



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **COUNCIL MEETING AGENDA ORDINARY MEETING**

**Meeting to be held at**

**Wellington Centre – Wellington Room**

**Foster Street, Sale and via MS Teams**

**Tuesday 7 March 2023, commencing at 3:00 PM**

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

**ORDINARY MEETING OF COUNCIL  
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## **COUNCIL MEETING INFORMATION**

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*Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the online webform 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, Councillors and invited online attendees ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.*

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## **MISSION STATEMENT**

*Working together to make a difference. We listen and lead to provide quality services that improve life for all.*

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## **ACKNOWLEDGEMENT OF COUNTRY**

*“Wellington Shire Council acknowledges our offices are located on the traditional lands of the Gunaikurnai nation. We pay our deep respects to their Elders past, present and future and acknowledge their ongoing cultural and spiritual connections to their land and waters.”*

## 1. APOLOGIES

## 2. DECLARATION OF CONFLICT/S OF INTEREST

## 3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

### 3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

To adopt the minutes of the Ordinary Council Meeting of 21 February 2023.

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

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 21 February 2023.*

#### **CONFLICT OF INTEREST**

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

#### 4. BUSINESS ARISING FROM PREVIOUS MEETINGS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

#### 5. ACCEPTANCE OF LATE AND URGENT ITEMS

#### 6. NOTICE/S OF MOTION

#### 7. RECEIVING OF PETITION OR JOINT LETTERS

##### 7.1. OUTSTANDING PETITIONS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

#### 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

#### 9. QUESTION/S ON NOTICE

##### 9.1. OUTSTANDING QUESTION/S ON NOTICE

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## 10. DELEGATES REPORT

## 11. GENERAL MANAGER CORPORATE SERVICES

### 11.1. ASSEMBLY OF COUNCILLORS REPORT

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### OBJECTIVE

To report on all assembly of Councillor records received for the period 13 February 2023 to 26 February 2023.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 13 February 2023 to 26 February 2023.*

#### BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 13 February 2023 to 26 February 2023.

#### ATTACHMENTS

1. Assembly of Councillors 14 February 2023 SLUPP [11.1.1 - 1 page]
2. Assembly of Councillors 21 February 2023 [11.1.2 - 2 pages]

#### 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.

#### PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 13 February 2023 to 26 February 2023.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## ASSEMBLY OF COUNCILLORS – 14 FEBRUARY 2023

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)						
STRATEGIC LAND USE PLANNING PROJECT REVIEW GROUP	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.	Conflict of Interest
	Cr Ian Bye	Yes	NO	D Morcom, CEO	No		
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No		
	Cr Marcus McKenzie	No		C Gillings, GMC&C	No		
	Cr Gayle Maher	Yes	NO	C Hastie, GMB&NE	Yes	ALL	NO
	Cr Carmel Ripper	No		V Ebsworth, Acting GMD	Yes	ALL	NO
	Cr Scott Rossetti	No					
	Cr Garry Stephens	No					
	Cr John Tatterson	No					
	Cr Jill Wood	No					
OTHERS IN ATTENDANCE (NAME AND POSITION)			CONFLICT OF INTEREST	MATTERS/ITEMS CONSIDERED AT THE MEETING			
Barry Hearsey (Manager Land Use Planning)			Yes	<b>Meeting Agenda:</b> - SLUPP Meeting Minutes: 13 December 2022			
			<b>Item No.2:</b> Amendment C116 - Longford Rezoning				
Sam Pye (Manager Built Environment, Assets and Projects)			No	- Strategic Planning Priorities			
Josh Clydesdale (Major Projects and Principal Strategic Planner)			No	- Incoming Correspondence			
Caragh Button (Strategic Planner)			No	- Rezoning Requests			
				- Other Business			

**Please email completed form to Council's Governance Officer immediately following the meeting for the purpose of recording in Council's register**

## ASSEMBLY OF COUNCILLORS – 21 February 2023

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
IT / Diary Meeting	Cr Bye	YES	Cr Stephens	YES	N/A
	Cr Crossley <i>(via MS Teams)</i>	YES	Cr Tatterson	YES	N/A
	Cr McKenzie	YES	Cr Wood	YES	N/A
	Cr Maher	YES	David Morcom, CEO	YES	N/A
	Cr Ripper	YES	Viktoria Pope, EA	YES	N/A
	Cr Rossetti	YES	Justin Kimber, ICT Project Coordinator	YES	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
Workshops	Cr Bye	YES	Cr Tatterson	YES	N/A
	Cr Crossley <i>(via MS Teams)</i>	YES	Cr Wood	YES	N/A
	Cr McKenzie	YES	David Morcom, CEO	YES	N/A
	Cr Maher	YES	Arthur Skipitaris, GM Corporate Services	YES	N/A
	Cr Ripper	YES	Chris Hastie, GM Built and Natural Environment	YES	N/A
	Cr Rossetti	YES	Clemence Gillings, GM Community and Culture <i>(via MS Teams)</i>	YES	N/A
	Cr Stephens	YES	Vanessa Ebsworth, Acting GM Development	YES	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
Workshops (cont.)	1. 2022/23 FINANCIAL REVIEW AND 2023/24 BUDGET UPDATE	<ul style="list-style-type: none"> <li>• Ian Carroll, Manager Corporate Finance</li> </ul> <i>Conflict of Interest: Nil</i>
	2. 2023/24 FEES AND CHARGES REVIEW	<ul style="list-style-type: none"> <li>• Ian Carroll, Manager Corporate Finance</li> </ul> <i>Conflict of Interest: Nil</i>
	3. 2023/24 CAPITAL PROGRAM	<ul style="list-style-type: none"> <li>• Ian Carroll, Manager Corporate Finance</li> <li>• Dean Morahan, Manager Assets and Projects</li> </ul> <i>Conflict of Interest: Nil</i>
	4. RISK MANAGEMENT FRAMEWORK - DETERMINING THE RISK APPETITE	<ul style="list-style-type: none"> <li>• Kapil Kukreja, Partner, Risk Assurance and Consulting - HLB Mann Judd</li> </ul> <i>Conflict of Interest: Nil</i>
	5. SIGNIFICANT TREE REGISTER	<ul style="list-style-type: none"> <li>• Liam Cole, Open Space Planning Officer</li> </ul> <i>Conflict of Interest: Nil</i>
	6. GREATER GIPPSLAND OFFSHORE WIND PROJECT	<ul style="list-style-type: none"> <li>• Deb Neumann, Director, Environment and Planning - BlueFloat Energy (external)</li> <li>• Nick Sankey, Country Manager - BlueFloat Energy (external)</li> </ul> <i>Conflict of Interest: Nil</i>
	7. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL SERVICES & ECONOMIC DEVELOPMENT	<ul style="list-style-type: none"> <li>• Vanessa Ebsworth, Acting General Manager Development</li> <li>• Barry Hearsey, Manager Land Use Planning</li> <li>• Geoff Hay, Acting Manager Economic Development</li> </ul> <i>Conflict of Interest: Nil</i>
	8. WELLINGTON RENEWABLE ENERGY READINESS STUDY	<ul style="list-style-type: none"> <li>• Joshua Clydesdale, Manager Projects and Principal Strategic Planner</li> </ul> <i>Conflict of Interest: Nil</i>

## 11.2. APPROVAL OF UPDATED INSTRUMENTS OF DELEGATION

### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### PURPOSE

For Council to adopt recent amendments to the S5 Instrument of Delegation to the Chief Executive Officer and S6 Instrument of Delegation to Members of Council Staff, as attached.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Revoke the previous S5 and S6 Instruments of Delegation made;***
- 2. Adopt the updated S5 and S6 Instruments of Delegation as attached; and***
- 3. authorise the Chief Executive Officer and Mayor to sign the attached S5 and S6 Instruments of Delegation as required.***

#### **BACKGROUND**

Section 11(1) of the *Local Government Act 2020* provides Council with the ability to delegate power, duties and functions to the CEO using the S5 Instrument of Delegation to the Chief Executive Officer.

A recent update to the S5 Instrument of Delegation requires the current Instrument of Delegation to be updated. The change sees the split of Condition/Limitation 1.1 and 1.2 into two separate items where the previous instrument saw these as a single combined Condition/Limitation. The attached S5 Instrument of Delegation to the Chief Executive Officer contains a highlighted mark-up of the update.

An update has also been applied to the S6 Instrument of Delegation to Members of Council Staff. The attached S6 Instrument of Delegation contains change tables which indicate any new, amended and removed provisions. Following is a summary of the updates:

##### **New Provisions**

- *Cemeteries and Crematoria Act 2003:*
  - s 52 has been inserted relating to the duty to report annually to the Secretary.

##### **Amended Provisions**

- *Planning and Environment Regulations 2015:*
  - r 25(a) and (b) have been slightly amended by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.

## **ATTACHMENTS**

1. S2 Council Resolution and S5 Instrument of Delegation - Council to CEO WSC - combined [11.2.1 - 5 pages]
2. S3 Council Resolution and S6 Instrument of Delegation – Members of Staff - combined with change tables [11.2.2 - 9 pages]

## **OPTIONS**

Council has the following options available:

1. To revoke the previous S5 and S6 Instruments of Delegation made, approve the updated S5 Instrument of Delegation to the Chief Executive Officer and S6 Instrument of Delegation to Members of Council Staff as attached and authorise the Chief Executive Officer and Mayor to sign the attached S5 and S6 Instruments of Delegation as required; or
2. Not revoke the previous S5 and S6 Instruments of Delegation made, not approve the updated S5 Instrument of Delegation to the Chief Executive Officer and S6 Instrument of Delegation to Members of Council Staff as attached and not authorise the Chief Executive Officer and Mayor to sign the attached S5 and S6 Instruments of Delegation as required and seek further information for consideration at a future meeting of Council.

## **PROPOSAL**

For Council to revoke the previous S5 and S6 Instruments of Delegation made, adopt the updated S5 and S6 Instruments of Delegation as attached and authorise the Chief Executive Officer and Mayor to sign the attached S5 and S6 Instruments of Delegation as required.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

Council subscribes to the Maddocks Delegations and Authorisations service at an annual cost of \$1,650 inc GST. This subscription provides Council with access to the most up-to-date advice and templates relating to changes to instruments of appointment, authorisation and delegations six-monthly and also as applicable legislation changes.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Section 11(4) of the *Local Government Act 2020* provides Council with the authority to utilise Instruments of Delegation and Instruments of Appointment and Authorisation to delegate certain powers, duties and function to the CEO, Council staff and Community Asset Committees of Council.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and it aligns with Council's Delegations Policy.

## **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

## **RESOURCES AND STAFF IMPACT**

Upon notification of the legislative changes, all relevant staff were consulted and have contributed to any necessary updates of these Instruments 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.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

The Instruments of Delegation contained within the report have been prepared in consultation with appropriate business units at Council.

## **RISK MANAGEMENT IMPACT**

The utilisation of Instruments of Delegation and Sub-Delegation allow for the provision of powers to be allocated to relevant personnel to allow them to carry out various duties and actions as an extension of Council.



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***S2 Council Resolution Delegation to Chief Executive Officer***

**Council Resolution  
Delegation to Chief Executive Officer**

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020 (the Act)*, Wellington Shire Council (**Council**) **RESOLVES THAT** –

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.



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***S5 Instrument of Delegation to Chief Executive Officer***

**Wellington Shire Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**



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### Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Wellington Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 7 March 2023
- 2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

**Signed** by the Chief Executive Officer of Council     )  
in the presence of:   )

.....  
Witness

Date: .....

**Signed** by the Mayor in the presence of:                     )  
   )

.....  
Witness

Date: .....



### SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

#### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 entering into a contract exceeding the value of \$400,000;
  - 1.2 making any expenditure that exceeds \$400,000 except for Insurance Contract Renewals which may be awarded on an annual basis to any amount;
  - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.4 electing a Mayor or Deputy Mayor;
  - 1.5 granting a reasonable request for leave under s 35 of the Act;
  - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.7 approving or amending the Council Plan;
  - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
  - 1.9 adopting or amending the Governance Rules;
  - 1.10 appointing the chair or the members to a delegated committee;
  - 1.11 making, amending or revoking a local law;
  - 1.12 approving the Budget or Revised Budget;
  - 1.13 approving the borrowing of money;
  - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. 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;



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4. 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
  - 4.1 policy; or
  - 4.2 strategy  
adopted by Council;
5. 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 s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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.



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### ***S3 Council Resolution – Delegation to members of staff***

#### **Council Resolution Delegation to members of Council staff**

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Wellington Shire Council (**Council**) **RESOLVES THAT –**

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.



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***S6 Instrument of Delegation – Members of Staff***

**Wellington Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**



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## Instrument of Delegation

In exercise of the powers conferred by the 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. record that references in the Schedule are as follows:
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 7 March 2023 ; 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;
    - 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;
    - 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; 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 or delegated committee.



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**Signed** by the Chief Executive Officer of )  
Council in the presence of: )

.....

Witness

Date: .....



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**Changes to the S6 Instrument of Delegation, Council to other Members of Council staff (S6)**

- The following changes have been made to the S6:
  - The execution of the S6 Instrument has been **amended** to enable Council's Chief Executive Officer (**CEO**) to sign the Instrument, where a resolution has been made by Council for the CEO to sign the Instrument. ***NOTE: application of the common seal is no longer required.***
  - Regulations 25(a) and (b) of the **Planning and Environment Regulations 2015** have been slightly **amended** by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.
  - Section 52 of the **Cemeteries and Crematoria Act 2003** has been **inserted** relating to the duty to report annually to the Secretary.



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**NEW**

<b>CEMETERIES AND CREMATORIA ACT 2003</b> The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<u>s 52</u>	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	N/A	



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**AMENDED**

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) <del>available for inspection free of charge</del> in accordance with the public availability requirements	724   General Manager Development 730   Manager Land Use Planning 971   Major Projects and Principal Strategic Planner 573   Coordinator Statutory Planning 552   Senior Statutory Planner 524   Statutory Planner 142   Statutory Planner 22   Environmental Planner 640   Coordinator Strategic Planning 656   Strategic Planner 706   Strategic Planner 907   Principal Planner 541   Statutory Planner	Where Council is the responsible authority



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<p>r 25(b)</p>	<p>Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available <b>in accordance with the public availability requirements</b> for inspection free of charge</p>	<p>724   General Manager Development                  730   Manager Land Use Planning                  971   Major Projects and Principal Strategic Planner                  573   Coordinator Statutory Planning                  552   Senior Statutory Planner                  524   Statutory Planner                  142   Statutory Planner                  22   Environmental Planner                  640   Coordinator Strategic Planning                  656   Strategic Planner                  706   Strategic Planner                  907   Principal Planner                  541   Statutory Planner</p>	<p>Where Council is not the responsible authority but the relevant land is within Council's municipal district</p>
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**REMOVED**

NIL

## 12. GENERAL MANAGER DEVELOPMENT

### 12.1. AMENDMENT C115 AND PLANNING PERMIT APPLICATION P542/2021

#### ACTION OFFICER: MANAGER LAND USE PLANNING

#### PURPOSE

To adopt Amendment C115 to the Wellington Planning Scheme and to determine to recommend to the Minister for Planning that Planning Permit P542/2021 be granted for staged residential subdivision.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council:***

- 1. Adopt Amendment C115 in the form outlined in Attachment 1 in accordance with the requirements of the Planning and Environment Act 1987.***
- 2. That Council submit the adopted Amendment C115 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the Planning and Environment Act 1987.***
- 3. That Council determine to recommend to the Minister for Planning that Planning Permit P542/2021 be granted (with changes) in the form outlined in Attachment 2 in accordance with the requirements of the Planning and Environment Act 1987 and the Wellington Planning Scheme.***

#### BACKGROUND

A private request for a Planning Scheme Amendment (Amendment C115) has been made to rezone land in the North Sale Growth Area from the Farming Zone to the General Residential Zone Schedule 1. A concurrent planning permit application for subdivision of the land into 82 lots has also been lodged under Section 96A of the *Planning and Environment Act 1987*.

The subject land (see site location plan below) is a single parcel of land approximately 10.1 hectares in area, located west of the Glenhaven Estate, east of the Gippsland Railway Line, south of the main Sale irrigation channel and north of land currently zoned for Rural Living purposes.





## ATTACHMENTS

1. Amendment C115 [12.1.1 - 9 pages]
2. Planning Permit with Post Exhibition Charges [12.1.2 - 17 pages]
3. Submissions Amendment C115 [12.1.3 - 18 pages]
4. EPA Submission Satisfied [12.1.4 - 2 pages]

## OPTIONS

Council has the following options available:

1. That Council adopt Amendment C115; submit the adopted Amendment C115 together with the prescribed information to the Minister for Planning requesting approval; and determine to recommend to the Minister for Planning that Planning Permit P542/2021 be granted in accordance with the requirements of the *Planning and Environment Act 1987* and the Wellington Planning Scheme; or
2. That Council abandons Amendment C115 and determines to recommend to the Minister for Planning that Planning Permit P542/2021 be refused in accordance with the requirements of the *Planning and Environment Act 1987* and the Wellington Planning Scheme; or
3. That Council seek further information prior to considering a further report at a future Council meeting.

## PROPOSAL

1. That Council adopt Amendment C115 in the form outlined in Attachment 1 in accordance with the requirements of the *Planning and Environment Act 1987*.
2. That Council submit the adopted Amendment C115 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the *Planning and Environment Act 1987*.
3. That Council determine to recommend to the Minister for Planning that Planning Permit P542/2021 be granted (with changes) in the form outlined in Attachment 2 in accordance with the requirements of the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

## CONFLICT OF INTEREST

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

## FINANCIAL IMPACT

As Amendment C115 is a private request, all direct financial costs associated with the Amendment process and subsequent subdivision of the land will need to be met by the proponent. Planning permit conditions require the permit holder to contribute to required infrastructure in the North Sale Growth Area in accordance with the adopted North Sale Infrastructure Funding Arrangement Report.

## COMMUNICATION IMPACT

Public notice of the Amendment and concurrent planning permit application has been given in accordance with the requirements of the *Planning and Environment Act 1987*. This included letters being sent to surrounding property owners/occupiers, two signs erected on the site, a notice in the Gippsland Times and website and front counter availability.

## LEGISLATIVE IMPACT

The Amendment and concurrent planning permit application has been processed in accordance with the requirements of the *Planning and Environment Act 1987*.

Section 22 of the *Planning and Environment Act 1987* requires Council to consider submissions, while Section 23 states:

*After considering a submission which requests a change to the amendment, the planning authority must— (a) change the amendment in the manner requested; or (b) refer the submission to a panel appointed under Part 8; or (c) abandon the amendment or part of the amendment.*

Section 29 of the *Planning and Environment Act 1987* states:

*(1) After complying with Divisions 1 and 2 in respect of an amendment or any part of it, the planning authority may adopt the amendment or that part with or without changes.*

Section 31 of the *Planning and Environment Act 1987* requires Council to submit an adopted Amendment to the Minister for Planning together with the prescribed information.

Part 4 – Permits Division 5 of the *Planning and Environment Act 1987* details the combined permit and Amendment process, including section 96G Determination by planning authority:

*(1) A planning authority may determine to recommend to the Minister that a permit be granted under this Division with or without changes*

Further, section 96H Recommendation by planning authority:

*(1) If the planning authority has determined under section 96G to recommend the granting of a permit, the planning authority must submit the recommendation and the proposed permit to the Minister at the same time as it submits the adopted amendment to which the permit applies.*

All relevant sections of the *Planning and Environment Act 1987* can be accessed in full from the following link [Planning and Environment Act 1987 \(legislation.vic.gov.au\)](http://legislation.vic.gov.au).

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 POLICY IMPACT

The proposed subdivision aligns with Council's Subdivision Infrastructure Development Policy.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 2 “Economy and Sustainable Growth” states the following strategic outcome:

**Strategic Outcome 2.3:** *"An increase in variety of housing choice to support equitable access to housing."*

**Strategic Outcome 2.4:** *"Infrastructure investment is targeted to maximise jobs and housing growth."*

This report supports the above Council Plan strategic outcomes.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

The proposal is considered likely to have an overall positive impact on the community, creating additional housing stock within a previously recognised development area to relieve a pressured housing market. The area proposed for development is strategically justified with established connectivity links and community facilities within an acceptable distance.

## **ENVIRONMENTAL IMPACT**

Environmental impacts have been appropriately investigated by the Amendment proponent and planning permit applicant and where required, can be mitigated via planning permit conditions. In response to the submission from the Environment Protection Authority (included in Attachment 3), the proposed planning permit (Attachment 2) has been updated to include conditions to mitigate any identified noise risk following further assessment.

## **ENGAGEMENT IMPACT**

Amendment C115 and concurrent planning permit application P542/2021 were exhibited between 1 December 2022 and 20 January 2023. This included:

- notices being sent to adjoining owners and occupiers;
- notices being sent to relevant authorities/agencies;
- notices being sent to prescribed Ministers;
- a notice was placed in the Gippsland Times on 29 November 2022;
- a notice was placed in the Government Gazette on 1 December 2022;
- two notices being placed at the subject site;
- Council website updates including links to Amendment and permit application documents; and
- all Amendment and permit application documents were available for viewing at the Sale Customer Service Centre.

During the exhibition period a total of six (6) submissions were received, all from statutory authorities. A copy of all submissions received is included in Attachment 3, with a summary and response provided in the table below.

<b>Submission Number/Authority</b>	<b>Issues raised</b>	<b>Response</b>
1. VicTrack	No objection on basis of conditions previously included	No change to Amendment or permit required
2. West Gippsland Catchment Management Authority	No objection	No change to Amendment or permit required
3. Southern Rural Water	No objection/supportive on basis of conditions previously included	No change to Amendment or permit required
4. Department of Environment, Land, Water and Planning	No objection	No change to Amendment or permit required
5. Country Fire Authority (CFA)	Exhibited documents incorporate CFA's earlier comments (conditions) and hence no additional comments to make	No change to Amendment or permit required
6. Environment Protection Authority (EPA)	Potentially contaminated land assessment previously resolved prior to exhibition in accordance with earlier EPA advice. Potential noise and vibration issues associated with rail line and RAAF Base East Sale require further assessment/consideration	Following discussions with the EPA post exhibition, agreed changes have been made to planning permit conditions 1 and 7 (see Attachment 2) which require further assessment and mitigation of any potential noise impacts identified. The EPA have advised in writing that they support this approach (see Attachment 4)

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

***Planning and Environment Act 1987***

**WELLINGTON PLANNING SCHEME**

**AMENDMENT C115well**

**INSTRUCTION SHEET**

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

The Wellington Planning Scheme is amended as follows:

**Planning Scheme Maps**

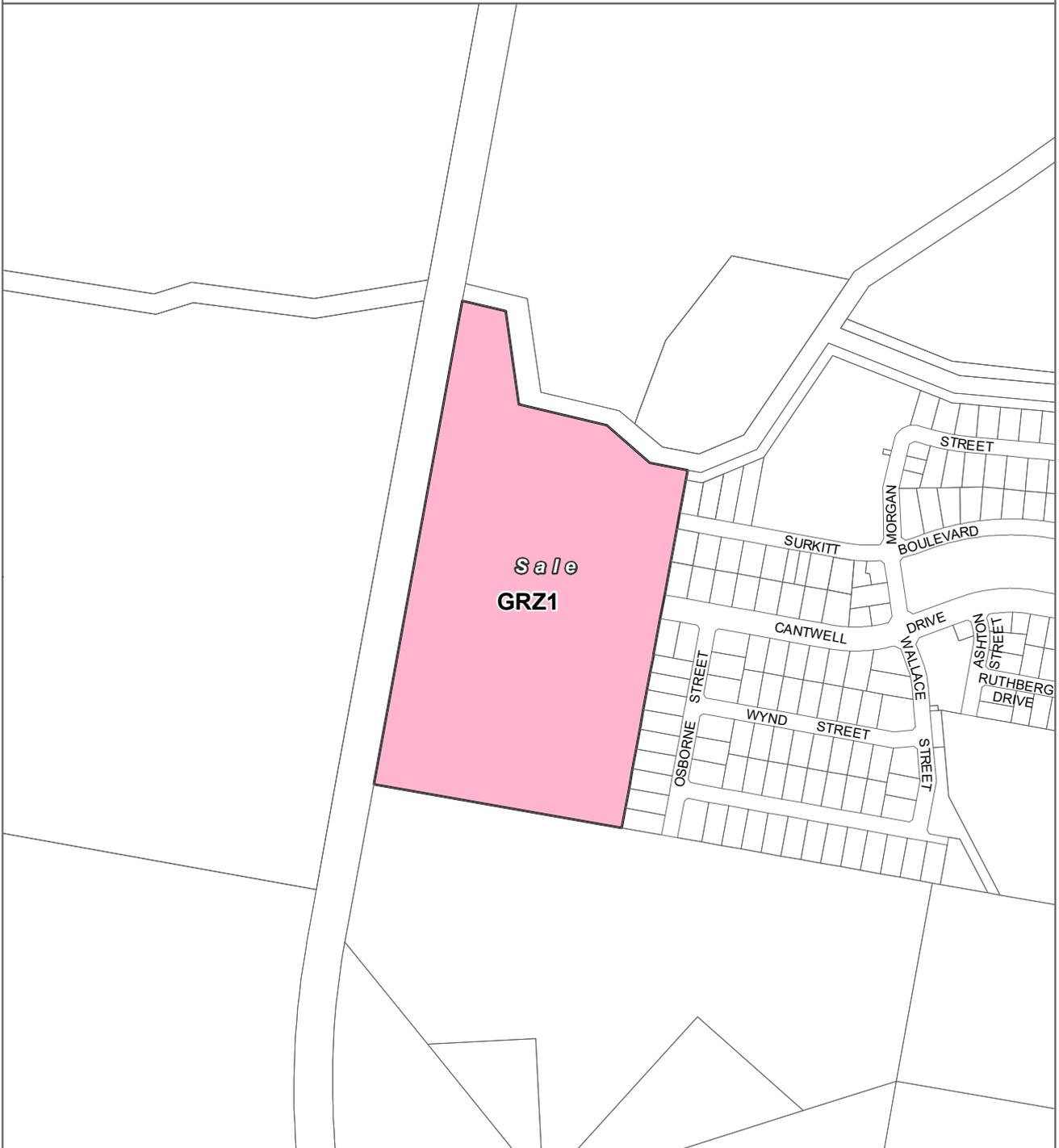
The Planning Scheme Maps are amended by a total of 1 attached map sheet.

***Zoning Maps***

1. Amend Planning Scheme Map No. 84 in the manner shown on the 1 attached map marked "Wellington Planning Scheme, Amendment C115well".

End of document

WELLINGTON PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C115well**



**LEGEND**

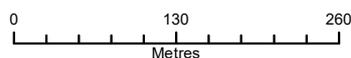
-  GRZ - General Residential Zone
-  Local Government Area



Part of Planning Scheme Map 84

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 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Planning Group  
 Print Date: 10/28/2022  
 Amendment Version: 1



Environment,  
 Land, Water  
 and Planning

*Planning and Environment Act 1987*  
**WELLINGTON PLANNING SCHEME**  
**AMENDMENT C115**  
 PLANNING PERMIT APPLICATION P542/2021  
**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by Wellington Shire Council, which is the planning authority for this amendment. The amendment has been made at the request of NBA Group Pty. Ltd.

