works associated with construction of a shed.	Permit Issued by Delegate of Resp/Auth 29/01/2016
412-1/2015	9/12/2015	Assessment No. 220897 LOT: 1 TP: 142219N 69 MERIDAN RD GOLDEN BEACH	Buildings and works associated with development of a single dwelling.	Permit Issued by Delegate of Resp/Auth 29/01/2016
417-1/2015	16/12/2015	Assessment No. 411868 LOT: A PS: 304361X 67 BUNNIES BOGGLE BINGINWARRI	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 14/01/2016
420-1/2015	18/12/2015	Assessment No. 223156 PC: 157054 9 ANTHONY CRT LOCH SPORT	Buildings/works associated with extension/alteration to dwelling.	Permit Issued by Delegate of Resp/Auth 6/01/2016
423-1/2015	23/12/2015	Assessment No. 78386 LOT: 1 PS: 536629K 55 TYERS ST STRATFORD	Buildings and works associated with alterations to existing building.	Permit Issued by Delegate of Resp/Auth 19/01/2016
5-1/2016	7/01/2016	Assessment No. 227744 CHARLIES ST LOCH SPORT	Amend existing liquor licence.	Permit Issued by Delegate of Resp/Auth 19/01/2016

Application No/Year	Date Received	Property Title & Address	Proposal	Status
10-1/2016	12/01/2016	Assessment No. 14167 LOT: 166 PS: 713659P 1,460 MAFFRA-SALE RD SALE	Buildings and works for a swimming pool.	Permit Issued by Delegate of Resp/Auth 18/01/2016

Total No of Decisions Made: 24







ITEM C3.2**BUILDING PERMITS REPORT**

DIVISION: DEVELOPMENT
 ACTION OFFICER: MANAGER MUNICIPAL SERVICES
 DATE: 15 MARCH 2016

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

OBJECTIVE

To provide a report to Council on building permits issued in the Wellington Shire during the quarter October - December 2015 for information.

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

That Council note the report of building permits issued from 1 October 2015 to 31 December 2015.

BACKGROUND

Building permits are issued by private building surveyors and copies of permits are provided to Council. The permits, plans and other documents are filed by Council and recorded on a register of building permits. Building permits are issued for a range of developments including dwellings, extensions and fences as well as commercial and industrial buildings.

Attachment 1 to this report provides an overview by township of the number of permits issued along with the estimated value of construction for the three month period ending December 2015.

Attachment 2 provides a historical representation of the number and value of permits issued in Wellington Shire and compares this data against the broader Gippsland region.

In the previous quarter 314 permits were issued with an estimated value of works of \$59,776M.

OPTIONS

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

PROPOSAL

That Council note the report on building permits issued within Wellington Shire from October to December 2015.

CONFLICT OF INTEREST

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

COMMUNICATION IMPACT

The quarterly report provides information on the number of building permits and cost of development per town within the Wellington Shire. Gippsland-wide building activity is also provided to demonstrate how the Wellington Shire area performs in comparison.

LEGISLATIVE IMPACT

All building permits are issued in accordance with the *Building Act 1993*, Building Regulations 2006 and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All building permits issued by private building surveyors are registered and filed as per the timelines set out in the Municipal Services Business Plan.

COUNCIL PLAN

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

Strategic Objective

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

Strategy 5.2.

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

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

ENVIRONMENTAL IMPACT

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

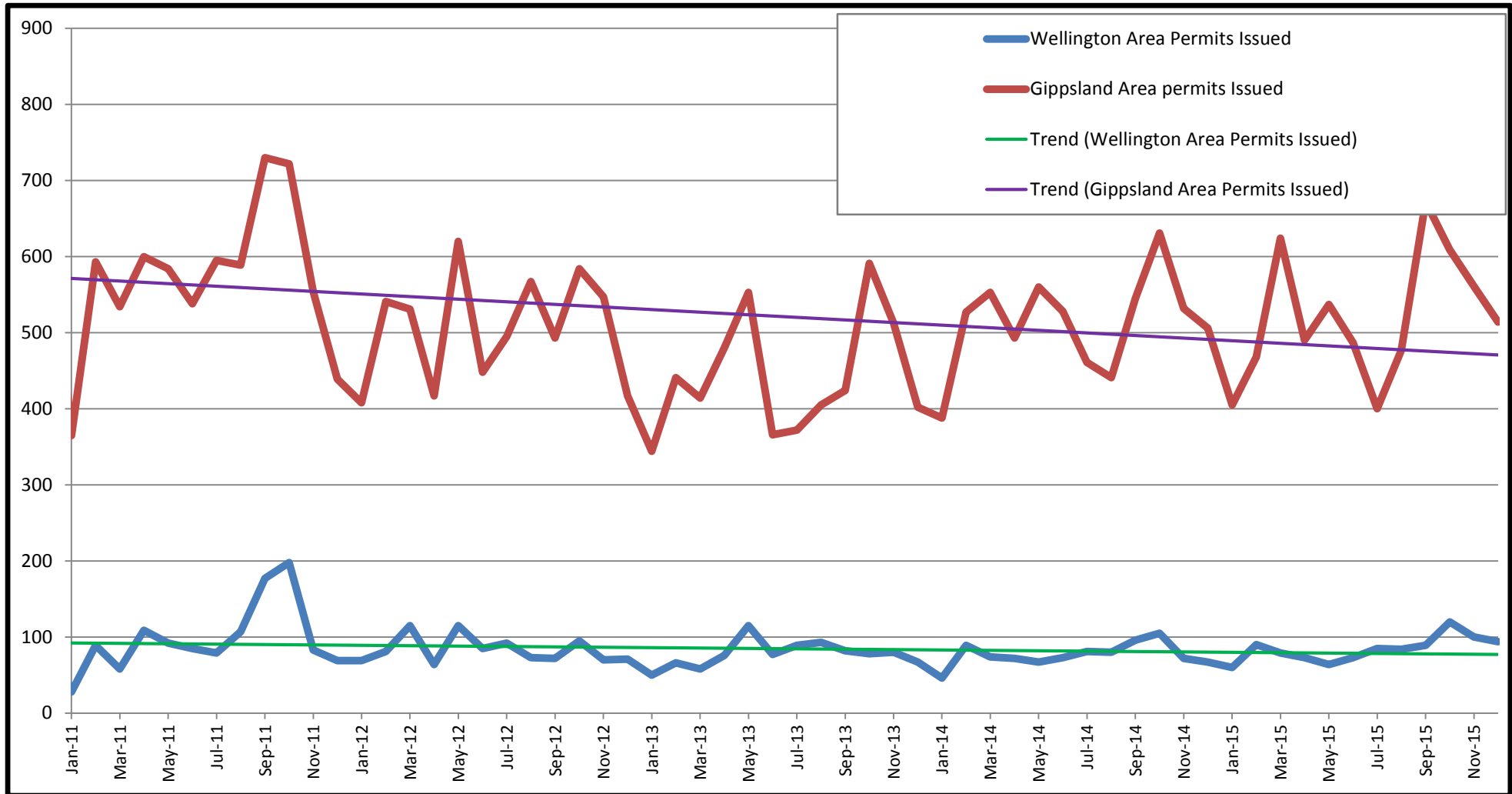
WELLINGTON SHIRE PERMITS ISSUED
Number of Applications and their Estimated Value Each Month

	OCTOBER	NOVEMBER	DECEMBER	TOTAL
AIRLY	0 \$0	0 \$0	1 \$6,000	1 \$6,000
ALBERTON	0 \$0	1 \$250,000	0 \$0	1 \$250,000
ALBERTON WEST	0 \$0	1 \$6,800	0 \$0	1 \$6,800
BOISDALE	0 \$0	1 \$17,400	0 \$0	1 \$17,400
BRIAGOLONG	4 \$613,290	0 \$0	2 \$23,300	6 \$636,590
BUNDALAGUAH	2 \$150,000	1 \$50,000	0 \$0	3 \$200,000
BUSHY PARK	0 \$0	2 \$231,000	0 \$0	2 \$231,000
CARRAJUNG LOWER	0 \$0	0 \$0	1 \$12,000	1 \$12,000
CLYDEBANK	1 \$11,700	0 \$0	1 \$440,000	2 \$451,700
COBAINS	0 \$0	1 \$17,600	0 \$0	1 \$17,600
COONGULLA	1 \$72,225	1 \$13,500	0 \$0	2 \$85,725
COWWARR	0 \$0	1 \$27,650	0 \$0	1 \$27,650
DAWSON	0 \$0	1 \$35,000	0 \$0	1 \$35,000
DENISON	0 \$0	1 \$14,600	1 \$200,000	2 \$214,600
DEVON NORTH	1 \$18,300	0 \$0	0 \$0	1 \$18,300
DUTSON	1 \$15,700	0 \$0	0 \$0	1 \$15,700
FULHAM	0 \$0	1 \$9,500	1 \$200,000	2 \$209,500
GELLIONDALE	0 \$0	0 \$0	1 \$32,000	1 \$32,000
GLENGARRY	1 \$20,000	0 \$0	1 \$6,000	2 \$26,000
GLENMAGGIE	1 \$11,650	4 \$399,480	2 \$8,000	7 \$419,130
GLOMAR BEACH	1 \$175,000	0 \$0	0 \$0	1 \$175,000
GOLDEN BEACH	3 \$264,150	2 \$150,101	4 \$387,485	9 \$801,736

	OCTOBER	NOVEMBER	DECEMBER	TOTAL
HEYFIELD	5 \$1,387,393	1 \$98,500	2 \$143,000	8 \$1,628,893
HIAMDALE	0 \$0	0 \$0	1 \$0	1 \$0
HUNTERSTON	0 \$0	0 \$0	1 \$45,000	1 \$45,000
JACK RIVER	1 \$10,000	1 \$29,819	0 \$0	2 \$39,819
KILMANY	0 \$0	1 \$40,000	0 \$0	1 \$40,000
LANGSBOROUGH	2 \$8,540	0 \$0	1 \$59,310	3 \$67,850
LOCH SPORT	4 \$50,658	7 \$237,100	5 \$260,287	16 \$548,043
LONGFORD	3 \$73,500	3 \$6,676,080	2 \$361,000	8 \$7,110,580
MAFFRA	14 \$1,375,583	10 \$942,488	17 \$1,174,644	41 \$3,492,713
MAFFRA WEST UPPER	1 \$22,500	0 \$0	0 \$0	1 \$22,500
MANNS BEACH	0 \$0	1 \$25,644	0 \$0	1 \$25,644
MONTGOMERY	1 \$40,000	0 \$0	0 \$0	1 \$40,000
NAMBROK	0 \$0	1 \$18,150	1 \$20,000	2 \$38,150
NEWRY	3 \$62,000	1 \$8,500	0 \$0	4 \$70,500
PARADISE BEACH	0 \$0	1 \$70,000	0 \$0	1 \$70,000
PEARSONDALE	0 \$0	0 \$0	1 \$26,000	1 \$26,000
PORT ALBERT	2 \$81,170	2 \$204,000	3 \$34,500	7 \$319,670
RIVERSLEA	3 \$256,000	1 \$60,000	0 \$0	4 \$316,000
ROSEDALE	4 \$641,012	2 \$160,000	2 \$141,350	8 \$942,362
SALE	39 \$4,139,788	29 \$2,914,703	26 \$30,086,519	94 \$37,141,008
SEA SPRAY	4 \$88,751	1 \$11,000	1 \$8,000	6 \$107,751
SEATON	0 \$0	1 \$30,000	1 \$94,800	2 \$124,800
STACEY'S BRIDGE	0 \$0	0 \$0	1 \$10,300	1 \$10,300
STRATFORD	8 \$671,304	5 \$528,083	5 \$90,985	18 \$1,290,372

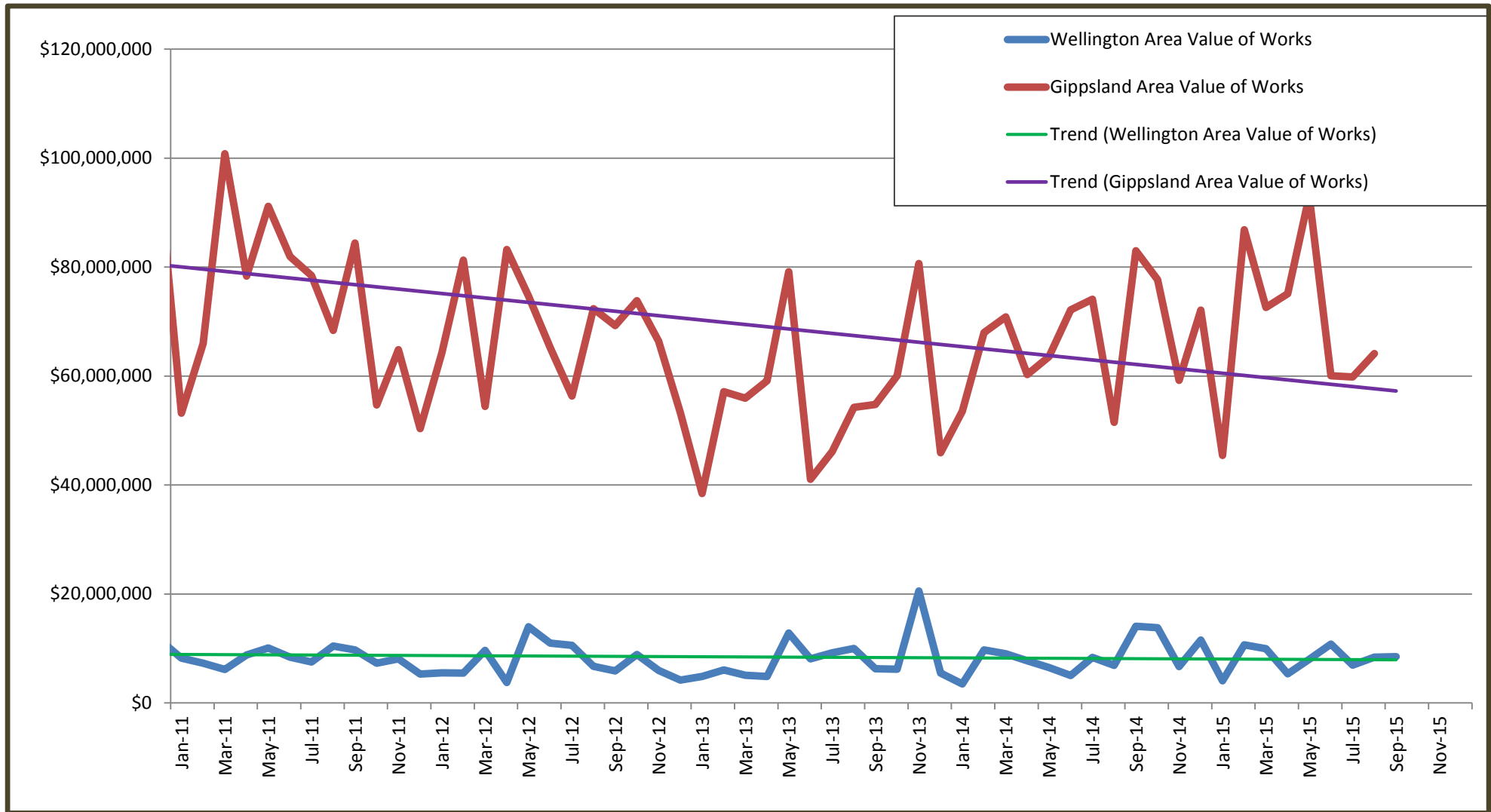
	OCTOBER	NOVEMBER	DECEMBER	TOTAL
THE HEART	1 \$14,450	0 \$0	0 \$0	1 \$14,450
THE HONEY SUCKLES	0 \$0	1 \$11,500	0 \$0	1 \$11,500
TINAMBA	0 \$0	2 \$265,000	2 \$11,000	4 \$276,000
TINAMBA WEST	0 \$0	1 \$20,000	0 \$0	1 \$20,000
VALENCIA CREEK	0 \$0	2 \$138,390	0 \$0	2 \$138,390
WELLINGTON	1 \$10,000	0 \$0	0 \$0	1 \$10,000
WINNINDOO	0 \$0	1 \$22,000	0 \$0	1 \$22,000
WOODSIDE BEACH	1 \$9,200	0 \$0	0 \$0	1 \$9,200
WURRUK	4 \$137,133	1 \$36,500	3 \$477,667	8 \$651,300
YARRAM	3 \$284,637	6 \$610,143	4 \$321,300	13 \$1,216,080
Total	120 10,715,630	100 14,380,229	94 34,680,447	314 59,776,306

NUMBER OF BUILDING PERMITS



Note: Victorian Building Authority data for period December 2015 for Gippsland area unavailable at time of print

VALUE OF BUILDING WORKS



Note: Victorian Building Authority data for period December 2015 for Gippsland area unavailable at time of print

ITEM C3.2**AMENDMENT C95: PORT ALBERT RURAL RESIDENTIAL LIFESTYLE LOTS REVIEW AND PLANNING CONTROLS REVIEW IMPLEMENTATION**

DIVISION: DEVELOPMENT
 ACTION OFFICER: MANAGER LAND USE PLANNING
 DATE: 15 MARCH 2016

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

OBJECTIVE

For Council to resolve to:

1. Consider the Report of the Planning Panel and the associated recommendation for Amendment C95, pursuant to Section 27 of the *Planning and Environment Act 1987*; and
2. Adopt Planning Scheme Amendment C95 with minor changes in Precinct 5 (refer to **Attachment 1**) pursuant to Section 29 of the *Planning and Environment Act 1987*; and

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and take no further action, having regard to the Council Resolution of 2 December 2014:

“Should strong growth rates of rural residential lots be evident in Port Albert (following the rezoning of land identified in this motion), Council will review the potential for further rural residential rezoning in the context of the relevant planning policy applicable at the time”;

OR

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and resolve to prepare a new Planning Scheme Amendment based on further strategic work to investigate replacing the Farming Zone (within the existing study area Precincts) with the most appropriate zone;

OR

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/combination thereof), to the Rural Living Zone 2 as illustrated in **Attachment 4**.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council:

1. Pursuant to Section 27 of the *Planning and Environment Act 1987*, consider the Report of the Planning Panel and the associated recommendation for Amendment C95; and
2. Pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C95 with minor changes in Precinct 5 (refer to Attachment 1); and
3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and take no further action, having regard to the Council Resolution of 2 December 2014:
“Should strong growth rates of rural residential lots be evident in Port Albert (following the rezoning of land identified in this motion), Council will review the potential for further rural residential rezoning in the context of the relevant planning policy applicable at the time”;

OR

3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and resolve to prepare a new Planning Scheme Amendment based on further strategic work to investigate replacing the Farming Zone (within the existing study area Precincts) with the most appropriate zone;

OR

3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/comboination thereof), to the Rural Living Zone 2 as illustrated in Attachment 4.

BACKGROUND

The Port Albert Rural Residential Lifestyle Lots Review (RLLR) was prepared in response to community concerns that there was insufficient land zoned to provide rural living lifestyle opportunities for people wanting to live in Port Albert. The RLLR sought to identify specific opportunities for potential rezoning and associated planning scheme changes whilst taking into consideration the current supply of, and likely future demand for rural lifestyle lots and physical opportunities and constraints. Council formally adopted the RLLR on 2 December 2014. At this time, Council also resolved that,

“Should strong growth rates of rural residential lots be evident in Port Albert (following the rezoning of land identified in this motion), Council will review the potential for further rural residential rezoning in the context of the relevant planning policy applicable at the time”.

During the preparation of the RLLR and with funding from the State Government’s Rural Planning Flying Squad initiative, Meinhardt planning consultants also completed the ‘Planning Controls Review’ (PCR). A key purpose of the PCR study was to investigate and address community concerns that development opportunities and growth within the town were being restricted as a consequence of restrictive planning controls and to make recommendations regarding potential changes/modifications to the existing provisions. More specifically, opportunities to ‘cut red tape’ were explored, with the aim of providing a greater level of consistency in the decision-making process.

Amendment C95 seeks to implement and formally incorporate a number of the recommendations identified in both the RLLR and PCR into the Wellington Planning Scheme.

On 21 April 2015 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 6 May 2015 and Amendment C95 was formally exhibited from 25 June to 27 July 2015. The extent of the proposed changes that were exhibited from 25 June to 27 July 2015 are detailed below.

Amendment C95 – Exhibited Proposals

Clause 21.12-10 - Coastal Areas Strategic Framework

Expand on the current objective for Port Albert and Palmerston in order to provide support for tourism and commercial growth. The proposed Clause 21.12-10 - Coastal Areas Strategic Framework can be found in **Attachment 1** to this Report.

Clause 43.02-9 - Design and Development Overlay - Schedule 9 (Port Albert and Palmerston)

Replace the height benchmark, which currently refers to the Port Albert Hotel and incorporate the exemptions recommended by the PCR. Where buildings and works are already exempt under Clause 62 of the Planning Scheme (for example: swimming pools, decks not more than 800mm above ground level) these exemptions have been removed from the Design and Development Overlay - Schedule 9 as they are duplicating exemptions that exist under Clause 62. The proposed Clause 43.02-9 can be found in **Attachment 1** to this Report.



Rezoning of Precinct 2 from the Farming Zone to the Rural Living Zone - Schedule 2: Being land to the north of Old Port Foreshore Road, west of the Yarram-Port Albert Road and south of the Old Rifle Range public land to facilitate rural residential development.



Rezoning of Precinct 4 from the Farming Zone to the Low Density Residential Zone: Land to the immediate north of the roundabout between Yarram-Port Albert Road and Lawrence Street to better reflect existing land use patterns.



Rezoning of land within Precinct 5:

- Rezoning of 68 and 86 Yarram-Port Albert Road to correct mapping anomalies; and
- Rezoning of land along Kilgowers Road from Farming Zone to Rural Living Zone - Schedule 2 in recognition of the existing development levels and their location on the fringe of Langsborough.



Rezoning of the Caravan Park from the Farming Zone to the Rural Activity Zone: at 95 Old Port Road in recognition of the significance that the community places on the site as a key tourism asset to the town.

All information in relation to Amendment C95 can be found on Council's website:
<http://www.wellington.vic.gov.au/Developing-Wellington/Planning-Scheme-Amendments/Amendment-C95>

At the close of the exhibition period, a total of twenty (20) submissions were lodged with Council.

Three (3) submissions were received from statutory authorities and one (1) internal submission was received from Council's Heritage Advisor.

- The Department of Environment, Land, Water and Planning (DELWP) support the Amendment.
- The West Gippsland Catchment Management Authority (WGCMA) do not object to the Amendment.
- The Country Fire Authority provided comments for consideration.
- Council's Heritage Advisor has no heritage concerns.

Sixteen (16) submissions were received from local residents and community groups, which raise the following key issues:

- Two (2) of the submissions raised issues in relation to vegetation:
 - One (1) submitter had concerns that further subdivision in Precinct 2 would have significant impacts on the existing vegetation due to clearing for dwellings, fence lines, driveways and other buildings.
 - One (1) submitter believes the vegetation assessment in Precinct 1, which identified that the biodiversity and environmental values of the precinct required protection, was erroneous and inaccurate.
- Three (3) of the submissions raised issues in relation to fire risk:
 - One (1) submitter questioned why fire risk was given as a reason not to rezone some areas whilst other areas that are also subject to fire risk (Precinct 2) are being rezoned.
 - Two (2) submissions questioned why some areas subject to fire risk (Precinct 2 and part Precinct 5) are being rezoned whilst land in Precinct 3 and other areas unaffected by fire are not being rezoned.
- Nine (9) of the submissions raised issues in relation to land use and the current zonings. More particularly that the Farming Zone was incorrectly applied in 2007 and doesn't reflect the existing land use or recognise (the submitters' views) that the land isn't suitable for farming.
- Four (4) of the submissions raised issues in relation to the use of 'precincts' instead of individually assessing properties based on size, attributes and most appropriate use.
- Four (4) of the submissions raised issues in relation to the justification of not rezoning certain areas due to inundation and flooding.
- Three (3) of the submissions raised issues with the accuracy of the supply/demand figures used in the RLLR.
- Three (3) of the submissions raised questions about infrastructure levels, particularly, why the land proposed for rezoning is preferred over other land with better services and infrastructure.
- Two (2) of the submissions raised issues with the decision to retain their property in the Farming Zone despite the level of existing development on neighbouring properties.

Planning Panel

At its meeting of 15 September 2015, Council resolved to request the Minister for Planning to appoint an independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider the submissions received. The Panel Hearing took place on 30 November and 1 December 2015 in Yarram.

Council's submission to the Planning Panel can be found in **Attachment 2** to this Report.

The Panel Report and its recommendations was received on 13 January 2016 and has been publicly available to view since Wednesday 10 February 2016. A copy of the Panel Report can be found in **Attachment 3** to this Report.

An overview of the Panel recommendations can be found in the Executive Summary on page (i) of the Report. Based on the reasons set out in the Report, the Panel made one recommendation to Council as follows:

1. Adopt Amendment C95 to the Wellington Planning Scheme as exhibited, subject to deleting Precinct 5 – rezoning of land at 68 and 86 Yarram-Port Albert Road.

In its findings, the Panel concluded that:

“...the proposed Amendment has strategic justification. The Panel supports the inclusion of the RLLR as a Reference Document and the inclusion of changes to clause 21.12-10 and 43.02-9 as exhibited.”

With regard to the deletion of Precinct 5 – rezoning of land at 68 and 86 Yarram-Port Albert Road, which involves two separate parcels of land currently lying within two zones, the Panel noted that although it is generally good practice not to have land in more than one zone, zone boundaries do not necessarily have to follow a cadastre. In its view, rezoning the two parcels of land to suit property boundaries in this instance would only create further anomalies such as rural interface issues and as such did not support these changes. In response, it is proposed that Amendment C95 be changed to omit these two minor changes (refer to **Attachment 1** for a copy of Amendment C95 that is proposed for adoption).

As discussed at the Council Workshop of 2 February 2016, in addition to the recommendation contained in the Report, the Panel also provided commentary in relation to a number of other matters, including:

- Inappropriate application of the Farming Zone.

The Panel considered that the existing Farming Zone is inappropriate for most Precincts, but provided little specific guidance about appropriate future zoning except in relation to:

- Potentially applying the Rural Conservation Zone to Precinct 1 and the western areas (bordering the coast) of Precincts 2, 5 and 6; and
- Potentially applying the Rural Living Zone 2 to the north side of Gibson Street in Precinct 7 (in conjunction with relevant overlays).

The Panel considered that the appropriate zoning regime (to replace the inappropriate Farming Zone) should be addressed through further strategic work and could not be resolved through Amendment C95 as it would *‘transform’* the Amendment.

- A need to apply additional Overlays (Land Subject to Inundation Overlay (LSIO); Bushfire Management Overlay (BMO) and Environmental Significance Overlay (ESO))

The Panel is of the view that any future Amendment seeking to address the appropriateness of the Farming Zone should also incorporate relevant Overlays to areas identified as being at risk from fire and inundation.

OPTIONS

Council has the following options:

1. Pursuant to Section 27 of the *Planning and Environment Act 1987* consider the Panel Report and associated recommendation for Amendment C95 and; pursuant to Section 29 of the *Planning and Environment Act 1987* resolve to adopt Amendment C95 with minor changes in Precinct 5 (refer to **Attachment 1**) and; pursuant to Section 31 of the *Planning and*

Precinct 5 (refer to **Attachment 1**) and; pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and;

a. Take no further action, having regard to the Council Resolution of 2 December 2014:

“Should strong growth rates of rural residential lots be evident in Port Albert (following the rezoning of land identified in this motion), Council will review the potential for further rural residential rezoning in the context of the relevant planning policy applicable at the time”;

OR

b. Resolve to prepare a new Planning Scheme Amendment based on further strategic work to investigate replacing the Farming Zone (within the existing study area Precincts) with the most appropriate zone;

OR

c. Resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/combination thereof), to the Rural Living Zone 2 as illustrated in **Attachment 4**.

2. Pursuant to Section 27 of the *Planning and Environment Act 1987* consider the Panel Report and associated recommendation and seek further information or changes to Planning Scheme Amendment C95 for consideration at a future Council Meeting.

3. Pursuant to Sections 27 and 28 of the *Planning and Environment Act 1987* consider the Panel Report and associated recommendation and resolve to abandon Planning Scheme Amendment C95.

PROPOSAL

That Council:

1. Consider the Report of the Planning Panel and the associated recommendation for Amendment C95, pursuant to Section 27 of the *Planning and Environment Act 1987*; and

2. Adopt Planning Scheme Amendment C95 with minor changes in Precinct 5 (refer to **Attachment 1**) pursuant to Section 29 of the *Planning and Environment Act 1987*; and

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and take no further action, having regard to the Council Resolution of 2 December 2014:

“Should strong growth rates of rural residential lots be evident in Port Albert (following the rezoning of land identified in this motion), Council will review the potential for further rural residential rezoning in the context of the relevant planning policy applicable at the time”;

OR

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and resolve to prepare a new Planning Scheme Amendment based on further strategic work to investigate replacing the Farming Zone (within the existing study area Precincts) with the most appropriate zone;

OR

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/combination thereof), to the Rural Living Zone 2 as illustrated in **Attachment 4**.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

Council is required to pay the requisite statutory planning fees to the Minister for Planning for this Amendment. Should Council resolve to undertake further strategic planning work in Port Albert appropriate budget allocations would need to be made and project prioritisation would need to be evaluated against Council's other strategic planning priorities.

COMMUNICATION IMPACT

Should the Minister for Planning approve Amendment C95, notice of the approval of the Amendment will appear in the Government Gazette and will be published in the Gippsland Times and Yarram Standard. All affected landowners will also be directly notified by letter.

LEGISLATIVE IMPACT

The adoption of Amendment C95 and the request for the Minister's approval is in accordance with the requirements of the *Planning and Environment Act 1987*.

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and the proposed Amendment to the Wellington Planning Scheme is in accordance with Council's policy commitment to uphold human rights principles.

COUNCIL PLAN IMPACT

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

Strategic Objective

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

Strategy 5.1

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

Amendment C95 is considered to support the above objective and strategy.

PLANNING POLICY IMPACT

Amendment C95 is consistent with the State Planning Policy Framework (SPPF) and will amend the Coastal Areas Strategic Framework within the Municipal Strategic Statement (MSS) of the Wellington Planning Scheme.

The change to the MSS seeks to introduce a further objective to Clause 21.12-10 supporting tourism and commercial growth in Port Albert.

ENVIRONMENTAL IMPACT

The recommendations contained within the Port Albert RLLR considered existing environmental constraints in assessing the suitability of land for rezoning for rural living purposes.

It is noted that in relation to the proposed rezoning of Precinct 2 to the Rural Living Zone, the CFA has confirmed its support for the preparation of a ‘Memorandum of Understanding’ with Council to ensure the referral of planning permit applications within the Precinct, until such time that appropriate Bushfire Management Overlay’s are formally applied to the land. Officers will progress this initiative and present to Council for consideration once finalised.

It is also noted that, in relation to Precinct 7, notwithstanding the Panel’s comments, the West Gippsland Catchment Management Authority would retain its objection to the rural residential rezoning of this area. There is therefore no guarantee that the rezoning of Precinct 7 (or indeed any other Precinct) for rural residential use would be fully supported – particularly without the appropriate strategic justification.

CONSULTATION IMPACT

The public exhibition of Amendment C95 took place between 25 June and 27 July 2015 and included:

- Approximately 395 notification letters with Information Fact Sheets sent to all land owners/occupiers directly affected by the Amendment and to all landowners/occupiers on adjacent lots.
- Eleven (11) notification letters were sent to the relevant Statutory Authorities and Ministers.
- Notification in Gippsland Times (23 June 2015) and Yarram Standard (24 June 2015).
- Council Strategic Planner was available at the Yarram Service Centre each Tuesday of the public exhibition period to speak with the community about the Amendment.

Information regarding Amendment C95 was also provided in the following locations:

- Fact Sheets were placed in the Port Albert General Store.
- Information provided to the Port Albert Progress Association for inclusion in its newsletter, ‘*The Tattler*’.

- Hard copy available for viewing in Council's Yarram and Sale Customer Service Centres.

In the event that the Amendment is approved by the Minister for Planning:

- all landowners directly affected by the Amendment will be notified of the Minister's decision by letter; and
- public notification will be given in both the local newspaper and Government Gazette.

Planning and Environment Act 1987

**WELLINGTON PLANNING SCHEME
AMENDMENT C95
EXPLANATORY REPORT**

Who is the planning authority?

This amendment has been prepared by the Wellington Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Wellington Shire Council.

Land affected by the Amendment

The Amendment applies to all land in Port Albert and its surroundings with specific land parcels proposed for rezoning listed below:

Title Details	Property Address	Proposed
Lot 1: TP: 909418 (CA: 78C)	45-53 Kilgowers Rd, LANGSBOROUGH	Rezone from FZ to RL22
Lot: 2 TP: 909418 (PCA: 74A) and Lot: 1 TP: 159629 (PCA: 74A)	35-43 Kilgowers Rd, LANGSBOROUGH	Rezone from FZ to RL22
Lot 1: TP: 740953 (PCA: 74B)	25-33 Kilgowers Rd, LANGSBOROUGH	Rezone from FZ to RL22
Lot: 1 TP: 120168 (PCA: 74B)	Kilgowers Rd, LANGSBOROUGH	Rezone from FZ to RL22
Lot: 1 TP: 120167 (PCA: 74B)	Kilgowers Rd, LANGSBOROUGH	Rezone from FZ to RL22
CA: 75B	5-13 Kilgowers Rd, LANGSBOROUGH	Rezone from FZ to RL22
CA: 76B	55-63 Kilgowers Rd, LANGSBOROUGH	Rezone from FZ to RL22
LOT: 3 PS: 145912	185 Yarram-Port Albert Rd, PORT ALBERT	Rezone from FZ to RL22
LOT: 2 PS: 145912	183 Yarram-Port Albert Rd, PORT ALBERT	Rezone from FZ to RL22
LOT: 4 PS: 145912	Old Port Foreshore Rd, PORT ALBERT	Rezone from FZ to RL22
LOT: 1 PS: 145912	181 Yarram-Port Albert Rd, PORT ALBERT	Rezone from FZ to RL22
LOT: 1 TP: 744656H	Old Port Foreshore Rd, PORT ALBERT	Rezone from FZ to RL22
LOT: 1 TP: 330200H	80 Old Port Foreshore Rd, PORT ALBERT	Rezone from FZ to RL22
LOT: 1 TP: 803338W	130 Yarram-Port Albert Rd, LANGSBOROUGH	Rezone from FZ to RL22
CA: 139	106 Old Port Foreshore Rd, PORT ALBERT	Rezone from FZ to RL22
CA: 140	130 Old Port Foreshore Rd, PORT ALBERT	Rezone from FZ to RL22
CA: 78A	Port Albert-Tarraville Rd, LANGSBOROUGH	Rezone from FZ to RL22
CA: 145A	Yarram-Port Albert Rd, PORT ALBERT	Rezone from PPR2 to RL22
CA: 1 SEC: 11	170 Yarram-Port Albert Rd, PORT ALBERT	Rezone from FZ to LDRZ
CA: 6 SEC: 11 and CA: 7 SEC: 11	33 Fitzroy St, PORT ALBERT	Rezone from FZ to LDRZ
PC: 356366H (UR: 40688)	172 Yarram-Port Albert Rd, PORT ALBERT	Rezone from FZ to LDRZ
Lot: E TP: 253 (CA: 5 SEC: 8), Lot: B TP: 253 (CA: 6 SEC: 8), Lot: C TP: 253, Lot: F TP: 253, Lot: D TP: 253	22 Fitzroy St, PORT ALBERT	Rezone from FZ to LDRZ

CA: 9 SEC: 7	39 Lawrence St, PORT ALBERT	Rezone from FZ to LDRZ
Lot: 1 TP: 120781 (PCA: 8 SEC: 7)	37 Lawrence St, PORT ALBERT	Rezone from part FZ and part PU26 to LDRZ
Lot: 1 TP: 12078 (PCA: 7 SEC: 7)	35 Lawrence St, PORT ALBERT	Rezone from part FZ and part PU26 to LDRZ
LOT: 1 TP: 14607U and CA: 2 SEC: 7	23-25 Lawrence St, PORT ALBERT	Rezone from FZ to LDRZ
LOT: 2 & 3 TP: 14607U	23-25 Lawrence St, PORT ALBERT	Rezone from part FZ and part PU26 to LDRZ
CA: 3 SEC: 7	15 Egerton St, PORT ALBERT	Rezone from FZ to LDRZ
CA: 4 SEC: 7	13 Egerton St, PORT ALBERT	Rezone from FZ to LDRZ
CA: 5 SEC: 7	31 Lawrence St, PORT ALBERT	Rezone from FZ to LDRZ
Lot: 1 TP: 120779 (PCA: 6 SEC: 7)	33 Lawrence St, PORT ALBERT	Rezone from FZ to LDRZ
CA: 1 SEC: 7	Lawrence St, PORT ALBERT	Rezone from FZ to LDRZ
CA: 10 SEC: 8, Lot: 1 TP: 10339, PCA: 7 SEC: 8, CA: 14 SEC: 8, CA: 15 SEC: 8	21 Fitzroy St, PORT ALBERT	Rezone from FZ to LDRZ
CA: 2002	Egerton/Lawrence St, PORT ALBERT	Rezone from FZ to LDRZ
CA: 10 SEC 7	Lawrence St, PORT ALBERT	Rezone from FZ to LDRZ
CA: 8 SEC: 11	Yarram-Port Albert Rd, PORT ALBERT	Rezone from PPR2 to LDRZ
CA: 46, LOT: 1 PS: 510876M and CA: 48	95 Old Port Rd, LANGSBOROUGH	Rezone from FZ to RAZ

What the amendment does

The Amendment proposes to implement the recommendations of the *Port Albert Planning Controls Review (June 2014)* and the *Port Albert Rural Residential Lifestyle Lots Review (December 2014)*. The amendment seeks to apply the Rural Living Zone to appropriate areas in the Port Albert Hinterland to provide additional rural living opportunities, apply the Low Density Residential Zone to an area of land in recognition of the existing level and pattern of development, apply the Rural Activity Zone to land in recognition of its existing use as a caravan park, amend Clause 21.12-10 to encourage tourism and economic growth in Port Albert and amend Schedule 9 to Clause 43.02-9 to remove unnecessary requirements and introduce exemptions to minor buildings and works to effectively manage land development in Port Albert.

The Amendment proposes to:

- Rezone land at 95 Old Port Road, Langsborough being Lot: 1 PS: 510876M, CA: 46 and CA: 48 in the Parish of Alberton East from Farming Zone to Rural Activity Zone
- Rezone land at 130 Yarram-Port Albert Road, Langsborough being Lot: 1 TP: 803338 and PT75C in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at 5-13 Kilgowers Road, Langsborough being CA: 75B in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at 25-53 Kilgowers Road, Langsborough being Lot: 1 TP: 740953 (PCA: 74B), Lot 1: TP: 120167 (PCA: 74B), Lot: 1 TP: 120168 (PCA: 74B), Lot: 1 TP: 159829 (PCA: 74A), Lot: 2 TP: 909418 (PCA: 74A) and Lot: 1 TP: 909418 (PCA: 78C) in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2.
- Rezone land at 55-63 Kilgowers Road, Langsborough being CA: 78B in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2

- Rezone land at Port Albert-Tarraville Road, Langsborough being CA: 78A in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at 130 Old Port Foreshore Road, Port Albert being CA: 140 in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at 106 Old Port Foreshore Road, Port Albert being CA: 139 in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at Old Port Foreshore Road, Port Albert being Lot: 1 TP: 744656H in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at 80 Old Port Foreshore Road, Port Albert being Lot: 1 TP: 330200N in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at Old Port Foreshore Road, Port Albert being Lot: 4 PS: 145912 in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at 183 Yarram-Port Albert Road, Port Albert being Lot: 2 PS: 145912 in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at 185 Yarram-Port Albert Road, Port Albert being Lot: 3 PS: 145912 in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at Yarram-Port Albert Road, Port Albert being CA: 145A in the Parish of Alberton East from Public Park and Recreation Zone to Rural Living Zone Schedule 2
- Rezone land at 181 Yarram-Port Albert Road, Port Albert being Lot: 1 PS: 145912 in the Parish of Alberton East from Farming Zone to Rural Living Zone Schedule 2
- Rezone land at Yarram-Port Albert Road, Port Albert being CA: 8 SEC: 11 in the Parish of Alberton East from Public Park and Recreation Zone to Low Density Residential Zone
- Rezone land at 33 Fitzroy Street, Port Albert being CA: 7 SEC: 11 and CA: 6 SEC 11 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at 170 Yarram-Port Albert Road, Port Albert being CA: 1 SEC: 11 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at 24 Fitzroy Street, Port Albert being Lot: 1 TP: 10339, PCA: 7 SEC: 8, CA: 10 SEC: 8, CA: 14 SEC: 8 and CA: 15 SEC: 8 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at 22 Fitzroy Street, Port Albert being Lot: B (CA: 6 SEC: 8), Lot C, Lot D, Lot E (CA: 5 SEC: 8) and Lot F on TP: 253 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at 172 Yarram-Port Albert Road, Port Albert being PC: 356386 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone CA 2002 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at Lawrence Street, Port Albert being CA: 1 SEC: 7 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at 23-25 Lawrence Street, Port Albert being CA: 2 SEC: 7 in the Parish of Alberton East from Public Use Zone 6 to Low Density Residential Zone
- Rezone land at 23-25 Lawrence Street, Port Albert being Lot: 1 14607U in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at 23-25 Lawrence Street, Port Albert being Lot: 2 & 3 TP: 14607U from part Farming Zone and part Public Use Zone 6 to Low Density Residential Zone
- Rezone land at 15 Egerton Street being CA: 3 SEC: 7 in the Parish of Alberton East from Public Use Zone 6 to Low Density Residential Zone

- Rezone land at 13 Egerton Street, Port Albert being CA: 4 SEC: 7 in the Parish of Alberton East from Public Use Zone 6 to Low Density Residential Zone
- Rezone land at 31 Lawrence Street, Port Albert being CA: 5 SEC: 7 in the Parish of Alberton East from Public Use Zone 6 to Low Density Residential Zone
- Rezone land at 33 Lawrence Street, Port Albert being Lot: 1 TP: 120779 (PCA: 6 SEC: 7) in the Parish of Alberton East from Public Use Zone 6 to Low Density Residential Zone.
- Rezone land at 35 Lawrence Street, Port Albert being Lot 1 TP120780 (PCA: 7 SEC: 7) in the Parish of Alberton East from part Farming Zone and part Public Use Zone 6 to Low Density Residential Zone
- Rezone land at 37 Lawrence Street, Port Albert being Lot: 1 TP: 120781 (PCA: 8 SEC: 7) in the Parish of Alberton East from part Farming Zone and part Public Use Zone 6 to Low Density Residential Zone
- Rezone land at 39 Lawrence Street, Port Albert being CA: 9 SEC: 7 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Rezone land at Lawrence Street, Port Albert being CA: 10 SEC: 7 in the Parish of Alberton East from Farming Zone to Low Density Residential Zone
- Amend Clause 21.12-10 - Coastal Areas Strategic Framework to expand on the current objective for Port Albert and Palmerston in order to provide support for tourism and commercial growth
- Amend Schedule 9 to Clause 43.02 - DDO9 to replace a redundant height benchmark for precincts 1 and 2 of DDO9 which currently refers to the Port Albert Hotel; and to align permit exemptions with the Heritage Overlay (HO34)
- Amend Planning Scheme Maps 207, 208, 209 and 211

Strategic assessment of the Amendment

Why is the Amendment required?

Amendment C55 to the Wellington Planning Scheme, which implemented the findings of the *Wellington Shire Rural Zones Review Volumes 1 and 2 (2009)*, received 16 submissions from the Port Albert, Langsborough and Alberton areas raising issues regarding the application of the Farming Zone to their land. The submissions suggested farming to be an inaccurate description of the land and that it should be rezoned for rural residential purposes. While the decision was made that the issues raised were not for the Panel to resolve, the Panel recommended that:

"Council proceed with review of rural residential lot opportunities in Port Albert and surrounding areas in the 2013/14 strategic planning work program and resolves to rezone land in this area for its most appropriate use, whether that be for rural/residential living, farming or conservation values."

As a result, Council engaged planning consultants Spiire in 2014 to undertake the *Port Albert Rural Residential Lifestyle Lots Review (December 2014)* to investigate the perceived mismatch of zoning to rural properties and review rural living opportunities for the coastal township of Port Albert.

The Port Albert community has also recently raised concerns that development opportunities and growth in the town are being restricted by Port Albert's planning framework. This prompted Council to seek assistance from the State Government's 'Rural Council Planning Flying Squad', to undertake a focussed review of the existing planning controls that apply to the Port Albert Township. Meinhardt planning consultants were appointed to undertake the study.

The *Planning Controls Review (June 2014)* study explored opportunities to 'cut red tape', with the aim of providing a greater level of consistency in the decision making process across the controls, than currently exists. The report identified short and medium-long term opportunities to improve the existing planning framework and reduce red tape.

Amendment C95 is now required to implement a number of recommendations from the *Port Albert Rural Residential Lifestyle Lots Review* (adopted by Council on 2 December 2014) and the *Port Albert Planning Controls Review (June 2014)*. The amendment seeks to rezone land to provide for additional rural living opportunities, reduce unnecessary and duplicate planning regulation and align permit exemptions.

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

The amendment is consistent with and implements the objectives of planning in Victoria specified in Section 4 of the *Planning and Environment Act 1987*. In particular, the amendment implements:

- Objective 4(1) (a) – by providing for the fair and orderly, economic and sustainable use and development of the land.

The rezoning of the identified land will make provision for appropriately located rural living land in Port Albert while the amendments to local provisions will reduce unnecessary and duplicate controls which will reduce red tape and provide for a more simplified planning framework for Port Albert.

How does the Amendment address any environmental, social and economic effects?

The *Port Albert Rural Residential Lifestyle Lot Review* and *Port Albert Planning Controls Review* have given consideration to environmental, social and economic impacts. The reports have given consideration the relevant practice notes including Practice Note 37 which recognises that rural living requires special consideration due to its 'environmental, social and economic impacts that can be significantly higher than those of standard residential development'.

• Environmental

The rezoning recommendations contained within the *Port Albert Rural Residential Lifestyle Lots Review* gave consideration to existing environmental constraints when considering the suitability of land for rezoning for Rural Living purposes. Of the nine (9) precincts identified in the study area, six (6) of the precincts were identified as unsuitable for rural living use due to the following environmental constraints:

- The extent of existing significant vegetation coverage within the area, including identified Ecological Vegetation Classes (EVCs), some of which is classified as endangered.
- The extent of fire risk due to the significant density of vegetation on both public and private land.
- The extent of potential flooding and inundation risk within the area, drainage constraints as well as the potential for increased tidal inundation.
- The location at the edge of Ramsar Convention listed and significant coastal wetland areas.
- The close proximity of coal resources to the north of the study area.

The areas proposed for rezoning have existing levels of rural residential development and are relatively free from environmental constraints.

In reviewing the planning framework in Port Albert, Meinhardt reviewed the application of the controls applying to the main township area in order to assess their suitability and application extent. A key finding was that Port Albert has a number of special

characteristics which warrant a level of protection through planning systems including environmental and landscape protection and that the planning framework for Port Albert is complex in recognition of these values. As such no changes have been recommended in regards to the extent or suitability of the controls.

- **Social**

It is recognised that there are limited social services and infrastructure within Port Albert and its Hinterland with residents relying on Yarram as the nearest service centre. Existing residents must travel for education and health, public transport is not available and retail services are limited to small operations in the Port Albert town area. In addition to this, some land in the *Port Albert Rural Residential Lifestyle Lot Review* study area is in close proximity to land utilised for significant levels of agricultural production which acts as a constraint due to the potential impact of residential development on agriculture arising from a conflict in land uses.

The extent of land identified for rezoning will not create an increased demand for costly or inefficient social services nor will it result in conflicting uses with adjoining land. The social impacts of the proposed changes are considered to be minimal.

- **Economic**

- The extent of land proposed to be rezoned has been influenced by considerations such as the ability to appropriately and sustainably service additional rural residential land. There is currently limited infrastructure within the Port Albert Hinterland and the extent of land proposed for rezoning reflects this.
- The importance of agriculture to the Shire's economy has also been considered and where appropriate, productive agricultural land within the region is to be protected through the retention of the Farming Zone in these areas.
- The proposed rezonings have the ability to foster additional economic development through increased residential development and increased population levels.
- It has been recognised in the *Port Albert Planning Controls Review* that there is a shortcoming in the objective of Clause 21.12-10 which is potentially impacting tourism and commercial growth in Port Albert. The scheme contains a number of strategies encouraging economic development, tourism, and major tourism uses in Port Albert though it is currently difficult to achieve this with the single objective in Clause 21.12-10 - *To protect and enhance the character and environment of Port Albert*. It has been recommended to introduce a further objective to Clause 21.12-10 supporting tourism and commercial growth which has the potential to positively contribute to the economy in Port Albert.

Does the Amendment address relevant bushfire risk?

The land within the Study Area is not currently affected by the Bushfire Management Overlay (BMO). However under the building regulations the area is within a Bushfire Prone Area. Recent fire history for the area and the density and status of existing vegetation cover in the area leads to a high level of fire risk. The CFA in particular indicated additional rural residential development would need to be cognisant of fire protection guidelines which may require certain land sizes and vegetation setbacks.

Development can be achieved in accordance with the relevant State and Local Planning Policies and in a manner that will not increase risk to life or property from a bushfire, or the need for any ongoing land management controls.

The implementation of the short term recommendations of the *Port Albert Planning Controls Review* will have no impact on the level of bushfire risk. Notwithstanding this, the CFA will be consulted again during the public exhibition stage of the amendment process.

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

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

Pursuant to section 12 of the *Planning and Environment Act 1987*, the amendment complies with the following applicable Ministerial Directions:

- Ministerial Direction No. 11 - Strategic Assessment of Amendments; and
- Ministerial Direction No. 15 - The Planning Scheme Amendment Process.

This planning scheme amendment is accompanied by all the required information.

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

The amendment supports the State Planning Policy Framework relating to Settlement (Clause 11), Built Environment and Heritage (Clause 15) and Housing (Clause 16) through the provision of Rural Living land that will provide for a range of lot sizes to meet the needs and aspirations of different groups of people and will ensure sufficient land is available to meet forecast demand.

The proposed changes to existing provisions applying to the township will help to facilitate and encourage tourism and economic development (Clause 17) and encourage development while ensuring that it respects the existing character and heritage qualities of Port Albert.

The amendment also supports the State Planning Policy Framework relating to Environmental and Landscape Values (Clause 12), Environmental Risk (Clause 13) and Natural Resource Management (Clause 14). Specifically, the proposed changes take into consideration the extent of existing significant vegetation coverage within the area and associated fire risk; flooding and inundation including potential for increased tidal inundation; the existence of Ramsar Convention listed and significant coastal wetland areas; the close proximity of coal resources to the north and the use of surrounding land for significant levels of agricultural production.

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

The amendment supports and implements the Local Planning Policy Framework and Municipal Strategic Statement in a number of different ways. The amendment addresses the objectives of Clause 21.04 – Settlement, Clause 21.12 – Coastal Areas Strategic Framework, Clause 22.02 – Rural Policy and Clause 22.03 – Heritage Policy and the MSS by encouraging tourism, economic and residential development and also providing for rural living areas located in close proximity to an existing settlement while taking into consideration:

- Environmental values such as existing wetland areas and significant levels vegetation.
- Environmental risks including the existence of both fire and flooding/inundation risk in the area.
- The importance of protecting natural resources such as the coal resources and highly productive agricultural land in the Port Albert Hinterland.
- The limited infrastructure in the Port Albert Hinterland and the ability to properly service additional rural residential land.
- The existing heritage qualities of Port Albert

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

The amendment uses the most appropriate Victorian Planning Provision tools to achieve the strategic objective of the Scheme. This proposed amendment seeks to utilise existing zones and apply them to appropriate areas within the Port Albert Hinterland while amending

existing provisions applying to the township to appropriately manage land development in Port Albert.

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

In undertaking the *Port Albert Rural Residential Lifestyle Lot Review*, Spire engaged with a number of statutory authorities who subsequently provided submissions which were factored into the final recommendations report. A summary of these submissions can be found below:

DEPI/DELWP – RCZ implementation is supported in Precincts 1 and 3. Precinct 6 expansion of ESO1 is consistent with environmental objectives. Council should take into account VPP Amendment VC109 in relation to RCZs, clearance and defensible space for dwellings.

South Gippsland Water - any proposed smaller lots (less than 4000m²) will need to connect to South Gippsland Water's sewerage network and larger allotments will need to have the ability to treat and retain effluent on site in accordance with EPA standards and approved by Council.

West Gippsland Catchment Management Authority (WGCMA) - Final recommendations supported.

Country Fire Authority - indicated additional rural residential development would need to be cognisant of fire protection guidelines which may require certain land sizes and vegetation setbacks.

The views of the relevant agencies will be sought during the public exhibition process.

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

The amendment is not likely to have a significant impact on the transport system, as recognized in Section 3 of the *Transport Integration Act 2010*. The statements of policy principles under Section 22 of the *Transport Integration Act 2010* are not relevant to the current proposal.

Resource and administrative costs

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

It is considered that implementation of the recommendations of the *Port Albert Rural Residential Lifestyle Lots Review* and the *Port Albert Planning Controls Review* into the Wellington Planning Scheme will have a positive effect on Council resources and decrease administrative costs through the provision of updated, clear and concise planning regulations.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Wellington Shire Council
Sale Service Centre
18 Desailly Street
Sale VIC 3850

Wellington Shire Council
Yarram Service Centre
156 Grant Street
Yarram VIC 3971

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.dtpl.vic.gov.au/publicinspection.

21.12 COASTAL AREAS STRATEGIC FRAMEWORK

01/05/2014
Proposed O/S

21.12-1 Loch Sport

19/12/2013
C70

Vision

Manage the future development of Loch Sport in accordance with the following vision:

"Loch Sport will be a major and central Gippsland Lakes settlement and key boating node, attractive to both permanent residents and visitors."

"The town will consolidate within its boundaries and new buildings will contribute to the streetscape and respect the coastal character and environment of Loch Sport."

"The town centre will become a focus for the community and will be linked through to the main access spine of the town. Excellent walking and cycling opportunities will exist throughout the settlement, which will particularly capitalise on the natural beauty of the lake foreshores."

"Development will be sustainable and recognise the environmental constraints of the area, particularly known bushfire risks."

"Enhanced boating facilities will be available, the recreation reserve will function more effectively and there will be activities and destinations for visitors throughout Loch Sport, including links to the National Parks, which will stimulate the economic and social life of the town."

Objective 1

To create a town centre that provides a focus for the community.

Strategies.

- Develop effective public spaces within the town centre to provide for passive recreation.
- Define the major access route as the central spine of the town.

Objective 2

To minimise the environmental impacts of development.

Strategies

- Ensure development is sustainable and appropriately recognises local environmental constraints, particularly fire risk.
- Avoid the removal of coast banksia.
- Ensure that any new residential lots created within the town of Loch Sport are serviced with reticulated sewerage and water.

Objective 3

To improve the design and siting of buildings.

Strategies

- Ensure a mechanism in the planning scheme will allow for the use of these guidelines to assess planning permit applications.
- Ensure the design and siting of buildings respects the unique character of Loch Sport with regard to vegetation clearance, site disturbance, building height, colours and materials and fencing.

Objective 4

To enhance the town's role as a boating centre.

Strategies

- Support facilities that promote boating visitation to Loch Sport from other boating centres in the Gippsland Lakes network.

Objective 5



To contain urban development within defined settlement boundaries.

Strategies

- Facilitate development in accordance with the Loch Sport Coastal Settlement Boundary Plan shown in this clause and consider any relevant coastal hazard vulnerability assessment for the town.
- Encourage further business uses to locate in the Commercial 1 Zone area around Second Street subject to the provision of reticulated services.
- Encourage medium density residential development in proximity to the town centre, subject to the provision of reticulated services.
- Allow other Commercial 1 Zone areas throughout the town to retain a local neighbourhood convenience service role.

Coastal Settlement Boundary Plan



- Key:**
-  Settlement Boundary
 -  Extent of Existing Urban Zoned Land

**COASTAL SETTLEMENT BOUNDARY PLAN
LOCH SPORT**

21.12-2 Golden Beach/Paradise Beach

18/11/2013
C70

Vision

Manage the future development of Golden Beach/Paradise Beach in accordance with the following vision:

"Golden Beach/Paradise Beach will develop as a residential holiday township, set in coastal bushland."

"Buildings will be of high quality and reflect the coastal environment through the use of materials, colours and building styles."

"The settlement will have an active 'village centre', which will be a focal point for the community with high quality public spaces and commercial uses for local and visitor needs."

"Development will be sustainable and recognise the environmental constraints of the area, particularly known bushfire risks."

"The town will be further developed as an important node for the Shire."

Objective 1

To create a functional town centre.

Strategies

- Facilitate the establishment of a mixed use development area based around a village square (corner Surf Edge Drive and Shoreline Drive) that would include commercial, community and residential uses when a reticulated sewerage system is available.
- Provide for commercial development in the town centre with a Commercial 1 Zone when a reticulated sewerage system is available.

Objective 2

To improve town character.

Strategies

- Upgrade Shoreline Drive/town entry from Seaspray.
- Ensure the design and siting of buildings respects the unique character of Golden Beach/Paradise Beach.
- Ensure the design and siting of buildings minimises native vegetation removal.

Objective 3

- To contain urban development within defined settlement boundaries.

Strategies

- Facilitate development in accordance with the Golden Beach/Paradise Beach Coastal Settlement Boundary Plan shown in this Clause and consider any relevant coastal hazard vulnerability assessment for the town.

