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

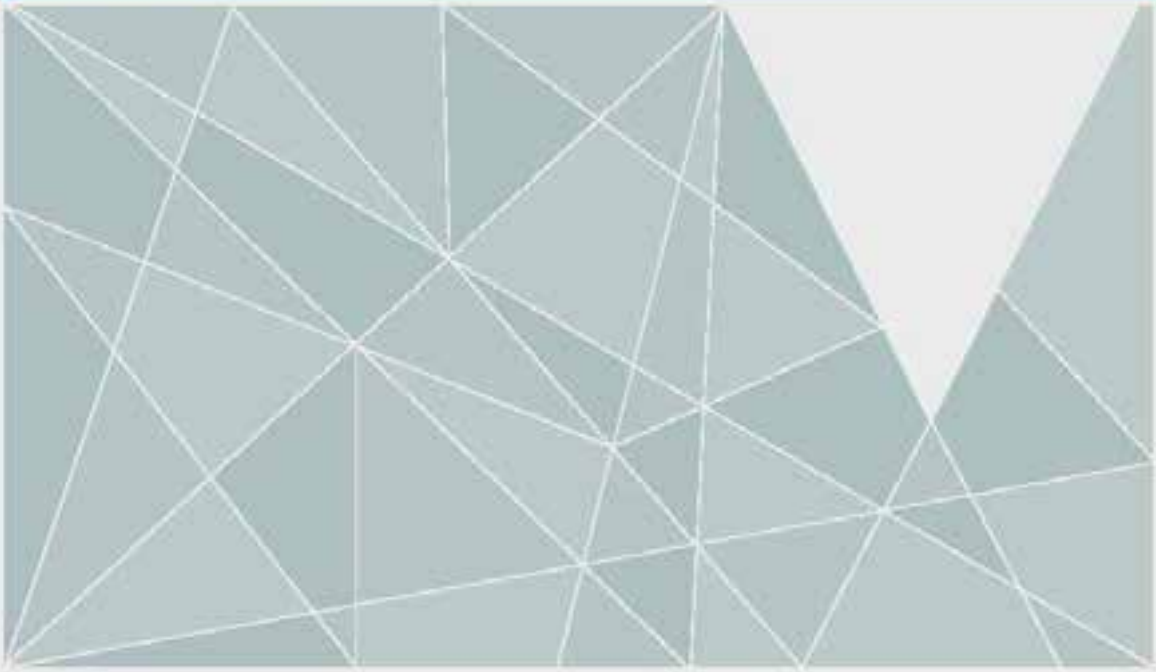
Diagram 2: Building envelopes and subdivision plan 74 Stevens Street, Sale.

ATTACHMENT 2

Planning and Environment Act 1987

Panel Report

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



2 June 2015

Planning Panels Victoria

Planning and Environment Act 1987

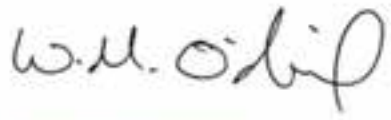
Panel Report pursuant to Section 25 of the Act

Wellington Planning Scheme Amendments C85 and C88

Permit Applications P124/2013 and P373/2012

2 June 2015

Kathryn Mitchell, Chair



William O'Neil, Member

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Overview

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

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

Executive Summary

(i) Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Recommendations

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

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

Other Recommendations

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

1.0 Introduction

1.1 Subject Site and Surrounds

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

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

Figure 1 Aerial perspective of subject land and surrounds

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

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

1.2 Exhibition and Submissions

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

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

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

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

1.3 Panel Hearing

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

Submitter	Represented by
Wellington Shire Council	Sabine Provily (Strategic Planner) and Barry Hearsey (Coordinator Strategic Planning)
Mr G Dyer and Mr and Ms J and K Fleming	Nick Anderson of NBA Group Pty Ltd, calling evidence from: - Simon Anderson of Simon Anderson Consulting (Geotech) - Michael Treadwell of Millar Merrigan (Ecology) - Jennie Jones of Beacon of Beacon Town Planning (Planning)
Ross Scott	
Meredith Johnston	
Ron Gregory	
Gillian Gregory	
Mark Yeowell	
Meryl Edwards and Trevor Tucker	
Peter Francis Greer	
Eric Thorne	

Table 1 Parties to the Panel Hearing

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

1.4 Site Inspections

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

1.5 Issues dealt with in this report

Council summarised the issues raised in submissions as follows:

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

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

This report deals with the issues under the following headings:

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

2 The Proposals

2.1 Amendment C85 and Permit Application P124/2013

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

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

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

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

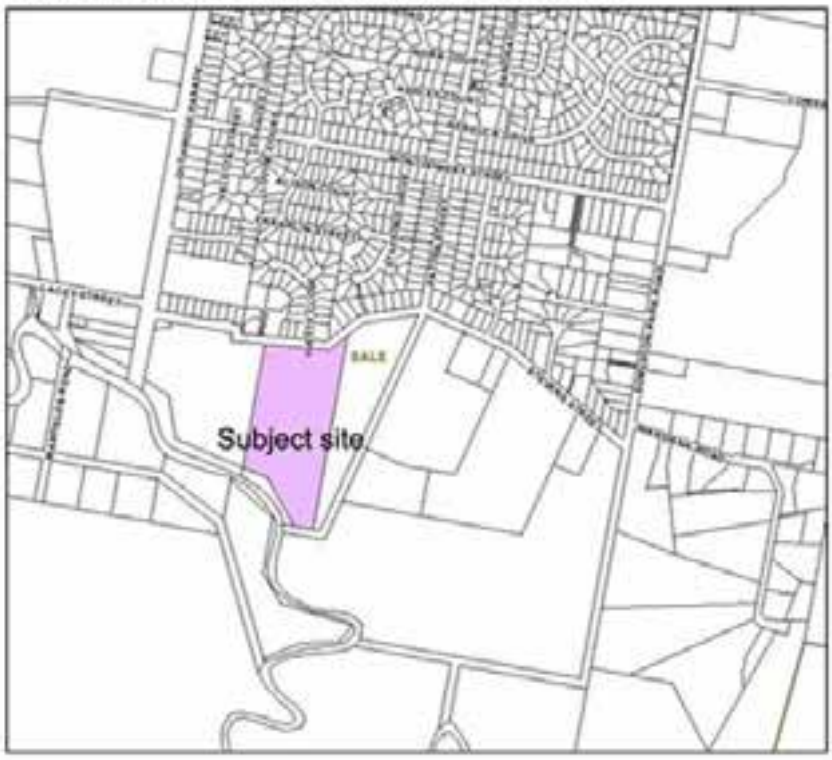


Figure 2 Land opposite 37-39 and 41 Stevens Street

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

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

2.2 Amendment C88 and Permit Application P373/2012

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

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

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

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

Figure 4 74 Stevens Street

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

Figure 5 Proposed subdivision of 74 Stevens Street

3 Planning Context

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

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

3.1 Policy Framework

(i) State Planning Policy Framework

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

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

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

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

Clause 13.02-1: Floodplain management seeks to:

> *... assist in the protection of:*
> - *Life, property and community infrastructure from flood hazard.*

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

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

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

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

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

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

(ii) Local Planning Policy Framework

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

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

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

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

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

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

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

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

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

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

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

3.2 Planning Scheme Provisions

(i) Zones and Overlays

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

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

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

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

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

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

The main purposes of the Neighbourhood Residential Zone are:

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

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

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

Control the subdivision layout:

- *The subdivision layout must be in accordance with the planning permits which are part of the combined amendments.*

Site coverage:

- *A building envelope is proposed as part of the schedule.*

Building height:

- *Maximum building height requirements are proposed as part of the schedule.*

The objectives of Design and Development Overlay Schedule 22 are:

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

The Design and Development Overlay Schedule 22 requires all other buildings and works to be contained within the specified building envelope and sets the finished floor level at 3.7 metres AHD, which is 0.5 metres above the estimate of the 1% AEP flood level, as discussed in Chapter 5.2 of this report.

As exhibited, Design and Development Overlay Schedule 22 provides exemptions for notice and review for a planning permit application to subdivide, construct a building or construct or carry out works for a use within Section 1 of the zone. In discussing this aspect in its Part A submission, Council said:

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

The Panel addresses this request in Chapter 7.2.1.

The planning applications included a subdivision layout and building heights. Building envelopes are proposed to be incorporated directly into the provisions to support the retention of the green streetscape character and to create open spaces between buildings that would be wide enough to retain view lines to the wetlands. These provisions require that all buildings and works must be contained within the building envelope of each lot, inclusive of a dependent person's unit and any associated outbuildings. Ancillary features

such as a fence, pergola or veranda, and deck or balcony would be allowed outside the building envelope.

The purpose of specifying building heights is to minimise the impact of the proposed dwellings along Stevens Street. These provisions state that *"All buildings, including outbuildings, should not exceed a maximum building height of 4.5 metres above natural ground level or 11 metres above AHD, whichever is the lowest"*. The diagrammatic sketch at Figure 6 illustrates this requirement.

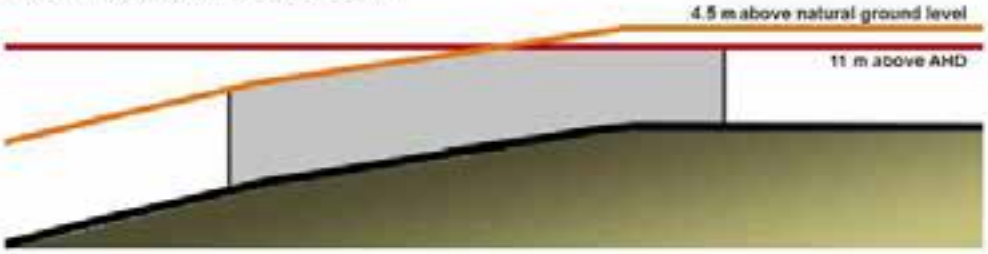


Figure 6 Proposed building heights

3.3 Ministerial Directions and Practice Notes

The Panel is satisfied that the amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* and Ministerial Direction No 11 *Strategic Assessment of Amendments*.

Council submitted that the amendment complies with Ministerial Direction No 9 *Metropolitan Strategy* as outlined in its Explanatory Report.

3.4 Panel Conclusions

The Panel concludes the proposals are generally supported by State and Local planning policy and are consistent with relevant Ministerial Directions and Practice Notes.

Through the Wellington Planning Scheme, the subject land is located within the designated Urban Growth Boundary of Sale and will provide for some housing opportunities in an area adjacent to a fully developed residential subdivision.

The Panel finds the introduction of the Neighbourhood Residential Zone in this location to be somewhat curious, as the balance of land along Stevens Street will remain in the Farming Zone. Once approved, the area of land to the south of Stevens Street will become very fragmented due to the interspersing of the Neighbourhood Residential Zone within the broader Farming Zone precinct. It is only the front portion of the land that is to be rezoned, the balance of land will remain in the Farming Zone. The Panel questions whether this is good planning, however the Panel acknowledges that the land is not affected by either the Land Subject to Inundation or Flood Overlays, and development of the land for residential purposes is expressly supported by existing local planning policy of the Wellington Planning Scheme.

The application of the Design and Development Overlay will assist to ensure that the built form of the new residential development will be managed to ensure appropriate height and setbacks within designated building envelopes.

While there were 26 individual submissions opposing the development outcome (and a further 80 opposing template letters), there were 25 submissions in favour of the proposals and there was no agency opposition to the outcomes proposed.

It is noted that while there was opposition to the proposed development outcome and opposing submitters variously sought the land to be converted to public open space or retained as farming land, the selection of the Neighbourhood Residential Zone and the application of the Design and Development Overlay as the planning controls to facilitate and manage future development of the subject sites (if this outcome was supported), was not contested. That is to say, no submissions sought alternate planning controls.

The Panel concludes that the proposed Neighbourhood Residential Zone Schedule 1 and Design and Development Overlay Schedule 22, subject to refinements reflected in the Appendices to this report are appropriate controls to facilitate the development outcome envisaged. The Panel further supports updating the boundary of the Land Subject Inundation Overlay as proposed by the Amendments.

4 Strategic Assessment of the Amendments

4.1 The Issue

A number of issues were raised about the strategic rationale for the Amendments as follows:

- The legitimacy of *Sale, Wurruk and Longford Structure Plan*
- Perceptions that the subject land would not be developed
- The general characterisation of the land
- Demand and supply issues.

4.2 Submissions and Evidence

The *Sale, Wurruk and Longford Structure Plan* (the Structure Plan) was adopted by Council in 2010, and identifies the southern side of Stevens Street as a potential urban growth area. The Structure Plan was incorporated into the Local Planning Policy Framework of the Wellington Planning Scheme in November 2011 through Amendment C67.

Ms Jordan provided an overview of why she considered the proposals should not be approved through reference to various planning provisions. She contended that the Regional Growth Plan is at odds with the Structure Plan, and that environment considerations should take precedence over growth imperatives.

Mr Yeowell spoke of the natural environment and agriculture strategies of the Structure Plan and suggested that these impacts have not been addressed. He quoted a number of strategies and argued that environmental priorities should carry more weight than the desire to enhance development opportunities. He said that there *"is as much at risk as there is to gain"* in this context.

The Panel notes that the (former) Department of Environment and Primary Industries did not object to the proposals.

The Department of Defence noted that aircraft noise can sometimes be a nuisance to residents, and given its base is located 4.5 kilometres from the site, it recommended a notation be placed on the title of the new lots as follows:

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

Some submitters supported the proposals and argued that they would enhance the range of residential opportunities in Sale.

Council and the applicant argued that development of these lots will provide for a more 'executive' type of housing opportunity, but submitters suggested that with some 1500 vacant lots in Sale and 800 in Wurruk, there is significant opportunity for a range of housing types in the area. Mrs Gregory said in this regard:

> *Contrary to predictions, the population of Sale has not increased greatly over the years. There is a glut of land for sale on all sides of the town and more opening up in the future. Existing homes in Sale are not selling well ... there is an abundance of alternative opportunities for developments in Sale.*

However, in expressing support for the proposal, Mr Morrison said:

> *With a large portion of the residential land in Sale quite flat and offering no views, these allotments would bring a new lease of life for a certain portion of the market. There is the potential for some unique, interesting and very valuable properties to be constructed on these proposed lots.*

Council argued strongly that the Amendment had strategic justification through State and local planning policy, and particularly through the adopted Structure Plan. In discussing the Regional Growth Plan and the Structure Plan, Council said both plans:

> *... indicate that further encroachment of urban development into the wetlands is not appropriate. However the proposed development is within the urban growth boundary, which is established in both strategic documents and although close to the wetlands, development is not proposed in the wetlands per se.*

As part of the Regional Growth Plan, the Sale Framework Plan (Map 13) clearly shows the 'settlement boundary' to the south of Stevens Street. It also shows the water body further to the south, none of which impacts on the subject land.

The proponent called evidence from Ms Jones in relation to planning issues related to the Amendment. Ms Jones provided a cursory overview of State and local policy and concluded the strategic merits of the Amendment to be sound and well founded having regard to the Structure Plan. Further, she said:

> *The Amendment will facilitate the rezoning and ultimate development of the land sites for a residential development. This is a small but strategic development that utilises vacant, serviced and accessible land on the edge of the Sale Township.*

Ms Jones characterised the proposal as *"... an excellent infill opportunity"* and that:

> *The Amendment has strategic support in so far as it seeks to implement the housing and urban consolidation objectives of the State and local policy of the Wellington Planning Scheme and is supported by the Council adopted Sale, Wurruk and Longford Strategy (sic) Plan.*

Many community submitters did not agree with Council or the proponent. Ms Jordan argued that there is 15 to 20 years of land supply and that this proposal is not required – if at all – prior to 2025. She questioned Council's assertion that the Gippsland Regional Growth Plan did not go to the same level of detail that the Structure Plan does, and considered it should be regarded as a detailed strategic plan. Mr and Ms Williams argued that with regard to the proposition that there is limited residential land available in Sale:

> *This proposition is in my view clearly false and set against the environmental value of the wetlands should be firmly rejected.*

However, Ms Wegener noted that *"At present there are limited blocks available with views of the wetlands and close to facilities in the Sale residential area"*.