The concurrent application for planning permit P542/2021 for staged residential subdivision of the land has been made by the NBA Group Pty Ltd.

**Land affected by the amendment and permit application**

The amendment applies to 10.11 hectares of land at the western extremity of the existing 'Glenhaven Estate', specifically Crown Allotment 114B Section 1 Parish of Sale. The land (see Figure 1 below) is located at the western-most end of Cantwell Drive and Surkitt Boulevard, Sale. The site is identified as Area 11 in the *North Sale Development Plan (2018)*.



Figure 1: Land affected by the amendment/permit application

The Amendment is a combined planning permit application and Planning Scheme Amendment under section 96A of the *Planning and Environment Act 1987*.

The planning permit application also applies to Crown Allotment 114B Section 1 Parish of Sale as shown in the map above.

**What the amendment does**

The amendment proposes to rezone the subject land from the Farming Zone to the General Residential Zone – Schedule 1 to facilitate residential subdivision of the land. The amendment makes the following changes to the Wellington Planning Scheme:

- Amends Planning Scheme Map 84.

The planning permit application seeks approval for:

- The subdivision of the land into 82 Lots in 4 stages

The planning permit is attached as a separate document to this Explanatory Report.

**Strategic assessment of the amendment****Why is the amendment and permit application required?**

The amendment enables Area 11 identified within the *North Sale Development Plan (2018)* to be rezoned from the Farming Zone to the General Residential Zone – (Schedule 1) and subsequently developed for residential purposes. The proposed subdivision will create a total of 82 lots, averaging 700 square metres, with the exception of three larger lots in the northwest, southwest and southeast corners of the land.

The amendment supports the delivery of additional residential land in a manner that will not compromise future growth opportunities identified for the North Sale Growth Area, nor make any significant impacts on the adjacent Macalister Irrigation District Area. The proposed amendment is supported by a Residential Land Supply Assessment (*Ethos Urban, October 2021*). The study estimates current land availability to be sufficient for approximately 2.2 years. Under Clause 11.02-1S of the Wellington Planning Scheme, a minimum 15 year supply of adequately zoned residential land is required. The assessment provides justification to support the rezoning of the subject land, which will contribute to providing an adequate land supply in Sale.

The amendment is consistent with the *Sale, Wurruk & Longford Structure Plan (2010)* and the *North Sale Development Plan (2018)*.

**How does the amendment and permit application implement the objectives of planning in Victoria?**

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. In particular, the amendment implements:

The relevant objectives of Section 4 of the Act include (inter alia):

- S.4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- S.4(1)(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- S.4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (a) and (c);

The amendment and permit application implements the objectives of Planning in Victoria by providing for and facilitating the fair, orderly, sustainable and economic development of residential land in a location identified for urban growth.

Future residential use of the site reflects strategic expectations as identified within the *North Sale Development Plan (2018)* and can occur in an orderly manner to achieve desirable land use and development outcomes.

**How does the amendment and permit application address any environmental, social and economic effects?**

The relevant objectives of Section 12 of the Act include (inter alia):

- S.12(2)(b) must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment.
- S.12(2)(c) must take into account its social effects and economic effects.

The *North Sale Development Plan (2018)* was prepared to allow for the orderly and sustainable development of the northern growth area of Sale. During the preparation of this Plan, relevant stakeholders including the community of Sale were consulted extensively, with this process ultimately resulting in the adopted Plan. The rezoning is considered to result in net community benefit with additional residential land provided to support the regional role of Sale, which accords with the strategic direction and development priorities of the Plan. The rezoning and permit application will not cause a detrimental effect on air, land or water quality.

There are no threshold distances applicable, and the amenity of surrounding farming areas and rural living areas will be protected through site responsive design. The land is not used for intensive farming and its conversion to residential zoning will not result in a loss of significant agricultural land. Subsequently the land will be removed from the Macalister Irrigation District (MID) as per conditional consent to the proposal provided from Southern Rural Water.

An Ecological Assessment (*Indigenous Design, September 2021*) has been undertaken, indicating there are no ecological characteristics that suggest the land is not suitable for rezoning, subdivision and ultimately developed for residential purposes. The native vegetation in windrows running east-west on the land has been proven to be planted vegetation and as such is exempt from the considerations of Clause 52.17 of the Wellington Planning Scheme. The vegetation is not considered to be notable to a point of providing considerable amenity benefits. No threatened ecological communities listed under either the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* nor under Victoria's *Flora & Fauna Guarantee (Amendment) Act 2019* were identified or determined to be present on site.

The Traffic Impact Assessment (*O'Brien Traffic, October 2021*) confirms that the use of this land for residential purposes will not cause detriment to the transport network. Consultation has occurred with the Department of Transport, including VicTrack and Public Transport Victoria, with conditional consent provided for both the rezoning and the 82 lot subdivision.

Existing service infrastructure constructed to the boundary of the subject land has capacity to cater for the proposed development, with conditional consent also being received from AusNet and Gippsland Water. Nominated conditions will be included as part of any issued planning permit.

**Does the amendment and permit application address relevant bushfire risk?**

The land is located within a Designated Bushfire Prone Area. In a Bushfire Prone Area, the protection of human life must be prioritised over all other policy considerations. A Bushfire Assessment has been prepared by Millar-Merrigan (April 2022) in accordance with Clause 13.02-1S of the Wellington Planning Scheme. The assessment concludes that a Bushfire Attack Level of BAL-12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures.

Extensive engagement has occurred with the Country Fire Authority (CFA) including analysis of the submitted Bushfire Assessment. The CFA have provided advice to the initial documentation provided, which have been updated to ensure a level of satisfaction has been reached by the authority. They have provided a list of planning permit conditions to address areas of concern relating to off-site fire risk as well as standard planning permit conditions relating to road construction and availability of fire hydrants. Further opportunity was afforded to the CFA to review the initial response provided during the exhibition period of the Planning Scheme Amendment process.

**Does the amendment and permit application 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 section 7(5) of the *Planning and Environment Act 1987* (the Act).

Pursuant to section 12 of the Act, the amendment complies with:

**Ministerial Direction No. 1 – Potentially Contaminated Land.**

A combined Preliminary Site Investigation and Site History Review has concluded that the site is not considered to be potentially contaminated land and a Preliminary Risk Screening Assessment or Environmental Audit is not required for the site.

**Ministerial Direction No. 11 – Strategic Assessment of Amendments.**

The amendment has been prepared in accordance with this Direction, with the Explanatory Report and accompanying Strategic Assessment Guidelines evaluation addressing the requirements as outlined in this Direction.

**Ministerial Direction No. 15 – The Planning Scheme Amendment Process**

This Direction sets out timeframes for completing each step in the planning scheme amendment process. The amendment will follow the requirements of this Direction.

**Ministerial Direction No. 19 – Preparation and content of amendments that may significantly impact the environment, amenity and human health.**

The amendment will not result in water, noise, air or land pollution impacts or waste that may result in significant impacts on the environment, amenity or human health. The responsible authority has sought the written views of the Environment Protection Authority (EPA) about the potential impacts of the amendment on the environment, amenity and human health, resulting in the inclusion of appropriate conditions to consider and mitigate any potential noise impacts. Through the PSI and Site History Review process, it has been concluded that the land has not been subject to potential contamination.

**How does the amendment and permit application support or implement the Planning Policy Framework (PPF) and any adopted State Policy?**

The amendment and permit application is consistent with the Planning Policy Framework (PPF) and is supported by the relevant objectives. The following Clauses of the Planning Policy Framework are relevant to this amendment:

*Clause 11 - Settlement:* The rezoning increases the supply of land available within Sale for residential development. This policy seeks to plan to accommodate projected population growth over at least a 15 year period. A land supply analysis undertaken throughout the preparation of this amendment indicates a significant shortfall of land available to accommodate the future population. The proposal will increase the supply of available residential land to support the regional role of Sale as encouraged by the *Gippsland Regional Growth Plan (2014)*.

*Clause 12 – Environmental and Landscape Values:* The rezoning will have minimal impact on the natural environment given that the land has a long history of grazing and contains little ecological significance.

*Clause 13 - Environmental Risks and Amenity:* The subject land is within a Bushfire Prone Area. To demonstrate compliance with Clause 13.02 a Bushfire Assessment has been completed and it provides recommendations (and proposed planning permit conditions) to ensure that bushfire risk is mitigated to an acceptable level.

The proposal considers future residents' amenity in relation to noise impacts associated with the nearby railway through appropriate subdivision design. Feedback provided to the proposal from VicTrack does not support the erection of sound attenuation fencing, contrary to the *North Sale Development Plan (2018)*. It is proposed that a Section 173 Agreement will be applied to the land to alert future landowners to the existence of the railway and that noise and vibration may occur in association with this ongoing land use. Further, in response to feedback from the Environment Protection Authority further conditions were included in the planning permit to consider and mitigate any potential noise impacts.

*Clause 15 - Built Environment and Heritage:* The amendment and subsequent subdivision results in an attractive urban environment that is safe and functional and responds to the surrounding residential neighbourhood character available in the Glenhaven Estate. The subdivision incorporates generous road widths which provide ample space for streetscape planting, well designed lots to provide for future development and associated landscaping and a lot layout that ensures public spaces are overlooked to provide for safety and security. The neighbourhood will continue the residential neighbourhood character created by Glenhaven Estate.

*Clause 16 - Housing:* The proposal increases housing density and diversity in an identified growth area. Land supply analysis indicates an immediate need for additional vacant residential land to be available to the market in order to cater for the identified population increase. The subject site is strategically supported by the North Sale Development Plan and is located 3.5km away from the commercial centre of Sale. It is

considered an appropriate candidate for development at this time, given its strategic support, the availability of services and the willingness of the developers to proceed immediately.

*Clause 19 - Infrastructure:* All required infrastructure is readily available and can be connected to the new allotments. Council has prepared an Infrastructure Funding Arrangement to fund key shared infrastructure required for the North Sale Growth Area. Conditions of permit will include requirements for this proposed residential subdivision to contribute to shared infrastructure costs. The subject land is capable of being fully provisioned with services on-site.

**How does the amendment and permit application support or implement the Local Planning Policy Framework (LPPF) and, specifically the Municipal Strategic Statement (MSS)?**

The LPPF and MSS of the Wellington Planning Scheme provides local content to support the PPF and the amendment and permit application is considered to support the relevant polices as follows:

*Settlement & Housing (21.04)*

The proposal is considered to be consistent with the settlement objectives contained in the Wellington Planning Scheme.

The site is within the main township of Sale and a recognized growth area where future development is encouraged. A Land Supply analysis suggests that there is an immediate need for additional vacant residential land within Sale and as such the timing for the rezoning is considered appropriate.

The subdivision responds appropriately to the Settlement Strategies contained within the scheme and will result in an attractive, well located and connected neighbourhood that will reinforce the role of the township and the regional role of Sale.

*Sale, Wurruk and Longford Strategic Framework (21.05)*

The *Sale & Wurruk Strategy Plan (2012)* nominates the site as 'Urban Residential Expansion' and as such the rezoning of this land for residential purposes is considered to be consistent with the Sale, Wurruk and Longford Strategic Framework. The proposal supports the objectives of the Strategy Plan by:

- Providing additional housing close to the township of Sale, thereby supporting the regional role of Sale;
- Increasing housing choice and diversity to the market where a need has been identified;
- Providing well designed and sustainable residential development in a strategic location;
- Providing opportunity for design excellence to ensure an attractive neighbourhood. Lot layout has been designed to overlook public spaces and new landscaping will create a well designed neighbourhood character.
- Providing an appropriate movement network throughout the subdivision and links to surrounding parcels where appropriate. The recommendations of the NSDP have been implemented and appropriate walking and cycling throughout the precinct is provided for.
- Facilitating housing choice that is strategically located, well designed, sustainable, inclusive and affordable.

*Clause 21.14 – Environmental Risk*

The site has an identified bushfire risk and the rezoning process (and planning permit process) can implement appropriate policy to ensure that this is managed to an acceptable level. Feedback from CFA and the EPA have been provided to mitigate bushfire risk; the EPA has concluded that there is no potential contamination on the land.

*Clause 21.19 – Infrastructure*

All required physical infrastructure (and services) can be provided to the land in accordance with this Clause. Further, the land proposed to be rezoned and subdivided is well located to a broad range of community facilities and services including education, aged care and public transport.

**Does the amendment make proper use of the Victorian Planning Provisions?**

The amendment uses the most appropriate tools from within the Victoria Planning Provisions to achieve the strategic objectives of the Wellington Planning Scheme.

The existing Schedule 1 to the General Residential Zone which applies to the land directly east provides appropriate controls to ensure suitable future development of the subject land.

**How does the amendment and permit application address views of any relevant agencies?**

The views of agencies were sought during the *North Sale Development Plan (2018)* process, informing the strategic basis and general development criteria that the rezoning proposal adequately responds to. Additionally, preliminary comments have been sought from key statutory authorities and will again be sought as part of the public exhibition stage of the Amendment. A proposed planning permit has been included as part of the amendment documentation in accordance with Section 96A of the *Planning and Environment Act 1987* that considers the views and nominated conditions of the Environment Protection Authority (EPA), the Country Fire Authority (CFA), Gippsland Water, Southern Rural Water (SRW), Department of Transport, Department of Defence, VicTrack, GunaiKurnai Lands and Waters Aboriginal Corporation (GLAWAC), APA Gas and the Department of Environment, Land, Water and Planning (DELWP).

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

The amendment will not have a significant impact on the transport system and as such there is no adverse effects on the *Transport Integration Act*. The Department of Transport have reviewed the proposal and offered conditional consent for the amendment and subdivision permit application as submitted.

**Resource and administrative costs**

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

The amendment will not have any significant financial implications for the responsible authority.

The land subject to this amendment is a single land holding and a combined amendment and planning permit application is proposed. It is intended that the general residential zoning proposed for the subject land will result in no further planning approval being necessary to develop the lots created by the subdivision with a single dwelling and ancillary development.

**Where you may inspect this amendment and planning permit application**

The amendment and planning permit application 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

The amendment and permit application can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

The amendment and permit application can also be inspected free of charge at the Wellington Shire Council's website at: <https://www.wellington.vic.gov.au/planning-schemeamendments/amendment-c115>

**Submissions**

Any person who may be affected by the Amendment or planning permit application may make a submission to the planning authority. Submissions about the Amendment and permit application must be received by Friday 20 January 2023. A submission must be sent to:

Strategic Planning

Wellington Shire Council  
PO BOX 506  
SALE VIC 3850  
Or via email [strategicplanning@wellington.vic.gov.au](mailto:strategicplanning@wellington.vic.gov.au)

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been tentatively set for this Amendment:

Directions hearing: to commence in the week of Monday 17 April 2023

Panel hearing: to commence in the week of Monday 15 May 2023



Sec 96J

**(PROPOSED) PLANNING PERMIT UNDER  
SECTION 96I OF THE PLANNING AND  
ENVIRONMENT ACT 1987  
Form 9**

**Planning and Environment Regulations 2015**

**Permit No:** P542/2021

**Planning Scheme:** Wellington Planning Scheme

**Responsible Authority:** Wellington Shire Council

**Address of the Land:** Crown Allotment 114B, Section 1, Parish of Sale

**The Permit allows:** Multi Lot Staged Residential Subdivision

**The following conditions apply to the permit:**

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**Amended plans required**

1. Before the endorsement of plans, amended plans **and documents** to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans **and documents** will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show **and include:**
  - a) The municipal reserves occupying the 10 metres to the immediate south of the Main Sale Irrigation Channel to be marked as R1 on the plan for endorsement.
  - b) The amendments to the proposed plan for endorsement as required by Country Fire Authority condition 37
  - c) The Revised Traffic Impact Assessment as required by condition 44 of this permit
  - d) **An acoustic assessment report prepared by a suitably qualified consultant to the satisfaction of the responsible authority which:**
    - i. **Applies the following noise objectives:**
      - **Not greater than 35 dB LAeq, 8h when measured within a sleeping area between 10pm and 6am.**

- Not greater than 40 dB LAeq, 16h when measured within a living area between 6am and 10pm.
  - Not greater than the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 for internal areas, other than sleeping and living areas, assessed as an LAeq,16h from 6 am and 10 pm or an LAeq,8h from 10 pm and 6 am, as relevant to the normal period of occupancy of the area considered.
- ii. Identifies lots and/or buildings requiring mitigation from noise from all sources impacting on the proposal, including railway noise. If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for any noise attenuation measures required to meet the applicable noise level objectives. These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address:
- Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements.

This requirement does not apply if the permit applicant provides, to the satisfaction of the responsible authority, a statement in writing, supported by verifiable evidence, from a suitably qualified acoustic consultant that, having regard to Clause 13.05, the proposed development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions, and that no noise attenuation measures are required.

### Endorsed plans

2. The plan submitted for certification must be generally in accordance with the layout of the subdivision, including the size, design and location of proposed lots shown in the endorsed plans, to the satisfaction of the Responsible Authority.

### Staging

3. The subdivision must proceed in accordance with the numerical sequencing as outlined by the endorsed plans

### Subdivision requirements

4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

### Section 173 Agreement

7. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, the owner must enter into an agreement with the Responsible Authority pursuant to Section

173 of the *Planning and Environment Act, 1987*. The owner must pay the costs of preparing, lodging and registering the agreement and any subsequent amendment, removal or other dealing associated with the agreement. The agreement must be registered on the certificate of title for the land. The Agreement must covenant that

- a) The owners of proposed lots 26, 35, 36, 62-64 and 74-82, acknowledge that the adjoining land to the immediate west is used for rail transportation, and accepts that from time to time there may be off-site effects associated with the continued use of that land, particularly noise and vibration, that may impact on the subject land
- b) The owners and occupiers of land affected by this agreement acknowledge that the land is within close proximity to the East Sale Royal Australian Air Force Base and that residential amenity may be adversely impacted by noise generated by flight activities.
- c) Organic household and garden waste will not be stored in a manner that is accessible to bird life or vermin, to reduce any possibility of airstrike associated with the East Sale Royal Australian Air Force base, to the satisfaction of the Responsible Authority.
- d) A rainwater tank with a minimum capacity of 5,000 litres must be connected to any future inhabitable building on all lots within the subdivision and that rainwater tank must be plumbed to all toilets and laundries in dwellings constructed on those lots.
- e) Any dwelling or other inhabitable building erected on the land must be constructed in accordance with the minimum floor levels specified in the '*Glenhaven Fields Flood Assessment (Version 2, Afflux, 2022)*' or unless otherwise agreed to in writing with the Responsible Authority.
- f) The owner will pay Council a contribution towards the cost of required infrastructure in the North Sale Growth Area at the rate stipulated in the North Sale Infrastructure Funding Arrangement Report prepared by Mesh Planning, October 2021 (or as later adopted by Council). The contribution must be paid prior to Statement of Compliance for each stage of the subdivision.
- g) Any dwelling erected on land identified in the endorsed acoustic assessment include all identified mitigation treatments to the satisfaction of the Responsible Authority prior to a certificate of occupancy being issued for the dwelling.

The agreement will bind the Applicant as the owner and must run with the land so that all successors in title are bound by the agreement. The applicant must contact Council's Planning Department via [planning@wellington.vic.gov.au](mailto:planning@wellington.vic.gov.au) email address to prepare the Section 173 Agreement. The applicant will be advised of the process (including fee) relating to the registration of the Agreement with the Titles Office. A copy of the updated Title Search Statement incorporating the registered Section 173 Agreement from Land Victoria or a dealing number and copy of the registered agreement from Land Victoria must be provided to the responsible authority prior to the issuing of a Statement of Compliance for any stage of the hereby permitted subdivision.

### **Infrastructure Development/Engineering**

#### **Commencement of Works**

8. Unless otherwise agreed to in writing by the Responsible Authority, prior to the certification for each stage of the development the following must occur to the satisfaction of the Responsible Authority and in accordance with the requirements set out in the incorporated

document *"Infrastructure Design Manual"* available on the Responsible Authority's website:

- a) Approval of a suitable Engineering Plan.
- b) Any agreement required under the Planning Approval has been entered into.
- c) Submission of and approval of an Environmental Construction Management Plan including evidence that control measures are in place.
- d) Submission of and approval of a Traffic Management Plan
- e) Submission of Quality and Occupational Health and Safety Plans
- f) Submission of a Project Management Plan for the project.
- g) Notification of Project Manager.
- h) Notification of commencement date of work.
- i) Submission of documentation showing details of Public Liability Insurances
- j) Submission of documentation indicating the contractors relevant Workcover details

**Prior to the issue of Statement of Compliance**

9. Prior to the issue of a Statement of Compliance the applicant or owner shall pay to the Council an amount of money equal to 0.75% of the estimated cost of the engineering works for checking of plans and specifications.

**Prior to the issue of Statement of Practical Completion**

10. Prior to the issue of a Statement of Practical Completion:
  - a) the Council's Infrastructure Planner and the Owner's representative shall jointly inspect and confirm that the works are complete,
  - b) the Developer's nominated representative shall lodge a Construction Certification List
  - c) the developers nominated representative shall lodge details of any Safety Audit,
  - d) the final digital '**as built**' version of the Engineering Plans are lodged with the Shire,
  - e) lodgement of itemised construction costs of all works to be taken over by the Shire or required by the Planning Permit.
  - f) all Planning Permit requirements relating to Public Open Space have been complied with, and
  - g) lodgement of bond equal to an amount of 5% of certified final cost or \$5000 whichever is the greater, to be retained for the period of the Defects Liability Period

**Lighting**

11. Street lighting must be provided in accordance with AS 1158:2005 Lighting for roads and public spaces, to the satisfaction of the Responsible Authority.

**Servicing**

12. Service conduits must be installed as required for water services, communications, and electricity supply (other) as part of the street construction. The location of these service conduits is to be accurately noted and recorded on the "as constructed plans". In addition the location of these conduits is to be noted by the marking (indenting) of the kerb with appropriate symbols.

**Road Signage**

13. Road/Street signs, pavement markings, walkways and all other facilities that are shown on the construction plans are to be supplied and installed in accordance with the relevant standard and to the satisfaction of the Responsible Authority.

**Temporary construction controls**

14. Where road / street / drainage works impact on existing footpaths, it will be the responsibility of the contractor to ensure that adequate barriers / detours / signs are erected so as to provide suitably defined alternate pedestrian routes.

**Notice of works**

15. Prior to commencement of works for any stage of the development, the applicant must notify all abutting property owners, and those to be directly impacted by the works, of the proposed works to the satisfaction of the Responsible Authority. Notices must be in writing and provide the contact details of the site superintendent or project manager responsible for the works.

**Street names**

16. Prior to the Certification for each stage of the subdivision, naming of proposed streets shall be directed to Council's Place Names Committee for ratification and adoption to the satisfaction of the Responsible Authority.

**Road Closure Measures**

17. Should it be necessary to close abutting roads/streets to undertake construction works the following provisions shall apply:
- a) The Manager of Built Environment shall be advised of any proposed closure. Details of the closure(s) shall be submitted as part of the Traffic Management Plans and the Program of Works.
  - b) Closures shall be in accordance with the approved Traffic Management Plan.
  - c) Abutting and/or affected landowners shall be advised by letter of the impending closure a minimum of 24 hours prior to the closure.
  - d) Emergency Services shall be advised of the closure at least 24 hours prior to the closure.
  - e) Should the closure affect a designated School Bus Route the relevant School Bus Coordinator shall be advised a min. of 48 hours prior to the closure.

Should the proposed closure be in excess of one working day or require overnight closure the closure shall be advertised in a locally circulating paper in addition to the above requirements.

**Street/Footpath Construction**

18. The applicant must construct all streets set out on this plan of subdivision in accordance with the following requirements and the requirements of Council's '*Infrastructure Design Manual*.'

**Connector Street**

Street Name: To be advised

Street Width:	12.6 metres between kerb inverts.
Kerb Profile:	SM2-M
Pavement Depth/type:	To be determined by pavement design <i>min 300 mm</i>
Surface Treatment:	Asphalt <i>min 30 mm thickness</i>

**Local Access Street**

Street Name:	To be advised
Street Width:	7.3 metres between kerb inverts.
Kerb Profile:	SM2-M
Pavement Depth/type:	To be determined by pavement design <i>min 300 mm</i>
Surface Treatment:	Asphalt <i>min 30 mm thickness</i>

**Footpath(s):**

- 125 mm thick reinforced concrete footpath 1.5 metres wide is to be constructed offset 0.05 metres from the building line.
- A 2.5 metres wide shared path is to be constructed within the connector street and must connect to the combined open space and drainage reserve.

**Temporary Turn Around Areas:**

19. Temporary turnaround areas with a minimum radius of 9.0 metres must be provided for garbage collection at the termination of street legs. Alternatively, the applicant must demonstrate garbage collection without backwards movements performed by a design vehicle to the satisfaction and agreement of the Responsible Authority.

**Rail Reserve Interface:**

20. The interface of the development with the rail reserve must be constructed to the satisfaction of the Responsible Authority. If required, the design must allow for drainage to the satisfaction of the Responsible Authority. Details of how fill is to be managed at the shared boundary must be provided and agreed to by the Responsible Authority prior to works commencing.

**Channel Interface Construction**

21. Prior to commencement of works for the relevant stage, detailed design drawings must be completed to include industrial kerb & channel and footpaths adjacent to the Southern Rural Water channel, where access is required for channel maintenance. The road pavement and asphalt wearing course must be designed to allow for heavy vehicles. The design vehicle and maintenance equipment requirements must be to the satisfaction of Southern Rural Water and the Responsible Authority.

**Drainage:**

22. The street network is required to be designed so as to provide an overland flow for a 1% recurrence interval storm event in accordance with the endorsed storm water management strategy.

23. Prior to sealing of the pavement, the applicant must undertake CCTV verification of all underground drainage assets in accordance with the *'Infrastructure Design Manual'* and to the satisfaction of the Responsible Authority. Sealing works cannot commence until the Responsible Authority has reviewed the CCTV footage and provided consent for sealing works to proceed (*Refer to Note 1*).

### **Vehicle Crossings**

24. Prior to the issue of Statement of Compliance, the applicant must construct one reinforced concrete vehicular crossing per allotment shown on the plan of subdivision in accordance with the following:

- Width of crossing at property line            3.0 metres. (min)
- Width of crossing at kerbs                      4.5 metres. (min)
- Thickness    125mm
- Reinforcement                                        SL 72 mesh
- Concrete strength                                 25 MPa min.
- Comply with the requirements of IDM standard Drawing SD235.

Works must not commence within the road reserve until written consent in the form of a works permit has been issued by the Responsible Authority.

Alternatively, a Section 173 Agreement must be entered in to requiring construction of a concrete vehicle crossing prior to certification of occupancy being issued for the residence.

### **Drainage - General**

25. The applicant must provide reticulated storm water drainage to drain all land contained within this subdivision.

The approved design shall meet the water quality standards required by the State Provisions of the Planning Scheme, the "Best Practice Environmental Management Guidelines" and Council's Infrastructure Design Manual

All stormwater from the development must be conveyed to satisfactory points or areas of discharge approved by the Responsible Authority so that it will have no detrimental effect on the environment or adjoining properties.

### **Drainage Discharge Plan**

26. Prior to any works commencing a drainage discharge plan must be submitted to and approved by the Responsible Authority. The plan is to include on site detention structures to ensure that the post development discharge rate from the site does not exceed the predevelopment discharge rate. When approved, this plan will form part of the permit.