WELLINGTON PLANNING SCHEME

- Ensure sustainable development and appropriate recognition of local environmental constraints, particularly bushfire risk.

Coastal Settlement Boundary Plan



- Key:**
-  Settlement Boundary
 -  Extent of Existing Urban Zoned Land

**COASTAL SETTLEMENT BOUNDARY PLAN
GOLDEN BEACH & PARADISE BEACH**

21.12-3 Ninety Mile Beach – Area between Golden Beach and The Honeysuckles

18/12/2013
C70

Objective 1

To facilitate development in accordance with the Ninety Mile Beach Policy included in clause 22.08.

Strategies

- Ensure that urban development occurs in the urban nodes of Paradise Beach, Golden Beach, Delray Beach, and at The Honeysuckles, in locations within the settlement boundaries as defined on the Ninety Mile Beach Policy in Clause 22.08, and is provided with reticulated services to a residential standard.
- Promote low density residential development on land at Delray Beach and Paradise Beach, in locations within the settlement boundaries as defined on the Ninety Mile Beach Policy, and ensure that development is provided with reticulated services to an appropriate standard.
- Limit development in Glomar Beach to:
 - completed restructure lots, in locations as defined on the Ninety Mile Beach Policy Plan; and
 - locations that are not vulnerable to environmental impacts.

Objective 2

To protect and enhance the environment and character of the area between Golden Beach and The Honeysuckles.

Strategies

- Ensure that urban development primarily occurs in the townships of Paradise Beach, Golden Beach, and at The Honeysuckles and is provided with reticulated services.
- Strongly discourage development on the Lake Reeve islands, and other areas subject to flooding and environmental constraints.
- Ensure that development on lots with frontage to Shoreline Drive is setback at least 10 metres from the front boundary, in recognition of the natural character of the area.

21.12-4 The Honeysuckles

18/12/2013
C70

Vision

Manage the future development of The Honeysuckles in accordance with the following vision:

"The Honeysuckles will develop as a low density residential holiday hamlet, set in banksia woodland."

"Buildings will be of high quality but of simple design and reflect the coastal environment through the use of materials, colours and building styles."

"Development will be sustainable and recognise the environmental constraints of the area, particularly known bushfire risks."

WELLINGTON PLANNING SCHEME

"Pedestrian movement throughout the settlement is safe with a shared use pathway provided to Seaspray."

Objective 1

To protect and enhance the coastal character of the settlement.

Strategies

- Ensure development is consistent with the particular character of The Honeysuckles.
- Ensure that new development provides for the retention of coast banks in the siting of buildings and public works construction.
- Maintain an informal road network and streetscape.
- Encourage local indigenous tree planting in association with new development.
- Reinforce the natural landscape setting in development of public areas.

Objective 2

To contain urban development within defined settlement boundaries.

Strategies

- Facilitate development in accordance with The Honeysuckles Coastal Settlement Boundary Plan as shown in this Clause and consider any relevant coastal hazard vulnerability assessment for the town.
- Ensure sustainable development and appropriate recognition of local environmental constraints, particularly fire risk.

Coastal Settlement Boundary Plan



- Key:
- Settlement Boundary
 - Extent of Existing Urban Zoned Land

COASTAL SETTLEMENT BOUNDARY PLAN
THE HONEYSUCKLES

21.12-5

W000003
CT0

Seaspray

Vision

Manage the future development of Seaspray in accordance with the following vision:

"Seaspray will retain its character as a holiday and residential village tucked behind the dunes on the Ninety Mile Beach. It will have excellent parks, picnic areas and facilities for holidaymakers staying in the settlement and day visitors from Sale and surrounding areas."

Seaspray's streets will be tree lined, with good walking and cycle paths. New buildings will reflect the 'coastal village' setting and history of the settlement and the character of older areas will be respected."

"The main activity area, the foreshore, will be conveniently and safely accessed on foot and will be enhanced and linked to a village focal point with a limited range of commercial facilities, open space and public amenities."

Objective 1

To maintain and enhance the existing character of Seaspray.

Strategies

- Ensure development respects the unique character of the older parts of Seaspray.
- Develop the foreshore as an attractive and functional recreational area for residents and visitors.
- Preserve and enhance the coastal dune systems.

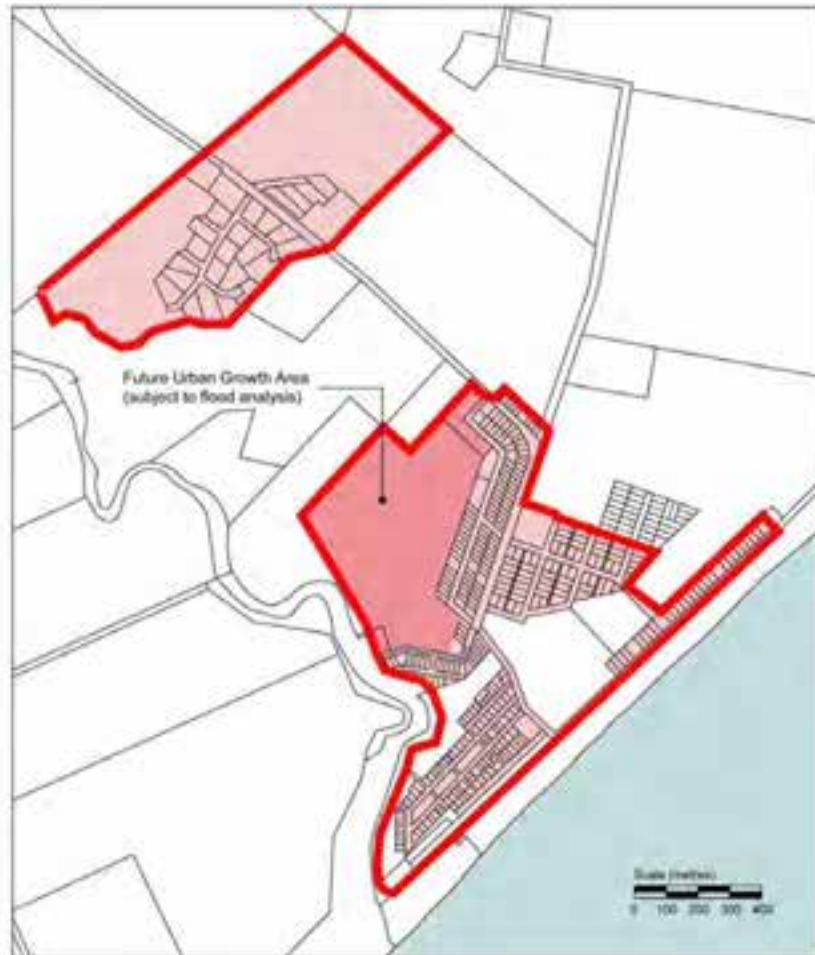
Objective 2

To contain urban development within defined settlement boundaries.




Strategies

- Facilitate development in accordance with the Seaspray Coastal Settlement Boundary Plan as shown in this Clause and consider any relevant coastal hazard vulnerability assessment for the town.
- Provide for limited expansion of the town to the west of Davies Street and Ellen Avenue subject to a detailed flood risk assessment of this area.
- Constrain further low density development on the edge of the settlement to the existing Low Density Residential Zone area.
- Minimise the visual impact of future development in the Low Density Residential Zone area.

Coastal Settlement Boundary Plan



Key:

-  Settlement Boundary
-  Extent of Existing Urban Zoned Land
-  Future Urban Growth Area

**COASTAL SETTLEMENT BOUNDARY PLAN
SEASPRAY**

21.12-6
MIS30003
C70

Woodside Beach

Vision

Manage the future development of Woodside Beach in accordance with the following vision:

"As Woodside Beach grows it will retain its character as a holiday hamlet at the western end of the Ninety Mile Beach. It will be a desirable destination for visitors from Woodside, Yarram and the surrounding region."

"The natural environmental setting will be protected, streets will be leafy and buildings will reflect the 'coastal village' character of the hamlet."

"The main activity focus of the settlement, the foreshore, will be easily accessed on foot and will be enhanced as an attractive destination with community facilities."

Objective 1

To protect the natural setting and retain and enhance the character of the settlement.

Strategies

- Ensure the protection of indigenous vegetation in new development areas and in relation to all redevelopment/upgrade proposals.

Objective 2

To enhance the foreshore as a settlement focus whilst containing urban development within defined settlement boundaries.

Strategies

- Facilitate development in accordance with the Woodside Beach Coastal Settlement Boundary Plan shown in this Clause and consider any relevant coastal hazard vulnerability assessment for the town.
- Ensure the development of the vacant Township Zone land is based on a comprehensive outline plan, estate landscaping, provision for stormwater management and connection to a package sewerage treatment plant.
- Contain residential development to the existing zoned areas.

Coastal Settlement Boundary Plan



- Key:**
-  Settlement Boundary
 -  Extent of Existing Urban Zoned Land

**COASTAL SETTLEMENT BOUNDARY PLAN
WOODSIDE BEACH**

21.12-7

18/12/2015
CNS

McLoughlins Beach

Vision

Manage the future development of McLoughlins Beach in accordance with the following vision:

"McLoughlins Beach will develop as a seaside holiday village and a key regional boating access point for the waters of the Ninety Mile Beach and Nooramunga Marine and Coastal Park.

Residential streets will be attractive, incorporate landscaping and provide for safe pedestrian movement.

Development will be sustainable and recognise the environmental constraints of the area, particularly known flooding risks and coastal vulnerability.

The importance of the area for boating and recreational fishing will be recognised with the provision of appropriate facilities.

The foreshore will provide a focal point for the community and contain high quality facilities for residents and visitors. A pathway network will give safe access to key destinations around the village."

Objective 1

To upgrade the appearance of the settlement and function of the locality to provide boating access on a regional basis.

Strategies

- Upgrade the settlement foreshore area and improve the landside and boating facilities and amenities.

Objective 2

To contain urban development within defined settlement boundaries.



Strategies

- Facilitate development in accordance with the McLoughlins Beach Coastal settlement Boundary Plan shown in this Clause and consider any relevant coastal hazard vulnerability assessment for the town.
- Contain the settlement within the existing area subject to a detailed assessment of those areas (generally west of Seaward Street) with potential environmental value or hazard.

Coastal Settlement Boundary Plan



Key:

-  Settlement Boundary
-  Extent of Existing Urban Zoned Land

**COASTAL SETTLEMENT BOUNDARY PLAN
M'CLOUGHLINS BEACH**

21.12-8 Manns Beach

WSP003
09

Vision

Manage the future development of Manns Beach in accordance with the following vision:

"Manns Beach will retain its character as a small, remote holiday hamlet, bordered by the Noonmunga Marine and Coastal Park and with excellent access to local islands and inlets.

It will retain a strong recreational fishing focus for residents and the surrounding area with attractive and functional foreshore facilities.

Buildings will improve over time, but retain the 'coastal cottage' character. The foreshore will be easily accessed on foot and will be enhanced as a community hub.

Development will be sustainable and recognise the environmental constraints of the area, particularly flooding risks and coastal vulnerability."

Objective 1


To upgrade the appearance and function of the settlement.

Strategies

- Contain urban development within defined settlement boundaries.
- Facilitate development in accordance with the Manns Beach Coastal Settlement Boundary Plan shown in this Clause and consider any relevant coastal hazard vulnerability assessment for the town.
- Contain the settlement within the existing developed area.

Coastal Settlement Boundary Plan



- Key:**
-  Settlement Boundary
 -  Extent of Existing Urban Zoned Land

**COASTAL SETTLEMENT BOUNDARY PLAN
MANN'S BEACH**

21.12-9

18/12/2013
CPO

Robertsons Beach

Vision

Manage the future development of Robertsons Beach in accordance with the following vision:

"Robertsons Beach will retain its character as a contained residential and holiday hamlet, bordered by the Noonamunga Marine and Coastal Park.

It will have facilities for small boat use, and provide attractive areas on the foreshore for residents and day visitors.

Buildings will remain low key but will improve in quality over time, while still reflecting the "coastal village" character of the hamlet.

The main focus of the settlement, the foreshore, will be easily accessed on foot and pathways will provide links to the adjoining natural areas.

Development will be sustainable and recognise the environmental constraints of the area, particularly flooding risks and coastal vulnerability."

Objective 1

To protect and enhance the character and environment of Robertsons Beach.

Strategies

- Ensure the retention of natural vegetation areas within the settlement and on the Farming Zoned land to the north
- Identify and protect significant Aboriginal cultural heritage sites adjacent to the pathway network.
- Improve the appearance and function of the foreshore area.

Objective 2

To contain urban development within defined settlement boundaries



Strategies

- Facilitate development in accordance with the Robertsons Beach Coastal Settlement Boundary Plan shown in this Clause and consider any relevant coastal hazard vulnerability assessment for the town.
- Limit residential development to the existing Township Zone and subject to a review of suitable zoning for Illawong Lodge, retain the Farming Zone to the north.
- Limit commercial and other land uses within the settlement and adjoining land to self contained tourist accommodation facilities.

Coastal Settlement Boundary Plan



Key:

-  Settlement Boundary
-  Extent of Existing Urban Zoned Land

**COASTAL SETTLEMENT BOUNDARY PLAN
ROBERTSONS BEACH**

21.12-10 Port Albert & Palmerston

19/12/2013
Proposed C96

Objective

To protect and enhance the character and environment of Port Albert and provide a sustainable business environment for existing and future retail, commercial, and tourism based uses.

Strategies

- Encourage modest expansion of commercial activity within the Port Albert town.
- Encourage those activities which cater for the needs of the town's growing permanent and tourist populations.
- Encourage tourism development which responds to the town's environmental constraints and special character.
- Ensure that urban development occurs in stages that can be appropriately serviced.
- Ensure that development is sympathetic to the heritage/character qualities of the town.
- Encourage major tourism uses or developments which are not dependent on a coastal location to develop within the main existing townships of Loch Sport and Port Albert.

21.12-11 Implementation

01/05/2014
C96(Part 1)

The strategies for Loch Sport, Golden Beach / Paradise Beach, Ninety Mile Beach between Golden Beach and The Honeysuckles, The Honeysuckles, Seaspray, Woodside Beach, McLoughlins Beach, Manns Beach, Robertsons Beach, Port Albert and Palmerston will be implemented by:

Using zones, overlays, policy and the exercise of discretion

Applying appropriate zones and overlays.

Applying the *Special Water Supply Catchment Areas* policy at Clause 22.01

Applying the *Rural* policy at Clause 22.02

Applying the *Heritage* policy at Clause 22.03

Applying the *Car Parking* policy at Clause 22.04

Applying the *Aerodrome and Environs* policy at Clause 22.05

Applying the *Coal Resources* policy at Clause 22.06

Applying the *Coal Buffers* policy at Clause 22.07

Applying the *Ninety Mile Beach* policy at Clause 22.08

Applying the Design & Development Overlay Schedule at Clause 43.02 for the coastal town of Port Albert.

Applying the Design & Development Overlay Schedule at Clause 43.02 to the coastal towns of Loch Sport, Golden Beach/Paradise Beach, The Honeysuckles, Seaspray, Woodside Beach, McLoughlins Beach, Manns Beach, and Robertsons Beach.

Refer to the Country Fire Authority guidelines on subdivision, group accommodation and recreation accommodation when assessing whether a development proposal adequately addresses fire safety issues.

WELLINGTON PLANNING SCHEME

Refer to the Healthy by Design guidelines to ensure development facilitates healthy communities through well planned networks of walking and cycling routes, streets with direct, safe and convenient access to local destinations within the Shire's towns within easy walking distance from homes, public open space, public transport, shops and services.

Require that development plans are prepared prior to subdivision of green-field sites that show the proposed layout of lots and road reservations and include infrastructure schemes that show where power, water, and sewerage will be located. These development plans will identify site advantages and constraints, main road networks and associated movement patterns, and social and community facilities.

Implement any relevant coastal action plan.

Other actions

Support the relevant water authority with identification and installation of appropriate effluent disposal and/ or water supply systems for unsewered settlements, focusing on priority areas identified in the Municipal Domestic Wastewater Management Plan, following confirmation of the need (on environmental and health grounds).

Undertaking further strategic work

Prepare outline development plans for the future development of residential and industrial areas that have regard to potential impacts on the natural environment and include these in a development plan overlay.

Provide a set of design guidelines applicable to the unique character of Loch Sport that address in particular, vegetation clearance, site disturbance, building height, colours and materials and fencing.

Review the extent and future demand for land zoned Low Density Residential and Rural Living in particular areas, subject to there being a demonstrated need for such reviews.

Prepare an Industrial Strategy for Sale with particular emphasis on the Wurruk South Industrial area.

Investigate the appropriate extent of the Heritage Overlay (HO34) in Port Albert in conjunction with a review of the Port Albert Conservation Study, 1982.

Review the Port Albert Drainage Study, 1983 to determine the feasibility of introducing an appropriate overlay.

Review and then implement the recommendations of the draft UDF Master Plans prepared for the coastal towns of Loch Sport, Golden Beach/Paradise Beach, The Honeysuckles, Seaspray, Woodside Beach, McLoughlins Beach, Marrs Beach, and Robertsons Beach.

Maintain the existing Township Zone in McLoughlins Beach and consider for inclusion land in the Farming Zone to the north of Tallamy Street and land accessed from Edwina Street and Janette Street. Proposals to rezone this land should be supported by a detailed environmental assessment and a flood risk assessment.

Review the Farming Zone area to the north west of Davies Street and Ellen Avenue in Seaspray and consider rezoning to Township Zone subject to the outcome of a detailed flood risk evaluation of this land.

Review future zoning and overlay provisions for Golden Beach/Paradise Beach and The Honeysuckles as part of the implementation of the Wellington Coast Subdivision Strategy.

12/07/2007
Proposed
C86

SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DD09**

PORT ALBERT AND PALMERSTON

1.0 Design objectives

12/07/2007
Proposed
C86

To ensure existing and future development located within the Precincts shown on the Precinct Boundary Map below does not detract from the natural and built character of Port Albert.

To provide an opportunity to consider the effect of the design of buildings on their surrounds.

To enable the township of Port Albert / Palmerston to evolve in a manner generally consistent with the precinct objectives contained within the *Port Albert / Palmerston Urban Design Guidelines, 2007*.

Precinct Boundary Map



2.0 Buildings and works

12/07/2007
Proposed
C86

A permit is not required to construct buildings and carry out works in any of the following circumstances:

- The construction or carrying out of works for a chimney or flue pipe.
- The construction or carrying out of works for an outbuilding ancillary to a dwelling that is less than 3 metres high, has a floor area less than 50 square metres, is located behind the front setback of the dwelling and is not within 2 metres of a side boundary.

WELLINGTON PLANNING SCHEME

- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than 100 square metres, is located behind the front setback of the dwelling and is not within 2 metres of a side boundary.
- For land also subject to the Heritage Overlay, buildings and works that are exempt under the Port Albert Heritage Precinct Permit Exemptions Incorporated Plan

Applications for buildings and works within the Precinct Boundary Map should comply with the following criteria:

DDO AREA	PRECINCT BOUNDARY TITLE	PREFERRED BUILDING SETBACK CRITERIA	PREFERRED MAXIMUM HEIGHT CRITERIA
1	Heritage Tourism	Zero lot lines to Wharf Street. 4m setbacks to North Street	Buildings should not exceed a height of 9 metres above natural ground level
2	Secondary Tourism	Setbacks are to be equivalent to adjoining developments 6m setbacks to North Street	Buildings should not exceed a height of 9 metres above natural ground level
3	Tarraville Road Historic	Commercial buildings and works should have zero lot lines to Tarraville Road. Buildings setbacks should have regard to the setback of adjacent and nearby buildings.	Buildings should not exceed a height of two storeys.
4	Residential	Building setbacks should have regard to the setbacks of adjacent buildings Building setbacks should be a minimum of 6m if adjoining vacant land	Buildings should not exceed a height of two storeys
5	Central Arrival Spine	Building setbacks should have regard to the setbacks of adjacent buildings Building setbacks should be a minimum of 6m if adjoining vacant land	Buildings should not exceed a height of two storeys

3.0 Decision guidelines

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028

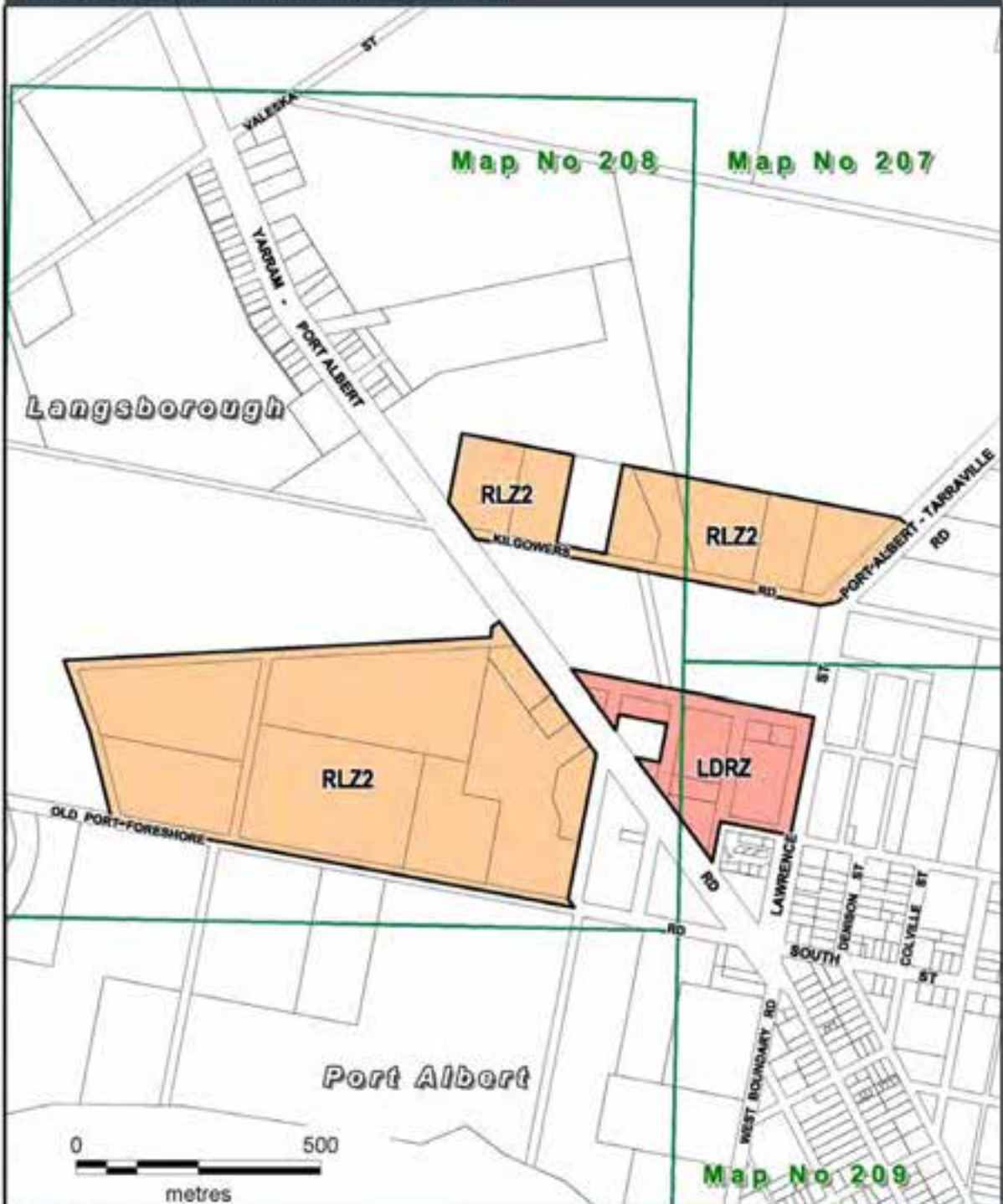
Before deciding on an application the responsible authority must consider:

- The guidelines for each particular Precinct contained within the *Port Albert / Palmerston Urban Design Guidelines*.

Reference Document

Port Albert / Palmerston Urban Design Guidelines, 2007.

WELLINGTON PLANNING SCHEME



LEGEND

- RLZ2 Rural Living Zone - Schedule 2
- LDRZ Low Density Residential Zone

Part of Planning Scheme Maps 207, 208 & 209

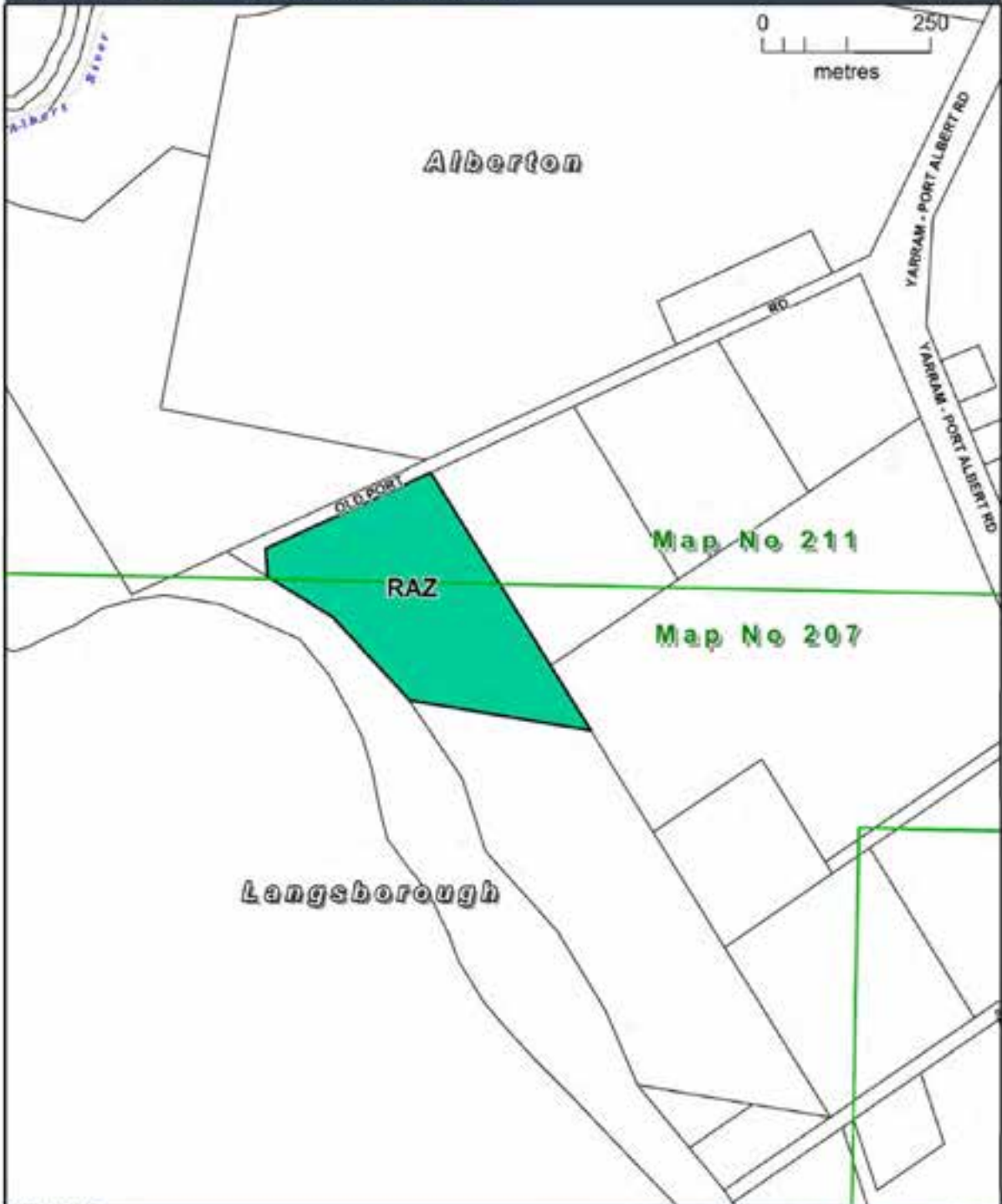
AMENDMENT C95

{ Planning Mapping Services }
 { Planning Information Services }
 { Planning }




Department of
 Environment, Land,
 Water & Planning

WELLINGTON PLANNING SCHEME



LEGEND

 RURAL ACTIVITY ZONE

Part of Planning Scheme Maps 207 & 211

AMENDMENT C95

(Planning Mapping Services)
(Planning Information Services)
(Planning)



Department of
Environment, Land,
Water & Planning 

811

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C95

INSTRUCTION SHEET

The planning authority for this amendment is the Wellington Shire Council.

The Wellington Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached maps sheets.

Zoning Maps

1. Amend Planning Scheme Map Nos. 207, 208, 209 and 211 in the manner shown on the 2 attached maps marked "Wellington Planning Scheme, Amendment C95".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Local Planning Policy Framework – replace Clause 21.12 with a new Clause 21.12 in the form of the attached document.
3. In Overlays – Clause 43.02, replace Schedule 9 with a new Schedule 9 in the form of the attached document.

End of document

PART A SUBMISSION

Planning Panel Hearing

AMENDMENT C95

to the Wellington Planning Scheme

**PORT ALBERT RURAL RESIDENTIAL LIFESTYLE LOTS
REVIEW AND PLANNING CONTROLS REVIEW
IMPLEMENTATION**

Submission by Wellington Shire Council

23 November 2015



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Attachments

- Attachment 1: C95 Submission Summary & Response table
- Attachment 2: New Zones for Rural Victoria Final Package (DSE, 2009)
- Attachment 3: Rural Zones Review: Volume 1 (Maunsell/Aecom, 2009)
- Attachment 4: Rural Zones Review: Volume 2 (Maunsell/Aecom, 2009)
- Attachment 5: Environmental Investigations Report (Aecom, 2010)
- Attachment 6: Strategic Planning for Gippsland Rural Areas (Maunsell/Aecom, 2007)



1. Introduction

This submission is made by the Wellington Shire Council (the Council), which is the Planning Authority for Planning Scheme Amendment C95 – Port Albert Rural Residential Lifestyle Lots Review and Planning Controls Review Implementation.

Amendment C95 has been prepared to implement the recommendations of both the *'Port Albert Rural Residential Lifestyle lots Review'* (Spiire, December 2014) and the *'Port Albert Planning Controls Review'* (Meinhardt, July 2014) into the Wellington Planning Scheme.

The Part A Submission provides the following:

- previous Planning Scheme Amendments considered to be relevant to Amendment C95
- Strategic Justification for Amendment C95:
 - background to the Planning Controls Review (Meinhardt, July 2014);
 - background to the Rural Residential Lifestyle Lots Review (Spiire, December 2014);
- an explanation of the proposed Planning Scheme Amendment;
- the chronology of events in relation to the Planning Scheme Amendment process;
- the strategic land use planning assessment; and
- the key issues raised in submissions and Council's responses.

Additional supporting documentation, which was not already included as part of the Panel Documents, is available to view on Council's website. This includes the following documents:

- Strategic Planning for Gippsland Rural Areas (Maunsell/Aecom, 2007)
- Rural Zones Review Volumes 1 & 2 (Maunsell/Aecom 2009), and
- Environmental Investigation Report (Aecom 2010).



The Heart of Gippsland

2. Port Albert Land Use Planning Context

The following Amendments and studies contain important information regarding the planning history in Port Albert and are considered to be relevant in providing an important land use planning context for Amendment C95.

Planning Scheme Amendment VC24

(Approved/Gazetted 11/06/2004)

The 'Final Report New Format Planning Schemes' (Planning Panels Victoria, April 1999) reviewed the suite of rural zones (Rural Zone, Environmental Rural Zone) and issues arising from their application in new format planning schemes. The Review identified a number of significant shortcomings including:

- The ambit of discretion in the zones was too wide.
- The zone purposes were unclear and did not match the use and development controls in the zone.
- There was no zone that unambiguously catered for agriculture.
- There was significant potential for conflict between agricultural and non-agricultural land uses within the zones.

The Explanatory Report associated with Amendment VC24 acknowledged that:

'Since the existing rural zones were introduced in 1996 there has been concern that the zones do not adequately recognise the importance of agriculture and have led to increased land use conflicts by allowing a range of non-agricultural uses to establish in rural areas.'

Amendment VC24 sought to address these issues through the introduction of the Farming Zone and Rural Activity Zone into the Victorian Planning Provisions. The purpose of the new Farming Zone was to unambiguously cater for and encourage agricultural land uses whilst discouraging uses that could undermine this key purpose of the zone. The purpose of the Rural Activity Zone on the other hand, was/is to cater for areas where agricultural activities and other land uses can co-exist, allowing for non-agricultural uses where they are compatible with the agricultural, environmental and landscape qualities of the area. Changes were also made to relevant State Planning Policy at Clause 17.05 (Agriculture) to recognise the important role of productive agricultural land in Victoria.

Planning Scheme Amendment C43

(Approved/Gazetted 12 July 2007)

Amendment C43 was prepared by the Minister for Planning and introduced the Farming Zone (FZ) and Rural Conservation Zone (RCZ) into the Wellington Planning Scheme. The Amendment resulted in the direct translation of the 'old' rural zones (Rural Zone &



The Heart of Gippsland

Environmental Rural Zone) to the new rural zones (Farming Zone & Rural Conservation Zone).

Strategic Planning for Gippsland Rural Areas

(Known as the 'Gippsland Rural Areas Project' or GRAP) (Maunsell/Aecom, August 2007)

During 2007 Wellington Shire participated in the 'Strategic Planning for Gippsland Rural Areas Project', which was completed shortly after the direct translation of the new rural zones into Gippsland planning schemes. This study provided a basis for a review of rural land uses and a model framework for the review and application of rural zones. The study included contributions from six Gippsland Councils, the Department of Planning and Community Development (DPCD), the Department of Primary Industries (DPI) and the Municipal Association of Victoria (MAV) and was completed by consultants Maunsell/AECOM. In the case of Wellington Shire, the study recommended that:

- Agricultural strategic importance is defined;
- Physical Land Units are identified;
- Rural Planning Policy Units are identified; and
- A draft Planning Scheme Amendment is prepared.

Consequently, Wellington Shire Council allocated funds for the completion of a 'Wellington Shire Rural Zones Review' to assess the application of the new zones across the Shire.

Rural Zones Review & Environmental Investigation Report

(Maunsell/Aecom & EnPlan Partners, January 2009) & (Aecom, July 2010)

The primary purpose of the Rural Zones Review was to propose the application of the rural land use zones introduced by Amendment VC24 in 2004. The Review made six key recommendations, subject to further environmental considerations, which were as follows:

1. Introduction of Planning Units.
2. Introduction of a local Rural Areas Policy.
3. The application of Schedule 8 of the Environmental Significance Overlay (ESO8) to all Special Water Supply Catchment Areas.
4. Rezoning of land in the Dargo area from Rural Conservation Zone to Farming Zone – Landowners in this area suggested translation to the RCZ was incorrect and further investigations confirmed this. The previous zone, Rural (River Valley) Zone, under the Avon Planning Scheme had the purpose: 'To provide for the continued use of the land for commercial farming purposes'.
5. Rezoning of land on Old Port Foreshore Road from Farming Zone to Rural Conservation Zone (subject to clarification of environmental considerations).

(NB: During community consultation sessions held in Yarram and within written submissions to the *Wellington Shire Rural Zones Review*, landholders suggested that



The Heart of Gippsland

land along the Old Port Foreshore Road in Port Albert should be rezoned from its existing Farming Zone to allow for rural lifestyle lots (e.g. Rural Living Zone or Low Density Residential Zone)).

6. The application of the Rural Activity Zone to specific sites around the Shire.

The Rural Zones Review (Volumes 1 & 2) was formally adopted by Council in January 2009.

On the basis of the recommendation that land only be rezoned subject to environmental considerations, an *Environmental Investigation Report* (Aecom, July 2010) was subsequently completed, which provided a number of recommendations on whether to rezone land throughout the Shire to Farming Zone or retain it in the Rural Conservation Zone. Land on Old Port Foreshore Road in Port Albert was also considered in the *Environmental Investigation Report*. The report concluded that:

- For land north of Old-Port Foreshore Road, no environmental values were identified which would warrant rezoning of the land to RCZ.
- For land south of Old-Port Foreshore Road, consideration should be given to rezoning the area to RCZ as the land is well vegetated and adjoins the Nooramunga Marine and Coastal Park. The report recommended that:

'the rezoning of these properties to RCZ should be considered following a study of the whole Port Albert Area and its surrounds to consider the application of the Rural Conservation Zone and other rural zoning options available under the VPPs, p.12'

Planning Scheme Amendment C55

(Authorised 11 November 2011 – Approved/Gazetted 1 May 2014)

In its original form, Amendment C55 proposed to implement the findings of the adopted Rural Zones Review. The Amendment proposed:

- Rezoning of agricultural land in the Wonnangatta and Dargo River Valleys from the Rural Conservation Zone to the Farming Zone.
- Rezoning of 4 Crown Land parcels in the Dargo area from Rural Conservation Zone to the Public Conservation and Resource Zone.
- Extending the application of Schedule 8 to the Environmental Significance Overlay to all areas within a Special Water Supply Catchment Area.
- Inserting 'Planning Units' into the Municipal Strategic Statement.
- Inserting a new local Rural Policy.
- Consequential changes to the local provisions of the Wellington Planning Scheme.

The Amendment was exhibited from 30 August to 12 October 2012 with 29 submissions received during this period, 16 of which were from the Port Albert, Langsborough and Alberton areas.



The submissions received from the Port Albert area questioned the appropriateness of the application of the Farming Zone to land around Port Albert and suggested that the Rural Living Zone or Low Density Residential Zone be applied to these areas instead. In its submission to the Panel, Council commented:

Without exception the submissions received from the Port Albert area made comment on the potential for residential zones to be applied to land surrounding Port Albert. The Environmental Investigation Report completed as part of the Wellington Shire Rural Zones Review focused only on land in Old Port Foreshore Road and identified land to the south of the road as having potential for rezoning to the Rural Conservation Zone subject to a study of the whole Port Albert Area. A review of zoning for residential purposes in the Port Albert area needs to be separately considered to ensure the complexities of the planning controls, opportunities and constraints are all taken into account.'

In its submission to the Panel, Officers reported that in response to these submissions, Council, at its 2 April 2013 meeting, had resolved:

'That Council proceeds with a dedicated review of rural residential lot opportunities in Port Albert in the 2013/14 strategic planning work program (subject to approving the draft 2013/14 budget allocation made for this project).'

The Panel recommended that the Amendment be adopted as exhibited (with changes) and in consideration of the submissions from the Port Albert area provided the additional recommendation (consistent with Council's resolution) that:

'Council proceed with review of rural residential lot opportunities in Port Albert and surrounding areas in the 2013/14 strategic planning work program and resolves to rezone land in this area for its most appropriate use, whether that be for rural/residential living, farming or conservation values.'

The Panel acknowledged that there may be properties that were translated into the Farming Zone that could not be farmed, though it was also made clear by the Panel in its report that it was, '... not suggesting that these properties all become Rural Residential or Rural Living Zones (as the strategic work has not been undertaken or provided), but that the review investigate the appropriateness of zoning in this area.'

Amendment C55 was ultimately split into two parts with Part 1 comprising all components of the Amendment except all matters relating to the Special Water Supply Catchments and Part 2 which included all matters relating to the special water supply catchments. C55 (Part 1) was formally adopted by Council on 17 December 2013 and forwarded to the Minister for Planning on 2 January 2014 for approval with Part 2 of the Amendment being abandoned. Amendment C55 (Part 1) was approved by the Minister for Planning and came into effect 1 May 2014.

Planning Scheme Amendment C33

(Authorised 25 May 2009 – Approved/Gazetted 18 January 2014)

Amendment C33 to the Wellington Planning Scheme was prepared by Wellington Shire Council at the request of the West Gippsland Catchment Management Authority.



The Heart of Gippsland

Amendment C33 sought to apply updated/new flood overlays to areas known to be affected by mainstream flooding during a 100-year ARI (average recurrence interval) flood. The Amendment affected various flood-prone areas within the Shire (including Port Albert), as identified by the East & West Gippsland Catchment Management Authorities (EGCMA & WGCMA), in association with the Wellington Shire Council.

The new flood extents were informed by, and representative of, current and best available scientific data (at the time) and were based on numerous studies, including the Flood Data Transfer Project (DSE 2000), the Rosedale Flood Warning Upgrade Project (GHD 2002), the Gippsland Lakes Flood Level Modelling Project (CEAH 2004), the Port of Sale Hydrological Study (SMEC 2004), aerial flood photography taken during major floods in 2001 and 2007 (WGCMA) and detailed topographical data (LIDAR) captured by DSE during 2008.

The Amendment was exhibited from 4 February to 18 March 2010. 139 submissions were received, a large number of which were unresolved with the main issues raised relating to the accuracy of data used to define overlay boundaries; the applicability of overlays to individual properties; and the social and economic impact of the overlays on individual landowners and affected communities, particularly in the township of Port Albert. 95 submissions were received from Port Albert alone, most of which remained unresolved because submitters objected to the imposition of a Land Subject to Inundation Overlay (LSIO) over much of the town when no such overlay had existed in the past. Submitters also disagreed with the LSIO on the grounds that a realistic basis did not exist in respect to the 1 in 100 year tidal inundation elevation used and consequently it was excessive in its extent.

The Panel Hearing for Amendment C33 was held on 23 and 24 November 2010. In relation to the submission raised by those in Port Albert, the Panel noted that:

- The predictions in the CSIRO report (Climate Change in Eastern Victoria – Stage 3 Report, 2006) relied upon to inform the extent of the LSIO and FO in Port Albert report were made on the basis of limited data and may not have reliably represented the complexity of the marine/terrestrial/climatic interface and, consequently, the elevation of the 1 in 100 year ARI tidal storm surge event for Port Albert. On this basis, the Panel recommended a review of the CSIRO report to determine the extent to which it could be relied upon.
- The CSIRO report, however, represented the best available information and that, with the precautionary principle in mind, should be applied until better data becomes available.

The Panel recommended that Amendment C33 be adopted as amended and endorsed by Council at its 7 September 2010 meeting, subject to a number of minor changes.

The Amendment was adopted by Council in April 2011. In 2014 the Minister for Planning approved the Amendment, with changes. These changes included the exemption of the urban areas (Residential 1 Zone (R1Z), Commercial 1 Zone (C1Z / B1Z) and Commercial 2 Zone (C2Z/ B4Z)) of Port Albert from the Land Subject to Inundation Overlay and Flood Overlay controls. The Amendment appeared in the Government Gazette and came into effect on 16 January 2014.



3. Strategic Justification for Amendment C95

Port Albert Planning Controls Review (PCR)

The PCR (Planning Controls Review) was undertaken by Meinhardt planning consultancy (through the then Department of Planning and Community Development's 'Rural Council Planning Flying Squad' funding) and a final report was provided to Council in June 2014.

A key component of the PCR was to investigate and address community concerns that development opportunities and growth in the town are being restricted by Port Albert's planning framework and to make recommendations regarding potential changes/modifications to the existing planning controls. More specifically, opportunities to 'cut red tape' were explored, with the aim of providing a greater level of consistency in the decision-making process across the controls, than currently exists.

In undertaking the review, Meinhardt critically reviewed:

- The existing planning framework for Port Albert - undertaken in order to identify key requirements relating to the use and development of land and to understand the purpose and application of the various provisions that apply to Port Albert, including relevant State and Local Planning Provisions as well as reference material.
- Recent permit trends - in order to understand recent and historical development patterns and trends in Port Albert.
- Planning issues raised by Council, or that had been identified through community consultation.

Key issues and implications

Complexity of the Existing Planning Framework

Port Albert has a number of special characteristics which warrant a level of protection through planning systems including heritage, character, design, environmental protection, and landscape protection. The planning framework for Port Albert is complex in recognition of these values. While the review found no need to consider specific changes to the application of these controls, it was identified that difficulties are most likely to arise through the requirements of the Heritage Overlay, Design and Development Overlay, and reference documents which contribute to these controls. A review of these provisions was a key focus of the report and a number of recommendations were made in this regard.

Impact of Controls on Development

Although the planning framework is complex, the vast majority of permit applicants obtain planning approval and as such there are no clear grounds to suggest that the planning framework is restricting development.

Opportunities to Reduce Red Tape

The report identified short and medium-long term opportunities to improve the existing planning framework and reduce red tape. As previously mentioned, difficulties are most likely to arise through the application of the requirements of the Heritage Overlay, Design and Development Overlay, and reference documents which contribute to these controls. It is in these provisions where the main opportunities to reduce red tape exist.

Recommendations of the Review

Short Term Recommendations:



Municipal Strategic Statement and Local Planning Policy Framework

Inconsistencies exist between the objectives and strategies identified in both 21.04-3 and 21.12-10. These clauses provide the key guiding principles for development in Port Albert and other coastal towns in Wellington Shire. Clause 21.12-10 which relates specifically to Port Albert currently has but one objective:

- To protect and enhance the character and environment of Port Albert.

Strategies include:

- *Encourage modest expansion of commercial activity within the Port Albert town.*
- *Encourage those activities which cater for the needs of the town's growing permanent and tourist populations.*
- *Encourage tourism development which responds to the town's environmental constraints and special character.*
- *Encourage major tourism uses or developments which are not dependent on a coastal location to develop within the main existing townships of Loch Sport and Port Albert.*

There are a number of strategies encouraging economic development, tourism and major tourism uses, however it is difficult to achieve this with the single objective listed above. It has been recommended to introduce a further objective to Clause 21.12-10 supporting tourism and commercial growth.

Design and Development Overlay - Schedule 9 (DDO9)

- Align DDO9 exemptions with the current Port Albert Heritage Precinct Permit Exemptions.
- Exempt minor buildings and works such as outbuildings, sheds and extensions where the floor area of the building is relatively small and is confined to the rear of the existing building (those works which do not impact street amenity, heritage, or neighbourhood character would be exempt).
- The table to Clause 2.0 in DDO9 currently identifies the Port Albert Hotel as the height benchmark for Precincts 1 and 2. The hotel no longer exists. Meinhardt have recommended replacing the current benchmark with a similar specification - e.g. two storeys, as is used for the other DDO9 precincts. It is considered that the simplest approach is to specify a preferred building height of 9 metres above ground level, based on the previously surveyed and documented height of the former Port Albert Hotel.

Key Non statutory measures

- Publicly display reference and decision guidelines to help the public understand the decision making process.

Key Medium-Long Term:

- Review the extent of the Heritage Overlay (HO34)

Amendment C95 - Proposed Changes to the Wellington Planning Scheme

Amendment C95 to the Wellington Planning Scheme will seek to implement the recommendations of both the RLLR and the short-term recommendations of the PCR in one single amendment. The extent of the proposed changes are detailed below.

Amend Clause 21.12-10 - Coastal Areas Strategic Framework

Expand on the current objective for Port Albert and Palmerston in order to provide support for tourism and commercial growth.



Amend Clause 43.02-9 - Design and Development Overlay - Schedule 9

Replace the current height benchmark which currently refers to the Port Albert Hotel and incorporate the exemptions recommended by the PCR. Where buildings and works are already exempt under Clause 62 of the Planning Scheme (for example: swimming pools, decks not more than 800mm above ground level) these exemptions have been removed from DDO-9 as they are duplicating exemptions that exist under Clause 62.

Port Albert Rural Residential Lifestyle Lots Review (RRLLR)

The Rural Residential Lifestyle Lot Review (RRLLR) was prepared in response to community concerns that there was insufficient land zoned to provide rural living lifestyle opportunities for people wanting to live in Port Albert. The need for the study was also endorsed in the Planning Panel Report (July 2013) for Planning Scheme Amendment C55 (Rural Zones Review), a recommendation of which was that:

'Council proceed with review of rural residential lot opportunities in Port Albert and surrounding areas in the 2013/14 strategic planning work program and resolves to rezone land in this area for its most appropriate use, whether that be for rural/residential living, farming or conservation values.'

Spiire town planning consultants were appointed to undertake the RRLLR, which began in March 2014 and was developed through a process that involved a significant amount of background and research work, detailed analysis and community involvement.

A key component of the RRLLR was to investigate and address (community) concerns regarding the perceived mismatch of zoning to rural properties and other anomalies brought about by more recent changes to the Wellington Planning Scheme and the associated uncertainty surrounding ongoing land use and development rights. In particular, concerns were raised over the direct translation of land from the Rural Zone (RUZ) to the Farming Zone (FZ) in 2007.

The purpose of the RRLLR was to determine the extent of available land that has a rational potential to be rezoned to increase the provision of rural lifestyle living opportunities in Port Albert. The RRLLR provides a sequenced analysis of the following key strategic considerations:

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

The above analysis is based on a thorough review of:

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





Figure 1: Study Area

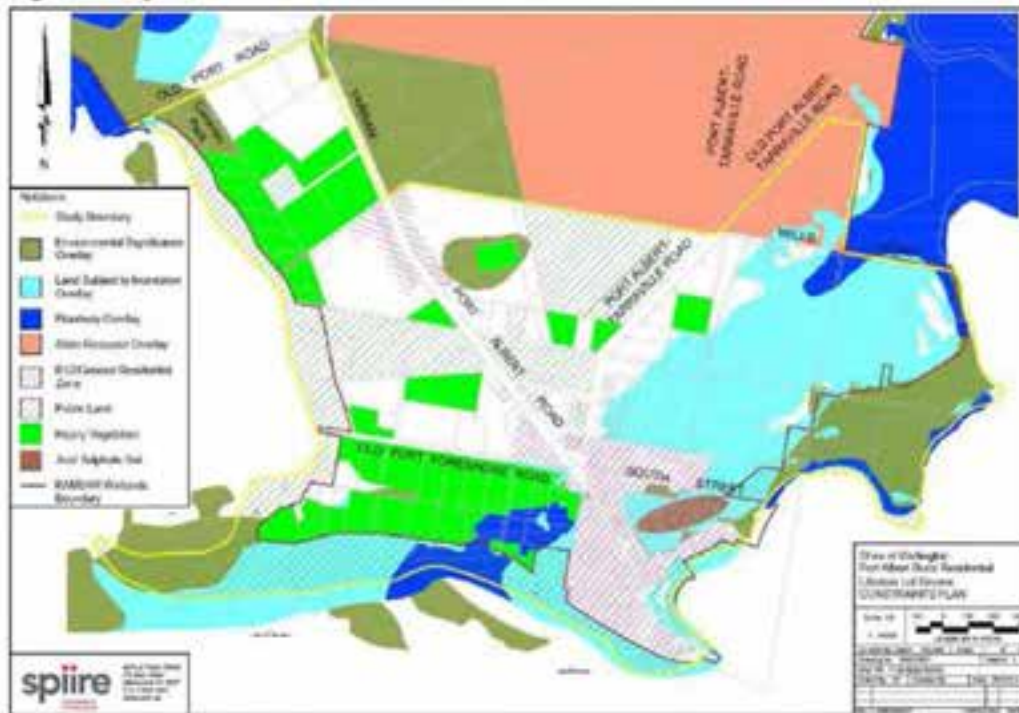


Figure 2: Constraints Map



Review Methodology

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

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



Figure 3: Study Precinct Areas

Final Review Recommendations

Overall, the final RRLLR report found that there is some scope to provide rural living opportunities within the Study Area.

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

- The significant supply of standard town lots within the area for sale or development.
- A low level of anticipated population growth for the Study Area.
- Low projected demand for rural living lots based on demographics and growth projections.
- The extent of existing significant vegetation coverage within the area, including identified Ecological Vegetation Classes.



- The extent of fire risk due to the significant density of vegetation on both public and private land.
- The extent of potential flooding and inundation risk within the area, drainage constraints as well as the potential for increased tidal inundation.
- The ability to appropriately and sustainably service additional rural residential land.
- The location of the area to the immediate south of land within the State Resource Overlay in recognition of its valuable coal.
- The close proximity of the area to land utilised for significant levels of agricultural production, including dairy farms and timber harvesting.
- The location at the edge of Ramsar Convention listed and significant coastal wetland areas.

In the context of State and Local Planning Policy and having regard to the relevant Planning Practice Notes¹, the Review provides the following recommendations in respect of each of the nine individual precinct areas:

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

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

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

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

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

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

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

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

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

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

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



In view of the existing Strategic Planning Work Program and competing priorities, the further investigative work required to support the potential rezoning within Precincts 1, 3, 5 and 6 is highly likely to be a longer-term action for Council. In addition, given that the focus for the Review was to identify opportunities for rural living growth, implementation actions focus on rezoning Precincts 2 and part of Precinct 5 to the Rural Living Zone – Schedule 2, rezoning mapping anomalies at 68 and 86 Yarram-Port Albert Road and rezoning the caravan park in Precinct 6 to the Rural Activity Zone.



4. Planning Scheme Amendment C95

Land affected by the Amendment

The Amendment applies to all land in Port Albert and its surroundings with specific land parcels proposed for rezoning listed below:

Property Address	Title Details	Proposed
45-53 Kilgowers Rd, LANGSBOROUGH	Lot 1: TP: 909118 (CA: 78C)	Rezone from FZ to RLZ2
35-43 Kilgowers Rd, LANGSBOROUGH	Lot: 2 TP: 909118 (PCA: 74A) and Lot: 1 TP: 159829 (PCA: 74A)	Rezone from FZ to RLZ2
25-33 Kilgowers Rd, LANGSBOROUGH	Lot 1: TP: 740953 (PCA: 74B)	Rezone from FZ to RLZ2
Kilgowers Rd, LANGSBOROUGH	Lot: 1 TP 120168 (PCA: 74B)	Rezone from FZ to RLZ2
Kilgowers Rd, LANGSBOROUGH	Lot: 1 TP: 120167 (PCA: 74B)	Rezone from FZ to RLZ2
5-13 Kilgowers Rd, LANGSBOROUGH	CA: 75B	Rezone from FZ to RLZ2
55-63 Kilgowers Rd, LANGSBOROUGH	CA: 76B	Rezone from FZ to RLZ2
185 Yarram-Port Albert Rd, PORT ALBERT	LOT: 3 PS: 145912	Rezone from FZ to RLZ2
183 Yarram-Port Albert Rd, PORT ALBERT	LOT: 2 PS: 145912	Rezone from FZ to RLZ2
Old Port Foreshore Rd, PORT ALBERT	LOT: 4 PS: 145912	Rezone from FZ to RLZ2
181 Yarram-Port Albert Rd, PORT ALBERT	LOT: 1 PS: 145912	Rezone from FZ to RLZ2
Old Port Foreshore Rd, PORT ALBERT	LOT: 1 TP: 744656H	Rezone from FZ to RLZ2
80 Old Port Foreshore Rd, PORT ALBERT	LOT: 1 TP: 330200N	Rezone from FZ to RLZ2
130 Yarram-Port Albert Rd, LANGSBOROUGH	LOT: 1 TP: 803338W	Rezone from FZ to RLZ2
106 Old Port Foreshore Rd, PORT ALBERT	CA: 139	Rezone from FZ to RLZ2
130 Old Port Foreshore Rd,	CA: 140	Rezone from FZ to RLZ2



PORT ALBERT		
Port Albert-Tarraville Rd, LANGSBOROUGH	CA: 78A	Rezone from FZ to RLZ2
Yarram-Port Albert Rd, PORT ALBERT	CA: 145A	Rezone from PPRZ to RLZ2
68 Yarram-Port Albert Rd, LANGSBOROUGH	PCA: 76A	Rezone from part GRZ1 to FZ
86 Yarram-Port Albert Rd, LANGSBOROUGH	LOT: 1 PS: 39794	Rezone from part FZ to GRZ1
170 Yarram-Port Albert Rd, PORT ALBERT	CA: 1 SEC: 11	Rezone from FZ to LDRZ
33 Fitzroy St, PORT ALBERT	CA: 6 SEC: 11 and CA: 7 SEC: 11	Rezone from FZ to LDRZ
172 Yarram-Port Albert Rd, PORT ALBERT	PC: 356366H (UR: 40688)	Rezone from FZ to LDRZ
22 Fitzroy St, PORT ALBERT	Lot: E TP: 253 (CA: 5 SEC: 8), Lot: B TP: 253 (CA: 6 SEC: 8), Lot: C TP: 253, Lot: F TP: 253, Lot: D TP: 253	Rezone from FZ to LDRZ
39 Lawrence St, PORT ALBERT	CA: 9 SEC: 7	Rezone from FZ to LDRZ
37 Lawrence St, PORT ALBERT	Lot: 1 TP: 120781 (PCA: 8 SEC: 7)	Rezone from part FZ and part PUZ6 to LDRZ
35 Lawrence St, PORT ALBERT	Lot: 1 TP: 12078 (PCA: 7 SEC: 7)	Rezone from part FZ and part PUZ6 to LDRZ
23-25 Lawrence St, PORT ALBERT	LOT: 1 TP: 14607U and CA: 2 SEC: 7	Rezone from FZ to LDRZ
23-25 Lawrence St, PORT ALBERT	LOT: 2 & 3 TP: 14607U	Rezone from part FZ and part PUZ6 to LDRZ
15 Egerton St, PORT ALBERT	CA: 3 SEC: 7	Rezone from FZ to LDRZ
13 Egerton St, PORT ALBERT	CA: 4 SEC: 7	Rezone from FZ to LDRZ
31 Lawrence St, PORT ALBERT	CA: 5 SEC: 7	Rezone from FZ to LDRZ
33 Lawrence St, PORT ALBERT	Lot: 1 TP: 120779 (PCA: 6 SEC: 7)	Rezone from FZ to LDRZ
Lawrence St, PORT ALBERT	CA: 1 SEC: 7	Rezone from FZ to LDRZ
24 Fitzroy St, PORT ALBERT	CA: 10 SEC: 8, Lot: 1 TP: 10339, PCA: 7 SEC: 8, CA: 14 SEC: 8, CA: 15 SEC: 8	Rezone from FZ to LDRZ
Egerton/Lawrence St, PORT ALBERT	CA: 2002	Rezone from FZ to LDRZ



Lawrence St, PORT ALBERT	CA: 10 SEC 7	Rezoned from FZ to LDRZ
Yarram-Port Albert Rd, PORT ALBERT	CA: 8 SEC: 11	Rezoned from PPRZ to LDRZ
95 Old Port Rd, LANGSBOROUGH	CA: 46, LOT: 1 PS: 510876M and CA: 48	Rezoned from FZ to RAZ

What the Amendment does:

The Amendment implements the recommendations of the Port Albert Rural Residential Lifestyle Lots Review (2014) and Planning Controls Review (2014).