Many submitters questioned the characterisation of the subject land in that they perceived it to be part of the established wetlands and the Heart Morass area. They further submitted that their perception was that the subject land would not be developed and that it would remain in its current form as undeveloped land. Mr McLeod considered that the zoning of the land for rural or farming purposes should mean that it is never to be developed, and that it should be treated as a buffer zone. Mr and Ms Williams said "*Farming use of the wetlands should be ceased*".

Some submitters argued that there is no demand for lots in this area, and that there is sufficient land set aside in other parts of Sale that is more suitable for residential development.

4.3 Discussion

The proposal seeks to rezone two small pockets of land totalling approximately 1.2 hectares from Farming Zone to the Neighbourhood Residential Zone to allow for the subdivision of 11 lots. The lots to be rezoned will have an average depth of approximately 34 metres and while the land is in two ownerships, the balance of the lots, once subdivided will remain in the Farming Zone.

However, the Panel does not agree with the evidence provided by Ms Jones that the site provides "*opportunity for urban consolidation*". Rather the Panel considers it provides opportunity for an additional 11 housing lots in an area at the southern edge of Sale.

The Panel accepts that the Structure Plan has been included in the Planning Scheme and that appropriate weight should be afforded to it. However, the manner in which it came to be included in the Planning Scheme is cause for concern. Council advised the Panel of the significant amount of research that went into the Structure Plan, including community consultation. When the consultation draft (May 2010) was finalised, it did not show the area to the south of Stevens Street included as a future residential area. The Urban Growth Boundary in Figure 2 (Overall Structure Plan) is clearly shown as Stevens Street in the draft report. Three areas for Future Urban Residential are clearly shown in the Southern, Northern and Western Growth Areas, all within the proposed Urban Growth Boundary.

The Panel was advised that after the close of the informal consultation, a submission was received from the proponents of the land who argued that the land had development potential and it should be included as a residential growth area as it had been identified as being suitable for growth in the Residential Supply Review of 2008. Council supported that position, and then, because in its view the Structure Plan had strong community support, it sought a 20(4) Amendment from the (former) Minister for Planning to include the Structure Plan in the Wellington Planning Scheme in February 2012. This request was supported by the regional office of the (former) Department of Transport, Planning and Local Infrastructure and the (former) Minister agreed to gazette the Amendment in this way. It was introduced in the Wellington Planning Scheme as Amendment C67.

The adopted Structure Plan is dated August 2010. This plan shows the whole area to the south of Stevens Street as Future Urban Residential (subject to Department of Defence support) in Figure 2, with the Urban Growth Boundary extended south to incorporate that land. Council and the proponent argued that the southern Stevens Street area was

identified in the Residential Supply Review of 2008, but was not included in the draft Structure Plan by mistake.

The key issue is that no notice was provided to the local community that the exhibited Structure Plan was proposed to be changed in this way, hence there was no opportunity for anyone to review the final version before it was gazetted. The community felt short changed by this process and noted that they had no opportunity to review the final draft, which they argued was unfair. Mr Yeowell said in this regard that:

> *We feel strongly that this is consistently used for justification (and in many cases the only justification and defense of criticisms) however council have yet to demonstrate that the public ... were consulted on this change ....*
>
> *On this basis alone the legitimacy and transparency of the proposal is compromised and the proposal should be rejected and the council required to consult with the community about the proposed change of urban growth boundary.*

The Structure Plan is now policy in the Wellington Planning Scheme and clearly shows the subject land area designated as residential growth.

The Panel considers whether this issue is enough to warrant the support or refusal of the Amendments.

4.4 Conclusions

The Panel does not consider the proposal to be an infill or urban consolidation opportunity perse' but rather an opportunistic development on the edge of the township on high land abutting a rural waterway. In effect it allows approximately 1.2 hectares of land along 360 metres of Stevens Street (8417 square metres at 74 Stevens Street and 3428 square metres on land opposite No's 39 and 41 Stevens Street) to be rezoned from Farming Zone to Neighbourhood Residential Zone for 11 lots, with the balance of land remaining in the Farming Zone. The Panel has to ask itself whether this is a good planning outcome.

The dilemma for the Panel is that the land is noted as an area for potential growth in the Structure Plan, local policy supports that designation, and Council and the relevant agencies and authorities have all offered their support for the proposals to proceed.

Critically, the Structure Plan has been adopted by Council and is a Reference Document in the Wellington Planning Scheme at Clause 21.20, and the proposal is consistent with Clause 21.05 – Sale, Wurruk and Longford Strategic Framework. However, the Panel is concerned that as Mr Yeowell put:

> *It has not been demonstrated by Council that there has been any transparency or due process followed with regards to public consultation on changing the urban growth zone/boundaries to include this land on Stevens Street.*

The Strategy Plan map at (page 7 of 12 of Clause 21.05) identifies the land as 'Urban Residential Expansion', where Objective 2 notes *"To provide housing choice and diversity in the local market"*. This is supported by the Strategies:

- *Facilitate development in Sale, Wurruk and Longford for a variety of residential densities/lot sizes, in accordance with the township roles and strategy plans contained in this clause.*
- *Facilitate provision for multiple development fronts that increase competition in the market.*

In respect of how the sites are reflected in the Regional Framework Plan, the Panel observes that land is arguably within the Settlement Boundary as shown on Map 13 – Sale Framework Plan (Document 13). While not coloured pink *'existing urban area'* – it is the same colour (light blue) as many other undeveloped sites within the township boundary.

In reaching a conclusion on the strategic merits and assessment of the Amendments the Panel has had regard to the threshold environmental, visual and amenity issues and the consideration of the sustainability and net community benefit of the anticipated development outcomes. These are discussed in Chapters 5, 6 and 7 of this report.

On balance, Panel concludes that the Amendments benefit from the strategic support of the Local Policy provisions within the Wellington Planning Scheme, as well as the high degree of support from relevant agencies and Council. The Panel is satisfied that the protection of the environment and neighborhood amenity are adequately provided for in the Amendments and that marginal net community benefit will accrue. Accordingly the Panel recommends that the Amendments should be adopted, subject to number of minor changes to the wording of Schedule provisions as discussed in Chapter 7.2 of this report.

5 Environmental Issues

5.1 The Issue

Submissions opposing the proposals raised a number of environmental concerns including:

- The proposed developments are located within designated wetlands
- The sites are flood prone
- The developments will have significant and unacceptable impacts on fauna/wildlife
- Drainage solutions are inadequate
- The sites are unstable.

The issue is whether the development proposals pose an unacceptable risk to the environment.

5.2 Impact on Wetlands

(i) Submissions and evidence

A number of submitters expressed concern that the proposed developments will impact negatively on the Sale Common, the Ramsar Wetlands and the Heart Morass reserve. Mr Scott talked about the *"... risk to wildlife from animals from nearby properties, feral plants and fertilizer and light pollution at night to bats and night birds"*.

Ms Johnston spoke passionately about the wetlands. She mentioned that the area should never have fallen into private hands, and suggested that the Panel look at what others have done to repossess farmland. She said:

> *Once our window to the wetlands gets built on, there is no going back and Sale has lost an amazing opportunity forever.*

Mr Gregory provided some background about the development of Lake Guthridge and Lake Guyatt and commented that foresight by former Councillors and Rotarians has enabled many people to enjoy these wetland areas.

Mr Black and Ms Brotchie submitted that the proposals threaten the fragile ecological environment that lie adjacent to the wetlands and mentioned how they have undertaken actions to protect frogs at their property (which is on the south side of Stevens Street).

Council noted that the proposed development area is not within a designated 'wetland' nor a 'Ramsar wetland' and confirmed that the land is farmland in private ownership. Further, Council stated the land could appropriately be described as being high ground that the WGCMA have determined is above the 3.2 metre AHD flood contour. Council noted that it had extensively consulted all relevant statutory authorities and none registered concern or objections regarding potential environmental impacts on the adjacent wetlands.

(ii) Discussion

The Panel does not accept the claims by opposing submittors that the subject sites are part of or within the Sale Common, and/or the Ramsar listed wetlands. Rather, the Panel supports the designation of the subject sites as adopted by Council, the WGCMA, the proponent, and the ecological evidence of Mr Treadwell that the subject sites are land in

private ownership currently contained within the Farming Zone. They are not public land and they are not a wetland nor a Ramsar wetland.

5.3 Potential Flood Impacts

(i) Submissions and evidence

Local residents expressed concern about the potential for flooding and some submitted photographs of recent flood events that showed flooding of low lying land at 74 Stevens Street including its apparent penetration of a retaining wall on the property. Mr Gregory said *"Sale experiences floods on a regular basis, some severe ..."* He cited a book by Peter Synans that refers to record floods in 1891, 1934/5 and 1952, and further:

> *We have more recent flood events too, 1970/1990/2007 &2012. Flooding through this area is important as a flushing process and as I think you are aware our Gippsland Lakes system is currently under stress, no more contamination should be allowed to further impact on the Lakes.*

Ms Johnston provided a number of photographs that showed the extent of recent rain events.

In relation to issues relating to flooding, Council stated that it relies on the advice and expertise of the WGCMA. Council noted that the WGCMA base their flood level on the 1% Annual Exceedance Probability (AEP), consistent with State-wide planning guidelines. The WGCMA determined that the best estimate of the 1% AEP flood level under existing conditions for Stevens Street is the 3.2 metre AHD, which was obtained from the Authority's flood database.

Council submitted that the land was surveyed by the proponent and this showed discrepancies between the extent of the Land Subject to Inundation boundary and the 3.2m AHD contour. After consultation, the WGCMA indicated a preference for the surveyed 3.2m contour as *"it is more up-to-date and accurate"*. Council explained that based on the advice from the WGCMA, it determined that the Land Subject to Inundation mapping should be updated for Stevens Street as part this Amendment process. Council reiterated that all land proposed to be rezoned is located above the 3.2 metre AHD contour and therefore above the 1% AEP flood level.

As a precaution against potential sea level rise, Council noted that proposed Development Plan Overlay Schedule 22 prescribes that the finished floor level of buildings cannot be lower than 3.7 metre AHD, and no fill is permitted below 3.7 AHD. Council explained that this is based on advice obtained from the WGCMA which stated:

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

3.2m AHD + the existing freeboard requirement of 0.3m + the freeboard requirement to address sea level rise of 0.2m).

(ii) Discussion

In respect of potential flood impacts the Panel accepts that the land is best described as being high ground that the WGCMA has determined is above the 3.2m 1% AEP flood contour. The Panel accepts that the sites abut a Rural Waterway or Floodplain by definition of the *Waterway Act* 1989. The Panel is satisfied that the Design and Development Overlay requirement that all buildings, including outbuildings should have a finished floor level height of above 3.7 metres AHD is appropriate and that this requirement is anticipated to protect development from the 1% AEP flood event, inclusive of factoring in a 0.2 metre rise associated with potential future sea level rise. While the land abutting the subject sites are impacted by Land Subject to Inundation and/or Flood Overlays, based on the advice of the WGCMA, the Panel is satisfied that the land subject to the rezonings and development proposals are not.

5.4 Impacts on Fauna and Wildlife

(i) Submissions and evidence

Submitters expressed concern about the potential for detrimental impacts of the proposals on the fauna and wildlife in the wetland area. Mr Barnett argued that *"The area is subject to regular and lengthy periods of inundation where water levels force the relocation of native wildlife to area above flood level"*. Mr and Ms Holmes said:

> *The variety of wildlife in the wetlands is amazing! We have numerous species of frogs, birds, including water birds and birds of prey such as wedge tail eagles, hawks, and there are long necked turtles, numerous snake species, not to mention butterflies and small mammals such as hares and even Koalas have been sighted. Surely, would you not agree that this unnecessary building project is going to cause disruption to the wetland environment and therefore harmfully disturbing and displacing this wildlife?"*

Council advised that the permit applications were accompanied by an ecological and cultural heritage assessment. Council considered that the assessments addressed concerns and where necessary, proposed mitigation and protective measures have been reflected within the provisions of the proposed zone and overlays or included as conditions on the planning permits.

Council noted that as part of the amendment process, all documentation was reviewed by relevant authorities and that the Department of Environment and Primary Industries and the WGCMA provided support for the Amendments and proposals.

Council reiterated that while the WGCMA sought to add conditions to the draft permits, it concluded that there will be no negative impact on the health of the wetland system arising from the proposals. Council concluded on this issue:

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

Mr Treadwell of Millar Merrigan provided expert evidence on behalf of the proponent. He concluded that there is no habitat or other ecological attribute that warrants specific protection on either the Dyer or Fleming land. Mr Treadwell considered that it would be very unlikely that the proposal will have a direct impact on habitat that is considered to be a refuge for rare fauna species (including migratory birds).

Mr Treadwell stated that while some form of indirect impact on the adjacent wetland area cannot be discounted, he considered that the mitigation measures contained in the permits "*will be sufficient to ensure that the risk of any tangible impact is negligible*". In reaching this finding, Mr Treadwell noted that his view is consistent with the sentiments outlined within Administrate Appeals Tribunal of Victoria Planning Appeal No 1992/11635 (17 June 1992) which related to the construction of the single dwelling at 74 Stevens Street, Sale. On page 8 of that decision, the Tribunal stated:

> *... The Tribunal finds it most difficult to accept the arguments that this single house would encroach upon the habitat of the wildlife and cause it disturbance, and also cause environmental damage and pollution. It is after all proposed to be located only about 35 – 40 metres closer to the wetlands than many houses along the north side of the Stevens Street. The depth of the wetlands south of Stevens Street extends for 1.5 – 2kms and has a width of about 1.5kms in average. The wetlands area is vast by comparison with the area of the appeal site. The Tribunal considers that if any effect is to be caused it is likely to be microscopic.*

Mr Treadwell concluded that he was satisfied that the proposed permit conditions reflect the recommendations of the Ecological Assessment Report submitted with the permit applications, and that they sufficiently address the potential impact of urban development on the adjacent wetland system.

(ii) Discussion

In relation to potential impacts on flora, fauna and other ecological impacts the Panel accepts the Council's and the proponent's submissions and evidence that extensive background assessment of the possible environmental impacts have been undertaken and that the findings of this work has been shared with and assessed by the relevant referral agencies and authorities. It is compelling that both proposals have the support of the WGCMA, Gippsland Water, the Department of Environment and Primary Industries as well as the Wellington Shire Council. The Panel considers that the environmental effects associated with the developments have been well considered and analysed in the background technical reports. It notes that appropriate responses to possible issues have been determined and resolved as required to the satisfaction of all authorities via inclusion of conditions on the associated planning permits.

The Panel notes that the subject land is not contained within Environmental Significance Overlay Schedule 2, although some of the balance of the farm land is. The Panel considers

that the resident concerns regarding the proposed developments impact on wildlife and fauna visiting the site are unfounded. The Panel accepts the evidence of Mr Treadwell that the construction of 11 extra houses on lots that have an average depth of 36 metres towards to floodplain will not stop birds visiting or landing on the abutting land contained in the Farm Zone that stretches some 800 metres, or onto the Ramsar listed public land some two kilometres away.

5.5 Drainage

(i) Submissions and evidence

To ensure adequate drainage, the owner of each lot must enter into a s173 agreement which will require that each lot maintain its own section of swale in accordance with an approved maintenance plan.

Submitters questioned whether these will work and whether the swales will become inundated with flood water. Mr Gregory questioned the location of the pumping station and the ability of the roads to support heavy vehicles. Mr Yeowell remained unconvinced that the proposed drainage swales will do the job for which they are intended.

Ms Edwards and Mr Tucker questioned the type of restrictions to be placed on the swale drainage system and the type of assurances to be provided about flow from the swale to other properties and land. The asked *"What measures are in place to safeguard the flora, fauna and birdlife of the area in questions, particularly in reference to toxic waste in the swales?"* They further asked about post development monitoring procedures.