### **Peer Review**

27. Prior to certification of the plan of subdivision for Stage 1 of the development, the Stormwater Strategy and Flood Modelling Reports for the whole development must be peer reviewed by an independent and suitably qualified drainage engineer to the satisfaction of the Responsible Authority. The review must hydraulically assess the proposed DN1200mm drainage outfall to ensure that there is no detrimental impact to existing downstream stormwater infrastructure to the satisfaction of the Responsible Authority.

### **Completion of Stormwater Infrastructure**

28. Infrastructure for stormwater treatment and detention must be provided in stage 1 of the development. All landscaping and vegetation works required for stormwater treatment, must be completed prior to the issue of statement of compliance for the relevant stage.

### **Bioretention Filters**

29. Prior to the issue of statement of compliance for the final stage of the development, bioretention filters constructed in earlier stages of the development must be performance tested to the satisfaction of the Responsible Authority. Where bioretention filters are not performing, filter material must be replaced, and vegetation reinstated as required.

### **Maintenance Plan**

30. Prior to statement of compliance for the relevant stage, the applicant must provide a bioretention system management and maintenance plan for the stormwater treatment system to the satisfaction of the Responsible Authority.

### **Earthworks and Lot Filling**

31. Prior to the commencement of works for each stage of the development, the applicant must provide the following in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority:

- A fill plan, noting all changes in finished surface level greater than 300 mm.
- Placement methodology and testing frequency schedule.
- Environmental management plan demonstrating how imported fill shall be clean and free of all deleterious material.
- Interface methodology for adjoining properties.

- *End Infrastructure Development Conditions* -

### **Open Space Planning**

#### **Street Plantings**

32. Prior to the certification of any plan of subdivision, a detailed landscape masterplan to the satisfaction of the Responsible Authority must be provided. The plan must identify street tree plantings at 10 metre spacings to determine the street tree contribution.
33. Prior to the issue of a Statement of Compliance for each stage of the development, the developer shall make a payment to Council an amount equivalent to the cost of purchasing, planting and maintaining the street trees for the relevant stages in accordance with the Councils Street Tree Planting Guidelines. The street trees will be planted when residential development of the subdivision is 75% complete.

#### **Public Open Space**

34. Prior to the Certification of any Plan of Subdivision, the developer is to provide a detailed landscaping plan and maintenance schedule for the development of the open space.

The detailed landscape plan must be to the satisfaction of the Manager Natural Environment and Parks and be endorsed as part of this permit.

35. Development of the public open space must be completed to the satisfaction of the Responsible Authority as part of stage 1 as shown on the endorsed plans and prior to any Statement of Compliance being issued.
36. The developer must maintain all public open space and municipal reserve areas in accordance with the endorsed landscaping and maintenance schedule for a period of 24 months from the time of a Statement of Compliance being issued for the relevant stage of the subdivision, to the satisfaction of the Responsible Authority.

- *End Open Space Planning Conditions* -

### **Country Fire Authority**

#### **Amended Plans**

37. The Plan of Subdivision, generally in accordance with the Proposed Subdivision Plan prepared by Millar and Merrigan, Version 4 dated March 2022, be amended to include building envelopes to ensure radiant heat exposure is no greater than 12.5kW/m<sup>2</sup> with setbacks of 19 metres:
  - From the northern boundary for lots 1, 2 and 3.
  - From the western boundary for lots 26, 35, 36, 62 to 63 and 74 to 82.
  - From the southern boundary for lots 53 to 62.

#### **Bushfire Management Plan**

38. Before the development starts, an amended Bushfire Management Plan (BMP) which is generally in accordance with the BMP prepared by Millar and Merrigan, Version 1, (dated April 2022) must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

##### **a) Defendable Space**

Show an area of defendable space for a distance of 19 metres:

- From the northern boundary for lots 1, 2 and 3.
- From the western boundary for lots 26, 35, 36, 62 to 63 and 74 to 82.
- From the southern boundary for lots 53 to 62.

Where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 2 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

**b) Construction Standard**

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the building will be designed and constructed.

**c) Access**

Show the access for fire fighting purposes which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- Incorporate a turning area for fire fighting vehicles close to the building by one of the following:
  - A turning circle with a minimum radius of eight metres.
  - A driveway encircling the dwelling
  - The provision of vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.
- Incorporate passing bays at least every 200m which must be at least 20 metres long and have a minimum trafficable width of 6 metres.

**Hydrants**

39. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority. (*Refer to Note 3*)

**Roads**

40. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- Curves must have a minimum inner radius of 10 metres.
- Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

### **Section 173 Agreement**

41. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
- a. State that it has been prepared to ensure that any development on a lots greater than 1000m<sup>2</sup> in size created as part of the plan of subdivision approved under Planning Permit No P542/2021 will not have a radiant heat exposure greater than 12.5kW/m<sup>2</sup> for the life of the land, unless otherwise agreed by the relevant fire authority.

### **Implementation of vegetation management for each stage**

42. Prior to a Statement of Compliance being issued under the Subdivision Act 1988 for the relevant stage, all vegetation within the relevant stage and any vegetation within 19 metres of the relevant stage must be managed as per the requirements for defendable space required by the endorsed Bushfire Management Plan.

- *End Country Fire Authority Conditions* -

### **West Gippsland Catchment Management Authority**

43. Prior to the issue of a Statement of Compliance for the subdivision, the water quality treatment works outlined in the Stormwater Management Strategy and Infrastructure report (V3 08/2022 Millar Merrigan) must be undertaken to the satisfaction of the West Gippsland Catchment Management Authority

- *End West Gippsland Catchment Management Authority Conditions* -

### **Department of Transport**

44. Prior to subdivision plans being endorsed a revised traffic impact assessment must be prepared to confirm the understanding that there will be no impact at the intersection of Princes Highway & Cantwell Drive. The report must be provided to and approved by the Head, Transport for Victoria.

The report must show a sidra analysis of the existing function including full build out of both the eastern subdivision and the new subdivision on the basis that the traffic signals may not be installed.

As a result of the revised traffic report any mitigation works required by Head, Transport for Victoria must be completed at no cost and to the satisfaction of the Head, Transport for Victoria prior to statement of compliance for stage 1.

45. Prior to the issue of a Statement of Compliance for any stage abutting the railway land

(Vic Track land) a visually transparent 1.8 metre high black chain mesh fence must be installed along the boundary of the land and no cost to and to the satisfaction of Head, Transport for Victoria and Vic Track.

46. The boundary of the land with railway land must be fenced at all times during the construction of the development to the satisfaction of the Head, Transport for Victoria and Vic Track.
47. No drainage, effluent, waste, soil or other materials may enter or be directed to railway land or stored or deposited on railway land, to the satisfaction of the Responsible Authority and the Department of Transport.

- *End Department of Transport Conditions* -

**Gippsland Water**

48. Prior to the commencement of any water, sewer or ancillary works that will be vested in Gippsland Water, the owner of the land, the developer and the design consultant must enter into and execute a Developer Works Deed of Agreement with Gippsland Water, under Gippsland Water's Land Development system, for the complete construction of works necessary for the provision of water supply and sewerage services, in accordance with Gippsland Water's standards, to all lots of the subdivision. (*Refer to Note 4*)
49. Design plans must be submitted outlining the size and the location of the works to determine where easements will be required. These plans must be accepted by Gippsland Water prior to Gippsland Water consenting to certification of the relevant plan of subdivision.
50. Water services must be installed to the satisfaction of Gippsland Water. 'As Constructed' details showing the location of the installed services are required to be submitted to Gippsland Water prior to issue of Statement of Compliance for each relevant stage.
51. Sewer services must be installed to the satisfaction of Gippsland Water. 'As Constructed' details showing the location of the installed services are required to be submitted to Gippsland Water prior to the issue of Statement of Compliance for each relevant stage.
52. The Plan submitted for certification must create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision to the Satisfaction of Gippsland Water. Easements are to be for Pipeline or Ancillary Purposes.
53. The planning permit conditions outlined will apply to all stages of the subdivision.
54. Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.

- *End Gippsland Water Conditions* -

**AusNet**

55. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
56. Prior to the issue of Statement of Compliance, the applicant must –

- a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g) Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for any electric substations or Isolating Transformers.
- h) Provide survey plans for any electric substations or Isolating Transformers required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i) Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

- *End AusNet Conditions* -

**Southern Rural Water**

57. The grassed area marked as R1 on the endorsed plans must be established and maintained by the permit holder for a period of two years from the date of Statement of Compliance for Stage 4, and maintained by the Responsible Authority on an ongoing basis thereafter.

58. Any trees planted within R1 or within the road reserve abutting the Main Sale Irrigation Channel must be to the satisfaction of Southern Rural Water. Any proposal to provide landscaping within R1 must include geotechnical or arboriculture supporting evidence as deemed necessary by Southern Rural Water. This condition continues to have force and effect after the subdivision authorised by this permit has been completed and a Statement of Compliance issued.
59. Prior to the issue of a Statement of Compliance for Stages 1 and 4, chain mesh fencing with vehicle access gates must be erected the length of the Main Sale Irrigation Channel to the height and style of Southern Rural Water's satisfaction.
60. Prior to any works commencing for any stage of the subdivision, a '*Channel Reinforcement Plan*' prepared to the satisfaction of the Responsible Authority and Southern Rural Water must be endorsed, adequately demonstrating how reinforcement works reducing potential leakage of the channel can be undertaken.
61. Prior to a Statement of Compliance being issued for the relevant stage of the subdivision, the works identified in the *Channel Reinforcement Plan* prepared in accordance with condition 60 (above) must be carried out and completed to the satisfaction of the Responsible Authority and Southern Rural Water.

- *End Southern Rural Water Conditions* -

### **Telecommunications**

62. The owner of the land must enter into an agreement with:
- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
63. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### **Time for completion**

64. This permit will expire if:

- a) The plan of subdivision for the first stage of the subdivision is not certified within two years from the date of the permit.
- b) The plan of subdivision for each subsequent stage is not certified within 2 years of certification of the previous stage.
- c) The registration of the plan of subdivision for each stage is not completed within 5 years of certification of that stage.

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

- END OF CONDITIONS -

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**NOTES**

**Planning Notes:**

- 1. On completion of this work and issue of a Statement of Practical Completion these / this street will be included on Councils Public Roads Register for on-going maintenance.
- 2. The approved discharge point for this application is the existing stormwater basin located in the Glenhaven Estate.

**Country Fire Authority Notes:**

- 3. CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

**Gippsland Water Note:**

- 4. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned deed. Please refer to our website: <https://www.gippswater.com.au/developers/information/information-design-consultants> and download Form 1 to apply for a Developer Works deed of agreement.

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**Date Issued:**

\_\_/\_\_/\_\_

**Signature for the Responsible Authority:**

**Date permit comes into operation:**

\_\_/\_\_/\_\_

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C115 to the Wellington Planning Scheme.

**WHEN DOES THE PERMIT BEGIN?**

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

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

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

#### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

## SUBMISSION ONE

Our Ref: CSM71625

30 November 2022

Mr Joshua Clydesdale  
Major Projects and Principal Strategic Planner  
Wellington Shire  
PO Box 506  
SALE VIC 3850  
Emailed to: [enquiries@wellington.vic.gov.au](mailto:enquiries@wellington.vic.gov.au)

Dear Sir/Madam

### Wellington Shire Planning Scheme Amendment C115

We refer to Council's correspondence dated 25 November notifying VicTrack of Amendment C115 to the Wellington Planning Scheme. We understand that the combined amendment proposes to rezone land from Farming Zone to the General Residential Zone Schedule 1 and to subdivide land into 82 lots in 4 stages.

We have reviewed the amendment documentation and note conditions no. 7a), 45, 46 and 47 of the permit. VicTrack wishes to advise that it supports the proposed rezoning and considers that the permit includes appropriate conditions which will protect the rail corridor and its associated infrastructure.

On this basis, VicTrack has no objection to the amendment.

Should you have any queries, please contact me on 03 9619 0222 or [kate.kraft@victrack.com.au](mailto:kate.kraft@victrack.com.au).

Yours sincerely



**KATE KRAFT**  
Planning Manager

---

**VicTrack**

Level 8, 1010 La Trobe St Docklands VIC 3008  
GPO Box 1681 Melbourne VIC 3001  
T 1300 VICTRACK (1300 842 872)  
[victrack.com.au](http://victrack.com.au)

**VicTrack**



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## SUBMISSION TWO

**WGCMA Ref:** WGCMA-F-2021-01033  
**Document No:** 5  
**Date:** 6 December 2022

Joshua Clydesdale  
Major Projects and Principal Strategic Planner  
Wellington Shire Council

Dear Joshua,

**Regarding:** Planning Scheme Amendment - C115well & P542/2021

<b>Property</b>	<b>Street:</b>	Princes Highway, Sale
	<b>Cadastral:</b>	Allotment 114B, Section 1, Parish of Sale

I refer to your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 25 November 2022 in relation to Planning Scheme Amendment C115well.

The Authority understands that the Amendment is a combined planning permit application and Planning Scheme Amendment under Section 96A of the Planning and Environment Act 1987 which seeks:

- To rezone the subject land from the Farming Zone to the General Residential Zone – Schedule 1
- Planning permit approval for the subdivision of the land into 82 Lots in 4 stages

The Authority has reviewed all documents relevant to our area of interest relating to proposed Planning Scheme Amendment C115well and Planning Permit P542/2021 and **does not object** to the proposal.

Should you have any queries, please do not hesitate to contact Ben Proctor on 1300 094 262 or email [planning@wgcm.vic.gov.au](mailto:planning@wgcm.vic.gov.au). To assist the Authority in handling any enquiries please quote **WGCMA-F-2021-01033** in your correspondence with us.

Yours sincerely,

**Adam Dunn**  
**Executive Manager - Statutory Planning**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

## OFFICIAL

**Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - 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. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

## SUBMISSION THREE

**Joshua Clydesdale**

---

**From:** Taryn Price <TarynP@SRW.com.au>  
**Sent:** Thursday, 15 December 2022 9:25 AM  
**To:** Joshua Clydesdale  
**Subject:** RE: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) -Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

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### OFFICIAL

Thanks, Joshua.

This is suitable, and we remain supportive.

Regards,

**Land Management Coordinator | Southern Rural Water**  
**m: 0400 883 585**

---

**From:** Joshua Clydesdale <joshuac@wellington.vic.gov.au>  
**Sent:** Wednesday, 14 December 2022 4:55 PM  
**To:** Taryn Price <TarynP@SRW.com.au>  
**Cc:** Planning <planning@wellington.vic.gov.au>  
**Subject:** FW: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) - Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

**CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

Hi Taryn

Sorry about the delay coming back to you. Please see advice below from Millar Merrigan confirming a distance greater than 10m from the centre line to the road reserve. I trust this is satisfactory to SRW?

Regards



**Joshua Clydesdale**

Major Projects and Principal Strategic Planner

**P** 03 5142 3175 | **M** 0407 327 210

**E** [joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au) | [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)  
18 Desailly St | PO Box 506 | Sale, VIC | 3850, Australia





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**From:** Nick Anderson <[nick@nbagroup.com.au](mailto:nick@nbagroup.com.au)>  
**Sent:** Wednesday, 14 December 2022 4:39 PM  
**To:** Joshua Clydesdale <[joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au)>  
**Cc:** ██████████ Christopher Constantine <[CConstantine@millarmerrigan.com.au](mailto:CConstantine@millarmerrigan.com.au)>  
**Subject:** FW: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) - Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

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Hi Josh,

Very happy for the email below to be passed on to SRW as it confirms everything we'd previously agreed to. We made the 'gap' as wide as we could without impacting the capacity and performance of the drainage reserve on the opposite side of the road reserve in this area. There's plenty of room for SRW to access their asset and, as previously pointed out in onsite discussions, there's also multiple access points for SRW to gain access on either side of the channel as per current arrangements. I trust this confirms to SRW we've done everything possible to maximise separation distances without compromising all of the other requirements of Council and WGCMA in terms of the drainage set-up.

Regards

**Nick Anderson**  
Managing Director



NBA Group Pty Ltd   
[www.nbagroup.com.au](http://www.nbagroup.com.au)

M: 0418 402 240

**OFFICES:**

10 Dawson Street, Sale 3850  
156 Commercial Road, Morwell 3840

**MAIL TO:**

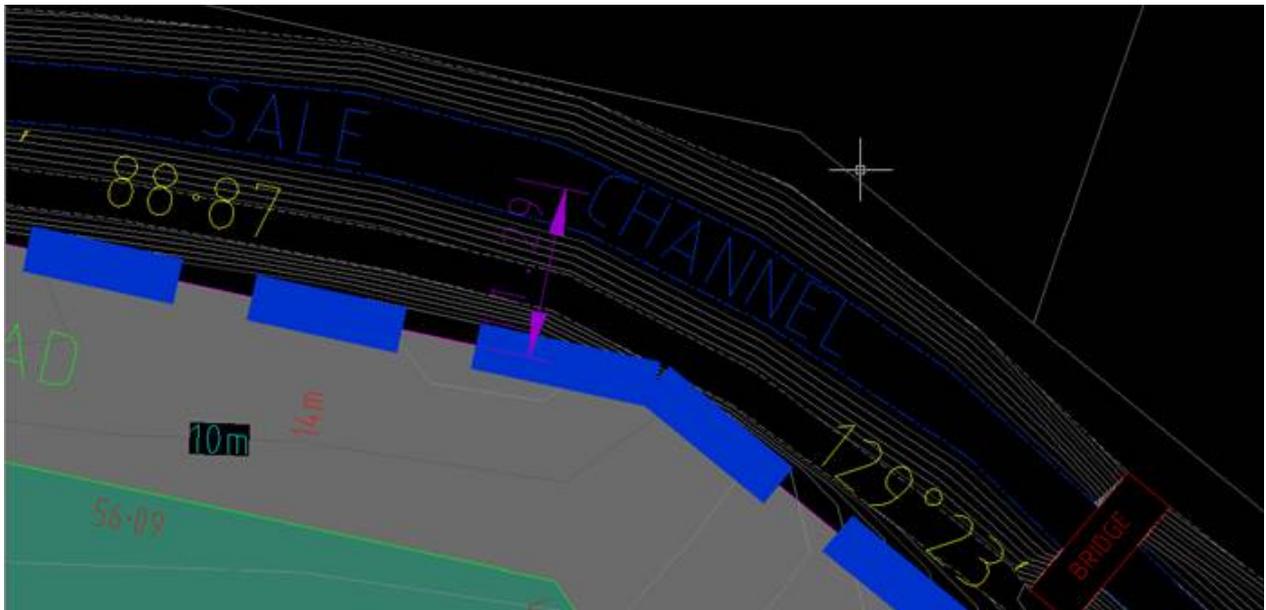
PO Box 1170, Sale 3850

---

**From:** Christopher Constantine <[CConstantine@millarmerrigan.com.au](mailto:CConstantine@millarmerrigan.com.au)>  
**Sent:** Wednesday, 14 December 2022 2:00 PM  
**To:** Nick Anderson <[nick@nbagroup.com.au](mailto:nick@nbagroup.com.au)>  
**Cc:** Brooke Bruns <[brooke@nbagroup.com.au](mailto:brooke@nbagroup.com.au)>; Emma Goodsell <[emma@nbagroup.com.au](mailto:emma@nbagroup.com.au)>; Mandy Edwards <[MEdwards@millarmerrigan.com.au](mailto:MEdwards@millarmerrigan.com.au)>  
**Subject:** RE: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) - Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

Hi Nick,

As discussed, we have 11.29m from centreline of the channel to road reserve. It should be noted that there is approximately 2m between the Road Reserve boundary to the back of kerb giving us additional clearance.



**Christopher Constantine**  
Director

## Millar | Merrigan

Metro (03) 8720 9552 | Regional (03) 5134 8611 | Mobile +61 0438594351  
[CConstantine@millarmerrigan.com.au](mailto:CConstantine@millarmerrigan.com.au) | [LinkedIn](#) | [Facebook](#) | [Website](#)



---

**From:** Joshua Clydesdale <[joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au)>  
**Sent:** Monday, 12 December 2022 10:00 AM

To: Nick Anderson <[nick@nbagroup.com.au](mailto:nick@nbagroup.com.au)>

Subject: FW: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) - Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

Hi Nick

Please see below. Can Millar Merrigan confirm the applicable distance? (SRW state they need 10 metres from the centre of the channel to the road).

Regards



**Joshua Clydesdale**

Major Projects and Principal Strategic Planner

P 03 5142 3175 | M 0407 327 210

E [joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au) | [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)  
18 Desailly St | PO Box 506 | Sale, VIC | 3850, Australia



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From: Taryn Price <[TarynP@SRW.com.au](mailto:TarynP@SRW.com.au)>

Sent: Monday, 12 December 2022 9:28 AM

To: Joshua Clydesdale <[joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au)>

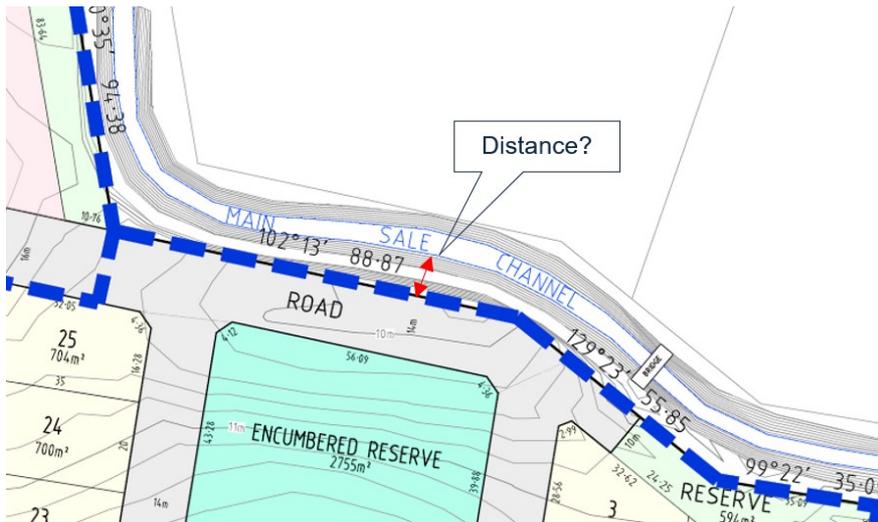
Subject: RE: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) - Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

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Thank you, Joshua.

I can confirm that we remain supportive of the proposal; however, I would like to confirm the distance from the channel to the road between the two reserves:



There should be a minimum of 10 metres from the centre of the channel.

Regards,

**Land Management Coordinator | Southern Rural Water**  
m: 0400 883 585

---

**From:** Joshua Clydesdale <[joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au)>  
**Sent:** Friday, 9 December 2022 2:21 PM  
**To:** Taryn Price <[TarynP@SRW.com.au](mailto:TarynP@SRW.com.au)>  
**Subject:** RE: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) - Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

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Thanks for this Taryn. It is great that SRW support the conditions below. As discussed, attached is the formal notice documents recently sent to relevant authorities, including SRW. You will see that the conditions below have been included in the planning permit as attached, so on this basis assume that SRW remain supportive of the proposal. If you could please confirm this via return email or correspondence that would be great.

Regards



**Joshua Clydesdale**

Major Projects and Principal Strategic Planner

**M:** 0407 327 210

**P:** 03 5142 3175

**W:** [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)

18 Desailly St, PO Box 506, Sale, Victoria, 3850



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**From:** Taryn Price <[TarynP@SRW.com.au](mailto:TarynP@SRW.com.au)>  
**Sent:** Friday, 9 December 2022 2:08 PM  
**To:** Joshua Clydesdale <[joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au)>  
**Subject:** FW: Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) - Southern Rural Water and Wellington S.C [SEC=OFFICIAL]

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## OFFICIAL

Hi Josh,

As discussed, see below.

Regards,

### Taryn Price

Land Management Coordinator | Southern Rural Water  
 Great value for customers and community  
 m: 0400 883 585 w: [www.srw.com.au](http://www.srw.com.au)

SRW acknowledges and respects the traditional owners of the land and waters upon which we work

**From:** Alex Duncan <[alex@wellington.vic.gov.au](mailto:alex@wellington.vic.gov.au)>  
**Sent:** Thursday, 15 September 2022 12:36 PM  
**To:** Matthew Cook <[MatthewCo@SRW.com.au](mailto:MatthewCo@SRW.com.au)>  
**Cc:** Barry Hearsey <[barryhe@wellington.vic.gov.au](mailto:barryhe@wellington.vic.gov.au)>; Sam Pye <[samp@wellington.vic.gov.au](mailto:samp@wellington.vic.gov.au)>; Lucy Spooner <[lucys@wellington.vic.gov.au](mailto:lucys@wellington.vic.gov.au)>  
**Subject:** Draft Planning Permit Conditions for Planning Scheme Amendment C115 (Glenhaven Extension) -Southern Rural Water and Wellington S.C

**CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

Good Afternoon Matthew,

The purpose of this email is to keep you informed with Planning Scheme Amendment C115, which you provided preliminary feedback and nominated conditions for in June of this year. Council is now in a position to apply for Authorisation to prepare and exhibit the amendment from the Minister for Planning. The Planning permit associated with the development, being for an 82 lot subdivision, is also in a draft stage.

In order to satisfactorily secure the requirements specified by Southern Rural Water and make them enforceable, the below rewording is nominated:

**Amended plans required**

1. *Before the endorsement of plans, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:*
  - a) *The municipal reserves occupying the 10 metres to the immediate south of the Main Sale Irrigation Channel to be marked as R1 on the plan for endorsement.*

**Southern Rural Water**

2. *The grassed area marked as R1 on the endorsed plans must be established and maintained by the permit holder for a period of two years from the date of Statement of Compliance for Stage 4, and maintained by the Responsible Authority on an ongoing basis thereafter.*
3. *Any trees planted within R1 or within the road reserve abutting the Main Sale Irrigation Channel must be to the satisfaction of Southern Rural Water. Any proposal to provide landscaping within R1 must include geotechnical or arboriculture supporting evidence as deemed necessary by Southern Rural Water. This condition continues to have force and effect after the subdivision authorised by this permit has been completed and a Statement of Compliance issued.*
4. *Prior to the issue of a Statement of Compliance for Stages 1 and 4, chain mesh fencing with vehicle access gates must be erected the length of the Main Sale Irrigation Channel to the height and style of Southern Rural Water's satisfaction.*
5. *Prior to any works commencing for any stage of the subdivision, a 'Channel Reinforcement Plan' prepared to the satisfaction of the Responsible Authority and Southern Rural Water must be endorsed, adequately demonstrating how reinforcement works reducing potential leakage of the channel can be undertaken.*
6. *Prior to a Statement of Compliance being issued for the relevant stage of the subdivision, the works identified in the Channel Reinforcement Plan prepared in accordance with condition (above) must be carried out and completed to the satisfaction of the Responsible Authority and Southern Rural Water.*

In addition to these conditions we are also proposing including the below condition, requiring higher construction standards for Council-managed infrastructure in locations SRW are likely to need to access their assets from.

**Channel Interface Construction**

1. *Prior to commencement of works for the relevant stage, detailed design drawings must be completed to include industrial kerb & channel and footpaths adjacent to the Southern Rural Water channel, where access is required for channel maintenance. The road pavement and asphalt wearing course must be designed to allow for heavy vehicles. The design vehicle and maintenance equipment requirements must be to the satisfaction of Southern Rural Water and the Responsible Authority.*

The amendment will enter a formal exhibition period likely later in the year, in which SRW will receive formal notice and have additional opportunity to provide comments or lodge a formal submission, however this email serves as a prompt to enter early discussions prior to this, should the conditions nominated not be deemed satisfactory.