Local Planning Policy changes are:

Amend Clause 21.12-10 - Coastal Areas Strategic Framework

Expand on the current objective for Port Albert and Palmerston in order to provide support for tourism and commercial growth.

Amend Clause 43.02-9 - Design and Development Overlay - Schedule 9

Replace the current height benchmark which currently refers to the Port Albert Hotel and incorporate the exemptions recommended by the PCR. Where buildings and works are already exempt under Clause 62 of the Planning Scheme (for example: swimming pools, decks not more than 800mm above ground level) these exemptions have been removed from DDO-9 as they are duplicating exemptions that exist under Clause 62.

Proposed zoning changes are:

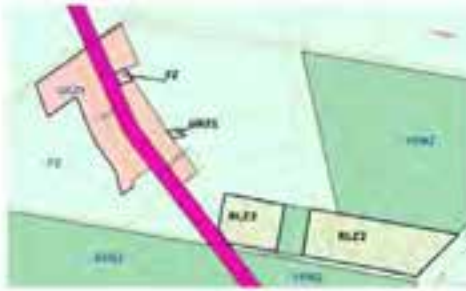


Rezoned Precinct 2 to RLZ 2: Land to the north of Old Port Foreshore Road, west of the Yarram Port Albert Road and south of the Old Rifle Range public land.

Rezoned Precinct 2 to Rural Living Zone – Schedule 2 to facilitate rural residential development.

Rezoned Precinct 4 to LDRZ: Land to the immediate north of the roundabout between Yarram Port Albert Road and Lawrence Street.

Rezoned Precinct 4 to Low Density Residential Zone to better reflect existing land use patterns (excluding land at 180 Yarram-Port Albert Road which will be subject to an alternative rezoning process)



Rezone areas of Precinct 5: Land either side of the Langsborough residential area generally between Kilgowers Road and Valeska Street.

Rezone land at 68 and 86 Yarram-Port Albert Road to correct mapping anomalies and rezone land along Kilgowers Road to Rural Living Zone – Schedule 2 in recognition of the existing development levels and their location on the edge of Langsborough.



Rezone Caravan Park to RAZ: 95 Old Port Road

Rezone land at 95 Old Port Road to the Rural Activity Zone in recognition and support of the significance that the community places on the site as a key asset to the town.

Consequent changes to the Planning Scheme maps are:

- Amend Planning Scheme Maps 207, 208, 209 and 211



5. Chronology of Events

Council resolution and request for Authorisation

At the Council meeting of 21 April 2015 it was resolved:

That Council request the Minister for Planning to Authorise Council as the planning authority to prepare Amendment C95 pursuant to Section 8A of the Planning and Environment Act 1987 and once Authorisation is granted, proceed to exhibit Amendment C95.'

Council received Authorisation (No.A03063) to prepare Amendment C95 on 6 May 2015.

Exhibition of the Amendment

The Amendment was placed on public exhibition from 25 June to 27 July 2015.

The Planning Scheme Amendment and supporting documents were made available on the internet and to view in hard copy at both the Sale Service Centre and the Yarram Service Centre.

Notification letters with Fact Sheets were sent to:

- The prescribed ministers
- 8 statutory authorities
- 395 landowners and occupiers directly affected by the Amendment and to all landowners and occupiers on adjacent lots.

Notices appeared in the following publications:

- Gippsland Times (Tuesday 23 June 2015);
- Yarram Standard (Wednesday 24 June 2015); and
- Government Gazette (Thursday 25 June 2015).

Fact Sheets were made available at the Port Albert General Store and notice information was provided to the Port Albert Progress Association to distribute via its newsletter 'The Tattler'. A Council Planner was available to meet at the Yarram Service Centre each Tuesday of the exhibition period to speak with the community about the Amendment.

At the end of the exhibition period a total of 20 submissions were received.

Request for a Panel

At its meeting of 15 September 2015 Council resolved:

That:

1. *Council pursuant to Section 22 of the Planning and Environment Act 1987 consider all submissions made to Planning Scheme Amendment C95.*
2. *Council having considered all submissions made, resolve to request the Minister for Planning to appoint a panel pursuant to Section 23 of the Planning and Environment Act 1987.'*



A Planning Panel Hearing to consider all submissions to Amendment C95 was requested on 17 September 2015.



6. Strategic Assessment

Why is the Amendment required?

Amendment C55 to the Wellington Planning Scheme, which implemented the findings of the *Wellington Shire Rural Zones Review Volumes 1 and 2 (2009)*, received 16 submissions from the Port Albert, Langsborough and Alberton areas raising issues regarding the application of the Farming Zone to their land. The submissions suggested farming to be an inaccurate description of the land and that it should be rezoned for rural residential purposes. While the decision was made that the issues raised were not for the Panel to resolve, the Panel endorsed the need for the study by recommending that:

'Council proceed with review of rural residential lot opportunities in Port Albert and surrounding areas in the 2013/14 strategic planning work program and resolves to rezone land in this area for its most appropriate use, whether that be for rural/residential living, farming or conservation values.'

Council engaged planning consultants Spiire in March 2014 to undertake the *Port Albert Rural Residential Lifestyle Lots Review (December 2014)* to investigate the perceived mismatch of zoning to rural properties and review rural living opportunities for the coastal township of Port Albert.

The Port Albert community has also recently raised concerns that development opportunities and growth in the town are being restricted by Port Albert's planning framework. This prompted Council to seek assistance from the State Government's *'Rural Council Planning Flying Squad'*, to undertake a succinct, focussed review of the existing planning controls that apply to the Port Albert Township. Meinhardt planning consultants were appointed to undertake the study.

The *Planning Controls Review (June 2014)* study explored opportunities to 'cut red tape', with the aim of providing a greater level of consistency in the decision-making process across the controls, than currently exists. The report identified short and medium-long term opportunities to improve the existing planning framework and reduce red tape.

Amendment C95 is now required to implement a number of recommendations from the *Port Albert Rural Residential Lifestyle Lots Review* (adopted by Council on 2 December 2014) and the *Port Albert Planning Controls Review* (June 2014). The Amendment seeks to rezone land to provide for additional rural living opportunities, correct a number of zoning anomalies, reduce unnecessary and duplicate planning regulation and align permit exemptions.

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

The Amendment is consistent with and implements the objectives of planning in Victoria specified in Section 4 of the *Planning and Environment Act 1987*. In particular, the Amendment implements:

- Objective 4(1)(a) – by providing for the fair and orderly, economic and sustainable use and development of the land.

The rezoning of the identified land will make provision for appropriately located rural living land in Port Albert while the amendments to local provisions will reduce unnecessary and



duplicate controls which will reduce red tape and provide for a more simplified planning framework for Port Albert.

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

The *RLLR* and *PCR* have been prepared having regard to environmental, social and economic impacts. The reports have given consideration to the relevant practice notes including Practice Note 37 which recognises that, '...rural living requires special consideration due to its *environmental, social and economic impacts that can be significantly higher than those of standard residential development*.

- **Environmental**

The rezoning recommendations contained within the *Port Albert Rural Residential Lifestyle Lots Review* considered existing environmental constraints when assessing the suitability of land for rezoning for Rural Living purposes. Of the nine (9) precincts identified in the Study Area, six (6) of the precincts were identified as being unsuitable for rural living use given the following environmental constraints:

- The extent of existing significant vegetation coverage within the area, including identified Ecological Vegetation Classes (EVCs), some of which is classified as endangered.
- The extent of fire risk due to the significant density of vegetation on both public and private land.
- The extent of potential flooding and inundation risk within the area, drainage constraints as well as the potential for increased tidal inundation.
- The location at the edge of Ramsar Convention listed and significant coastal wetland areas.
- The close proximity of coal resources to the north of the Study Area.

The areas proposed for rezoning have existing levels of rural residential development and are relatively free from the more extensive environmental constraints of land elsewhere within the Study Area.

In reviewing the planning framework within Port Albert, Meinhardt reviewed the application of the controls applying to the main township area in order to assess their suitability and application extent. A key finding was that Port Albert has a number of special characteristics which warrant a level of protection through planning systems including environmental and landscape protection and that the planning framework for Port Albert is complex in recognition of these values. As such no changes have been recommended in regards to the extent or suitability of the controls.

- **Social**

It is recognised that there are limited social services and infrastructure within Port Albert and its hinterland with residents relying on Yarram as the nearest service centre. Existing residents must travel for education and health, public transport is not available and retail services are limited to small operations in the Port Albert town area. In addition to this,



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some land in the *Port Albert Rural Residential Lifestyle Lot Review Study Area* is in close proximity to land utilised for significant levels of agricultural production, which acts as a constraint due to the potential impact of residential development on agriculture arising from a conflict in land uses.

The extent of land identified for rezoning will not create an increased demand for costly or inefficient social services nor will it result in conflicting uses with adjoining land. The social impacts of the proposed changes are considered to be minimal.

- **Economic**

- The extent of land proposed to be rezoned has been influenced by considerations such as the ability to appropriately and sustainably service additional rural residential land. There is currently limited infrastructure within the Port Albert Hinterland and the extent of land proposed for rezoning reflects this.
- The importance of agriculture to the Shire's economy has also been considered and where appropriate, productive agricultural land within the region is to be protected through the retention of the Farming Zone in these areas.
- The proposed rezonings have the ability to foster additional economic development through increased residential development and increased population levels.
- It has been recognised in the *Port Albert Planning Controls Review* that there is a shortcoming in the objective of Clause 21.12-10 which is potentially impacting tourism and commercial growth in Port Albert. The scheme contains a number of strategies encouraging economic development, tourism, and major tourism uses in Port Albert though it is currently difficult to achieve this with the single objective in Clause 21.12-10 - *To protect and enhance the character and environment of Port Albert*. It has been recommended to introduce a further objective to Clause 21.12-10 supporting tourism and commercial growth which has the potential to positively contribute to the economy in Port Albert

Does the Amendment address relevant bushfire risk?

The land within the (RRLLR) Study Area is not currently affected by the Bushfire Management Overlay (BMO). However under the provisions of the Building Regulations the whole of Port Albert is located within a Bushfire Prone Area.

Recent fire history and the density and status of existing vegetation cover in the area leads to a high level of fire risk. The CFA, whose views were sought in relation to the RRLLR, indicated additional rural residential development would need to be cognisant of fire protection guidelines, which may require certain land sizes and vegetation setbacks.

Development can be achieved in accordance with the relevant State and Local Planning Policies and in a manner that will not increase risk to life or property from a bushfire, or the need for any ongoing land management controls.

The implementation of the short term recommendations of the *Port Albert Planning Controls Review* will have no impact on the level of bushfire risk.

Notwithstanding this, the CFA were consulted again during the public exhibition stage of the Planning Scheme Amendment process. The CFA did not object to the Amendment, however it did recommend the application of the BMO as the land proposed for Rural Living Zone – Schedule 2 in both Precinct 5 (north side of Kilgowers Road, Langsborough) and Precinct 2



(North of Old Port Foreshore Road) is in an area where the vegetation meets the criteria for BMO mapping.

Council and the CFA have been engaged in ongoing discussions relating to the CFA's submission and the level of fire risk in the area affected by the Amendment to ensure that it (the CFA) is satisfied with the proposal and to determine the most appropriate way to deal with any potential risk. The CFA has indicated that the fire safety requirements can be considered and addressed separately from Amendment C95 as part of any future development proposal in Port Albert, which will be adequately dealt with as part of the existing planning and building permit processes.

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

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

Pursuant to section 12 of the Act, the Amendment complies with the following applicable Ministerial Directions:

- **Ministerial Direction No. 11 - Strategic Assessment of Amendments** ensures a comprehensive strategic evaluation of a Planning Scheme Amendment and the outcomes it produces. This section of the submission addresses the strategic considerations outlined in the guidelines.
- **Ministerial Direction No. 13**
This Planning Scheme Amendment has considered the views of the relevant floodplain manager and is consistent with all policies, objectives and strategies for coastal Victoria as outlined in the State Planning Policy Framework.
- **Ministerial Direction No. 15 - The Planning Scheme Amendment Process.**
This Planning Scheme Amendment is accompanied by all of the required information.

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

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

CLAUSE 11 - SETTLEMENT

11.02-1: Supply of urban land, which seeks to:

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

The Amendment supports and implements State Policy relating to settlement through the provision of sufficient rural residential land to meet forecast demand. The Amendment proposes to rezone 66ha of land to the Rural Living Zone – Schedule 2. Taking into consideration existing levels of demand in Port Albert and the potential for further subdivision



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in the proposed zone, this will accommodate projected population growth over at least a 15 year period.

CLAUSE 12 – ENVIRONMENTAL AND LANDSCAPE VALUES

Clause 12.01-1: Protection of biodiversity, which seeks to:

'... To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites'

12.02-1: Protection of coastal areas, which seeks to:

'...recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.'

12.02-2: Appropriate development of coastal areas, which seeks to:

'...ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.'

12.04-1: Environmentally sensitive areas, which seeks to:

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

The Amendment has taken into consideration the potential impacts of land use change on the biodiversity and environmental sensitivity of the area. The Amendment recognises the significant levels of vegetation and areas of environmental sensitivity, the existence of acid sulphate soils and the location of the area being adjacent to Ramsar Convention listed and significant coastal wetlands (Nooramunga Marine and Coastal Park). These considerations have contributed to the identification of the land proposed for rezoning.

CLAUSE 13 - ENVIRONMENTAL RISK

13.01-1: Coastal inundation and erosion, which seeks to:

'...plan for and manage the potential coastal impacts of climate change.'

13.02-1: Floodplain management, which seeks to:

'...assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.'*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.'*

Council has undertaken extensive consultation with West Gippsland Catchment Management Authority at both the study (RLLR) stage and during exhibition of the Amendment, to identify land affected by inundation under current conditions and the potential impacts of a 0.8 metre rise in sea levels by 2100. Land affected by coastal hazards is being retained in Farming Zone to avoid development in these areas.

13.05-1: Bushfire planning strategies and principles, which seeks to:

'...assist to strengthen community resilience to bushfire.'



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Although the land proposed for rezoning is not affected by the Bushfire Management Overlay, bushfire hazard in the area has been identified and been given consideration. The CFA were consulted at both the study stage and during the Amendment to ensure fire risk was adequately considered and the risk to residents, property and community infrastructure will not increase as a result of future land use and development.

CLAUSE 14 - NATURAL RESOURCE MANAGEMENT

14.01-1: Protection of agricultural land, which seeks to:

'...protect productive farmland which is of strategic significance in the local or regional Context.'

The Amendment recognises the areas of productive agricultural land to the north of the Study Area and also, that while the Port Albert Hinterland isn't used for traditional agricultural pursuits, that it is utilised for agriculture at a smaller or more intensive scale. The Hinterland area is important in both the agricultural productivity of the region and preventing incompatible land uses affecting productive agricultural land to the north. The farming zone has been retained in the Hinterland where appropriate.

14.03: Resource Exploration and Extraction, which seeks to:

'...encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.'

The Amendment recognises the close proximity of coal resources to the north of Port Albert and the importance of ensuring that the opportunity for exploration and extraction of natural resources is protected. Land affected by the State Resource Overlay is not proposed for rezoning and will remain in the Farming Zone.

CLAUSE 15 – BUILT ENVIRONMENT AND HERITAGE

15.01-1: Urban design, which seeks to:

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

The Amendment proposes to make a number of changes to the Design and Development Overlay 9 that applies to the Port Albert Township. These changes will remove unnecessary requirements and introduce exemptions to minor buildings and works to effectively manage land development in Port Albert. The changes will not affect the intention of the Design and Development Overlay and the overlay will still ensure development does not detract from the natural and built character of Port Albert.

CLAUSE 16 - HOUSING

16.02-1: Rural residential development, which seeks to:

'...identify land suitable for rural living and rural residential development'

The Port Albert Rural Residential Lifestyle Lots Review was undertaken to review rural Living opportunities for the coastal township of Port Albert and provides the strategic justification for the proposed rezonings that form a component of Amendment C95. The study was prepared in accordance with the guiding principles for rural residential development and applying the rural zones as set out in Planning Practice Notes 37 and 42, respectively.



CLAUSE 17 – ECONOMIC DEVELOPMENT

17.01-1: Business, which seeks to:

'...encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.'

17.03-1: Facilitating tourism, which seeks to:

'...encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.'

The proposed changes to the existing provisions applying to the township will align the current objective for Port Albert with existing strategies for the town and in doing so will help to facilitate and encourage tourism and economic development. The proposed rezonings have the ability to foster additional economic development through increased residential development and an increased population level.

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

The following Clauses of the Local Planning Policy Framework (LPPF) are considered to be relevant to the proposed Amendment:

Clause 21.04: Settlement & Housing - *refers to how and where growth should be accommodated over the next fifteen years. Appropriateness of development depends on infrastructure services and the encroachment of urban settlement on highly valuable agricultural land, coal related land and natural environment.*

Based on current data and recent trends, the Amendment will potentially provide an additional 17 years of land for the future growth of Port Albert. The extent of land identified for rezoning will not create a requirement to provide additional infrastructure nor will it encroach on the highly valuable agricultural land and coal resources to the north of the Township. The sensitive natural environment in the Port Albert hinterland, including the Nooramunga Marine and Coastal Park, has been considered and has greatly influenced the location and extent of land proposed for rezoning.

Clause 21.12: Coastal Areas Strategic Framework - *sets out the current direction for land use and development within Port Albert.*

The proposed revision to Clause 21.12-10 seeks to strengthen support for existing strategies identified for Port Albert in the Wellington Planning Scheme by expanding on the currently limited objective and in doing so providing additional support for tourism and commercial growth in Port Albert.

Clause 21.13: Environment and Landscape Values – *recognises that the Shire's rural areas contain some of the most ecologically important and diverse areas in the State, that these areas have high natural value and require protection from the significant issues, including inappropriate development and removal of native vegetation.*



As addressed in the previous section, the Amendment has taken into consideration the potential impacts of land use change on the biodiversity and environmental sensitivity of the area. The Amendment recognises the significant levels of vegetation and areas of environmental sensitivity, the existence of acid sulphate soils and the location of the area being adjacent to Ramsar Convention listed and significant coastal wetlands (Nooramunga Marine and Coastal Park). These considerations have informed the location and extent of land identified for rezoning.

Clause 21.14: Environmental Risk - *acknowledges that the Shire contains areas which are liable to flooding and susceptible to fire, and also other environmental risks including climate change and land degradation and that potential impacts of these risks need to be managed appropriately through land management practices and the prevention of inappropriate development.*

Council has undertaken extensive consultation with West Gippsland Catchment Management Authority at both the Review (RRLLR) stage and during exhibition of the Amendment, to identify land affected by inundation under current conditions and the potential impacts of a 0.8 metre rise in sea level by 2100. Land affected by coastal hazards is being retained within Farming Zone to avoid development in these areas. Extensive consultation has also been undertaken with CFA to ensure fire risk in the area has been appropriately considered.

Clause 21.15: Natural Resource Management', Clause 22.06: Coal Resources Policy and Clause 22.07: Coal Buffers Policy – *acknowledges the Shires natural resources including significant coal resources and productive agricultural land and the need for recognition and protection of these important resources.*

As discussed in the previous section, consideration has been given to the close proximity of coal resources to the north of Port Albert and the importance of ensuring that the opportunity for exploration and extraction of natural resources is protected. Land affected by the State Resource Overlay is not proposed for rezoning and will remain in the Farming Zone.

Clause 22.02: Rural Policy – *The rural policy recognises the importance of agriculture to the Shire's economy and the need to protect productive agricultural land from fragmentation and inappropriate land use and development that has the potential to threaten the future value of the Shires agricultural sector.*

The Amendment also recognises the areas of productive agricultural land to the north of the Study Area and also, that while the Port Albert Hinterland isn't used for traditional agricultural pursuits, it is utilised for agriculture at a smaller or more intensive scale. The Hinterland area is important in both the agricultural productivity of the region and preventing incompatible land uses affecting productive agricultural land to the north. The farming zone has been retained in the Hinterland where appropriate.

Clause 21.16: Built Environment and Heritage - *acknowledges that the built form within the Shire requires careful consideration and guidance due to significant variation within the municipality and significant heritage assets need to be considered in land use and development decisions.*

Clause 22.03: Heritage Policy – *provides direction for the most appropriate ways to undertake works in heritage places and encourages a community climate of respect for, and appreciation of, Wellington Shire's heritage.*



The Amendment proposes to make a number of changes to the Design and Development Overlay 9 that applies to the Port Albert Township. These changes will remove extraneous requirements and introduce exemptions to minor buildings and works to effectively manage land development in Port Albert. The changes will not affect the intent of the Design and Development Overlay, which will still ensure that development does not detract from the natural and built character of Port Albert.

Clause 21.17: Economic Development - refers to the importance of tourism and its significant potential for growth, the need to diversify the Shire's economic base and the need to protect the Shire's rural areas and high quality agricultural land.

The proposed changes to existing provisions applying to the township will align the current objective for Port Albert with existing strategies for the town and in doing so will help to facilitate and encourage tourism and economic development. The proposed rezonings have the ability to foster additional economic development through increased residential development and increased population levels.

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

The Amendment uses the most appropriate Victorian Planning Provision tools to achieve the strategic objectives of the Scheme. This proposed Amendment seeks to utilise existing zones and apply them to appropriate areas within the Port Albert Hinterland while amending existing provisions applying to the township to appropriately manage land development in Port Albert.

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

In undertaking the *Port Albert Rural Residential Lifestyle Lot Review (2014)*, Spiire engaged with a number of statutory authorities who subsequently provided submissions which were factored into the final recommendations report. A summary of these submissions can be found below:

DEPI/DELWP – Rural Conservation Zone implementation is supported in Precincts 1 and 3. Precinct 6 expansion of ESO1 is consistent with environmental objectives. Council should take into account VPP Amendment VC109 in relation to RCZs, clearance and defensible space for dwellings.

South Gippsland Water - any proposed smaller lots (less than 4000m²) will need to connect to South Gippsland Water's sewerage network and larger allotments will need to have the ability to treat and retain effluent on site in accordance with EPA standards and approved by Council.

West Gippsland Catchment Management Authority (WGCMA) - Final recommendations supported.

Country Fire Authority (CFA) - indicated additional rural residential development would need to be cognisant of fire protection guidelines, which may require certain land sizes and vegetation setbacks.

As part of the exhibition for the Amendment, letters were sent to 8 statutory authorities. Responses were received from three (3) Authorities (West Gippsland Catchment Management Authority; Department of Environment, Land, Water and Planning; Country Fire Authority). One (1) internal response was also received from Council's heritage advisor.



Department of Environment, Land Water and Planning (DELWP) - indicated its support for the proposed Amendment in its current form.

West Gippsland Catchment Management Authority (WGCMA) - raised no objections.

Country Fire Authority (CFA) - Recommend application of the BMO to the land proposed for Rural Living Zone – Schedule 2 in both Precinct 5 (north side of Kilgowers Road, Langsborough) and Precinct 2 (north of Old Port Foreshore Road) as these areas of vegetation meet the criteria for BMO mapping and would ensure that bushfire mitigation measures are considered and incorporated into future development.

Councils Heritage Advisor - raised no objections to the proposed Amendment.

Following the directions hearing held in Yarram on 20 October 2015, Council reached out to the remaining authorities providing an additional opportunity to make a submission to the Amendment. No further submissions were received.

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

The Amendment is not likely to have a significant impact on the transport system due to the small scale of the proposed rezonings. New rural living zoned land will utilise existing road infrastructure

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

It is considered that implementation of the recommendations of the *Port Albert Rural Residential Lifestyle Lots Review* and the *Port Albert Planning Controls Review* into the Wellington Planning Scheme will have a positive effect on Council resources and decrease administrative costs through the provision of updated, clear and concise planning regulations.



7. Summary of issues raised in submissions and Council's response

At the close of the exhibition period, twenty (20) submissions were lodged with Council. Three (3) submissions were received from statutory authorities, one (1) internal response was received from Council's heritage advisor and sixteen (16) submissions were received from members of the community.

All submissions and responses can be found in the response to submissions table (**Attachment 1**).

The submissions will be addressed as follows:

- A. Statutory Authorities
- B. Zoning/Land use Issues
- C. Environmental Issues
- D. 'Other' planning matters

A. Statutory Authorities

Submissions:

West Gippsland Catchment Management Authority (WGCMA) - Does not object to the Amendment.

Country Fire Authority (CFA) - recommend application of the BMO to the land proposed for Rural Living Zone – Schedule 2 in both Precinct 5 (north side of Kigowers Road, Langsborough) and Precinct 2 (north of Old Port Foreshore Road) as these areas of vegetation meet the criteria for BMO mapping.

Department of Environment, Land, Water and Planning (DELWP) - supports the Amendment.

Council's Heritage Advisor - No heritage concerns with the proposed Amendment.

Council response to the comments from statutory authorities

In response to the submission made by the CFA, Council consider the recommended application of the Bushfire Management Overlay as a matter that is outside the scope of the current Planning Scheme Amendment and as such should be considered as a separate process on a more holistic basis in consultation with both the CFA and DELWP.

Notwithstanding this, Council has been engaged in ongoing discussions with the CFA regarding its submission and the level of fire risk in the area to ensure that it (the CFA) is satisfied with the proposal and to determine the most appropriate way to deal with any potential fire risk.

The CFA has indicated that fire safety requirements can be considered and addressed separately from Amendment C95 as part of any future development proposal in Port Albert and can be dealt with through existing planning and building permit processes.



B. Zoning/Land Use Issues

(Submissions 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18)

Key issues raised by submitters

Twelve (12) of the submissions raised issues regarding the relationship between existing land uses and the current zonings. More particularly, that the Farming Zone was incorrectly applied to land in 2007 and doesn't reflect the existing land use or recognise (the submitters' views) that the land isn't suitable for farming.

Council response to the submissions

Application of the Farming Zone in 2007:

The submitters' believe that the translation of the former Rural Zone (RUZ) to the Farming Zone (FZ) in 2007 was incorrect and 'removed' property owners existing use rights. Whilst the former RUZ allowed for a wide range of uses, the purpose of the zone was: 'To provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production)' - in other words, to provide for agricultural uses. A permit was required for a dwelling on lots less than 40Ha in the RUZ.

In assessing an application for a dwelling in the RUZ, consideration had to be given as to whether the dwelling was 'reasonably required' for the operation of the rural activity conducted on the land. Despite these requirements, the ambit of discretion in the zone was regarded as being (amongst other things), too wide, which was leading to the loss of agricultural land and creating land use conflicts as incompatible uses were allowed to be established in close proximity to one another.

The purpose of the new FZ was to provide a zone that *unambiguously* catered for agriculture. The reason for the introduction of the zone was to address the issues evident with the RUZ since its application into the new format planning scheme (refer to [Section 2](#)).

As detailed in the document, 'New Zones for Rural Victoria Final Package' (DSE, 2009) (Attachment 2), the Minister for Planning recognised the need at the time to retain existing rights and early in the consultation period announced that existing use rights would remain for dwellings within the FZ. These retained rights were that:

- A property owner will continue to be able to seek a permit for a dwelling on lots less than 40 hectares or the scheduled lot size.
- A property owner will continue to be able to seek a permit for a second dwelling on a lot.
- A property owner will continue to be able to seek a permit to excise an existing dwelling, subject to a condition preventing further subdivision of the resultant lots.

A key difference between the zones was that the FZ introduced the requirement for permit applications to be supported by a written statement explaining how the proposal responds to the decision guidelines of the zone.

The application of the FZ in 2007 was a direct translation from the former RUZ and was undertaken as a 'Ministerial Amendment' by the Minister for Planning.



RLLLR and Amendment C95:

The Rural Residential Lifestyle Lots Review being implemented as part of Amendment C95 was required to consider a range of factors beyond the existing land use in assessing the most appropriate zone for each precinct (including environmental constraints, access, agricultural productivity, services and infrastructure levels). Where it has been determined that rural living development would not be suitable due to constraints, it was considered that the retention of the existing Farming Zone is the most appropriate way to prevent inappropriate land use and development.

C. Environmental Issues

(Submissions 3, 4, 7, 11, 13 15 & 17)

Key issues raised by submitters:

- Two (2) of the submissions (3 & 7) raised issues in relation to vegetation:
 - a) One (1) submitter had concerns that further subdivision in Precinct 2 would have significant impacts on the existing vegetation due to clearing for dwellings, fence lines, driveways and other buildings.
 - b) One (1) submitter believes the vegetation assessment in Precinct 1, which identified that the biodiversity and environmental values of the precinct required protection, was erroneous and inaccurate.
- Four (4) of the submissions (3, 4, 13 & 15) raised issues in relation to fire risk. The submission raised in relation included:
 - a) General agreement with the fire risk assessment
 - b) Concern with proposed level of human activity in Precinct 2 given level of fire risk
 - c) Questioned why areas affected by bushfire are being proposed for rezoning if this was given as a reason not to rezone other land.
 - d) Questioned why areas affected by bushfire are proposed for rezoning when there is filled, vacant (Farming Zone) land in the township that is unaffected by fire.
- Four (4) of the submissions (4, 7, 11 & 17) raised issues in relation to the justification of not rezoning certain areas due to inundation and flooding.

Council response to the submissions

1. Vegetation:

- a. The views of DELWP were sought as part of the consultation process. DELWP raised no issues regarding vegetation removal and responded in support of the Amendment. Any removal, destruction or lopping of native vegetation requires a planning permit (unless specifically exempted) and must comply with the requirements of Clause 52.17. In instances where native vegetation is permitted to be removed, it is required that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation being removed.
- b. The biodiversity significance identified in Precinct 1 is based on the findings of a professional study undertaken in 2010 by consultants Aecom – *Environmental Investigation Report: Wonnangatta Valley and Port Albert*.



The Heart of Gippsland

(2010)'. The significance of the vegetation, in combination with its location in the context of the neighbouring Nooramunga Marine and Coastal Park, means that it is valuable and requires protection.

2. Fire

As outlined above, in determining the potential for Precincts to be rezoned, a range of factors were considered - one of which was fire risk. None of the Precincts are currently affected by the Bushfire Management Overlay (BMO) under the planning system, but all land is affected by Bushfire Prone Area mapping under the building provisions.

During the preparation of the RRLLR, advice was sought from the Country Fire Authority (CFA) who had no objection to the proposed rezonings. Advice was again sought from the CFA during the exhibition of Amendment C95, at which time it was indicated that land affected by the proposed rezoning is not currently affected by the BMO, but the vegetation in these areas meets the criteria in DELWP 'Advisory Note 46: Bushfire Management Overlay Mapping Methodology and Criteria'.

Accordingly, the CFA welcomed further discussion with Council about the application of the BMO. Council believes that the potential application of the BMO to land in Port Albert (and in other relevant areas of the municipality) is a matter for consideration outside of the current C95 Amendment process, which will allow consideration of the matter to be conducted in a more holistic (not piecemeal) manner in full consultation with both the CFA and DELWP.

Following discussions between Council and CFA regarding the level of fire risk in the Port Albert area, the CFA has indicated that the fire safety requirements can be considered and addressed separately from Amendment C95 as part of any future development proposal in Port Albert, which can/will be adequately dealt with as part of existing planning and building permit processes.

3. Flooding

During the preparation of the RRLLR and as part of Amendment C95, technical flooding advice was sought from the relevant statutory authority, which in this instance is the West Gippsland Catchment Management Authority (WGCMA). The WGCMA advised that higher standards apply to the proposed rezoning of land compared to infill development:

- a. For rezoning that is likely to increase the number of residents, the WGCMA's first test is to determine if the land is predominately flood free in a 1% AEP (Annual Exceedance Probability) flood (i.e. enough flood free land to build a house, shed and driveway).
- b. The 'Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise (June 2012)', state that greenfield development (i.e. conversion of rural land to an urban use) will be assessed against a 1% AEP benchmark that includes an allowance of 0.8m rise in mean sea level.

Where the WGCMA has indicated that it would not support rezoning due to potential inundation and flooding, the land is either already subject to inundation under current



climatic conditions or would be affected under future climatic conditions (2100) to an extent that the land would not satisfy the first test of being 'predominantly flood free'.

D. 'Other' planning matters

(Submissions, 7, 10, 11, 12, 13, 16 & 17)

Key issues raised by submitters:

1. Four (4) of the submissions (7, 10, 11 & 17) raised issues in relation to the use of 'precincts' instead of individually assessing properties based on size, attributes and most appropriate use.
2. Three (3) of the submissions (7, 10 & 16) raised issues with the accuracy of the supply/demand figures used in the RLLR.
3. Three (3) of the submissions (12, 13 & 17) raised questions about infrastructure levels, particularly, why the land proposed for rezoning is preferred over other land with better services and infrastructure.
4. Two (2) of the submissions (11 & 17) raised issues with the decision to retain their property in the Farming Zone despite the level of existing development on neighbouring properties.

Council response to the submissions

1. Assessment of properties on an individual basis is neither an accepted strategic planning approach nor best practice – a view advocated and supported by DELWP. Properties need to be considered within the wider landscape context with precincts having been determined by a combination of factors including existing planning controls, land use, vegetation and access constraints. This approach is also consistent with 'Practice Note 37: Rural Residential Development' (DELWP), which focuses on areas rather than individual lots and land parcels.
2. The RLLR looked at a number of data sources when assessing supply and demand for housing/residential lots in Port Albert. This included:
 - a) Anecdotal evidence gathered from discussions with the community and local estate agents who suggested that there is a level of demand for rural residential land in the Port Albert hinterland.
 - b) Victoria in Future 2012 (VIF 2012 – DELWP) projections.
 - c) Council building/planning permit data.

Officers believe that this provided the most accurate, up-to-date data available at the time that the RLLR was undertaken. This also complies with State Planning Policy, which requires consideration, where relevant, of Victorian Government population projections and land supply estimates when planning for sufficient supply of land to meet forecast demand.

3. In relation to both issues 3 & 4 above – as previously discussed, the RLLR was required to consider a number of different factors (including the existing land use, environmental constraints, access, agricultural productivity, service provision and infrastructure levels) when assessing the most appropriate zone for each precinct. Where properties have access and services but are not recommended for rezoning, other constraints are present that make residential development inappropriate in these areas.



Attachments





Planning and Environment Act 1987
Panel Report
Wellington Planning Scheme Amendment C95
Port Albert Rural Residential Lifestyle Lots Review




13 January 2016

Planning and Environment Act 1987
Panel Report pursuant to Section 25 of the Act
Wellington Planning Scheme Amendment C95
Port Albert Rural Residential Lifestyle Lots Review

13 January 2016



Brett Davis, Chair



Geoffrey Carruthers, Member

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List of Abbreviations

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
ARI	Average Recurrence Interval
BMO	Bushfire Management Overlay
CFA	Country Fire Authority
DELWP	Department of Environment, Land, Water and Planning
FZ	Farming Zone
GRZ	General Residential Zone
LSIO	Land Subject to Inundation Overlay
PAPA	Port Albert Progress Association
PCR	Planning Controls Review (Meinhardt June 2014)
RAMSAR ¹	Convention on Wetlands
RCZ	Rural Conservation Zone
RLZ	Rural Living Zone
RRLLR	Rural Residential Lifestyle Lots Review (Spiire October 2014)
RZ	Rural Zone
SLR	Sea Level Rise
SPPF	State Planning Policy Framework
WGCMA	West Gippsland Catchment Management Authority

¹ RAMSAR - an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and use of wetlands and their resources.

Overview

Amendment Summary

The Amendment	Wellington Planning Scheme Amendment C95
Common Name	Port Albert Rural Residential Lifestyle Lots Review
Subject Site	Port Albert township
The Proponent	Wellington Shire Council
Planning Authority	Wellington Shire Council
Authorisation	Requested 21 April 2015
Exhibition	25 June to 27 July 2015
Submissions	20

Panel Process

The Panel	Brett Davis (Chair) and Geoffrey Carruthers
Directions Hearing	Yarram Service Centre, Yarram, 20 October 2015
Panel Hearing	Yarram Service Centre, Yarram, 30 November and 1 December 2015
Site Inspections	Unaccompanied, 20 October and 30 November 2015
Date of this Report	13 January 2016

Executive Summary

Wellington Planning Scheme Amendment C95 (the Amendment) was prepared by Wellington Shire Council (Council) as Planning Authority. As exhibited, the Amendment proposes to:

- Implement the recommendations and findings of the Port Albert Rural Residential Lifestyle Lots Review (2014) and the Port Albert Planning Controls Review (2014)
- Rezone nominated land near Port Albert to Rural Living Zone, Low Density Residential Zone, Rural Activity Zone, Farming Zone and General Residential Zone
- Make associated changes to Clause 21.12 - Coastal Areas Strategic Framework and to the Design and Development Overlay, Schedule 9.

Council received 20 submissions, with the majority opposing the Amendment. The reasons for opposition included:

- Inappropriate justification
- Council is too conservative (not rezoning enough land)
- The Farming Zone translation is flawed
- Effect on property values and rates
- Inefficient in-depth investigation.

In the majority of cases, the Panel finds that the existing the Farming Zone (FZ) for most precincts is inappropriate. It was disappointing that Council did not look to go further with its recommendations in order to rectify this. However it is beyond the role of this Panel to recommend broad scale rezoning of land when there remain several outstanding issues – particularly flood inundation and fire risks.

The Country Fire Authority (CFA) preference was for a Bushfire Management Overlay to be used, however for various reasons the Amendment was not exhibited with one. As such, the CFA relied upon bushfire management planning Memorandum of Understanding with Council. This has yet to be finalised.

The West Gippsland Catchment Management Authority (WGCMA) outlined that a majority of the subject sites will be affected with an increase in AHD level predictions to the year 2100. The WGCMA was of the view that this ruled out rezoning of land. What was not clear to the Panel is why this could still not be mitigated through an overlay or planning control, and was not a reason to 'quarantine' unviable farmland.

Neither the Council nor any submitters presented the Panel with expert evidence on matters such as land supply, fire and inundation issues. Council relied on the work undertaken by Spiire, the Port Albert Rural Residential Lifestyle Lots Review (2014) (RRLLR). This document clarifies precinct boundaries.

The focus of the RRLLR is to identify opportunities for rural living growth, rather than broader issues of the applicability or relevance of the FZ as it has been applied to Port Albert.

Limited land supply was raised by a number of submitters. There is evidently little apparent land supply or demand issue. The empirical data that was presented to the Panel by Council is the best available reasoning, and satisfies the Panel.

The Panel encourages Council as a priority to undertake a rigorous strategic approach to predicted climate change implications in Port Albert, and that the input of the WGCMA and CFA is applied on a precinct basis, rather than rely upon applying conditions on an individual site-by-site permit basis. The precincts adopted as part of this Amendment should be the basis on which to prepare future Amendments with all information at hand.

The close proximity to a RAMSAR listed marine reserve and wetlands require further attention. As part of further strategic work, a contiguous Rural Conservation Zone (RCZ) buffer at the RAMSAR interface is suggested as a salient consideration.

The Panel is empathetic to issues raised in Precinct 7 however it agrees with the recommendation of Council not to rezone any further land at this stage.

With regard to the 'anomalies' put forward by Council, the Panel notes that zone boundaries don't necessarily have to follow a cadastre. In this case, rezoning the land to suit property boundaries would create another anomaly and it did not support these changes.

The Panel believes that the responsible course of action for Council is to conduct a review of the issues identified by the Panel, and consider the factors that have changed and update the RRLLR accordingly. The review should, as a minimum, consult the WGCMA, Port Albert Progress Association (PAPA) and the CFA; and preferably also involve a community consultation component in order to gain back some of the lost ownership of the outcome expressed by the Port Albert community. This should address the appropriateness of the FZ (with a view to removing it), meaningful land supply analysis and include how to apply Land Subject to Inundation and Bushfire Management Overlays concurrently with any future Planning Scheme Amendments relating to the Port Albert precincts.

Recommendation

Based on the reasons set out in this Report, the Panel recommends:

- 1 Adopt Amendment C95 to the Wellington Planning Scheme as exhibited, subject to deleting Precinct 5 - rezoning of land at 68 and 86 Yarram-Port Albert Road.**

1 Background

Wellington Planning Scheme Amendment C95 (the Amendment) was prepared by Council as Planning Authority. As exhibited, the Amendment proposes to:

- Implement the recommendations and findings of the Port Albert Rural Residential Lifestyle Lots Review (RLLR) (2014) and the Port Albert Planning Controls Review (2014);
- Rezones nominated land near Port Albert variously to Rural Living Zone (RLZ), Low Density Residential Zone (LDR2), Rural Activity Zone (RAZ), Farming Zone and General Residential Zone (GRZ) and;
- Makes associated changes to Clause 21.12 - Coastal Areas Strategic Framework and to the Design and Development Overlay, Schedule 9 (DDO9).

Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Wellington Shire Council	Mr Barry Hearsey (Coordinator on Planning) Mr Ben Proctor (Strategic Planner)
West Gippsland Catchment Management Authority	Mr Wayne Gilmore
Country Fire Authority Mr Don Cairness Mr John Coghill and J Kerridge Mr Michael Glebov	Mr Jude Kennedy and Ms Ann Caxon
Port Albert Progress Association	Mr Saul Stainer Mr Michael Hobson
Mr Gary Proud Mr Peter and Mrs Jill Coates Ms Jacqueline Chelebian (by phone)	

1.1 Right of reply

At the conclusion of the Hearing, the Panel requested Council to provide its 'right of reply' in writing addressing the following issues:

- *Noting the new information tabled by the WGCMA during the Hearing, expand its reasons why the RLZ and RAZ have been chosen, and if it relies on the Spilre report in forming its recommendations*
- *Clarification on the criteria applied in determining zones and precincts and how was this applied*
- *Clarification regarding how the CFA and bushfire requirements could be dealt with in the absence of applying the BMO*

- Council provides an electronic copy of the 2002 Port Albert Master Plan and EnPlan document raised in submissions.

The Right of Reply was submitted to Planning Panels Victoria and all parties on 7 December 2015.

1.2 Procedural matter

Gary Proud (submitter 16) raised a procedural issue in writing on 24 July 2015, and again at the Directions Hearing on 20 October 2015, questioning whether the Panel Hearing should be convened at all, when the Council has not complied with the Section 4 Objectives requirements of the *Planning and Environment Act 1987* (the Act). He submitted that Council had failed to provide for fair, orderly, economic, and sustainable use and development of land. He asserted that Council had never undertaken the review of the previous use of the subject sites prior to Amendment C43, which was recommended in the Amendment C55 Panel report in 2013².

At the Directions Hearing the Panel ruled that the Amendment had been properly prepared by Council and approved by DELWP in accordance with Ministerial Direction 11 (Strategic Assessment Guidelines) and the Form and Content of Planning Schemes under Section 7(5) of the Act.

1.3 Previous amendments

Amendment C43

Amendment C43 was prepared by the Minister for Planning and introduced the FZ and RCZ into the Wellington Planning Scheme. The Amendment resulted in the direct translation of the 'old' rural zones (Rural Zone and Environmental Rural Zone) to the new rural zones FZ and RCZ.

Amendment C55

In its original form, Amendment C55 proposed to implement the findings of the adopted Rural Zones Review by:

- Rezoning of agricultural land in the Wonnangatta and Dargo River Valleys from the Rural Conservation Zone to the Farming Zone.
- Rezoning of 4 Crown Land parcels in the Dargo area from Rural Conservation Zone to the Public Conservation and Resource Zone.
- Extending the application of Schedule 8 to the Environmental Significance Overlay to all areas within a Special Water Supply Catchment Area.
- Inserting 'Planning Units' into the Municipal Strategic Statement.
- Inserting a new local Rural Policy.
- Consequential changes to the local provisions of the Wellington Planning Scheme.

The Panel acknowledged that there may be properties that were translated into the Farming Zone that could not be farmed, though it was also made clear by the Panel in its report that it was, '... not suggesting that these properties all become Rural Residential or Rural Living

² Panel report Amendment C55, July 2013, page 16

Zones (as the strategic work has not been undertaken or provided), but that the review investigate the appropriateness of zoning in this area.'

Amendment C55 was ultimately split into two parts with Part 1 comprising all components of the Amendment except all matters relating to the Special Water Supply Catchments and Part 2 which included all matters relating to the special water supply catchments. C55 (Part 1) was formally adopted by Council on 17 December 2013 and forwarded to the Minister for Planning on 2 January 2014 for approval with Part 2 of the Amendment being abandoned. Amendment C55 (Part 1) was approved by the Minister for Planning and came into effect 1 May 2014.

Amendment C33

Amendment C33 was prepared by Wellington Shire Council in 2010 at the request of the WGCMA. Amendment C33 sought to apply updated/new flood overlays to areas known to be affected by mainstream flooding during a 1 in 100 year ARI (Average Recurrence Interval) flood. ARI is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event.

The Amendment affected various flood prone areas within the Shire (including Port Albert), as identified by the East and West Gippsland Catchment Management Authorities in association with the Wellington Shire Council.

The new flood mapping extents were informed by, and representative of, best available data at the time, and were based on numerous studies: including the Flood Data Transfer Project (DSE 2000), the Rosedale Flood Warning Upgrade Project (GHD 2002), the Gippsland Lakes Flood Level Modelling Project (CEAH 2004), the Port of Sale Hydrological Study (SMEC 2004), aerial flood photography taken during major floods in 2001 and 2007 (WGCMA) and detailed topographical data (LiDAR) captured by DSE during 2008.

Amendment C33 was exhibited from 4 February to 18 March 2010, and 139 submissions were received. A large number of submissions were unresolved with the main issues raised relating to the accuracy of data used to define overlay boundaries; the applicability of overlays to individual properties; and the social and economic impact of the overlays on individual landowners and affected communities, particularly in the township of Port Albert.

Ninety-five submissions were received from Port Albert, most of which remained unresolved because submitters objected to a Land Subject to Inundation Overlay (LSIO) being introduced over much of the town, when no such overlay had existed in the past. Submitters also disagreed with the LSIO on the grounds that a realistic basis did not exist in respect to the 1 in 100 year tidal inundation elevation used, and consequently the LSIO was excessive in its extent.

The C33 Panel noted that:

- *The predictions in the CSIRO report (Climate Change in Eastern Victoria – Stage 3 Report, 2006) relied upon to inform the extent of the LSIO and FO in Port Albert report were made on the basis of limited data and may not have reliably represented the complexity of the marine/terrestrial/climatic interface and, consequently, the elevation of the 1 in 100 year ARI tidal storm surge event for Port Albert. On this basis, the Panel recommended a*

review of the CSIRO report to determine the extent to which it could be relied upon.

- *The CSIRO report, however, represented the best available information and that, with the precautionary principle in mind, should be applied until better data becomes available.*

Council adopted the Amendment in April 2011, and subsequently in 2014 the Minister for Planning approved the Amendment, with changes. These changes included the exemption of the town centre urban areas (Residential 1 Zone (R1Z), Commercial 1 Zone (C1Z / B1Z) and Commercial 2 Zone (C2Z/ B4Z)) of Port Albert from the Land Subject to Inundation Overlay and Flood Overlay controls. The Amendment came into effect on 16 January 2014.

1.4 Precinct recommendations

The Amendment includes the RLLR as a reference document. Council informed that Panel that further investigative work would be required to support potential rezoning within Precincts 1, 3, 5 and 6.

Table 2 RLLR Recommendations

Precinct	Recommendation
Precinct 1	Investigate rezoning to RCZ1 (long term and not included in this Amendment)
Precinct 2	Rezone to RLZ2
Precinct 3	Investigate rezoning to RCZ1 (long term and not included in this Amendment)
Precinct 4	Rezone to LDRZ
Precinct 5	Rezone land to correct mapping anomalies and investigate the rezoning of land at Lot 2 LP95313 from GRZ to FZ and rezone land along Kilgowers Road to RLZ2
Precinct 6	Retain in the FZ. Investigate extending the ESO2 to land at 19 Old Port Road. Apply the RAZ to the caravan park.
Precincts 7,8,9	Retain in FZ.

1.5 Issues dealt with in this report

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

This report deals with the following matters:

- Planning Context
- Strategic Justification
- General Issues with the Farming Zone
- Other issues
- Precincts.

1.6 Property devaluation and rates

A number of submitters were concerned that the Amendment would or may devalue their property. There are numerous factors that can influence property value and no evidence was presented to indicate or prove the Amendment would influence a property's value.

The Panel informed submitters that it has been a long held legal principle at PPV and VCAT hearings that the impact or otherwise of planning decisions upon property values is not a matter that should influence our considerations.

The Panel refers to Mitchell C92:

The core consideration for amendments in clause 10.04 of the planning scheme, namely balancing competing objectives in the SPPF in favour of net community benefit and sustainable development, will, and has, generally resulted in amendments placing controls on private land being strongly weighted to the broader community benefit rather than any individual's real or perceived disbenefit or loss of personal benefit.

In relation to property devaluation, the Panel has not been presented with any evidence that substantiates such claims. Furthermore, it considers that even if there is some level of property devaluation associated with the Amendment, this does not weigh against the overall benefit to the community of the Amendment.³

On the matter of rate notices raised by submitters, the Panel notes that this does not form part of its ambit of discretion nor does it make any further comment on the matter.

³ Mitchell C92 Panel Report pg.13

2 Planning context

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

The Panel has reviewed the policy context of the Amendment, and relies upon Council's submitted appraisal of the relevant zone and overlay controls and other relevant planning strategies:

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11 - Settlement

Clause 12: Environmental and Landscape Values

Clause 12.01-1: Protection of biodiversity, which seeks:

to assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

Clause 12.02-1: Protection of coastal areas, which seeks to:

recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.

Clause 12.02-2: Appropriate development of coastal areas, which seeks to:

ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.

Clause 12.04-1: Environmentally sensitive areas, which seeks to *protect and conserve environmentally sensitive areas.*

The Amendment has considered the potential impacts of land use change on the biodiversity and environmental sensitivity of the area. The Amendment recognises the significant levels of vegetation and areas of environmental sensitivity, the existence of acid sulphate soils and the location of the area being adjacent to RAMSAR Convention listed and significant coastal wetlands (Nooramunga Marine and Coastal Park). These considerations have contributed to the identification of the land proposed for rezoning.

Clause 13: Environmental Risk

Clause 13.01-1: Coastal inundation and erosion, which seeks to:

plan for and manage the potential coastal impacts of climate change.

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

assist the protection of life, property and community infrastructure from flood hazard. The natural flood carrying capacity of rivers, streams and floodways'.

The flood storage function of floodplains and waterways. Floodplain areas of environmental significance or of importance to river health.

Council consulted with the WGCMA at both the RRLR stage and during exhibition of the Amendment, to identify land affected by inundation under the DELWP advice regarding the potential impacts of a 0.8 metre rise in sea levels by 2100. Land affected by coastal hazards is proposed to be retained in FZ to avoid development in these areas.

Clause 13.05-1: Bushfire planning strategies and principles, which seeks to:

assist to strengthen community resilience to bushfire.

Although the land proposed for rezoning is not affected by the Bushfire Management Overlay (BMO), bushfire hazard in the area has been identified and been given consideration. The CFA was consulted at both the study stage and during the Amendment to ensure fire risk was adequately considered and the risk to residents, property and community infrastructure will not increase as a result of future land use and development.

Clause 14 - Natural Resource Management

Clause 14.01-1: Protection of agricultural land, which seeks to:

protect productive farmland which is of strategic significance in the local or regional context.

The Amendment recognises the areas of productive agricultural land to the north of the Study Area and also, that while the Port Albert Hinterland is not used for traditional agricultural pursuits, that it is utilised for agriculture at a smaller or more intensive scale. The Hinterland area is important in both the agricultural productivity of the region and preventing incompatible land uses affecting productive agricultural land to the north. The farming zone has been retained in the Hinterland where appropriate.

Clause 14.03: Resource Exploration and Extraction, which seeks to:

encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.

The Amendment recognises the close proximity of coal resources to the north of Port Albert and the importance of protecting the opportunity for exploration and extraction of natural resources. Land affected by the State Resource Overlay is not proposed for rezoning and will remain in the FZ.

Clause 15 – Built Environment and Heritage

Clause 15.01-1: Urban design, which seeks to:

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

The Amendment proposes to make a number of changes to the DDO9 that applies to the Port Albert Township. These changes will remove unnecessary requirements and introduce exemptions to minor buildings and works to effectively manage land development in Port Albert. The changes will not affect the intention of the Design and Development Overlay

and the overlay will still ensure development does not detract from the natural and built character of Port Albert.

Clause 16: Housing

Clause 16.02-1: Rural residential development, which seeks to:

identify land suitable for rural living and rural residential development

The Port Albert Rural Residential Lifestyle Lots Review was undertaken to review rural Living opportunities for the coastal township of Port Albert and provides the strategic justification for the proposed re-zonings that form a component of Amendment C95. The study was prepared in accordance with the guiding principles for rural residential development and applying the rural zones as set out in Planning Practice Notes 37 and 42, respectively.

Clause 17: Economic Development

Clause 17.01-1: Business, which seeks to:

encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 17.03-1: Facilitating tourism, which seeks to:

encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

The proposed re-zonings have the ability to foster additional economic development through increased residential development and an increased population.

(ii) Local Planning Policy Framework and the Wellington Shire Municipal Strategic Statement

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.04: Settlement and Housing

Based on current data and recent trends, the Amendment will potentially provide an additional 17 years of land for the future growth of Port Albert. The extent of land identified for rezoning will not create a requirement to provide additional infrastructure nor will it encroach on the highly valuable agricultural land and coal resources to the north of the Township. The sensitive natural environment in the Port Albert hinterland, including the Nooramunga Marine and Coastal Park, has been considered and has greatly influenced the location and extent of land proposed for rezoning.

Clause 21.12: Coastal Areas Strategic Framework - sets out the current direction for land use and development within Port Albert.

The proposed revision to Clause 21.12-10 seeks to strengthen support for existing strategies identified for Port Albert in the Wellington Planning Scheme

by expanding on the currently limited objective and in doing so providing additional support for tourism and commercial growth in Port Albert.

Clause 21.13: Environment and Landscape Values

The Amendment has taken into consideration the potential impacts of land use change on the biodiversity and environmental sensitivity of the area. The Amendment recognises the significant levels of vegetation and areas of environmental sensitivity, the existence of acid sulphate soils and the location of the area being adjacent to RAMSAR Convention listed and significant coastal wetlands (Nooramunga Marine and Coastal Park). These considerations have informed the location and extent of land identified for rezoning.

Clause 21.14: Environmental Risk

Council submitted that it had undertaken extensive consultation with WGCMA at both the RRLLR stage and during exhibition of the Amendment, to identify land affected by inundation under current conditions and the potential impacts of a 0.8 metre rise in sea level by 2100. Land affected by coastal hazards is being retained within FZ to avoid development in these areas. Extensive consultation has also been undertaken with CFA to ensure fire risk in the area has been appropriately considered.

Clause 21.15: Natural Resource Management, Clause 22.06: Coal Resources Policy and Clause 22.07: Coal Buffers Policy

Consideration has been given by Council to the close proximity of coal resources to the north of Port Albert and the importance of ensuring that the opportunity for exploration and extraction of natural resources is protected. Land affected by the State Resource Overlay is not proposed for rezoning and will remain in the FZ.

Clause 22.02: Rural Policy

The Amendment recognises the areas of productive agricultural land to the north of the Study Area and that while the Port Albert Hinterland is not used for traditional agricultural pursuits, it is utilised for agriculture at a smaller or more intensive scale.

Clause 21.16: Built Environment and Heritage and Clause 22.03: Heritage Policy

The Amendment proposes to make a number of changes to the Design and Development Overlay 9 that applies to the Port Albert Township. These changes will remove extraneous requirements and introduce exemptions to minor buildings and works to effectively manage land development in Port Albert. The changes will not affect the intent of the Design and Development Overlay, which will still ensure that development does not detract from the natural and built character of Port Albert.

2.2 Planning scheme provisions

The Amendment applies the appropriate Victorian Planning Provisions tools to achieve the strategic objectives of the Scheme. This proposed Amendment seeks to utilise existing zones and apply them to appropriate areas within the Port Albert Hinterland while amending existing provisions applying to the township to appropriately manage land development in Port Albert.

(i) Zones

The FZ, RL22, LDRZ, RAZ and GRZ form part of the Amendment.

It is proposed to amend the Design and Development Overlay Schedule 9 to streamline the control and provide greater clarity to permit applicants and Council. Council submitted:

The DDO states that buildings should not exceed the height of the Port Albert Hotel. This control is now redundant. It is proposed to amend Schedule 9 to change this control so that buildings should not exceed a height of 9m above ground level (previously surveyed height of the Port Albert Hotel).

Further exemptions for minor buildings and works such as sheds, outbuildings and minor extensions will be introduced.

Exemptions in the overlay that already exist elsewhere in the Scheme will be removed.

The proposed zones are shown in Figure 1.



Figure 1 Proposed Zones
Source: Council Part A Submission

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

- Ministerial Direction 11 (Strategic Assessment Guidelines) and the Form and Content of Planning Schemes under Section 7(5) of the Act.
- Ministerial Direction 13 (Floodplain Management) the Amendment has considered the views of the relevant floodplain manager and is consistent with all policies, objectives and strategies for coastal Victoria as outlined in the State Planning Policy Framework.
- Ministerial Direction 15 the Amendment is accompanied by all of the required information.