The WGCMA submitted that it is satisfied that all stormwater discharged from the new lots will be treated to meet the relevant guidelines, and that:

> *A combination of on-site storage (rainwater tanks) and off-site vegetated swales will be used to manage the quantity and quality of water being discharged from the new lots. This will mean that no stormwater will drain directly or unfiltered into the Ramsar wetlands.*

That Authority recommended an additional condition be included in both planning permits to read:

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

The Authority further commented on the relevant conditions relating to swales, maintenance plans, and covenants regarding the swale maintenance plans. It noted that it would not issue a Statement of Compliance for the subdivision until it is *"... satisfied that the maintenance plan sets out appropriate actions and timelines to manage the swales to ensure that stormwater discharge continues to be managed in accordance with best practice*

standards." Interestingly, the Authority acknowledged the submitters concerns related to toxins, chemicals and other poisonous pollutants being discharged to the swale, and observed that it did not believe this issue could be managed through the planning permit process, and said:

> *Ongoing community education and awareness of the importance and fragility of all our waterways and wetlands is a more appropriate pathway.*

Gippsland Water advised that the lots are able to gravitate to sewer and that the sewer has capacity. Its key concern related to the location of the pumping station and its location in relation to the above ground power lines. It noted that the pump station would be required to be placed into the development off the road, and in a lot size of 10 metres by 10 metres. Both the proponents and the Council agreed to this.

Council noted that the both planning permits outline requirements relating to stormwater management and include the requirement for the preparation of a Stormwater Discharge Plan including maintenance provisions.

In respect of submissions that raised concerns regarding the functionality of the proposed swale drains, Council reiterated that the WGCMA considered the proposed design of the drains to be appropriate. The WGCMA observed that it is not unusual for swales to be inundated in less than a 1% AEP flood event as they are designed to convey minor floods (usually 1 in 5 year ARI).

The ecological evidence statement of Mr Treadwell stated:

> *The Permit Conditions outline sufficient measures that will help ensure the following:*
> - *That future development adequately considers urban runoff;*
> - *That all residential allotments will be connected to reticulated sewer; and*
> - *That erosion and sediment control will be considered as part of future works.*

Mr Treadwell suggested that the permit provisions for erosion and sediment control could be strengthened by:

> *... the introduction of a Permit Condition that requires the preparation of a Construction Management Plan prior to the commencement of any works.*

Mr Treadwell noted that a Construction Management Plan would stipulate the exact form of sediment and erosion control measures, as well as addressing amenity considerations, such as the hours of construction, control of noise, and control of dust.

In relation to drainage and environmental matters Mr Anderson highlighted there is no evidence before the Panel relating to flooding, drainage, ecological or biodiversity functions that raise concerns or issues with the proposed rezonings and associated developments. He stated that each of these matters have been comprehensively assessed by relevant experts and the findings and conclusions have been considered and accepted by the appropriate authority, this being the WGCMA. Mr Anderson noted that Council's engineers, which have a role in regulating drainage outcomes, expressed no objection to the proposed drainage solution.

(ii) Discussion

The Panel considers that the proposals include adequate sewage and storm water discharge responses. The fact that the proposed development sites are required to be connected to reticulated sewer is an important outcome that is supported by the Panel. This requirement sets these proposed development sites apart from those within the nearby Low Density Residential areas to the south-east and west of the subject sites which have no such requirement. In this regard it is noted that there are already approximately 20 properties located on land above the floodplain on the south side of roads that front the waterway in this part of Sale (two along Stevens Street and the remainder to the south east and west).

While the Panel considers that the storm water filtering solution proposed via the construction of bio swale drains (including their fencing on the south side of the swale) is not ideal, the Panel accepts that this approach is adequate. The Panel is satisfied with the WGCMA and Council's advice that the proposed design response is appropriate and manageable. Further the Panel accepts the updated Planning Permits contained in Appendices E and F of this report contain appropriate swale maintenance provisions (refer Condition 6 of each permit).

The Panel accepts the evidence of Mr Treadwell that the exhibited permit requirement for the preparation of an Environment Management Plan should be reworded to require that it be prepared and approved prior the commencement of any works. Further, the preparation of a Construction Management Plan should also be required prior to commencement of any works. These actions will assist in the effective control of the management of potential off site impacts.

5.6 Site stability

(i) Submissions and evidence

Some submitters considered the land to be unstable and in this regard, Ms Connor said that she has observed *"... fill from tip trucks used to build up the bank over the last 26 years and believe that it would be unsuitable foundations for building upon"*. Mr Black and Ms Brotchie supported these comments and put that the land *"... contains significant quantities of soil placed there within the last decade as land-fill which may be inherently unstable and place Council ... at risk of legal proceedings in the event of a slope failure ..."*

Council's submission noted that it had requested a geotechnical report from the proponents for both Amendments in response to submissions expressing concerns regarding the stability of the land due to infill and steepness. Council advised that it was satisfied with the expert reports submitted with the applications on this issue and accepts the subject land is stable and therefore developable.

Mr S Anderson, of Simon Anderson Consultants prepared an expert witness statement on Geotechnical Risk on behalf of the Proponent. His statement noted that the sites proposed to be rezoned have moderate to low grades over the proposed residential allotment area, ranging from approximately 1 in 30, to 1 in 5. He noted they have excellent grass coverage that will prevent topsoils from being washed away (even in the heaviest torrential downpours). Mr Anderson observed that the houses along Stevens Street show no signs of

soil erosion or land slip and that there is no previous history of unstable land in the area. Further his evidence statement noted:

> *There is no evidence of soil erosion or landslip on the subject site or adjoining properties and I would consider the geotechnical risks to be low. No sinkhole activity or visible evidence was observed on the subject sites.*
>
> *Natural soils throughout the site (stiff sandy clays) will have adequate strength and stability for residential slabs and footings.*

Mr S Anderson noted that any construction works associated with the proposed dwellings will be protected by Building Code of Australia, Australian Standards, Building and Planning Permit requirements and normal construction practice. He concluded that based on his desktop investigations, followed by his site investigation including soil boring, taking cross sections and analysis of collected data that the subject sites are suitable for the proposed use. He summarised the risks for both sites as:

- Landslide: Low - acceptable
- Sheet/Rill erosion: Low - acceptable
- Tunnel erosion: Low - acceptable

Mr S Anderson stated that further intensive investigation outside of the normal Building Code of Australia, and Council Requirements are not required.

(ii) Discussion

The Panel accepts the evidence of Mr S Anderson with regard to the development sites foundations and stability, and accepts his evidence that the subject sites are suitable for the proposed use.

5.7 Conclusions

The Panel concludes that the subject land can accurately be described as high land above the floodplain that abuts a Rural Waterway by Definition of the *Waterway Act* 1989. The Panel is satisfied that the Design and Development Overlay requirement that all buildings, including outbuildings should have a finished floor level height of above 3.7 metres AHD is appropriate and is anticipated to protect development from the 1% AEP flood event.

Having concluded that proposed sites are not directly affected by the Land Subject to Inundation Overlay or the Flood Overlay, the Panel accepts that the land immediately abutting the proposed sites is so affected. The Panel concludes that the Design and Development Overlay requirements, and the proposed Planning Permits contain adequately stringent compliance requirements with specific design parameters to protect the subject land from flood waters; to ensure stormwater drainage will be adequately filtered and controlled; and will effectively ensure that potential environmental impacts, including impacts on fauna, will be adequately controlled.

The Panel reiterates that the proposed planning applications not only have strategic planning support through the Wellington Planning Scheme, they are supported by the relevant environmental management and protection agencies. The Panel is satisfied with the ecological evidence submitted and tested, and with the submissions of Council and the relevant service authorities. These have concluded that the developments proposed will not

result in unacceptable environmental impacts subject to development occurring in accordance with the controls proposed via the Amendments and accompanying permits.

Post exhibition revisions relating to environmental control measures are further discussed in Chapter 7.2 and 7.3 of this report.

6 Visual and Amenity Impacts

6.1 The Issue

Submissions opposing the proposals raised a number of issues relating to visual and amenity impacts including:

- Loss of views and loss of 'public space'
- Change to streetscape
- Increase in traffic.

The issue is whether the development proposals will have unacceptable visual or amenity impacts.

6.2 Submissions and Evidence

(i) Loss of views and 'public space'

Members of the community perceive Stevens Street as an area with excellent views across the wetlands and the Sale Common area and were concerned about the potential loss of view. Ms Love said in this regard:

> *Stevens Street is one of the few remaining places in Sale which afford residents and visitors uninterrupted views across the wetlands. These stunning views are currently not the property of a privilege few but available to every resident and visitor to our town.*

Ms Johnston said in this regard *"No building however beautiful to its owner is better than a view for all of us to share."* Mrs Gregory noted that:

> *The question here is not what can be built on this site, but whether it can be changed from rural to residential and a large number of Sale residents are against any such project. They cycle, walk, or drive along this road, to take in the view, to watch the abundant bird life or to enjoy a beautiful sunset. Indeed, the Sale Information and Tourist Centre stated that they frequently bring visiting coach loads of people along Stevens St., to introduce then to our beautiful wetland area.*

Mr Thorne submitted *"The view of the wetlands from Stevens Street is incredibly beautiful which my wife and I have enjoyed since moving to Sale several years ago"*. In commenting about the building envelopes and the allowable building height of four metres, Mr and Ms Tempest noted *"If you then add trees and fences (especially if they are anything like the one in front of number 74), the view from the street would be mostly obliterated"*. Mr Smith considered that the view needs to be protected for future generations, *"... as once it is gone it is very difficult to retrieve"*. Ms Doeche said *"This is a unique and special area and should be valued and protected and not be given up for greed"*.

In supporting the proposals, Mr Ronchi noted that loss of view is not a valid objection *"... as no one owns a view"*.

Council submitted that while *"the development will not change the wetlands itself"* it acknowledged that viewing opportunities from Stevens Street will be reduced. In recognition of the potential impact on views currently enjoyed by residents on the north side of Stevens Street, as well as those enjoyed by others travelling on Stevens Street, Council highlighted that the subdivision designs and proposed building height controls represent an appropriate balance between protecting existing views enjoyed by residents and users of Stevens Street and the provision of an appropriate scale of development on south side of Stevens Street.

Specifically in relation to the loss of views along Stevens Street and resident concerns about loss of public space, Council reiterated that land fronting Stevens Street is not part of the Sale Common Wetlands (Ramsar Wetlands) but rather farmland within a '*Rural Waterway or Rural floodplain*' which is in private ownership. Council reiterated that the Sale Common Wetlands are accessible to the public elsewhere. It noted that extensive views can be enjoyed from numerous other locations within the area including the South Gippsland Highway, roads to the swingbridge and the numerous boardwalks within the Wetlands

In Council's closing submission, Ms Provily stated that the proposed developments are occurring on only a small portion of the privately owned land along the stretch of Stevens Street which is extends for approximately 1.4 kilometres long. Ms Provily stated that the views along approximately 900 metres of Stevens Street into the rural floodplain will not be affected.

Mr N Anderson submitted that findings of the 1992 AAT case in relation to the dwelling at 74 Stevens Street (appeal number 1992/11635) were instructive in relation to the issue of loss of views:

> *The principal argument presented by the objectors ... was that the proposed dwelling would have a detrimental impact on the view of the wetlands from Stevens Street ...*
>
> *The Tribunal is of the view that while the proposed dwelling may obscure part of the view of persons residing on the north side of Stevens Street and of other persons not resident in the immediate area but wishing to enjoy the view of the wetlands, then the obstruction is relatively minor. It does not obscure the total view. There is adequate other directions of view which can be seen and enjoyed. In the Tribunal's opinion, to deny this house on the basis of view obstruction would be unreasonable.*
>
> *It is supported in this finding by the argument of Mr Sullivan that the distance between Guthridge Parade and Somerton Park Road is 1.4 kms in length. There are adequate places along this road where views of equal quality could be obtained.*

(ii) Change to Streetscape

Several submitters questioned whether the introduction of new dwellings will have a positive influence of the streetscape and some were less than complementary of the quality of the existing buildings already present.

Others in support suggested that it will be an improvement, and in this regard, Mr Boyd said *"the construction of quality housing on this land would produce a much more pristine outlook removing untidy long grass and noisy cattle to the existing residential area across the road. It will remove the ongoing conflict that exists between town and farming residents"*. Ms James suggested that the proposal will *"... add a stunning point of difference to our growing town"*.

Council acknowledged that the proposed development will have some impact on the overall character of Stevens Street. Council highlighted that the proposed schedules to the Neighbourhood Residential Zone and Design and Development Overlay have been drafted to ensure that development respects and responds to the character of Stevens Street. It noted that controls over building envelopes and building heights have been included within both schedules and that it is satisfied that the proposed controls will effectively manage and minimise the impact of development on the landscape. Mr Yeowell disagreed and questioned whether the easements between buildings *"... will retain views and the engagement with the wetlands from Stevens Street is a naive attempt to appease/placate and not genuinely believed by anyone"*.

Council stated that the design guidelines specified in Design and Development Overlay Schedule 22 are designed to *"ensure new development contributes to the unique streetscape of Stevens Street and strengthens the general sense of living on the edge of Sale"*. The submission noted that landscaping cannot be controlled under current or proposed planning controls as planting (in residential gardens) does not constitute 'development' under the provisions of the *Planning and Environment Act 1987* and is therefore not subject to planning control.

Ms Provily stated that the proposed subdivision design creates a minimum 16 metre wide gap between buildings to maintain the 'green' street character, and that the gap is wide enough to create an awareness of the wetlands through the view lines between the houses.

In relation to amenity impacts, the town planning evidence of Ms Jones was that the low scale height, setback and building envelope controls incorporated into the Design and Development Overlay Schedule 22 will result in a high standard of amenity. In relation to built form considerations, Ms Jones stated:

> *I'm of the view that the design response is one that has adopted a considered approach and has duly respected the character of the surrounding area and the relevant sensitivities of the site. It has achieved this whilst also recognising the strategic potential of the site and enabling a small but regionally significant provision of serviced residential land with views.*

Ms Jones concluded that having regard to *"the prevailing strategic and physical context together with location considerations that characterise the site and area"*, she was satisfied that the planning permit proposals are an acceptable response to the applicable planning controls and policies. She said that they provide for a built form response that is suitable for the sites and surrounding context. Ms Jones considered that development built consistent with the guidelines will deliver an outcome that will have acceptable amenity impacts.

(iii) Traffic

Some submitters questioned the impact the proposal will have on traffic in and around Stevens Street and the ability for safe traffic movement, particularly at the western end of Stevens Street. Mr Greer commented:

> *We note the majority of construction vehicles will be entering into Steven St from Summerton Park Rd & Patten St for the construction of this development & construction of dwellings. The other end of Steven St has a local traffic only signs & is only suitable for light traffic so that will not be used!!!. Traffic will be horrendous for that part of Steven St & being an undeveloped street with no kerb & channelling all vehicles etc. have to park on the nature strip so what condition will it be when all the works are completed (sic).*

Mr Greer raised issues about construction vehicles and the hours of construction, as well as potential for noise, and the type of construction vehicles to be used.

Mr and Ms Vanatta opposed the proposals on traffic and access grounds and said:

> *When accessing Stevens Street from Yvette Close, it is already difficult to see traffic coming through this single lane intersection because of the vegetation. Adding driveways to this section, plus the additional traffic caused by the increased number of dwellings farther down Stevens Street will increase the risk of an accident to this already dangerous intersection. Straightening and widening to two lanes in this small section of Stevens Street would greatly reduce the risk.*

Mr Black and Ms Brotchie suggested that additional traffic places further risk to life and property due to the narrow dimensions of the thoroughfare, and that construction traffic will create hazard. Mr and Ms Barnett were concerned about street safety and sight and access issues which they said are already a major problem.

Council submitted that the 11 additional houses will not create a significant increase in traffic. Council noted that the traffic report submitted as part of the permit applications determined that the slight increase in traffic will not necessitate upgrades to the road network or changes to the kerb and channel. With respect to concerns regarding poor visibility when entering Stevens Street from Yvette Close, Council advised that sight lines are adequate. Council considers that the width of Stevens Street is appropriate and assists in controlling speed. Council concluded that the increase in traffic generated by the proposed additional 11 dwellings can be accommodated within the existing road network.