Many thanks,

Alex.



**Alex Duncan**  
Strategic Planner

P 03 5142 3179  
E [alex@wellington.vic.gov.au](mailto:alex@wellington.vic.gov.au) | [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)



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## SUBMISSION FOUR


 Department of Environment,  
 Land, Water & Planning

14 December 2022

Joshua Clydesdale  
 Major Projects and Principal Strategic Planner  
 Wellington Shire Council  
 18 Desailly Street  
 SALE VIC 3850

By email: [planning@wellington.vic.gov.au](mailto:planning@wellington.vic.gov.au)

Our ref: SP482629

Your ref: Am C115well

Dear Joshua

**PROPOSAL:** AMENDMENT C115 TO THE WELLINGTON PLANNING SCHEME

**PROPONENT:** NBA GROUP PTY LTD

**ADDRESS:** WEST OF GLENHAVEN ESTATE, NORTH SALE (AREA 11 ON THE NORTH SALE  
 DEVELOPMENT PLAN (2018))

**LEGAL DESCRIPTION OF THE LAND:** CROWN ALLOTMENT 114B, SECTION 1, PARISH OF SALE

Thank you for your correspondence received on 25 November 2022 pursuant to Section 19 and 96C of the *Planning and Environment Act 1987*. Council has given the Department of Environment, Land, Water and Planning (DELWP) notice of a proposed S96A planning scheme amendment and subdivision planning permit.

The Amendment seeks to:

- Rezone the land from the Farming Zone to General Residential Zone

The planning permit application P542/2021 seeks approval for:

- a staged, 82 lot subdivision

DELWP Environment (Gippsland) has considered the above exhibited combined planning scheme amendment and planning permit application and does not oppose the amendment.

If you have any queries, or require clarification please contact [gippsland.planning@delwp.vic.gov.au](mailto:gippsland.planning@delwp.vic.gov.au).

Yours sincerely

**Elaine J Wood**

Planning and Approvals Program Officer  
 Gippsland Region | Central East Hub

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OFFICIAL



## SUBMISSION FIVE

Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness  
8 Lakeside Drive Burwood East Vic 3151  
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 10000-74938-124597  
Council Ref: C115, P542/2021

4 January 2023

Joshua Clydesdale  
Wellington Shire Council  
18 Desailly Street  
**SALE VIC 3850**

Dear Joshua

### **SUBMISSION TO COMBINED PLANNING SCHEME AMENDMENT & PERMIT APPLICATION**

**Proposal:** C115  
**Planning No:** P542/2021  
**Location:** Princes Highway Sale

Thank you for providing CFA notice of Planning Scheme Amendment C115well and Planning Permit P542/2021 in accordance with Section 96C of the *Planning and Environment Act 1987*.

CFA has assessed the proposed planning scheme amendment and permit application and can provide the following advice:

The Planning Scheme Amendment and Permit Application exhibited appear to incorporate CFA's comments raised in our previous correspondence in our letter to Council dated 17 August 2022. CFA have no additional comments in relation to the exhibited amendment and permit application.

If you wish to discuss this matter in more detail, please do not hesitate to contact either Jude Kennedy, Manager Community Safety on 9767 1811 or myself on 9262 8672.

Yours sincerely

**Luci Johnston**  
Land Use Planning Coordinator  
CFA Fire Risk, Research and Community Preparedness

## SUBMISSION SIX

24 January 2023

Joshua Clydesdale  
Strategic Planner  
Wellington Shire Council  
18 Desailly Street  
SALE VIC 3850



Our Ref: REQ002843

Dear Joshua,

### **RE: EXHIBITED WELLINGTON PLANNING SCHEME AMENDMENT C115 - NORTH SALE**

Thank you for the opportunity to provide a submission in relation to the aforementioned Planning Scheme Amendment currently on exhibition (the Amendment).

EPA has reviewed the following documents of relevance:

- Design Response, dated 22 October 2021;
- Explanatory Report, prepared by Wellington Shire Council;
- Notice of Preparation of an Amendment, prepared by Wellington Shire Council;
- Proposed Plan of Subdivision, dated 30 July 2021;
- Proposed Section 96A Amendment and Planning Permit Application for Residential Rezoning and Multi-Lot Staged Subdivision, prepared by NBA Group, version 2, dated May 2022;
- Response to Council, prepared by NBA Group, dated 12 May 2022;
- Site and Context Plan, prepared by NBA Group, dated October 2021;
- Wellington Planning Scheme, General Residential Zone Map; and
- Preliminary Site Investigation, prepared by DRC Enviro - dated 20 June 2022.

### **Our Understanding of the Proposal**

EPA understands the Amendment proposes to rezone the subject land from Farming Zone (FZ) to the General Residential Zone – Schedule 1 (GRZ1). Combined with the Amendment is a planning permit application which seeks to subdivide the land into 84 allotments via a staged subdivision.

### **Previous Advice**

EPA provided advice in accordance with Ministerial Direction 19 (MD19) in an email dated 21 December 2021 (EPA ref: REQ001512). This advice highlighted the risk of potentially contaminated land, the need to address the requirements of Ministerial Direction 1 (MD1) and to ensure that MD1 and MD19 were noted in the Explanatory Report.

Council indicated (via email dated 18 May 2022) that a Preliminary Site Investigation (PSI) was commissioned, which concluded that the Site did not meet the definition of potentially contaminated land. EPA responded in a letter dated 30 May 2022 (EPA ref: REQ002127) noting that a PSI is not the recommended level of assessment in this case. Notwithstanding, EPA advised Council to seek to have the conclusions of the PSI updated to confirm explicitly that the land is not considered to meet the definition of potentially contaminated land, as set out in *Ministerial Direction 1 – Potentially Contaminated Land*.

[epa.vic.gov.au](http://epa.vic.gov.au)

Environment Protection Authority Victoria  
GPO Box 4395, Melbourne VIC 3001  
1300 372 842



In an email dated 27 June 2022, Council sought confirmation that EPA concerns regarding potentially contaminated land and the requirements of MD1 had been met. EPA advised (in an email dated 6 July 2022, EPA Ref: REQ002279) that it appeared these concerns had been addressed.

### **Submission on Exhibited Amendment**

#### Potentially Contaminated Land

Based on the information provided to EPA, and as stated in our previous advice (dated 20 May 2022 and 6 July 2022), it would appear the determination has been made that the subject land does not meet the definition of potentially contaminated land, as set out in *Ministerial Direction 1 – Potentially Contaminated Land*. The recommendations of the PSI have been updated to reflect EPA advice, and the Explanatory Report has been updated to address MD1 and MD19.

#### Noise and Vibration

##### *Policy Context*

Under the Environment Protection Act 2017 (EP Act 2017), the General Environmental Duty (GED) requires all Victorians to understand and minimise their risk of harm to human health and the environment from pollution and waste, including noise. The definition of noise includes sound and vibration.

Developing land that will include noise sensitive uses near existing sources of noise may be regarded as an activity that may give rise to risks of harm to human health from pollution. As a person engaging in that activity, a developer may be required, under the GED, to minimise those risk of harm so far as reasonably practicable.

The Environment Reference Standard (ERS) came into effect with the commencement of the EP Act 2017. Part 3 of the ERS for Ambient Sound includes a table with indicators and objectives for the ambient (outdoor) acoustic environment, which differ across land use categories. Not meeting the objectives indicates an increased risk to the environmental values. However, the ERS must not be used as a proxy for attaining compliance with the GED.

Strategic planning has the effect of facilitating the future establishment of land use and development that may interact with the ambient sound environment, however, until established are not directly regulated by the noise limits set by the Environment Protection Regulations (which also came into effect 1 July 2021).

In addition, EPA highlights the following policy in the updated Victoria Planning Provisions, relevant to noise:

##### *13.05-1S Noise management*

- *Aims to control the effects of noise on sensitive land uses using building design, urban design and land use separation.*
- *Requires consideration as to whether proposals to use or develop land address the potential impacts of land use and development on the acoustic environment in accordance with the noise requirements of the Environment Protection Regulations.*
- *Requires consideration as to whether proposals for use and/or development will contribute to achieving or maintaining the environmental values, indicators and objectives of the acoustic environment (e.g., Sleep, child learning and development).*

The development of land that includes the establishment of new noise sensitive uses near existing sources of noise (i.e., railway or aircraft noise) may be regarded as an activity that is subject to the GED, and therefore it is important that the potential risk of harm is understood and mitigated.

*EPA Advice*

It is noted that the Site is adjacent or within proximity to the following noise sources:

- The Gippsland Railway Line (zoned Transport Zone 1, TRZ1) located at the western boundary of the Site; and
- East Sale Royal Australian Air Force Base, located approximately 5 km to the south east of the Site.

Furthermore, EPA has reviewed the *proposed planning permit* for the Site, which suggests conditions requiring a Section 173 to be applied to the lots closest to the rail corridor and all lots in regard to the East Sale Royal Australian Air Force Base. The purpose of the Section 173 is to inform the owners of the potential for noise and vibration as a result of these uses.

While EPA note that the planning report highlights the need to consider future resident amenity through appropriate design response to the existing railway (p. 48), it is not clear to EPA how the risk of harm from noise and vibration to impact future noise sensitive uses has been understood nor mitigated (where applicable). While the Section 173 will inform owners of the potential for noise and vibration as a result of these uses, it will not give rise to any specific measures that would minimise the risks of harm from noise and vibration so far as is reasonably practicable.

While the location of the road corridor alongside the rail corridor provides an opportunity to mitigate the potential impacts of rail noise and vibration. However, it will be important to fully understand the potential risks of harm from noise, and what measures are required to ensure that future noise sensitive uses are afforded an appropriate level of indoor and outdoor amenity.

It appears that currently, the amendment is not informed by a technical assessment of noise impacts on future sensitive uses that are in proximity to the Bairnsdale Railway Line and the East Sale Royal Airforce Base. Council should seek to understand the potential impacts (via a technical assessment) and determine what mitigation is necessary noting that we consider that the Section 173 is not adequate for this purpose.

**Summary**

It does not appear that potential risks associated with noise and vibration have been considered or addressed in the Amendment documents, EPA considers this matter unresolved. The Section 173 will not give rise to any specific measures that would minimise the risks of harm from noise and vibration so far as is reasonably practicable. Without further information, it is unclear whether future noise sensitive uses will be afforded an acceptable level of amenity, thus protecting human health in the long term.

EPA requires further information as to how Council intends to resolve this matter. The outcome of this information will inform whether or not EPA wishes to be heard at Panel.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is amended, please contact Mychelle Tomsett, Senior Planning Advisor on 1300 EPA VIC (1300 372 842), or at [stratplan@epa.vic.gov.au](mailto:stratplan@epa.vic.gov.au).

Yours sincerely,



Trisha Brice  
Team Leader – Strategic Planning Advisory  
Development Advisory Unit  
Environment Protection Authority Victoria

**From:** Mychelle Tomsett <Mychelle.Tomsett@epa.vic.gov.au>  
**Sent:** Monday, 13 February 2023 9:47 AM  
**To:** Joshua Clydesdale <joshuac@wellington.vic.gov.au>  
**Subject:** FW: Notice of Preparation of Amendment C115, Wellington Planning Scheme and combined planning permit application P542/2021 : EPA ref: REQ002843

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OFFICIAL

Hello Joshua,

I can confirm that the EPA are satisfied that council has taken adequate steps to resolve our concerns and we therefore do not wish to object to this amendment. We do not wish to be heard at a Panel Hearing.

Regards,

**Mychelle Tomsett** (she/her)  
Senior Planning Advisor  
Development Advisory



**E** [Mychelle.Tomsett@epa.vic.gov.au](mailto:Mychelle.Tomsett@epa.vic.gov.au)  
**P** 03 8710 5503  
**A** 200 Victoria St, Carlton

[epa.vic.gov.au](http://epa.vic.gov.au)



**From:** Joshua Clydesdale <[joshuac@wellington.vic.gov.au](mailto:joshuac@wellington.vic.gov.au)>  
**Sent:** Thursday, 9 February 2023 1:33 PM  
**To:** Mychelle Tomsett <[Mychelle.Tomsett@epa.vic.gov.au](mailto:Mychelle.Tomsett@epa.vic.gov.au)>  
**Subject:** RE: Notice of Preparation of Amendment C115, Wellington Planning Scheme and combined planning permit application P542/2021 : EPA ref: REQ002843

OFFICIAL

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michelle

Further to recent email exchanges and our discussion this morning, I have updated the proposed planning permit to include (in yellow) all requested changes. I understand that this satisfies the EPA's requirements. Can you please confirm this via return email.

Thanks again for your assistance, it is pleasing that all parties have found an agreed way forward to avoid the need for a Panel hearing.

Regards



**Joshua Clydesdale**  
Major Projects and Principal Strategic Planner



## 12.2. AMENDMENT C116

### ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

#### PURPOSE

For Council to adopt Amendment C116 to the Wellington Planning Scheme.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council:***

- 1. Adopt Amendment C116 (with changes) in the form outlined in Attachment 1 in accordance with the requirements of the Planning and Environment Act 1987.***
- 2. Submit the adopted Amendment C116 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the Planning and Environment Act 1987.***

#### BACKGROUND

A private request for a Planning Scheme Amendment (Amendment C116) has been made to rezone land in Longford from the Farming Zone to the Rural Living Zone Schedule 5 (minimum lot size of 0.6 hectares).

The subject land, comprising Precincts nine and ten of the adopted Longford Development Plan [Longford Development Plan \(wellington.vic.gov.au\)](http://wellington.vic.gov.au) is shown below (located south of the Longford-Loch Sport Road, east of Cobb Road and north of Andrews Road).



The request for rezoning affects approximately 150 hectares of land, with the potential for approximately 180 rural residential lots (minimum lot size of 6000 square metres).

The overarching strategic work supporting the proposal to rezone this land is the Council adopted Sale, Wurruk and Longford Structure Plan [Sale, Wurruk and Longford Structure](#)

[Plan \(wellington.vic.gov.au\)](http://wellington.vic.gov.au) and the Longford Development Plan [Longford Development Plan \(wellington.vic.gov.au\)](http://wellington.vic.gov.au).

On 21 June 2022 Council resolved to seek Ministerial authorisation to rezone the land to the Rural Living Zone Schedule 5 and to apply the Development Plan Overlay 14 to ensure that the layout of future development generally accords with the adopted Longford Development Plan.

As a condition of Ministerial authorisation (granted on 1 November 2022), Council was required to also apply the Environmental Audit Overlay (EAO) to a confined area of land (containing a residence, outbuildings and a former sheep deep) as identified in a Preliminary Risk Screen Assessment Report (PRSA) commissioned for the site.

Amendment C116 was publicly exhibited between 1 December 2022 to 20 January 2023. A copy of the exhibited Amendment (and all supporting documents including the PRSA and other technical assessment work) can be located at <https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/C116well?schemeCode=we>

## ATTACHMENTS

1. Amendment C116 [12.2.1 - 14 pages]
2. Environmental Audit Statement [12.2.2 - 6 pages]
3. Amendment C116 Submissions [12.2.3 - 12 pages]

## OPTIONS

Council has the following options available:

1. That Council adopt Amendment C116 (with changes) and submit the adopted Amendment C116 together with the prescribed information to the Minister for Planning for approval in accordance with the requirements of the *Planning and Environment Act 1987*.
2. That Council abandons Amendment C116 in accordance with the requirements of the *Planning and Environment Act 1987*.
3. That Council seek further information prior to considering a further report at a future Council meeting.

## PROPOSAL

That Council adopt Amendment C116 (with changes) in the form outlined in Attachment 1 in accordance with the requirements of the *Planning and Environment Act 1987*.

That Council submit the adopted Amendment C116 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the *Planning and Environment Act 1987*.

## **CONFLICT OF INTEREST**

Council's Manager Land Use Planning has declared a conflict of interest with Amendment C116 due to land ownership near the Longford Development Plan area and has therefore not been involved in the Amendment C116 process.

## **FINANCIAL IMPACT**

As Amendment C116 is a private request, all direct financial costs associated with the Amendment process and subsequent subdivision of the land will need to be met by the proponent.

## **COMMUNICATION IMPACT**

Public notice of the Amendment has been given in accordance with the requirements of the *Planning and Environment Act 1987*. This included letters to surrounding property owners/occupiers, signs on the site, a notice in the Gippsland Times and website/public counter availability.

## **LEGISLATIVE IMPACT**

The Amendment has been processed in accordance with the requirements of the *Planning and Environment Act 1987*.

Section 22 of the *Planning and Environment Act 1987* requires Council to consider submissions, while Section 23 states:

*After considering a submission which requests a change to the amendment, the planning authority must— (a) change the amendment in the manner requested; or (b) refer the submission to a panel appointed under Part 8; or (c) abandon the amendment or part of the amendment.*

Section 29 of the *Planning and Environment Act 1987* states:

*(1) After complying with Divisions 1 and 2 in respect of an amendment or any part of it, the planning authority may adopt the amendment or that part with or without changes.*

Section 31 of the *Planning and Environment Act 1987* requires Council to submit an adopted Amendment to the Minister for Planning together with the prescribed information.

All relevant sections of the *Planning and Environment Act 1987* can be accessed in full from the following link [Planning and Environment Act 1987 \(legislation.vic.gov.au\)](https://legislation.vic.gov.au/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 POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 2 “Economy and Sustainable Growth” states the following strategic outcome:

**Strategic Outcome 2.3:** *"An increase in variety of housing choice to support equitable access to housing."*

**Strategic Outcome 2.4:** *"Infrastructure investment is targeted to maximise jobs and housing growth."*

This report supports the above Council Plan strategic outcomes.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

The proposal is considered likely to have an overall positive impact on the community, creating additional housing stock within a previously recognised development area to relieve a pressured housing market. Future subdivision will need to be designed to be generally in accordance with the Longford Development Plan in support of a positive community and land use planning outcome.

## **ENVIRONMENTAL IMPACT**

Environmental impacts have been appropriately investigated by the Amendment proponent and can be further considered through next stages in the planning approval process.

The Preliminary Tree/Feasibility Assessment submitted recommended that a detailed vegetation assessment be undertaken at the subdivision stage for any naturally occurring vegetation impacted by the final subdivision layout. Land in the southeast corner of the site contains the most significant vegetation with the highest habitat/biodiversity value and is expected to be contained in a reserve, thereby minimising detrimental environmental impacts. It is noted, however, that the majority of the site has been highly modified and disturbed.

While an EAO was proposed to be applied to a confined part of the land during the exhibition of the Amendment, the Amendment proponent subsequently provided Council with an Environmental Audit Statement (prepared under Part 8.3 of the *Environment Protection Act 2017*) which confirmed that the land is suitable for rural residential use without any management measures (see Attachment 2). Accordingly, the need for the EAO is redundant and hence the Amendment proposed for Council adoption (see Attachment 1) has removed reference to the originally proposed application of the EAO.

## ENGAGEMENT IMPACT

The Amendment was placed on public exhibition from 1 December 2022 to 20 January 2023.

Notification letters were sent to:

- Prescribed Ministers;
- statutory authorities/agencies;
- adjoining owners and occupiers; and
- four signs were placed on site.

Notices also appeared in the following publications:

- Gippsland Times (Tuesday 29 November 2022); and
- the Government Gazette (Thursday 1 December 2022).

The Amendment and supporting material were also available via the Council and Department of Environment, Land, Water and Planning (DELWP) websites and for hard copy inspection at the main Council Office in Sale.

At the end of the exhibition period a total of four (4) submissions were received from statutory authorities. A copy of all submissions received is included in Attachment 3, with a summary and response to each submission provided in the table below.

Submission Number/Authority	Issues raised	Response
1. Department Environment, Land, Water and Planning	No objection.	No change to Amendment required.
2. West Gippsland Catchment Management Authority	No objection, but notes two matters (stormwater management and waterway/buffer) for further consideration at more detailed development stages.	No change to Amendment required.
3. Country Fire Authority (CFA)	No objection. Amendment incorporates earlier CFA comments, but the submission requests that the Development Plan Overlay be amended to identify future water supply and access requirements (as there is no reticulated water supply to the land).	Change made to the Development Plan Overlay Schedule 14 (see Attachment 1 in yellow highlight) to reflect the need for water supply and access conditions to be applied (at the time of future approval of a precinct plan/subdivision).
4. Environment Protection Authority (EPA)	The planning authority (Council) needs to consider the appropriateness of deferring audit requirements via the proposed EAO. Recommends that Council consider future	The EAO is an appropriate planning tool which was proposed to be applied via the exhibited Amendment (as required by Ministerial authorisation). Following the exhibition of the

	<p>management of sodic soils during construction, including erosion and sedimentation controls.</p> <p>Recommends that Council consider the Farming Zone interface.</p> <p>EPA advise that these matters are for Council and the proponent to consider further, with EPA not wanting to be heard at a Panel hearing.</p>	<p>Amendment, the proponent has now prepared an Environmental Audit Statement (see Attachment 2) which confirms that the land is suitable for the intended rural residential use. As such, the need for the EAO is redundant as the requirements of the EAO have already been met. The Amendment proposed for adoption (see Attachment 1) has subsequently removed the proposed EAO.</p> <p>Change made to the Development Plan Overlay Schedule 14 (see Attachment 1 yellow highlights) to allow for future consideration of erosion and sedimentation controls (at precinct plan/subdivision stage). The Farming Zone interface will be considered at the precinct plan/subdivision stage as per standard process.</p>
--	--	--

A copy of the Amendment (incorporating post exhibition changes) proposed for Council adoption is included in Attachment 1.

**RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

*Planning and Environment Act 1987*

**WELLINGTON PLANNING SCHEME**

**AMENDMENT C116well**

**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 map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map No. 135 in the manner shown on the 1 attached map marked "Wellington Planning Scheme, Amendment C116well".

**Overlay Maps**

2. Amend Planning Scheme Map No. 135DPO in the manner shown on the 1 attached map marked "Wellington Planning Scheme, Amendment C116well".

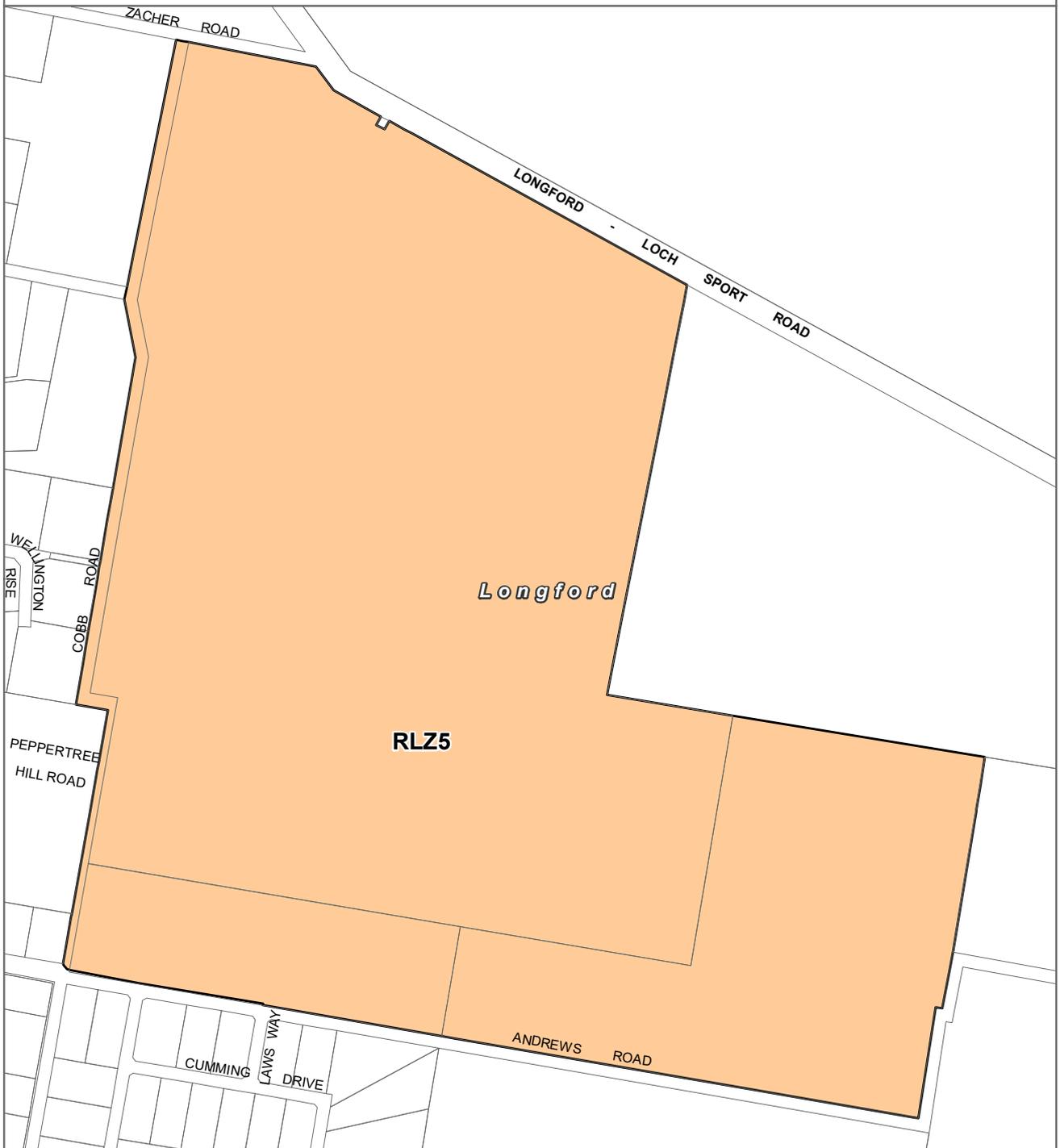
**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 43.04, insert a new Schedule 14 in the form of the attached document.