(ii) Planning Practice Notes

Council submitted that the Amendment meets the relevant requirements of the following Planning Practice Notes (PPN):

- PPN37: Rural Residential Development (November 2013)
- PPN42: Applying the Rural Zones (November 2013).

The Amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Scheme pursuant to s 7(5) of the Act.

2.4 Discussion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

3 Strategic justification

3.1 The issue

Does the proposed Amendment have strategic justification?

3.2 Evidence and submissions

As outlined in Council's Part A submission, two studies were commissioned by Council in relation to the Amendment:

- Rural Residential Lifestyle Lot Review (December 2014)
- Port Albert Planning Controls Review (PCR) June 2014.

RRLLR

The RRLLR identified the most appropriate locations to provide rural living opportunities in Port Albert and surrounding areas. The study provided Council with the strategic justification required to change the zoning of land and as such only land identified in the study can be rezoned.

Council submitted the opportunities for rezoning have been influenced by a number of different factors including:

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

The recommendations of the RRLLR are proposed to be implemented by re-zoning specific areas of land around Port Albert, the subject of this Amendment. These are outlined in Table 2.

PCR

The short-term recommendations of the PCR are reflected in both the local policy section of the Planning Scheme that relates to Port Albert and also in Design and Development Overlay – Schedule 9 (DDO9) that applies to the Port Albert Township.

Council submitted that Amendment C55 to the Wellington Planning Scheme, which implemented the findings of the *Wellington Shire Rural Zones Review Volumes 1 and 2 (2009)*, received 16 submissions from the Port Albert, Lansborough and Alberton areas raising issues regarding the application of the FZ to their land. The submissions suggested farming to be an inaccurate description of the land and that it should be rezoned for rural residential purposes. While the decision was made that the issues raised were not for the Panel to resolve, the Panel endorsed the need for the RRLLR study by recommending that:

Council proceed with review of rural residential lot opportunities in Port Albert and surrounding areas in the 2013/14 strategic planning work program and resolves to rezone land in this area for its most appropriate use, whether that be for rural/residential living, farming or conservation values.⁴

Council outlined that a central component of the RRLLR was to investigate and address community concern regarding the perceived mismatch of zoning to rural properties and other anomalies brought about by recent zone translation changes to the Wellington Planning Scheme, and the associated uncertainty surrounding ongoing land use and development rights.

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

Council submitted the RRLLR study provided a sequenced analysis of the following key strategic considerations:

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

This was based upon a review of the Wellington Planning Scheme, relevant recent amendments and a series of relevant strategic studies.

The RRLLR found that there is some scope to provide further rural living opportunities within and around Port Albert, whilst considering the constraints of the area. Council submitted that this finding was based on:

⁴ Amendment C55, Panel report 2013, page 16.

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

In addition, *The Port Albert Planning Controls Review (PCR)* was undertaken by Meinhardt and a final report was provided to Council in June 2014.

Council submitted that:

a key component of the PCR was to investigate and address community concerns that development opportunities and growth in the town are being restricted by Port Albert's planning framework and to make recommendations regarding potential changes/modifications to the existing planning controls. More specifically, opportunities to 'cut red tape' were explored, with the aim of providing a greater level of consistency in the decision-making process across the controls, than currently exists.

Meinhardt critically reviewed the existing planning framework for Port Albert, undertaken in order to identify key requirements relating to the use and development of land and to understand the purpose and application of the various provisions that apply to Port Albert, including relevant State and Local Planning Provisions as well as reference material:

- Recent permit trends - in order to understand recent and historical development patterns and trends in Port Albert.
- Planning issues raised by Council, or that had been identified through community consultation.

The key PCR issues as summarised by Council were:

Complexity of the Existing Planning Framework

Port Albert has a number of special characteristics that warrant a level of protection through planning systems including heritage, character, design, environmental protection, and landscape protection. The planning framework for Port Albert is complex in recognition of these values. While the review found no need to consider specific changes to the application of these controls, it was identified that difficulties are most likely to arise through the requirements of the Heritage Overlay, Design and Development Overlay, and reference documents that contribute to these controls. A review of these provisions was a key focus of the PCR and a number of recommendations were made in this regard.

Opportunities to Reduce Red Tape

The report identified short and medium-long term opportunities to improve the existing planning framework and reduce red tape. Difficulties are most likely to arise through the application of the requirements of the Heritage Overlay, Design and Development Overlay, and Reference documents which contribute to these controls. It is in these provisions where the main opportunities to reduce red tape exist.

Design and Development Overlay 9 (DDO9)

The PRC recommended aligning the DDO9 expectations with the current Port Albert Precinct permit exemptions. As discussed in Chapter 2, this involves removing a reference in the Schedule that identifies the Port Albert Hotel as the height benchmark as the Hotel no longer exists. The adopted approach is to specify a preferred building height of 9 metres above ground level.

Clause 21.12-10 Coastal Areas Strategic Framework

The Amendment expands on the current objective for Port Albert and Palmerston to increase support for tourism and commercial growth.

Council concluded that Amendment C95 is required to implement a number of recommendations from the RRLR and PCR.

3.3 Discussion

The Panel finds that sufficient strategic justification exists for Amendment C95. Council has undertaken the necessary strategic work which forms the basis of its recommendations.

3.4 Conclusions

The Panel concludes that the proposed Amendment has strategic justification. The Panel supports the inclusion of the RRLR as a Reference Document and the inclusion of changes to Clause 21.12-10 (Coastal Areas Strategic Framework) and Clause 43.02-9 (DDO9) as exhibited.

4 General issues with the Farming Zone

4.1 The issue

Should land continue to be zoned for farming purposes?

4.2 Evidence and submissions

Twelve (12) submissions (5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17 and 18) raised issues regarding the relationship between existing land uses and the current zonings. More particularly, that the FZ was incorrectly applied to land in 2007 and does not reflect the existing land use or recognise that the land is not suitable for farming.

Council noted that the application of the FZ in 2007 was a direct translation from the former RZ, and was undertaken by the Minister for Planning. It submitted that the primary purpose of the RZ was to provide for agricultural uses, and that a permit was required for dwellings on less than 40ha. The application of the RZ did not remove development rights for dwellings from property owners.

Several submissions stated that the translation of the former RZ to the FZ in 2007 created disadvantage, and removed property owners existing use rights. The former RZ allowed for a wide range of uses, the purpose of the zone was:

To provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production)

This was intended to provide for agricultural uses.

Council submitted that in assessing an application for a dwelling in the RZ, consideration had to be given as to whether the dwelling was 'reasonably required' for the operation of the rural activity conducted on the land. Despite these requirements, the ambit of discretion in the zone was regarded as being too wide, which was leading to the loss of agricultural land and creating land use conflicts as incompatible uses were allowed to be established in close proximity to one another.

The purpose of the new FZ was to provide a zone that unambiguously catered for agriculture. The reason for introducing the zone was to address the issues evident with the RZ since its application into the new format planning scheme.

Council submitted that in 2009 the Minister for Planning released 'New Zones for Rural Victoria Final Package' (DSE, 2009) which recognised the need to retain existing use rights. Early in the consultation period the Minister announced that existing use rights would remain for dwellings within the FZ. These retained rights were that:

- *A property owner will continue to be able to seek a permit for a dwelling on lots less than 40 hectares or the scheduled lot size.*
- *A property owner will continue to be able to seek a permit for a second dwelling on a lot.*

- *A property owner will continue to be able to seek a permit to excise an existing dwelling, subject to a condition preventing further subdivision of the resultant lots.*

Council outlined that a key difference between the zones was that the FZ introduced the requirement for permit applications to be supported by a written statement explaining how the proposal responds to the decision guidelines of the zone.

The RRLR was required to consider a range of factors beyond the existing land use in assessing the most appropriate zone for each precinct (including environmental constraints, access, agricultural productivity, services and infrastructure levels). Council submitted:

Where Spiire has determined that rural living development would not be suitable due to constraints, Council considered that the retention of the existing FZ is the most appropriate way to prevent inappropriate land use and development.

The Port Albert Progress Association (PAPA), representing approximately 75 local property owners and residents, has formed a consensus view following direct monthly member meetings and dialogue with Council's consultants. It has repeatedly submitted that the FZ have been too broadly applied and was a constraint to growth and development.

4.3 Discussion

The Panel is in a similar predicament to that of the previous C55 Panel, in that it has not been appointed to consider whether the implementation of the Amendment C43 (Rural Zones Translation) was appropriate. This was a state-wide planning process at the direction of the Minister for Planning. The 'New Zones for Rural Victoria Final Package' in 2009 appears to have provided some options for the affected Port Albert landowners.

The intention of the relevant C55 recommendation was to undertake rigorous analysis to produce strategic planning outcomes and address the on-going concerns of the submitters to that Panel. Council has attempted to do this in part through the RRLR. As discussed in Chapter 3 the Panel is of the view that the RRLR and Council could have gone further with its redressing of the FZ.

By way of example Ms Chelebian (submitter 17) submitted the precinct assessment process was too broadly applied, and individual properties were clearly too small for viable farming (Precinct 7). Ms Chelebian also highlighted that the subject to inundation could be addressed under rural residential zoning, where the land was obviously not productive due to flooding. She submitted that an inundation or flood overlay should not be justification for retaining the FZ, and the portion of Precinct 7 fronting Gibson Street to the north should be removed.

In a further example the Panel regards the Precinct 4 FZ as being inappropriately applied previously, as the majority of this site is essentially a rural residential area.

In relying upon the RRLR and PCR work Council has sought to have its consultants engage with the community and landowners, several of whom are evidently opposed to the FZ being applied to their properties.

Given the prolonged and consistent opposition by the PAPA, Amendment C95 has evidently not achieved a significant consensus within the Port Albert community either. The Panel is of the view that the application of the FZ has been too broad, and that further analysis is justified. This analysis goes beyond this particular Amendment and should be undertaken as a strategy priority by the Council.

4.4 Conclusion

Given the focus of the Amendment, RRLLR and PCR was to identify opportunities for rural living growth and reducing red tape, part of this has been addressed by this Amendment. As repeatedly stated, the Amendment in the Panel's view has not gone far enough. For the Panel to recommend rezoning of precincts not considered in detail by the Council would, in its mind result in a transformation of the Amendment. That is, removal of the FZ from a majority of the precincts would be seen as something quite different to what this Amendment has proposed.

The Council should immediately undertake a strategic planning analysis to consider introducing the RCZ, RAZ and RLZ to address the broader issue of the removing FZ where it is inappropriate. The Environmental Significance Overlay, LSIO, and BMO should be applied concurrently with any future amendments.

5 Precincts

5.1 What are the issues?

The issues relate to Council's recommendations as exhibited and whether or not they are supported. This chapter reviews the issues grouped by precinct.

5.2 Evidence and submissions

Council in its Part A submission outlined that the focus for the RLLR review was to identify opportunities for rural living growth. Council specified that re-zoning parts of Precincts 2 and 5, and rectifying zoning anomalies, were its primary recommendations.

The RLLR concluded that whilst the local community has concerns with the current application of planning controls, it had identified a number of zoning anomalies in the area that ought to be rectified to ensure proper land use planning. The report analysed the Port Albert Hinterland Study Area in nine precincts, (Figure 2 below identifies all nine precincts).



Figure 2 Port Albert Rural Residential Lifestyle Lots Review precincts

The RLLR illustrated a number of constraints across the amendment area. These are shown in Figure 3 and explained in the next section.



Figure 3 Constraints Plan
Source RRLR

5.2.1 Vegetation

Two (2) of the submissions (3 and 7) raised issues in relation to vegetation. One submitter had concerns that further subdivision in Precinct 2 would have significant impacts on the existing vegetation due to clearing for dwellings, fence lines, driveways and other buildings.

The Coates' submission (6) regarding the vegetation assessment in Precinct 1 (that identified that the biodiversity and environmental values of the precinct required protection), was that the RRLR was erroneous and inaccurate.

Council submitted that the views of DELWP were sought as part of the consultation process. DELWP raised no issues regarding vegetation removal and responded in support of the Amendment. Any removal, destruction or lopping of native vegetation requires a planning permit (unless specifically exempted) and must comply with the requirements of Clause 52.17. In instances where native vegetation is permitted to be removed, it is required that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation being removed.

The biodiversity significance identified in Precinct 1 is based on the findings of a professional study undertaken in 2010 by consultants AECOM – *Environmental Investigation Report: Wannangatta Valley and Port Albert (2010)*. The significance of the vegetation, in combination with its location in the context of the neighbouring Nooramunga Marine Reserve and associated wetlands, means that it is valuable and requires protection.

5.2.2 Fire

Submissions (3, 4, 13 and 15) raised issues in relation to fire risk including:

- General agreement with the fire risk assessment
- Concern with proposed level of human activity in Precinct 2 given level of fire risk
- Questioned why areas affected by bushfire are being proposed for rezoning if this was given as a reason not to rezone other land
- Questioned why areas affected by bushfire are proposed for rezoning when there is filled, vacant FZ land in the township that is unaffected by fire.

Council submitted that in determining the potential for precincts to be re-zoned, a range of factors was considered - one of which was fire risk. The BMO currently affects none of the precincts under the planning system, but Bushfire Prone Area mapping under the building provisions affects all land.

Council submitted that advice was sought during the preparation of the RLLR from the CFA which had no objection to the proposed re-zonings. Advice was also sought from the CFA during the exhibition of Amendment C95, at which time it was indicated that land affected by the proposed re-zoning is not currently affected by the BMO, but the vegetation in these areas meets the criteria in DELWP 'Advisory Note 46: Bushfire Management Overlay Mapping Methodology and Criteria'.

The CFA engaged in further discussion with Council about the application of the BMO. Council submitted that the potential application of the BMO to land in Port Albert (and in other relevant areas of the municipality) is a matter for consideration outside of the current C95 Amendment process. The consideration of a BMO is to be conducted in a more holistic manner at a future time, in full consultation with both the CFA and DELWP.

The CFA in presenting to the Panel advised that it and Council agreed that:

the fire safety requirements can be considered and addressed separately from Amendment C95 as part of any future development proposal in Port Albert, which can and will be adequately dealt with as part of existing planning and building permit processes.

Don Caithness (submitter 4) suggested to the Panel that fire risk in the region surrounding Port Albert was significant. He highlighted the racecourse area as a high-risk source bushfire threat to the Old Port and Precinct 1, and that vegetation removal was an important mechanism for lessening risk to life and property. The Panel accepts local experience and knowledge as an important source of anecdotal information, and agrees the bushfire management overlays should be a priority for rural residential development areas.

5.2.3 Flooding

Submissions (4, 7, 11 and 17) raised issues in relation to the justification of not re-zoning certain areas due to inundation and flooding.

Council submitted that during the preparation of the RLLR and as part of Amendment C95, technical flooding advice was sought from the WGCMA. The WGCMA advised that increased climate change risk criteria apply to the proposed re-zoning of coastal land (compared to infill development).

The WGCMA's primary consideration for re-zoning whether it is likely to increase the number of residents, and to determine if the land is predominately flood prone in a 1% AEP (Annual Exceedance Probability) storm event by year 2100. AEP is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%), and may be expressed as the reciprocal of ARI.

The 'Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise (June 2012)', state that greenfield development, that is, conversion of rural land to an urban use, will be assessed against a 1% AEP benchmark that includes an allowance of 0.8m rise in mean sea level.



Figure 4 Year 2100 1% AEP inundation prediction
Source (WGCMA presentation - document 2)

Where the WGCMA has indicated that it would not support re-zoning due to potential inundation and flooding, the land is either already subject to inundation under current climatic conditions or would be affected under future climatic conditions (by year 2100) to an extent that the land would not satisfy the first test of being '*predominantly flood free*'.

Don Caithness (submitter 4) submitted at the Hearing that flooding was improbable due to the Port Albert township being remote from the Albert River. The Panel however agrees with the WGCMA that a future significant risk of inundation is likely from the predicted 0.8m rise in sea level and storm surge impacts along the coastline.

Wayne Gilmore from the WGCMA advised the Panel that the change from the 1 in 100 year ARI to a 1% AEP in 2100 brought little change to the flood mapping extent boundaries, when the same 2008 LIDAR data had been used. He stated that the existing considerations were assessed against the 1% AEP at a 1.75m AHD (obtained from the CSIRO in 2006). Adding the

0.8m predicted sea level rise by 2100, and 0.13m storm surge impact, produced at higher flood level datum at **2.68m AHD** (obtained from the CSIRO in 2009). This extended the boundaries of flood mapping predictions.

The SPPF clause 13.01.1 consideration requires planning for at least 0.8m sea level rise by 2100 to ensure that land subject to coastal hazards is identified and appropriately managed to ensure that future development is not at risk. Whilst the WGCMA submission is that several precincts have been identified that would not satisfy the first test of being '*predominantly flood free*', the Panel regards the implementation of an LSIO as being an appropriate planning tool to address flood risk. This could particularly apply to Precinct 7, where residential development building applications could note the current flood level datum advice and build floor levels at 600mm higher, ie: 3.28 AHD. This approach would address the aspirations of the Port Albert Progress Association, and not prohibit residential development in light of the identified risk of flooding.

5.3 Precinct 1

Precinct 1 has not been included in this Amendment for any change.

The PAPA submitted that the FZ was too restrictive, and the RCZ was inappropriate by producing a barrier to critical tourism investment. The Association wanted the northern part of Precinct 1 to be included into the RLZ proposed for Precinct 2.

Mr and Mrs Coates (submitter 6), stated that their property is mainly sandy acid soils and low in phosphate. With a family ownership history dating back to the early 1990's, their property in Precinct 1 evidently has little viable prospect as non-intensive farming or agricultural land. The submitter regarded the application FZ as "*inconsistent and unreasonable*", when land immediately north of Old Port Foreshore Road (Precinct 2) is proposed as RLZ2.

In response to the WGCMA 2100 1% AEP flood datum evidence to the Panel Hearing, the entire Precinct 1 should be covered by a LSIO. This will effectively not prohibit rural living on the lots already subdivided. Minimum lot sizes should be 40 ha, to maintain low-density living impact, and support the apparent conservation protection value.

Farming will continue to be allowed, provided that it is consistent with the environmental values of the area, and not directly or indirectly threaten the conservation of the natural environment. This could address the concerns of Mr and Mrs Coates and the PAPA, and provide for further productive activities such as flower growing and glasshouse horticulture. Facilities for the public education and wetlands interpretation could also be considered under a RCZ.

Whilst this only responds in part to the submission of Mr and Mrs Coates in terms of their long held aspirations for Rural Residential Living lots on their landholding, the Panel concludes that the conservation values enshrined in the RAMSAR convention and the CSIRO's predicted impacts of climate change carry significant weight in our determination. The Coates acknowledged that theirs is not variable traditional farming land. It could however be put to good purpose for the benefit of environmental conservation for future generations, provide selective intensive horticultural and tourism opportunities, and still provide low density rural residential living on 40 ha lots.

5.3.1 Conclusion

The Panel concludes that RLZ should not be allowed due to the conservation protection value of the site. The Panel does not support the PAPA view that the northern part Precinct 1 (abutting Old Port Foreshore Road) should be combined with the zoning for Precinct 2.

The Panel notes the RLLR recommended that Precinct 1 be investigated for re-zoning to RCZ in recognition of its biodiversity and environmental values. Council did not progress this recommendation as part of this Amendment. If the rationale for not amending Precinct 1 to RLZ is based upon its proximity to the Nooramunga Marine Reserve and Environmental Significance Overlay (ESO2), LSIO, and the BMO, then Council should demonstrate strategic planning consistency and pursue re-zoning to the RCZ.

5.4 Precinct 2

Precinct 2 is north of Old Port Foreshore Road, and consists of 8 lots averaging 4.75 ha. Five of these lots are already developed with dwellings, and no overlays are applied. The Amendment proposes that existing rural residential development and little agricultural activity warrant the precinct being re-zoned from FZ to RLZ2.

Precinct 2 differs from Precinct 1 in that it has less conservation protection significance, and is not currently flood prone. It does not extend westward to the Marine Reserve, and the ESSO covers none of the precinct. It could however be subject to inundation during a future 1% AEP storm event by 2100 as advised by the WGCMA, and it would therefore be appropriate for Council to apply a LSIO to the entire precinct in a future amendment.

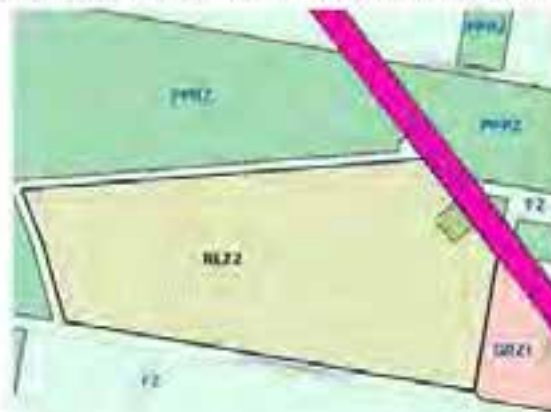


Figure 5 Proposed Zone for Precinct 2
Source Council Part A Submission pg.18

This outcome would in-part meet the aspirations of the PAPA by providing more rural residential living opportunities within close proximity to the township. The LSIO would not in itself prohibit development, but address the predicted risk of flooding at the Building Permit stage.

Based upon the CFA submissions, the application of a BMO would not be required for Precinct 2.

5.4.1 Conclusions

The Panel supports the rezoning as exhibited from FZ to RL22.

5.5 Precinct 3

The Precinct 3 is immediately east and south of the Port Albert Residential area, and is a swampy area with wetland type vegetation. It is currently affected by a LSIO and ESO, and subject to Coastal Acid Sulphate soils.

It has only one dwelling on the 75 individual allotments that average 1,600m² and road access is difficult. The RRLLR recommended that the precinct be re-zoned to RCZ to prevent inappropriate development and serious impacts upon infrastructure and human health from disturbing Acid Sulphate soils.

PAPA appeared to have overlooked this fact in its submission, and rather relied upon potential for future seawall or levy banks works to provide flood mitigation of Precinct 3, and fulfil the development proposed within the Port Albert Masterplan (2002).

The Panel is of the view that reliance upon year 2002 analysis for development planning, in such a low-lying area containing dangerous Acid Sulphate soils, ignores the State Government directions and climate change policies.

Council has strongly indicated during Right of Reply its reliance upon the RRLLR recommendations, and that the RRLLR had already been adopted by Council.

5.5.1 Conclusions

For Precinct 3, the Panel concurs that what is proposed in Amendment C95 is the most appropriate strategic planning path, and finds that, based upon the WGCMA's evidence, that a Land Subject to Inundation (LSIO) should be applied to Precinct 3 in any future amendment.

5.6 Precinct 4

Precinct 4 has 17 small allotments averaging 2,500m², with 4 lots having been developed (Figure 6). The majority of the site is currently zoned FZ and affected by Heritage and Design and Development Overlays. It is essentially a rural residential area however, and Council had previously agreed to re-zone the land to GRZ.

The PAPA submission supported this precinct being LDRZ.

5.6.1 Conclusion

Whilst the site is within the Port Albert township, where the general lot size pattern is 1,500m², the Panel is of the view that LDRZ of 2,000m² is an appropriate outcome. The land should also be covered a LSIO, in-line with the WGCMA flood datum evidence as previously discussed for any future amendment.



Figure 6 Proposed Zone for Precinct 4
Source: Council Part A Submission pg.18

5.7 Precinct 5

Precinct 5 contains several zone “anomalies” at the interface between RLZ and FZ. The land along the northern side of Kilgowers Road is mainly developed to rural residential dwellings, with access provided from Yarram-Port Albert Road.

Council submitted the lots along the Yarram-Port Albert Road are zoned GRZ1, but the landowner at number 68 has specifically requested that allotment be re-zoned FZ to recognise that it is part of a larger farmland holding.



Figure 7 Zoning anomalies
Source: Council Part A Submission pg.19

The allotment at the rear of 86 Yarram-Port Albert Road is conversely proposed to be re-zoned from FZ to GRZ so that the whole site is within one zone.

With regard to number 68, it appears clear that the existing use points toward a GRZ for the portion that abuts the western boundary of Yarram-Port Albert Road. Servicing by water, drainage, and sewer are additional development considerations for the land to the west of the existing GRZ. It should not be FZ, on the basis of a lesser net community benefit

compared to GRZ development. It is highly unlikely that any intensive farming would occur in this section given the interface issues.

At a time in the future, the owner of this land could enact Clause 64.03, *Subdivision of land in more than one zone* to enable future subdivision at an appropriate time along this frontage to Yarram-Port Albert Road.

The same principle of using Clause 64.03 applies in the situation at 86 Yarram-Port Albert Road. The Panel sees no reason to change the zoning from FZ to GRZ. The Panel acknowledges it is generally good planning practice not to have land in more than one zone. However zone boundaries don't have to follow a cadastre at the expense of common sense and it did not support these changes.

The RRLLR recommended that the lots west of the Yarram-Port Albert Road be re-zoned from GRZ to FZ to prevent further residential development in this area. Council has chosen not to implement this recommendation as part of C95.

The PAPA submission was that the boundaries of the precinct had been poorly designated because there is wide diversity in land use. It highlighted that the western part of Precinct 5 contain land that is heavily vegetated and bordering the Nooramunga Marine Reserve. The Panel's view is that this would indicate that the western border of the precinct should be zoned RCZ.

The PAPA submission appeared to suggest that a buffer transition should be created at some point west of this residential area, to transition the zone to RCZ at the Marine Reserve. This could ideally be contiguous along the boundary of the Marine Reserve from Old Port Road to Old Port Foreshore Road, ie: along the western boundaries of Precinct 6, 5, 2, and 1. Council should further investigate this concept, as it is beyond what has been previously proposed and considered in C43 and C55, and this subject Amendment C95.

5.7.1 Conclusion

The Panel concludes that this particular precinct has been poorly analysed and the outcomes proposed are not an appropriate use of the land. The Panel finds insufficient justification to re-zone lots at 68 and 86 Yarram-Port Albert Road for the reasons explained. The Panel did not regard what is proposed as resolving anomalies, but creating them. If the planning is to be undertaken on a precinct basis, then continuity should be created, not ad hoc zone interfaces.

5.8 Precinct 6

Precinct 6 is land south of Old Port Road, west of the Yarram-Port Albert Road, and abuts the Nooramunga Marine Reserve to the west that is covered by an ESO1. It's 16 lots average 5.4 ha in size, and contains both rural residential development and extensive dense vegetation. There are 7 dwellings in the precinct, and a caravan park at the western end of Old Port Road. There are endangered EVC riparian scrub areas existing in the eastern portion of the precinct.

Whilst the RRLLR recognised that the further development within the Seahaven Caravan Park is permissible under the current FZ, Council could respond to community concerns and

apply a RAZ to that portion of the precinct. Council seeks to implement this proposal within Amendment C95.



Figure 8 Proposed RAZ at Seahaven Caravan Park
Source Council Part A Submission pg.19

5.8.1 Conclusion

The Panel finds that the rezoning of the Seahaven Caravan Park to RAZ is appropriate in order to further satisfy SPPF Clause 17.03-1: *Facilitate Tourism development*.

5.9 Precinct 7

The precinct is defined as an irregular shaped area along Port Albert-Tarraville Road at the edge of the Palmerston subdivision, comprising 51 allotments. Thirty-five of these lots in the south-western corner are less than 1,000m², with the remaining 16 lots varying between 0.4 and 4ha. The smaller southern lots are affected by a LSIO, and the WGCMA evidence indicates that these are at risk of increased inundation in a 1% AEP storm event by 2100.

The RRLLR recommended that the precinct be retained as FZ, on the basis that some low levels of farming activity. It further concluded that the flood overlay should prevent rural residential development. The PAPA opposed this recommendation and sought a RLZ.

Whilst SPPF Clause 13.01-1 requires planning to consider at least a 0.8m sea level rise by 2100, and avoidance of development in identified coastal hazard areas, the Panel is of the view that land along Gibson Street has appropriately been identified as at risk of flooding in a 1% AEP storm event. The application of a LSIO should not prohibit residential development if appropriate floor height measures can be undertaken within the Building Permit process.

Ms Jacqueline Chelebian submission (number 17) was that a LSIO should not be a factor for retaining the FZ. Whilst Ms Chelebian submitted that the existing dwellings north of Gibson Street have been able to address inundation with appropriate building considerations, she sought the equal planning consideration as that applied to the properties on the south side of Gibson Street. She highlighted that the general terrain is level, and that flood line delineation along Gibson Street appeared "perplexing".

Mr Wesley (submitter 11) argued that properties needed to be assessed individually and his land was too small to productively farm land.

The Panel is empathic with the PAPA, Mr Wesley and Ms Chelebian's submissions that this portion of Precinct 7 (referred to by them as 7A) is more suitable for rural residential than farming, however taking into account broader demand and supply, it agrees with the recommendation of Council not to rezone any further land at this stage. The parcels do not warrant an inclusion on their own. The arguments aligning precinct 7A as suggested by Ms Chelebian warrant further review and consultation prior to any rezoning occurring.

It urges the Council to review the lots abutting the northern side of Gibson Street for RLZ2 as part of a broader amendment that incorporates the BMO and LSIO.

5.10 Discussion

It is evident to the Panel that Council and the relevant referral authorities have previously considered a raft of issues in Amendments C33, and C55. These considerations have formed the basis for Council's attempt to balance the appropriate planning with the aspirations and needs of the Port Albert community. The predicted impacts of climate change have however progressed during the period of this endeavour, and Council has chosen not to accommodate the appropriate overlays as part of this Amendment C95. It proposes a "more holistic approach" at some later date.

Whether in fact this can be achieved within an appropriate and acceptable timeframe, or whether C95 is just a further incremental step in conflict, is of concern to the Panel.

Both LSIO and BMO are planning tools that should not by themselves restrict development, but they address the risk of flooding and bushfire.

Having regard to updated climate change and higher flood datum predictions, Council should immediately implement the application of the LSIO (as adopted in C33), and BMO's to the subject precincts, as per the Panel's Recommendations.

Mr Gary Proud (submission number 16) highlighted a broad range of issues relating to State Planning policy and the approach taken by Wellington Council in the C33, C55, and C95 Amendments. He particularly questioned whether Council had complied with Ministerial Directions in reviewing its Municipal Strategic Statement. He referred the Panel to the Wellington Rural Zones Review³ report (pages 46, 105, 108) where anomalies are identified in the transition from RZ to FZ in relation to as-of-right uses.

The section 4.7.8.2 of the Rural Zones Review comments on the Inappropriately Zoned Tourist Activities:

Some tourist activities are presently inappropriately zoned resulting from the Minister for Planning's 2007 direct translation to the Victoria's 'new' rural zones. This is because some uses are prohibited in the FZ that were discretionary or as-of-right uses in the previous Rural Zone (RZ). A key challenge for this project is how best manage these non-conforming uses with

³ Wellington Shire Rural Zones Review, by Maunsell and EnPlan Partners, 27 January 2009

existing use rights, such as school camp areas, bed and breakfasts, caravan parks etc.

The Panel notes the Maunsell EnPlan analysis and conclusions, has previously dealt to this FZ issue in chapter 5, and agrees that the zones have been too broadly applied. The Rural Residential and Rural Conservation Zonings should be implemented as soon as practicable by Council, reflected in throughout this report. This will build upon and reinforce previous consultations and studies commissioned by the Council.

Finally, the Panel believes investigation into whether a Rural Conservation Zone buffer should be created along the interface with the Nooramunga Marine Reserve, in recognition of its RAMSAR significance should also be prioritised in its work program.

5.11 Recommendations

The Panel recommends:

- 1 Adopt Amendment C95 to the Wellington Planning Scheme as exhibited, subject to deleting Precinct 5 - rezoning of land at 68 and 86 Yarram-Port Albert Road.**

6 Other issues

6.1 Issue

Has the Amendment considered the appropriate use of zones, heritage, conservation, climate change implications, and economic development?

6.2 Submissions

Mr Michael Hobson (PAPA Vice President) submitted to the Panel (document 5) an expansive history of Port Albert and highlighted its significance in the establishment of Victoria and Gippsland region since 1835. He submitted that the township played an important role in the tourism of the Wellington Shire, and that the viability of the sector and other commerce relied upon steady growth in local population.

He submitted that the 75 member's views are representative of the community in seeking the Council's support for population growth, and the planning for additional general and low-density residential and rural lifestyle allotments.

He considered the WGCMA's advice was inconsistent because other neighbouring coastal townships such as Golden/Paradise Beach and Loch Sport are treated with more flexibility in relation to predicted inundation risk. He referred to the Maunsell "Strategic Planning for Gippsland Rural Areas" in 2007, and suggested that the likelihood of extreme rain and extreme storm surge events happening at the same time as a high tide is not considered to be high.

Mr Hobson acknowledged that the LSIO in reality reflects the worst case scenario for a 1 in 100 year flood event, and that floor levels of new building could be raised 30cm above flood AHD level. He stated:

The PAPA regarded that Council's reliance upon the WGCMA and RRLLR analysis in relation to the risk of flooding as greatly overstated.

Mr Hobson conveyed the PAPA's strong concern that the FZ translation from RZ by Council had been both "lazy and inappropriate", particularly when nearly all the properties within the various precincts were not viable farming land. He noted that the study area is not of local, regional, or State significance in terms of agriculture production and employment.

He submitted that the area contains more than 40 rural residential lifestyle lots that are not reasonably required for agricultural activity. It was Mr Hobson's view that many of these properties protect and enhance the natural resources, biodiversity, and landscape and heritage values of the study area.

Mr Hobson submitted that the PAPA had repeatedly made submissions to Council that rural land needs to be zoned to reflect its existing use.

He also questioned the process undertaken by AECOM during the "Environmental Investigation Report", and the narrow focus upon FZ and RCZ. He submitted that RLZ and RAZ should have also been considered. He acknowledged the AECOM finding with respect to EVC 48 (Heathy Woodlands north of Old Port Foreshore Road), but questioned the rigour of desktop investigation of EVC 10 (Estuarine Wetland south of Old Port Foreshore Road).

There was no field site visit of the properties to the south, and AECOM relied upon EVC database and aerial photography to reach the assessment conclusions that were subsequently relied upon by Spiire.

The PAPA regarded the market demand analysis relied upon by Spiire as "totally fallacious", and sought to lift the current restrictions that are impeding the progress of Port Albert. Mr Hobson argued the precinct analysis applied has grouped differing land parcels with too much diversity together, and failed to group similar land parcels together.

Mr Saul Stainer (PAPA President) submitted (document 6) that there had been 35 new dwellings built between 2001-2007 (average 5.8 pa, or 17% increase), and that Port Albert had been growing at a "remarkable rate", greater than the 1.3% per annum now projected by Council. He suggested that Council would continue to stifle growth with Amendment C95.

Council submitted it saw no empirical data to contradict its conclusions regarding demand for rural residential development, and supported the transition of Rural to FZ, and in its right of reply stated:

Council is confident and firmly of the view that the strategic land use planning justification exists to fully support the changes that C95 proposes to make to the Wellington Planning Scheme.

6.3 Discussion

Evidently the PAPA and the Council have reached little agreement during the Amendment process and previous Amendments C33 and C55. Multiple studies and report recommendations precede the submissions made to this Panel, and the weight given to these must reflect the chronology and the update State Government policies, particularly regarding climate change predictions.

The PAPA assertions regarding market demand for rural residential living lots are largely anecdotal, notwithstanding the reported in-writing substantiation by local licenced real estate agents. Mr Stainer's submitted data implied 11 building permits issued between 2001 - 2007 translated into 35 new dwellings.

Whether not creating additional supply is stifling economic development and population growth is difficult to prove, and the Panel must rely upon the analysis provided by Council. It is evident that Council seeks to support tourism and economic development, and that this could produce "organic" population growth.

Whether what is proposed achieves 17 years supply of RLZ lots is broadly circumstantial. Many outside "global" factors could contribute to the future population growth and development prospects for Port Albert. This demand and supply issue should be continuously monitored and reviewed. No firm evidence was presented to the Panel regarding the current total number of dwellings in Port Albert, and analysis of the range of permanent and weekend residences. Both Council and the submitters could have done more to present their respective arguments.

The attention of the Panel was directed to an international accord in relation to climate change remedial action, and this may have a positive impact upon the sea level rise and

extreme heat and rainstorm events. The Panel encourages PAPA to recognize that the submissions by the WGCMA and CFA are based upon the best and most qualified data available to the State Government and Wellington Shire Council. These predictions have changed significantly since many of the previous planning studies and reports were compiled. There is accredited substantiation of climate change, and land use planning must respond appropriately, while providing zones for the most appropriate use of the land and net community benefit.

The RAMSAR Convention is significant, and Australia has international responsibilities in relation to the Nooramunga Marine Reserve and associated wetlands. The conservation of identified EVC areas is also a significant consideration, as is the sustainability of viable farming land.

The history and heritage of Port Albert is clearly substantial, and the Panel recognises the aspirations of the PAPA. The Panel has no concerns with the Amendment in relation to heritage considerations.

6.4 Conclusion

The submissions from PAPA raised the important considerations of heritage, conservation, climate change implications, and economic development. This in part acknowledges the complexity of the planning policy framework being applied to Port Albert. The Panel concludes that Council has identified these relatively special characteristics in its approach to Amendment C95.

Appendix A List of Submitters

No.	Submitter
1	Heritage Intelligence Pty Ltd
2	West Gippsland Catchment Management Authority
3	A and V Macmeikan
4	D Caithness
5	G Maher
6	P F and F G Coates
7	M Glebov
8	D Goodall
9	D and J Hogan
10	Port Albert Progress Association
11	A Wesley
12	S Stainer
13	R Cookson
14	R J and G J Kee
15	E R and B M Garland
16	G Proud
17	J Chelebian
18	J Coghill and J Kerridge
19	Department of Environment, Land, Water and Planning
20	Country Fire Authority

Appendix B Document list

No	Document	Presented by
1	Wellington Shire Part B submission	Ben Proctor
2	WGCMA submission	Wayne Gilmore
3	Michael Glebov submission	
4	John Coghill submission	
5	Port Albert Progress Association	Michael Hobson
6	Port Albert Progress Association	Saul Stainer
7	CFA submission	Jude Kennedy and Ann Coxon
8	Gary Proud submission	
9	"House of Lords (UK)" extract "Sea level change"	Graeme Ireland
10	Peter and Jill Coates submission	
11	Coastal Planning Media Release	Gary Proud
12	Don Caithness submission	
13	Wellington Council "Right of Reply"	Ben Proctor and Barry Hearsey post Hearing



ITEM C3.3**AMENDMENT C87 - LONGFORD DEVELOPMENT PLAN IMPLEMENTATION**

DIVISION: DEVELOPMENT

ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

DATE: 15 MARCH 2016

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

OBJECTIVE

For Council to resolve to:

1. consider all submissions made to Planning Scheme Amendment C87 - Longford Development Plan implementation;
2. adopt Planning Scheme Amendment C87 - Longford Development Plan Implementation; and
3. request the Minister for Planning to approve Planning Scheme Amendment C87 - Longford Development Plan implementation under the provisions of the *Planning and Environment Act 1987*.

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

1. Council pursuant to Section 22 of the *Planning and Environment Act 1987*, consider all submissions made to Amendment C87 - Longford Development Plan Implementation (refer to Attachment 1).
2. Council pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C87 - Longford Development Plan Implementation (refer to Attachment 2).
3. Council pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C87 - Longford Development Plan Implementation.

BACKGROUND

Planning Scheme Amendment C87 proposes to implement the Longford Development Plan (adopted November 2015) into the Wellington Planning Scheme.

The Amendment proposes to revise Clause 21.05 of the Municipal Strategic Statement, which will allow the township core area of Longford to be developed for rural residential use in the short term, whilst in the long term a more intensified core will be possible - subject to the provision of sewerage and water infrastructure. The Amendment also proposes to include the Longford Development Plan (the Plan) as a reference document within the Wellington Planning Scheme.

The Plan has been prepared to provide a land use planning framework and detailed planning guidance to potential developers within the Development Plan area and in doing so facilitate new development and support the coordinated growth of the township. The Plan has been developed in a way that seeks to retain the rural character of Longford whilst facilitating the development of rural residential lifestyle lots (average lot size 8,000 m²/ 2 acres).

The Development Plan area is divided into eleven (11) clearly defined precincts. Prior to any development each precinct needs to be rezoned. Rezoning requests will be assessed against the requirements of the Plan, which contains detailed 'precinct-specific' design and infrastructure requirements that are reflective of the particular characteristics of each individual precinct.

Process to-date

Under the provisions of Section 20(2) of the *Planning and Environment Act 1987*, Council has the ability to expedite a streamlined Planning Scheme Amendment process where exceptional/special circumstances prevail. Council has requested the streamlined process in this instance for the following reasons:

- The Longford Development Plan has been through an extensive community consultation process, which included two (2) public exhibition periods (March 2015 and August 2015).
- The Amendment does not make any changes to the size of the Development Plan area or to the proposed uses currently identified within Clause 21.05 - Sale, Wurruk and Longford Strategic Framework, of the Wellington Planning Scheme.
- The Amendment is only necessary to make a minor revision to Clause 21.05 to allow for rural living opportunities to occur within the township core area of Longford in the short term rather than general residential development, which requires the provision of reticulated sewerage. Longford is not in a sewerage district at the moment and is not being considered for reticulated sewerage by Gippsland Water neither currently nor in the near future.
- The Longford community indicated, as part of the community consultation process, that development within the township core area should be facilitated in the short term on the basis that it will help built a stronger, cohesive and more resilient community in close proximity to existing services.

Council received Authorisation for Amendment C87 from the Minister for Planning on 22 December 2015. Under the provisions of Section 20(2) the Minister directed that only notification to the '*Prescribed Ministers*' was required. The Amendment was sent to the Prescribed Ministers for consideration between 14 January and 15 February 2016.

One submission which indicates support for the Amendment has been received from the Minister for Environment, Climate Change and Water (refer to **Attachment 1**).

On the basis of the above it is now proposed to adopt Amendment C87 - Longford Development Plan Implementation. **Attachment 2** provides a copy of the full Planning Scheme Amendment documents.

OPTIONS

Council has the following options:

1. Pursuant to Section 22 of the *Planning and Environment Act 1987* consider all submissions made to Amendment C87 - Longford Development Plan Implementation, pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C87 - Longford Development Plan Implementation and pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C87 - Longford Development Plan Implementation.
2. To consider all submissions and pursuant to Section 22, 23 and 28 of the *Planning and Environment Act 1987*, resolve to abandon Amendment C87 - Longford Development Plan Implementation.
3. To consider all submissions and seek further information or changes to Amendment C87 - Longford Development Plan Implementation for consideration at a future Council Meeting.

PROPOSAL

That Council

1. Pursuant to Section 22 of the *Planning and Environment Act 1987*, consider all submissions made to Amendment C87 - Longford Development Plan Implementation (refer to **Attachment 1**).
2. Pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C87- Longford Development Plan Implementation (refer to **Attachment 2**).
3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C87- Longford Development Plan Implementation.

CONFLICT OF INTEREST

Manager Land Use Planning, Joshua Clydesdale, has declared a direct interest in the project due to ownership of land within the Longford Development Plan area and has therefore not been involved in the Longford Development Plan process.

FINANCIAL IMPACT

The resources associated with this Amendment have been accounted for in the Council budget.

COMMUNICATION IMPACT

Should the Minister for Planning approve Amendment C87, notice of the approval of the Amendment will appear in the Government Gazette and will be published in the Gippsland Times. The Council website will also be updated accordingly.

LEGISLATIVE IMPACT

The adoption of Amendment C87 - Longford Development Plan Implementation and the request for the Minister's approval is in accordance with the requirements of the *Planning and Environment Act 1987*.

COUNCIL PLAN IMPACT

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

Strategic Objective

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

Strategy 5.1

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

Amendment C87 is considered to support the above Council Plan strategic objective and strategy.

PLANNING POLICY IMPACT

Amendment C87 proposes a minor change to the Local Planning Policy Framework to allow for rural living development in the township core of Longford and introduce the Longford Development Plan, November 2015 as a reference document into the Wellington Planning Scheme. The Amendment is consistent with the State and Local Planning Policy Frameworks (SPPF and LPPF) within the Wellington Planning Scheme and the relevant State Government Planning Practice Notes.

Amendment C87 does not propose the rezoning of any land, which means that during the development of the precinct plans and rezoning of the precincts, affected landowners will have a further opportunity to comment.

COMMUNITY IMPACT

Amendment C87 will result in a positive outcome for the Longford community. The proposed updates to Clause 21.05 - Sale Wurruk and Longford Strategic Framework, would align the framework with the community vision for Longford as a rural lifestyle settlement.

Having formal statutory recognition within the Wellington Planning Scheme will require new development to be *'generally in accordance with'* the Longford Development Plan. This will provide a higher degree of certainty to landowners and developers in terms of the built form outcomes of new development.

CONSULTATION IMPACT

In accordance with statutory requirements, information relating to Amendment C87 was provided in the following locations:

- Copies of the exhibited Amendment documents were available for viewing in the Council Service Centres in Sale and Yarram.

- Department of Environment, Land, Water and Planning website.

Having regard to the relevant statutory requirements, the Amendment was not deemed to require any further consultation with the broader community.

In the event that the Amendment is approved by the Minister for Planning, public notification will be given in both the local newspaper and Government Gazette.



Department of Environment,
Land, Water & Planning

29 January 2016

Sabine Provily
Strategic Planner
Wellington Shire Council
PO Box 506
SALE VIC 3850

Our ref: SP455688
Your ref: CB7

Dear Sabine

AMENDMENT CB7 TO WELLINGTON PLANNING SCHEME

Thank you for your correspondence dated 11 January 2016 in respect of Planning Scheme Amendment C87 (Amendment), which was referred to the Minister for Environment, Climate Change and Water pursuant to section 19 (1) (c) of the *Planning and Environment Act 1987*. The correspondence was received on 15 January 2016.

The Amendment proposes to implement the updated vision for Longford as identified in the Longford Development Plan by amending Clause 21.05 and Insert a new Reference Document in Clause 21.20 titled 'Longford Development Plan, November 2015'.

The Department of Environment, Land, Water and Planning (department), on behalf of the Minister for Environment, Climate Change and Water, has considered the proposed Amendment. The department supports the Amendment.

These comments are submitted without prejudice for the consideration of the Amendment by the Minister for Planning under section 35 of the *Planning and Environment Act 1987*.

All written correspondence should be sent electronically to gippsland.planning@delwp.vic.gov.au or mailed to:

Manager Statutory Planning Approvals Gippsland
Department of Environment, Land, Water and Planning
71 Hotham Street
TRARALGON VIC 3844

If you have any queries regarding this matter, please contact Regional Planning and Approvals – Gippsland at the department's Traralgon office, telephone (03) 5172 2111.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2000. It will only be used or disclosed to appropriate Ministers, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8007.



Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Brennan', with a long horizontal flourish extending to the right.

John Brennan
Manager Statutory Planning Approvals Gippsland

WELLINGTON PLANNING SCHEME

AMENDMENT C87

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Wellington Shire Council, which is the planning authority for this Amendment.

The Amendment has been made at the request of Wellington Shire Council.

Land affected by the Amendment

The Amendment applies to all land within the Longford Growth Area as identified in the Longford Development Plan, November 2015.



What the amendment does

Implement the updated vision for Longford as identified in the Longford Development Plan; amend Clause 21.05 to improve readability and clarity; and insert a new reference document entitled 'Longford Development Plan, (November 2015)', into the Wellington Planning Scheme.

The Amendment proposes to:

- Amend Clause 21.05 - Sale, Wurruk and Longford Strategic Framework to include the updated vision as set out in the Longford Development Plan.
- Amend Clause 21.20 - Reference Documents to include the Longford Development Plan, 2015 as a reference document.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment seeks to implement an updated vision for Longford, which allows for rural lifestyle development within the township core area of the settlement. The vision was updated in response to the extensive community and stakeholder consultation, which took place as part of the preparation of the Longford Development Plan (November 2015).

The Amendment also seeks some minor 'policy neutral' changes to Clause 21.05 to improve readability, clarity and to align Clause 21.05 with the State Planning Policy Framework and recently reviewed clauses in the Local Planning Policy Framework of the Wellington Planning Scheme.

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

The Amendment is consistent with, and implements, the objectives of planning in Victoria as specified in Section 4 of the *Planning and Environment Act, 1987*. In particular, the Amendment implements:

Objective 4(1)(a)- by providing for the fair and orderly, economic and sustainable use and development of the land; and

Objective 4(1)(g) – to balance the present and future interests of all Victorians.

The proposed updated strategic framework for Longford will give effect to the long-term growth vision as identified by the Longford community and reflected in the Longford Development Plan.

The Amendment promotes development consistent with the rural character of the settlement and the requirements set out in the Longford Development Plan. The Longford Development Plan will ensure that development within the growth area is undertaken in a coordinated, orderly, affordable and sustainable way.

How does the Amendment address any environmental, social and economic effects?

Amendment C87 will result in a positive impact on the Longford community through an updated Clause 21.05 - Sale, Wurruk and Longford Strategic Framework, which will ensure that Longford has the opportunity to develop its rural living potential to the fullest extent in an orderly manner while addressing any potential environmental constraints.

Does the Amendment address relevant bushfire risk?

Clause 52.47-3 is considered relevant to the proposed amendment as it seeks to:

- ...ensure that development is located and sited so that it does not increase the risk to life, property and community infrastructure from bushfire.

During the preparation of the Longford Development Plan the CFA was consulted. The CFA offered comments indicating that a 150m buffer between existing pine plantations and residential development should be taken into account. The CFA also encourages the use of perimeter roads in bushfire hazard areas and access/egress must be considered for the future community.

All comments have been reflected in the final Longford Development Plan.

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

The Amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes, pursuant to s.7(5) of the *Planning and Environment Act 1987*.

Pursuant to Section 12 of the *Planning and Environment Act 1987*, the Amendment complies with the following Ministerial Directions:

- Ministerial Direction No. 11- Strategic Assessments of Amendments.
- Ministerial Direction No. 15 - The Planning Scheme Amendment Process.

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

The Amendment is consistent with the State Planning Policy Framework in relation to Settlement (Clause 11), Built Environment and Heritage (Clause 15) and Housing (Clause 16) through the provision of rural living opportunities within a rural setting in close proximity to services.

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

The revised Clause 21.05 - Sale, Wurruk and Longford Strategic Framework will implement Council's vision for Longford as a rural living area and thereby updates the Municipal Strategic Statement for this area.

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

The Amendment uses the most appropriate tools from the Victorian Planning Provisions to achieve the strategic objectives of the Wellington Planning Scheme. The proposed Amendment utilises existing provisions and updates Clauses 21.05 and 21.20 appropriately to manage land use and development in accordance with the vision for Longford.

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

During the Longford Development Plan process, the views of a number of statutory authorities were sought.

The Department of Environment, Land, Water and Planning (Planning) indicated support for the preparation of the Longford Development Plan and its implementation into the Wellington Planning Scheme.

The Department of Environment, Land, Water and Planning (Environment) provided comments in relation to the protection of the Ramsar wetland system and information that should be used when preparing future planning permit applications.

Gippsland Water provided design and construction requirements in relation to the Longford syphon sewer pipeline and supported the use of a sewer easement as part of a public open space link. It also indicated that the provision of reticulated sewer in Longford will be problematic given the associated implementation costs and likely timeframes involved.

West Gippsland Catchment Management Authority is supportive of creating open space along Boggy Creek. It identified a designated waterway running along the South Gippsland

Highway and highlighted that future development needs to consider stormwater quality due to the proximity of the Ramsar wetland system.

VicRoads indicated that all future development applications must include a Traffic Impact Assessment in relation to intersections along arterial roads. They indicated a preference for a minimum number of access points to arterial roads and to avoid crossroads where possible.

All comments have been reflected in the adopted Longford Development Plan.

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

The Amendment is not likely to have a significant impact on the transport system. The statements of policy principles under Section 22 of the *Transport Integration Act 2010* are not relevant to the current proposal.

Resource and administrative costs

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

It is considered that the update to the vision for development in the Longford township core and reference to the Longford Development Plan within the Wellington Planning Scheme will have a positive effect on Council resources as it will help guide development in an orderly and coordinated manner.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Wellington Shire Council
Sale Service Centre
18 Desailly Street
Sale VIC 3850

Wellington Shire Council
Yarram Service Centre
156 Grant Street
Yarram VIC 3971

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **15 February 2016**.

A submission must be sent to: Strategic Planning, Wellington Shire Council, PO Box 506, Sale.

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C87

INSTRUCTION SHEET

The planning authority for this amendment is the Wellington Shire Council.

The Wellington Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.05 with a new Clause 21.05 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 21.20 with a new Clause 21.20 in the form of the attached document.

End of document

21.05 SALE, WURRUK AND LONGFORD STRATEGIC FRAMEWORK

21.05-1 Vision

HAZARD
 AND
 EXPOSURE
 RISK

The vision for the future development of Sale, Wurruk and Longford is:

"The Sale, Wurruk and Longford area will develop in a manner that creates prosperous, well-connected and mutually supportive urban and rural communities that enjoy choice and diversity in housing, employment and recreation. The individual characteristics and identities of Sale, Wurruk and Longford will be protected and enhanced, as the three communities collaboratively achieve their aspirations of becoming a thriving regional centre."

"The economy of the district will be strengthened by the development of the Defence sector, the expansion of the oil and gas industry and the growth of other key sectors such as health, education, recreation, tourism, retailing and general industry. The West Sale Aerodrome and surrounding precincts will be developed as a major industrial node with access by road, rail and air. A more diversified economy will be developed, resilient to the socio-economic impacts associated with climate change."

"High-quality open space and built form will characterise the Sale, Wurruk and Longford area, contributing to the health, safety, and social vibrancy of the future communities. New urban growth areas will form sustainable communities that set new benchmarks in best practice urban development. Accessible and inclusive neighbourhoods will be created which reduce the dependency on car-based travel and encourage walking and cycling. Natural and cultural features will be protected and enhanced to create a distinct character, offering the best of town and country."

"Residents will benefit from a comprehensive range of community facilities and services. Convenient walking and cycling infrastructure will be made available and improved public transport networks established to provide all age cohorts with alternative non-car means of travel between and within the Sale, Wurruk and Longford communities."

"The Sale CBD will be strengthened as the regional focal point for shopping, entertainment, civic and commercial activity. This will be complemented by the development of a major tourism hub at the Port of Sale, the western gateway to the Gippsland Lakes region."

"The Thomson and Latrobe Rivers will be protected from development and re-vegetated where necessary to strengthen their habitat value. Other ecologically significant stands of remnant vegetation and key waterways/wetlands will also be protected as part of a wider network of linkages providing both wildlife corridors and recreation routes for walking and cycling."

21.05-2 Township roles

In achieving the above vision Sale, Wurruk and Longford will play the following key roles:

- Sale will build on its role as the prime service and activity node in the district, offering high-quality living, employment, shopping and recreational environments. It will be the focus for commerce, business, higher order education and tertiary employment and will provide a diversity of infill and greenfield housing opportunities.
- Wurruk will provide diversity and choice in urban and rural living housing, opportunities for the establishment of new industry and an improved range of local services and facilities. It will act as a secondary settlement and activity node to complement Sale.
- Longford will be a key focus for rural residential growth and will also provide ~~some~~ ~~urban-growth~~ opportunities for further residential intensification within its zone and its

close proximity to recreation and education facilities and the redeveloped golf course. As growth occurs, Longford will see its identity as a desirable rural lifestyle area protected and enhanced.

21.05-3 Regional City

Objective 1

To establish the wider Sale area as a thriving regional city.

Strategies

- Promote residential, commercial and industrial development in accordance with the relevant strategy plans contained in this clause.
- Facilitate the timely provision of physical infrastructure required to service new development.
- Promote culture and tourism based development within the Port of Sale cultural precinct to capitalise on the special character of the area, including the historically and architecturally significant buildings and places within and around the precinct.
- Support the growth and expansion of greyhound racing within the region including encouraging the redevelopment of the Sale Greyhound Racing Club.

21.05-4 Housing choice and diversity

Objective 2

To provide housing choice and diversity in the local market.

Strategies

- Facilitate development in Sale, Warrak, and Longford for a variety of residential densities/lot sizes, in accordance with the township roles and strategy plans contained in this clause.
- Facilitate provision for multiple development fronts that increase competition in the market.
- Support residential growth within the North Sale growth area.
- Encourage higher density residential development such as units and townhouses in strategic locations including:
 - Within a 400 metre radius of the Sale CBD
 - Within and around the medical precinct identified in the Sale and Warrak Strategy Plan
 - Around existing and future neighbourhood activity centres
 - On major transport routes
- Facilitate residential development in the Warrak growth area adjacent to the Prince of Wales Highway.
- Facilitate low density residential development in Warrak in the area south of Armap Road (as identified in the Sale and Warrak Strategy Plan shown in this clause), subject to heritage investigations/considerations.

Wellbeing Planning System

- Facilitate new living development in Longford to build on and enhance its existing character and function.
- Promote higher residential densities close to the development of an urban density residential core in Longford town (subject to the provision of sewerage and water infrastructure).
- Facilitate new living development in Longford to build on and enhance its existing character and function.
- Support the redevelopment of the Hale Golf Club, including the provision of housing around the golf course, subject to appropriate infrastructure and environmental measures being implemented as part of the development.

21.95-5 Residential Development

Objective 3

To facilitate strategically located, well designed, sustainable and inclusive residential development.