6.3 Discussion

The loss of an existing view, be it partial or full, is understandably distressing for those affected. Various VCAT decisions were cited during the hearing that have had regard to the issue. The Panel notes that in relation to the dispute regarding the development at 74 Stevens Street, Sale (AAT Ruling - P86/542) the Tribunal determined that the development *"does not obscure the total view. There is adequate other directions of view which can be seen and enjoyed. In the Tribunal's opinion, to deny this house on the basis of view obstruction would be unreasonable"*.

The Panel is faced with a similar dilemma with regard to whether the visual impacts and change of streetscape that is likely to result as an outcome of supporting the applications. That is, are the likely impacts reasonable or unreasonable in the context of the views and amenity currently enjoyed by the residents within the 45 properties located on the north side of the street, and other visitors to Stevens Street? Based on its various site inspections, before, during and after the hearing, the Panel determines that the majority of the existing 45 houses that are located on the north side of the Street will not be so significantly adversely impacted by the proposed developments as to warrant refusal of the proposed permits.

The majority of Stevens Street (approximately 855 metres of its 1.4 kilometre length) will retain its existing open and unobstructed view lines following construction of new dwellings on the lots proposed. The site context analysis that accompanied the Planning Applications supports this finding. It is estimated that views will obstructed either partially or significantly along approximately 365 metres of Stevens Street impacting directly on approximately 14 houses, some of these more than others. Houses along approximately 115 metres near Yvette Close and approximately 250 metres in proximity to Nest Court have been assessed as being the most significantly impacted.

The Panel considers that the potential impacts on these houses have been thoroughly assessed. It agrees with the Council that appropriate design requirements have been included in the design guidelines in the Schedules to the Neighbourhood Residential Zone and the Design and Development Overlay in a responsive attempt to minimise as far as practicable the impacts of the proposed developments.

The Panel considers it pertinent to reiterate that that various VCAT decisions regarding view and view sharing have determined that there is no legal right to a view and that an appropriate test is whether the impact is considered 'reasonable'. In relation to this, the Panel highlights that the Amendments and the accompanying permits seek to minimise impact on view lines via the inclusion of height controls and ensuring that building envelopes are separated to minimise bulk and create 'glimpses' between built form.

The Panel considers that these proposed design responses are reasonable. In reaching this conclusion, the Panel acknowledges that the streetscape will be affected and change will occur. However, the Panel does not consider that the changes to the streetscape will be transformative. The north side of the Stevens Street is almost, but not entirely, developed and presents a clearly urban residential form. Similar urban built form exists in two locations on the south side of the street. The proposed developments will increase the level of urban incursion into the current rural landscape on the south side of Stevens Street, however the Panel does not consider that urban/rural context will be 'transformed'. The Panel takes comfort that the topography of the remaining 855 metres of land on the south side of Stevens Street (which represents over half the length of the Street) is such that, other than small parcels of land on the eastern and western extremities, no further development is likely to be possible without introducing fill which may be unfavorable to the WGCMA.

In relation to traffic concerns of residents, the Panel agrees with the findings of the traffic impact assessment submitted with the applications that concluded that the likely additional

traffic to be generated from the additional 11 houses will not change the function or operational safety of Stevens Street.

The Panel accepts Council's Part B submission response that the increase in traffic generated by the proposed additional 11 dwellings can be accommodated within the existing road network. However in light of the resident concerns, including those expressed by Mr and Mrs Vanatta, the Panel considers that it would be appropriate for Council to monitor the traffic flow and safety in proximity to Yvette Close in order to determine if road widening or an alternative road design at the bend is necessary to improve vehicle, cyclist and pedestrian safety.

6.4 Conclusions

The Panel acknowledges that a key impact of the proposed developments is the potential impact on views currently enjoyed by residents occupying some of the 45 houses on the north side of Stevens Street, and for those walking or driving along the Street. While the Panel appreciates that a number of these existing houses will have their views compromised (either fully or partially) by the proposed 11 new dwelling on the south side of Stevens Street, the Panel considers that the design controls contained in the Schedules to the Neighbourhood Residential Zone and the Design and Development Overlay will serve to control the visual and amenity impacts. In this regard, an appropriate balance is achieved between facilitating appropriate future development and retention of existing views. On balance the Panel considers that the visual and amenity impacts will be acceptable and not transformative in nature.

In relation to traffic safety, the Panel considers that while not its primary recommendation, it would be appropriate for Council to closely monitor the traffic flow and safety of Stevens Street in proximity to Yvette Close in order to determine if traffic calming measures may be warranted once the development is completed.

6.5 Recommendations

The Panel recommends:

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

7 Net Community Benefit

The Panel considers this proposal is not particularly easy to reconcile and there are merits in both sides of the arguments put before the Panel at the Hearing and through submissions and evidence.

Planning is very much about balancing the needs of competing objectives and managing change to achieve net community benefit.

The *Planning and Environment Act* 1987 and the VPP establish a framework within which planning and responsible authorities are to endeavour to balance and integrate competing policy objectives in favour of 'net community benefit' and 'sustainable development'. Clause 10.04 of the Planning Scheme notes:

> *Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

By its very nature, planning decisions such as those required for the proposed amendments and permit applications involve competing considerations and an assessment of whether net community benefit would result. This necessarily assumes that there will generally be some disbenefits to be weighed against the positive features. To take this further, the Panel has assessed the perceived benefits of the proposal against the perceived disbenefits. By inference, this also includes a view on whether the proposals result in a sustainable development outcome.

7.1 Perceived Benefits

The Panel assesses the perceived benefits of the proposal as follows:

Council, Department, agency and authority support

- The proposals have Council support. Council advised that it discussed the proposals with the (former) Department of Transport Planning and Local Infrastructure and they too supported the Amendments and permit applications.
- There is unambiguous agency support through the WGCMA, Gippsland Water, and the (former) Department of Environment and Primary Industries.
- There is no opposition from Department of Defence, so long as its proposed permit condition is included.

Planning support

- The land is identified in the *Sale, Wurruk and Longford Structure Plan* as 'Future Urban Residential' (Figure 2 – Overall Structure Plan).
- The *Sale, Wurruk and Longford Structure Plan* has been adopted by Council and is a Reference Document in the Wellington Planning Scheme at Clause 21.20.
- The proposal is consistent with the provisions of Clause 21.05 – *Sale, Wurruk and Longford Strategic Framework* of the Wellington Planning Scheme.
- The *Sale and Wurruk Strategy Plan* map at (page 7 of 12 of Clause 21.05) identifies the land as 'Urban Residential Expansion' and notes:

Objective 2:

To provide housing choice and diversity in the local market.

Strategies

- *Facilitate development in Sale, Wurruk and Longford for a variety of residential densities/lot sizes, in accordance with the township roles and strategy plans contained in this clause.*
- *Facilitate provision for multiple development fronts that increase competition in the market.*

- The land is arguably within the Settlement Boundary as shown on Map 13 – Sale Framework Plan (Document 13). While not colored pink 'existing urban area' – it is the same colour (light blue as many other undeveloped sites within the pink shadings).
- The proposals are supported by relevant provisions of the SPPF and LPPF.
- The land subject of the Amendments and permit applications is not contained within Environmental Significance Overlay Schedule 2 (although some of the balance of the Farming Zone land is).
- There are no strategic land use planning grounds to abandon the Amendments as they are consistent with *Planning and Environment Act* 1987 and the Wellington Planning Scheme.
- Planning evidence was presented by the proponent and was able to be tested.

Environmental considerations

- The land is in private ownership and is currently zoned Farming – it is not public land, it is not a 'wetland' nor a 'Ramsar wetland'. It could be best described as being high ground that the WGCMA has determined is above the 3.2 metre flood contour. The land abuts a Rural Waterway or Floodplain by definition of the *Waterway Act* 1989.
- The 11 lots will all be connected to reticulated sewer and water (different to existing properties fronting the floodplain) thereby not resulting in any significant impact on floodplain.
- The environmental impacts were considered and analysed extensively in the background technical reports and through extensive consultation with relevant service authorities. Relevant issues have been identified and responses to issues determined and/or resolved to the satisfaction of all authorities. The management plans will be effective.
- There are already approximately 20 properties located on land above the floodplain on the south side of roads that front this part of Sale (two along Stevens street and the remainder to the east and west). The lots to be developed via approval of these Amendments and permit applications will be serviced with reticulated services, the existing houses in the low density residential estate are not. Approval will not be setting a precedent, as the precedent has already been set through approval of these other lots. Council has taken the view that if the land is above the flood level, it is suitable for consideration for development.
- The resident concerns regarding impact on wildlife/fauna visiting the site are unfounded as the 11 additional houses on lots that have an average 36 metre depth are on the fringe of the wider floodplain. It will not stop birds visiting or landing on the remaining land contained in the Farming Zone, or on the public land two kilometres away.

- The location and fencing of a swale drain on the south side of the properties is a logical solution and will facilitate effective maintenance.
- Geotechnical and ecological evidence was presented by proponent and was able to be tested.

Visual and amenity considerations

- Most of Stevens Street (855 metres) will retain 'open' view lines. Views will be impacted for approximately 360 metres. It is noted that a number of resident objectors will have their views compromised. Both Amendments and permits seek to minimise impact on view lines reasonably via height controls, setbacks and buildings sited together to allow filtered views.
- It is long recognised in planning that there is no legal right to a view.
- Just because there are only 11 lots being created does not mean that the rezoning are inappropriate.
- A previous decision of the Tribunal (P86/542) noted that the proposed development at 74 Stevens Street *"... does not obscure the total view. There is adequate other directions of view which can be seen and enjoyed. In the Tribunal's opinion, to deny this house on the basis of view obstruction would be unreasonable".*
- Traffic concerns are not founded and can be managed.
- There will be some change to the streetscape, but it is considered not to be transformative. There is a strong existing urban form already on one side of street.

The Panel notes the many submissions in support of the proposal.

7.2 Perceived disbenefits

The Panel assesses the perceived disbenefits of the proposal as follows:

- The land was not identified in the exhibited version of the *Sale, Wurruk and Longford Structure Plan* and many residents may not have been aware of its post exhibition inclusion as being within the Urban Growth Boundary.
- There is a community perception amongst some submitters that the land would never be developed for further residential development.
- The ultimate support provided by the *Sale, Wurruk and Longford Structure Plan* was questioned and was said to be pivotal to the Amendments and permit applications. Many argued that without that support, the proposals could not have been contemplated.
- There is no pressing need for the 11 lots. While the development of 11 houses will deliver some short term economic benefits, the social benefits are minimal.
- A Net Community Benefit Assessment was not undertaken by Council or the proponent, and there are arguably competing provisions in the SPPF and LPPF.
- While the Amendments and permits contain management provisions to reduce and control environmental impacts, it was questioned whether the risks are acceptable.
- Environmentally, the impacts are likely to be managed, but require extensive controls to be put in place and ongoing compliance.
- The rezonings could be argued as being 'adhoc'.

The Panel notes the many submissions against the proposal.

7.3 Conclusions

Ultimately, the Panel has placed weight on the fact that the strategic direction of the Wellington Planning Scheme lends significant support to the proposals and that the relevant agencies and Council also support the development outcomes. The Panel considers that net community benefit has been demonstrated, and the Amendments and planning permit applications can therefore be supported.

8 Form of the Amendments and Planning Permits

A number of post exhibition changes to the Amendment documentation and the wording of the draft planning permits were proposed by Council.

In addition to matters addressed elsewhere this report, Council noted that it would welcome the Panel's advice on whether Design and Development Overlay Schedule 22 should retain exemptions from notice and review and how Council should approach the issue of further residential development along the balance of the land along the south side of Steven Street.

8.1 Post Exhibition Changes to Zone and Overlay Controls

(i) Updated Diagram 2 to reflect the location of the Pumping Station

Gippsland Water requested that the pumping station to service the subdivision at 74 Stevens Street be re-positioned and shown on Diagram 2 of both Schedules included in the Amendment. Both Council and the proponent accepted the new location required by Gippsland Water. The Panel is satisfied that the new location is necessary to improve safety and comply with the Authorities design standards.

The Panel accepts that the pump station can be appropriately screened. The updated version of Diagram 2 has been inserted the Panel Recommended Version of Neighbourhood Residential Zone Schedule 1 and Design and Development Overlay Schedule 22 within Appendices C and D.

(ii) Updated Application Requirements (Design and Development Overlay Schedule 22)

Council's Part B submission requested two additional post exhibition additions be included in the 'Application Requirements' specified in Design and Development Overlay Schedule 22 being:

- *The location of any proposed building and works clearly dimensioned on a site plan drawn to scale; and*
- *Measures necessary during the construction and ongoing residential activities to protect the Ramsar wetlands through an Environment Management Plan.*

The proponent did not oppose either addition.

The Panel accepts the inclusions, and it notes that arising from the evidence of Mr Treadwell, both planning permit applications have been amended to require the preparation of an Environment Management Plan prior to the commencement of any works. The Panel has included a new condition (Condition 12) requiring the preparation of a Construction Management Plan. The Panel considers the proposed inclusion of the Environmental Management Plan requirement in the Design and Development Overlay is consistent with the planning permit requirement.

The two additional application requirements are reflected in the Panel Recommended Version of Design and Development Overlay Schedule 22 in Appendix D.

(iii) Exemption from Notice and Appeal

As exhibited, Design and Development Overlay Schedule 22 provides an exemption from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act for a planning permit application to subdivide, construct a building or construct or carry out works for a use within Section 1 of the zone.

In discussing this aspect in its Part B submission, Council said:

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

The Panel considers that it is reasonable to retain this exemption. The schedule was exhibited and the design guidelines were discussed during the Hearing. Council and the various agencies provided a detailed review of the schedule and its guidelines. The Panel finds that the guidelines respond appropriately to the visual amenity and urban design challenges along Steven Street. So long as the provisions are upheld in the design and future development of the 11 sites, the Panel considers it appropriate that there will be no further third party involvement. Accordingly, the Panel has retained exemption provision in its Panel recommended version of the Schedule contained in Appendix D.

(iv) Balance of Land

Council submitted that not all land identified for residential expansion within the *Sale, Wurruk and Longford Structure Plan* and subsequent *Strategy Plan* in Clause 21.05 is subject to the proposed amendments. It noted that the balance of undeveloped land along the southern side of Stevens Street has the potential to be the subject of further rezoning/planning permit requests. With respect to this, Council's submission stated:

> *On the basis of the steeply sloping topography Council does not consider that it would be developable if the design requirements developed for NRZ1 and DDO22 are applied to the land. It therefore welcomes a view from the Panel as to whether:*
> - *the remainder of the land should be retained in the Strategy Plan in Clause 21.05 and identified as an area for potential urban expansion;*
> - *If not, should Council remove the balance land from the Planning Scheme?*

Based on the geotechnical and ecological evidence presented and tested during the hearing, the determination of the contours of the land south of Steven Street, and the submissions from WGCMA, the Panel considers that there may be two further locations south of Stevens Street where:

- Enough land is located above the 1% AEP Flood Level to create a viable building envelope
- The land could be economically connected to reticulated sewer.

These two locations are at the eastern and western extremities of Stevens Street. In noting the above, the Panel is not endorsing the rezoning of the land parcels.

It is not an option for Council to amend the Strategy Plan in Clause 21.05 via this Amendment process as such was not exhibited. It is a matter for Council, in consultation

with the community, to determine whether the Strategy Plan and the related local planning policy provisions at Clause 21 should be amended to preclude the potential for further development along south side of Stevens Street via a subsequent planning scheme amendment process. The Panel notes however, that this proposal will create an unusual zoning pattern.