End of document

WELLINGTON PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C116well**



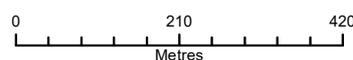
- LEGEND**
- RLZ - Rural Living Zone
  - Local Government Area



Part of Planning Scheme Map 135

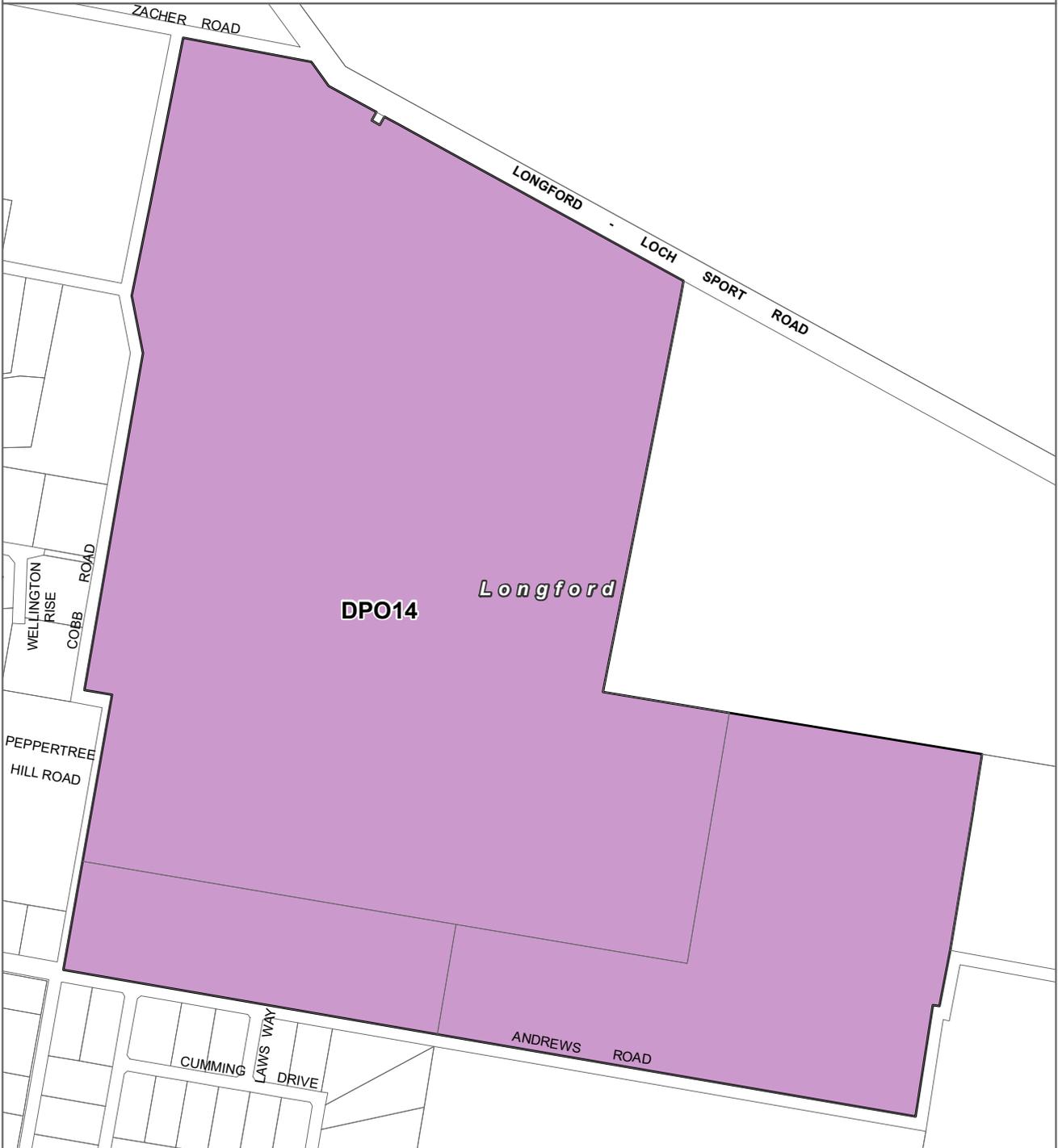
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Planning Group  
 Print Date: 8/8/2022  
 Amendment Version: 1



Environment,  
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 and Planning

WELLINGTON PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C116well**



**LEGEND**

-  DPO14 - Development Plan Overlay - Schedule 14
-  Local Government Area

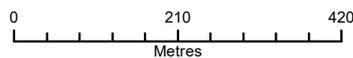


Part of Planning Scheme Map 135DPO

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Planning Group  
 Print Date: 5/24/2022  
 Amendment Version: 1



Environment,  
 Land, Water  
 and Planning

## WELLINGTON PLANNING SCHEME

**SCHEDULE 14 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO14**.

**LONGFORD DEVELOPMENT PLAN PRECINCT AREAS****1. Objectives**

To provide for the orderly and coordinated development of precincts identified within the *Longford Development Plan (November 2015)*

**2. Requirement before a permit is granted**

A permit may be granted to use or subdivide land, construct a building construct or carry out works prior to the approval of a Precinct Plan if the responsible authority is satisfied that the granting of a permit does not prejudice the intended outcomes of the *Longford Development Plan, November 2015*.

**3. Conditions and requirements for permits**

A permit application for subdivision must provide:

- A site description and plans demonstrating how the proposed subdivision design will conserve and contribute to the overall character of the precinct and, more generally, Longford.
- A graphical and written assessment demonstrating compliance with the approved Precinct Plan.

A permit application for subdivision must demonstrate that the proposed subdivision will not prejudice other properties from subdividing efficiently, and that safe access can be achieved or maintained to the site and other properties within the precinct.

## WELLINGTON PLANNING SCHEME

A permit for subdivision and development must include conditions which reflect the urban design principles, guidelines, requirements and conditions stated in the *Longford Development Plan, (November 2015)* and the approved Precinct Plan.

A permit for subdivision must include a condition requiring an agreement under Section 173 of the *Planning and Environment Act 1987* between the landowner(s) and the responsible authority to acknowledge the arrangements (e.g. payments or works-in-lieu) for infrastructure contributions identified in the Precinct Plan. If an agreement requiring infrastructure contributions already exists, the landowner(s) are not required to enter into a new agreement. The agreement will lapse once all specified requirements have been satisfied.

A permit for subdivision must include water supply and access requirements specified by the Country Fire Authority.

A permit for subdivision must include requirements for erosion and sedimentation controls to be applied to the satisfaction of the Responsible Authority.

#### 4. Requirements for development plan

A development plan must include the following requirements:

To allow for staged development of the land within the precincts identified in Map 1, the development plan will comprise a series of Precinct Plans, prepared to the satisfaction of the responsible authority.

Precinct Plans must address the design requirements as stated in the *Longford Development Plan, (November 2015)*, together with the following design principles:

- Landscaping along internal roadways with consideration to 'Greener Wellington' and in consultation with Council's Open Space Planning team.
- Enhanced connectivity for pedestrians and vehicles by:
  - Linking Precincts through low-traffic roadways, pedestrian and cycling routes
  - Ensuring connectivity to key destination points (such as the Longford Primary School, town core and open space areas) is maintained.
  - Developing concentric loops, which ultimately connect to the existing movement network to Sale.

An application for the approval of a Precinct Plan must contain:

- A Drainage Assessment which has regard to storm water and any potential environmental impact on RAMSAR listed wetlands in the region.
- A Staging Plan showing the sequence of development and delivery of infrastructure (construction or upgrade).
- A Public Infrastructure Plan for delivery and funding of infrastructure items associated with the proposed development, including potential interim and ultimate infrastructure requirements.

## WELLINGTON PLANNING SCHEME

**Details of how erosion and sedimentation controls will be managed at the time of subdivision.**

Appropriate demonstration of meeting the requirements of Clause 13.02-1S of the Wellington Planning Scheme to the satisfaction of the relevant bushfire safety authority, including implementing the following Bushfire Protection Measures:

- Setbacks from classified vegetation that will lead to exposure of radiant heat no greater than 12.5kW/m<sup>2</sup>.
- Building envelopes are identified on all lots that require vegetation to be managed for the purposes of defensible space.
- Requirements for vegetation within areas of defensible space in accordance with Table 5 of Clause 53.02.
- Requirements to manage vegetation on future lots to ensure a bushfire risk is not created over time.
- Incorporating a perimeter road in areas that are adjacent to areas of vegetation or bushfire hazards.
- The provision of non-combustible fencing between grassland hazards and proposed lots.
- **Adequate on-site water supply and access in accordance with Country Fire Authority requirements.**

In assessing or amending a Precinct Plan, the responsible authority must be satisfied that it is:

- Achieving the design principles specified in this clause and the *Longford Development Plan (November 2015)*.
- Meeting any requirements of (as appropriate); Environmental Protection Authority; West Gippsland Catchment Management Authority; Gippsland Water; First Peoples - State Relations; Department of Environment, Land, Water and Planning; Department of Transport and relevant servicing authorities.
- Responding to the strategies outlined in Clause 13.02-1S of the Wellington Planning Scheme, to the satisfaction of the relevant bushfire safety authority
- Developed with the appropriate level of stakeholder participation.
- Implementing the requirements of the Infrastructure Design Manual (IDM).
- Supporting design and development principles as set out in:
  - Water Sensitive Urban Design (WSUD), including recycling infrastructure and use of treated water;
  - Supportive Environments for Physical Activity (SEPA) principles of healthy urban design - refer to the background document 'Healthy by Design: A planners' guide to environments for active living (National Heart Foundation of Australia, 2004)';
  - Crime Prevention Through Environmental Design (CPTED).

**Map 1 to the Schedule to Clause 43.04**

WELLINGTON PLANNING SCHEME

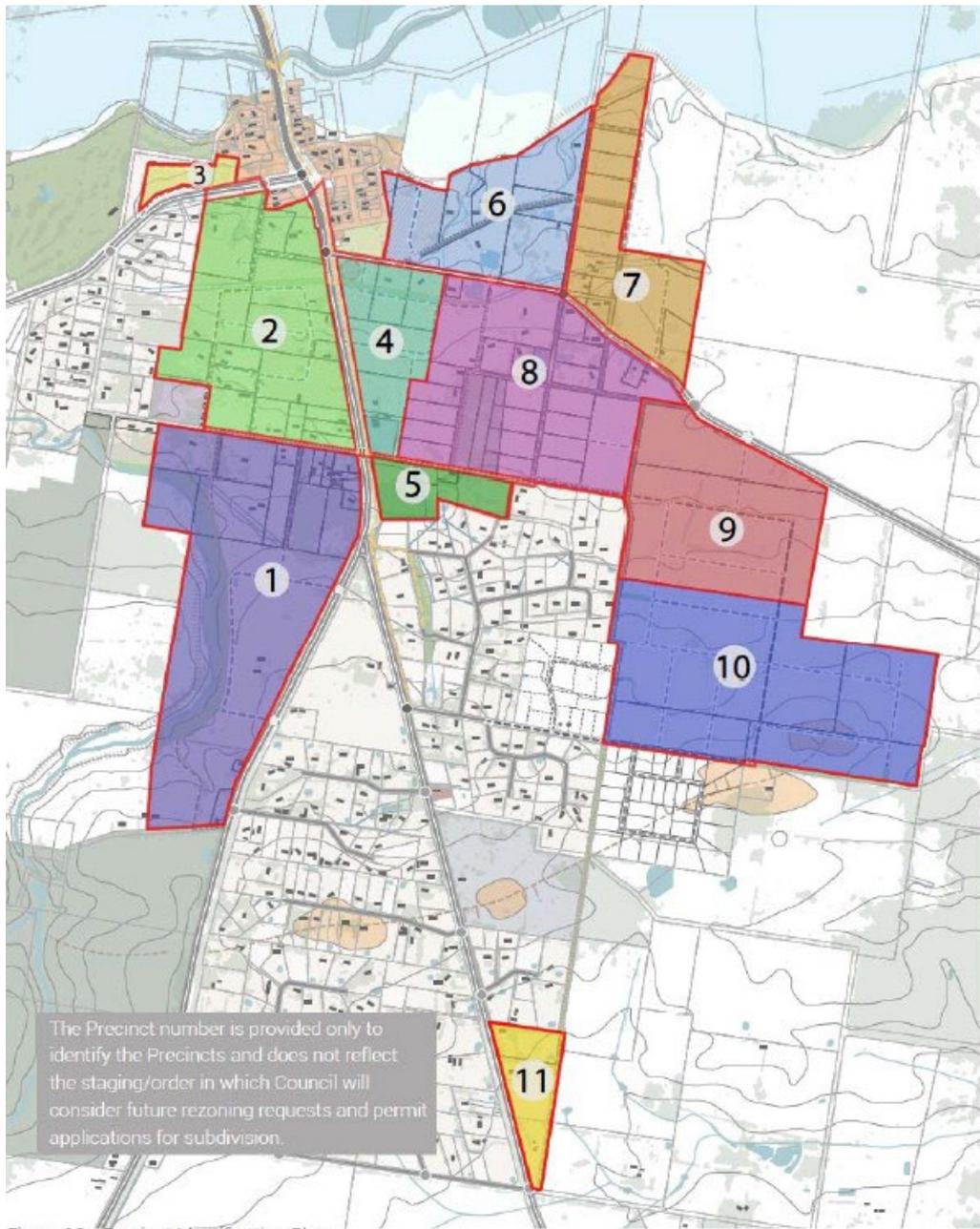


Figure 12 - Precinct Identification Plan

(Source: Longford Development Plan, November 2015)

*Planning and Environment Act 1987*

**WELLINGTON PLANNING SCHEME**

**AMENDMENT C116well**

**EXPLANATORY REPORT**

**Who is the planning authority?**

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

The amendment has been made at the request of the NBA Group Pty Ltd.

**Land affected by the amendment**

The amendment applies to Precincts 9 and 10 as identified in the *Longford Development Plan (November 2015)* with the specific land parcels proposed for rezoning to the Rural Living Zone listed below:

**Precinct 9**

- Lots 1 & 2 on TP861526 (Volume 09658 Folio 844) Longford-Loch Sport Road, Longford;
- Crown Allotment 32A Parish of Glencoe (Volume 03681 Folio 022) "Summerhill" 216 Longford-Loch Sport Road, Longford;

**Precinct 10**

- Crown Allotments 34A, 37 & 37A Parish of Glencoe (Volume 10327 Folio 419, Volume 10327 Folio 420, Volume 10327 Folio 421) Part "Weemala" 286 Longford-Loch Sport Road, Longford;



Figure 1: Subject Site

### **What the amendment does**

The amendment seeks to rezone the land from the Farming Zone (FZ) to the Rural Living Zone Schedule 5 (RLZ5) and apply a new Development Plan Overlay Schedule 14 (DPO14) to facilitate future rural residential subdivision of the land in accordance with the *Sale, Wurruk & Longford Structure Plan (2010)* and the *Longford Development Plan (November 2015)*.

The amendment seeks to:

- Insert a new Schedule (Schedule 14) to the Development Plan Overlay at Clause 43.04
- Amend Planning Scheme Zone Map 135; and
- Amend Planning Scheme Maps 135DPO.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to allow the land within Precincts 9 and 10 as identified in the *Longford Development Plan (November 2015)*, to be rezoned and subsequently developed for rural living purposes.

The amendment proposes to rezone the land from Farming Zone to Rural Living Zone (Schedule 5) and apply the Development Plan Overlay (Schedule 14).

A Rural Living Assessment prepared by Ethos Urban (September 2021) highlights a demonstratable need for additional rural residential land, with Longford requiring 225 lots to be created over the next 15 year period to be commensurate with demand across the Wellington Shire. The rezoning proposed is an appropriate development outcome in satisfying this demand.

Precincts 9 and 10, which are located on Longford-Loch Sport Road, are sought to be rezoned from the Farming Zone to the Rural Living Zone – Schedule 5 (with a minimum subdivision size of 0.6 hectares) to facilitate the desired outcome of the plan.

A Development Plan Overlay (Schedule 14) is sought to be applied to the subject land to guide future development of the site and ensure the objects of the *Longford Development Plan (November 2015)* are achieved. The application of this overlay will also ensure bushfire mitigation measures as recommended by the relevant fire authority will be implemented as part of any development plan approval in future.

This amendment is consistent with the *Sale, Wurruk & Longford Structure Plan (2010)* and the *Longford Development Plan (November 2015)*.

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

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987* – the Act) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. In particular, the amendment implements:

The relevant objectives of Section 4 of the Act include (inter alia):

- S.4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- S.4(1)(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- S.4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (a) and (c);

The relevant objectives of Section 12 of the Act include (inter alia):

- *S.12(1)(a) implement the objectives of planning in Victoria.*

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

The *Longford Development Plan (November 2015)* was prepared to allow for the orderly and sustainable development of the Longford region. During the preparation of this plan, relevant stakeholders including the community were consulted and no significant concerns were identified with creation of further rural living land.

In response to the requirements of the Longford Development Plan, the proponent of this Amendment has prepared a range of technical studies in support of the Amendment including a land capability assessment, land supply assessment, traffic assessment, flora and fauna assessment, stormwater assessment, contamination assessment and a bushfire risk assessment to demonstrate that the land is suitable for future rural living purposes.

The Amendment is considered to result in net community benefit in satisfying a commensurate need for additional rural-lifestyle opportunities within the Wellington Shire.

The proposed rezoning will not cause a foreseeable detrimental effect on air, land or water quality.

There are no threshold distances applicable under Clause 53.10 of the Wellington Planning Scheme (uses and activities with potential adverse impacts) and the amenity of surrounding farming areas and rural living areas will be protected through site response design at subdivision stage. The land is not used for intensive farming and its conversion to rural living will not result in a loss of important agricultural land.

The flora and fauna assessment has been undertaken for the land and there are no ecological qualities of the land that have a clear and demonstrable conservational need. Recommendations of the assessment can be readily implemented at the time of subdivision.

The Traffic Impact Assessment confirms that the use of this land for rural living purposes will not cause detriment to the transport network.

Potential land contamination has been considered in depth and is discussed in detail under 'Ministerial Direction 1' contained within this report.

Preliminary investigations indicate that available service infrastructure has capacity to cater for future development at the scale intended and where reticulated infrastructure is not available it has been demonstrated that on-site services can be installed. Relevant service providers will be formally notified of the Amendment.

**Does the amendment address relevant bushfire risk?**

The land is located within a Designated Bushfire Prone Area and the south-eastern corner is covered by the Bushfire Management Overlay (BMO). In accordance with Clause 13.02-1S a Bushfire Assessment has been prepared by Millar-Merrigan in support of the rezoning proposal and preliminary liaison has occurred with Country Fire Authority (CFA). The CFA initially raised a number of concerns based on site-based exposure, road layout and suitable bushfire protection measures.

Appropriate policy is included in Schedule 14 of the Development Plan Overlay to enforce appropriate bushfire mitigation measures during the consideration and approval of a Precinct Plan (in accordance with the requirements of the Longford Development Plan) and ensure the risk to life and property is managed to an appropriate level. The precinct plan requirements relating to bushfire safety within the proposed Schedule 14 to the Development Plan Overlay have been informed by feedback from the relevant fire authority and is considered to be an acceptable planning mechanism to ensure future Bushfire Safety is a major priority in assessing any precinct or subdivision plan in future.

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

This Amendment has been prepared in accordance with various Ministerial Directions and Planning Practice Notes.

*Ministerial Direction: Form & Content of Planning Schemes* including the local provision templates have been utilised to guide the preparation of the proposed Development Plan Overlay (Schedule 14).

**Ministerial Direction 1: Potentially Contaminated Land and Planning Practice Note 30**

The proponent for the Amendment commissioned two Preliminary Risk Screen Assessment (PRSA) reports prepared by AAA Environmental Pty Ltd. The first report was prepared for the property described as a portion of 216 and 286 Longford-Loch Sport Rd and Crown Allotment 37 (i.e. the 'Land affected by the Amendment' as described above), comprising an area of approximately 143.21 hectares used for grazing. The auditor determined that the outcome of the PRSA report is as follows:

*Unlikely that contaminated land is present and no environmental audit is required.*

The second PRSA was for a confined area of land (approximately 5.79 hectares in area) at 216 Longford-Loch Sport Rd (Portion of Lot 1 TP861526S) comprising a dwelling, sheds and former sheep dip.

The auditor determined that the outcome of the PRSA report is as follows:

*Likely that contaminated land is present, and an environmental audit is required.*

While an Environmental Audit Overlay (EAO) was proposed to be applied to part of the land during the exhibition of the Amendment, the Amendment proponent subsequently provided Council with an Environmental Audit Statement (prepared under Part 8.3 of the *Environment Protection Act 2017*) which confirmed that the land is suitable for rural residential use without any management measures. Accordingly, the EAO was removed as part of the adopted Amendment.

The planning authority is satisfied, therefore, that the land subject to the Amendment is suitable for rural residential use.

**Ministerial Direction 11: Strategic Assessment of Amendments.**

The amendment has been prepared in accordance with this Direction, with the Explanatory Report and accompanying Strategic Assessment Guidelines evaluation addressing the requirements as outlined in this Direction.

**Ministerial Direction No. 15 – The Planning Scheme Amendment Process**

This Direction sets out timeframes for completing each step in the planning scheme amendment process. The amendment will follow the requirements of this Direction.

**Ministerial Direction 19: Information requirement for amendments that may result in impacts on the environment, amenity and human health**

The Direction requires planning authorities to seek the views of the Environment Protection Authority (EPA). The views of the EPA have been sought throughout the preparation of this amendment. Initial advice from the EPA focused on the need for Council to ensure that Ministerial Direction 1 was complied with, particularly given that initial contamination investigations did not take the form of a PRSA or audit (instead a Preliminary Site Investigation, PSI was provided by the Amendment proponent). In response to EPA feedback, two PRSA's were provided by the Amendment proponent which have informed an appropriate response (refer to Ministerial Direction 1 discussion above). An Environmental Audit Statement has also been prepared to confirm that the land is suitable for rural residential use.

**How does the amendment support or implement the Planning Policy Framework (PPF) and any adopted State Policy?**

The amendment is consistent with the Planning Policy Framework (PPF) and is supported by the relevant objectives. The following Clauses of the Planning Policy Framework are relevant to this amendment:

Clause 11 - Settlement: The amendment increases the supply of land available for rural living in accordance with the *Longford Development Plan (November 2015)*.

Clause 12 – Environmental and Landscape Values: The rezoning will have minimal impact on the natural environment given that the land has a long history of grazing and contains little ecological significance. The

identified features of flora and fauna significance can be protected at subdivision stage given the large lot sizes required under the Rural Living Zone (Schedule 5).

Clause 13 - Environmental Risks and Amenity: The key environmental hazard identified for this land is the fact that it is contained within a Bushfire Prone Area and the south-east corner is impacted by the BMO. To demonstrate compliance with Clause 13.02 a Bushfire Assessment has been completed and it provides recommendations to ensure that bushfire risk is mitigated to an acceptable level. The requirements of the CFA have been included in Schedule 14 to the Development Plan Overlay.

Clause 15 - Built Environment and Heritage: The amendment enables the creation of rural living opportunities adjacent to land that has already been developed for these purposes. The rezoning will enable creation of sense of place and cultural identity and contribute positively to the local context. The larger lot sizes that will be implemented through the schedule of the zone will ensure that future subdivision and development respects the valued rural character of Longford.

Clause 16 - Housing: Application of Schedule 5 to the Rural Living Zone will create a suitable range of densities to create a diversity of housing and lifestyle opportunities.

Clause 19 - Infrastructure: Infrastructure appropriate to a rural living area can be viably installed, with non-reticulated services provided on site.

### **How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically the Municipal Strategic Statement (MSS)?**

The Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) of the Wellington Planning Scheme provides local content to support the PPF and the amendment is supported by the relevant policies:

Clause 21.01 – Municipal Profile: Longford is within Planning Unit 4a and the proposed land use is considered appropriate given the *Longford Development Plan (November 2015)*.

Clause 21.02 – Key Issues and Influences: Rural residential development is identified as an important feature of the Shire and the rezoning facilitates the ongoing supply of this type of land.

Clause 21.03 – Vision-Strategic Framework: Longford is identified as a Main Rural Residential Area and the rezoning supports this intent.

Clause 21.04 – Settlement and Housing: The amendment will facilitate future development within an identified growth area, which will support and reinforce the regional role of Sale.

Clause 21.05 – Sale, Wurruk and Longford Strategic Framework: Longford's role as a township is described as follows: *'Longford will be a key focus for rural residential growth and will also provide opportunities for further residential intensification within its core and in 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.'* This Clause shows the subject land within the settlement boundary and identifies it for rural living development.

Clause 21.14 – Environmental Risk: The site has an identified bushfire risk and the rezoning process can implement appropriate policy to ensure that this is mitigated to an acceptable level.

Clause 21.19 – Infrastructure: Development of the land post rezoning will be driven by market demand, with any future subdivision application expected to be staged to release lots when the demand is present. Likewise, the development of physical infrastructure will also be likely implemented on a stage-by-stage basis as required.

### **Does the amendment make proper use of the Victorian Planning Provisions?**

The amendment uses the most appropriate tools from within the Victoria Planning Provisions to achieve the strategic objectives of the Wellington Planning Scheme.

The existing Schedule 5 to the Rural Living Zone (RLZ5) provides appropriate controls to ensure suitable future development of the subject land. RLZ5 applies to land immediately to the west of the subject land.

The Wellington Planning Scheme includes a Development Plan Overlay for the Longford Development Plan Area (Schedule 10). This overlay does not include bushfire mitigation requirements to CFA satisfaction and as such a new Schedule 14 is to be inserted into the planning scheme.

**How does the amendment address views of any relevant agencies?**

Preliminary comments of the relevant agencies have been sought in response to the rezoning request and will again be sought as part of the public exhibition stage of the planning scheme amendment process. Referral responses have been received from the following:

- Country Fire Authority
- Department of Environment, Land, Water and Planning.
- Department of Transport
- EPA
- Gippsland Water
- Southern Rural Water
- West Gippsland Catchment Management Authority

The amendment adequately responds to the responses provided.

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

The amendment will not have a significant impact on the transport system and as such there is no adverse effects on the *Transport Integration Act*.

**Resource and administrative costs**

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

The amendment will not have any significant financial implications for the responsible authority.

A Development Plan will be required to be approved prior to the subdivision of land and this will require Council resources for assessment and approval.

The number of additional planning permits to be processed due to the controls introduced by the amendment will be acceptable.

**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

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

The amendment can also be inspected free of charge at the Wellington Shire Council's website, at [www.wellington.vic.gov.au/planning-scheme-amendments/amendment-c116](http://www.wellington.vic.gov.au/planning-scheme-amendments/amendment-c116)

**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 **20 January 2023**. A submission must be sent to:

Strategic Planning  
Wellington Shire Council  
PO BOX 506  
SALE VIC 3850  
or to [strategicplanning@wellington.vic.gov.au](mailto:strategicplanning@wellington.vic.gov.au)

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set:

Directions hearing: to commence in the week of Monday 17 April 2023

Panel hearing: to commence in the week of Monday 15 May 2023



# Environmental audit statement

Under Part 8.3 of the *Environment Protection Act 2017*

Publication F1032 published September 2021

The purpose of an environmental audit is:

- a) to assess the nature and extent of the risk of harm to human health or the environment from contaminated land, waste, pollution or any activity; and
- b) to recommend measures to manage the risk of harm to human health or the environment from contaminated land, waste, pollution or any activity; and
- c) to make recommendations to manage the contaminated land, waste, pollution or activity.

This statement is a summary of the findings of an environmental audit conducted under Part 8.3 of the *Environment Protection Act 2017* for:

**Portion of 216 Longford-Loch Sport Road, Longford**

Further details are provided in the environmental audit report that accompanies this statement.

## Section 1: Environmental audit overview

Environmental audit ID number: EA001369

### Environmental auditor details

Name: David Nunn

Company: AAA Environmental Pty Ltd

Address: 8 / 153 La Trobe Street, Melbourne, 3000

Phone: 0407 526 074

Email: david@aaaenvironmental.com.au

### Site owner/occupant

Name: [REDACTED]

Company: [REDACTED]

### Environmental auditor engaged by

Name: [REDACTED]

Company: [REDACTED]

Relationship to site owner: Director

### Reason for the environmental audit

- Requirement under the *Planning and Environment Act 1987* (e.g. planning permit)
- Requirement under the *Environment Protection Act 2017* (e.g. remedial notice or licence)
- Requirement under other legislation
- Other

## Environmental audit statement

### Section 2: Environmental audit scope

#### Details of the site in respect of which the environmental audit was conducted

Site/premises name:	None
Address:	Portion of 216 Longford-Loch Sport Road, Longford, Victoria
Title details:	Portion of Lot 1 TP861526S, Volume 9658 Folio 844
Area (hectares):	5.79
<input checked="" type="checkbox"/> a plan of the site is attached	

#### Use or proposed use for which the site is being audited

##### Sensitive land use categories

Note that sensitive land uses in the *Environment Reference Standard (ERS 2021)* are categorised as lower and high density. Lower density is where there is generally substantial access to soil and high density is restricted to developments that make maximum use of available land space, and there is minimal access to soil. For planning purposes, the *Ministerial Direction No.1 (MD No.1)* considers secondary schools and children's playgrounds to be sensitive land uses.