Strategies

- Ensure holistic and considered development plans are prepared for all growth areas identified in the strategy plans shown in this Clause. These development plans should ensure that new development achieves a high level of integration with surrounding areas, constitutes a well orientated subdivision pattern, provides adequate open space and neighbourhood facilities, retains native vegetation, creates links to key movement corridors (for cars, buses, pedestrians and cyclists), and makes holistically considered provision for drainage and other infrastructure.
- Ensure new subdivisions adopt best practice in relation to walkable neighbourhoods, provision for bus routes, water sensitive urban design and other energy efficient/sustainability initiatives.
- Promote the establishment of lower order neighbourhood activity centres (ideally inclusive of community services) in the general locations identified in the strategy plans shown in this Clause.
- Ensure zoning of land occurs in a logical and sequential manner that has regard to:
 - The staging of infrastructure delivery. This includes the provision of water, sewer, drainage, traffic, pedestrian/cyclist and other relevant infrastructure.
 - Access to community services and facilities.
 - The general sequencing identified in the Sale, Warrak and Longford Structure Plans.
- Encourage a range of lot sizes within new subdivisions to provide for a variety of dwelling sizes and types within the same residential areas and ensure that subdivisions are designed to support future public transport use.
- Ensure that appropriate remediation procedures are followed when considering the redevelopment of brown field sites for residential purposes.

21.06.6 Commercial Facilities

Objective 4

To maintain and enhance the primacy of the Sale CBD as a municipal and regional retail and commercial hub, whilst making provision for limited commercial facilities that are strategically required outside the CBD.

Strategies

- Facilitate development in accordance with the Sale CBD Strategy Plan shown in this clause.
- Facilitate retail expansion southwards along Raymond Street to cater for future retail demand, improve the legibility of the CBD from Foster Street and enhance the connection between the Port of Sale cultural precinct and the CBD.
- Encourage the establishment of appropriately located entertainment facilities within or close to the CBD to cater for youth needs and further encourage the use of the CBD.
- Discourage the development of restricted retail premises within the retail core identified in the Sale CBD Strategy Plan. Should these be required, ensure that active frontages are provided to adjoining streets.
- Discourage the development of higher order retailing and commercial development outside the CBD, with the exception of the homemaker/bulky goods centre on Cobain Road.
- Encourage restricted retail premises to locate in the Commercial 2 Zone on the corner of Cobain Road and the Prince's Highway. The use and development of this land should substantially support the establishment of a dedicated homemaker and bulky goods retail centre.
- Discourage industrial use and development from establishing in the homemaker and bulky goods retail centre on the corner of Cobain Road and the Prince's Highway.
- Make provision for the southward expansion of the homemaker/bulky goods site located on the corner of Cobain Road and the Prince's Highway.
- Encourage intensive commercial development on York Street (between Macalister and Macalister Streets) in a manner that integrates well with the CBD and results in its extension into York Street.
- Promote future office development to the south of the Sale CBD (between Kooze St and York St), to build a coherent office precinct benefiting from good highway access and being adjacent to CBD shops and services.
- Encourage bulky and white goods retailers such as trade suppliers and furniture stores to establish/establish in appropriate locations, such as the identified homemaker centre on the corner of Cobain Road and the Prince's Highway.
- Encourage future development/development on Cuninghame Street (between York Street and Raymond Street) to occur in a manner that is conducive to pedestrian activity and the creation of a vibrant street atmosphere.
- Facilitate the establishment of small scale businesses and medium density housing north of Macalister Street, within the mixed use precinct identified in the Sale CBD Strategy Plan shown in this clause.

21.05-7 Design excellence

Objective 8

To promote excellence in building and landscape architecture, as well as urban design in order to enhance the image and amenity of Sale, Warrak and Longford.

Strategies

- Recognise and protect buildings and landmarks of heritage and cultural value.
- Encourage well designed development on York Street and Foster Street to present an improved image of Sale to passing traffic.
- Encourage all buildings within the CID to incorporate active frontages to street edges and mid block car parks to improve pedestrian safety and amenity.
- Encourage development within the CID to:
 - Adopt a high standard of architectural design through the use of special design features, articulation within facades, varying materials and colours, scale, contextual design responses and like measures
 - Incorporate high quality urban design and landscape architecture, where development applications involve more than architectural design
- Discourage the development of buildings with 2-3 storeys in the CID, or buildings with equivalent high parapets that are well articulated and create visual interest.
- Ensure appropriate sightlines are maintained/created to celebrate iconic structures and spaces.
- Ensure new development/redevelopment achieves a good relationship with surrounding land use, buildings, physical features and public spaces.
- Require high quality open space provision and urban design in strategic locations within growth areas and large subdivisions.
- Discourage development which contributes to the visual clutter of landscape.

21.05-8 Community services and facilities

Objective 9

To ensure local residents have good access to community services and facilities including health, education, social, civic, cultural, recreation, sporting and leisure.

Strategies

- Support the expansion of existing education facilities, commensurate with the needs of the education sector.
- Support the establishment of a consolidated education precinct within the North Sale growth area to cater for long term education needs.
- Facilitate the northward expansion of the Central Gippsland Health Service to ensure long term viability and enhancement of health services/clinics.
- Facilitate the establishment an integrated health precinct in the vicinity of the Central Gippsland Health Service by encouraging medical services and retirement aged care housing.

- Encourage the location of multi-unit development and housing for senior citizens (including retirement homes and sheltered housing) in areas with good access to the City centre, hospital, transport, open space and community and recreational activities and facilities.
- Support and encourage appropriate development within the Port of Sale cultural precinct, especially development that supports or complements the arts, entertainment, culture, tourism and recreation.
- Support the establishment of Sale as the regional headquarters for greyhound racing in eastern Victoria.

21.05-6 Movement network

Objective 7

To provide an efficient access and movement network for vehicles, pedestrians and cyclists.

Strategies

- Ensure that major developments within the Sale CBD provide adequate access and car parking facilities.
- Require development within growth areas to provide safe and convenient access links and facilities for car, bus, pedestrian and cyclist movements.
- Ensure future roads and access ways meet legislative requirements and endeavour to achieve best practice standards in catering for disabled and impaired persons.
- Enhance connections between the Sale CBD and Sale Railway Station.

21.05-10 Industrial development

Objective 8

To facilitate high quality industrial development that is appropriate in terms of location, scale, appearance and nature of industry.

Strategies

- Facilitate development in accordance with the Sale and Warrak Strategy Plan and West Sale Industrial Strategy Plan shown in this clause.
- Facilitate the westward expansion of the existing Warrak Industrial Estate to make provision for new industrial demand.
- Establish the West Sale Aerodrome area as an industrial precinct, whilst ensuring that current and future aerodrome functions and environmentally significant features are not adversely affected.
- Facilitate the establishment of a multimodal interchange/transport and logistics hub at the West Sale Aerodrome, commensurate with economic development initiatives and commercial interest.
- Support the establishment of an industrial area for large scale industry south of the West Sale Aerodrome and Princes Highway in the long term, unless demand arises for this to occur sooner.

WATERWAYS PLANNING SCHEME

- Ensure future industrial development achieves high standards of design, affords appropriate buffers from sensitive uses and appropriately mitigates off-site impacts to both sensitive and non-sensitive surrounding uses.

21.95-11 Sensitive areas

Objective 9

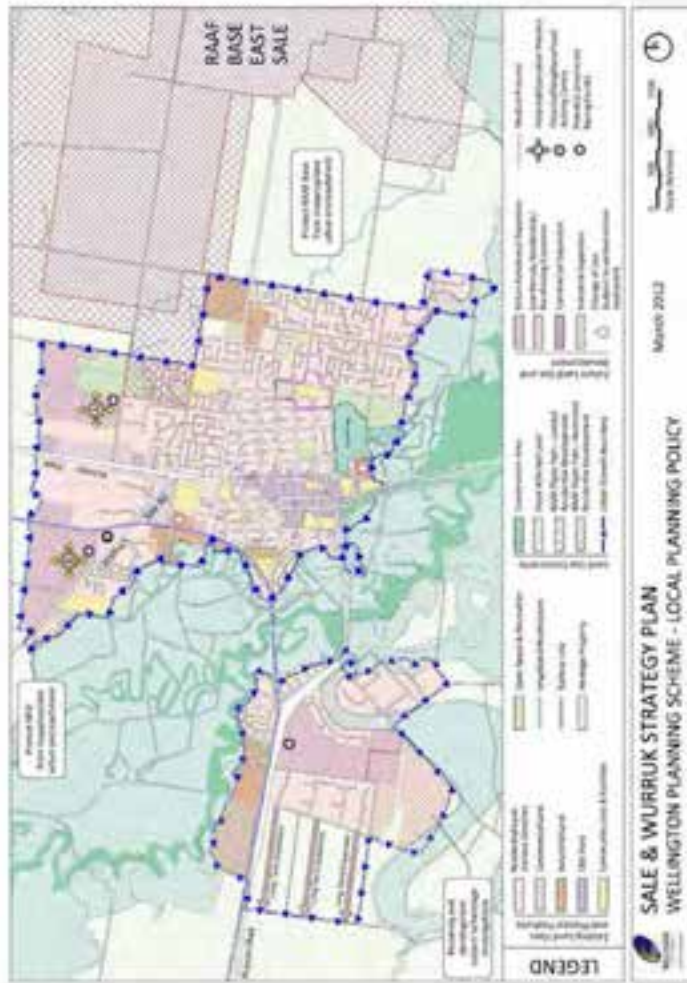
To protect sensitive areas from inappropriate urban encroachment.

Strategies

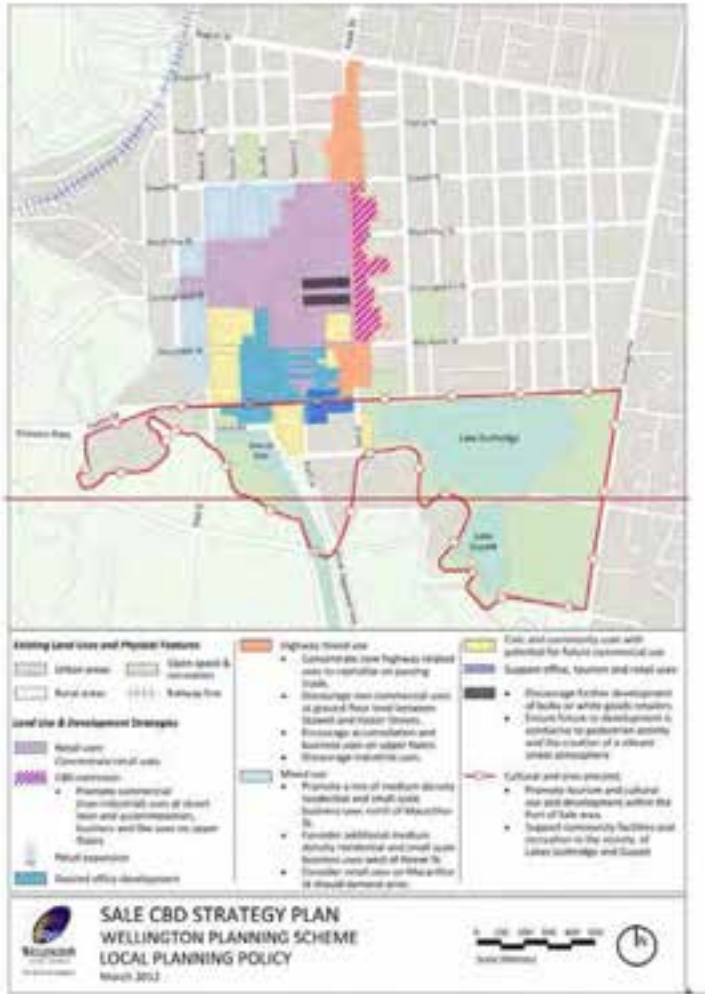
- Implement urban/development growth boundaries to protect natural assets, high quality agricultural land and the operation of the East Side Royal Australian Airforce Base from inappropriate urban encroachment.
- Encourage the retention of native vegetation in new subdivisions and redevelopment proposals.
- Ensure new development incorporates water sensitive urban design and drainage treatments that improve stormwater quality prior to disposal in natural systems.
- Ensure new subdivisions and developments are appropriately designed to minimise potential impacts on irrigation infrastructure.

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Wellington Planning Scheme



Wellington Planning Scheme



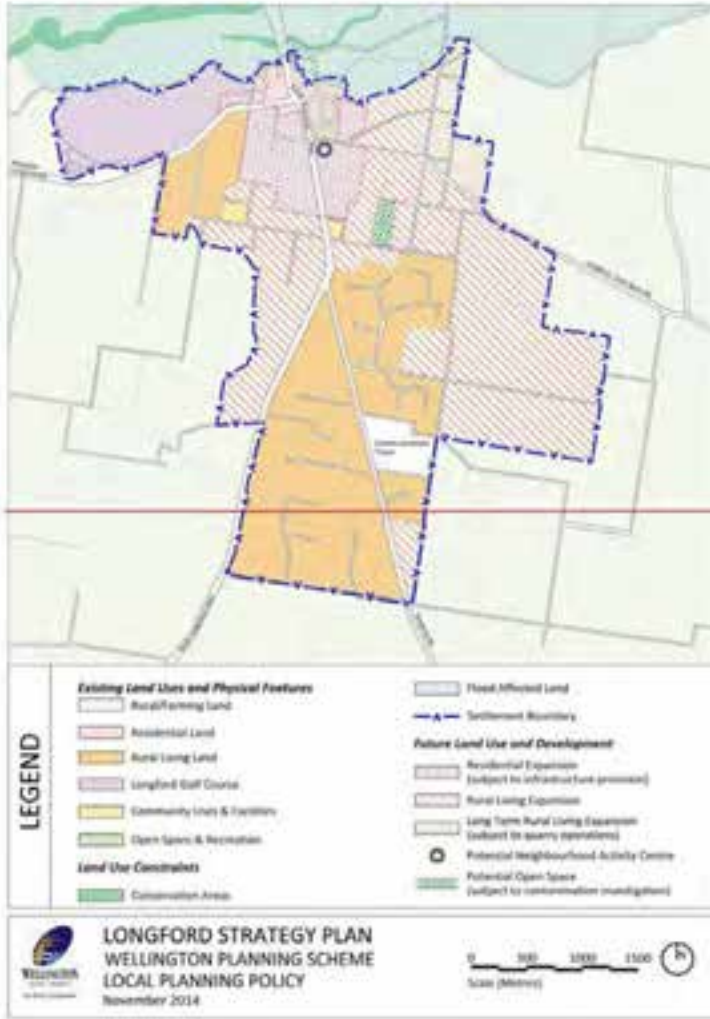
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Implementation

The objectives specified within this clause will be implemented through the planning scheme by:

Policy outlines

- Ensure applications for development within the Longford growth area to be in accordance with the implementation requirements set out in the Longford Development Plan, November 2015.
- Ensure development within the Longford growth area to be in general accordance with the design requirements set out in the Longford Development Plan, November 2015.
- Ensure that development plans are prepared prior to subdivision of green-field sites that show the proposed layout of lots and road reservations and include infrastructure information that shows where water, sewer, and stormwater will be located. These development plans will identify site advantages and constraints, main road networks and associated movement systems, and social and community facilities.
- Planning must consider as relevant:

[Sale, Warrak and Longford Structure Plan 2010 and updates: Reflection of Sale Growth and Retail Centres Strategic Assessment \(2014 Green 2014\)](#)

[Sale CBD Precinct Plan 2010](#)

[Longford Development Plan, November 2015](#)

[Infrastructure Design Manual](#)

[Wellington Urban Space Strategy 2014-2024](#)

[Current Council Fire Authority guidelines on subdivisions, green accommodation and recreation accommodation when assessing whether a development proposal adequately addresses fire safety issues.](#)

[Healthy by Design guidelines to ensure development facilitates healthy communities through well planned networks of walking and cycling routes, streets with direct, safe and convenient access to local destinations within the City's towns within easy walking distance from homes, public open space, public transport, shops and services.](#)

Application of policy, Using zones, and overlays policy and the exercise of discretion

- Sequentially rezone land for residential and rural residential development within the growth areas of Sale, Warrak and Longford.
- Rezone land on Raymond Street, south of Macalister Street to the Commercial 1 Zone in order to facilitate retail expansion, as shown on the Sale CBD Strategy Plan.
- Rezone land for industrial development to the west of the existing Warrak industrial estate, subject to the provision of adequate infrastructure and access.
- Rezone land for industrial development in the vicinity of the West Sale Aerodrome, commensurate with economic development initiatives and future demand.
- Rezone land for the northward expansion of the Commercial 2 Zone on the corner of Cobains Road and the Princes Highway, commensurate with demand.
- Apply development plan overlays to the Sale, Warrak and Longford growth areas, [where appropriate](#), to ensure development occurs in a manner that achieves the objectives and strategies articulated in this clause.
- Revise the design and development overlays that apply to the CBD and Princes Highway corridor in order to align development requirements with strategies specified within this clause.
- Applying appropriate zones and overlays.

- ~~Applying the Special Water Supply Catchment Areas policy at Clause 22.04~~
- ~~Applying Clause 22.02 Rural/Small Rural Lots Policy in considering applications in the Farming Zone and Rural Activity Zone to protect agriculture and agricultural land at Clause 22.02~~
- ~~Applying Clause 22.03 (the Heritage Policy in considering applications covered by the Heritage Overlay or other included in the Victoria Heritage Inventory for division or the most appropriate impact to undertake works in heritage places at Clause 22.04~~
- ~~Applying Clause 22.04 (the Car Parking Policy in considering a permit to reduce the number of parking spaces required to be provided under Clause 22.03 at Clause 22.04~~
- ~~Applying Clause 22.05 (the Airports and Environs Policy at Clause 22.04 in considering applications on or in proximity of the East Sale RAAF Base and West Sale Airports to ensure that the safety and efficiency of aerodrome operations is not prejudiced or cause that any detrimental effects of aircraft operations are taken into account.~~
- ~~Applying the Clause 22.06 Coal Resources Policy at Clause 22.04 in considering applications within a coal resource to recognise the need to conserve and utilize the coal resource.~~
- ~~Applying the Coal Buffers policy at Clause 22.07~~
- ~~Refer to the Country Fire Authority guidelines on subdivision, group accommodation and recreation accommodation when assessing whether a development proposal adequately addresses fire safety issues.~~
- ~~Refer to the Healthy by Design guidelines to ensure development facilitates healthy communities through well planned networks of walking and cycling routes, streets with direct safe and convenient access to local destinations within the three minute walk zone, walking distance from homes, public open space, public transport, shops and services.~~
- ~~Require that development plans are prepared prior to subdivision of green field sites that show the proposed layout of lots and road reservations and include infrastructure schemes that show where power, water, and sewerage will be located. These development plans will identify site advantages and constraints, main road networks and associated movement patterns, and social and community facilities.~~

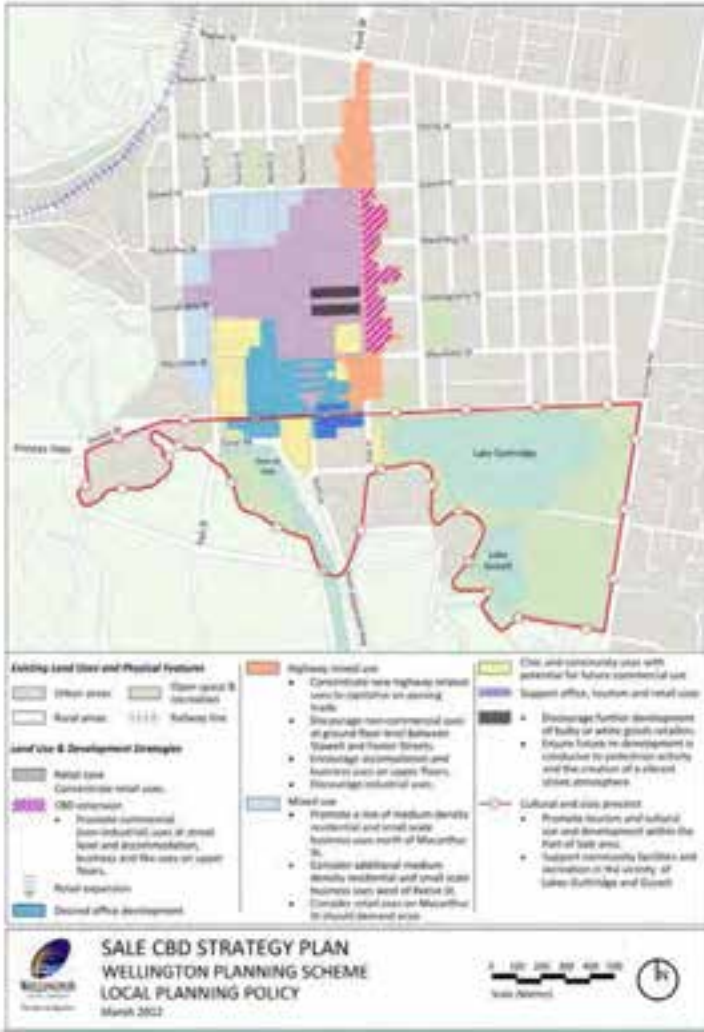
Other actions

- Liaise with Gippsland Water to gazette Longford as a sewerage and water district to facilitate future service provision.
- Liaise with relevant transport authorities to investigate a bypass route for heavy vehicles, in order to overcome local infrastructure constraints and improve trade access to the east of Sale.
- Liaise with VicTrack to determine whether potentially excess railway land can be sold. Should this prove feasible, opportunity exists to utilise the land for a transport/transit based facilities and/or business uses.
- Support the establishment of a discount department store in accordance with the Sale CBD Precinct Plan shown in this clause, should demand and opportunity arise.
- Support the relevant water authority with identification and installation of appropriate effluent disposal and/or water supply systems for unserved settlements, focusing on priority areas identified in the Municipal Domestic Wastewater Management Plan, following confirmation of the need (on environmental and health grounds).

Undertaking further strategic work

- Investigate [the need for](#) a developer contributions scheme to support the provision of required physical and social infrastructure within the North Sale growth area and other growth areas, as required.
- Develop and implement an updated master plan for the Port of Sale cultural precinct.
- Undertake the preparation of a parking strategy to cater for long term needs within CBD commercial areas. Investigate the establishment of a multi-storey car park (ideally with shop frontages to the street) on the car park on Cuninghame Street (between York Street and Raymond Street) and in the vicinity of the fuel station on the corner of Cuninghame Street and Reeve Street.
- Develop planning controls to prevent development in the vicinity of the West Sale Aerodrome that may prejudice its operation or ability to expand.
- Prepare outline development plans for the future development of residential and industrial areas that have regard to potential impacts on the natural environment and include these in a development plan overlay.
- Ensure that an infrastructure scheme involving the provision of reticulated water, sewerage and drainage is put in place around the Sale-Maffra Road, Sale to facilitate urban development.
- Review the extent and future demand for land zoned Low Density Residential and Rural Living, subject to there being a demonstrated need for such reviews.
- Prepare an Industrial Strategy for Sale with particular emphasis on the Warrak South Industrial area.

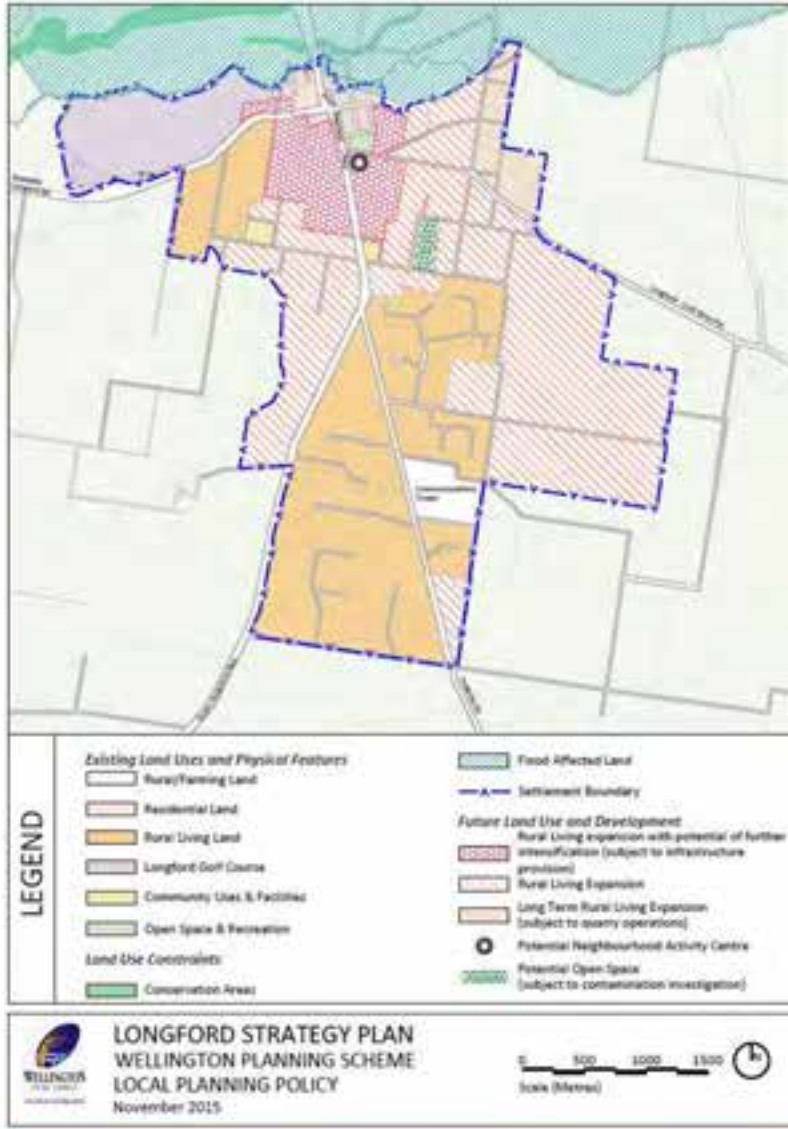
WELLINGTON PLANNING SCHEME



Wellington Planning Scheme



WELLINGTON PLANNING SCHEME



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REFERENCE DOCUMENTS

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme. Decision makers should use these for background research only. Material in these documents that potentially provides policy guidance on decision making but which is not specifically referenced to by the Scheme, should not be given any weight.

- *Assessment of Agricultural Quality of Land in Gippsland, Swan and Volam, 1984*
- *City of Sale Restoration and Conservation Guidelines, May 1983*
- *City of Sale Heritage Study, March 1994*
- *East Gippsland Regional Catchment Strategy*
- *Gippsland Lakes Coastal Action Plan, 1999*
- *Gippsland Lakes Future Directions and Action Plans, 2002*
- *Gippsland Lakes Shore Erosion and Revegetation Strategy, Department of Natural Resources and Environment, Gippsland Coastal Board, 2002*
- *Group accommodation and Safety guidelines, Country Fire Authority, February 1997*
- *Guidelines for the Assessment of Heritage Planning Applications – Port Albert and District, 2002*
- *Healthy by Design: A planners' guide to environments for active living, National Heart Foundation of Australia, 2004*
- *Heyfield Structure Plan, December 2011, including update; Strategic Justification Firebrace Road August 2013*
- *Infrastructure Design Manual (IDM)*
- *Integrated Coastal Planning for Gippsland – Coastal Action Plan, Gippsland Coastal Board*
- *Longford Development Plan, November 2015*
- *Mapped Salinity Discharge and Potential for Recharge within the Wellington Shire and showing Domestic Water Supply Catchments, Department of Natural Resources and Environment*
- *Municipal Reference Document, Wellington Shire, Coastal Spaces Landscape Assessment Study, 2006*
- *Planning conditions and guidelines for subdivisions, Country Fire Authority, September 1991*
- *Port Albert Conservation Study, 1982*
- *Port Albert Masterplan, 2002*
- *Port Albert & Palmerston Urban Design Guidelines, 2007*
- *Recreational accommodation and Safety Guidelines, Country Fire Authority, February 1997*
- *Rosekale Structure Plan, 7 August 2012*
- *Sale and Region Business Opportunities Study, 2003*
- *Sale, Warrak and Longford Structure Plan, 2010 and updates; Relocation of Sale Greyhound Racing Club Strategic Justification (NBA Group, 2014)*
- *Sale CBD Precinct Plan, 2010*

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- *Siting and Design Guidelines for Structures on the Victorian Coast, 1998*
- *State Overview Report, Coastal Spaces Landscape Assessment Study, 2006*
- *Stratford Townscape Study, 1993*
- *Victorian Coastal Strategy, 2014*
- *Wellington Coast Subdivision Strategy: The Honeysuckles to Paradise Beach, February 2007*
- *Wellington Shire Council, Golden Beach/Paradise Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Loch Sport Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Manns Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, McLoughlins Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Robertsons Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Seaspray Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, The Honeysuckles Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Council, Woodside Beach Urban Design Framework, Coastal Towns Design Framework, Volume 3, March 2007*
- *Wellington Shire Heritage Study: Stage 1, May 2005*
- *Wellington Shire Stormwater Management Plan, 2002*
- *West Sale Aerodrome Master Plan, November 2002 (or any superseding documents)*
- *West Sale Aerodrome Public Authority Management Agreement, June 2003 (or any superseding documents)*
- *West Gippsland Regional Catchment Strategy 2013 (or any superseding document)*
- *Wellington Economic Development and Tourism Strategy 2011 15 (or any superseding document)*

Longford Development Plan

prepared for 

Wellington Shire Council

November 2015



mesh

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LONGFORD DEVELOPMENT PLAN

prepared for _____ v

Wellington Shire Council

November, 2015

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1

INTRODUCTION

Located in the heart of Gippsland, Wellington Shire Council is the third largest municipality in Victoria. Boasting a rich and highly valued natural environment, the Shire is balanced with diverse townships and settlements with strong ties to industries and diverse employment opportunities ranging from forestry, energy production and agriculture, to tourism, aviation, education and professional services. All these elements together make Wellington an attractive place to live, visit and do business.

The success in providing this level of diversity and opportunities across the municipality is reflective of Council's acknowledgment of the need to carefully plan for the future growth of its townships over time. Council has therefore engaged Mesh, in association with the Department of Transport, Planning and Local Infrastructure's Rural Regional Flying Squad to prepare a Development Plan (DP) for the township of Longford.

Whilst preparation and adoption of the Longford DP will not compel landowners to develop their land, it will ensure that co-ordinated outcomes are achieved as and when rezoning requests and permit applications for development progressively takes place, avoiding "piecemeal" outcomes which often leave townships disappointed and underserved. Importantly, preparation of the Development Plan does not in itself provide strategic justification for future rezoning applications within Longford. Future proponents seeking to rezone land for residential development will need to demonstrate clear strategic justification (including preparation of relevant background reports and other supporting information). As such, preparation of the Longford

Development Plan is a design tool which will inform preferred development outcomes and necessary infrastructure delivery in a co-ordinated manner, which is required to support the future growth as and when land is rezoned and developed.

This report is structured firstly to provide an overview of Longford and its planning context, having specific regard to the State Planning Policy Framework and the local planning provisions contained within the Wellington Planning Scheme. The Development Plan will build an appreciation of the character of Longford through a township-wide site analysis which has formed the basis for the proposed DP. Given the size of the township, its diverse landscape setting and settlement form, and the gradual rate of growth expected to be experienced within Longford compared to other Wellington townships, it is important that this DP provides opportunity for flexibility over time. As such, in order to successfully realise the desired outcomes envisaged by this DP, a "precinct-based" approach has been adopted, whereby defined areas within the DP can be "unlocked" independently for development, provided the specified planning and development requirements are met.

It is imperative that users of this document, Council, developers/proponents and residents alike interpret the DP as a guide which sets out the structural conditions and infrastructure requirements that must be delivered with applications for subdivision by developers within each Precinct. The DP is deliberately underpinned by the underlying design principle which seeks to ensure the existing character of the township and elements which make it a special place to live is reflected and enhanced as the town is developed over time.



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2

PLANNING CONTEXT

2.1

The Role of Longford

Longford is highly valued by its community for the rural residential lifestyle that it offers, within close proximity to the services and facilities of central Sale, located only 5km to the north. Given the town's close proximity and relationship to Sale, the Sale, Warrak and Longford Structure Plan identifies it as a key growth area within the broader Sale area.

The separation of Sale from Longford via the extensive and internationally protected Ramsar lake and wetland system, fed by the Thompson and Latrobe Rivers and other tributaries, provides a natural entrance into the township. Until recently, the South Gippsland Highway, which connects Sale and Longford, was flooded, limiting the development potential of Longford. However, initiatives such as raising the highway above flood levels, construction of a cycle path between Sale and Longford and the removal of the Special Resource Overlay from key areas in and around the town have all combined to make Longford a more popular option for settlement.

Comparatively, Longford is expected to grow at a slower pace compared to other areas within proximity including Sale. This is due to its role as a rural living community which provides an alternative residential offering to the region. The lack of reticulated services (sewer and water) available to the township has also played an important part in its current development character (including minimum lot size) and subdivision pattern.

Figure 1 - Longford Context Plan



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2.2

State Planning Policy Framework

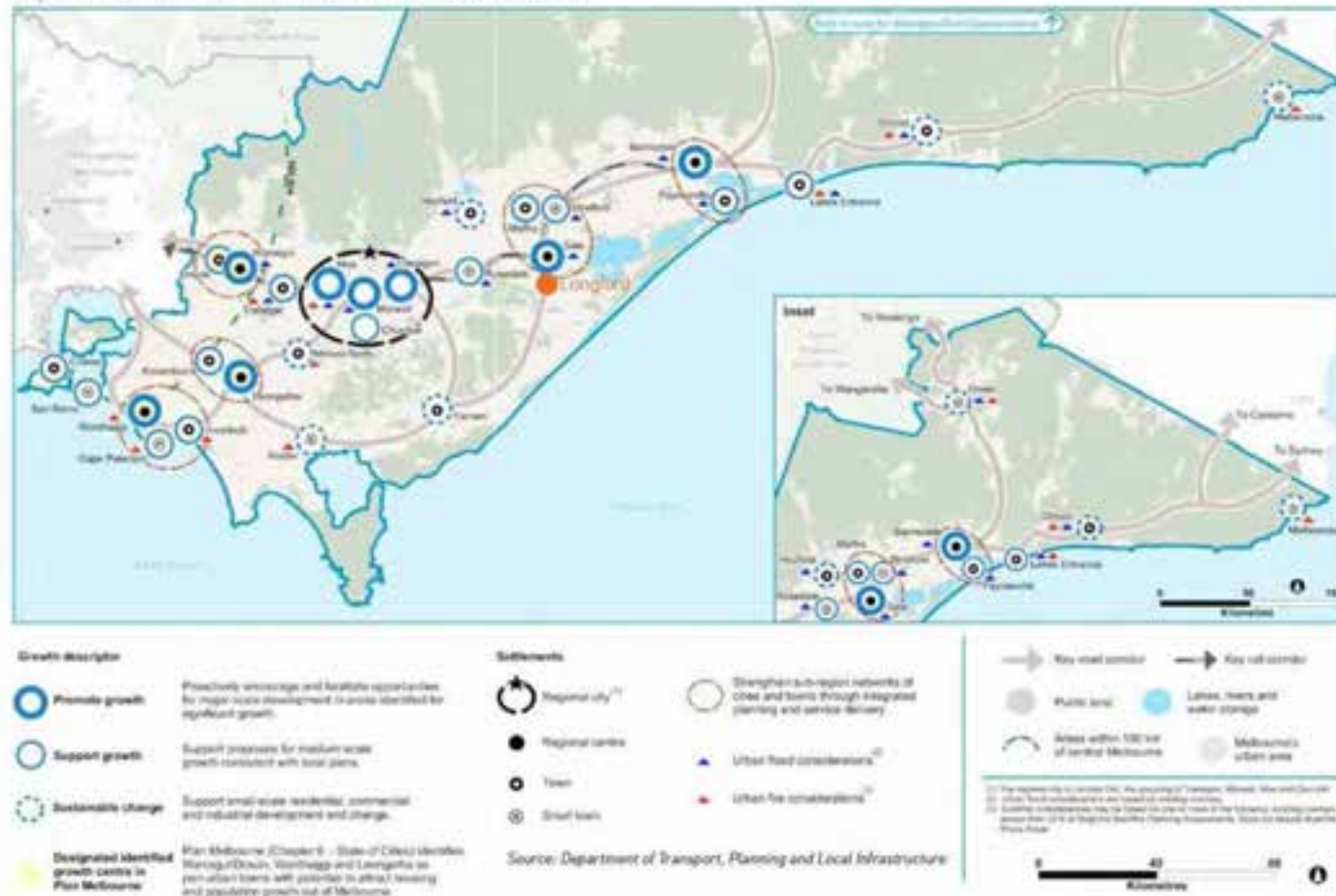
The State Planning Policy Framework (SPPF) seeks to balance the various competing objectives of the planning scheme, to facilitate sustainable development that achieves a net community benefit. State policy seeks to ensure future development is responsive to the features of a site and its local and regional context, and affords an efficient and sustainable provision of infrastructure and services, having regard to the role and function of towns and regional centres.

Gippsland Regional Growth Plan 2014

The Gippsland Regional Growth Plan (2014) establishes a framework for strategic land use and settlement planning that can sustainably accommodate growth whilst protecting and fostering important economic, environment, social and cultural attributes of the region.

Particularly, the Gippsland Regional Growth Plan promotes growth for Sale which is identified as an important regional centre. Whilst not specifically nominated on the Regional Growth Plan, there are planning implications for Longford, being located within close proximity to Sale.

Figure 2 - Future Directions for Settlement, Gippsland Regional Growth Plan



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2.3

Local Planning Policy + Strategies

The local planning policies delve into more detail about the settlement patterns, roles and other influences to be experienced across Wellington Shire and how to manage these impacts. Longford is identified as a location which will cater for the Shire's demand for rural living given its existing established character and reticulated servicing constraints.

The Sale, Wurruk and Longford Structure Plan (2010) provides a vision for each of the settlements which has been carried through the preparation of this Development Plan:

"High quality open space and built form will characterise Sale, Wurruk and Longford area, contributing to the health, safety and social vibrancy of the three communities. New urban growth areas will form sustainable communities that set new benchmarks in best practice urban development. Accessible and inclusive neighbourhoods will be created which reduce the dependence on car-based travel and encourage walking and cycling. Natural and cultural features will be provided and enhanced to create a distinct character, offering the best of town and country".

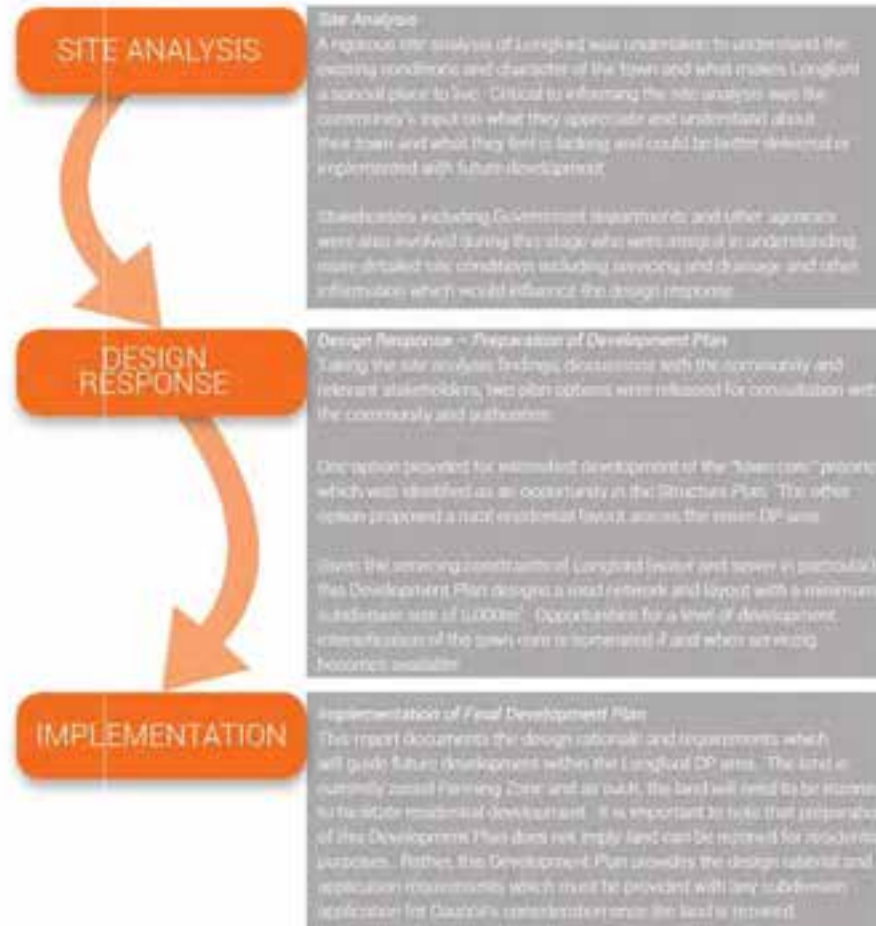
3

HOW THE DEVELOPMENT PLAN WAS PREPARED

3.1

Development Plan Process Summary

The Development Plan was prepared through an extensive review of the township of Longford. It involved three key steps which are summarized in the flow chart (see right).



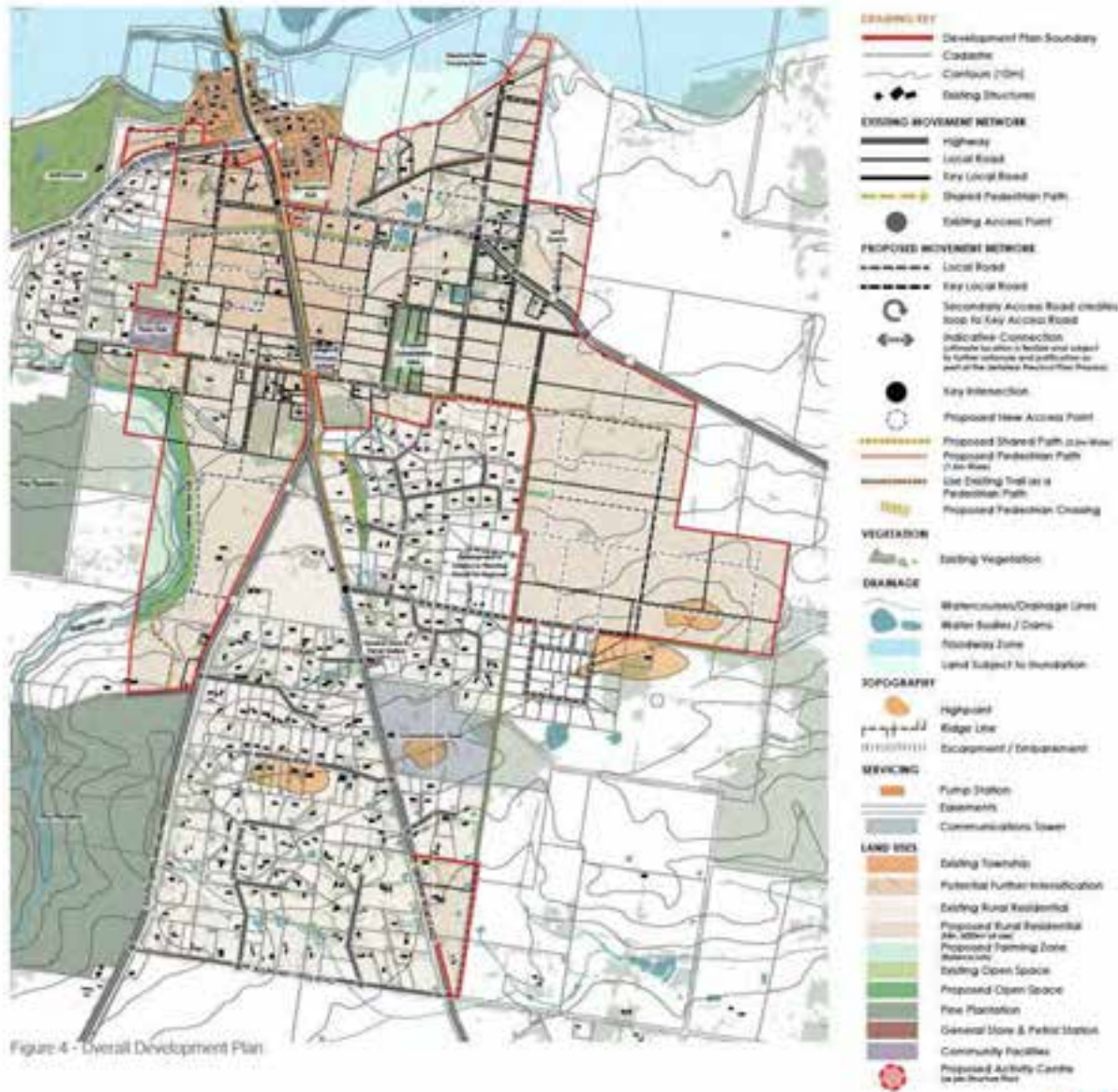


Figure 4 - Overall Development Plan

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3.2

Community + Stakeholder Consultation Findings

A key input into the Development Plan process was consultation with the community, authorities and Government Departments at key points in the process.

Through these sessions, it was evident the community valued the following attributes of Longford:

- > Low density lifestyle, Longford is clearly different to Sale
- > Proximity to Sale and its services, facilities, retail, employment, etc
- > Community aspect
- > Quiet, safe local streets
- > Impact of heavy vehicles and flow of traffic on the main highways through the town
- > Natural environment and rural setting
- > Concern development will increase traffic volumes through local streets
- > Acknowledgement by the community that limited reticulated services are balanced by the lifestyle opportunities Longford offers
- > Potential for more shops to cater for local convenience needs

Opportunities which were identified for Longford by the community include:

- > Better road and pedestrian connections into the centre of town, including the primary school
- > More local shops to reduce reliance on Sale for every day needs

- > Enhance existing facilities and provide for open space within Longford
- > Development should manage future bushfire risk
- > Concern over maintenance of public open space on Hobsons Road (former quarry site)
- > Manage traffic impact of heavy vehicles through Longford along its highways

Table 1 summarises the comments provided by the authorities and Government Departments on the Longford DP. Where appropriate, these comments have been incorporated into the final adopted DP, either represented on the Plan, or listed as a requirement for rezoning or permit applications.

Table 1 - Authority and Community Comments and Feedback

Authority and Community	Comments and Feedback	DP Response/Refer to
Country Fire Authority	<p>The DP area is located within a nominated bushfire risk area.</p> <p>CFA supports a 150m buffer between existing pine plantations and residential development.</p> <p>CFA encourages the use of perimeter roads bushfire hazard areas and access/egress must be considered for the future community.</p>	<p>The DP provides where practicable, edge roads to open space and other areas of bushfire threat.</p> <p>A bushfire assessment report assessing threats, risks and any required setbacks is required to be submitted as part of planning permit applications to inform road network and development setbacks. (See Section 6.5).</p>
Department of Environment, Land, Water and Planning (DELWP - Planning)	<p>Supportive of preparation of Longford Development Plan and application of Rural Living Zone to support lower density development to guide minimum subdivision size.</p>	<p>Preparation of the Development Plan does not provide strategic justification to inform future rezoning requests. Preparation of this Development Plan provides the design framework as and when land is rezoned and developed.</p> <p>See Sections 5.3 and 6.4 which outline the proposed Precinct-based approach to rezoning applications and the necessary information which is required for Council and the Department's consideration of rezoning requests.</p> <p>Council will work closely with DELWP (Planning) during consideration of applications of rezoning requests.</p>
Department of Environment, Land, Water and Planning (DELWP - Environment)	<p>Modelled native vegetation as available on the Native Vegetation Information Management (NVIM) System should be used to inform future permit applications. Impact on federally listed species must also be considered.</p> <p>The DP should highlight importance of protection and consideration of the Ramsar wetland precinct.</p> <p>Subdivision layouts should have regard to the cumulative impacts on Victoria's biodiversity through clearing of vegetation (due to permitted fence line clearance provision for defensible space).</p>	<p>Section 6.5 lists known background reports which will be required to support future rezoning and permit applications (including flora and fauna report and drainage reports) to manage native vegetation and impact on Ramsar wetlands.</p> <p>The Longford DP has had regard to property boundaries, presence of substantial areas of vegetation and makes reference to the importance these areas contribute to the biodiversity and character of Longford. Future permit applications must demonstrate how they actively respond to these site features.</p> <p>See Chapter 5 which details the DP vision and Chapter 6 which outlines its implementation.</p>

Community + Stakeholder Consultation Findings, Continued

Table 1 Continued - Authority and Community Comments and Feedback

Authority and Community	Comments and Feedback	DP Response/Refer to
Gippsland Water (GW)	The Longford syphon sewer pipeline (east-west easement) traverses the area and is of regional importance and therefore must be considered in future subdivision design.	The DP proposes to use key sections of the east-west Longford sewer pipeline easement as part of the linear pedestrian/shared path link, feeding the DP area into the town core.
	GW supportive of using the sewer easement as part of the public open space link. Development must have regard to construction requirements across the sewer easement.	In other areas, the DP retains the Longford sewer pipeline within private allotments. Applications for subdivision must have regard to GW's construction and access requirements to their easement (See further information at Sections 5.5 and 5.6).
	Providing reticulated sewer to Longford problematic given implementation costs and timeframes.	The DP design assumes a minimum lot size of 6,000m ² which will also provide space to accommodate septic sewer. However, as part of future rezoning and permit application requests, land capability reports (and other necessary site specific assessments) will be required to confirm appropriate lot sizes.
West Gippsland Catchment Management Authority (WGCA)	Supportive of creation of linear public open space reserve along Boggy Creek and its use as a key pedestrian link.	The DP (see Section 5.5) separately provides guidance on the "Town Core Precincts", providing opportunity for development intensification, if suitable.
	Designated waterway running south to north along South Gippsland Highway to Longford-Loch Sport Road will need to be protected.	See Overall Design Requirements (Section 5.4) and Detailed Precinct 1 Objectives (Section 5.5) regarding creation of the Boggy Creek linear reserve and treatment of designated waterway along South Gippsland Highway to Longford-Loch Sport Road.
	Future development will need to consider stormwater quality in proximity to the Ramsar wetland area.	Chapter 6 details list of background reports required to accompany future planning permit applications, including drainage and environmental studies.

Table 1 Continued - Authority and Community Comments and Feedback

Authority and Community	Comments and Feedback	DP Response/Refer to
VicRoads	<p>Applications must include detailed traffic impact assessment which analyse intersections along arterial roads (RDZ1).</p> <p>Pedestrian paths along RDZ1 should be constructed of solid materials (bitumen or concrete) have a minimum 3m minimum setback to the RDZ1 pavement.</p> <ul style="list-style-type: none"> > If a structure is required as part of the shared path and is located within the clear zone, a roadside safety barrier is required. > Provision for the appropriate drainage must be considered. > Concept, functional and detailed design plans to be submitted to VicRoads for review and approval. 	<p>See Chapter 6 which details a list of background reports required to support any application for subdivision.</p> <p>The Development Plan minimises (where practicable) the number of access points onto RDZ1 through intersection spacing and use of existing paper roads and other road reservations to limit the total number of intersections created.</p> <p>The DP provides overall direction to minimise direct property access to RDZ1. However, some level of direct property access will be required/ necessary given the township context and low density nature of Longford, where the use of service roads and other controlled access points may not be viable. (See Section 5.6)</p>
	<p>Longford-Loch Sport Road:</p> <ul style="list-style-type: none"> > Access to arterial roads will need to be minimised when possible. > Cross roads on arterial roads must be avoided if possible. 	

4

LONGFORD SITE ANALYSIS

4.1

Purpose of the Site Analysis

This Chapter seeks to identify and clearly represent the relevant and overlapping characteristics and features of Longford. Each characteristic or theme is presented on an individual plan and will highlight, where relevant, opportunities which have informed the design of the DP and the requirements which underpin its implementation.

4.2

Land uses and Development Pattern

A - The historic township subdivision is located just north of the DP boundary and is characterised by smaller allotments (minimum lot size typically around 1000m²). Further intensification and subdivision in the Township Zone is constrained by lack of reticulated services and land capability.

B - Longford Primary School provides an important community focal point and facility.

C - General store and petrol station at key road junction serves community and passing traffic.

D - Existing golf course subject to residential development proposal.

E - Township "core" area investigated for development intensification as envisaged by the Sale, Wurruk and Longford Structure Plan. DP will stipulate future development intensification potential within the Town Core and specific subdivision requirements for this area having regard to reticulated sewer constraints.

F - Existing development pattern characterised by relaxed road alignments and generally unconnected road network creating long court bowls. This road structure provides limited connectivity through Longford (one road provided to services a community). Opportunity to incorporate the existing developed areas into the DP area through pedestrian and road links wherever possible to enhance the level of connectivity between these areas.

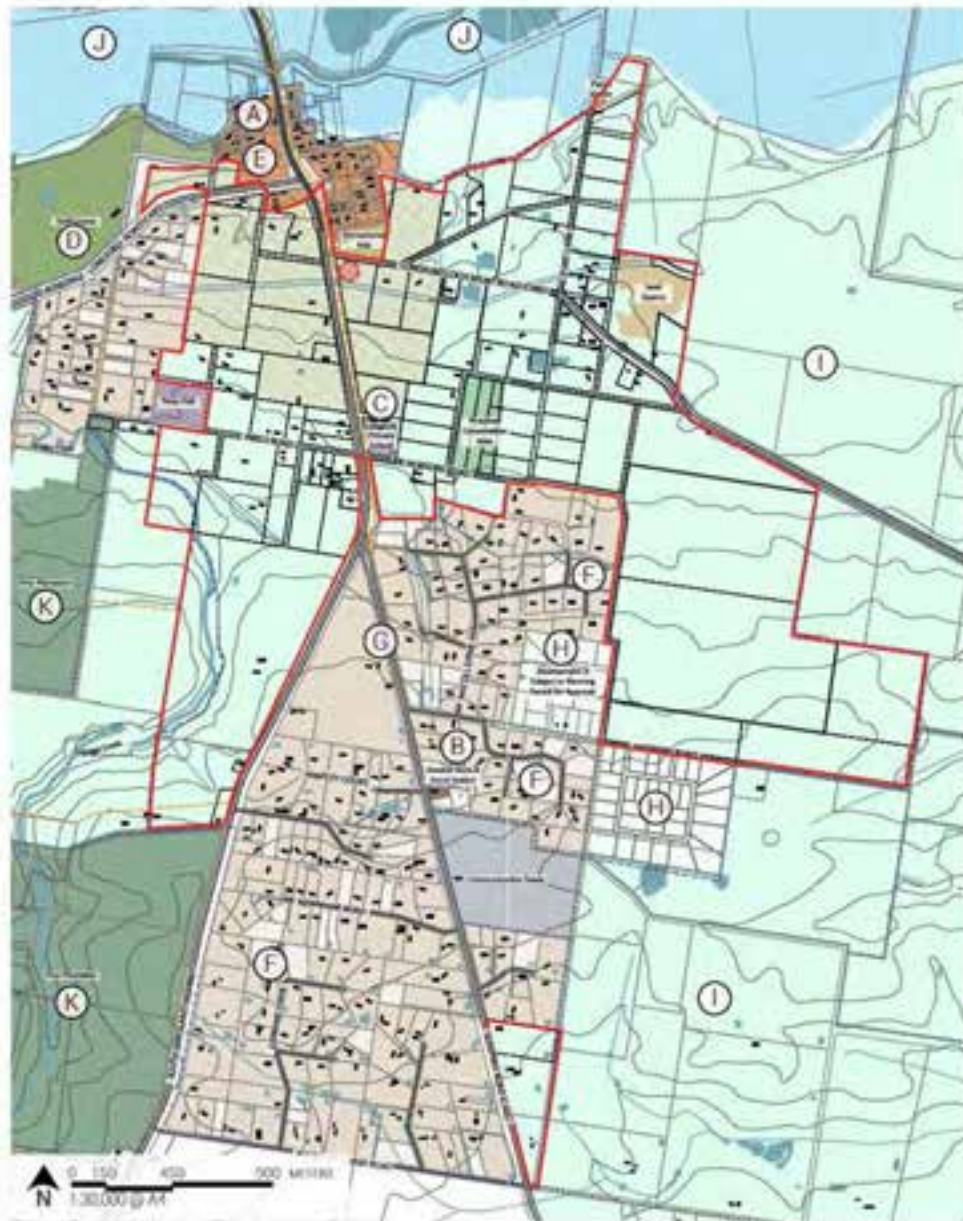
G - Typically, dwelling setbacks from streets are not uniform and neighbourhoods are characterised by the presence of clusters of vegetation both within road reservations and lots. This creates an informal, rural residential character. Opportunity to ensure the DP continues the organic, informal development and subdivision character of Longford.

H - Recent development approvals (C82 and C83) provides more linear road network and subdivision pattern with consistent lot sizes. Opportunity for the DP design to connect these newer subdivisions into DP area.

I - DP interfaces with farming land.

J - Ramsar wetlands are of international and regional significance. Future drainage and development implications along the interface must be considered as part of future rezoning and permit applications for subdivision.

K - Pine plantations and significant stands of native trees in and around the DP boundary provide distinct character setting. Future development design and siting of buildings must have regard to potential bushfire risks.



- BOUNDARY KEY**
- Development Plan Boundary
 - - - - - Urban Growth Boundary
 - Cobleline
 - Contours (10m)
 - ◆ Sullom
- MOVEMENT NETWORK**
- Highway
 - Arterial Road
 - Local Road - Sealed
 - Local Road - Unsealed
- DRAINAGE**
- Watercourses/Drainage Lines
 - Water Bodies / Dams
 - Roadway Zone
 - Land Subject to Inundation
 - Bushfire Management (BMC)
- LAND USES**
- Rural Living (RL)
 - Township (T)
 - Active Open Space
 - Passive Open Space / Linkages
 - Golf Course
 - Pine Plantation
 - General Store & Petrol Station
 - Primary School
 - Kindergarten
 - Communication Tower
 - Farming (F)
 - Possible Future Expansion of Township (Subject to Servicing Provision)
 - Proposed Activity Centre (as per Structure Plan)
- DEVELOPMENT PATTERN**
- Vacant Lots - within Existing Settlement Area
 - Consolidated Titles

Figure 5 - Land Use and Development Pattern

4.3

Road Network + Access

A - South Gippsland Highway forms a key north-south route, linking Longford to Sale in the north. South Gippsland Highway provides a key arterial road connection to Yarram and South Gippsland. Recent upgrade of South Gippsland Highway and provision of a shared path has provided better access into Longford from Sale.