8.2 Post Exhibition Changes to Planning Permit Conditions and Plans

Council and the proponent accepted that the following changes should be made to the exhibited versions of both P124/2013 and P373/2012:

- In response to the submission by the WGCMA to add additional conditions to assist in the protection of water quality add the following:

  The owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1989 which will covenant that:

  - *The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.*
- In response to the submission by the Department of Defence add the following planning permit note:

  Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.
- In response to a review by Council's statutory planning team make minor updates to reflect existing planning permit standards within Council, which have been revised since the exhibition of these amendments.
- In response to the ecological evidence of Mr Treadwell, amend Condition 11 of both permits to require that the Environmental Management Plan be prepared prior to the commencement of any works, and introduce a new Condition to require the preparation of a Construction Management Plan also prior to the commencement of any works (Refer new Conditions 12).
- In response the ecological evidence of Mr Treadwell and with the support of the WGCMA, update the subdivision plans to benefit the land in the drainage easements in favour of the responsible land owner for maintenance of the swales (as outlined in the planning permits).

The Panel accepts all of the above post exhibition modifications. The Panel recommended versions of the permits contained in Appendices E and F reflect the agreed changes.

Council's Part B submission noted that Council will request that the proponent add the following notation to the Title Plan or include as part of the Section 173 agreement the following:

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

Council advised that this additional notation was at the request of the Department of Defence. The Panel is not opposed to this outcome.

8.3 Recommendations

The Panel recommends:

Replace the exhibited versions of the Neighbourhood Residential Zone Schedule 1 and the Design and Development Overlay Schedule 22 with the Panel recommended versions contained in Appendices C and D.

Replace the exhibited versions of Planning Permit P124/2013 and Planning Permit P373/2012 with the Panel recommended versions contained in Appendices E and F.

Appendix A List of Submitters

No.	Submitter
1	Gillian Gregory
2	Jonathan Barnett
3	Meryl Edwards and Mr Trevor Tucker
4	Meryl Edwards and Mr Trevor Tucker
5	APA Group
6	Department of Environment and Primary Industries
7	Val Perkins
8	Joshua Charteris
9	Jason Frost
10	John and Anne Tempest
11	Kathy Osborn
12	Lisa Wegener Property
13	Travis and Kylie Morgan
14	Daniel and Carolyn Holmes
15	Anthony Lazzaro
16	Keith Boyd
17	Karen Backman
18	Jason McMillan
19	Robin Lowe
20	Mel Trease
21	Elle James
22	Department of Defence
23	Leanne Backman
24	J and M Gray
25	Leonie Roberts
26	Not supplied
27	Angela Derham
28	West Gippsland Catchment Management Authority
29	West Gippsland Catchment Management Authority

No.	Submitter
30	C and M McMillan
31	Patrick Barnes
32	Gavin Ronchi
33	Robert Smith
34	Maree Love*
35	Delwyn Ahern*
36	Ilga Backman
37	Natalie Dimarco
38	David Backman
39	Brittany McGregor*
40	Meredith Johnston
41	Judy Davies*
42	Bruce Johnston*
43	Alan Armstrong
44	Kern Brown*
45	Sheryl Vivian
46	Peter Hulland*
47	Mark Yeowell*
48	Renee Yeowell*
49	David Thatcher
50	David Harrington
51	Renee Sarolea
52	Gloria Townsend*
53	Graham Chalmer Real Estate
54	Frank and Janice Vanatta
55	Colin Love*
56	Lee Mynard*
57	Anne-Maree Best*
58	Mary Connor
59	Kathryn Brotchie and Mr Joel Black
60	Helen Humphrey*

No.	Submitter
61	E Mahoney*
62	John Meade*
63	Gordon Robertson*
64	Gillian Meade*
65	Peter Tuts*
66	Judith Rose*
67	V Whykes*
68	Sarah Shingles*
69	Corey Oliver*
70	Ellen Shingles*
71	John Clancy*
72	Campbell Meade*
73	Tom Kelly*
74	Michael Oliver*
75	Helen Farley*
76	J Easton*
77	Kevin Rose*
78	Douglas Thompson*
79	Fred Crook*
80	Kirsten Collins*
81	John and Rhonda Barnett
82	Concerned Residents Group*
83	Petition – Concerned Residents Group *
84	Peter Komen*
85	Jim McLeod
86	Simon and Robyn Williams
87	Ernest Edwards
88	Anton Fernando*
89	Marg Ziffer
90	Rob Righele*
91	Melissa Righele*
92	Laura Righele*

No.	Submitter
93	Susan Jones*
94	Russell Matson*
95	Mitchell Dowse*
96	Robert Eustace*
97	P Moulton*
98	Kath Jones*
99	Y Clavarino*
100	G and G Petruska*
101	C Allman*
102	Lucy Dowd*
103	A Robinson*
104	Beryl Dowd*
105	Emily Dowd*
106	Rosalind Dowd*
107	Wayne Dowd*
108	Harry Dowd*
109	Emily Benson*
110	Jenny Benson*
111	Dean Benson*
112	Anna Luhrs*
113	Gabrielle Luhrs*
114	Ross Luhrs*
115	Catherine Boyd*
116	Owner of 48 Gilmour Street*
117	Owner of 1 Debra Court*
118	Owner of 40 Mark Avenue*
119	Owner of 16 King Avenue*
120	Karen Bayliss*
121	Bertacchini-Jones*
122	Charmaine Wilson*
123	Tony Capurso*
124	Allison Bigham*

No.	Submitter
125	Melanie Waite*
126	Roseanne Phillips*
127	Cindy Doedke
128	Pamela Brand
129	Lauren Little*
130	Don Gaskill*
131	Jenny Gaskill*
132	Peter and Helen Greer
133	Leo Morrissy
134	Iain Miller*
135	Len Baker*
136	Ross Scott
137	Gippsland Water
138	Eric Thorne

* Template letter opposing the proposals.

Appendix B Document List

Date	Document No.	Document Name	Submitted By
20/04/2015	1	Part A Submission on behalf of Wellington Shire Council	Sabine Provily
"	2	Part B Submission on behalf of Wellington Shire Council	Sabine Provily
"	3	Submitter Map	Sabine Provily
"	4	Council Officer Report 7 Sept 2010 – Adoption of Sale, Wurruk and Longford Structure Plan	Sabine Provily
"	5	Written Submission	Meredith Johnston
"	6	Sale, Wurruk and Longford Structure Plan Map	Sabine Provily
"	7	Exhibited Version of Sale, Wurruk and Longford Structure Plan (May 2010)	Sabine Provily
"	8	Copy of Authorisation Letter P373/2012	Sabine Provily
"	9	Council Officer Report 17 February 2009 – Adoption of Sale, Wurruk and Longford Residential Land Supply Review	Sabine Provily
21/04/2015	10	Copy of written submission of Meredith and Bruce Johnson	Sabine Provily
"	11	Copy of written submission of Mr Eric Thorn	Sabine Provily
"	12	Written Submission of Ruth Jordan	Sabine Provily
"	13	Map 13 Regional Growth Plan – Sale Framework Plan	Sabine Provily
"	14	Copy of Authorisation Letter P124/2013	Sabine Provily
"	15	Submission on behalf of Applicants –C85 and C88	Nick Anderson
"	16	Extract from 1981 City of Sale Development Study – Possible Residential Development Units	Nick Anderson
22/04/2015	17	Speaking Notes	Ron Gregory
"	18	PowerPoint Slides	Ron Gregory
"	19	Plan showing Land Affected by C8, C9, C10, C11 and C12 Panels	Ron Gregory
"	20	Photos x 4	Meredith Johnston
"	21	Written Submission	Gillian Gregory
"	22	Written Submission	Peter Greer

"	23	Revised Planning Permit P124/2013	Sabine Provily
"	24	Revised Planning Permit P373/2012	Sabine Provily
"	25	Revised Schedule 22 to the Design and Development Overlay	Sabine Provily
"	26	Land Ownership Plan	Sabine Provily
"	27	Combined Zone and Overlay Plan	Sabine Provily
"	28	Strategic Planning File Note – Further Background Information	Sabine Provily
"	29	Council Officer Report 7 February 2012 – Request to the Minister to prepare and approve Amendment C67	Sabine Provily
"	30	Written Submission and Attachments, 21 April 2015	Ruth Jordan

Appendix C Clause 32.09 Schedule 1

Note: This version of Clause 32.09 Schedule 1 is the version contained in Council's Part B submission.

DD/MM/YYYY Proposed C85 & C88

CLAUSE 32.09: NEIGHBOURHOOD RESIDENTIAL ZONE SCHEDULE 1

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

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

1.0 Minimum subdivision area

DD/MM/YYYY Proposed C85 & C88

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

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

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

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

DD/MM/YYYY Proposed C85 & C88

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

3.0 Requirements of Clause 54 and Clause 55

DD/MM/YYYY C85 & C88

	Standard	Requirement
Minimum street setback	A3 and B6	5 metres
Site coverage	A5 and B8	Contained within building envelope as per diagrams 1 and 2
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	As per diagrams 1 and 2
Walls on boundaries	A11 and B18	None specified

	Standard	Requirement
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1 metre

4.0 Number of dwellings on a lot

DD/MM/YYYY
Proposed
C85 and C88

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

Dependent person's unit

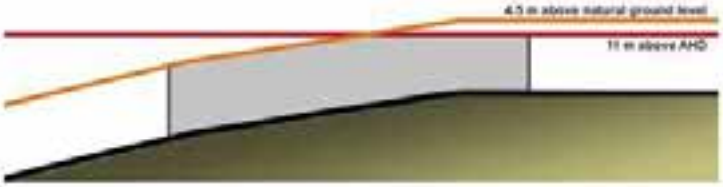
A planning permit is required to construct a dependent person's unit.

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

5.0 Maximum building height requirement for a dwelling or residential building

DD/MM/YYYY
Proposed
C85 and C88

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



6.0 Application requirements

DD/MM/YYYY
Proposed
C85 and C88

None specified.

7.0 Decision guidelines

DD/MM/YYYY
Proposed
C85 and C88

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

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

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

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

Appendix D Design and Development Overlay Schedule 22

This version of Design and Development Overlay Schedule 22 is the version contained in Council's Part B submission.

DD/MM/YYYY Proposed C85 C88

DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 22

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

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

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

1.0 Design objectives

DD/MM/YYYY Proposed C85 C88

To promote high quality architectural designed dwellings that utilise design and materials which are sympathetic to the landscape including split level building forms.

To ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.

To protect view lines to the Ramsar wetlands from Stevens Street.

To ensure development responds to the topography of the land and earthworks do not alter the nature of the topography of the area.

To ensure development is not visually intrusive and does not dominate the streetscape and wider landscape setting.

2.0 Buildings and works

DD/MM/YYYY Proposed C85 C88

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

- A fence.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or veranda with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above natural ground level.
- A deck or balcony with a finished floor level not more than 800mm above ground level.

Design Standards

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

Building height

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

Minimum Finished Floor Level

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

Building envelope

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

Siting and sloping considerations

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

Built form and architectural style

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

Fencing

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

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

Landscaping and access

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

Application Requirements

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

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

Exemption from notice and appeal

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

3.0 Decision guidelines

DD/MM/YYYY

Before deciding on an application the responsible authority must consider:

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

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

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

Appendix E Planning Permit P124/2013

This version of the Planning Permit is based on Hearing Document 23 which was the subject of a without prejudice discussion on Day 3 of the Hearing. The Panel's additional modifications are tracked as follows:

- ~~Recommended deletion~~
- Recommended addition

PLANNING PERMIT

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

Permit No.: P124/2013

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

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

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

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

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

Time

2. This permit will expire if:

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

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

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
6. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:

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

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

c) The owner of each lot is required to comply with the approved Environmental Management Plan.

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

Telecommunications

7. The owner of the land must enter into an agreement with:

a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;

b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

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

a) Sprayed bituminous seal for the full width of the nature strip from the edge of road seal. 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:

- Width of crossing at property line 3.0 metres (min)
- Width of crossing at kerbs 4.0 metres (min)
- Thickness 125 mm
- Reinforcement F 72 mesh
- Concrete strength 30 Mpa.

This work is to include any reinstatement works as deemed necessary.

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

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

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

Environmental Management Plan

11. Prior to the ~~issue of Statement of Compliance~~ commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:

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

    b) The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.

    c) To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

    ~~d) Management of the development site during construction.~~

Construction Management Plan

12. Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will managed during construction and should at least address the following:

    a) The exact format of sediment and erosion measures proposed during construction.

    b) The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.

    c) Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).

West Gippsland Catchment Management Authority

~~12~~13 Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.

Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

PERMIT NOTE

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

Appendix F Planning Permit P373/2012

This version of the Planning Permit is based on Hearing Document 23 which was the subject of a without prejudice discussion on Day 3 of the Hearing. The Panel's additional modifications are tracked as follows:

- ~~Recommended deletion~~
- Recommended addition

PLANNING PERMIT

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

Permit No.: P373/2012

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND: **CA: 8 SEC: 4, 74 STEVENS STREET, SALE**

THE PERMIT ALLOWS: Subdivision of the land into 10 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

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

Time

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

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

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
6. Before the issue of Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that:
   a) The owner of each lot is required to maintain their own section of swale in accordance with the approved maintenance plan.

b) The development of each dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres, with 2000 litres available for reuse and 3000 litres of air space for stormwater retardation purposes.
c) The owner of each lot is required to comply with the approved Environmental Management Plan.

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

Telecommunications

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

Public Open Space Contribution

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

Infrastructure

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

    a) Sprayed bituminous seal for the full width of the nature strip from the edge of road seal. 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:
       - Width of crossing at property line 3.0 metres (min)
       - Width of crossing at kerbs 4.0 metres (min)
       - Thickness 125 mm
       - Reinforcement F 72 mesh
       - Concrete strength 30 Mpa.

       This work is to include any reinstatement works as deemed necessary.

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

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

Environmental Management Plan

11. Prior to the ~~issue of Statement of Compliance~~ commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:

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

    b) The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.

    c) To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

    ~~d) Management of the development site during construction.~~

Construction Management Plan

12 Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will managed during construction and should at least address the following:

    a) The exact format of sediment and erosion measures proposed during construction.

    b) The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.

    c) Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).

West Gippsland Catchment Management Authority:

~~12~~13 Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.

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

SP Ausnet

~~14~~15 Prior to the Issue of the Statement of Compliance, the owner of the land must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.

~~15~~16 Prior to the Issue of the Statement of Compliance, the owner of the land must provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Gippsland Water

~~16~~17 Prior to the issue of Statement of Compliance, the owner of the land must complete the following to the satisfaction of Gippsland Water:

    a) Pay New Customer Contributions to Gippsland Water for water and wastewater service(s) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.

    b) ~~SEWER EXTENSION ONLY –~~Enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of sewerage services to all lots of the subdivision. Pay to

Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.

c) Install separate sewage disposal connections to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.

d) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.

e) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.

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

g) Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision.

PERMIT NOTES

Preliminary Advice For Sewer

- A Sewer Pump Station (SPS) and gravity mains with connection to each lot will be required as per the preliminary infrastructure servicing report.
- The Rising Main will need to discharge to a maintenance hole in Nest Court.
- Future development should comply with the extraneous lighting controls detailed in the CASA Manual of Standards 139 Aerodromes.

ATTACHMENT 3

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C85

EXPLANATORY REPORT

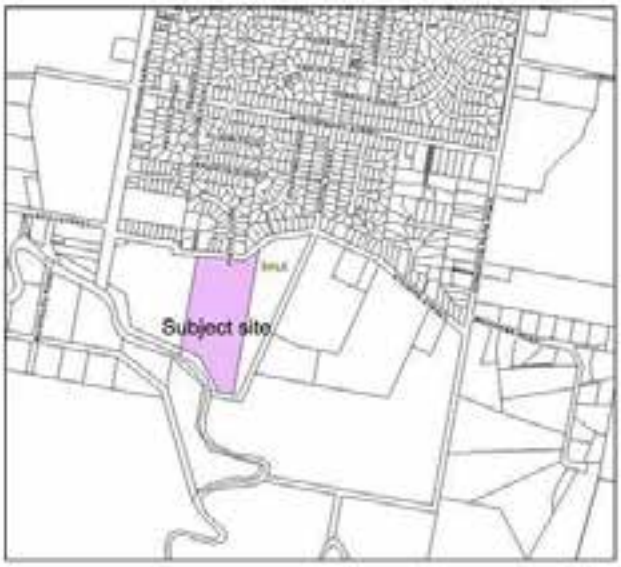
Who is the planning authority?