- |   |  |
|---|--|
| <input type="checkbox"/> High density                     | <input checked="" type="checkbox"/> Residential land use |
|   | <input type="checkbox"/> Child care centre               |
| <input checked="" type="checkbox"/> Other (lower density) | <input type="checkbox"/> Pre-school                      |
|   | <input type="checkbox"/> Primary school                  |
|   | <input type="checkbox"/> Secondary school                |
| <input type="checkbox"/> Children's playground (indoor)   |  |
| <input type="checkbox"/> Children's playground (outdoor)  |  |

##### Other land use categories

- Recreation/open space
- Parks and reserves
- Agricultural
- Commercial
- Industrial
- Other land uses not captured by the above as described here:

#### Elements of the environment assessed in the environmental audit

- Ambient air
  - all environmental values were considered
  - all environmental values other than the following were considered:
- Ambient sound
  - all environmental values were considered
  - all environmental values other than the following were considered:
- Land
  - all environmental values that apply to the land use category were considered
  - all environmental values that apply to the land use category, other than the following, were considered:

**Environmental audit statement**

- Water
- Surface water
- all environmental values that apply to the applicable segment were considered OR
- all environmental values that apply to the applicable segment, other than the following, were considered:
- 
- Groundwater
- all environmental values that apply to the applicable segment were considered OR
- all environmental values that apply to the applicable segment, other than the following, were considered:
- 

**Standards and reference documents considered****Guidelines issued by the Authority under section 203 of the Environment Protection Act 2017**

- EPA Victoria (2022). Guidelines for Conducting Environmental Audits. Publication 2041. February 2022.
- EPA Victoria (2022). Environmental Auditor Guidelines for Appointment and Conduct. EPA Publication 865.13. March 2022
- EPA Victoria (2021). Environmental Auditor Guidelines – Provision of Statements and Reports for Environmental Audits and Preliminary Risk Screen Assessments. EPA Publication 2022. August 2021.
- EPA Victoria (2021). Guidance for the Cleanup and Management of Contaminated Groundwater. EPA Publication 2001. July 2021.

**Subordinate Legislation**

- Victorian Government Gazette (2021). Environment Reference Standard. S245 Wednesday 26 May 2021.
- Victoria Government (2021). Environment Protection Regulations 2021.

**National Environment Protection Measures**

- National Environment Protection Council (NEPC) (2021). National Environment Protection (Ambient Air Quality) Measure 1998, as amended May 2021.
- National Environment Protection Council (NEPC) (2013). National Environment Protection (Assessment of Site Contamination) Measure 1999, as amended 2013.

**Policies**

- EPA Victoria (2021). Contaminated Land Policy. Publication 1915. February 2021.

**EPA Victoria Publications**

- EPA Victoria (2022). Groundwater Sampling Guidelines. EPA Publication 669.1. February 2022.
- EPA Victoria (2021). Proposed Guideline. Notifiable Contamination Guideline – Duty to Notify of Contaminated Land. EPA Publication 2008.1. July 2021.
- EPA Victoria (2021). Assessing and Controlling Contaminated Land Risks: A Guide to Meeting the Duty to Manage for those in Management or Control of Land. EPA Publication 1977. June 2021.
- EPA Victoria (2021). Guide to the Environment Reference Standard. EPA Publication 1992. June 2021.
- EPA Victoria (2021). Using SEPPs and WMPs in the New Environment Protection Framework. EPA Publication 1994. June 2021.
- EPA Victoria (2021). Contaminated Land: Understanding Section 35 of the Environment Protection Act 2017. EPA Publication 1940. February 2021.
- EPA Victoria (2021). Proposed Methodology for Deriving Background Level Concentration when Assessing Potentially Contaminated Land. EPA Publication 1936. January 2021.
- EPA Victoria (2018). Closed Landfill Guidelines. EPA Publication 1490.1. January 2018.
- EPA Victoria (2018). Landfill Gas Fugitive Emissions Monitoring Guideline. EPA Publication 1684. February 2018.
- EPA Victoria (2017). Assessing Planning Proposals Within the Buffer. EPA Publication 1642. October 2017.
- EPA Victoria (2016). Landfill Licensing. EPA Publication 1323.3. September 2016.

### Environmental audit statement

- EPA Victoria (2009). Industrial Waste Resource Guidelines. Arsenic in Mine Tailings, Sand and Rock. EPA Publication IWRG431. June 2009.
- EPA Victoria (2006). Hydrogeological Assessment (Groundwater Quality) Guidelines. EPA Publication 668. September 2006.

### Other Published Guidelines and Standards

- Australian & New Zealand Guidelines for Fresh and Marine Water Quality website. (<https://www.waterquality.gov.au/anz-guidelines>).
- Australian Government. National Health and Medical Research Council (2008). Guidelines for Managing Risks in Recreational Waters.
- Australian & New Zealand Environment & Conservation Council and Agriculture & Resource Management Council of Australia and New Zealand (2000). Australian and New Zealand Guidelines for Fresh and Marine Water Quality. National Water Quality Management Strategy.
- CRC Care National Remediation Framework Website. (<https://www.crccare.com/knowledge-sharing/national-remediation-framework>).
- Canadian Council of Ministers of the Environment (2007). Canadian Environmental Quality Guidelines ([www.ccme.ca/en/resources/canadian\\_environmental\\_quality\\_guidelines/index.html](http://www.ccme.ca/en/resources/canadian_environmental_quality_guidelines/index.html)).
- Dutch National Institute of Public Health and the Environment, RIVM (2013). Soil Remediation Circular, Version of 1 July 2013.
- Standards Australia (2005). Australian Standard, Guide to the sampling and investigation of potentially contaminated soil, Part 1: Non-volatile and semi-volatile compounds. AS4482.1 – 2005.
- Standards Australia (1999). Australian Standard, Guide to the sampling and investigation of potentially contaminated soil, Part 2: Volatile Substances. AS4482.2 – 1999.
- Victorian Government Department of Sustainability and Environment (2010). Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils. October 2010.

### Assumptions made during the environmental audit or any limitations

The assessment was targeted to potential point sources of contamination as the site history indicated that the larger site was used for stock grazing since 1913 and therefore the Auditor assumed the potential for contamination to have occurred across the larger site was low.

### Exclusions from the environmental audit and the rationale for these

- Ambient air was not considered to be relevant in this setting because no potential risks to air quality were identified emanating from the site or from the adjacent sites at the time of the site investigations or the site inspection.
- No natural surface water bodies occur within the site therefore this element was not relevant.
- The site is located within a rural residential area. Therefore, the environmental value ambient sound is unlikely to be precluded at the site.

## Environmental audit statement

This statement is accompanied by the following environmental audit report:

Title:	Environmental Audit Report Portion of 216 Longford-Loch Sport Road Longford, Victoria
Report no:	20213
Date:	7 February 2023

## Section 3: Results and recommendations of the environmental audit

### Land use suitability

Based on my assessment of the site in relation to the risk of harm to human health or the environment from contaminated land, waste or pollution, I am of the opinion that the site is **suitable for the following land uses**:

### Sensitive land use categories

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> High density                    | <input checked="" type="checkbox"/> Residential land use |
| <input checked="" type="checkbox"/> Other (lower density)           | <input checked="" type="checkbox"/> Child care centre    |
|   | <input checked="" type="checkbox"/> Pre-school           |
|   | <input checked="" type="checkbox"/> Primary school       |
|   | <input checked="" type="checkbox"/> Secondary school     |
| <input checked="" type="checkbox"/> Children's playground (indoor)  |  |
| <input checked="" type="checkbox"/> Children's playground (outdoor) |  |

### Other land use categories

- |   |
|---|
| <input checked="" type="checkbox"/> Recreation/open space                             |
| <input type="checkbox"/> <del>Parks and reserves</del>                                |
| <input checked="" type="checkbox"/> Agricultural                                      |
| <input checked="" type="checkbox"/> Commercial  |
| <input checked="" type="checkbox"/> Industrial  |
| <input type="checkbox"/> Other land uses not captured by the above as described here: |

## Results of the environmental audit

Based on my assessment of the risk of harm to human health or the environment from contaminated land/waste/pollution for the site located at **Portion of 216 Longford-Loch Sport Road, Longford**, I conclude that :

- Site investigations indicated that concentrations of arsenic exceeded the adopted ecological screening values at several locations. The Auditor considered that the elevated arsenic concentrations were either highly localised in extent and/or naturally occurring and therefore were considered unlikely to pose an unacceptable risk to the environmental values *Land dependent ecosystems and species, Buildings and structures and Production of food, flora and fibre*, commensurate with the proposed rural residential use of the site.
- Arsenic concentrations at four sampling locations exceeded the adopted human health screening value. Localised arsenic concentrations were reported at three locations in the vicinity of the former sheep dip at depths between 0.55 m and 1.0 m, and at one location in natural soils at a depth of 6.0 m bgl. The Auditor considered that given the highly localised impacts and the depths at which they occur, human receptors were unlikely to be directly exposed to the identified arsenic contamination. Therefore, the Auditor considered that the residual arsenic contamination is unlikely to pose an unacceptable risk to the environmental value of *Human Health*.

**Environmental audit statement****Recommendations**

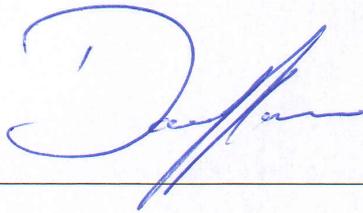
None

**Other related information**

1. Groundwater monitoring bores present at the site identified as MW01 and MW02 should be decommissioned within 12 months of cessation of use, in accordance with the requirements of "Minimum Construction Requirements for Water Bores in Australia", published by the Land and Water Biodiversity Committee (4<sup>th</sup> Edition) or most recent update.
2. Not all land uses for which the audit site is considered suitable by this environmental audit may be allowed under the existing Wellington Shire Council planning scheme.
3. Any soil proposed to be excavated and disposed off-site after completion of the environmental audit, must be classified by an appropriately qualified professional in accordance with the Environment Protection Regulations 2021 and EPA guidelines.
4. All fill material proposed to be imported to the audit site after completion of the audit, must be tested and classified as 'Fill Material' in accordance with Environment Protection Regulations 2021 and any relevant EPA designations and guidance.
5. In accordance with Section 214 of the Environment Protection Act 2017, the person in management or control of the site must provide a copy of this environmental audit statement to any person who proposes to become the person in management or control of the site.
6. Specialist advice should be sought in determining the geotechnical suitability of any material for its intended purpose.

**Section 4: Environmental auditor's declaration****I state that:**

- I am appointed as an environmental auditor by the Environment Protection Authority Victoria under the *Environment Protection Act 2017*.
- The information contained in this statement represents a true and accurate summary of the findings of the environmental audit that I have completed.

Date: 7 February 2023Signed: Name: David Nunn  
Environmental Auditor

## SUBMISSION ONE


 Department of Environment,  
 Land, Water & Planning

14 December 2022

Joshua Clydesdale  
 Major Projects and Principal Strategic Planner  
 Wellington Shire Council  
 18 Desailly Street  
 SALE VIC 3850

By email: [planning@wellington.vic.gov.au](mailto:planning@wellington.vic.gov.au)

Our ref: SP482631

Your ref: Am C116well

Dear Joshua

**PROPOSAL:** AMENDMENT C116 TO THE WELLINGTON PLANNING SCHEME

**PROPONENT:** NBA GROUP PTY LTD

**ADDRESS:** PRECINCTS 9 AND 10 OF THE LONGFORD DEVELOPMENT PLAN (NOV, 2015)

**LEGAL DESCRIPTION OF THE LAND:**

PRECINCT 9

- LOTS 1 & 2 ON TP861526 (VOLUME 09658 FOLIO 844) LONGFORD-LOCH SPORT ROAD, LONGFORD;
- CROWN ALLOTMENT 32A PARISH OF GLENCOE (VOLUME 03681 FOLIO 022) "SUMMERHILL" 216 LONGFORD-LOCH SPORT ROAD, LONGFORD;

PRECINCT 10

- CROWN ALLOTMENTS 34A, 37 & 37A PARISH OF GLENCOE (VOLUME 10327 FOLIO 419, VOLUME 10327 FOLIO 420, VOLUME 10327 FOLIO 421) PART "WEEMALA" 286 LONGFORD-LOCH SPORT ROAD, LONGFORD;

Thank you for your correspondence received on 25 November 2022 pursuant to Section 19 of the *Planning and Environment Act 1987*.

The Amendment seeks to:

- rezone the land from the Farming Zone to Rural Living Zone, Schedule 5
- apply a new Development Plan Overlay, Schedule 14
- apply the Environmental Audit Overlay to a confined area of the site

DELWP Environment (Gippsland) has considered the above exhibited combined planning scheme amendment and does not oppose the amendment.

If you have any queries, or require clarification please contact [gippsland.planning@delwp.vic.gov.au](mailto:gippsland.planning@delwp.vic.gov.au).

Yours sincerely

**Elaine J Wood**

Planning and Approvals Program Officer  
 Gippsland Region | Central East Hub

**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 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to [foi.unit@delwp.vic.gov.au](mailto:foi.unit@delwp.vic.gov.au) or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.*



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25 years of  
catchment  
health**SUBMISSION TWO**

**WGCMCA Ref:** WGCMCA-F-2021-00930  
**Document No:** 2  
**Date:** 16 January 2023

Joshua Clydesdale  
 Major Projects and Principal Strategic Planner  
 Wellington Shire Council

Dear Joshua,

**Regarding:** Planning Scheme Amendment - C116

<b>Property</b>	<b>Street:</b>	216 & Pt 286 Longford-Loch Sport Road Longford Vic 3851
	<b>Cadastral:</b>	Lot 1 & 2 TP861526, Allotment 32A, 34A, 37, 37A, Parish of Glencoe

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 25 November 2022 in relation to preparation of amendment C116well. The Authority understands that the Amendment proposes to rezone the land from the Farming Zone (FZ) to the Rural Living Zone Schedule 5 (RLZ5) and apply the Development Plan Overlay Schedule 14 (DPO14) to facilitate future rural residential subdivision of the land in accordance with the Sale, Wurruk & Longford Structure Plan (2010)' and the 'Longford Development Plan (November 2015).'

The Authority has reviewed the documents provided and does not object to Planning Scheme Amendment C116, however the following should be noted in relation to any future development of the land.

**Stormwater Management**

The Authority notes that a conceptual stormwater management strategy for the subject land has demonstrated that it is possible to treat stormwater runoff from the site to best practice. The Authority notes that the treatment proposed is grassed swale drains within the road reserves and rainwater tanks on each allotment. However, in order for the West Gippsland Catchment Management Authority to support any future subdivision of the land, the developer must demonstrate that the subdivision will comply with the 'Urban Stormwater Best Practice Environmental Management Guidelines' (CSIRO, 1999) to reduce pollutant loads (suspended solids, nitrogen and phosphorus) and flow quantity at each stage of the subdivision.

To achieve this outcome, the West Gippsland Catchment Management Authority will require a detailed Stormwater Management Plan, prior to Certification of any subdivision.

**Waterways and Buffers**

A designated waterway is located in the southeast corner of the subject land (Precinct 10 – lot 186). Aerial photography indicates a small dam is located on this waterway. The Longford Development Plan also identifies this location as a low point which may be required for drainage purposes. In order for the Authority to support any future development of the land, a Waterway Management Plan will be required for this waterway to ensure the long-term protection of the designated waterway and to

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minimise future maintenance requirements for any reserves created over the waterway.

The designated waterway has been identified in Figure 1 and will require protection through the creation of an ecological buffer of 30 metres either side of the designated waterway from the top of bank. To ensure the long term management and maintenance of this waterway, it is likely the Authority will require a Section 173 Agreement registered on the title at the time of subdivision.

Should you have any queries, please do not hesitate to contact Ben Proctor on 1300 094 262 or email [planning@wgcma.vic.gov.au](mailto:planning@wgcma.vic.gov.au). To assist the Authority in handling any enquiries please quote **WGCMA-F-2021-00930** in your correspondence with us.

Yours sincerely,



**Adam Dunn**  
**Executive Manager - Statutory Planning**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

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Figure 1 – Designated waterways



## OFFICIAL

**Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - 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. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.



## SUBMISSION THREE

Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness  
8 Lakeside Drive Burwood East Vic 3151  
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 10000-72911-124598  
Council Ref: C116WELL

19 January 2023

Joshua Clydesdale  
Wellington Shire Council  
18 Desailly Street  
**SALE VIC 3850**

Dear Joshua

### PLANNING SCHEME AMENDMENT

**Proposal:** C116well  
**Location:** 216 Longford Loch Sport Road, Longford

Thank you for providing CFA notice of Planning Scheme Amendment C116well in accordance with Section 19 of the *Planning and Environment Act 1987*.

CFA has reviewed the proposed planning scheme amendment and can provide the following advice:

CFA understand a *Bushfire Assessment*, prepared by Millar and Merrigan dated September 2021, is a key background document that has informed the rezoning application to ensure the proposal satisfies the requirements of Clause 13.02-1S Bushfire planning.

Amendment C116well as exhibited appears to incorporate CFA's comments raised in our letter to Council dated 9 November 2021. However, CFA has undertaken further investigations of the area and as the site is not connected to reticulated water CFA recommend the proposed Development Plan Overlay include requirements for water supply and access as follows:

#### Water supply

Each lot to include 40,000 litres of potable water storage for domestic and fire fighting purposes which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.



Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness  
8 Lakeside Drive Burwood East Vic 3151  
Email: firesafetyreferrals@cfa.vic.gov.au

- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

### Access

Show the access for fire fighting purposes which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- Incorporate a turning area for fire fighting vehicles close to the building by one of the following:
  - A turning circle with a minimum radius of eight metres.
  - A driveway encircling the dwelling
  - The provision of vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.
- Incorporate passing bays at least every 200m which must be at least 20 metres long and have a minimum trafficable width of 6 metres.

If you wish to discuss this matter in more detail, please do not hesitate to contact either Jude Kennedy, Manager Community Safety on 9767 1811 or myself on 9262 8672.

Yours sincerely

**Luci Johnston**  
Land Use Planning Coordinator  
CFA Fire Risk, Research and Community Preparedness

## SUBMISSION FOUR

19 January 2023



Joshua Clydesdale  
Strategic Planner  
Wellington Shire Council  
19 Desailly Street  
SALE VIC 3850

Our Ref: REQ002844

Dear Joshua,

**RE: EXHIBITED WELLINGTON PLANNING SCHEME AMENDMENT C116  
LONGFORD PRECINCTS 9 & 10**

Thank you for the opportunity to provide a submission in relation to the aforementioned Planning Scheme Amendment currently on exhibition (the Amendment).

EPA have reviewed the following documents of relevance:

- Explanatory Report;
- Development Plan Overlay - Schedule 14 (DPO14);
- Concept Lot Layout Plan, Version 4, prepared by NBA Group, dated April 2022;
- Planning Report, prepared by NBA Group, dated May 2022;
- Land Capability Assessment for On-Site Domestic Wastewater Management, prepared by Simon Anderson Consultants, dated 12 July 2021;
- Preliminary Site Investigation, prepared by DRC Enviro - dated 3 May 2022;
- Preliminary Risk Screen Assessment Report (grazing site), prepared by LPDG Pty Ltd, dated 17 October 2022;
- Preliminary Risk Screen Assessment Report (residence, sheds and sheep dip), prepared by LPDG Pty Ltd, dated 17 October 2022; and,
- Remediation of Sheep Dip, AST and Garage – Longford-Loch Sport Road, Longford Report, prepared by DRC Enviro, dated 5 July 2022.

### **Our Understanding of the Proposal**

The Amendment seeks to rezone the subject land comprising Precinct 9 and Precinct 10 as referred to in the Longford Development Plan including:

- Lots 1 & 2 on TP861526 (Volume 09658 Folio 844) Longford-loch Sport Road, Longford;
- Crown Allotment 32A Parish of Glencoe (Volume 03681 Folio 022) "Summerhill" 216 Longford-Loch Sport Road, Longford; and
- Crown Allotments 34A, 37 & 37A Parish of Glencoe (Volume 10327 Folio 419, Volume 10327 Folio 420, Volume 10327 Folio 421) Part "Weemala" 286 Longford-Loch Sport Road, Longford (now referred to as the Site);

from Farming Zone (FZ) to Rural Living Zone – Schedule 5 (RLZ5).

[epa.vic.gov.au](http://epa.vic.gov.au)

Environment Protection Authority Victoria  
GPO Box 4395, Melbourne VIC 3001  
1300 372 842



Noting that this did not form part of the proposal when initially referred to EPA in accordance with Ministerial Direction 19 (MD19) EPA understands that the Amendment also seeks to:

- both introduce and apply the Development Plan Overlay – Schedule 14 (DPO14) to the Site; and
- apply the Environmental Audit Overlay (EAO) to a confined area of the Site.

It is understood that the RLZ5 will facilitate the development of rural living opportunities at the density considered appropriate by Council. The application of DPO14 to the Site will require the preparation of a detailed Development Plan to guide the future development of the land.

### **Previous Advice**

The EPA has provided advice to Council regarding the Amendment on two separate occasions, dated 18 November 2021 (EPA ref: REQ001402) and 8 June 2022 (EPA Ref REQ002090). This advice consisted of an MD19 response and subsequent follow-on advice.

EPA's previous advice to Council focused on:

- Consideration of potentially contaminated land, and Ministerial Direction 1 (MD1);
- Whether sodic soils are present at the Site and if they were, how the risks would be managed during construction, including erosion and sedimentation;
- Consideration of the potential amenity impacts arising from the Site having an interface with the Farming Zone; and
- The requirement for the Explanatory Report to address MD1 and MD19.

### **Submission on Exhibited Amendment**

#### Potentially Contaminated Land

The Amendment documents now include two Preliminary Risk Screen Assessment's (PRSA) that have been prepared for different portions of the Site, as detailed below:

*PRSA - Residence, sheds and sheep dip*

A PRSA has been completed for part of 216 Longford-Loch Sport Road, Longford which contains the residence, three sheds and former sheep dip.

The auditor has concluded that further investigations of soil and groundwater are required at the Site and therefore an environmental audit in accordance with Section 208 of the *Environment Protection Act 2017* is required for this portion of the Site.

It is noted that where land has a 'high' potential for contamination, *Planning Practise Note 30 - Potentially Contaminated Land* (DELWP, 2021) (PPN30) recommends proceeding directly to an environmental audit. It appears that in this instance, the proponent chose to engage an Auditor to prepare a PRSA instead which we assume to be for the purposes of delineating the area of the site that is required to be audited, with the audit requirement deferred via the application of the EAO.

It is also noted that the lot numbers used in the PRSA figure 5b (version 3) do not correspond to the lot numbers of the concept lot layout plan (version 4).

### *Application of the EAO*

Firstly, and consistent with PPN30, meeting an audit requirement prior to Amendment is preferred. However, MD1 supports the deferral of meeting audit requirements where it is considered difficult or inappropriate to meet those requirements prior to Amendment, with the recommended planning tool being the application of the EAO.

However, the reason for applying the EAO has not been documented. It is worth noting that, as outlined in PPN30, assessment time and costs are not in themselves sufficient reasons to defer assessment.

In addition, it is noted that the proponent is proposing to apply the EAO to a confined area of the Site (surrounding the dwelling, sheds and former sheep dip).

EPA directs the planning authority to the Planners Toolkit (DELWP, 2022), which states the following regarding the application of the EAO:

- generally, the EAO should be applied to the cadastral area boundary (typically identified as a title or lot boundary).
- where a planning authority is satisfied that there is sufficient information to identify all the areas of a Site that are potentially contaminated (including contaminated groundwater or vapour that may pose a risk to the land) the application of the EAO to part of a Site may be considered. Reducing the EAO extent should only be an option for large land parcels. This is because where the EAO is applied to too small a section of the Site, that part may become economically unviable to develop and there is a high risk of the Site becoming orphaned.
- The PRSA is provided as an option to determine the spatial scope of any audit requirement. However, care should be taken to review the scope of the PRSA to confirm that it included all relevant use/developments for the land.

The planning authority needs to determine the use of the PRSA and the appropriateness of deferring audit requirements in this instance. If the planning authority deems it appropriate to defer to audit, via the EAO, as noted above, the planning authority should take care to review the scope of the PRSA to confirm that it included all relevant use/developments for the land.

### *Grazing area (balance of the Site)*

The second PRSA relates to the vacant grazing land portion of the Site (for the Site described as Portion of 216 & Portion of 286 Longford-Loch Sport Road & Crown Allotment 37 Andrews Road, Longford, Victoria).

The auditor concluded that soil and groundwater at the Site are unlikely to be contaminated. Therefore, the Auditor has determined that the outcome of the PRSA is as follows:

- *“Unlikely that contaminated land is present, and no environmental audit is required”.*

EPA considers that the proponent has addressed the requirement at Clause 5 of MD1 in relation to the ‘grazing area’ at the Site and EPA has no further comments on this matter.

### Sodic soils

In previous advice, EPA noted that the Planning Report referenced a Land Capability Assessment prepared for the Site, and which may have identified sodic soils being present at the Site, based on the reference to *“high dispersive clay soils”* and the *“presence of highly permeable and weakly structured*

soils". EPA highlighted that sodic soils present challenges for development, including increased run-off and soil erosion, impacting buildings and other structures, as well as vegetation/landscaping. EPA understands that standard measures during construction do not work well with these soil types. Should this be the case, it was recommended that Council consider how the risks associated with sodic soils would be managed during construction, including erosion and sedimentation controls.

A Land Capability Assessment has now been provided, and concludes that the soils are 'highly dispersive clay soils' and refer to the 'presence of highly permeable and weakly structured soils'. This verifies the statement picked up by the EPA previously in the Planning Report.

In line with previous advice, EPA has not come across any additional information regarding this risk, and therefore it remains unresolved.

We recommend that Council give further consideration to ensuring that the site will be developed in a manner which ensures that the risk of harm is understood and managed consistent with obligations under the Environment Protection Act 2017, including the General Environmental Duty (GED).

#### Farming Zone interface

As previously noted, the proposed rezoning of the subject Site would result in residential land uses having a direct interface with the existing Farming Zone land and agricultural activities to the north, east and south of the subject Site

With specific reference to Clause 13.07-1S *Land Use Compatibility*, EPA remind Council of the need to give adequate consideration to the presence of existing agricultural activities and the need for separation between the existing and proposed land uses.

From review of the Amendment documents, it does not appear that this risk has been given any consideration.

#### **Summary**

It appears that the proponent has determined that part of the Site is potentially contaminated and is seeking to defer the audit system requirements by applying the EAO to that part of the Site. Having regard to MD1 and PPN30, it is for the planning authority to consider the appropriateness of deferring the environmental audit, in addition the proposed extent of the EAO.