B - Seaspray Road is an arterial road and provides access to the Esso plant.

C - Rosedale-Longford Road is an arterial road used as a link between 90 Mile Beach and Princes Highway.

D - Longford-Loch Sport Road provides access to 90 Mile Beach and Gippsland Lakes and employment opportunities and other land uses such as Covino's, Gippsland Ground Spread, Dutsons Downs and recreation opportunities such as Krusics Motorcross Park.

E - The historic township centre is defined by the junction of Rosedale-Longford Road and Longford-Loch Sport Road.

F - The southern extent of Longford sits between the South Gippsland Highway and Seaspray Road.

G - Lots typically gain direct property access from the arterial roads.

H - A number of sealed and unsealed rural standard roads form internal connections through Longford.

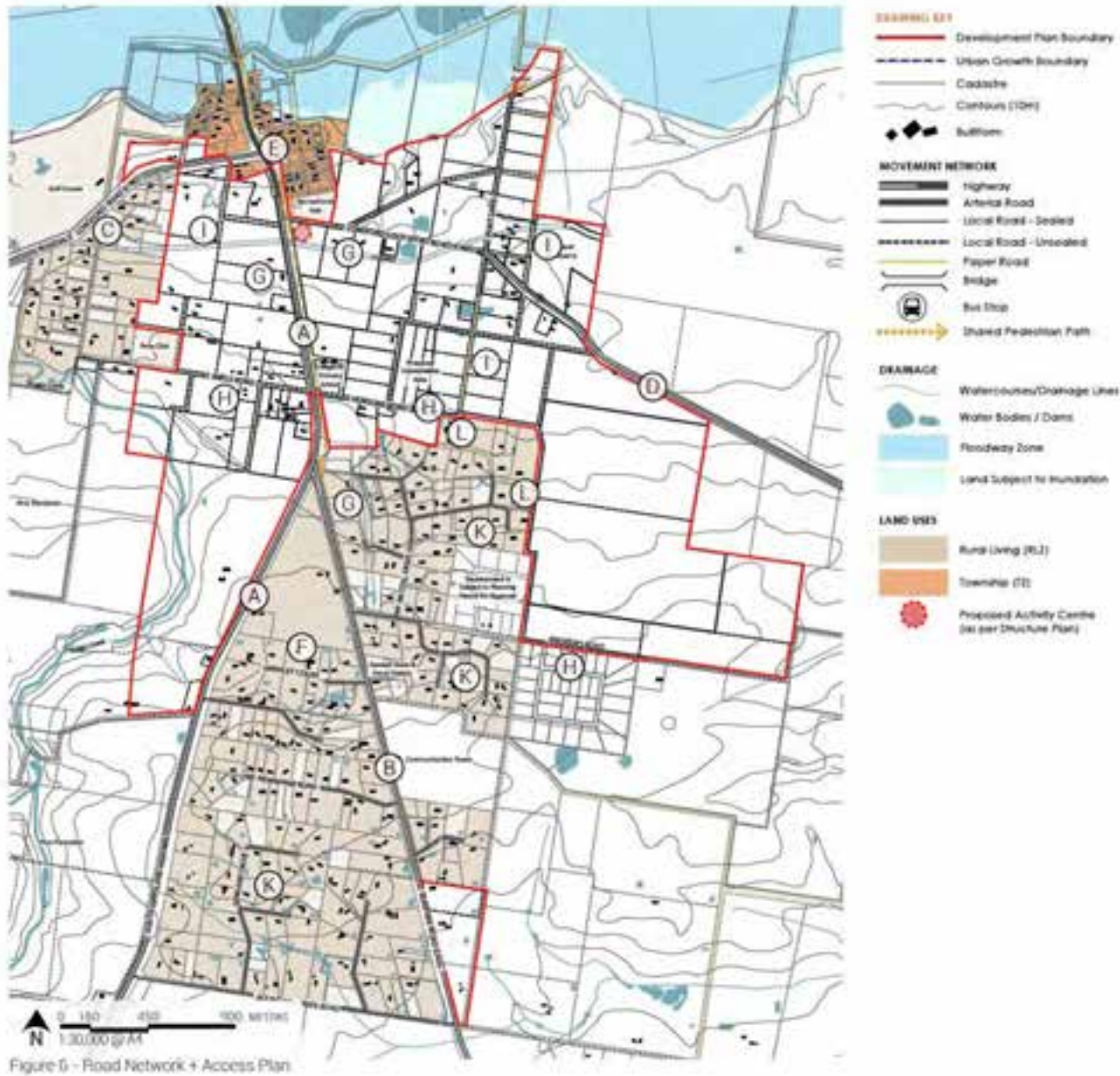
I - Paper roads (unconstructed road reserves) exist throughout Longford and provide opportunity to be used in future DP structure. Native vegetation within paper roads should be retained to ensure existing natural character of Longford is retained in future developed context.

J - Existing footpath connections are inconsistent throughout Longford. Opportunity for future development to connect and expand upon the pedestrian path network and linkages through Longford and as envisaged by the Structure Plan.

K - More recent road network provides an organic, meandering roads/streetscape character which respond to site features and topography. Whilst this is a valued character attribute of Longford, the network lacks connectivity and permeability. The DP recognises the opportunity adapt this valued informal character of streets whilst enhancing pedestrian and vehicle permeability throughout Longford.

L - Opportunity to integrate the existing areas of Longford into DP area through use of green links and roads where possible.





4.4

Zones

A - DP area generally zoned Farming Zone. It is generally fragmented with small allotments limiting commercial farming opportunities. Anecdotally, it has been confirmed farming within some areas of Longford is not viable given the level of land fragmentation and generally small lot sizes. Chapter 6 and 7 outline the process and requirements through which land can be rezoned for rural residential development.

B - Amendments C82 and C83 which rezone land to the Rural Living Zone have been approved within the DP boundary. Regard to how these areas are integrated within the DP area has been considered in the design response.



4.5

Overlays

A - Floodway Overlay protects the Ramsar wetland system just north of the DP area. Flood to stormwater run-off from future development within the DP area is a key consideration of future development applications.

B - Existing Development Plan Overlays have been prepared both within and adjacent to the DP area, controlling the way in which future development is to be managed.

C - Bushfire Management Overlay will influence future development requirements such as setbacks to vegetation and other bushfire risks.

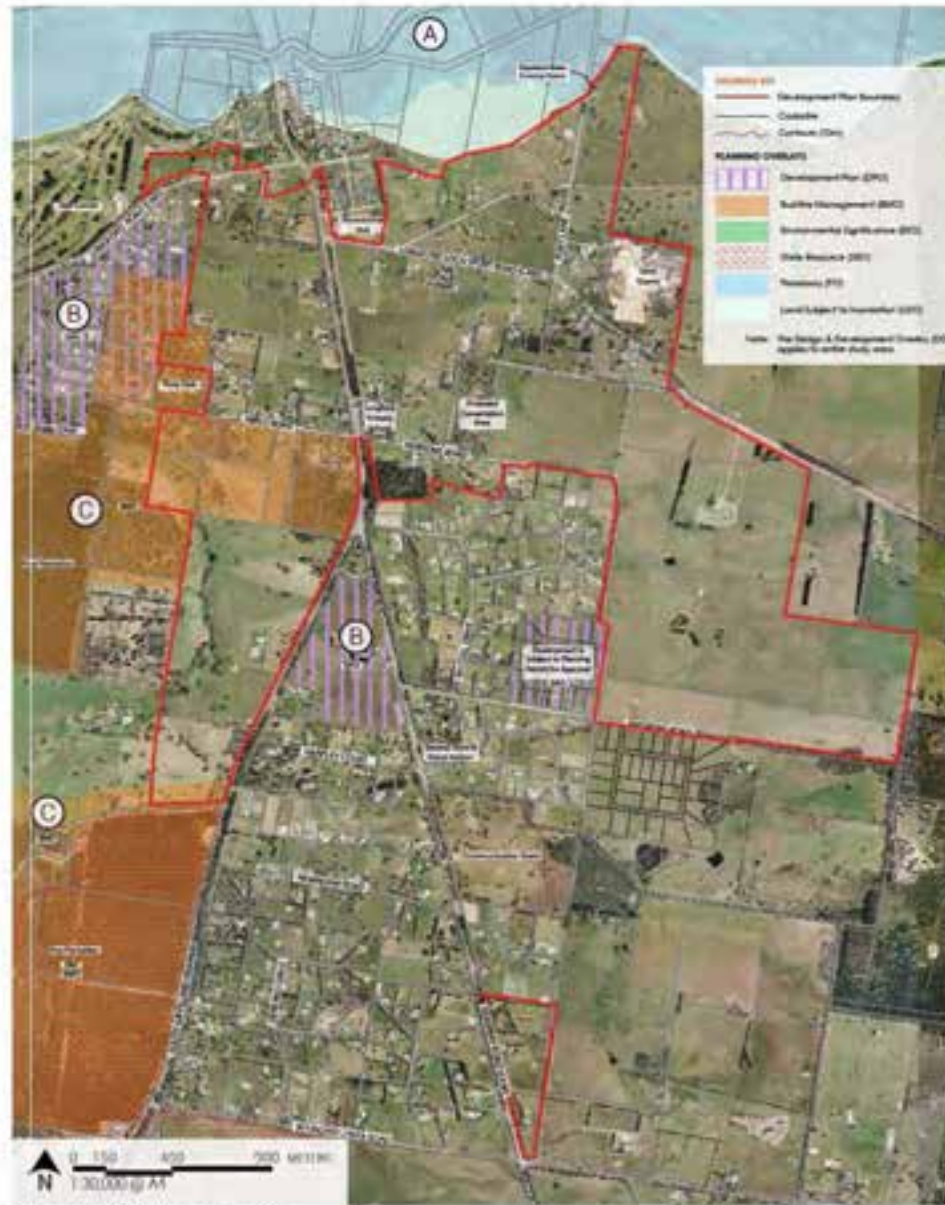


Figure 8 - Planning Overlays Plan

4.6

Vegetation + Natural Influences

A- Exotic and native vegetation characterises Longford. Retention and incorporation of existing vegetation into lots and future road reservations will ensure this valued character attribute which defines Longford is retained as Longford develops.

B- Pine plantations located in close proximity to DP boundary. Future development and subdivision design to have regard to planted interface and bushfire risk associated with these areas.

C- Former quarry site valued by community for conservation and open space value.

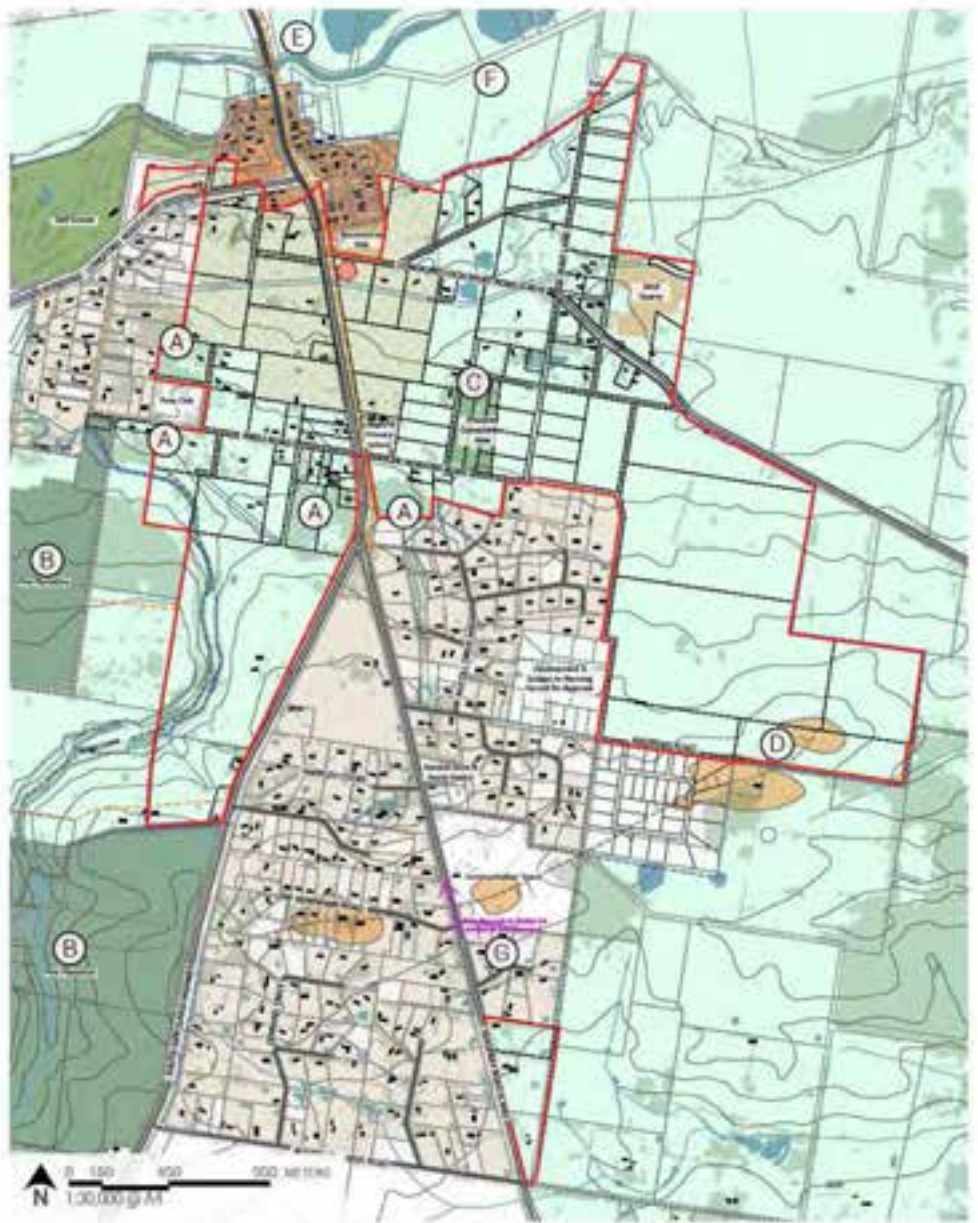
D- Low ridgeline is present in the southern extent of Longford, within the existing rural residential areas and forms a defining topographical feature.

E- Entry into Longford from north characterised by bridge connection which passes over Thompson River and wetland area.

F- Local and internationally significant Ramsar wetland network defines northern extent of Longford and DP area. Future development must have regard to this sensitive interface and water quality from run off.

G- Key view line present along Seaspray Road provides a sense of place and character.





- DRAWING KEY**
- Development Plan Boundary
 - Canals
 - Contours (10m)
 - Subsum
- MOVEMENT NETWORK**
- Highway
 - Aerial Road
 - Local Road - Sealed
 - Local Road - Unsealed
 - Bridge
 - Bus Stop
 - Shared Pedestrian Path
 - Viewlines
- DERAINAGE**
- Watercourses/Drainage Lines
 - Water Bodies / Dams
 - Roadway Zone
 - Land Subject to Inundation
- SERVICING**
- Pump Station
 - Estuaries
- TOPOGRAPHY**
- Highpoint
 - Ridge Line
 - Valley
 - Escarpment / Embankment
- LAND USES**
- Rural Living (RL2)
 - Township (T2)
 - Active Open Space
 - Passive Open Space / Linkages
 - Golf Course
 - Pine Plantation
 - Proposed Activity Centre (as per Structure Plan)

Figure 9 - Vegetation and Natural Influence Plan

4.7

Infrastructure + Drainage

The township is not serviced by reticulated water and sewer. Lots are reliant upon water tanks and septic tank systems.

A- Longford sewer pipeline easement is a regionally significant sewer asset which dissects Longford in an east-west direction. Gippsland Water is the relevant authority. Opportunity to utilise parts of the easement as a linear public open space link with a pedestrian path which connects the future Longford community to the town centre.

B- A number of undefined and defined drainage lines and waterways dissect the DP area and could be protected within existing road reservations, particularly along South Gippsland Highway.

C - Dams are present on a high proportion of properties.

D - Boggy Creek is currently within private allotments. Opportunity to create a linear open space link which can be used by the community as a walking path.

E - Hall and recreation hub on corner of Longford Loch Sport Road and South Gippsland Highway is another key community facility and passive open space.



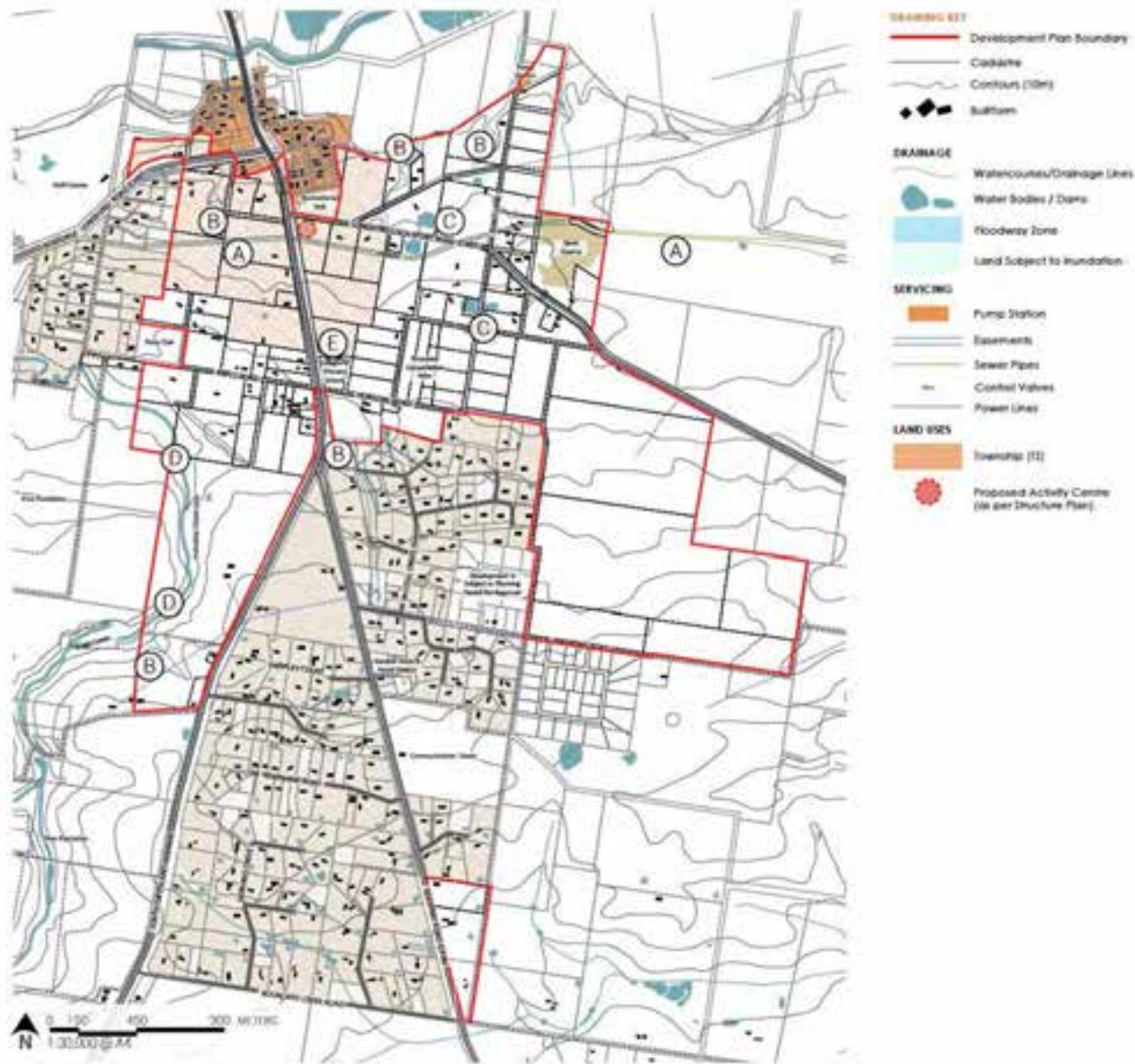


Figure 10 - Infrastructure + Drainage Plan

4.8

Consolidated Site Analysis

Figure 11 consolidates the site analysis into a single plan.

As demonstrated through the layered site analysis, Longford is valued for its rural residential character which is typified by large allotments, generally varying in size and extent and pattern of development.

Newer development pockets tend to lend themselves to more regular subdivision pattern, however lot sizes are still reflective of the rural residential character. Trees and shrubs form a key character element which create an informal streetscape appearance. Roads are generally aligned having regard to the presence of vegetation and topography and to this end, are meandering. While long court bowls are generally a character element of Longford, the established network tends to lack connectivity and permeability between communities and Longford as a whole.

The DP therefore imbeds, in its vision and principles, the importance of maintaining the organic and soft road alignments which provide for quiet, safe streets, respond to vegetation, topography and other site features, whilst balancing with the need to ensure a level of connectedness.

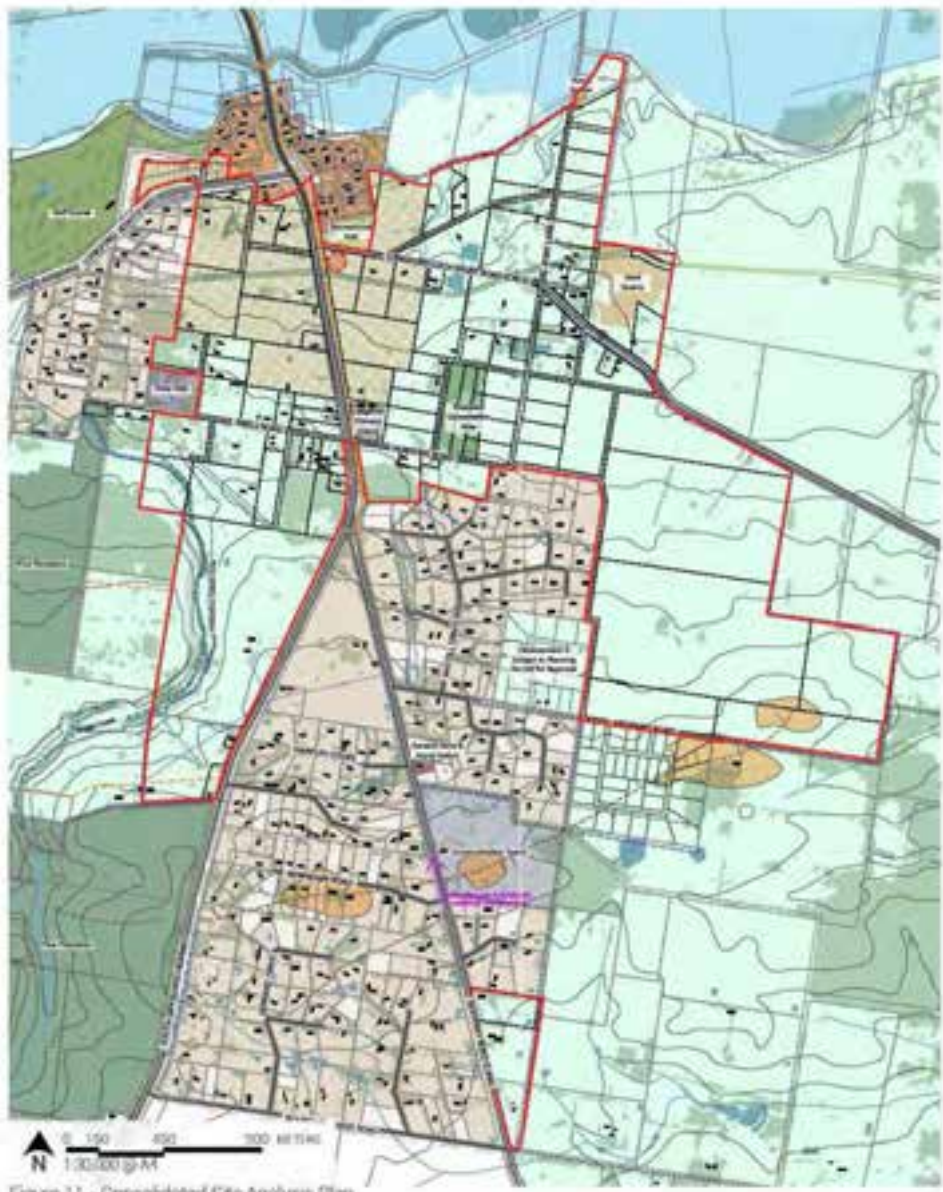


Figure 11 - Consolidated Site Analysis Plan

- BOUNDARY**
- Development Path Boundary
- Urban Growth Boundary
- Contours
- Contours (10m)
- Buildings
- ROADWAY NETWORK**
- Highway
- Arterial Road
- Local Road - Sealed
- Local Road - Unsealed
- Paper Road
- Bridge
- Drainage Transition Point
- Vegetation
- VEGETATION**
- Existing Vegetation
- Bushfire Management (BMS)
- Residual Vegetation
- DRAINAGE**
- Watercourse/Drainage Line
- Water Bodies / Swam
- Floodway Zone
- Land Subject to Flooding
- TOPOGRAPHY**
- Highpoint
- Ridge Line
- Valley
- Development / Embankment
- SEWERING**
- Pump Station
- Stations
- Control Valve
- Power Line
- LAND USE**
- Residential (R1)
- Training (T)
- Active Open Space
- Pasture Open Space / Unzoned
- Golf Course
- Rip Formation
- Carriageway & Petrol Station
- Primary School
- Kindergarten
- Communication Tower
- Planning (P)
- Possible Future Reversion of Ownership (Subject to Carriageway Rights)
- Highway Activity Centre (in part Structure Plan)
- DEVELOPMENT FACTORS**
- Vacant Land
- within Existing Settlement Area

5

THE DEVELOPMENT PLAN

5.1

Introduction

This Chapter will step through the Development Plan and how it is to be used by Council and future proponents and will make clear the underlying design principles and requirements for its successful implementation.

The Chapter will firstly provide an overview of the Development Plan at the township level to set the vision and establish the overall guiding principles that permit applications must have regard for, and respond to. It will then 'drill down' and discuss in detail the specific design principles which are required at a precinct level and clarify the requirements which must be met at a minimum to inform future rezoning/amendment requests and permit applications.

5.2

The Development Plan Vision

The Longford Development Plan area captures approximately 572ha of land identified within the Sale, Wurruk and Longford Structure Plan. The Longford Development Plan vision provides for a cohesive design which responds to the Site Analysis (Chapter 4 and detailed further within this Chapter), and seeks to contribute to and enhance the natural qualities and character of Longford.

Longford is valued by its residents for its quiet and meandering roads, rural living lifestyle and its green, leafy character. The DP vision therefore deliberately imbeds a level of flexibility to promote a site responsive design that is reflective of the existing character, whilst ensuring the key areas of connectivity is maintained.

Consistent with the vision of the Sale, Wurruk and Longford Structure Plan, the DP enhances connectivity, both pedestrian and vehicular movement through Longford, linking Precincts together and to the key destination points such as the primary school, town core and open spaces in concentric loops which will ultimately connect to the existing path network to Sale.

The DP recognises separately the importance of the Town Core area, where future development intensification is possible, subject to availability of services (particularly reticulated sewer).

Importantly, the Development Plan vision is to positively facilitate development of Precincts independently from one another and provides certainty to future proponents on the key areas of infrastructure which will need to be delivered with development.

5.3

The Development Plan Design Parameters

The primary intent of the Development Plan is to respond to fragmented landholdings, and allow each parcel of land to be developed appropriately without jeopardising the development potential of, or being overly reliant upon, neighbouring parcels. In addition to this, responding to all existing residential dwellings within the development fabric was a primary goal in the creation of the DP to allow all landowners the option of retaining their current dwellings within the development of their land.

As will be elaborated upon further within Section 5.4, the DP has been divided into Precincts, which are defined by consolidated land ownership, natural and constructed boundaries such as creek lines and arterial roads. This will ensure growth and development of Longford is controlled in a way that allows for projects to be delivered independently and infrastructure is delivered specific to the Precinct requirements.

Roads straddling boundaries were avoided where possible in order to ensure developers can provide infrastructure directly to their parcel of land. Some areas of the DP feature a number of titles that have consolidated ownership, enabling greater control and influence over the construction and infrastructure delivery time frames. Other titles are constrained by vegetation and other encumbered land, width of title, which have influenced the overall design.

The street level layout was designed in response to individual land parcels, where lot depths and street orientation were partially determined by the overall dimensions of individual parcels (and a minimum lot size of 6,000m²), while ensuring that

5.4

The Development Plan Structure and Use of Precincts

one development won't compromise the integrity of the DP area as a whole. A concerted effort was also made to avoid four way intersections in order to minimise infrastructure delivery costs. This has been achieved where possible, by staggering and offsetting of local roads (which also increases lot frontage and diversity).

The DP separately identifies the Town Core (which spans three Precincts) and will provide requirements on permit applicants to ensure future subdivision applications do not prejudice the ability for this important central area to intensify, when reticulated services (including sewer) are made available.

Whilst the DP plan shows a linear representation of the future roads and connections, flexibility in ultimate alignments is purposely built into the DP Requirements so that roads take on a site responsive and organic alignment, reflective of the existing areas of Longford.

The Longford Development Plan covers an extensive area and is highly fragmented. Growth of Longford is relatively slow compared to Sale and other larger settlements within Wellington Shire. Longford provides a unique lifestyle offering to the Shire, given the interplay between the following:

- > The township's proximity to, and reliance on, Sale and the services, higher order retailing and other facilities it offers residents.
- > The township's offering as predominately rural living/low density living settlement.
- > The township's complex site conditions and attractive natural character and setting, and
- > Limited servicing availability and fragmented nature.

Given the complex nature of these competing site features and characteristics, development of the township is expected to occur incrementally over time, as and when market conditions permit and minimum requirements are met as set out Chapter 6.

To this end, the Longford Development Plan proposes the use of clearly defined precincts (see Figure 12) which will assist in facilitating and "unlocking" the development potential of the township at a manageable scale, as required.

The benefit of a precinct-based approach provides certainty to Council, the community and proponents on what Council will expect as a minimum in its assessment of future rezoning and permit applications. More importantly, breaking the DP into clear precincts will:

Co-ordinate rezoning development at a sufficient scale having regard to known development interest, site conditions and influences, land ownership patterns and title boundaries.

Enable proponents to apply for subdivision applications on individual properties once a precinct is zoned.

Provide a clear basis for infrastructure delivery at the precinct level (that is, it will articulate what infrastructure must be delivered with development for each Precinct)

Make clear where flexibility within each precinct is permitted.

Ensure the strategic basis for future rezoning requests and permit applications is transparent to proponents, Council and the community

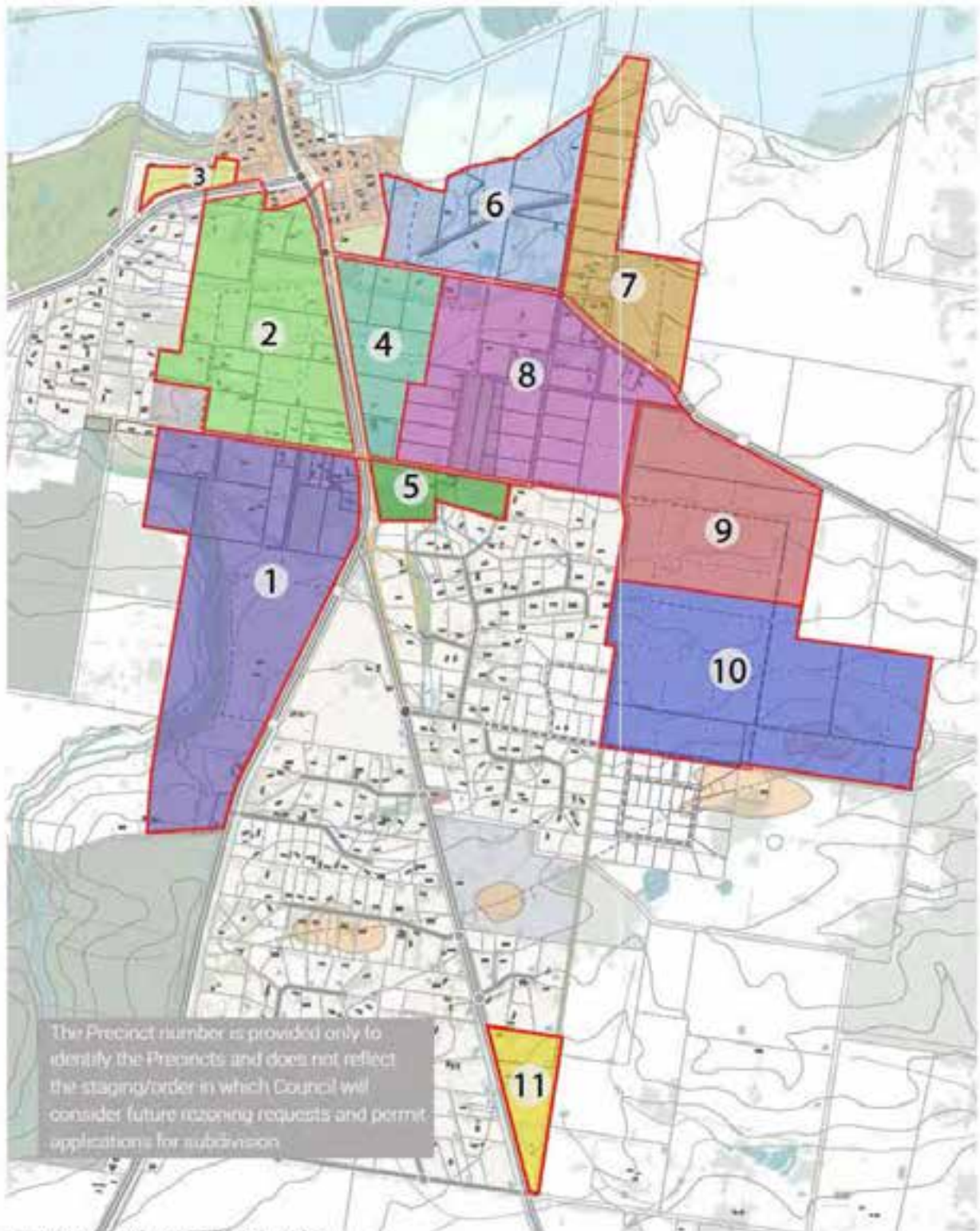


Figure 12 - Precinct Identification Plan

5.5

The Development Plan – Overall Requirements

The overall Longford Development Plan is provided in Figure 13.

Table 2 provides a high level indicative land budget which provides an indicative yield based on an average lot size of 8,000m². The minimum lot size envisaged for the DP area is 6,000m², however a higher average lot size is used for the purposes of calculating a more accurate yield (acknowledging not all Titles will be able to be subdivided to the minimum lot size given physical constraints e.g. dense vegetation and land capability).

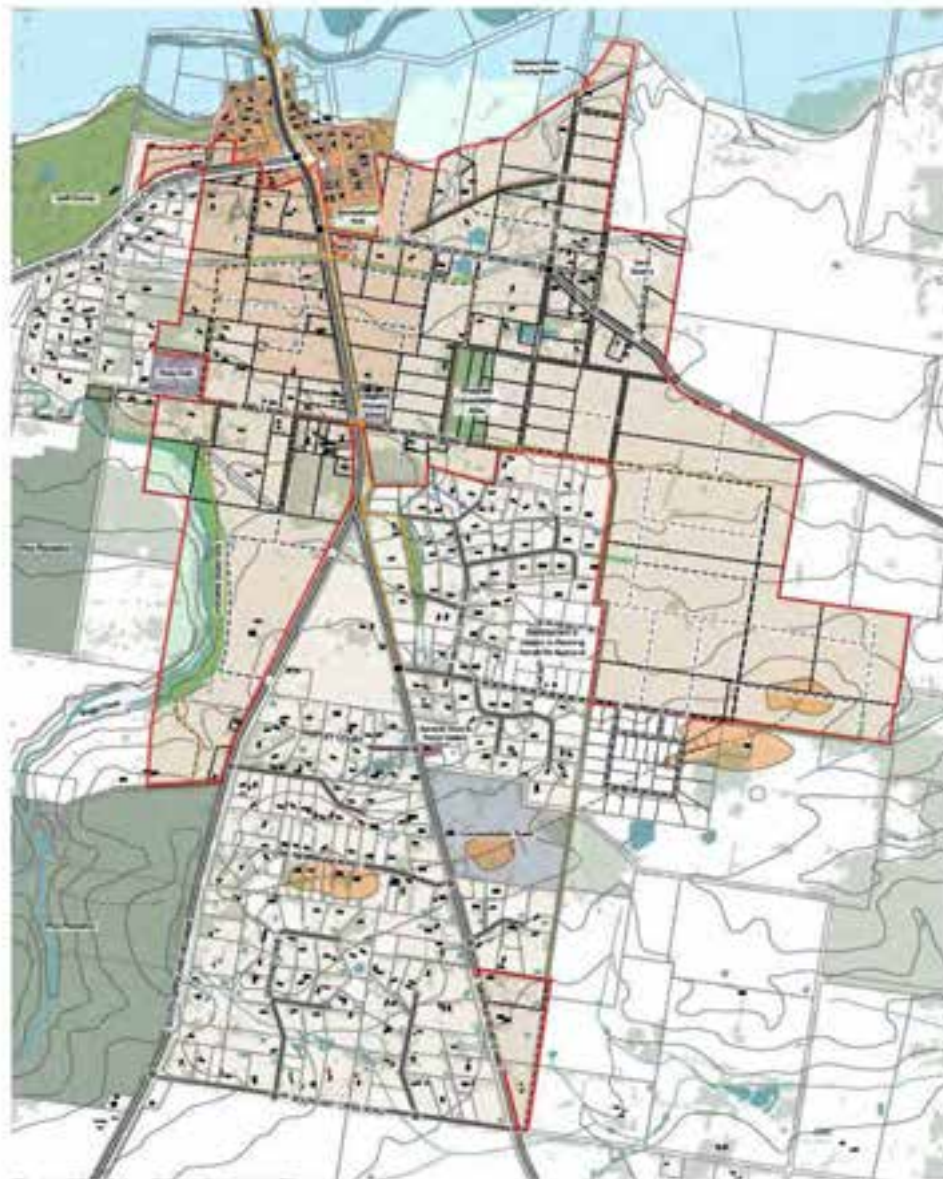
The Overall Design Objectives provided in Table 3 apply to every precinct (except where specified) and must be addressed by proponents of future rezoning/ amendment requests and permit applications.

Appendix B contains a version of the Development Plan with indicative subdivision layout (lot boundaries) to graphically depict how the road network has been designed having regard to property boundaries. Note that Appendix B is provided as a guide only.

Table 2 - Indicative Land Budget

Precinct	Total Area (ha)	GDA* (ha)	Indicative Yield (@ 8000m ²)
1	96.9	77.6	97
2	67.2	64.0	80
3	4.5	4.3	5
4	26.3	23.2	29
5	11.3	11.3	14
6	42.4	40.4	50
7	39.0	34.7	43
8	77.6	63.8	80
9	58.6	56.5	71
10	95.2	92.6	116
11	13.2	13.2	16.5
Overall DP	532.2	481.5	602

*GDA - Gross Developable Area



- INFRASTRUCTURE**
- Development Plan Boundary
 - Clasache
 - Contour (10m)
 - Existing Structures
- EXISTING MOVEMENT NETWORK**
- Highway
 - Local Road
 - Key Local Road
 - Shared Pedestrian Path
 - Existing Access Point
- PROPOSED MOVEMENT NETWORK**
- Local Road
 - Key Local Road
 - Secondary Access Road creates loop to Key Access Road
 - Indicative Connection (shows location a feature and user to further elaborate and particular as part of the detailed layout plan)
 - Key Intersection
 - Proposed New Access Point
 - Proposed Shared Path (2.5m Wide)
 - Proposed Pedestrian Path (2.5m Wide)
 - Use Existing Trail as a Pedestrian Path
 - Proposed Pedestrian Crossing
- VEGETATION**
- Existing Vegetation
- DRAINAGE**
- Watercourse/Drainage Lines
 - Water Bodies / Dams
 - Roadway Zone
 - Land Subject to Inundation
- TOPOGRAPHY**
- Highpoint
 - Ridge Line
 - Escarpment / Embankment
- SERVICING**
- Pump Station
 - Essment
 - Communications Tower
- LAND USES**
- Existing Township
 - Potential Further Intensification
 - Existing Rural Residential
 - Proposed Rural Residential (40-60m² min)
 - Proposed Farming Zone (same use)
 - Existing Open Space
 - Proposed Open Space
 - Pine Plantation
 - General Store & Petrol Station
 - Community Facilities
 - Proposed Activity Centre (see Structure Plan)

Figure 13 - Overall Development Plan

Table 3 – Overall Design Requirements

Development Plan Element	Overall Design Requirements
1 Subdivision Pattern	1a Subdivision designs must deliver the level of connectivity shown on the DP in a manner reflective of, and that will contribute to, the character of Longford.
	1b Where a change or deviation in the road network is proposed from that shown in the DP, it must be demonstrated that the change/s do not compromise the ability for adjoining properties or precincts to access their landholdings and to efficiently subdivide to the minimum specified lot size.
	1c A range of lot sizes are encouraged above the minimum specified lot size.
	1d Low density streetscape character is encouraged through staggering dwelling and building setbacks and incorporating existing vegetation and other site features within lots and streets where possible.
	1e Within the designated "Town Core" area which covers areas of Precincts 2, 4 and 6, applications for subdivision must demonstrate how development could be intensified over time, using the road structure set out within the DP.
	The re-subdivision potential of the Town Core must be demonstrated through submission of subdivision layout plan which indicatively demonstrates how lots could be re-subdivided. The siting of dwellings on lots must have regard the future ability to subdivide lots by incorporating building envelopes which restrict the location of the construction of buildings or other mechanisms. Figure 14 demonstrates how re-subdivision could be designed using battle-axe configurations or two-lot subdivision.
2 Movement Network	1f Unless otherwise specifically shown or stated within the Precinct Requirements, dwellings must be designed to front onto roads.
	1g Unless agreed with Council, there should be one property access per allotment.
	2a Existing road reserves (including paper roads) should where possible be used as part of the subdivision design to ensure efficient use of land and ensure a well-connected road network.
	2b Each precinct must upgrade and/or construct roads to standards as per the Infrastructure Design Manual. Council encourages road deviations and deflections, changes in road priority and will relax minimum road cross-sectional requirements where there is justification in terms of enhancing local streetscape and character outcomes.

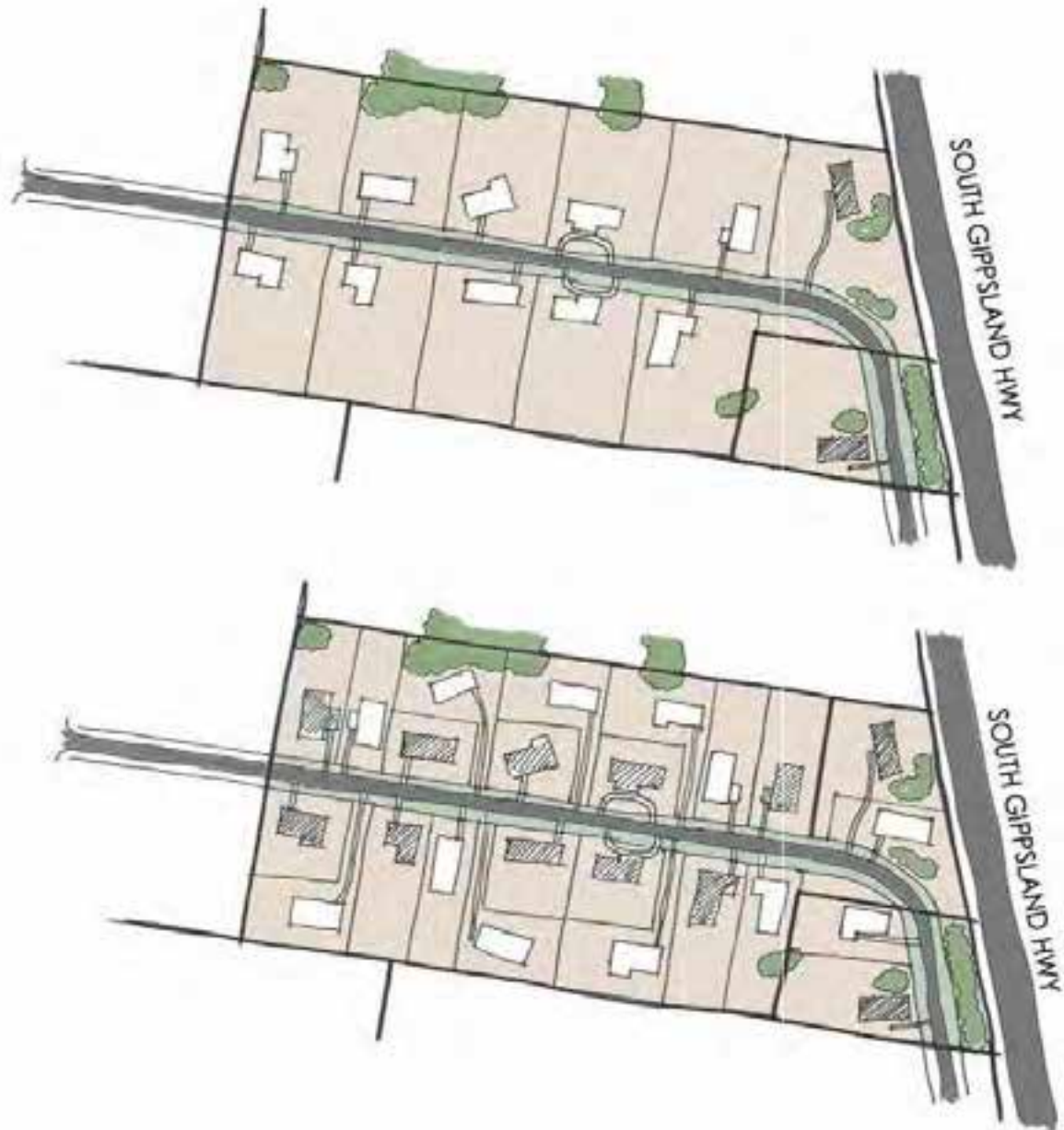
Table 3 Continued – Overall Design Requirements

Development Plan Element	Overall Design Requirements
	2c Where possible, direct property access to a Road Zone Category 1 (roads controlled by VicRoads) should be limited. Assessment of subdivision layouts will have regard to the rural residential context of Longford.
	2d Each precinct must deliver Key Access Points and Key Intersection Points in the locations shown on the DP. These access points can be shifted slightly if required to respond to important site features and in response to enhancing character attributes (such as existing vegetation) within the subdivision layout, however their general spacing and number provide important connections to adjacent precincts and the overall movement network envisaged by the DP.
	2e Secondary Access Points and Secondary Intersection links are shown on the DP to ensure efficient subdivision layout. These links are flexible in their exact location and their alignments are encouraged to respond to site features. Applications which seek to realign secondary links must demonstrate changes will not impact on the ability for adjoining properties and precincts to subdivide and that connectivity as envisaged by the DP is maintained.
	2f Developers must construct paths in the locations as shown on the detailed Precinct plans in Section 5.6. The paths are nominated as either a footpath (1.5m) or shared path (2.5m) and are incorporated as part of the road cross-section or within nominated green links. The location of paths encourage movement around Longford and to key destinations such as the primary school and recreation hub, Sale, etc.
	2g All infrastructure nominated for a Precinct (such as roads, intersections and paths) which may straddle or overlap Precinct boundaries must be constructed as part of delivery of that Precinct. This requirement must be met unless infrastructure is already delivered as part of another Precinct.
3 Township Character	3a An application for subdivision must provide a site description and plans demonstrating how the proposed subdivision design will conserve and contribute to the character as outlined for the Precinct and Longford more generally. Council will support designs which actively respond to site features, constraints and will positively integrate with the established character of Longford.
	3b Wherever possible, at least one road interface should be provided to existing and proposed public open space and uses such as the conservation public open space on Hobsons Road, the Pony Club, and future Boggy Creek linear drainage reserve to promote active lot frontage to these open spaces.
	3c Use of rural style boundary fencing e.g. post and wire is preferred to retain the rural character of Longford. If alternative fencing materials are used, 3m landscape buffer towards roads and public open spaces is required to soften the appearance.

Table 3 Continued – Overall Design Requirements

Development Plan Element	Overall Design Requirements
4 Vegetation	4a Trees and shrubs (both native and exotic) should be retained wherever possible in road reservations or private allotments. The use of building envelopes to protect trees in private allotments or other mechanism is encouraged.
	4b Subdivision design must limit bushfire risk through providing edge roads to fire threats where possible and/or applying appropriate development setbacks/buffers to buildings (such as 150m to pine plantation as per CFA requirements).
	4c Subdivision design must respond to biodiversity values.
5 Drainage + Servicing	5a Each lot created must ensure its size and land capability will support septic sewer, on site water, retention of key stands of native vegetation and any other constraints which may be identified. Council will support use of building envelopes and other mechanisms which define these requirements.
	5b Where practicable, existing drainage lines/waterways should be retained within road reservations.
	5c Drainage requirements must be considered on a Precinct-wide basis.
	5d In Precincts 2, 4 and 8, the existing east-west Longford syphon sewer easement will become an important public linear link containing a shared path. In accordance with GW requirements, no driveway crossings will be permitted across the link. An edge road treatment along the southern side of the linear path link must be provided to ensure lots front onto the green link and to promote passive surveillance. Given the importance of the sewer easement, no additional services or other development assets can be located within the easement. Any road crossings across the easement must be perpendicular.
	5e External to Precincts 2, 4 and 8, the east-west Longford syphon sewer easement must be retained within private allotments, to the satisfaction of GW.
	5f Precincts 2, 4, 3 and 6 are nominated potential areas for reticulated sewer and development intensification. See Requirement 1e.

Figure 14 - Example of "Town Core" intensification



ELOPMENT PLAN

Wellington Shire Council

5.6

The Development Plan – Detailed Precinct Design Requirements

This section discusses each individual Precinct in detail.

A Precinct Site Analysis has been completed which has informed each of the individual Precinct Design Requirements. Similar to the Overall Design Requirements listed in Section 5.5, the Precinct Design Requirements must be addressed by future proponents as part of any permit application.

The Detailed Precinct Requirements will identify infrastructure which **must** be delivered by developers within each Precinct as part of a proposed subdivision. In summary:

- > **Key Access Roads and Key Intersection Points** must be delivered with development of a Precinct in the locations generally depicted on the DP. Their connections are crucial to the overall connectivity through Longford.

Key Access Roads and Key Intersection Points that must be delivered are illustrated on each Precinct Plan as follows:

Key Access Roads: 

Key Intersection Points: 

- > **Secondary Access Roads and Secondary Intersection Points** are not essential to the higher order connections through Longford, however they still provide connections within Precincts and ensure each title can be subdivided without becoming land locked or reliant upon other properties. These connections and intersections are flexible subject to detailed rationale and justification.

Secondary Access Roads and Secondary Intersection Points are illustrated on each Precinct Plan as follows:

Secondary Access Roads: 

Secondary Intersection Points: 

- > **Pedestrian Paths and Shared Paths** must be delivered with development and are nominated in relevant Precincts along key road connections and within dedicated green links. The Precincts will differentiate between pedestrian paths which are 1.5m-wide, and shared paths which are 2.5m-wide.

Pedestrian paths and shared paths are illustrated on each precinct as follows:

Pedestrian Paths: 

Shared Paths: 

- > **Drainage to be installed and delivered at the Precinct level**

As stated within the Overall Design Requirements (Table 3), the road network is represented in the DP in a fixed fashion. However, the DP Requirements encourage flexibility in their alignment to respond to site features and other contributing character elements which will ensure development enhances and responds to the existing character of Longford.

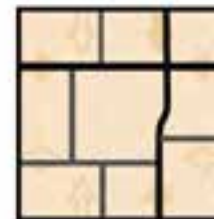
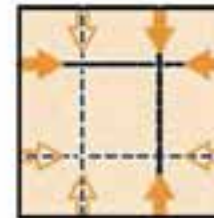


Figure 15 - Illustrating the intended flexibility of the plan

mesh 

P1

5.6.1

Precinct 1 Site Analysis

Location Plan



Precinct Area: 96.8 ha

Topography: Falls generally to the west towards Boggy Creek

Current Use: Large rural residential properties of various sizes and vacant paddocks

Current Planning Zone: Farming Zone

Features: Significant clusters of vegetation in the north east corner and north west corner of the precinct. Escarpment along the southern portion of Boggy Creek.

A - South Gippsland Highway forms key north-south arterial connection and eastern boundary of Precinct 1. The Highway contains significant stands of roadside vegetation along its length, offering both conservation and local character value to Longford District property access should be limited where possible to protect the presence of vegetation and the arterial road function.

B - Abels Road forms the northern boundary of the Precinct. It is an unsealed road with an 80km speed limit.

C - Boggy Creek forms the western boundary. Currently the creek sits within multiple private ownership, however an opportunity exists to preserve and enhance the creek corridor in a linear public open space reserve with shared path connection. The western boundary also abuts a pine plantation. Development interfacing with vegetation must have regard to bushfire risk and implement appropriate setbacks.

D - Southern boundary defined by pine plantation and DP boundary extent. Development should respond to this interface and bushfire risks as necessary.

E - Precinct is characterised by large intact clusters of existing vegetation (both native and exotic). Opportunity to retain all forms of vegetation within future subdivision layout for conservation and character value of Longford.

F - Easement traverses through multiple properties. Future subdivision designs must respond to the easement depending on its purpose.

G - Land falls toward Boggy Creek and an escarpment is present on its western side forming a notable natural landscape element.

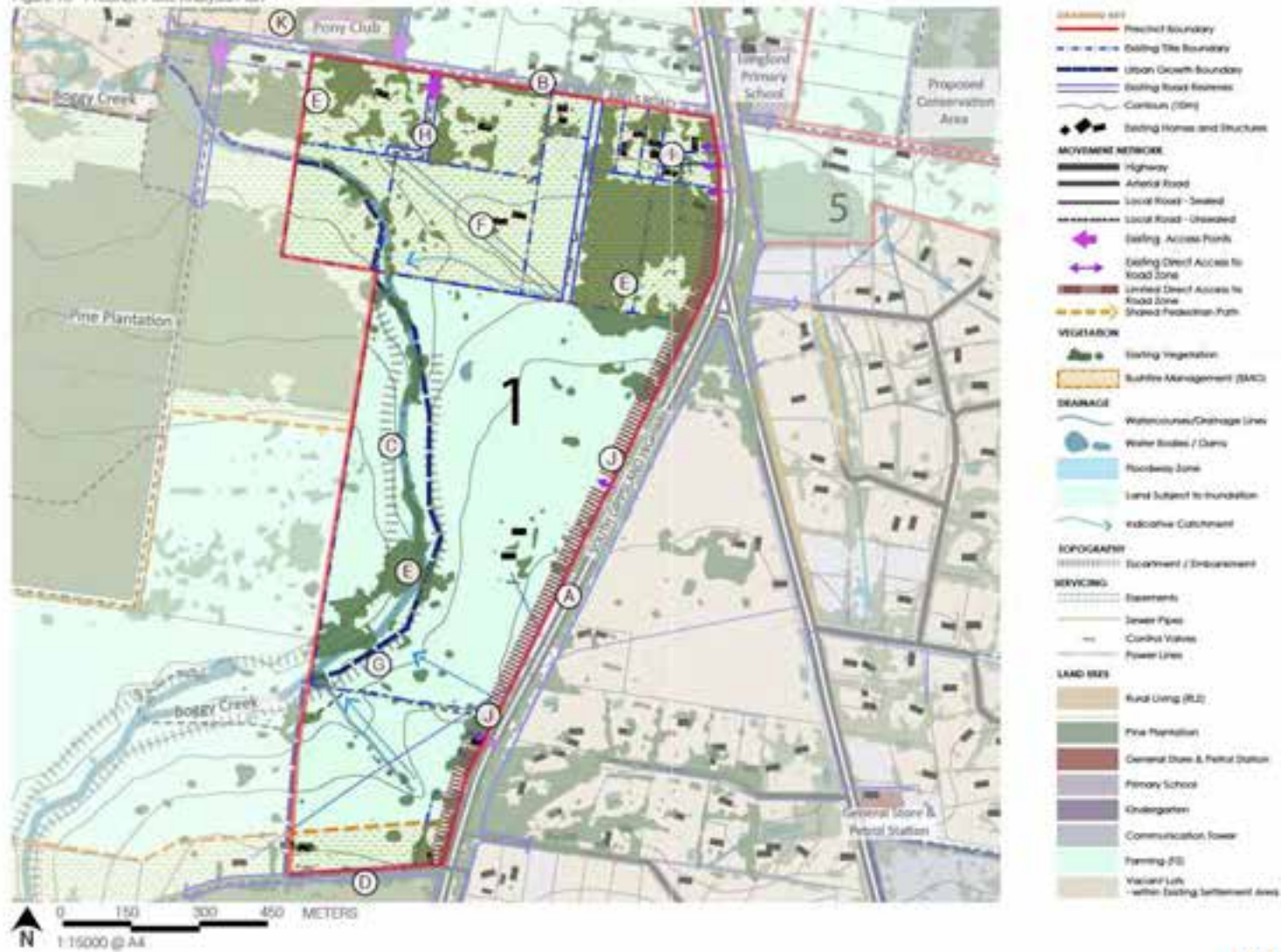
H - Existing rural roads create opportunity for internal access and connectivity within Precinct.

I - Existing properties subdivided in north-east corner of the site. Limited further subdivision potential.

J - Multiple properties currently gain direct access from South Gippsland Highway.

K - Pony Club located on northern side of Abels Road. Softened by existing vegetation along Abels Road.