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

The amendment has been made at the request of NBA Group Pty Ltd on behalf of Graeme Dyer.

Land affected by the amendment.

The land affected by the amendment is on the southern side of Stevens Street, Sale being Crown Allotments 2 and 2A Section 4 Parish of Sale. Certificates of Title Volume 2714 Folio 769.



The combined permit and amendment process

The amendment has been prepared under Section 96A of the *Planning and Environment Act 1987* (the Act) to facilitate a combined planning permit and amendment process.

Division 5 of Part 4 of the Act provides for a combined permit and amendment process. Section 96A of the Act provides for a planning authority to consider an application for a planning permit concurrent with an amendment to a planning scheme. Notice must be given both of the preparation of the amendment and the permit application.

The Minister may grant a permit at the same time as the amendment is approved.

What the amendment does

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

The amendment:

- Rezones land opposite 37-39 and 41 Stevens Street, Sale from Farming Zone to Neighbourhood Residential Zone 1.
- Inserts a new Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 1 to Clause 39.01 Neighbourhood Residential Zone into the Wellington Planning Scheme.
- Inserts a new Schedule 22 to Clause 43.02 Design and Development Overlay into the Wellington Planning Scheme.
- Amends the boundary of the Land Subject to Inundation Overlay to the 3.2m AHD contour.
- Amends Planning Scheme Maps 100, 100DDO and 100LSIO.

The permit:

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

Strategic assessment of the amendment

- **Why is the amendment required?**

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

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

  The objectives of planning in Victoria are:

  a) To provide for the fair, orderly, economic and sustainable use and development of land.

  b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

  c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

  d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

  e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.

  f) To facilitate development in accordance with the objectives set out in the points above.

  g) To balance the present and future interests of all Victorians.

The amendment implements the objectives of the *Planning and Environment Act* 1987 by allowing for the residential development of well-located fully serviceable land within the Urban Growth Boundary.

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

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

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

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

  The amendment has considered the relevant bushfire risk. The site is situated within a Bushfire Prone Area, however the site and surrounding area is generally cleared and as such the risk of bushfire is not significant. The amendment does not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

  The Country Fire Authority was consulted as part of the amendment process but did not give any further comments.

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

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

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

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

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

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

  The amendment satisfies the SPPF objectives in particular:

  - Clause 11.02 Urban Growth - The proposal will contribute toward providing additional urban land available for residential development which has regard to neighbourhood character, and creates a premium development with stringent built form controls. This further contributes to achieving objectives relating to diversity of choice and realising an opportunity for development utilising existing and available infrastructure.
  - Clause 11.08-3 Sustainable Communities - The proposal ensures that growth is maintained within the existing Sale settlement boundary and limited risks to the natural environment and agriculture.
  - Clause 12.04: Significant Environments and Landscapes - The proposal will ensure protection of the Ramsar wetland through ensuring all development is contained outside the areas subject to inundation and that any impacts on the wetland areas are avoided.

- Clause 13.02: Floodplains - The proposal will ensure that the area of the site subject to inundation is created as a separate parcel and that new lots to be created are not impacted by potential flooding. Specific controls on the built form are proposed to ensure an appropriate response to potential flooding impacts is achieved.
- Clause 15.01: Urban Environment - The proposal will achieve a high quality development which creates a sense of place responding to the context of the site. The lot configuration responds positively to the constraints of the site and the nominated building envelopes and DDO will ensure that the built form is of the highest quality.
- Clause 16.01-4: Housing Diversity - The proposal will see a form of housing in a unique setting which contributes to the diverse lifestyle opportunities available within the municipality.

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

  The amendment satisfies the LPPF objectives in particular:

  - Clause 21.04: Settlement and Housing - The proposal will see further population growth and the provision of additional housing opportunities within the existing township boundary of the Sale township. The proposed controls will ensure that subsequent development in terms of scale, height and building materials has regard to the character of the area.
  - Clause 21.05: Sale, Wurruk and Longford Strategic Framework - The proposal is consistent with the strategic direction set out within the *Sale, Wurruk and Longford Structure Plan* at this Clause which designates the site as a future urban growth area. The unique nature of the controls will assist in delivering a diverse range of housing and lifestyle options for the community and activate a small urban growth front away from the primary growth to the north of the township.
  - Clause 21.13-1: Rural and Natural Landscapes - The proposal will ensure that the views from the public realm to the Ramsar wetlands are maintained through the siting of building envelopes and specific controls relating to the future development of the land. The controls relating to building scale and height will ensure that is sensitive to the existing views from properties on the northern side of Stevens Street.

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

  The amendment makes proper use of the Victoria Planning Provisions by:

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

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

  - Gippsland Water has advised that the subject land can be sewered and provided with reticulated water at the developer's cost.
  - West Gippsland Catchment Management Aurthority has provided its support for the proposal.
  - The Department of Defence has advised that it has no objection to the proposal.

- SPAusNet has advised that the existing electricity network has the capacity to service this development.
- APA Gas/Envestra has advised that the existing gas network has the capacity to service this development.
- Telstra has advised that the existing telecommunications cables have the capacity to service this development.

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

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

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

Resource and administrative costs

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

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

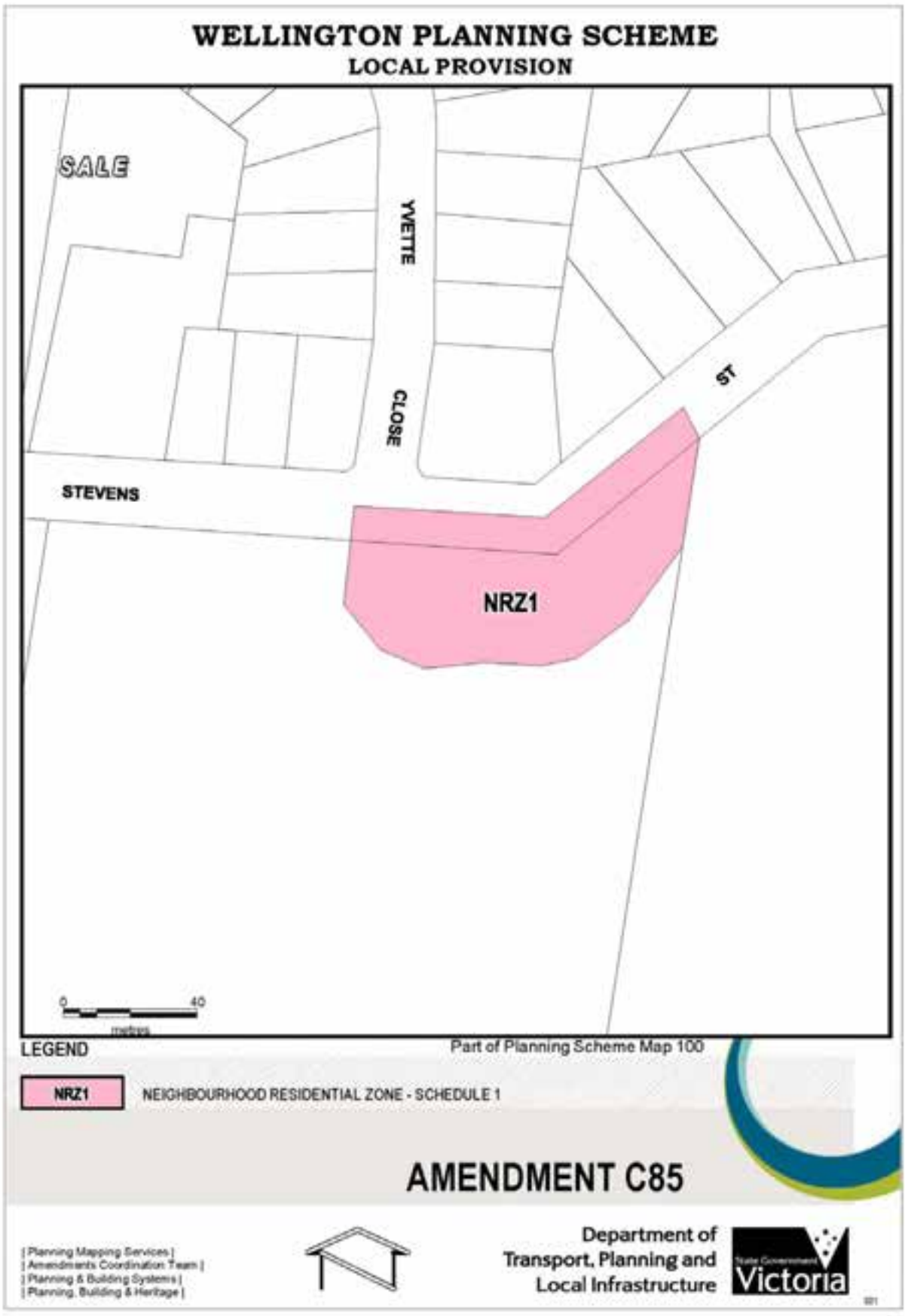
Where you may inspect this Amendment

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

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

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

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


WELLINGTON PLANNING SCHEME
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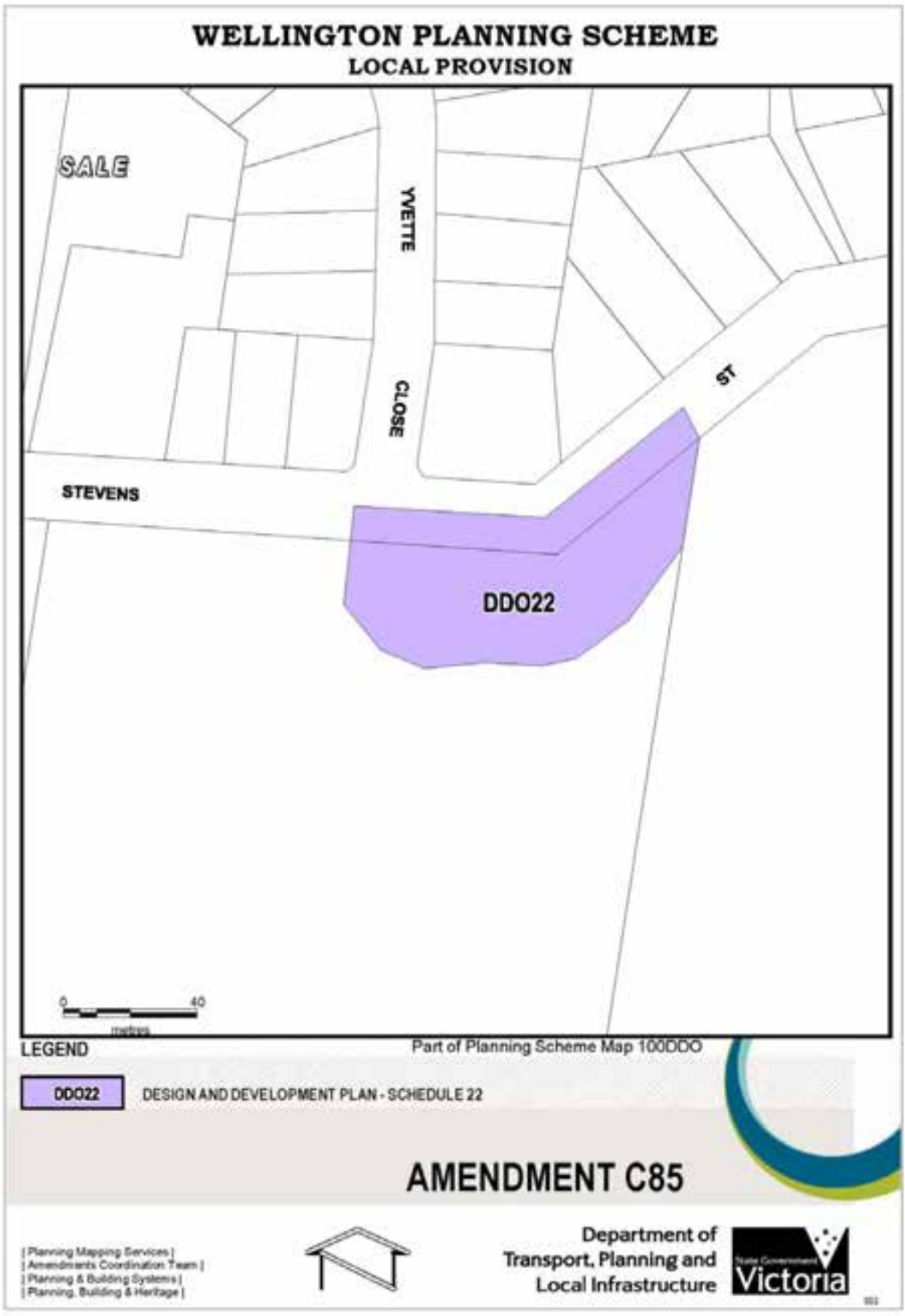
Part of Planning Scheme Map 100
NRZ1
NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1
AMENDMENT C85
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]
Department of
Transport, Planning and
Local Infrastructure
Victoria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DESIGN AND DEVELOPMENT PLAN - SCHEDULE 22
AMENDMENT C85
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Department of
Transport, Planning and
Local Infrastructure
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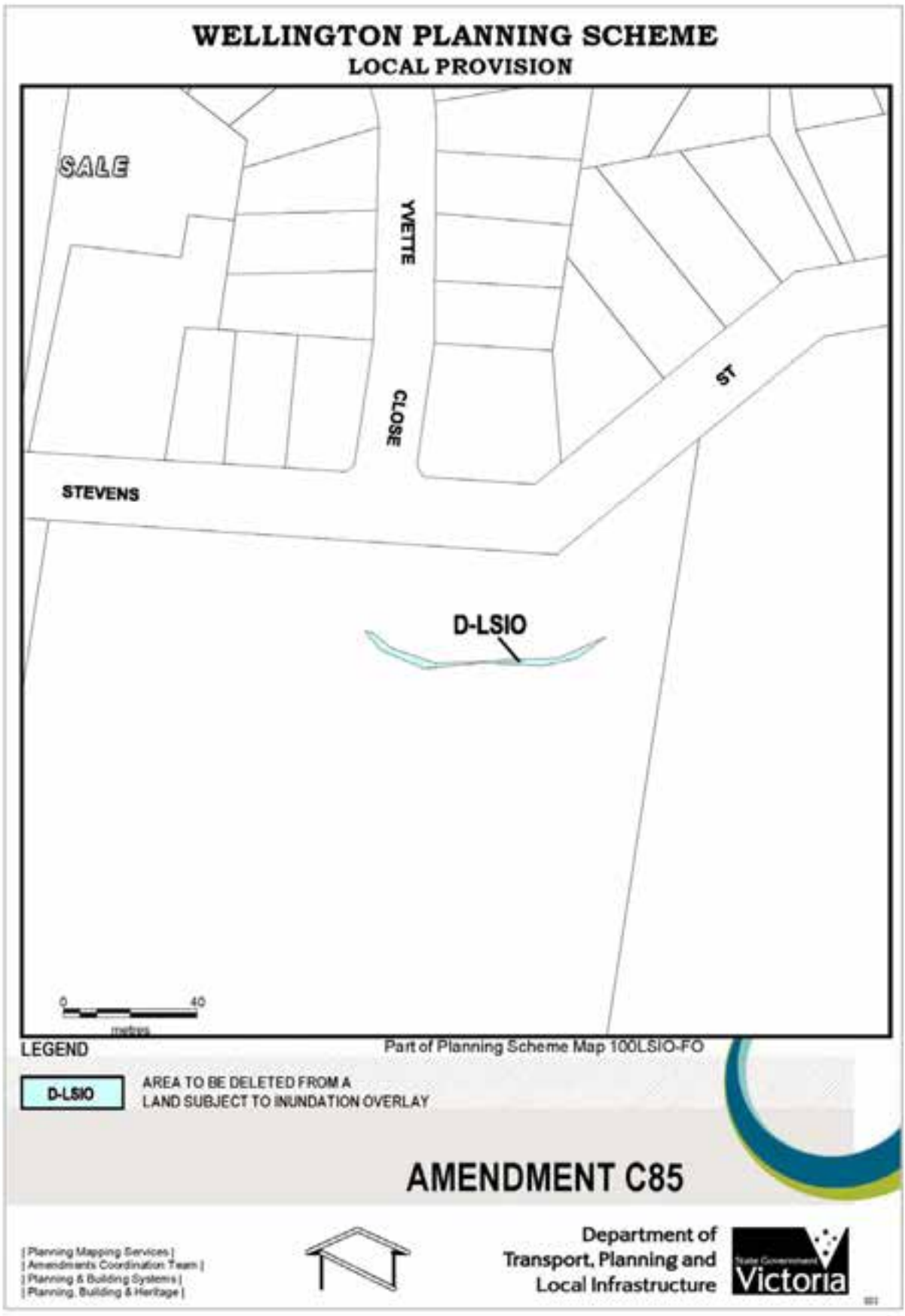
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AREA TO BE DELETED FROM A
LAND SUBJECT TO INUNDATION OVERLAY
AMENDMENT C85
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]
Department of
Transport, Planning and
Local Infrastructure
Victoria

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C85

INSTRUCTION SHEET

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

The Wellington Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 3 attached maps sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 100 in the manner shown on the one attached map marked "Wellington Planning Scheme, Amendment C85".