The Land Capability Assessment has confirmed the presence of sodic soils at the Site. However, it does not appear that this risk has been considered or addressed in the Amendment documents, EPA considers this matter unresolved.

In addition, it does not appear that potential risks associated with Farming Zone interface have been considered or addressed in the Amendment documents, EPA considers this matter unresolved.

Given the guidance and advice provided to date, the above matters are now for Council to resolve with the proponent. EPA do not wish to be heard in support of this submission, should there be a Panel hearing for this Amendment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'TABe', with a long horizontal flourish extending to the right.

Trisha Brice  
Team Leader – Strategic Planning Advisory  
Development Advisory Unit  
Environment Protection Authority Victoria

## 13. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 13.1. ROAD EXCHANGE AT POUND ROAD WEST, ALBERTON WEST

#### **ACTION OFFICER: GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

#### **PURPOSE**

The objective of this report is for Council to consider a road exchange by deviating a part of Government Road (Pound Road West) over CP167375 in Alberton West forming the current southern alignment onto Sloping Bridge over the Albert River, on Pound Road West at Alberton West.

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

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Sections 207A and 207B of the Local Government Act 1989, resolve to advertise its intention to undertake a road exchange by deviating a part of Government Road (Pound Road West) abutting CP167375 in Alberton West over the current alignment of Pound Road West traversing through CP167375 in Alberton West; and***
- 2. Place a public notice of the proposed road exchange in local newspapers and serve a notice on statutory authorities; and***
- 3. Appoint three Councillors plus an alternative representative to form the 'Pound Road West - Road Exchange Committee' that is established by Council under Section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Act have been requested that they be heard in support of their submission/objection; and***
- 4. In the event that there are no objections or submissions, authorise the Chief Executive Officer to progress the road exchange including placing a notice in the Victoria Government Gazette.***

#### **BACKGROUND**

The purpose of this report is to seek approval from Council to undertake a road exchange to formalise the road tenure over the southern approach onto Sloping Bridge on Pound Road West at Albert River which currently traverses through private property in Alberton West. The proposal is to undertake a road deviation process using provisions of the *Local Government Act 1989* and *Local Government Act 2020*.

When Council Officers were undertaking initial survey work for the widening of Sloping Bridge on Pound Road West at Alberton West in 2021 it was established that the property boundaries for the abutting properties on the southern approach to the bridge had not been rectified from when the initial bridge realignment and replacement works were undertaken in 2005/06.

On review of the documentation from the bridge realignment and replacement project it was established that a road exchange plan had been prepared and formalised with the property owner at the time. It appears that during the process of completing the lodgement and registration of this survey plan with the Titles office, that an issue has arisen whereby the plan could not be registered, and this matter has been left uncompleted.

Survey plans prepared by a Licenced Surveyor when dealing with cadastral boundaries have a validity period of two years to be certified and five years to be registered, it means these plans as originally prepared in 2006 are no longer valid. Therefore, Council Officers renewed discussions with the Licenced Surveyor and a revised set of plans were prepared in line with current survey practices. Discussions were also re-initiated with the property owner, who remains unchanged, and remains supportive of the proposal being completed.

Additional discussions by the Licenced Surveyor and the Office of the Surveyor General were required around the issue of river boundary determination for the new title dimension on the revised plan. The outcome of these discussions has highlighted an assumption as to why the original road exchange plan was not registered previously. The Office of the Surveyor General has had to be engaged by Council to undertake field survey and make a legal determination of the river boundary, in order for the Licenced Surveyor to be able to complete his work.

To enable the river boundary determination work and the approval for the road exchange to continue concurrently, the approval of the road exchange proposal through the Department of Energy, Environment and Climate Action (DEECA), known as the Department of Environment Land, Water and Planning (DELWP) at the time of these discussions, has been made on the proviso that their approval is subject to survey work being completed by the Office of the Surveyor General.

An aerial photo of the general area and the highlighting the southern alignment of the approach onto Sloping Bridge on Pound Road West running through private property and the part of Government Road that will form this road exchange are shown in Attachment 1.

A road exchange plan showing this proposal in more detail is shown in Attachment 2. The part of the Government Road (Pound Road West) to be closed and deviated is shown in yellow, whilst the land shown in cyan is the land to be exchanged.

A plan detailing the initial work from survey investigations by the Office of the Surveyor General around the river boundary determination is shown in Attachment 3.

Council officers have formalised discussions with DEECA regarding this proposal. Approval involving the closing of the section of Government Road and for its exchange over the land on which the road traverses, being a part of CP167375, was sought from the department. DEECA have provided their formal consent as the delegate for the Minister for Environment and Climate Action with relation to the proposal. A copy of this consent is provided in Attachment 4.

## **ATTACHMENTS**

1. Pound Road West Exchange Proposal [**13.1.1** - 1 page]
2. Road Exchange Plan [**13.1.2** - 1 page]
3. Albert River Redacted [**13.1.3** - 1 page]
4. Alberton West Road Deviation Consent [**13.1.4** - 1 page]

## **OPTIONS**

Council has the following options available:

1. Progress the deviation of the unused Government Road and road exchange process, in accordance with this report; or
2. Not agree to the deviation of the unused Government Road and abandon the road exchange.

## **PROPOSAL**

That Council:

1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Sections 207A and 207B of the *Local Government Act 1989*, resolve to advertise its intention to undertake a road exchange by deviating a part of Government Road (Pound Road West) abutting CP167375 in Alberton West over the current alignment of Pound Road West traversing through CP167375 in Alberton West; and
2. Place a public notice of the proposed road exchange in local newspapers and serve a notice on statutory authorities; and
3. Appoint three Councillors plus an alternative representative to form the 'Pound Road West - Road Exchange Committee' that is established by Council under Section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Act have been requested that they be heard in support of their submission/objection; and
4. In the event that there are no objections or submissions, authorise the Chief Executive Officer to progress the road exchange including placing a notice in the Victoria Government Gazette.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

By completing the road exchange Council will incur costs for stamp duty, legal and survey costs. These costs can be accommodated within existing budgets.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

The Sale, Exchange and Acquisition of Land policy outlines the principles in dealing with land transactions and any transactions progressed as part of this proposed exchange will be performed in accordance with this policy.

## **COUNCIL POLICY IMPACT**

There is no Council policy on the closure of unused roads to public traffic, with each application being treated on merit.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

**Strategic Outcome 4.3:** *“Well planned and sustainable towns, facilities, and infrastructure that service community need.”*

This report supports the above Council Plan strategic outcome.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

There will be no negative identifiable community impact as there will be no identifiable change to the road formation as seen on the ground and the road will remain open for public traffic.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

Wellington Shire Council policy requires that notification of the proposal is sent to adjacent property owner(s). The adjacent landowners have been notified of the proposal.

## **RISK MANAGEMENT IMPACT**

Risk management impacts associated with the recommendation within this report have been addressed, accordingly a Licenced Surveyor will prepare the plan of subdivision for the road deviation and Council’s solicitor will prepare relevant documents and agreements associated with the road exchange and transfer process.

## PROPOSED ROAD EXCHANGE POUND ROAD WEST, ALBERTON WEST



**GOVERNMENT ROAD TO BE CLOSED AND DEVIATED**



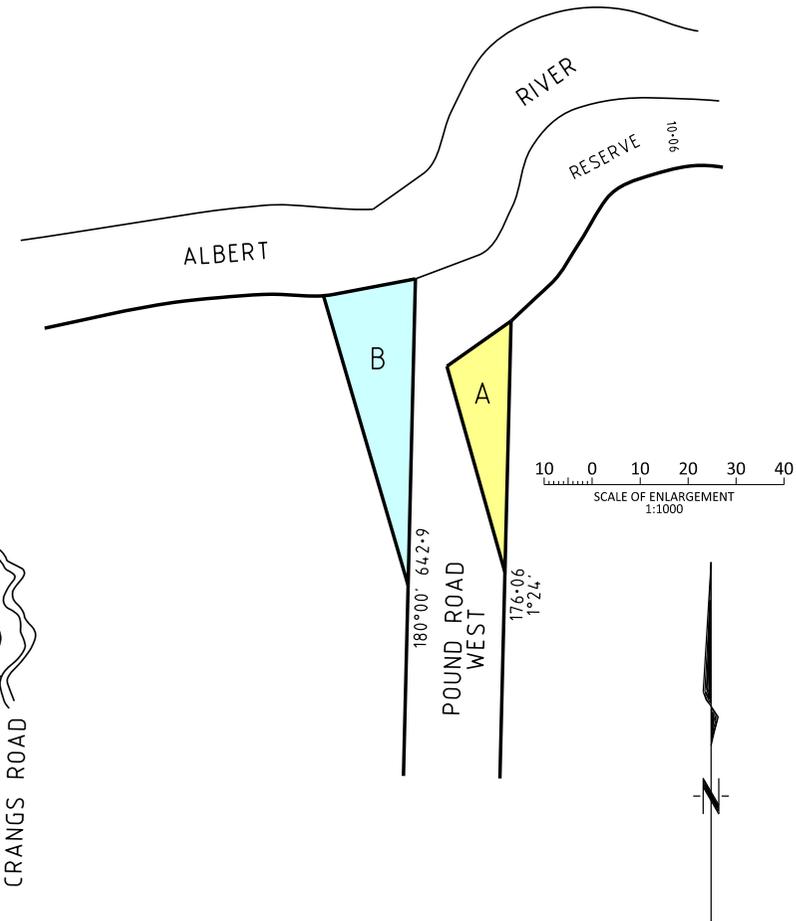
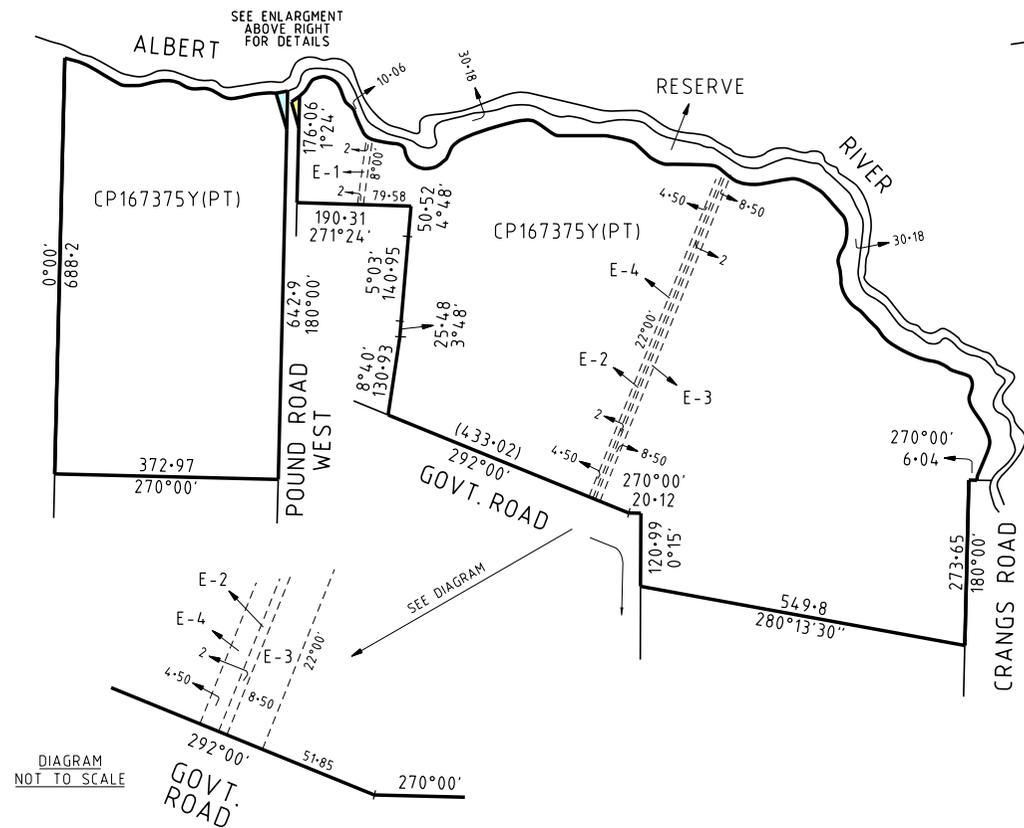
**ROAD TO BE CREATED**

Note – There is a misalignment in Cadastre lines and Aerial photo above

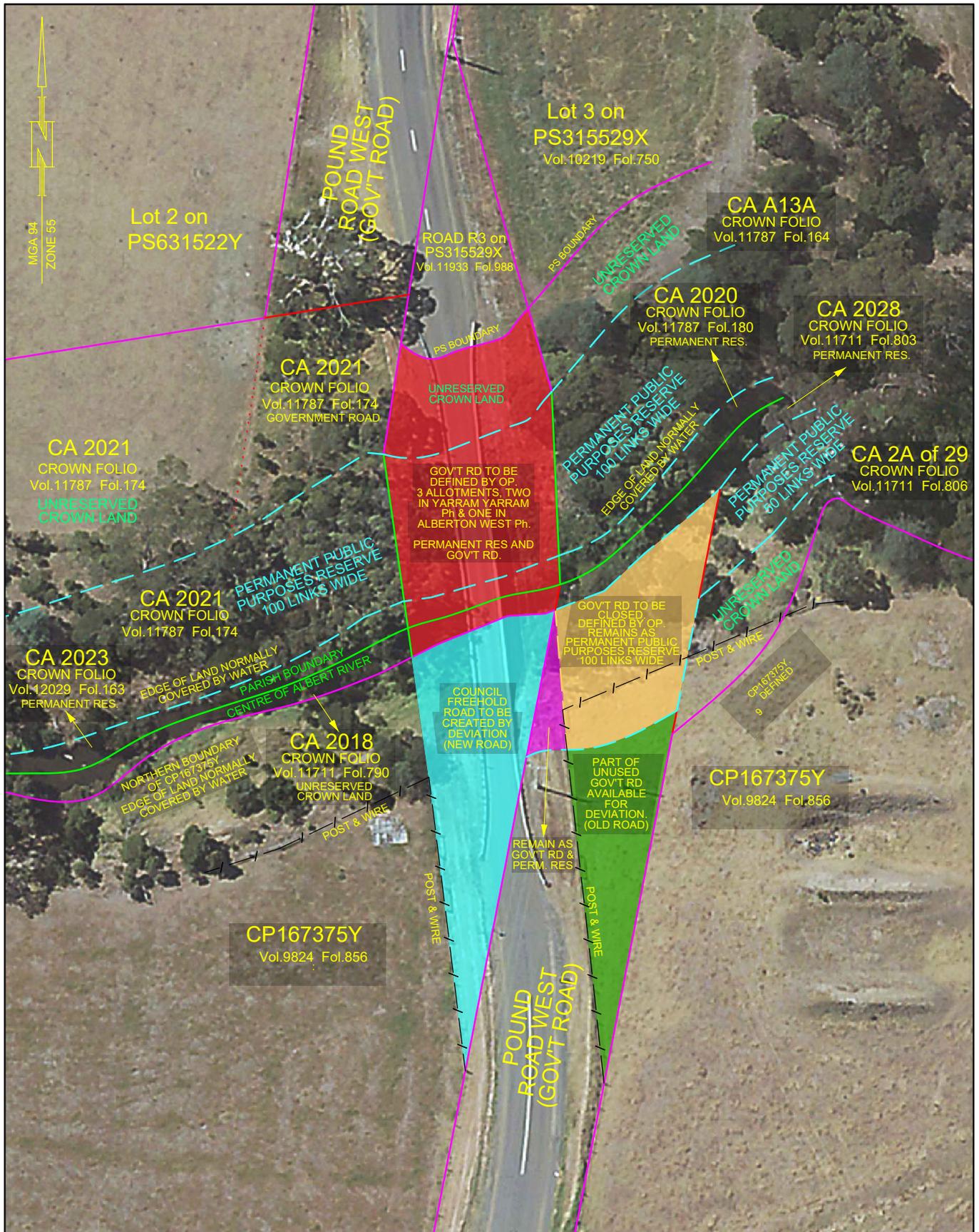
# ROAD EXCHANGE

## POUND ROAD WEST, ALBERTON WEST

- THAT PART OF THE GOVERNMENT ROAD LABELLED 'A' IS TO BE CLOSED AND TRANSFERRED
- THAT PART OF THE LAND LABELLED 'B' IS TO BE TRANSFERRED TO WELLINGTON SHIRE COUNCIL AS A ROAD
- NOTE: THE DIMENSIONS SHOWN ON THIS PLAN ACCORD WITH C/T VOL.9284 FOL.856. THE DIMENSIONS TO DEFINE THE LOTS A & B CREATED BY THIS ROAD EXCHANGE ARE TO BE VERIFIED BY SURVEY.
- CP167375Y CONSISTS OF TWO PARTS



NOTE:  
 - E-1 DENOTES WATER SUPPLY EASEMENT  
 - E-2, E-3 & E-4 DENOTES ELECTRICITY TRANSMISSION EASEMENT  
 - E-4 DENOTES WATER SUPPLY EASEMENT



 CHRISTOPHER M. SPALL LICENSED SURVEYOR	NOTATIONS SOME EXISTING CROWN ALLOTMENTS HAVE NOT BEEN SHOWN TO ENHANCE THE CLARITY OF THE DIAGRAM. THIS PLAN HAS BEEN PREPARED BASED ON A PARTIAL GNSS SURVEY UNDERTAKEN AT THE TIME OF THE INSPECTION ON 15/03/2022	SURVEY INSPECTION PLAN IMAGE DATE: 20/01/2019 IMAGE NAME: aerial_wellington_2019jan20_air_vis_15cm_mga85	CROWN DESCRIPTION VARIOUS CROWN ALLOTMENTS IN THE PARISHES OF YARRAM YARRAM & ALBERTON WEST	SGV REFs. JOB ID: SS-549 EVENT ID: SGV-945
	SURVEYOR-GENERAL VICTORIA DEPARTMENT OF ENVIRONMENT, LAND, WATER & PLANNING LEVEL 11, 2 LONSDALE STREET, MELBOURNE 3000		SCALE 10 0 10 20 30 40 50 LENGTHS ARE IN METRES	ORIGINAL SCALE: 1:500 SHEET SIZE: A3 PLAN No. A/15.03.22 VER 2 - 13/09/2022



## CONSENT FOR ROAD DEVIATION LOCAL GOVERNMENT ACT 1989

Under Clause 2 (2) of Schedule 10 of the *Local Government Act 1989*, I, Sarah Moyes, Program Manager Land and Built Environment, as delegate of the Minister for Environment and Climate Action, hereby consent to the deviation of a road in the Parish of Alberton West, shown 'Yellow' on the attached plan, which is government road, to the land shown 'Cyan' on the plan, which is not Crown land.

Department correspondence 16L9-5999

.....  
Sarah Moyes  
Program Manager Land and Built Environment  
(As delegate for the Minister for Environment and Climate Action)

Date : ...29/11/2022

**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 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised 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 8002

OFFICIAL



## 13.2. EXTENSION OF WASTE SERVICES CONTRACT 2008-155

### ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS

#### PURPOSE

The objective of this report is for:

1. Council to approve a five month extension (from 1 July 2023 to 1 December 2023) to the existing kerbside rubbish and recycling collection component of the existing Waste Services Contract No. 2008-155 and to authorise the Chief Executive Officer to execute a required Deed of Agreement for this extension.
2. In addition, authorise the Chief Executive Officer to provide a Variation Certificate for the transport and processing of the above recyclables for the period from 1 July 2023 to 1 December 2023

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council:***

1. ***Authorise the Chief Executive Officer to sign a Deed of Agreement for the extension of the kerbside collection component of the existing Waste Services Contract No. 2008-155 from 1 July 2023 to 1 December 2023; and***
2. ***Authorise the Chief Executive Officer to provide a Variation Certificate to Towards Zero Pty Ltd for the transport and processing of recyclables for the period 1 July 2023 to 1 December 2023 under Contract No. 2008-155.***

#### BACKGROUND

Wellington Shire Council are a participant in the Gippswide Kerbside initiative. The initiative is being coordinated by Recycling Victoria (previously Resource Recovery Gippsland) in collaboration with adjoining municipalities to jointly procure individual contracts for kerbside collection and transport, processing of organics, processing of glass and mixed recycling, as well as residual waste processing services. Documentation is currently being finalised and waste services under this initiative are intended to commence by December 2023. An extension of the kerbside collection component of the existing waste services contract is required to allow appropriate time to participate in the Gippswide Kerbside initiative.

As per Council's Procurement Policy, 2.3.6 Exemptions from tendering, the council can approve an extension of an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected.

In line with a previous briefing to Council, the need to alter the Waste Services Contract to account for increased costs associated with transport and processing of recycling was in response to issues with global recycling. The recommendation provided in this report will allow for kerbside collection services to continue in their current fashion until 1 December 2023.

## **ATTACHMENTS**

Nil

## **OPTIONS**

Council has the following options available:

1. Authorise the Chief Executive Officer to sign a Deed of Agreement for the extension of the kerbside collection component of the existing Waste Services Contract and to provide a Variation Certificate to cover the costs for the transport and processing of recyclables for the period 1 July 2023 to 1 December 2023; or
2. Not approve the extension of the Waste Services Contract or to provide a Variation Certificate to cover the costs of transport and processing of recyclables. This option would cease provision of existing kerbside waste services including kerbside rubbish and recycling collection across Wellington Shire.

## **PROPOSAL**

That Council:

1. Authorise the Chief Executive Officer to sign a Deed of Agreement for the extension of the kerbside collection component of the existing Waste Services Contract No. 2008-155 from 1 July 2023 to 1 December 2023; and
2. Authorise the Chief Executive Officer to provide a Variation Certificate to Towards Zero Pty Ltd for the transport and processing of recyclables for the period 1 July 2023 to 1 December 2023 under Contract No. 2008-155.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

Council's forward operating budgets will be adjusted to accommodate expenditure associated with the collection and transport of kerbside materials. Councils Waste Service Charge will also be adjusted to accommodate the costs associated with the processing of collected materials.

## **COMMUNICATION IMPACT**

Officers will continue to provide regular updates to Council regarding waste services.

## **LEGISLATIVE IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL POLICY IMPACT**

The proposed service is in line with Council policies.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 1 “Environment and Climate Change” states the following strategic outcome:

**Strategic Outcome 1.3:** *“The natural environment is valued, protected and accessible.”*

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

**Strategic Outcome 4.2:** *“Services deliver operating efficiencies and best value.”*

This report supports the above Council Plan strategic outcomes.

## **RESOURCES AND STAFF IMPACT**

Recommendations can be implemented within existing resources.

## **COMMUNITY IMPACT**

The variation to the contract will enable Council to achieve an appropriate outcome for the community in relation to the procurement of kerbside waste services and processing of recycling for an additional five-month period.

## **ENVIRONMENTAL IMPACT**

Extending the existing kerbside collection component of the Waste Services Contract, including the kerbside rubbish and recycling, will have a positive impact on the environment.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

The recommended actions will lock in an agreed cost for kerbside rubbish and recycling transportation and processing of recyclables for the next five months.

It is considered that progressing the joint procurement model and seeking approval to vary the current contract for five months will ensure the continuation of the kerbside rubbish and recycling component of the waste management services and Wellington Shire Council’s continued commitment to ensuring best value principles and outcomes for the community.

### 13.3. CAPITAL WORKS ADJUSTED BUDGET JANUARY UPDATE

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is to provide Council with an update and seek approval for the changes proposed for the Capital Works Program to date for the 2022/2023 financial year.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

##### RECOMMENDATION

***That Council approve changes of \$5,406,926 to the 2022/2023 Adopted Capital Works Budget resulting in an Adjusted Capital Works Budget of \$49,015,166 as described below:***

- 1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment 1 which includes projects that are to be deferred or removed for reasons shown.***
- 2. Note the additional projects submitted for funding to the Local Roads and Community Infrastructure Program from the Federal Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts as shown in Attachment 2, Local Roads Community Infrastructure Program (LRCIP) and authorise the Chief Executive Officer to make the necessary budget changes when approval is granted.***

#### BACKGROUND

Council adopts a program of capital works and budgets accordingly for these works every year. The initial budget for these works is known as the Adopted Budget and this is the figure that Council is required to report against.

When projects are added due to carry forwards from the previous year, new grants or for other reasons such as emergency works or when projects are deferred or deleted due to changing circumstances or market forces throughout the year, the budget is modified. This modified budget is known as the Adjusted Budget and in most years is several million dollars higher than the Adopted Budget. When projects are added and budgets increased throughout the year, it is inevitable that focus and resources are taken away from the original program and impacts on the original project program schedule is affected. Adding resources when new projects are added helps, however planning/designs are usually not immediately available and new staff take time to recruit.

This report is intended to inform Council of the changes made to the Adjusted Capital Works Budget since the start of the financial year and projects that have been cancelled or deferred are included. There are currently seven projects described in Attachment 1, Budget Changes, that will not be undertaken in this financial year for various reasons.

In addition to these changes, with the deferral of the Aqua Energy Redevelopment project, the Chief Executive Officer was authorised by Council at the 20 December 2022 meeting to reallocate funding from the Local Roads and Community Infrastructure Program and report

back when the reallocations have been officially approved. While these projects have not been approved to date, the application was submitted to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on 23 December 2022 as per Attachment 2, Local Roads Community Infrastructure Program (LRCIP).

## **ATTACHMENTS**

1. Budget Changes [**13.3.1** - 2 pages]
2. Local Roads Community Infrastructure Program (LRCIP) [**13.3.2** - 1 page]

## **OPTIONS**

Council has the following options available:

1. Accept the recommendations, noting the Adjusted Budget is now \$49,015,166; or
2. Not accept the recommendations.

## **PROPOSAL**

That Council approve changes of \$5,406,926 to the 2022/2023 Adopted Capital Works Budget resulting in an Adjusted Capital Works Budget of \$49,015,166 as described below:

1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment 1, Budget Changes which includes projects that are to be deferred or removed for reasons shown; and
2. Note the additional projects submitted for funding to the Local Roads and Community Infrastructure Program from the Federal Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts as shown in Attachment 2, Local Roads Community Infrastructure Program (LRCIP) and authorise the Chief Executive Officer to make the necessary budget changes when approval is granted.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

The Adjusted Budget presented is the total of the Adopted Budget plus carry forward funds from the previous year's budget plus any additional grants received less projects cancelled throughout the year to date. All of the projects shown on the modified Adjusted Budget are funded this financial year.

## **COMMUNICATION IMPACT**

Any impact associated with the budget changes detailed in this report will be communicated as required.