Figure 16 - Precinct 1 Site Analysis Plan



mesh 35

Precinct 1 Design Requirements

Location Plan



- A** – Where possible, limit direct property access to South Gippsland Highway through spacing of driveways or orientating lots to side onto South Gippsland Highway.
- B** – Two Key Intersection Points: The Key Intersection Points into the precinct have had regard to existing intersection spacing's along the highway and disruption to roadside vegetation.
- C** – Key Access Road must be delivered which loops through Precinct and provide an edge road treatment to the Boggy Creek Reserve. Lots to front onto Boggy Creek to activate and promote its use.
- D** – Key Access Road within existing road reservation to be upgraded to rural standard and connect Abells Road to the east-west Key Access Road.
- E** – Create access road from O'Connors Road.
- F** – Land to be subdivided to facilitate the creation of the Boggy Creek Linear Reserve (public reserve) to provide for its protection and recreation opportunities. The total amount of land required for Boggy Creek Linear reserve is subject to drainage advice discussions with the CMA and Council.
- G** – Requirement for construction of a shared path along the Boggy Creek Reserve, linking from Abells Road to O'Connors Road.
- H** – Delivery of pedestrian path required along south side of Abells Road.

I – Land located on the west side of Boggy Creek must remain as farming zone. This can be achieved by:

1. Consolidating the remaining portion of the lot with adjacent Farming Zone lots, or
2. Providing a lower order road to access the remaining farming land including the provision of a creek crossing. Further site specific investigation is required to assess how appropriate a creek crossing would be. An indicative location has been provided on the plan which potentially would provide access to both future isolated farming lots.

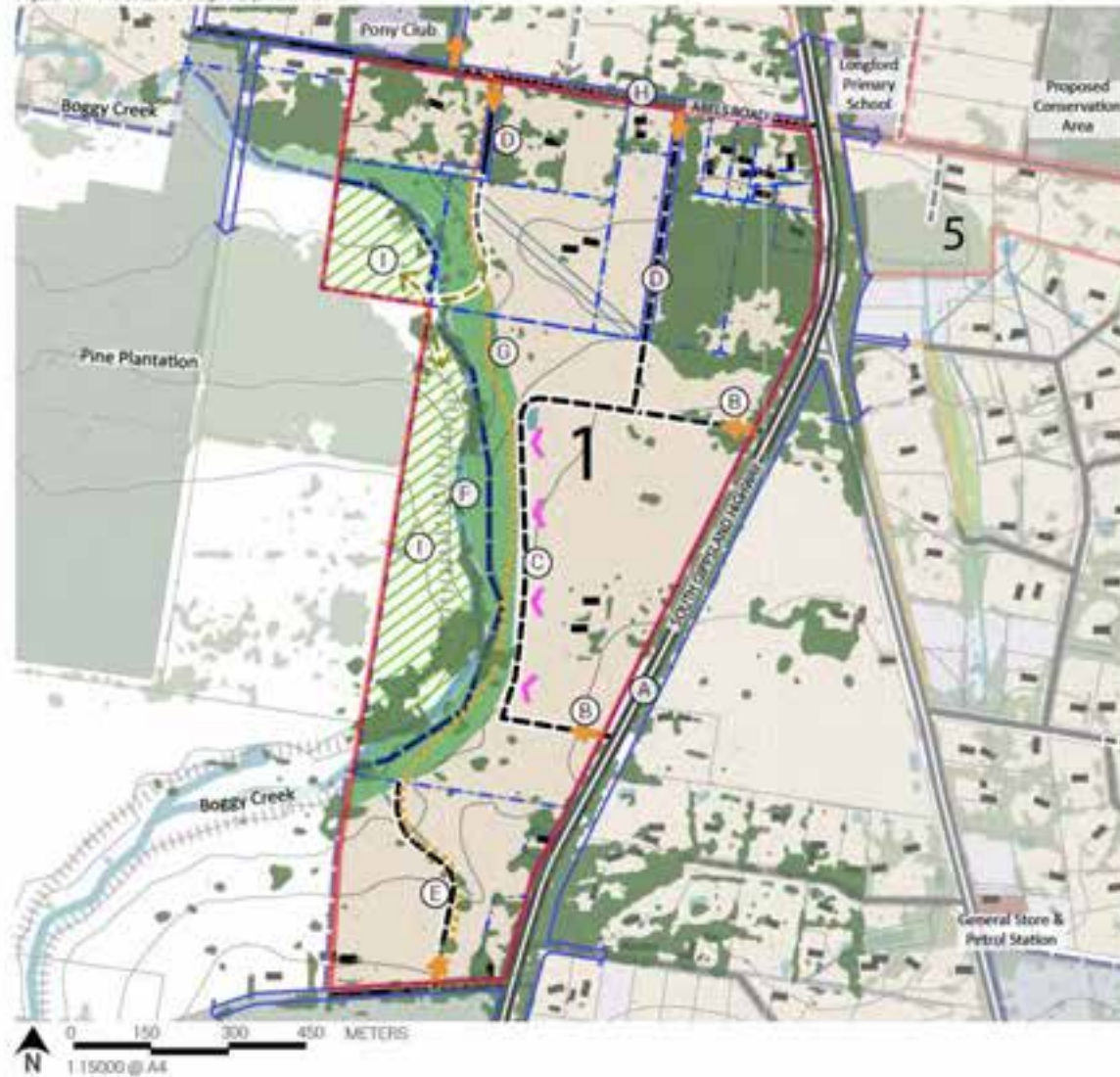
Precinct 1 Indicative Land Budget

Gross Developable Area: 77.9ha

Average Lot Size: 6000m² (min. 5000m²)

Indicative No. Lots: 17

Figure 17 - Precinct 1 Design Requirement Plan



- DRAWING KEY**
- Precinct Boundary
 - - - - Existing Title Boundary
 - - - - Urban Growth Boundary
 - Indicative Lot Boundary
 - Curbside (10m)
 - Watercourse
 - ◆ Existing Homes and Structures
- PROPOSED MOVEMENT NETWORK**
- Existing Road Reservation
 - Upgrade Unsealed Road to Rural Standard
 - Extend Road to Rural Standard Within Existing Reservation
 - Use Existing Road Reserve as Green Link
 - Existing Sealed Road to Provide Access to the Precinct
 - Proposed Key Access Road
 - - - - Proposed Secondary Access Road
 - Proposed Pedestrian Green Link
 - Existing Pedestrian Path
 - - - - Proposed Shared Path (civ/vel)
 - - - - Proposed Pedestrian Path
 - ➔ Key Intersection Access Points
- INTERFACES**
- ^ Residential Properties Must Address Indicated Adjacent Land Where Possible
- USES**
- Proposed Low Density Residential (min. 400m² or max. eq. 800m²)
- VEGETATION**
- Existing Vegetation
 - Proposed Open Space
 - Balance of Subdivided Lot
 - Proposed Lower Order Access Road



P2

5.6.2

Precinct 2 Site Analysis

Location Plan



Precinct Area: 67.2 ha

Topography: Falls generally to the north forming drainage lines in the north of the precinct.

Current Use: Large rural residential properties of various sizes and vacant paddocks.

Current Planning Zone: Farming Zone

Features: Significant clusters of vegetation in the south-west corner of the precinct and within the adjacent park club.

A - South Gippsland Highway forms a key north-south arterial connection and eastern boundary of Precinct 2. The Highway contains significant stands of roadside vegetation along its length, offering both conservation and local character value to Longford. Direct property access should be limited where possible to protect the presence of vegetation and the arterial road function.

B - Rosedale-Longford Road and existing Township Zone forms the Precinct's northern boundary.

C - Western boundary defined by existing rural living lots, many of which are under development.

D - Abels Road forms the Precinct's southern boundary and interface. It is an 80km/hour, unsealed road.

E - Large intact areas of vegetation currently contained within existing allotments contribute to local character.

F - Longford Siphon Sewer Pipeline easement (regional significance) traverses the site. Opportunity to create linear open space reserve linking the Precinct to the east side of South Gippsland Highway. Subdivision design must have regard to road access and construction constraints within and across the easement.

G - Existing unsealed roads provide access opportunities into Precinct from Rosedale-Longford Road and Abels Road.

H - Existing road reserve contains a drainage line and native trees.

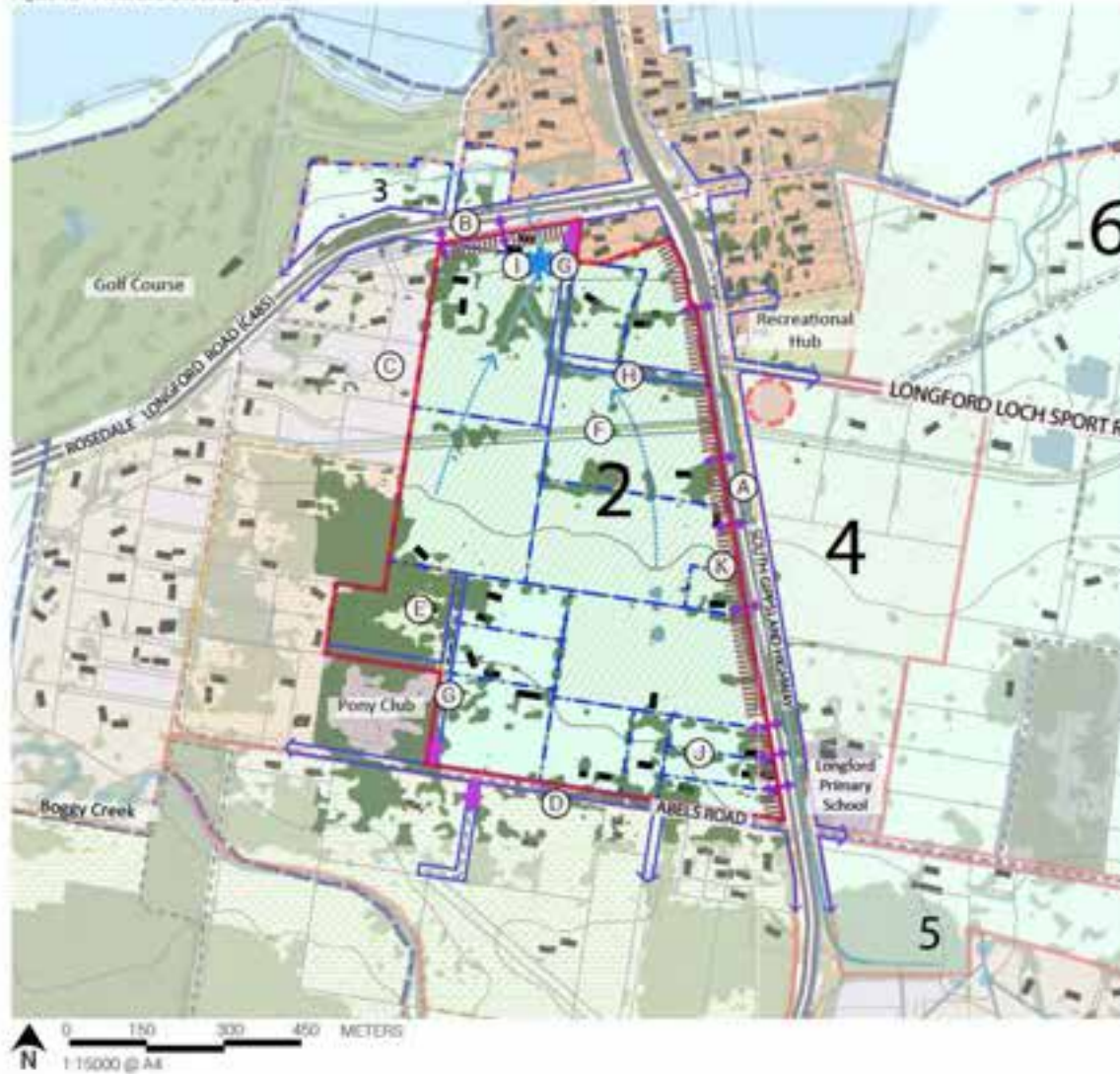
I - Existing drainage line and low point.

J - Existing properties subdivided in south-east corner of the precinct. Limited further subdivision potential.

K - A number of lots currently achieve direct access from South Gippsland Highway.

L - Precinct 2 encompasses part of Township Core where development intensification is contemplated.

Figure 18 - Precinct 2 Site Analysis Plan



- BOUNDARIES**
- Precinct Boundary
- Existing Site Boundary
- Urban Growth Boundary
- Existing Road Reserve
- Contour (20m)
- Existing Homes and Structures
- MOVEMENT NETWORK**
- Highway
- Arterial Road
- Local Road - Sealed
- Local Road - Unsealed
- Existing Access Path
- Existing Direct Access to Road Zone
- Proposed Direct Access to Road Zone
- Shared Pedestrian Path
- VEGETATION**
- Existing Vegetation
- Soilbank Management (SMB)
- DRAINAGE**
- Watercourse/Drainage Line
- Water Bodies / Storm
- Flowlines Zone
- Land Subject to Inundation
- Indicative Catchment
- TOPOGRAPHY**
- Lowpoint
- SERVICES**
- Essentials
- Sewer Pipes
- Control Valves
- Power Lines
- LAND USES**
- Rural Living (RL)
- Township (T)
- Active Open Space
- Pine Plantation
- General Store & Petrol Station
- Primary School
- Kindergarten
- Communication Tower
- Farming (F)
- Vacant Lots - within Existing Settlement Area
- Proposed Activity Centre (see Precinct Plan)
- Potential Further Subdivision Interim/Longterm

Precinct 2 Design Requirements

Location Plan



A – Limit direct property access to South Gippsland Highway (where possible) through spacing of driveways or lot sidages.

B – Upgrade and connect Boyle Road from Abels Road and Clearview Court from Rosedale-Longford Road to create north-south Key Access Intersection and Key Access Road through the precinct.

C – Secondary Access Road to provide property access.

D – Development frontage to linear open space is supported.

E – Path connections must be delivered along north-south Key Local Road Link and east-west along linear pedestrian link (in locations as shown) and will ultimately connect to the broader Longford path network.

F – Subdivision design to utilise east-west sewer easement as a linear pedestrian link. Balance of sewer easement west of the Key Access Road to be retained within future allotments.

G – Secondary Access Road creates loop to Key Access Road. The ultimate location of the connection is flexible and subject to further rationale and justification as part of the detailed Precinct Plan process. Landowners are not compelled to develop their land.

H – Optional east west Secondary Access Road through the middle of the loop road.

I – Subdivision applications must demonstrate the ability for future subdivision intensification within the area highlighted within the "Township Core". (See Requirement 1c contained within Table 3).

J – Secondary access road from South Gippsland Highway; the ultimate location of the connection is flexible and subject to further rationale and justification as part of the detailed Precinct Plan process.

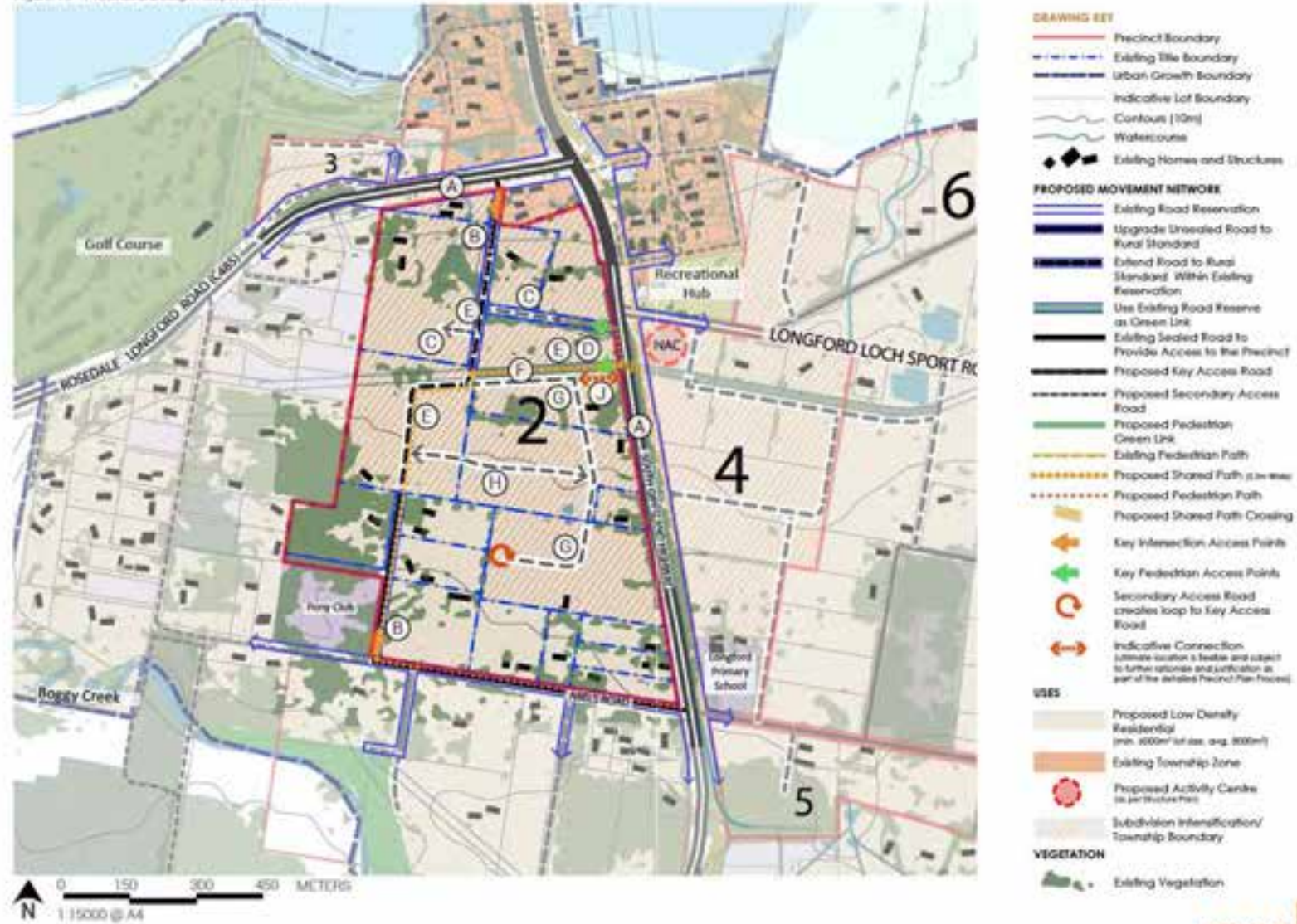
Precinct 2 Indicative Land Budget

Gross Developable Area: 54ha

Average Lot Size: 3000m² (min 6000m²)

Indicative No. Lots: 80

Figure 19 - Precinct 2 Design Response Plan



mesh

P3

5.6.3

Precinct 3 Site Analysis

Location Plan



Precinct Area: 4.3 ha

Topography: Gently falls north.

Current Use: Two rural residential properties.

Current Planning Zone: Farming Zone.

Features: Interfaces with Golf Course (Comprehensive Development Zone) to the north and west. Interfaces with Township Zone to the north, east and south.

A - Rosedale-Longford Road forms the Precinct's southern boundary and contains roadside vegetation. Significant stand of road side vegetation provides a green gateway experience into Longford from Rosedale. Opportunity to retain vegetation where possible in future subdivision layout.

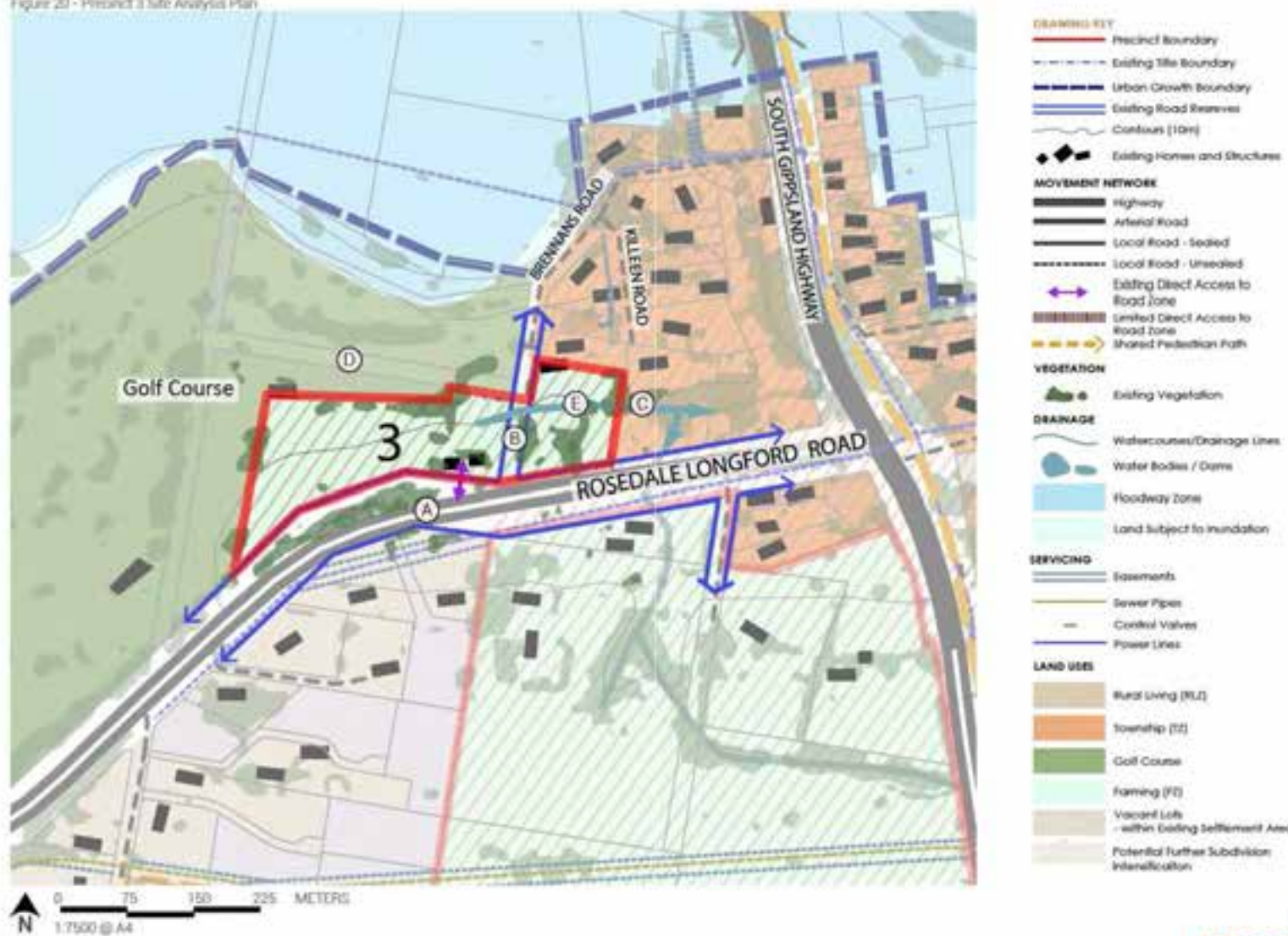
B - Brennan Road is an existing unsealed road provides access into Precinct from Rosedale-Longford Road. The road is currently closed.

C - Precinct abuts Township Zone on its eastern side and a portion of its northern boundary. Potential to apply Township Zone to Precinct given its locational context and relationship with existing township.

D - Northern boundary characterised by Golf Course interface with potential for future residential development.

E - Drainage line present at eastern extent of Precinct.

Figure 20 - Precinct 3 Site Analysis Plan



mesh 47

Precinct 3 Design Requirements

Location Plan



A – Construction of Service Road (or similar treatment) to Rosedale-Longford Road to minimise private access points onto Rosedale-Longford Road and protect roadside vegetation which contributes to the character of Longford. Potential to connect the services road to link with the residential development proposed as part of the golf course to the west of the Precinct.

B – Upgrade Brennan Road and its intersection with Rosedale-Longford Road to provide access into the Precinct.

C – Create green link with shared path which connects the precinct into the existing development within the Township Zone.

D – Secondary Access Road proposed abutting golf course interface to the north. Depending on lot sizes, the Secondary Access Road can be removed and lots are permitted to back onto the golf course if a road interface is unviable.

E – Lot sizes within Precinct subject to availability of sewer and other constraints.

Precinct 3 Indicative Land Budget

Gross Developable Area: 4.3 ha

Average Lot Size: 4000m² (min 2000m²) subject to land capability & sewerage treatment systems

Indicative No. Lots: 10

Figure 21 - Precinct 3 Design Response Plan



- DRAWING KEY**
- Precinct Boundary
 - Existing Title Boundary
 - Urban Growth Boundary
 - Indicative Lot Boundary
 - Contours (10m)
 - Watercourse
 - Existing Homes and Structures
- PROPOSED MOVEMENT NETWORK**
- Existing Road Reservation
 - Upgrade Sealed Road to Rural Standard
 - Extend Road to Rural Standard Within Existing Reservation
 - Use Existing Road Reserve as Green Link
 - Existing Sealed Road to Provide Access to the Precinct
 - Proposed Key Access Road
 - Proposed Secondary Access Road
 - Proposed Pedestrian Green Link
 - Existing Pedestrian Path
 - Proposed Shared Path (2.1m min)
- ACCESS POINTS**
- Key Intersection Access Points
 - Key Pedestrian Access Points
- INTERFACES**
- Residential Properties Must Address Indicated Adjacent Land Where Possible
- USES**
- Proposed Low Density Residential (max 4000m²/lot max avg 3000m²)
 - Existing Township Zone
 - Subdivision Intensification/ Township Boundary
- VEGETATION**
- Existing Vegetation



P4

5.6.4

Precinct 4 Site Analysis

Location Plan



Precinct Area: 26.3ha

Topography: Terrain falls gently to the north.

Current Use: The Longford Primary School is located in the south of the precinct. The balance of the site is used for large rural residential lots and recent paddocks.

Current Planning Zones: Farming Zone, Public use Zone Schedule 2 (School)

Features: The Longford Siphon Sewer Pipeline runs east-west across the north of the site. Groups of vegetation are located adjacent to the precinct within the South Gippsland Highway road reservation.

A - South Gippsland Highway forms a key north-south arterial connection and western boundary of Precinct 4. The Highway contains significant stands of roadside vegetation and designated waterway along its length, offering both conservation and local character value to Longford. Direct property access should be limited where possible to protect the presence of vegetation and designated waterway and the arterial road function. The existing designated waterway within the road reservation has drainage and storm water function and has the potential to be enhanced.

B - Longford-Loch Sport Road forms Precinct's northern boundary.

C - Southern boundary defined by Hobsons Road.

D - Longford Primary School forms key community use within the Precinct and Longford more generally. Opportunity to improve local road and pedestrian connections to the school from within Precinct and broader Longford area.

E - Land falls in south to north direction across the Precinct.

F - Longford siphon sewer easement traverses the Precinct and forms opportunity for linear pedestrian link into the Longford Town Core.

G - Existing shared path along South Gippsland Highway provides a pedestrian connection from the Township Zone and Longford Hill to Longford Primary School. Opportunity to create a shared path junction at South Gippsland Highway and east-west Longford siphon sewer easement.

H - Precinct 4 encompasses part of Township Core where development intensification is contemplated.

Figure 22 - Precinct 4 Site Analysis Plan



mesh

Precinct 4 Design Requirements

Location Plan



A - Limit direct property access to South Gippsland Highway and Longford-Loch Sport Road through minimising direct property access and manage intersection locations, where practicable.

B - Key Intersection Point and Key Access Road required from Longford – Lochsport Road to access the Neighbourhood Activity Centre. The road will facilitate active dwelling frontage to the linear reserve.

C - Properties located to the north of the linear reserve are allowed to “back” onto the linear reserve to realise subdivision potential.

D - Key Access Road connection required in north-south orientation to be constructed to maximise subdivision potential within separate titles and to provide for a Precinct connection to Hobsons Road.

E - Subdivision must make available Longford siphon sewer easement as a linear pedestrian reserve link (public reserve). A shared path must be constructed within the reserve which connects the Precinct (and broader Longford area) to the town core and facilitate safe shared path junction at South Gippsland Highway.

F - Upgrade shared path and designated waterway along the east side of South Gippsland Highway to connect the NAC to the Longford Primary School. The design and alignment of the path and designated waterway within South Gippsland Highway reserve should enhance the pedestrian experience of this connection.

G - Potential location of an Activity Centre to provide for convenience shopping needs for Longford residents. Permit applications for the activity centre must consider safe and efficient vehicular access and egress.

H - Subdivision applications must demonstrate ability for future subdivision intensification within the area highlighted within the “Township Core”. (See Requirement 1c contained within Table 3)

Precinct 4 Land Budget

Green Development Area: 23.2ha

Average Lot Size: 8000m² (min. 6000m²)

Indicative No. Lots: 29

Figure 23 - Precinct 4 Design Response Plan



mesh

P5

5.6.5

Precinct 5 Site Analysis

Location Plan



Precinct Area: 11.2 ha

Topography: Gently undulating in the east-west direction with a general fall to the north

Current Use: Two rural residential properties and vacant paddocks

Current Planning Zone: Farming Zone

Features: Large cluster of vegetation located in the south west corner, covering a large portion of the site to site.

A - South Gippsland Highway forms important north-south link through Longford and forms the Precinct's western boundary. Limited access potential into Precinct from South Gippsland Highway due to existing drainage line, presence of roadside vegetation and proximity to existing four-way intersection (Hobsons/Abels Road and South Gippsland Highway)

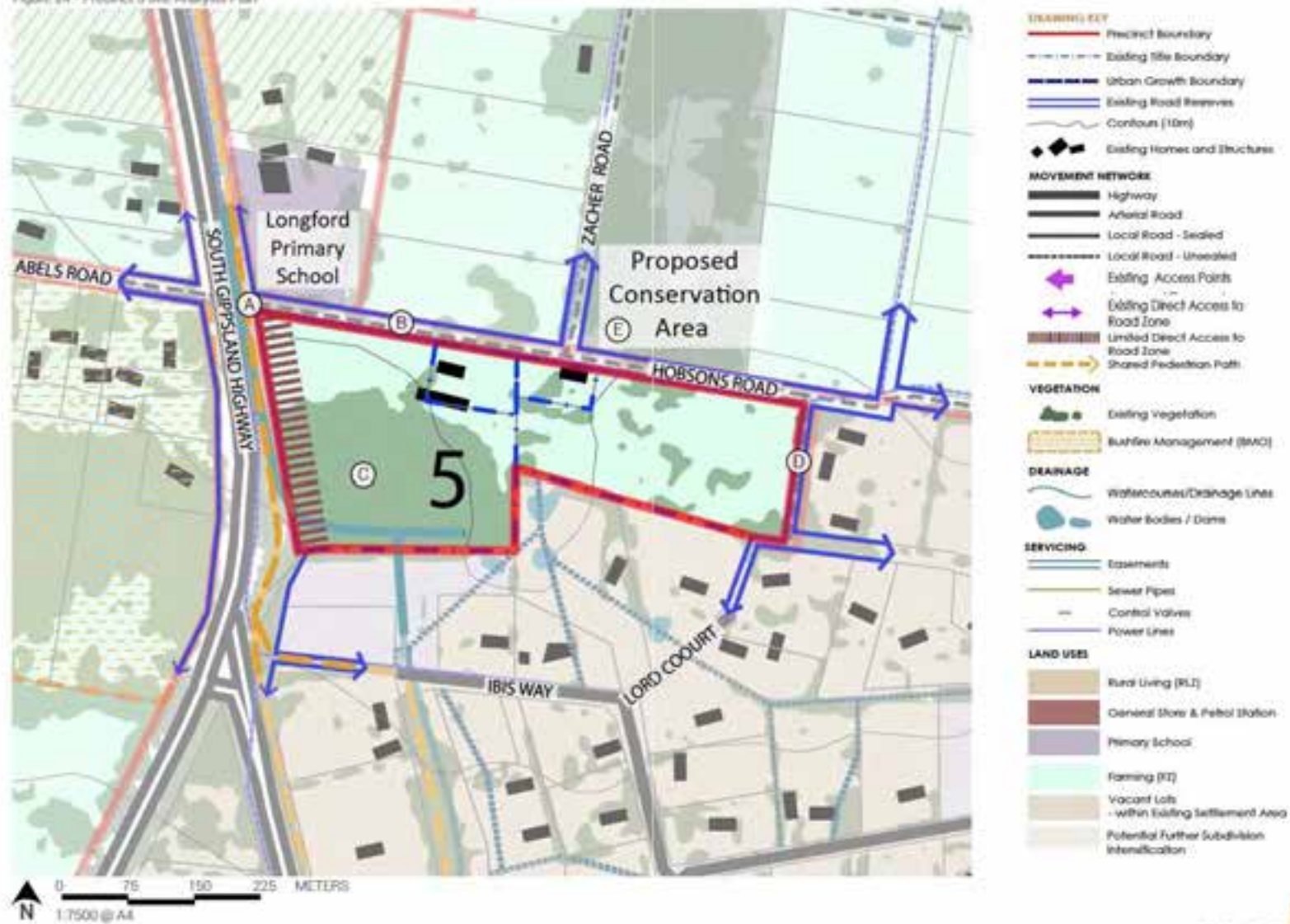
B - Hobsons Road is an existing unsealed road and forms the Precinct's northern boundary.

C - Potential for further subdivision of title may be limited to the presence of vegetation and drainage line. Vegetation provides important character element of Precinct.

D - Opportunity to use existing road reserve in movement network and will provide connections

E - Precinct interfaces with proposed conservation area on north side of Hobsons Road (former quarry site).

Figure 24 - Precinct 5 Site Analysis Plan



mesh

Precinct 5 Design Requirements

Location Plan

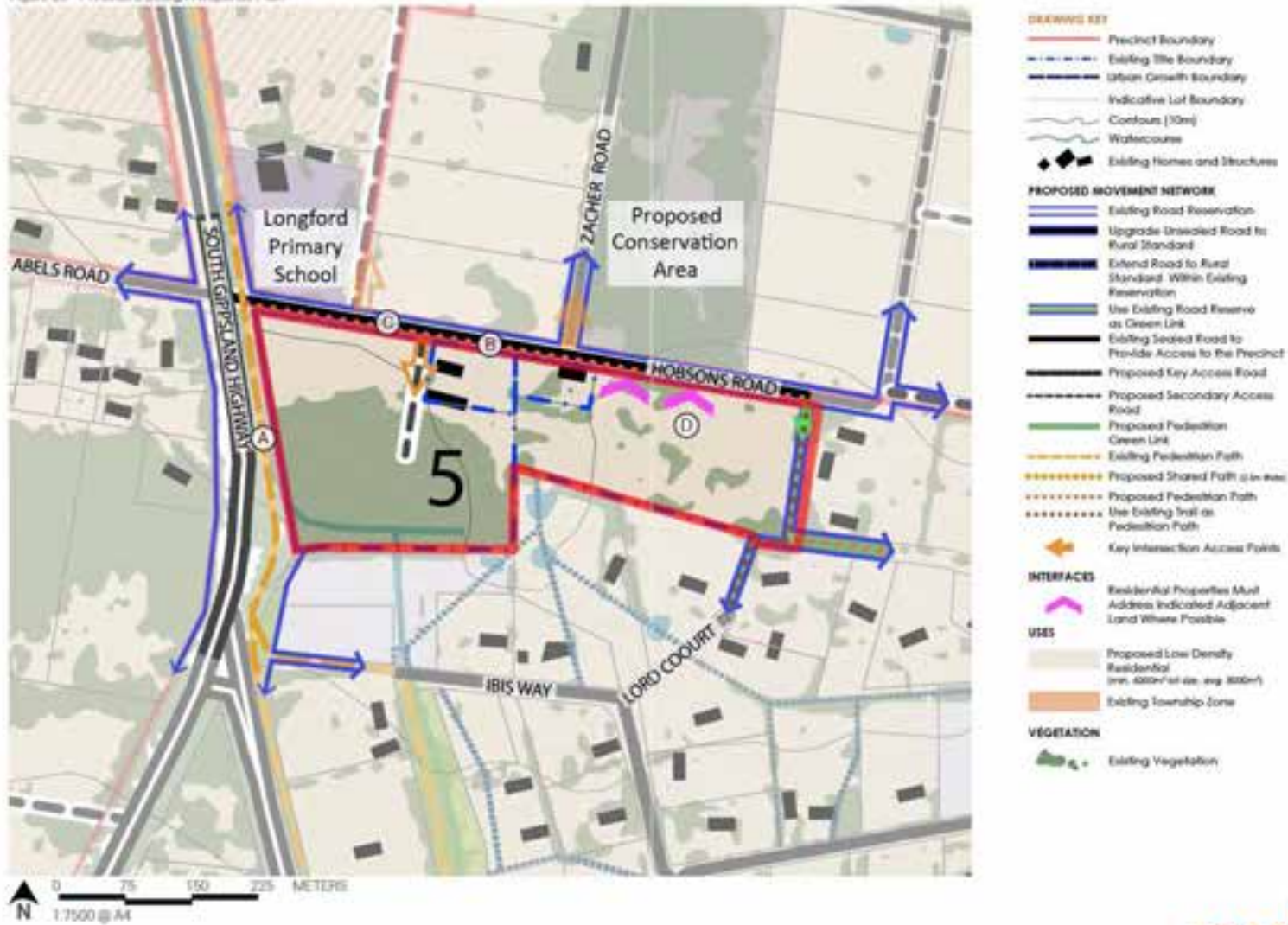


- A** - Direct property access from South Gippsland Highway is discouraged.
- B** - Pedestrian path must to be constructed along south side of Hobsons Road.
- C** - Upgrade of Hobsons Road to rural standard.
- D** - Lots to front onto Hobsons Road.

Precinct 5 Land Budget

Gross Developable Area: 11.7ha
Average Lot Size: 8000m² (min. 6000m²)
Indicative No. Lots: 14

Figure 25 - Precinct 5 Design Response Plan



mesh

P6

5.6.6

Precinct 6 Site Analysis

Location Plan



Precinct Area: 42.4 ha

Topography: Gently falling to the north east with slight undulations and an escarpment along the north boundary.

Current Use: Large rural residential properties of various sizes and vacant paddocks.

Current Planning Zone: Farming Zone

Features: Existing Glencoe Road runs across the precinct and provides internal access. The precinct contains two drainage lines that flow to the north. The precinct interfaces with the Ramsar Wetlands to the north.

A - Longford-Lach Sport Road forms key east-west arterial connection. Development should limit direct property access where practicable. New intersections and access connections must have regard to site lines.

B - Punt Lane is an unsealed road which provides existing access into the Precinct. Presence of Gippoland Water Pumping Station at its eastern extent will require design response at detailed subdivision.

C - Glencoe Road is an unsealed road and provides an opportunity to be used as part of road and pedestrian network connection into the "Township Corridor".

D - Precinct's interface at northern extent is characterised by interface to environmentally sensitive Ramsar wetland areas and sensitive topographical features which may limit development outcomes.

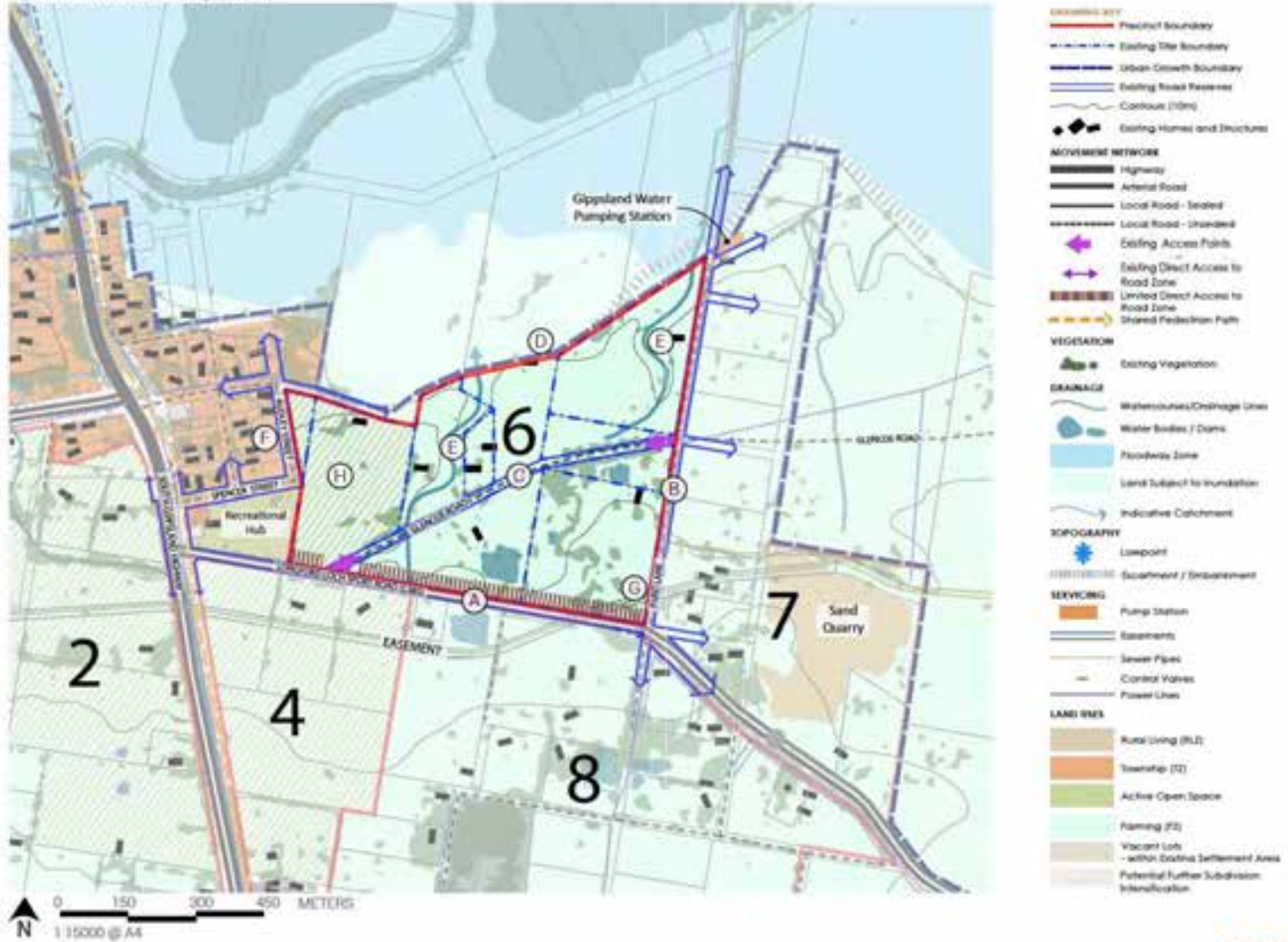
E - Drainage lines run in south to north direction through the site into the wetlands precinct.

F - Precinct interface with existing Township Zone and Longford recreational hub.

G - Development must respond to Longford Sewer Siphon pipeline easement and construction requirements.

H - Precinct 6 encompasses part of "Township Corridor" where development intensification is contemplated.

Figure 25 - Precinct 6 Site Analysis Plan



mesh

Precinct 6 Design Requirements

Location Plan



A – Glencoe Road forms Key Access Road and Key Intersection Point must be upgraded and will provide access through the Precinct. Construction of pedestrian path required along Glencoe Road to link precinct into Township Core.

B – Upgrade of Punt Lane to rural standard.

C – Delivery of Key Access Road to unlock subdivision potential of properties and provide direct linkage to township area.

D – Back lots onto the northern boundary of Precinct.

E – Subdivision applications must demonstrate future subdivision intensification within the area highlighted within the "Township Core". (See Requirement 1c contained within Table 3)

F – East-west Longford siphon sewer easement to be retained in private ownership. Subdivision permitted across the sewer easement. See Requirement 5c in Table 3 for further information on treatment of this sewer and Gippeland Water's requirements.

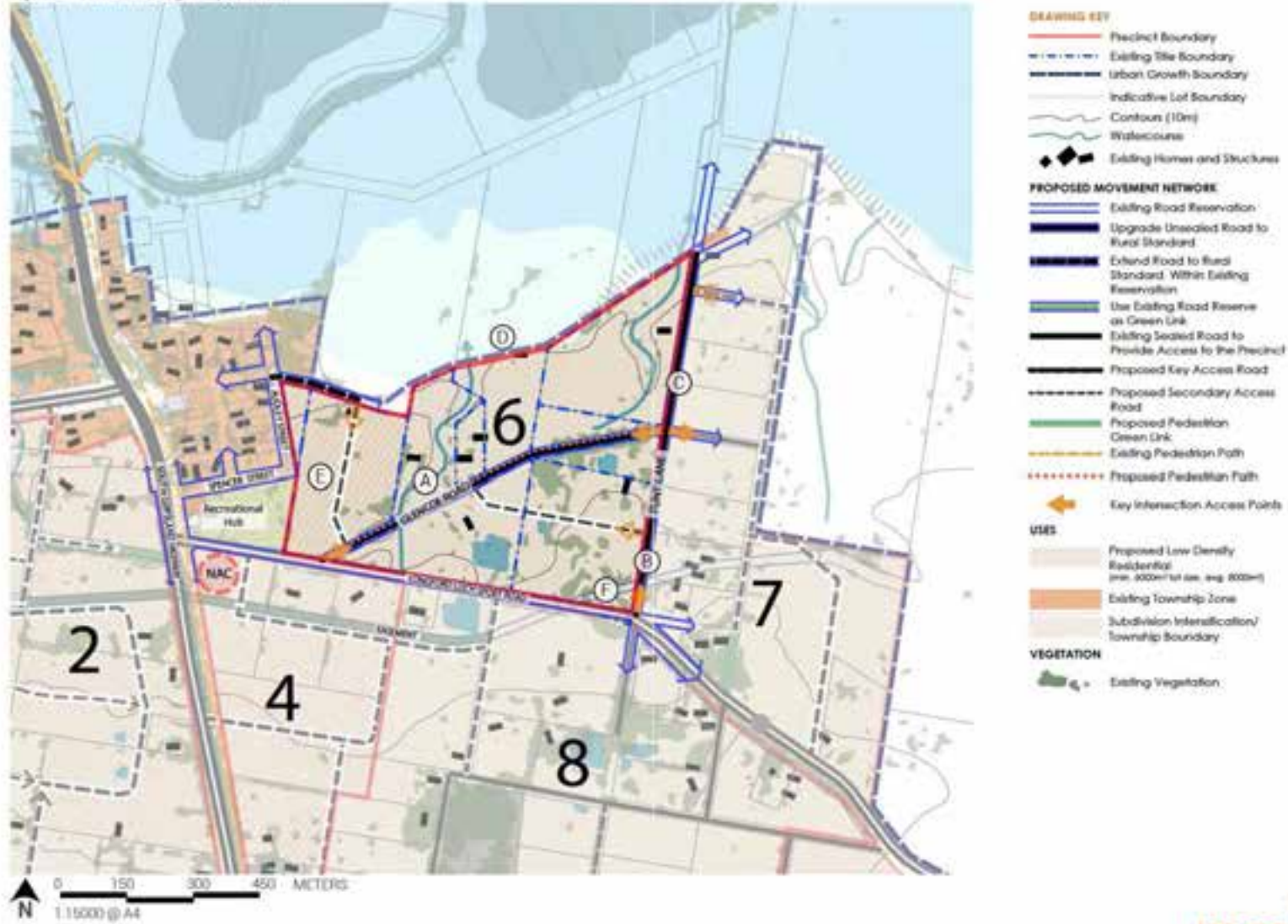
Precinct 6 Land Budget

Gross Developable Area: 40.4ha

Average Lot Size: 8000m² (min.6000m²)

Indicative No. Lots: 50

Figure 27 - Precinct 6 Design Response Plan



mesh

P7

5.6.7

Precinct 7 Site Analysis

Location Plan



Precinct Area: 24 ha

Topography: Gently falls to the north with and escarpment in the north of the site.

Current Use: Rural residential properties near Longford-Look Sport Road and vacant, grassed paddocks.

Current Planning Zone: Farming Zone and Public Use Zone Schedule 1 (Longford Syphon Sewer Pipeline).

Features: The Longford Syphon Sewer Pipeline runs through the southern portion of the precinct site. The precinct interfaces with the Ramsar Wetlands to the north.

A – Precinct impacted by operational quarry which may limit timing of rezoning and development of the Precinct.

B – Longford-Look Sport Road forms key east-west arterial connection. Development should limit direct property access and new intersection spacing where practicable.

C – Punt Lane currently unsealed road which provides opportunity for access directly into Precinct 6 and 7.

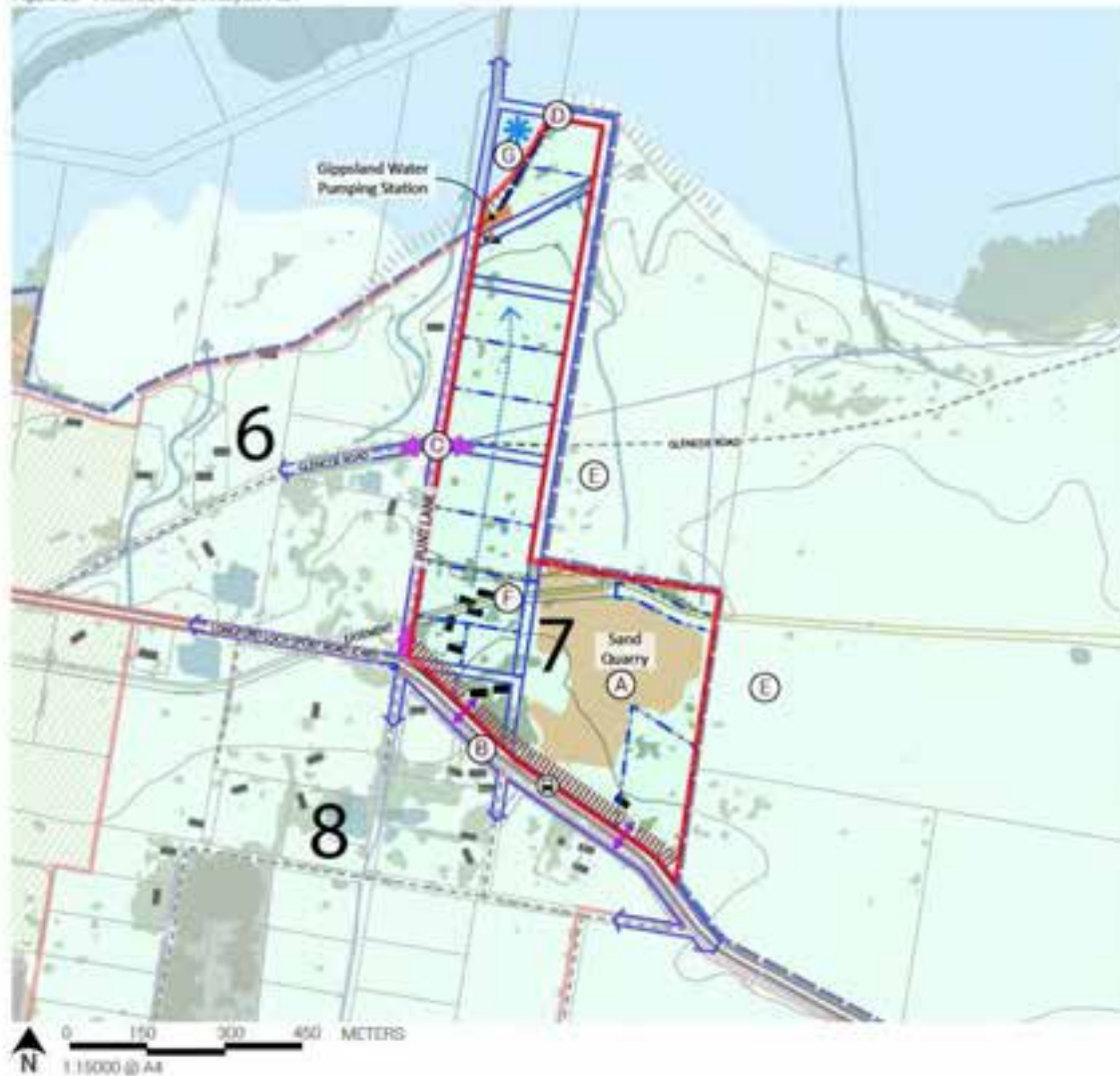
D – Precinct's interface at northern extent is characterised by interface to Ramsar wetland area and sensitive topographical features.

E – Precinct has interface with Farming Zone.

F – East-west Longford syphon sewer easement, to be retained in private ownership. Subdivision permitted across the sewer easement. See Requirement 5c in Table 3 for further information on treatment of this sewer and Gippsland Water's requirements.

G – Low point present to the north of the Precinct, and land generally falls to the north toward Ramsar wetland.

Figure 26 – Precinct 7 Site Analysis Plan



- DRAWING KEY**
- Precinct Boundary
 - - - Existing Site Boundary
 - Urban Growth Boundary
 - Existing Road Reserve
 - Contour (10m)
 - Existing Homes and Structures
- MOVEMENT NETWORK**
- Highway
 - Arterial Road
 - Local Road - Sealed
 - Local Road - Unsealed
 - ↔ Existing Access Points
 - ↔ Existing Direct Access to Road Zone
 - ↔ Confirmed Direct Access to Road Zone
 - Shared Pedestrian Path
- VEGETATION**
- Existing Vegetation
- DRAINAGE**
- Watercourse/Drainage Lines
 - Water Bodies / Dams
 - Floodway Zone
 - Land Subject to Inundation
 - Indicative Catchment
- TOPOGRAPHY**
- ★ Leapoint
 - Escarpment / Embankment
- SERVICING**
- Pump Station
 - Sewerline
 - Sewer Pipes
 - Control Valves
 - Power Lines
- LAND USES**
- Rural Living (RL2)
 - Township (T1)
 - Active Open Space
 - Farming (F1)
 - Vacant Lot - within Existing Settlement Area

mesh

Location Plan



Precinct 7 Design Requirements

- A** – Create Pedestrian Green Link with pedestrian path between the north-south Secondary Access Road and Longford Loch Sport Road.
- B** – Plant Lane to form Key Access Road and must be upgraded.
- C** – Key Access Road connection within road reserve.
- D** – Lots may back onto the northern Precinct boundary in response to sensitive topographical and site conditions.
- E** – Create new Key Access Road off Longford Loch Sport Road.

Precinct 7 Land Budget

Gross Developable Area: 54.7 ha
Average Lot Size: 8000m² (min. 5000m²)
Indicative No. Lots: 42

Figure 29 - Precinct 7 Design Response Plan



- DRAWING KEY**
- Precinct Boundary
 - - - - - Existing Tile Boundary
 - Urban Growth Boundary
 - Indicative Lot Boundary
 - ~ ~ ~ Contour (10m)
 - Watercourse
 - Existing Homes and Structures
- PROPOSED MOVEMENT NETWORK**
- Existing Road Reservation
 - Upgrade Unsealed Road to Rural Standard
 - Extend Road to Rural Standard Within Existing Reservation
 - Use Existing Road Reserve as Green Link
 - Existing Sealed Road to Provide Access to the Precinct
 - Proposed Key Access Road
 - - - - - Proposed Secondary Access Road
 - Proposed Pedestrian Green Link
 - Existing Pedestrian Path
 - - - - - Proposed Shared Path (c/s - s/c)
 - - - - - Proposed Pedestrian Path
 - ↔ Key Intersection Access Points
 - ↔ Secondary Intersection Points
- USES**
- Proposed Low Density Residential (min. 400m² lot size avg. 900m²)
 - Existing Township Zone
- VEGETATION**
- Existing Vegetation



P8

5.6.8

Precinct 8 Site Analysis

Location Plan



Precinct Area: 77.5 ha

Topography: Gently falls to the north.

Current Use: Large rural residential properties of various sizes and vacant paddocks.

Current Planning Zone: Farming Zone and Public Use Zone Schedule 6 (part of the former quarry site).

Features: The precinct contains the former quarry site which has been set aside to become open space. The Longford Siphon Sewer Pipeline runs through the north west corner of the precinct.

A - Longford-Loch Sport Road forms key east-west arterial connection. Development should limit direct property access where practicable and respond to roadside vegetation which contributes to the character of Longford.

B - Existing road reserves provide opportunity for use as road access through Precinct.

C - Portion of the Longford Sewer Siphon pipeline easement provides opportunity to be used as part of linear pedestrian link.

D - Proposed Conservation Area provides conservation and open space value to Longford community.