Overlay Maps

2. Amend Planning Scheme Maps No.100DDO, 100LSIO in the manner shown on the two attached maps marked "Wellington Planning Scheme, Amendment C85".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Zones - insert Clause 32.09 in the form of the attached document.

4. In Zones –Clause 32.09, insert a new Schedule 1 in the form of the attached document.

5. In Overlays – Clause 43.02 insert a new Schedule 22 in the form of the attached document.

End of document

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C88

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of NBA Group Pty Ltd on behalf of Jeremy & Kelly Fleming.

Land affected by the amendment.

The land affected by the amendment is 74 Stevens Street, Sale being Crown Allotments 4, 8 & 9 Section 4 Parish of Sale. Certificates of Title Volume 2615 Folio 916, Volume 9217 Folio 166 and Volume 7329 Folio 663.

The combined permit and amendment process

The amendment has been prepared under Section 96A of the *Planning and Environment Act 1987* (the Act) to facilitate a combined planning permit and amendment process.

Division 5 of Part 4 of the Act provides for a combined permit and amendment process. Section 96A of the Act provides for a planning authority to consider an application for a planning permit concurrent with an amendment to a planning scheme. Notice must be given both of the preparation of the amendment and the permit application.

The Minister may grant a permit at the same time as the amendment is approved.

What the amendment does

Subdivide land on 74 Stevens Street above the flood contour and rezone to Neighbourhood Residential Zone 1 with a Design and Development Overlay 22 for residential development as identified in the *Sale Wurruk and Longford Structure Plan, 2010*.

The amendment:

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

The permit:

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

Strategic assessment of the amendment

- **Why is the amendment required?**

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

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

  The objectives of planning in Victoria are:

  a) To provide for the fair, orderly, economic and sustainable use and development of land.

  b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

  c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

  d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

  e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.

  f) To facilitate development in accordance with the objectives set out in the points above.

  g) To balance the present and future interests of all Victorians.

The amendment implements the objectives of the *Planning and Environment Act 1987* by allowing for the residential development of well-located fully serviceable land within the Urban Growth Boundary.

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

  The amendment has been limited to land within the UGB to protect the sensitive environment of the balance of this land.

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

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

  The amendment has considered the relevant bushfire risk. The site is situated within a Bushfire Prone Area, however the site and surrounding area is generally cleared and as such the risk of bushfire is not significant. The amendment does not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

  The Country Fire Authority was consulted as part of the amendment process but did not give any further comments.

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

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

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

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

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

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

  The amendment satisfies the SPPF objectives in particular:

  - Clause 11.02 Urban Growth - The proposal will contribute toward providing additional urban land available for residential development which has regard to neighbourhood character, and creates a premium development with stringent built form controls. This further contributes to achieving objectives relating to diversity of choice and realising an opportunity for development utilising existing and available infrastructure.
  - Clause 11.08-3 Sustainable Communities - The proposal ensures that growth is maintained within the existing Sale settlement boundary and limited risks to the natural environment and agriculture.
  - Clause 12.04: Significant Environments and Landscapes - The proposal will ensure protection of the Ramsar wetland through ensuring all development is contained

outside the areas subject to inundation and that any impacts on the wetland areas are avoided.

- Clause 13.02: Floodplains - The proposal will ensure that the area of the site subject to inundation is created as a separate parcel and that new lots to be created are not impacted by potential flooding. Specific controls on the built form are proposed to ensure an appropriate response to potential flooding impacts is achieved.
- Clause 15.01: Urban Environment - The proposal will achieve a high quality development which creates a sense of place responding to the context of the site. The lot configuration responds positively to the constraints of the site and the nominated building envelopes and DDO will ensure that the built form is of the highest quality.
- Clause 15.03-2: Aboriginal Cultural Heritage - The subject site is noted as being of low cultural heritage significance and impacts on the cultural heritage locations cannot be avoided as part of the development.
- Clause 16.01-4: Housing Diversity - The proposal will see a form of housing in a unique setting which contributes to the diverse lifestyle opportunities available within the municipality.

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

  The amendment satisfies the LPPF objectives in particular:

  - Clause 21.04: Settlement and Housing - The proposal will see further population growth and the provision of additional housing opportunities within the existing township boundary of the Sale township. The proposed controls will ensure that subsequent development in terms of scale, height and building materials has regard to the character of the area.
  - Clause 21.05: Sale, Wurruk and Longford Strategic Framework - The proposal is consistent with the strategic direction set out within the *Sale, Wurruk and Longford Structure Plan* at this Clause which designates the site as a future urban growth area. The unique nature of the controls will assist in delivering a diverse range of housing and lifestyle options for the community and activate a small urban growth front away from the primary growth to the north of the township.
  - Clause 21.13-1: Rural and Natural Landscapes - The proposal will ensure that the views from the public realm to the Ramsar wetlands are maintained through the siting of building envelopes and specific controls relating to the future development of the land. The controls relating to building scale and height will ensure that is sensitive to the existing views from properties on the northern side of Stevens Street.

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

  The amendment makes proper use of the Victoria Planning Provisions by:

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

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

  - Gippsland Water has advised that the subject land can be sewered and provided with reticulated water at the developer's cost.

- West Gippsland Catchment Management Authority has indicated its support for the proposal.
- The Department of Defence has advised that it has no objection to the proposal.
- SP AusNet has advised that the existing electricity network has the capacity to service this development.
- APA Gas/Envestra has advised that the existing gas network has the capacity to service this development.
- Telstra has advised that the existing telecommunications cables have the capacity to service this development.

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

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

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

Resource and administrative costs

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

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

Where you may inspect this Amendment

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

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Sale Service Centre
18 Desailly Street
Sale VIC 3850

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

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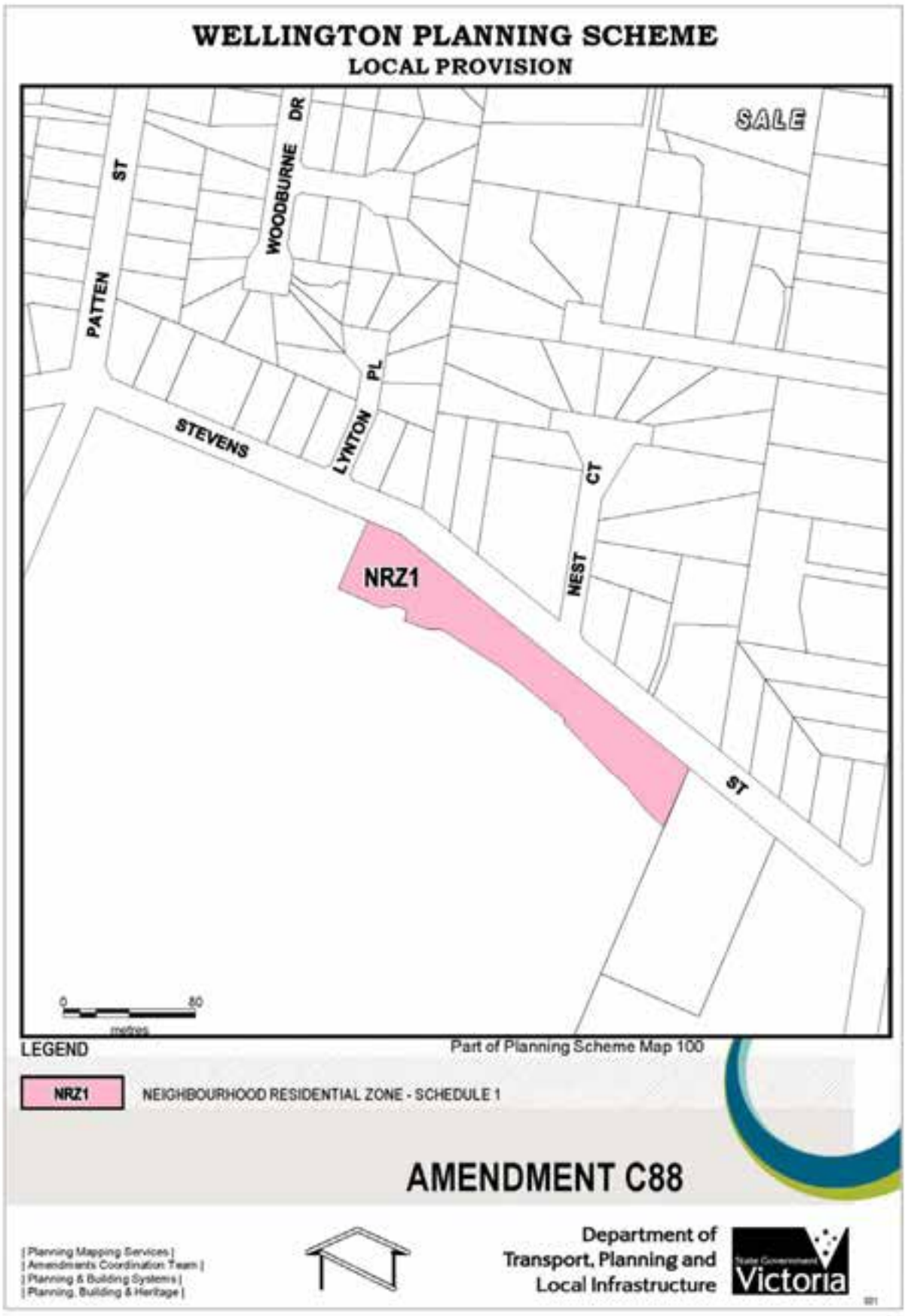
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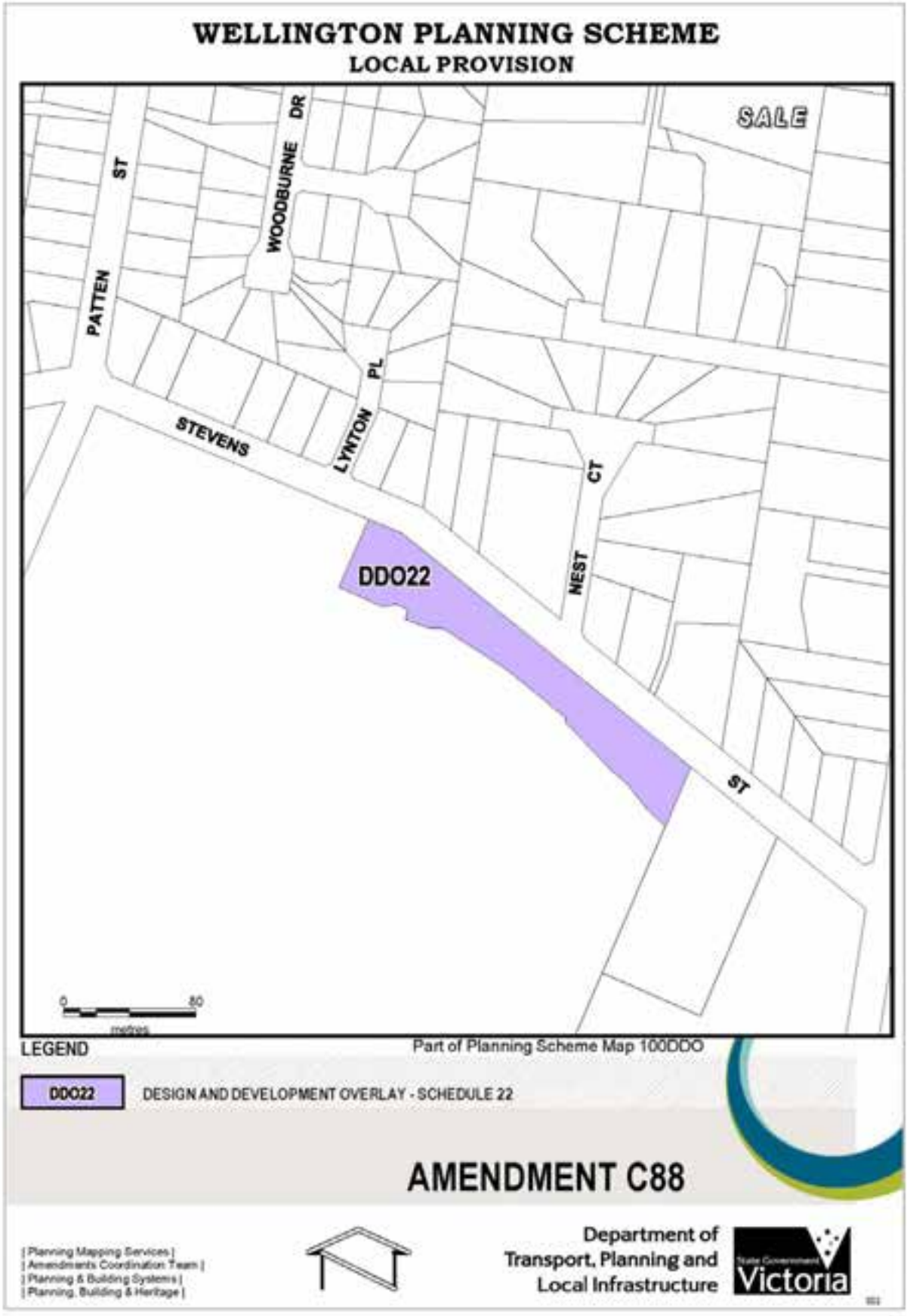
NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1
AMENDMENT C88
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]
Department of
Transport, Planning and
Local Infrastructure
Victoria