## **LEGISLATIVE IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

**Strategic Outcome 4.3:** *“Well planned and sustainable towns, facilities, and infrastructure that service community need.”*

This report supports the above Council Plan strategic outcome.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## Attachment One Adjusted Capital Works Budget Changes

Wellington Shire Council\*  
Sub Account Details  
For Period February

Sub Account	Ledger_Sub_Account	2022/23 Adopted Budget	2022/23 Adjusted Budget	Difference between Adopted & Adjusted Budgets	Comment
3602. Lansdowne St & Macarthur St Roundabout	03.04196.3602	1,000,000	0	1,000,000	Red Project - The grant to enable this project was not successful
3002. Kilmany L/fill Lechate Pond Evaporation	03.04320.3002	500,000	0	500,000	Red Project - This project is still in the approval and design stage
4307. Kilmany Landfill - Flare Installation	03.04320.4307	300,000	0	300,000	Red Project - This project is still in the approval and design stage
3947. Rodgers Street Yarram - Reconstruction	03.04196.3947	200,000	0	200,000	Red Project - This project is reliant on a water main to be replaced prior to reconstruction works
3289. Yarram Depot Renewal Works	03.04790.3289	96,000	0	96,000	Red Project - The tenders received were well above the budget and the project is to be delivered as part of the 23/24 program
4414. Community Facilities Traffic Management	03.03290.4414	90,000	0	90,000	Red Project - The tenders received were well above the budget and the designs will be completed in-house
3254. YA- Eastern Hangar Development	03.04791.3254	60,000	2,340	57,660	Red Project - This project is to be deferred until there is enough confirmed interest in leasing out the new developed lots
3039. Project Development	03.04110.3039	400,000	350,000	50,000	Split from Built Environment
4395. Stephenson Pk Main Oval Storage (bunker)	03.03290.4395	0	2,800	(2,800)	Carried forward from 21/22
3886. North Sale Development Works - Design	03.04315.3886	0	7,682	(7,682)	Carried forward from 21/22
3565. Yarram Trans Station - Hardstand Renewal	03.04320.3565	30,000	50,000	(20,000)	Additional Funding from Reserve
4214. Heyfield Tennis Pav Minor Refurbishment	03.03290.4214	0	24,000	(24,000)	Carried forward from 21/22
3101. Kilmany Landfill Cell 3	03.04320.3101	0	25,000	(25,000)	Additional Funding sourced from reserve
3281. Settlement Road North Stratford	03.04197.3281	25,000	50,000	(25,000)	Additional Funding sourced from LRCIP
3018. Asset Acquisitions	03.04449.3018	0	27,273	(27,273)	Unbudgeted Purchases Port Albert Fish and Chips
3733. Maffra - Cameron Rec Reserve Cricket Net	03.03290.3733	0	30,000	(30,000)	Carried forward from 21/22

\*Report Contains Filters

## Attachment One

### Adjusted Capital Works Budget Changes

3887. Kilmany Landfill - Boundary Fence	03.04320.3887	0	34,000	(34,000)	Carried forward from 21/22
3029. Waste Minor Capital Works	03.04320.3029	0	35,800	(35,800)	Additional Funding sourced from reserve
3614. Reseals - Off Street Parking	03.04196.3614	0	48,514	(48,514)	Carried forward from 21/22
3039. Project Development	03.04290.3039	0	50,000	(50,000)	Split to Natural Environment
3102. Heyfield Recycling facility Upgrade	03.04320.3102	0	60,005	(60,005)	Additional Funding Grant and Reserve
3048. Port of Sale Mooring Access Project	03.04793.3048	2,000,000	2,073,183	(73,183)	Carried forward from 21/22
3687. Victoria Park Rotunda Heritage Renewal	03.04290.3687	0	89,052	(89,052)	Carried forward from 21/22
4271. Com Facilities Accessibility Improvement	03.04790.4271	0	97,797	(97,797)	Carried forward from 21/22
3748. George Street Drainage Renewal Maffra	03.04315.3748	0	100,000	(100,000)	Carried forward from 21/22
3430. Major Culvert Renewals	03.04198.3430	0	101,037	(101,037)	Carried forward from 21/22
3541. Community Maintenance & Accessibility	03.04790.3541	0	104,458	(104,458)	Carried forward from 21/22
4407. Stephenson Park Croquet Amenities	03.03290.4407	0	112,814	(112,814)	Carried forward from 21/22
4421. Gibsons Rd Hub	03.03290.4421	0	150,000	(150,000)	Project Brought forward from 23/24
4266. Solar PV Installation Program	03.04790.4266	75,000	230,944	(155,944)	Carried forward from 21/22
3164. Shelter and BBQ renewal program	03.04290.3164	125,000	286,599	(161,599)	Carried forward from 21/22
3876. Swing Bridge - Downstream Drive Refur	03.04198.3876	0	166,276	(166,276)	Carried forward from 21/22
3124. Maffra Library Roof Renewal	03.04790.3124	0	178,667	(178,667)	Carried forward from 21/22
3172. YA - Perimeter Fencing	03.04791.3172	0	180,000	(180,000)	Carried forward from 21/22
3141. Footpath Renewals	03.04199.3141	350,000	553,135	(203,135)	Carried forward from 21/22
3363. Sloping Bridge Widening Project	03.04198.3363	700,000	910,000	(210,000)	Carried forward from 21/22
3275. Fleet Renewal	03.04180.3275	1,192,000	1,412,000	(220,000)	Carried forward from 21/22
4218. Town Entry Improvement Program	03.04196.4218	100,000	343,690	(243,690)	Carried forward from 21/22
3738. Stephenson's Park Pavilion & Changerooms	03.03290.3738	0	250,000	(250,000)	Carried forward from 21/22
4325. Abels & Boyle Longford	03.04193.4325	0	262,310	(262,310)	Carried forward from 21/22
3068. Maffra Drainage Strategy Land Purchase	03.04793.3068	250,000	550,000	(300,000)	Carried forward from 21/22
3889. Sth Gippy Highway Crossing and Boardwalk	03.04199.3889	0	323,101	(323,101)	Carried forward from 21/22
3799. Ross Road, Winnindoo/Mawhinneys Road	03.04197.3799	0	366,367	(366,367)	Carried forward from 21/22
3106. Sale CBD Renewal Program (York Street)	03.04290.3106	3,045,000	3,686,289	(641,289)	Carried forward from 21/22
3936. Project Funding Amendments	03.04300.3936	0	951,143	(951,143)	Savings
3045. Purchases	03.04190.3045	0	1,668,650	(1,668,650)	Plant ordered but not delivered - Carried forward from 21/22
<b>Grand Total</b>		<b>10,538,000</b>	<b>15,944,926</b>	<b>(5,406,926)</b>	

Attachment Two  
Local Roads Community Infrastructure Program  
Additional Projects

Project No. Assigned for LRCIP	Approved Projects (Project Name in Approved Work Schedule)	Total Project Cost (as per approved work schedule)	Total LRCI Funding Required	Project Update / comments (eg community feedback; events or public announcements made regarding the program)	Total Brought Forward	Approved Project - Under Funded or Not Funded	Additional Unfunded Works - Emergency Repairs
<b>1</b>	<b><i>Aqua Energy Redevelopment</i></b>	<b><i>\$15,014,041</i></b>	<b><i>\$3,200,000</i></b>	<b><i>Project Deferred</i></b>			
11	Memorial Park, Stratford Toilet	\$360,000	\$360,000	Project under budget.		\$110,000	
13	Alberton to Port Albert Trail - Surface and Drainage Improvements	\$420,000	\$270,000	Project under budget.		\$270,000	
16	Gravel Road Resurfacing Program: Sheeting / Re-sheeting			Project under budget.		\$25,000	
19	Grimmes Road Reconstruction 3.1km	\$900,000	\$150,000	BCR approved by Council, not specifically LRCIP		\$150,000	
20	Asphalt - Duke Street Rosedale	\$240,000	\$240,000	Brought forward from 23/24	\$240,000		
21	Asphalt - McMahon Drive Maffra	\$160,000	\$160,000	Brought forward from 23/24	\$160,000		
22	Licola Road - Licola Landslips	\$100,000	\$100,000	Brought forward from 23/24	\$100,000		
23	Wonnangatta Road & Shortcut Road Dargo Landslips	\$200,000	\$200,000	Brought forward from 23/24	\$200,000		
24	Target Creek Road- Culvert Improvements	\$250,000	\$50,000	Approved project, variation required		\$50,000	
25	Willung Road- Merrimans Creek to Gormandale-Stradbroke Road	\$510,000	\$510,000	Brought forward from 23/24	\$510,000		
26	Gravel Resheets	\$325,000	\$325,000	Brought forward from 23/24	\$325,000		
27	Sealed Road Emergency Repairs	\$300,000	\$300,000	Emergency repairs			\$300,000
28	Port Albert Boat Ramp Toilet Block	\$350,000	\$350,000	LRCIP approved for 21/22 and defunded as design not ready		\$350,000	
29	Gumnuts Child Care Centre, Sale - Roof	\$150,000	\$150,000	Brought forward from 23/24	\$150,000		
30	Nambrok Rec Reserve Multi Purpose Courts	\$827,000	\$60,000	Approved project, variation required		\$60,000	
31	Wharf Street Streetscape Port Albert	\$550,000	\$200,000	Project under budget goes to Council for award on 7 February		\$200,000	
	<b>TOTAL</b>				<b>\$1,685,000</b>	<b>\$1,215,000</b>	<b>\$300,000</b>
						<b>\$3,200,000</b>	

## 13.4. ROAD CLOSURE - PART GOVERNMENT ROAD OF STOCKDALE ROAD, STRATFORD

### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The objective of this report is for Council to consider a request from the Department of Energy, Environment and Climate Action for Councils consent to the closure of the Government Road adjoining CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford, being an unused Government Road off Stockdale Road at Stratford.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That:***

- 1. The property owners of CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 abutting the proposed part road to be closed be advised in writing that they are required to enter into a Section 173 Agreement under the Planning and Environment Act on their titles for CA 12C and Lots 1 and 2 PS743731. In entering into this agreement, the owners, within three months of the road sales process being finalised with the Department of Energy, Environment and Climate Action (DEECA), agree to subdivide and consolidate the title created for the road into their abutting titles CA 12C and Lots 1 and 2 PS743731. On execution of this Section 173 Agreement on title, Council agrees to the following;***
- 2. Pursuant to Section 349 of the Land Act 1958, Council resolves to give its concurrence to the closing of the Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford; and***
- 3. Pursuant to Section 400 of the Land Act 1958, Council gives notice that the Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford, is considered not to be required for public traffic.***

#### BACKGROUND

The owners of the properties CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 on Stockdale Road at Stratford, being three siblings of the same family, have been in discussion with officers of the Department of Energy, Environment and Climate Action (DEECA), previously known as the Department of Environment, Land, Water and Planning (DELWP) at the time of initial discussions, regarding a proposal to close the Government Road abutting their property and for them to purchase this section of road.

DEECA is now seeking from Council to formally consent to the proposal, for the closure of the part of Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford and shown in red on the Attachment 1 Proposed closure of part Government Road adjoining CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 Under the *Land Act 1958*, DEECA must obtain consent from Council for the road closure in order to confirm if this section of Government Road is required for public traffic.

The Government Road sought to be discontinued has not been used as a Road or Public Highway for many years and is an unused road currently held by the property owners as an unused road grazing licence with DEECA. The road is not listed on Council's public road register.

The closure and sale process are being managed by DEECA, there is no cost to Wellington Shire Council. The process of discontinuing and selling this section of Government Road will create a new title for the road. It is against Council Planning Policy to allow additional small lots to be created within a Farming Zone. Concerns raised of potentially landlocking of three titles by the proposal has been addressed with a proposed plan of subdivision received from the property owners surveyors for the road to be subdivided into three lots, which will then be consolidated into the abutting three titles. A plan of the proposed subdivision is shown in the Attachment 1, Proposed closure of part Government Road adjoining CA 11B, CA 12C, CA 21A.

Council Officers have formed the opinion that to support this request from DEECA for consent, that an agreement in the form of a Section 173 Agreement under the *Planning and Environment Act 1987*. This agreement is required to be placed on three abutting titles owned by the property owners (CA 12C, and Lots 1 and 2 PS743731), prior to consent being provided.

The Section 173 Agreement would require the three property owners, on completion of the road sales process with DEECA, to then complete a subdivision of the road title and its consolidation with the owners abutting land title at their costs, within a three-month time period.

Placement of the section 173 Agreement on each abutting title will eliminate the concerns of Council Officers for small (former road) title being created without undertaking a planning permit application process and provides assurance for Council that the property owners will complete the consolidation process once the DEECA sale process has been complete.

Placing of Section 173 Agreements on titles also provides for the ability of enforcement of the consolidation under the *Planning and Environment Act 1987* should the property owners not complete the consolidation within a three-month timeframe.

## **ATTACHMENTS**

1. Report Proposed Closure of Part Government Road [**13.4.1** - 4 pages]

## **OPTIONS**

Council has the following options available:

1. Support the closure and sale of the Government Road pursuant to sections 349 and 400 of the *Land Act 1958*, and advise the Department of Energy, Environment and Climate Action that the Government Road is not required for public traffic, once a section 173 agreement has been placed on the abutting titles by the owners to complete a consolidation, or;
2. Not agree to the closure of the Government Road as the Government Road is required for public traffic.

## **PROPOSAL**

That:

1. The property owners of CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 abutting the proposed part road to be closed be advised in writing that they are required to enter into a Section 173 Agreement under the *Planning and Environment Act 1987* on their titles for CA 12C and Lots 1 and 2 PS743731. In entering into this agreement, the owners, within three months of the road sales process being finalised with the Department of Energy, Environment and Climate Action (DEECA), agree to subdivide and consolidate the title created for the road into their abutting titles CA 12C and Lots 1 and 2 PS743731. On execution of this Section 173 Agreement on title, Council agrees to the following;
2. Pursuant to Section 349 of the *Land Act 1958*, Council resolves to give its concurrence to the closing part of Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford;
3. Pursuant to Section 400 of the *Land Act 1958*, Council gives notice that the part of Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford, is considered not to be required for public traffic.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

The road intended to be discontinued/closed is a Government road and will be closed and sold by DEECA. This will be at no cost to Wellington Shire Council.

The section 173 Agreements would be placed on title at the owner's cost.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Application for Council's consent to the road closure consideration is being undertaken pursuant to Sections 349 and 400 of the *Land Act 1958*.

Any Section 173 Agreement is placed pursuant to Section 173 of the *Planning and Environment Act 1987*.

## **COUNCIL POLICY IMPACT**

There is no Council policy on the closure of unused roads to public traffic, with each application being treated on merit.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

**Strategic Outcome 4.3:** *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

There will be no negative identifiable community impact as this section of Government Road is unused and is currently held under an unused road grazing licence. The unused road is currently fenced within the farming operation.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

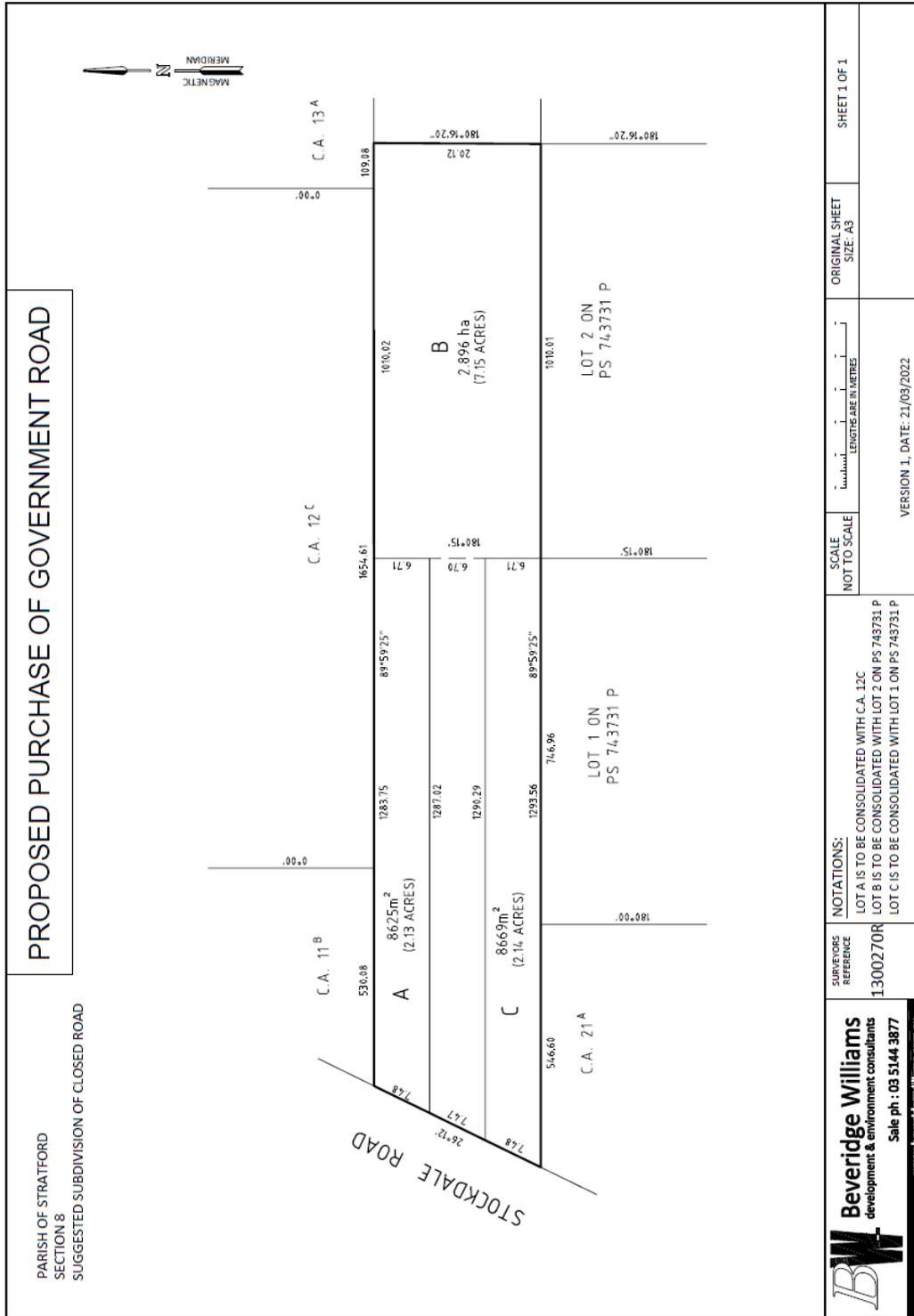
This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.



PLAN OF PROPOSED SUBDIVISION OF ROAD FOLLOWING PURCHASE



See Notations on Plan

LOT A – consolidated with CA 12C

LOT B – consolidated with Lot 2 on PS743731

LOT C – consolidated with Lot 1 on PS743731



Department of Environment,  
Land, Water & Planning

REF 1507165

**CONSENT TO CLOSING OF ROAD**

**Section 349, Land Act 1958**

A road laid out on land of the Crown which is unused as to the whole or any portion of the length or width may be closed by the Governor in Council as to the whole or any part, as the case may be, by order published in the Government Gazette; but only with the concurrence in writing of the Council of the municipality in whose district the road is located, and of the owners of any land adjoining the road.

If the Council favours the closing of the road described in the next paragraph, its concurrence should be given in writing to satisfy the requirements of the relevant legislation. It is suggested that the form of consent at the foot of this sheet should be used to provide the written concurrence of the Council under seal, or under the hand of the Town Clerk or Shire Secretary.

The description of the road is: **Government road, adjoining Lots 11B, 12C & 21A, Lots 1 & 2 PS743731 in the Parish of Stratford shown shaded red on the attached plans.**

**CONSENT**

At the meeting of the Council of the Wellington Shire Council held on .... /.... /.... it was resolved that the Council gives its concurrence to the closing of the subject road pursuant to Section 349 of the Land Act 1958. In giving this consent, Council is aware that should the road be closed, the effect will be that:-

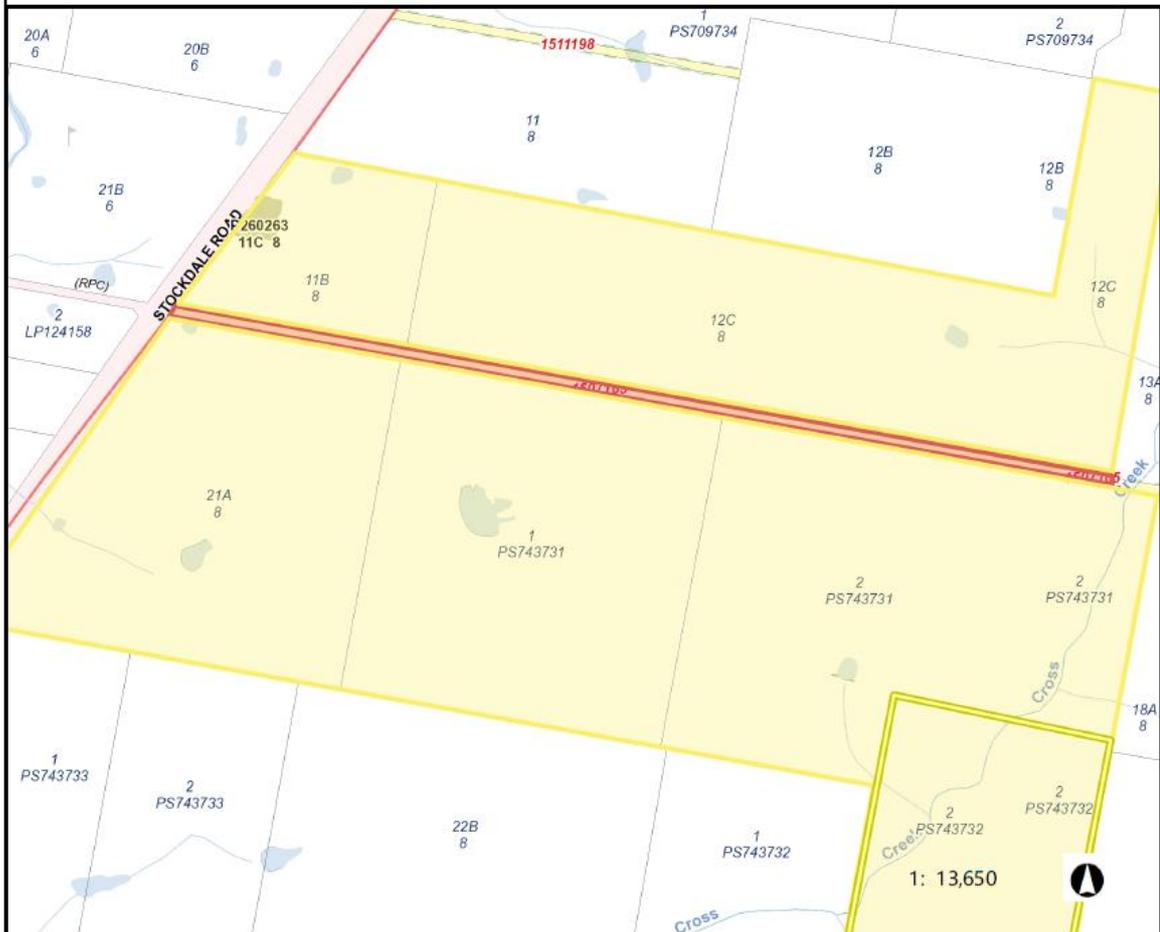
- (a) the closing will be absolute;
- (b) the road will be shown as closed on all departmental plans and Office of Titles charts and on the titles of the abutting lands;
- (c) all rights of carriageway enjoyed by the public will cease; and
- (d) the land in the closed road will become unalienated land of the Crown and can be dealt with under the provisions of the Land Act, which includes the sale of the freehold.

Dated this ..... day of..... 20.....

Council seal or signature )  
 )  
 of Shire Secretary or Town Clerk).....

**Note: If Council's consent is provided under delegation a copy of the appropriate "Instrument of Delegation" must be returned with this form**

1507165, Adjoining Lots 11B, 12C & 21A, Lot 1 & 2 PS743731, Parish of Stratford



693 0 347 693 Meters  
 GDA\_1994\_VICGRID94

Map Created on 23-May-2022

Legend

- |                                |                                 |
|--------------------------------|---------------------------------|
| Area_hydro_label_10K           | Area_relief_label_10K           |
| Township                       | Parish                          |
| Delegated Lease                | Delegated License               |
| Plan Noting                    | Linear Tenure                   |
| Other Pipelines                | Industrial Commercial licences  |
| Recreation Amusement licences  | Occupancy licences              |
| Radio TV Telecom site licences | Emergency Services Use licences |
| Water Supply licences          | Miscellaneous General licences  |
| Easements                      | Pipe Consents                   |
| All Tenure Outline             | Lease                           |
| General Licence                | Grazing Licence                 |



Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

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## 13.5. STRATFORD RECREATION RESERVE PAVILION

### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider entering into a contract for the redevelopment of the Stratford Recreation Reserve Pavilion Social Rooms.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That:***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2023-049 Stratford Recreation Reserve Pavilion; and***
- 2. The information contained in the confidential attachment Contract 2023-049 Stratford Recreation Reserve Pavilion and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 24 February 2023 because it relates to the following grounds: (g)(ii) private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

#### BACKGROUND

This project will see an expansion of the existing social rooms at the Stratford Recreation Reserve that is home to Stratford Football Netball Club, Stratford Junior Football Club and Stratford Cricket Club.

Works include increased social room provision with new amenities, kitchen, serveries and office space and storage.

Accordingly, a tender was advertised for these works and has been evaluated and a contract has now been prepared for Council's consideration.

#### ATTACHMENTS

1. Confidential Header Contract 2023-049 Stratford Recreation Reserve Pavillion [13.5.1 - 1 page]
2. CONFIDENTIAL REDACTED - Contract 2023-049 Stratford Recreation Reserve Pavillion Tender Evaluation Report [13.5.2 - 6 pages]

## **OPTIONS**

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2023-049 Stratford Recreation Reserve Pavilion; or
2. 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 2023-049 Stratford Recreation Reserve Pavilion.

## **CONFLICT OF INTEREST**

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

## **COLLABORATION**

Pursuant to section 109(2) of the *Local Government Act 2020*, no collaborative opportunities have been identified for this one-off project.

## **FINANCIAL IMPACT**

These works are budgeted in the 2022-2023 capital works program and are currently funded by the Federal Government's Local Roads and Community Infrastructure Program, however there is a shortfall that needs to be addressed through this or another funding source.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

## **COUNCIL POLICY IMPACT**

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

**Strategic Outcome 4.3:** *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

#### **RESOURCES AND STAFF IMPACT**

This project will be undertaken with the resources of the Assets and Projects unit.

#### **COMMUNITY IMPACT**

These works will have a positive community impact because the users of the Stratford Recreation Reserve will have access to an expanded and upgraded social rooms.

#### **ENVIRONMENTAL IMPACT**

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

#### **ENGAGEMENT IMPACT**

Wellington Shire 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 Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



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

**ORDINARY COUNCIL MEETING  
7 MARCH 2023**

On this day, 24 February 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT 2023-049 STRATFORD RECREATION RESERVE PAVILLION** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

***(g) private commercial information, being information provided by a business, commercial or financial undertaking that —***

***(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;***

.....  
**CHRIS HASTIE**  
**GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

## 14. FURTHER GALLERY AND ONLINE COMMENTS

*Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.*

*This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.*

*If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.*

ONLINE COMMENTS -

FURTHER GALLERY COMMENTS -

Meeting declared closed at:

The live streaming of this Council meeting will now come to a close.

## 15. IN CLOSED SESSION

### COUNCILLOR

***That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:***

- a) Council business information***
- b) Security information***
- c) Land use planning information***
- d) Law enforcement information***
- e) Legal privileged information***
- f) Personal information***
- g) Private commercial information***
- h) Confidential meeting information***
- i) Internal arbitration information***
- j) Councillor Conduct Panel confidential information***
- k) Information prescribed by the regulations to be confidential information***
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989***

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**IN CLOSED SESSION**

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### COUNCILLOR

***That Council move into open session and ratify the decision made in closed session.***