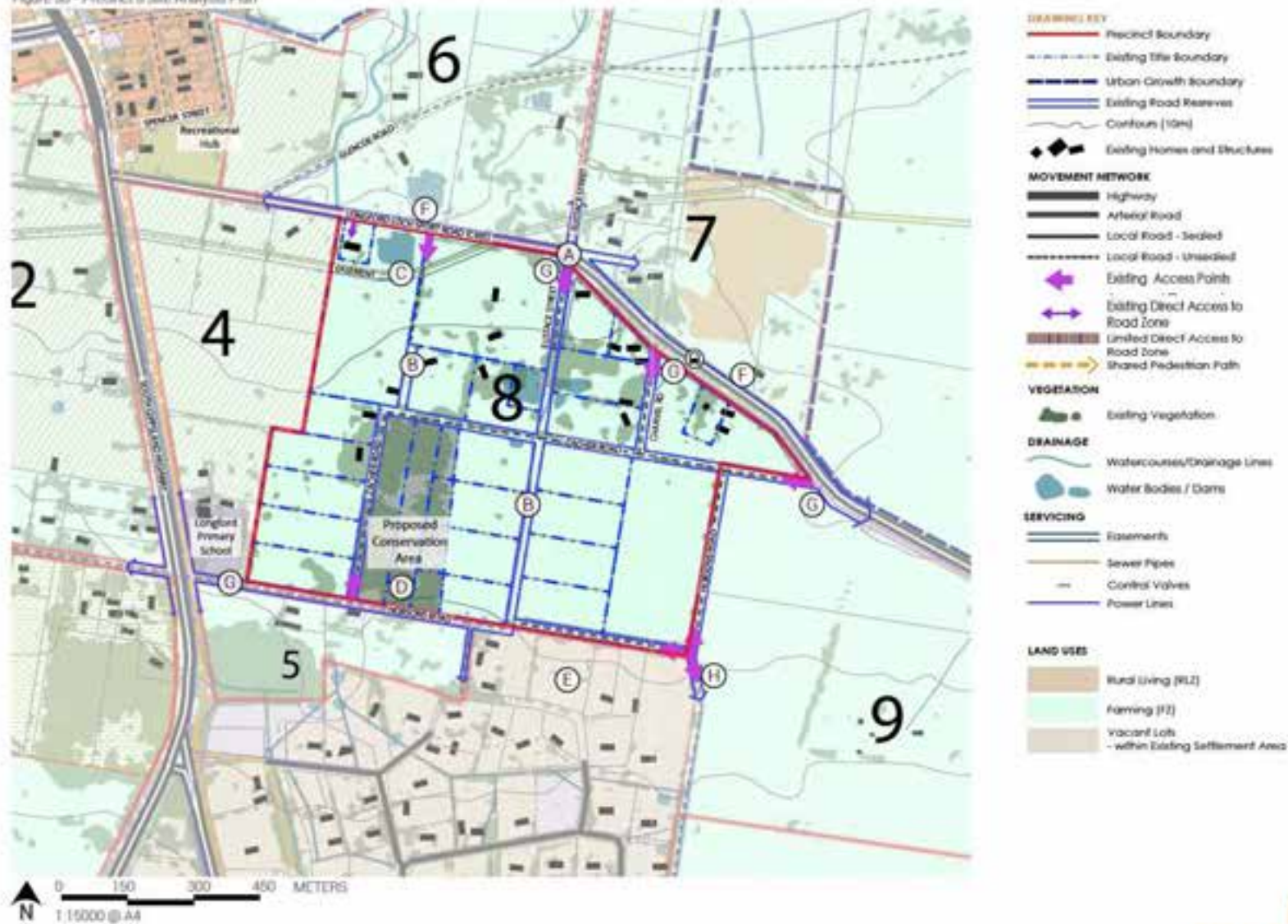
E - Precinct interfaces with existing residential lots to the south.

F - Existing access points onto Longford Loch Sport Road which should be used as connectors into the Precinct.

G - Hobeone Road provides access along the southern extent of the Precinct.

H - Opportunity for connection into Precinct 9.

Figure 30 - Precinct B Site Analysis Plan



mesh

Precinct 8 Design Requirements

Location Plan



A – Key Intersection Points and Key Road Links must be constructed as part of development.

B – Use existing Longford sewer effluent pipeline easement as key pedestrian linear park. Construction of path within linear park required.

C – Pedestrian path required to be constructed along Hobsons Road and its eastern extension as shown.

D – Pedestrian path required to be constructed along Zachers Road to connect into linear reserve.

E – Upgrade Gustace Street to Secondary Access Road to provide local access only.

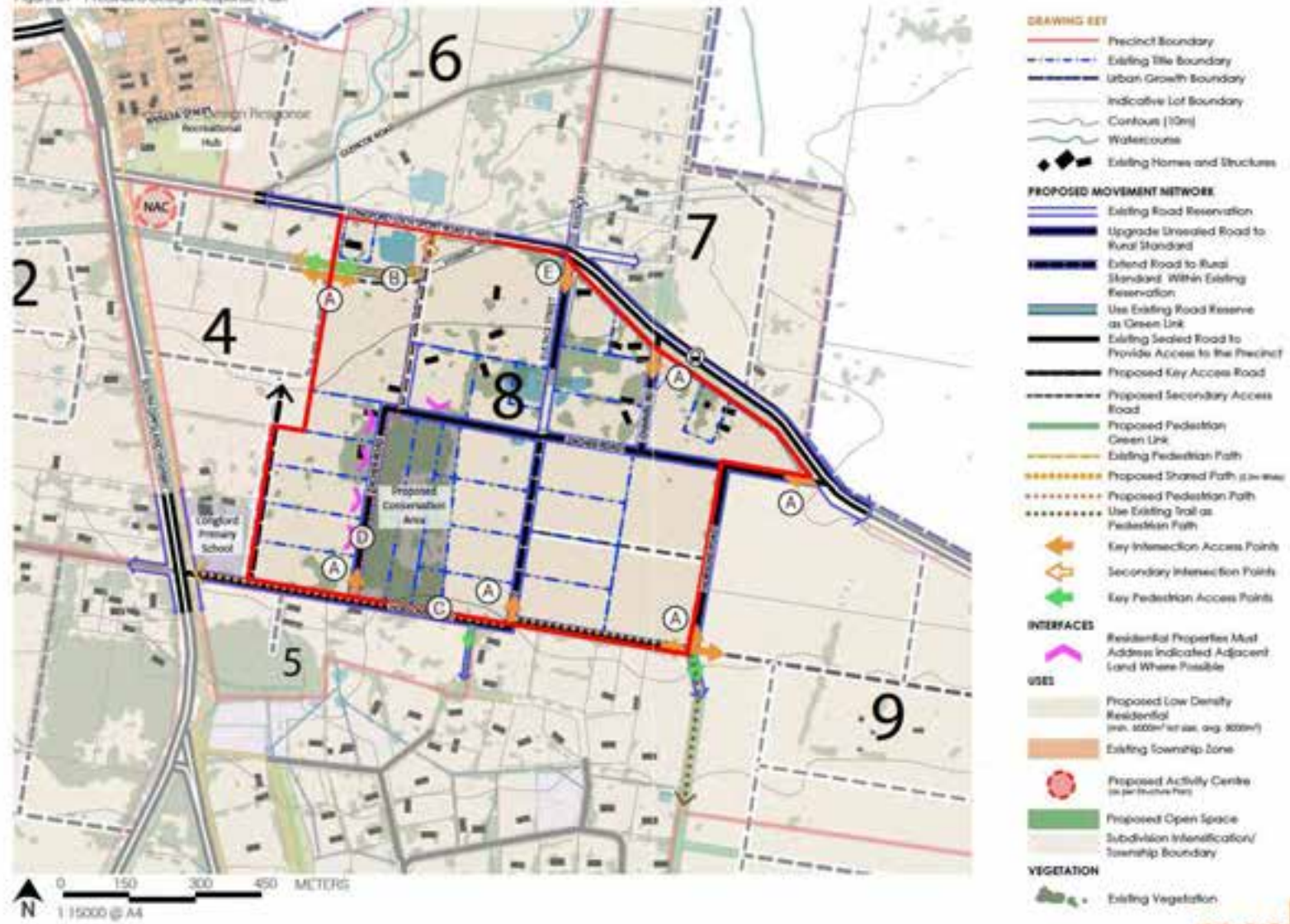
Precinct 8 Land Budget

Gross Developable Area: 63.8 ha

Average Lot Size: 8000m² (min. 6000m²)

Indicative No. Lots: 80

Figure 31 - Precinct B Design Response Plan



mesh

P9

5.6.7

Precinct 9 Site Analysis

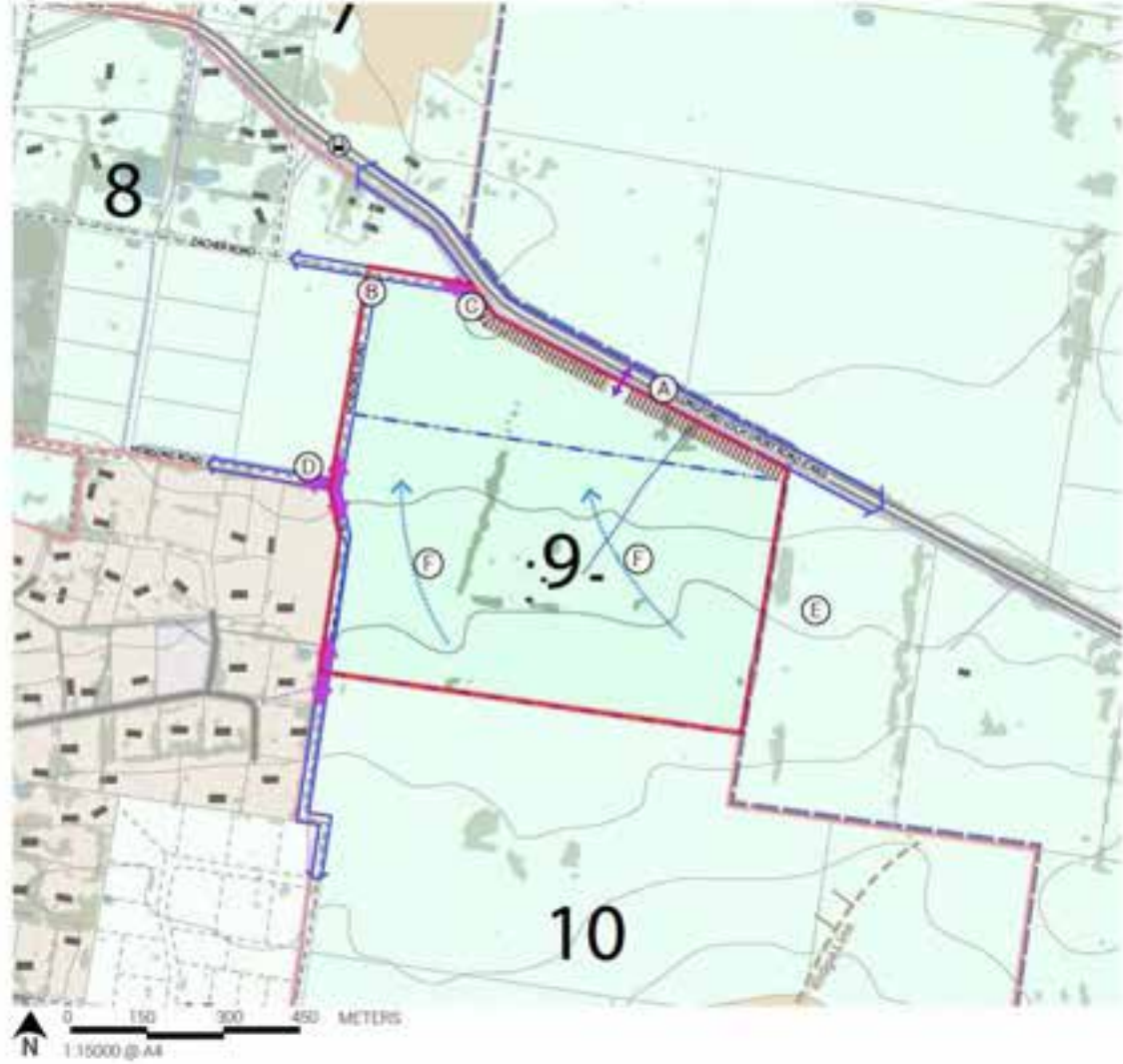
Location Plan



Precinct Area: 58.6 ha
Topography: Gently falls to the north.
Current Use: Vacant, grassed paddocks.
Current Planning Zone: Farming Zone.
Features: Clusters of vegetation are located in the centre of the site in a wind row pattern.

- A** - Longford-Loch Sport Road forms key east-west arterial connection. Development should limit direct property access where practicable and retain any road side vegetation where practicable.
- B** - Existing unsealed roads provides access and pedestrian connection opportunities into and throughout Precinct connecting to Longford-Loch Sport Road and Precinct 10.
- C** - Existing intersection provides opportunity to be used in future subdivision design.
- D** - Hobsons Road terminates at Precinct boundary and provides opportunity for connection to the west.
- E** - Interface with Farming Zone to the north and east.
- F** - Precinct generally falls from south to north.

Figure 37 - Precinct 9 Site Analysis Plan



- DRAWING KEY**
- Precinct Boundary
- - - Existing Site Boundary
- - - Urban Growth Boundary
- Existing Road Reserves
- Contours (10m)
- Existing Homes and Structures
- MOVEMENT NETWORK**
- Highway
- Arterial Road
- Local Road - Sealed
- Local Road - Unsealed
- Existing Access Points
- Existing Direct Access to Road Zone
- Limited Direct Access to Road Zone
- Shared Pedestrian Path
- VEGETATION**
- Existing Vegetation
- DRAINAGE**
- Watercourses/Drainage Lines
- Water Bodies / Dams
- Indicative Catchment
- SERVICING**
- Stormwater
- Sewer Pipes
- Control Valves
- Power Lines
- LAND USES**
- Rural Living (RL)
- Farming (F)
- Vacant Lots - within Existing Settlement Area



Precinct 9 Design Requirements

Location Plan

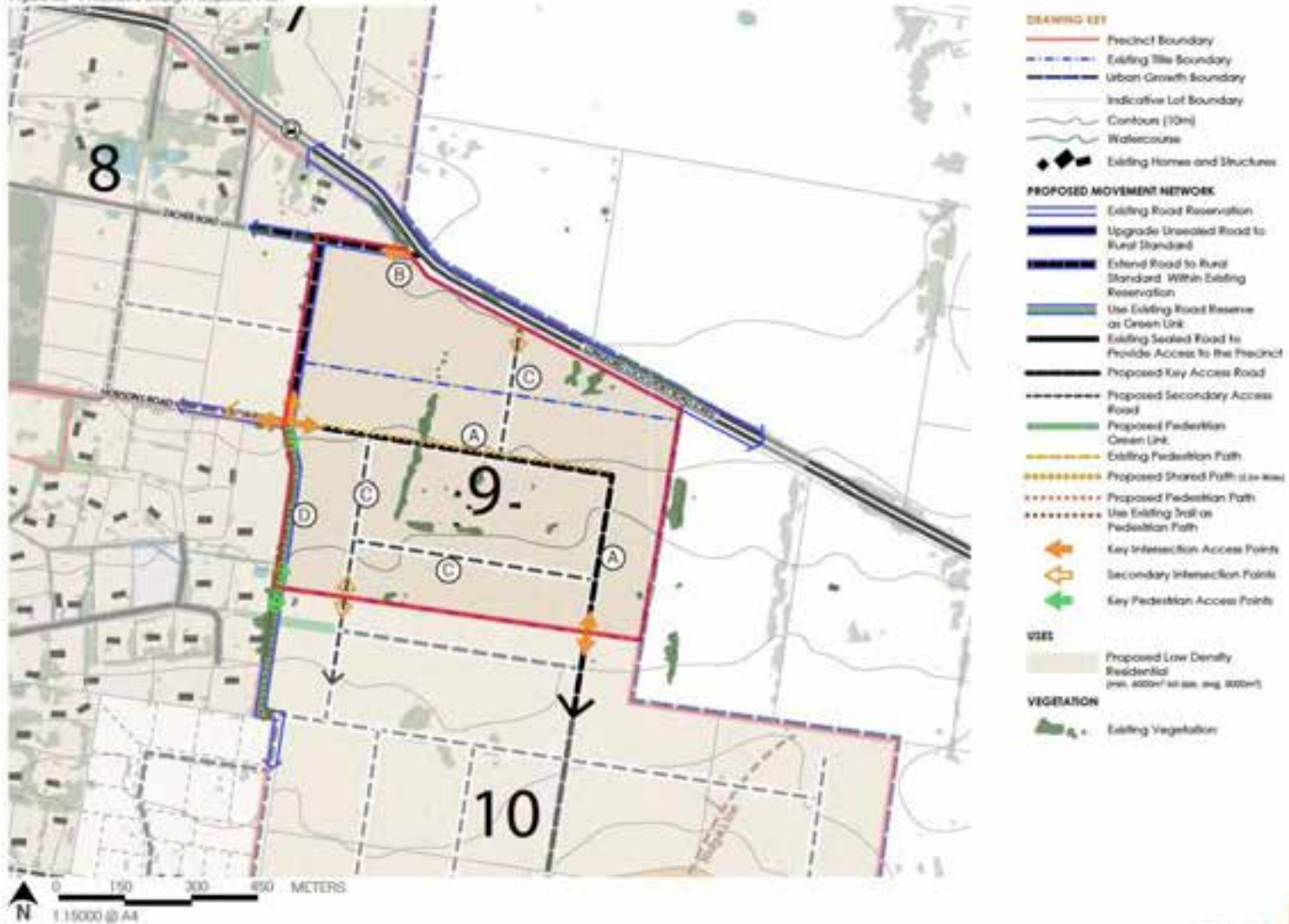


- A** - Provide extension of Hobsons Road into precinct forming a Key Access Point.
- B** - Key Access Link to connect Precinct into Longford Loch Sport Road.
- C** - Secondary access roads enable subdivision potential of existing properties.
- D** - Development of Precinct 9 to construct pedestrian path within Green Link.

Precinct 9 Land Budget

Gross Developable Area: 56.5 ha
Average Lot Size: 6000m² (max 6000m²)
Indicative No. Lots: 71

Figure 33 - Precinct 9 Design Response Plan



mesh

P10 5.6.10

Precinct 10 Site Analysis

Location Plan



Precinct Area: 95.2 ha

Topography: Gently undulating with a high point located in the south east portion and a low point in the south east corner.

Current Use: Vacant, grassed paddocks.

Current Planning Zone: Farming Zone.

Features: Cluster of vegetation central to site. Existing Andrews Road and Cobb Road Reservations along south and west boundary.

A – Andrews Road reserve contains substantial groupings of existing vegetation at its eastern end. Opportunity to protect within road reservation as a Green Link.

B – A high point exists in the south eastern side of the precinct which is linked to a by creating two separate drainage catchments.

C – New subdivision is located immediately to the south of the precinct. The approved subdivision has two proposed access points to Andrew Road which will impact on location of future roads to the north.

D – New subdivision proposal is located immediately to the west of the precinct on the west side of Cobb Road reservation. The approved subdivision provides a single access point to Cobb Road which will impact on location of future roads to the east.

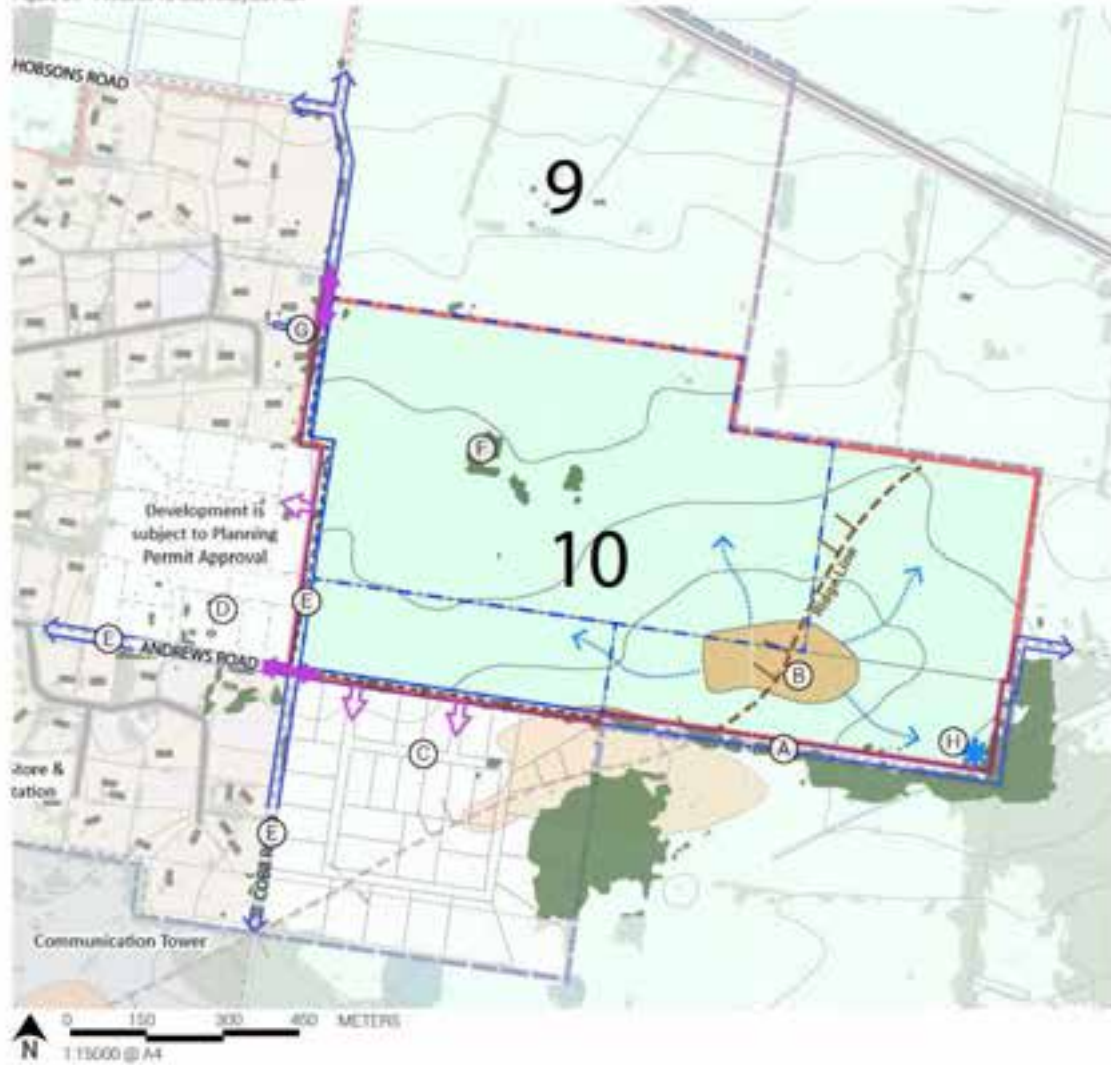
E – Andrews Road and Cobb Road are currently developed as unsealed dirt roads and provide local access to farm land. There is an opportunity to use these existing road reservations as part of structural movement network.

F – A small cluster of vegetation is located in the middle of the precinct. There is an opportunity to retain this vegetation as part of the development should further studies reveal these trees are of significance and protection value.

G – Access to established rural residential to the west is limited to a single pedestrian link. There is an opportunity to connect precinct to this pedestrian access point.

H – Low point in south east corner of site may be required for drainage purposes depending on future drainage studies.

Figure 34 - Precinct 10 Site Analysis Plan



- DRAWING KEY**
- Precinct Boundary
 - Existing Title Boundary
 - Urban Growth Boundary
 - Existing Road Reserves
 - Contours (10m)
 - Existing Homes and Structures
- MOVEMENT NETWORK**
- Highway
 - Arterial Road
 - Local Road - Sealed
 - Local Road - Unsealed
 - Existing Access Points
 - Existing Direct Access to Road Zone
 - Limited Direct Access to Road Zone
- VEGETATION**
- Existing Vegetation
- DRAINAGE**
- Watercourses/Drainage Lines
 - Water Bodies / Dams
- TOPOGRAPHY**
- Highpoint
 - Lowpoint
 - Ridge Line
- SERVICING**
- Easements
 - Sewer Pipes
 - Control Valves
 - Power Lines
- LAND USES**
- Rural Living (RL2)
 - Farming (F2)
 - Vacant Lots - within Existing Settlement Area

mesh

Precinct 10 Design Requirements

Location Plan



- A** – Upgrade Andrews Road east to provide access along the southern boundary of the precinct.
- B** – Creation of Key Access Road with lot frontages abutting Cobb Road. Lots should front Cobb Road.
- C** – Provide a Key Intersection Point and Key Access Road in the location generally shown.
- D** – Existing Andrews Road Reservation downgraded as a green link which will protect existing native vegetation.
- E** – Provide a pedestrian connection to the existing link within the established rural residential area to create and improve east-west connectivity between existing and planned development.
- F** – Existing road reservation to be used as a green link with pedestrian path.
- G** – Provision for Secondary Access Links provided which respond to title boundaries and efficient subdivision layout.

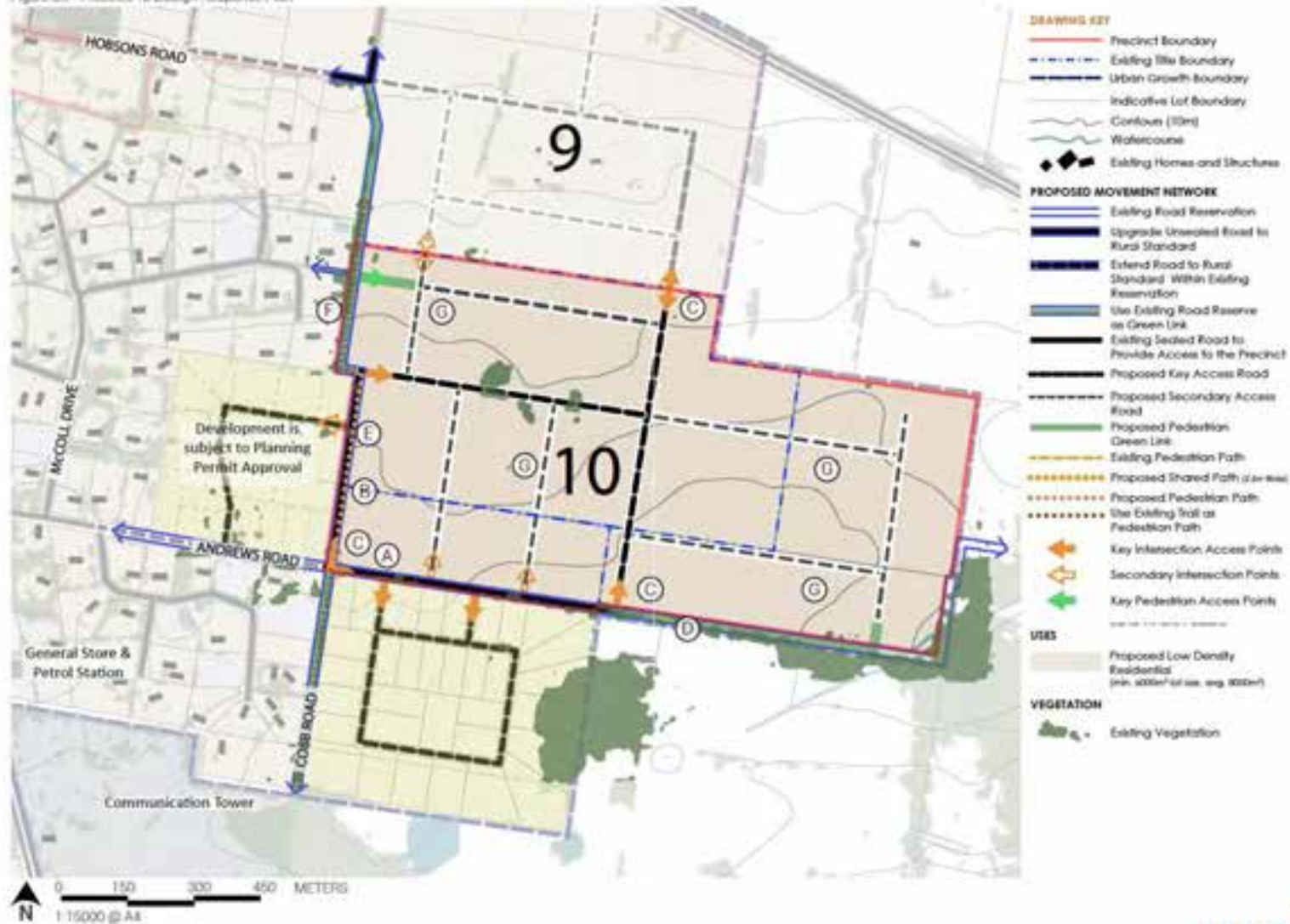
Precinct 10 Land Budget

Times Developable Area: 52.5 ha

Average Lot Size: 5000m² (min 5000m²)

Indicative No. Lots: 116

Figure 3f - Precinct 10 Design Response Plan



P11

5.6.11

Precinct 11 Site Analysis

Location Plan



Precinct Area: 13.2 ha

Topography: Generally falls gently to the north west.

Current Use: Large rural residential properties, mostly grassed paddocks.

Current Planning Zone: Farming Zone.

Features: Bounded by existing Rural Living Zone and has direct access to Seaspay Road.

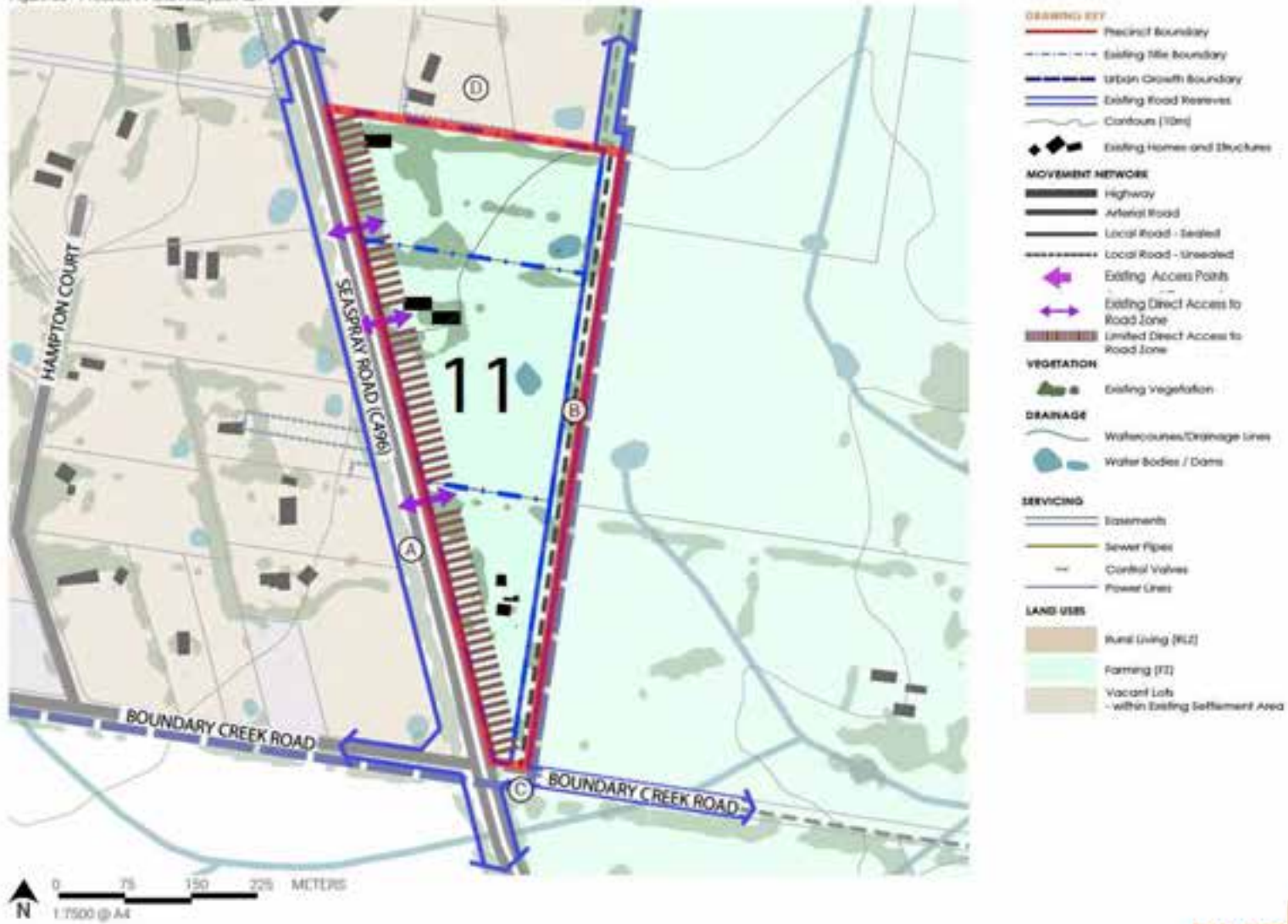
A - Seaspay Road forms Precinct's western boundary and currently provides private access to properties. Sections of the road contains dense vegetation providing local character to the road.

B - Unsealed road forms Precinct's eastern boundary and provides opportunity for alternative access into Precinct and connections north.

C - Narrow unsealed section of road forms southern Precinct boundary.

D - Precinct interfaces with existing residential development to the north.

Figure 36 - Precinct 11 Site Analysis Plan



mesh 25

Precinct 11 Design Requirements

Location Plan



A – Construct Key Access Road with pedestrian path along Precinct's eastern boundary to facilitate pedestrian access north.

B – Construction of Key Access Road and intersections required.

Precinct 11 Land Budget

Gross Developable Area: 13.2ha

Average Lot Size: 8000m² (min 5000m²)

Indicative No. Lots: 16

Figure 37 - Precinct 11 Design Response Plan



mesh

6

IMPLEMENTATION

6.1

Implementation Overview

This section details the various levels of information and requirements which will assist in the effective delivery and implementation of the DP in accordance with its overall vision and the specific design requirements of each individual Precinct.

6.2

Infrastructure Delivery Methodology

As detailed in Chapter 5, infrastructure delivery is proposed to be undertaken on a Precinct-by-Precinct basis. This means that any new development will need to deliver all new roads and road upgrades, new intersection and intersection upgrades, road connections, nominated pedestrian path and shared paths, green links, drainage and other infrastructure as set out within the detailed precinct requirements.

Where practicable, Council encourages co-ordination between proponents within a Precinct to ensure efficient subdivision and infrastructure delivery. Where appropriate, Council will encourage the use of Section 173 Agreements or other shared infrastructure funding mechanisms to ensure co-ordinated infrastructure delivery at the Precinct level.

6.3

Open Space Requirements

The Wellington Planning Scheme (Schedule to Clause 52.01), requires an open space contribution to the amount of 5% cash or land as a component of any subdivision/development proposal.

Contributors will go towards the maintenance/upgrade works for the following open spaces within the Longford area:

- > Upgrade and maintenance of the public open space on Hobsons Road;
- > Assist in the facilitation and maintenance of the proposed Boggy Creek linear reserve;
- > Other public open space within Longford.

6.4

Rezoning Methodology and Requirements

The preparation of the Longford DP does not in itself provide the strategic justification to enable rezoning of individual Precincts to be considered and commenced, rather it provides the development parameters and requirements for subdivision of the land once it is zoned.

As discussed in Section 5.4, given the range of influences and factors including the relative size of the DP area, level of land fragmentation, infrastructure requirements, and so forth, a Precinct-based approach to rezoning to facilitate co-ordinated residential development is proposed.

Currently, most of the DP area is zoned Farming Zone and an appropriate zone (such as the Rural Living Zone) will be used to facilitate residential development to a minimum lot size of 6,000m², which is reflective of the current lot sizes within Longford and the limited servicing provisions.

Proponents seeking to rezone Precincts must comply with the requirements of Practice Note No. 37 (Department of Environment, Land, Water and Planning), which relates to Rural Residential Development, and also demonstrate the following:

- > Land supply and time estimates following the road for rezoning to rural residential land;
- > Landowner consent within the Precinct to rezone the land to the satisfaction of Council;
- > Understanding between Council and future proponents of the infrastructure which is required to be constructed to facilitate development of any given Precinct (this could be implemented through Section 173 Agreements); and
- > Precinct-specific evaluations which demonstrate that the land is suitable to be rezoned for residential purposes.

In exceptional circumstances Council may consider modifications to Precinct boundaries if it will benefit any issues which may arise such as access or servicing constraints.

Council will undertake a periodic review of the land supply within Longford and if necessary, will assist facilitation of rezoning in accordance with State Government policy and Practice Note No. 37.

6.5

Planning Permit requirements

Upon the rezoning of a Precinct to facilitate residential development, Council will consider planning permit applications for the subdivision of the land.

Planning permits for subdivision within a rezoned Precinct will be considered on a property-by-property basis, provided that it can be demonstrated that the proposed subdivision will not prejudice other properties from subdividing efficiently, safe access can be achieved/maintained to the site and other properties within the Precinct.

Applications for planning permits within the Longford DP area are required to demonstrate compliance with the following:

- > The Local Planning Policy Framework within the Wellington Planning Scheme;
- > Overall Design Requirements (see Table 3);
- > Detailed Precinct Design Requirements (see Section 5.6);
- > Other relevant requirements of the Wellington Planning Scheme.

Each subdivision application must include, as part of the application package, the following standard requirements:

> **Site-specific assessment reports** where applicable, such as:

- = Flora and fauna assessment;
- = Aboriginal cultural heritage;
- = Drainage assessment, completed at the Precinct level, which should also have regard to stormwater and environmental impact on Ramsar wetland areas;
- = Traffic impact assessments (which analyse both the internal road network and impact on existing or future connections to a Road Zone Category 1);
- = Bushfire risk assessment;
- = Land capability assessment to ensure the lots created can cater for on-site septic, sewer, water, and other requirements.

Where existing reports are current, they can be submitted as part of the permit application process.

In addition to the listed background reports, the following is required to be lodged with an application for subdivision:

> **Site Analysis and Design Response**

(in accordance with Clause 56 of the Wellington Planning Scheme);

> **A graphical and written assessment** demonstrating compliance, or otherwise, with the Longford DP. The 'generally in accordance principal' applies to the Longford DP and as such, large consolidated portions of land allow for more flexibility with internal road configuration - however care must be taken in regards to external connections through to smaller parcels which have less flexibility;

> **A Cultural Heritage Management Plan (CHMP)** must be approved by the relevant Registered Aboriginal Party in accordance with the Aboriginal Heritage Act 2006 or it must be demonstrated, to the satisfaction of the responsible authority, that a Cultural Heritage Management Plan is not required pursuant to the requirements of the Aboriginal Heritage Act 2006.

> **A detailed layout and staging plan** (if applicable), showing the sequence of development, and infrastructure delivery which will require construction or upgrades such as intersections or pedestrian path connections which abut the application area;

> **A proposed servicing plan and land capability assessment** to inform the subdivision layout and ensure the allotments created cater for on-site septic sewer and other constraints such as drainage;

> **Proposals for delivery and funding of infrastructure items for a Precinct** e.g. in the form of a Precinct Infrastructure Plan.

Applications that are not generally in accordance with the Development Plan will be refused.

As a preference, Council will encourage applications for the combined rezoning and subdivision of land under the provisions of Section 96A of the Planning and Environment Act 1987 provided that both the requirements for rezoning (including a strategic justification) and a permit application are lodged with the application material. Again, Council may request landowners to enter into shared infrastructure agreements (such as Section 173 Agreements) to ensure infrastructure for the relevant Precinct is identified and delivered in a co-ordinated manner.

Council strongly encourages proponents of new development within the Plan area to engage in pre-application meetings to discuss proposals, issues which might require resolution and application requirements. Applications which actively seek to promote and enhance the character of Longford will be encouraged by Council.

7

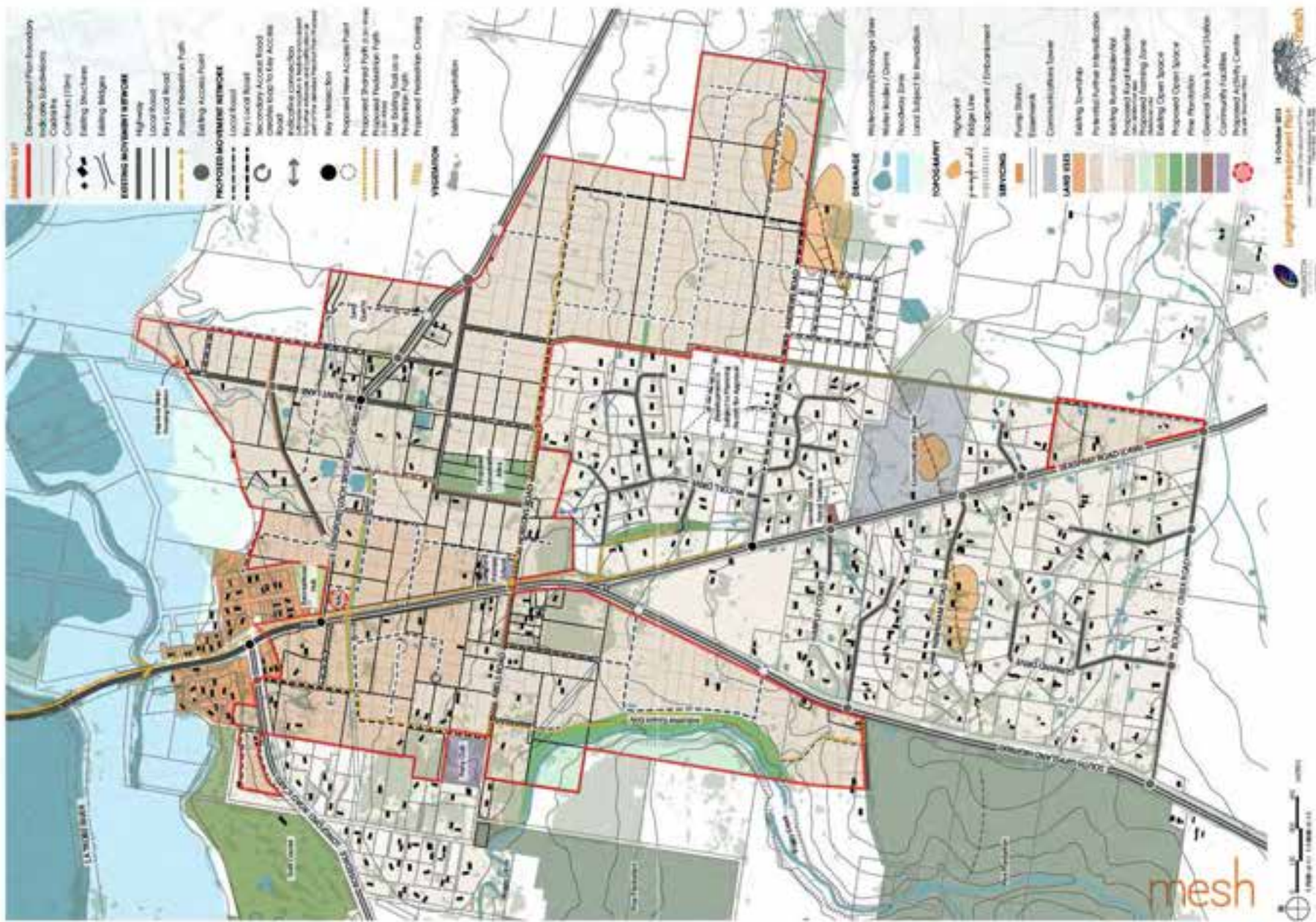
APPENDIX

Appendix A

Overall Development Plan (High Resolution)

Appendix B

Indicative Subdivision Plan



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C4 - REPORT

GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

ITEM C4.1**MACARTHUR STREET SALE – RENEWAL PROJECT**

DIVISION: BUILT & NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER ASSETS & PROJECTS

DATE: 15 MARCH 2016

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

OBJECTIVE

The purpose of this report is for Council to consider entering into a contract for the Sale Streetscape Renewal Concrete Works in Macarthur Street, Sale between York Street and Desailly Street.

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

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.2 of the Council Meeting Agenda for contract 2015-038 Sale Streetscape Renewal –Works ; and**
- 2. The information contained in the confidential document Item F1.2 of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 01 March 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.**

BACKGROUND

The Sale streetscape renewal program is a program where footpaths and kerb and channel and road pavements are renewed and enhanced with tree plantings and feature paving.

The renewal program in Sale has progressed steadily and works are now programmed for Macarthur Street between York Street and Desailly Street, Sale.

OPTIONS

Council have the following options available:

- Adopt the recommendations contained in the attached confidential Tender Evaluation Report for contract 2015-038 Sale Streetscape Renewal – Concrete Works; or
- Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for contract 2015-038 Sale Streetscape Renewal – Concrete Works.

CONFLICT OF INTEREST

Nil staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest in this section

FINANCIAL IMPACT

The proposed Sale Streetscape Renewal concrete works was budgeted for in the 2015/16 Capital Works Program.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Victorian Local Government Act 1989* and the Victorian Local Government Code of Tendering.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets & Projects unit.

COMMUNITY IMPACT

The improved and upgraded streetscape when complete will have a positive community impact.

ENVIRONMENTAL IMPACT

The proposed works will have minimal environmental impact, with the contractors complying with Council's Guidelines on Environmental Management for Roadwork Projects.

CONSULTATION IMPACT

Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All OH&S risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



C5 - REPORT

GENERAL MANAGER COMMUNITY AND CULTURE

ITEM C5.1**QUICK RESPONSE GRANT SCHEME**

DIVISION: COMMUNITY & CULTURE
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES
 DATE: 15 MARCH 2016

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

OBJECTIVE

For Council to note the information regarding successful applications under the Quick Response Grant Scheme (QRGS) for the period November 2015 to February 2016 as at Attachment A.

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

That Council note the information regarding successful applications under the Quick Response Grant Scheme for the period November 2015 and February 2016 as at Attachment A.

BACKGROUND

The QRGS aims to fulfil community need by providing a quick turnaround for funding and provides an opportunity for the community to access funding outside the Community Grant timeline. The QRGS supports the delivery of projects that demonstrate positive impacts on the wider Wellington community. Eligible projects submitted under this program are assessed within two weeks.

Individuals can apply for a QRG of up to \$500 under the Individual Sponsorship category. Not for profit community groups operating in the Wellington Shire can apply for up to \$2,000 from the three minor community funding categories (Events, Projects and Facilities categories).

The applications included in this paper were assessed between November 2015 and February 2016.

Applications are assessed by an internal assessment panel. Each application is assessed on its benefit to the community, ability to fulfil a community need, project planning and the capacity of the applicant to deliver the project. The Panel allocates funding based on the assessment criteria and funding guidelines.

OPTIONS

Council has the following options:

1. Note the information regarding successful applications under the QRGS for the period November 2015 and February 2016 as at Attachment A.; or
2. Request additional information to be presented at a future Council meeting.

PROPOSAL

For Council to receive the information regarding successful applications under the QRGS for the period November 2015 and February 2016 as at Attachment A.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

These application have been funded through the QRGS within the Healthy Lifestyles budget. The total available budget for the 2015/2016 Quick Response Grant Scheme is \$95,000. A total of \$37,091 was allocated to successful applications between November 2015 and February 2016.

The table below is a summary of the funding allocation, detailed list at Attachment A.

Applications received and assessed	
• Minor Community Events	12 totalling \$16,756
• Minor Community Projects	7 totalling \$12,000
• Minor Community Facilities	4 totalling \$6,835
• Individual Sponsorship	3 totalling \$1,500
Successful Applications	
• Minor Community Events	12 totalling \$16,756
• Minor Community Projects	7 totalling \$12,000
• Minor Community Facilities	4 totalling \$6,835
• Individual Sponsorship	3 totalling \$1,500
Unsuccessful Applications	
• Minor Community Events	Nil
• Minor Community Projects	Nil
• Minor Community Facilities	Nil
• Individual Sponsorship	Nil

COMMUNICATION IMPACT

The funding of these events and projects facilitates positive community relationships for the Wellington Shire, highlighting Council's commitment to supporting not for profit community organisations in the delivery of their activities, projects and events that benefit the wider community.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 7 Community Wellbeing states the following strategic objective and related strategy:

Strategic Objective

“Enhance health and wellbeing for the whole Community”.

Strategy 7.1

“Support access to a range of recreational opportunities for all sectors of the community”.

COMMUNITY IMPACT

The funding of these individuals, events and projects will have a significant positive effect on the community, providing assistance to increase the range of events and activities that the wider Wellington community can access. Successful applicants have demonstrated a community need that will be filled through receiving the funding and show a community benefit through project outcomes.

ENVIRONMENTAL IMPACT

All events and projects are encouraged to consider the waste that will be produced through delivering their grant outcomes and have appropriate measures in place to manage waste. Assistance from Council is offered to all events to minimise landfill waste through the use of recycle bins.

CONSULTATION IMPACT

Council officers were involved in consultation with grant applicants to provide advice and assistance in the completion of event grant applications.

RISK MANAGEMENT IMPACT

The events industry is strongly legislated and all events are encouraged to comply with current OH&S and best practice safety standards. It is the responsibility of applicants to ensure that their project complies with all current rules and regulations.

Quick Response Grant Scheme - Successful Applications – November 2015 to February 2016.

Organisation	Project Title	Amount	Description	
Minor Community Projects				
1	Briagolong Art Gallery	Arts Trail Open Studio Banners	\$1,200.00	Inaugural Open Studios art trail in Briagolong.
2	Holy Trinity Anglican Church Yarram	Christmas Trees for Yarram	\$1,200.00	Grade 1 and prep students will decorate a tree to be used in Yarram's Commercial Road as decorations for the Christmas holidays.
3	Maffra Business & Tourism Association	Maffra Xmas Festival	\$2,000.00	Promotion night for the town and retail traders.
4	Seaspray Ratepayers & Progress Association	On the Prospect	\$2,000.00	'On the Prospect' is the title of a comprehensive history of the town of Seaspray 1843 - 2015.
5	Seaspray Surf Life Saving Club	Bronze Camp 2015	\$2,000.00	The bronze camp is a week-long live-in camp where participants train for their bronze medallions, learning necessary skills and personal development to deliver a critical community service.
6	Stratford Recreation Reserve	Mower Trailer Project	\$1,800.00	Purchase of a new trailer to transport Mower between Stratford Rec Reserve and Pine Lodge.
7	Sale Flora Art Group	Natures Waves	\$1,800.00	A large innovative 3D sculptural floral design depicting a series of waves covered with horticultural material, featuring Australian native flowers and foliage.
Total			\$12,000.00	
Minor Community Events				
1	Anglican Parish of Yarram	Blessing of the Fleet Port Albert	\$570.00	A continuation of a yearly community event in which "The Blessing of the Fleet" is performed for all sailors, boat persons and boats.
2	Auspicious Arts Project Inc	'Foxholes of the Mind'	\$2,000.00	Drama about a Vietnam veteran and his wife 30 years after the war ... he and his mates are finally cracking under the strain of PTSD.

3	GippSport	Disability Awareness Training/ Wheelchair Basketball	\$1,500.00	Disability Awareness Training and wheelchair basketball sessions to be held at five schools within Wellington Shire Council.
4	Heyfield Tourism & Traders Association	'Heyfield Girl' record launch	\$2,000.00	Michael Waugh is going to release his record album featuring the title track "Heyfield Girl" as part of the Heyfield Summer Music in the Park series.
5	Latrobe Community Health Service	Sizzle Info and Fun	\$500.00	A sausage sizzle in the Sale Mall with face painting and activities for all community members to enjoy.
6	Loch Sport Public Hall Committee of Management	Family Fun Day	\$1,700.00	Free fund day for families and residents. Free BBQ lunch, jumping castle, Briagolong Bush Band, face painting and fire truck.
7	Rosedale Neighbourhood House	Neighbourhood Kids Early Learning Centre Open Day	\$1,400.00	Host an open day to show case what we offer to increase enrolments.
8	Rotary Club of Maffra	Maffra Mardi Gras	\$2,000.00	One of the shire's oldest events, the Rotary Club of Maffra Mardi Gras features an evening street festival with market and food stalls, entertainment, carnival rides, face painting and an animal nursery and a huge street parade.
9	Rotary Club of Sale	Sale Little Miracles Market	\$656.00	Community market fundraiser to provide a donation of funds to go towards the special care nursery at Central Gippsland Health services in Sale.
10	Sale Amateur Basketball Association	David Nurse (NBA Shooting/ Skills Coach) Basketball Clinic	\$2,000.00	NBA Shooting/skills coach is running a basketball clinic over 2 days. Open to all junior players upwards from under 10.
11	Sale Carols by Candlelight	Sale Carols by Candlelight	\$2,000.00	Community Christmas Carols.
12	Sale Combined Kindergartens	Come and Try Story Time session at Hyland Community Kindergarten	\$360.00	All children and families welcome. Yummy morning tea will be provided following stories and craft activity.
Total			\$16,756.00	

Minor Community Facilities				
1	Maffra Squash and Racquetball Club	Court Repairs	\$2,000.00	Prepare walls, install batons, boarding, fill sand and repaint.
2	Sale Baptist Church	Concreting playgroup outdoor area	\$1,500.00	Concreting 106sqm of the Outdoor Play area to enable Sale Baptist Church playgroup children to continue outside play in wet and winter conditions.
3	Sale Tennis Club	Sale Tennis Club security upgrade	\$1,535.00	Installation of a steel security frame to the kitchen and upgrade all clubhouse locks.
4	Golden Paradise Beach Bowls Club	Upgrade of bowling club surround	\$1,800.00	Upgrading the green surrounds so players can step off and on the green without risk of tripping or falling.
Total			\$6,835.00	
Individual Sponsorship				
Individual's Name		Supporting Organisation	Activity Title	Amount
1	Master Cameron Green	Western Australia Eightball Association	Australian Eightball Pool National Championships	\$500
2	Miss Maddison Schleifer	Maffra Secondary College	Kokoda Trip	\$500
3	Miss Elizabeth Webb	Rotary International and Rotary Australia	Rotary Youth Exchange	\$500
Total				\$1,500

ITEM C5.2**GORDON STREET RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP**

DIVISION: COMMUNITY AND CULTURE
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES
 DATE: 15 MARCH 2016

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

OBJECTIVE

For Council to amend the current Gordon Street Recreation Reserve Committee of Management Terms of Reference to reflect a membership of up to five community representatives and for Council to appoint the nominated community representative to the Gordon Street Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018.

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

- 1. *The information contained in the confidential attachment Item F1.3 Gordon Street Recreation Reserve Committee of Management Membership of this Council Meeting Agenda and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Community and Culture on 26 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989.***
- 2. *Council amend the current Gordon Street Recreation Reserve Section 86 Committee of Management Terms of Reference to reflect a membership of up to five community representatives;***
- 3. *Council appoint the nominated community representative as detailed in the attached confidential report to the Gordon Street Recreation Reserve Section 86 Committee of Management.***

BACKGROUND

The Gordon Street Recreation Reserve Committee of Management is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

- To manage, operate and maintain the Gordon Street Recreation Reserve for the community in an efficient, effective and practical manner.

- To undertake activities designed to protect, promote, utilise and develop the Gordon Street Recreation Reserve for the use and enjoyment of the local community.

The Committee operates under a Terms of Reference which provide for the Council appointment of a minimum of 5 members for a 3 year term from 19 December 2015 to 18 December 2018. Committee membership is as follows:

- One Councillor
- One Representative from the Heyfield Cricket Club
- One Representative from the Heyfield Football Netball Club
- One Representative from the Heyfield Junior Football Club
- One Representative from the Heyfield Basketball Club
- One Representative from the Heyfield Vintage Machinery Group
- One Representative from the Heyfield Pigeon Club
- One Representative from the Heyfield Tennis Club
- One Representative from the Heyfield Traders & Tourism Association
- Four Representatives of the community of Heyfield. Expressions of interest shall be sought embracing an agreed range of skills and experience appropriate to the functioning of a public recreation reserve

Council has received an additional nomination for a community representative however under the current Terms of Reference only four positions are available which have already been appointed. The Gordon Street Recreation Reserve is a major facility in Heyfield that takes many volunteer hours to function. The Gordon Street Recreation Reserve Committee of Management have therefore requested that Council amend the current Terms of Reference for the Gordon Street Recreation Reserve to reflect an increase of community representatives on the committee from four positions to five.

OPTIONS

Council has the following options:

1. Amend the current Gordon Street Recreation Reserve Committee of Management Terms of Reference to reflect a membership of up to five community representatives;
2. Appoint the nominated community representative to the Gordon Street Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018; or
3. Seek further information to be considered at a future Council meeting.

PROPOSAL

That Council amend the current Gordon Street Recreation Reserve Committee of Management Terms of Reference to reflect a membership of up to five community representatives and for Council to appoint the nominated community representative to the Gordon Street Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

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

Strategic Objectives

Asset and infrastructure that meet current and future community needs.

Strategy 4.2

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



D. URGENT BUSINESS



E. FURTHER GALLERY AND CHAT ROOM COMMENTS



F. CONFIDENTIAL ATTACHMENT/S

F. CONFIDENTIAL ATTACHMENT/S

**ITEM F1.1 AUDIT COMMITTEE MINUTES
(REFER TO ITEM C2.3 OF AGENDA)**



**ORDINARY COUNCIL MEETING
15 MARCH 2016**

On this 18th day of February 2016, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*, I, Arthur Skipitaris (Delegate) declare that the information contained in the attached document **AUDIT COMMITTEE MINUTES 25 FEBRUARY 2016** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

- e) proposed developments
- f) legal advice
- h) any other matter which the Council or special committee considers would prejudice the Council or any person.

.....
General Manager Corporate Services (Delegate)

**ITEM F1.2 MACARTHUR STREET SALE RENEWAL PROJECT
(REFER TO ITEM C2.3 OF AGENDA)**



**ORDINARY COUNCIL MEETING
15 MARCH 2016**

On this 8 day of March 2016, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*; I, Chris Hastie declare that the information contained in the attached document **ITEM F1.2 MACARTHUR STREET SALE, RENEWAL PROJECT** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

d) ***Contractual matters;***



.....
Chris Hastie General Manager Built and Natural Environment

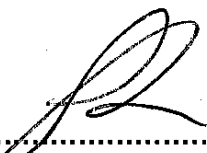
**ITEM F1.3 GORDON STREET RECREATION RESERVE COMMITTEE OF
MANAGEMENT MEMBERSHIP
(REFER TO ITEM C5.2 OF AGENDA)**



**ORDINARY COUNCIL MEETING
15 MARCH 2016**

On this 26 February 2016, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*, I, Glenys Butler (Delegate) declare that the information contained in the attached document **GORDON STREET RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person


.....

General Manager Community and Culture (Delegate)



G. IN CLOSED SESSION

G. IN CLOSED SESSION

COUNCILLOR

That the meeting be closed to the public pursuant to Section 89(2) of the Local Government Act 1989 to consider:

- a) personnel matters*
- b) the personal hardship of any resident or ratepayer*
- c) industrial matters*
- d) contractual matters*
- e) proposed developments*
- f) legal advice*
- g) matters affecting the security of Council property*
- h) any other matter which the Council or special committee considers would prejudice the Council or any person*

IN CLOSED SESSION

COUNCILLOR

That:

That:

That Council move into open session and ratify the decision made in closed session.