WELLINGTON PLANNING SCHEME
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DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 22
AMENDMENT C88
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[Planning & Building Systems]
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Department of
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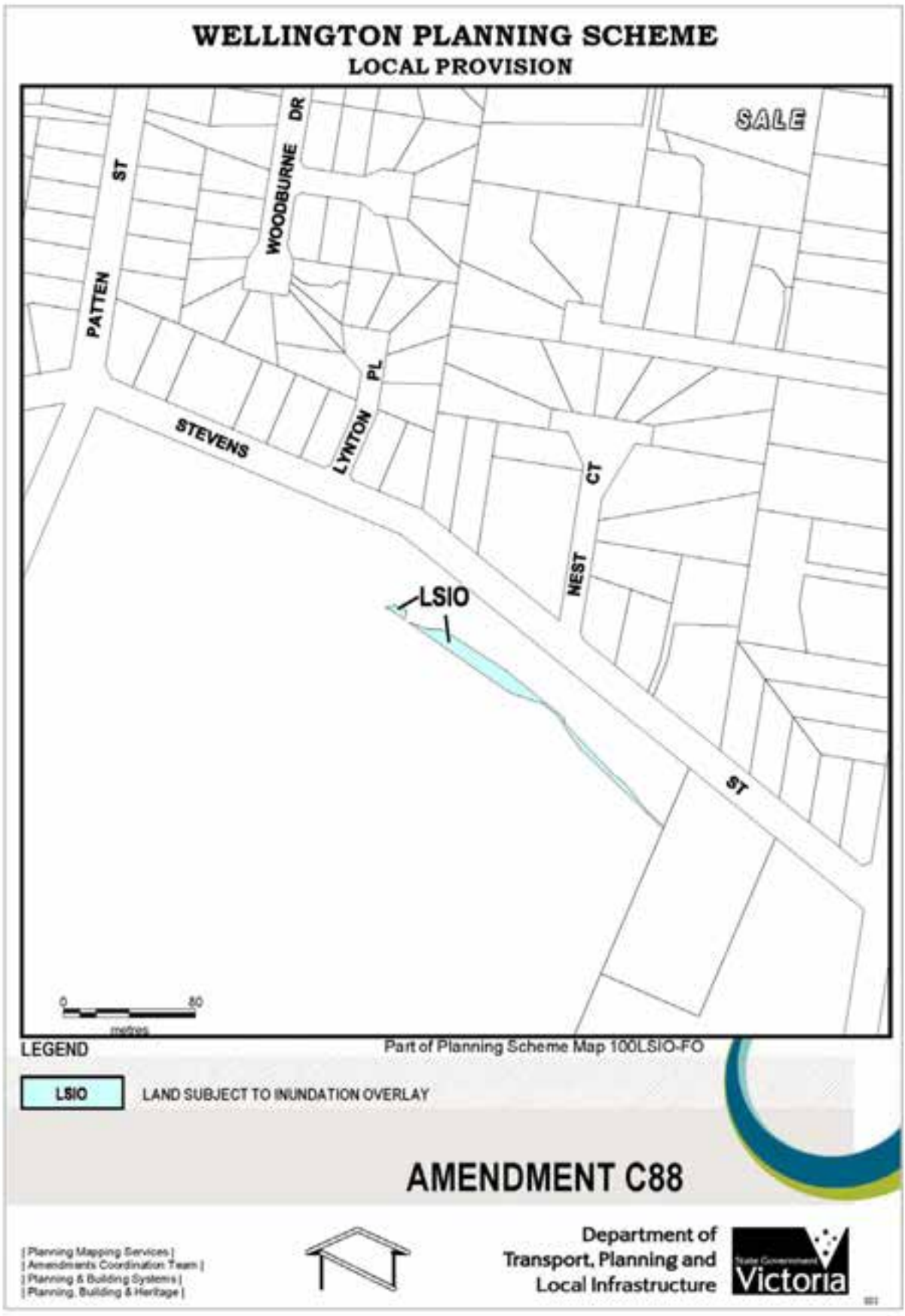
Victoria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LAND SUBJECT TO INUNDATION OVERLAY
AMENDMENT C88
[Planning Mapping Services]
[Amendments Coordination Team]
[Planning & Building Systems]
[Planning, Building & Heritage]
Department of
Transport, Planning and
Local Infrastructure
Victoria

Planning and Environment Act 1987

WELLINGTON PLANNING SCHEME

AMENDMENT C88

INSTRUCTION SHEET

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

The Wellington Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 3 attached maps.

Zoning Maps

1. Amend Planning Scheme Map No 100 in the manner shown on the one attached map marked "Wellington Planning Scheme, Amendment C88".

Overlay Maps

2. Amend Planning Scheme Map No.100DDO, 100 LSIO in the manner shown on the two attached maps marked "Wellington Planning Scheme, Amendment C88".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Zones - insert Clause 32.09 in the form of the attached document.

4. In Zones –Clause 32.09, insert a new Schedule 1 in the form of the attached document.

5. In Overlays – Clause 43.02 insert a new Schedule 22 in the form of the attached document.

End of document

32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

22/09/2013
VC104

Shown on the planning scheme map as **NRZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To recognise areas of predominantly single and double storey residential development.

To limit opportunities for increased residential development.

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

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.09-1 Table of uses

01/07/2013
V8

Section 1 - Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. Must be located in an existing building. The site must adjoin, or have access to, a road in a Road Zone. Must not require a permit under clause 52.06-3.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.

Use	Condition
	Must not require a permit under clause 52.06-3.
Railway Residential aged care facility Tramway	
Any use listed in clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility) Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Food and drink premises (other than Convenience restaurant and Take away food premises) Leisure and recreation (other than Informal outdoor recreation and Motor racing track) Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship) Plant nursery	
Service station	The site must either: • Adjoin a commercial zone or industrial zone. • Adjoin, or have access to, a road in a Road Zone. The site must not exceed either: • 3000 square metres. • 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

Use	Condition
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Amusement parlour
Animal boarding
Animal training
Brothel
Cinema based entertainment facility
Horse stables
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Food and drink premises and Plant nursery)
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

32.09-2 **Subdivision**

22/09/2013
VC104

Permit requirement

A permit is required to subdivide land.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.09-3 Number of dwellings on a lot

22/06/2013
VC104

The number of dwellings on a lot must not exceed the number specified in a schedule to this zone. If no number is specified, the number of dwellings on a lot must not exceed two.

Transitional provisions

Clause 32.09-3 does not apply to an application to construct two or more dwellings on a lot made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

32.09-4 Construction and extension of one dwelling on a lot

01/07/2013
V9

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of less than the lot size specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of less than the lot size specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.09-5 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

22/06/2013
VC104

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55.

A permit is not required to construct one dependent person's unit on a lot.

Transitional provisions

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

32.09-6 Requirements of Clause 54 and Clause 55

01/07/2013
V8

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.09-7 Buildings and works associated with a Section 2 use

01/07/2013
V8

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-1.

32.09-8 Maximum building height requirement for a dwelling or residential building

22/06/2013
VC104

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no

building height is specified, the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.
- The rebuilding of a lawful building or works which have been damaged or destroyed.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

Transitional provisions

Clause 32.09-8 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approval date continue to apply.

32.09-9 Application requirements

01/07/2013
V8

An application must be accompanied by the following information, as appropriate:

- For a residential development, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses, including siting and dimensioned setbacks.
  - The building form and scale.
  - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.09-10 Exemption from notice and review

01/07/2013
V8

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.09-11 Decision guidelines

01/07/2013
V8

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- Any other decision guidelines specified in a schedule to this zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.09-12 Advertising signs

23/06/2013
VC104

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

DD/MM/YYYY
Proposed
C65/ C66

SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

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

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

1.0 Minimum subdivision area

DD/MM/YYYY
Proposed
C65/ C66

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

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

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

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

DD/MM/YYYY
Proposed
C65/ C66

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

3.0 Requirements of Clause 54 and Clause 55

DD/MM/YYYY
Proposed
C65/ C66

	Standard	Requirement
Minimum street setback	A3 and B6	5 metres
Site coverage	A5 and B8	Contained within building envelope as per diagrams 1 and 2
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	As per diagrams 1 and 2
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	1 metre

4.0 Number of dwellings on a lot

DD/MM/YYYY
Proposed
C90/ C90

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

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

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

5.0 Maximum building height requirement for a dwelling or residential building

DD/MM/YYYY
Proposed
C90/ C90

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

6.0 Application requirements

DD/MM/YYYY
Proposed
C90/ C90

None specified.

7.0 Decision guidelines

DD/MM/YYYY
Proposed
C90/ C90

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

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

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

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

DD/MM/YYYY
Proposed
C85/ C86

SCHEDULE 22 TO THE DESIGN AND DEVELOPMENT OVERLAY

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

RESIDENTIAL DEVELOPMENT SOUTH OF STEVENS STREET SALE

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

1.0 Design objectives

DD/MM/YYYY
Proposed
C85/ C86

To promote high quality architectural designed dwellings that utilise design and materials which are sympathetic to the landscape including split level building forms.

To ensure new development contributes to the unique streetscape of Stevens Street and to strengthen the general sense of living on the edge of Sale.

To protect view lines to the Ramsar wetlands from Stevens Street.

To ensure development responds to the topography of the land and earthworks do not alter the nature of the topography of the area.

To ensure development is not visually intrusive and does not dominate the streetscape and wider landscape setting.

2.0 Buildings and works

DD/MM/YYYY
Proposed
C85/ C86

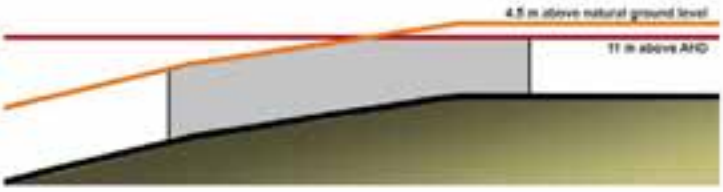
A permit is required to construct a building or carry out works including:

- A fence.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or veranda with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above natural ground level.
- A deck or balcony with a finished floor level not more than 800mm above ground level.

Design Standards

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

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



Minimum Finished Floor Level
All buildings, including outbuildings, should have a minimum finished floor level of 3.7 metres above the AHD.

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

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

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

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

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

Landscaping and access

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

Application Requirements

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

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

Exemption from notice and appeal

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

4.0 Decision guidelines

DD/MM/YYYY
Proposed
Clay Cliff

Before deciding on an application the responsible authority must consider:

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

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

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

ATTACHMENT 4

Permit No.: P124/2013

PLANNING PERMIT

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

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

ADDRESS OF THE LAND:	**CA: 2A SEC: 4, CA: 2 SEC: 4, STEVENS STREET, SALE.**
THE PERMIT ALLOWS:	**Subdivision of the land into 3 lots.**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

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

Time

2. This permit will expire if:

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

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

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

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

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

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

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

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

c. The owner of each lot is required to comply with the approved Environmental Management Plan.

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

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

Telecommunications

7. The owner of the land must enter into an agreement with:

a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;

b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

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

a. Sprayed bituminous seal for the full width of the nature strip from the edge of road seal, 100mm. consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:

- Width of crossing at property line 3.0 metres (min)
- Width of crossing at kerbs 4.0 metres (min)
- Thickness 125 mm
- Reinforcement F 72 mesh
- Concrete strength 30 Mpa.

This work is to include any reinstatement works as deemed necessary.

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

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

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

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

Environmental Management Plan

11. Prior to the commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:

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

b. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.

c. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

Construction Management Plan

12. Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will managed during construction and should at least address the following:

a. The exact format of sediment and erosion measures proposed during construction.

b. The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.

c. Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).

West Gippsland Catchment Management Authority:

13. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.

Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

PERMIT NOTE

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

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

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

Date of amendment	Brief description of amendment

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

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES THE PERMIT BEGIN?

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT APPEALS?

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

PLAN OF SUBDIVISION

LRS USE ONLY: EDITION

Plan Number: PS 718286B

WELLINGTON SHIRE COUNCIL

Location of Land

Parish: SALE

Section: 4

Crown Allotments: 2 & 2A

Title Reference: VOL.2714 FOL.769

Last Plan Reference: TP848226F

Postal Address: STEVENS STREET
SALE 3850

MGA Co-ordinates (of approx. centre of land in plan): E 507 310 Zone: 55
N 5780 640 GDA 94

Vesting of Roads and Reserves

Identifier	Council/Body/Person
NIL	NIL

NOTATIONS

THIS IS A SPEAR PLAN

Depth Limitation: DOES NOT APPLY

Survey: This plan is based on survey

This survey has been connected to permanent marks nos. -

In Proclaimed Survey Area No. -

Staging: This is not a staged subdivision
Planning Permit No.

Easement Information

Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement or other Encumbrance
A - Appurtenant Easement R - Encumbering Easement (Road)

Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	TRANSMISSION OF ELECTRICITY	SEE DIAGRAM	INST. G342460	STATE ELECTRICITY COMMISSION OF VICTORIA
E-2	TRANSMISSION OF ELECTRICITY	SEE DIAGRAM	INST. B696545C	STATE ELECTRICITY COMMISSION OF VICTORIA
E-3	DRAINAGE	SEE DIAGRAM	THIS PLAN	LOTS ON THIS PLAN

Millar | Merrigan

LAND DEVELOPMENT CONSULTANTS

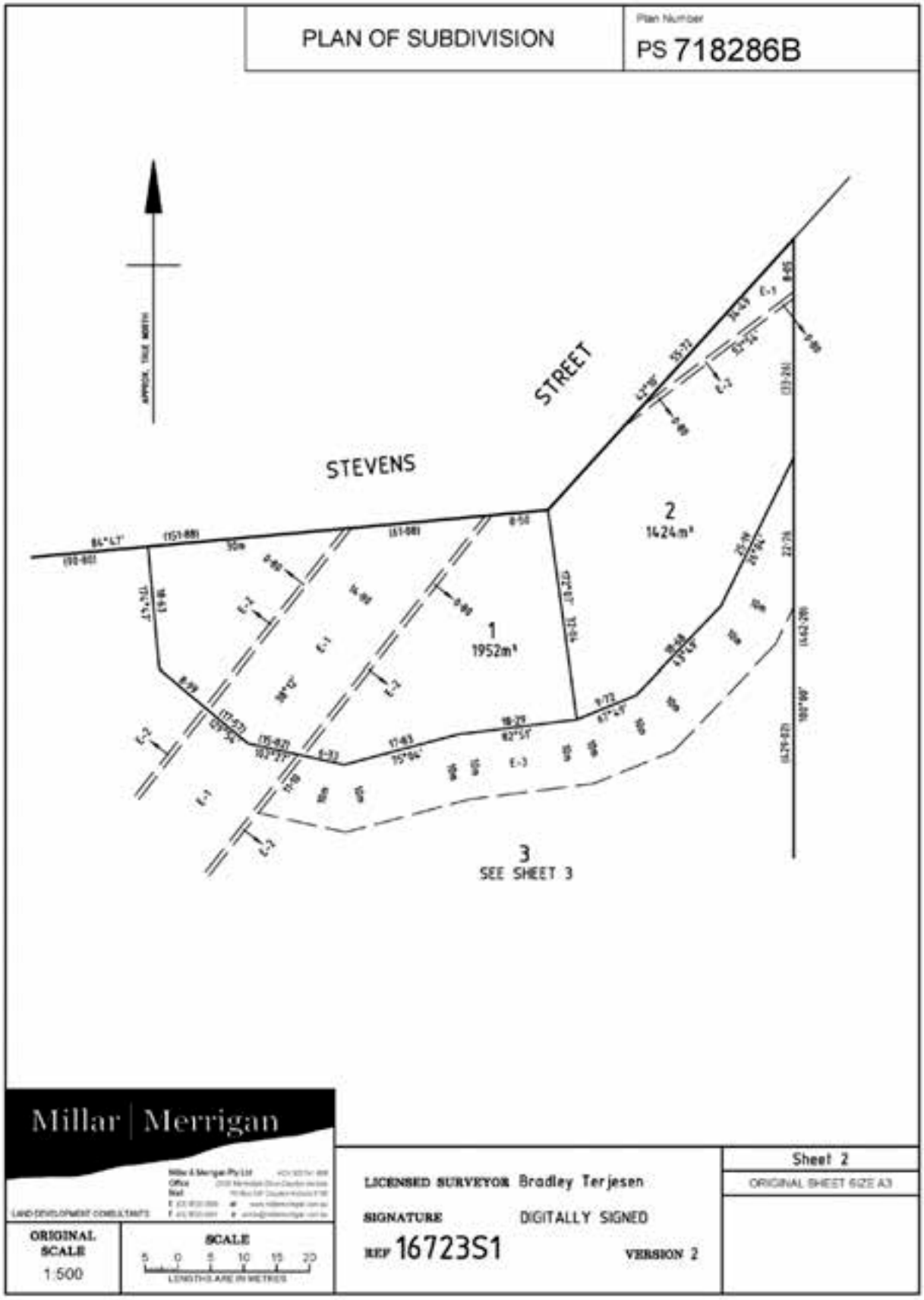
LICENSED SURVEYOR: Bradley Terjesen

SIGNATURE: DIGITALLY SIGNED

REF: 16723S1 VERSION 2: 16/4/2015

Sheet 1 of 3 Sheets

ORIGINAL SHEET SIZE A3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Plan Number
PS 718286B
STEVENS
STREET
2
1424m²
1
1952m²
3
SEE SHEET 3
Millar | Merrigan
LAND DEVELOPMENT CONSULTANTS
ORIGINAL SCALE
1:500
SCALE
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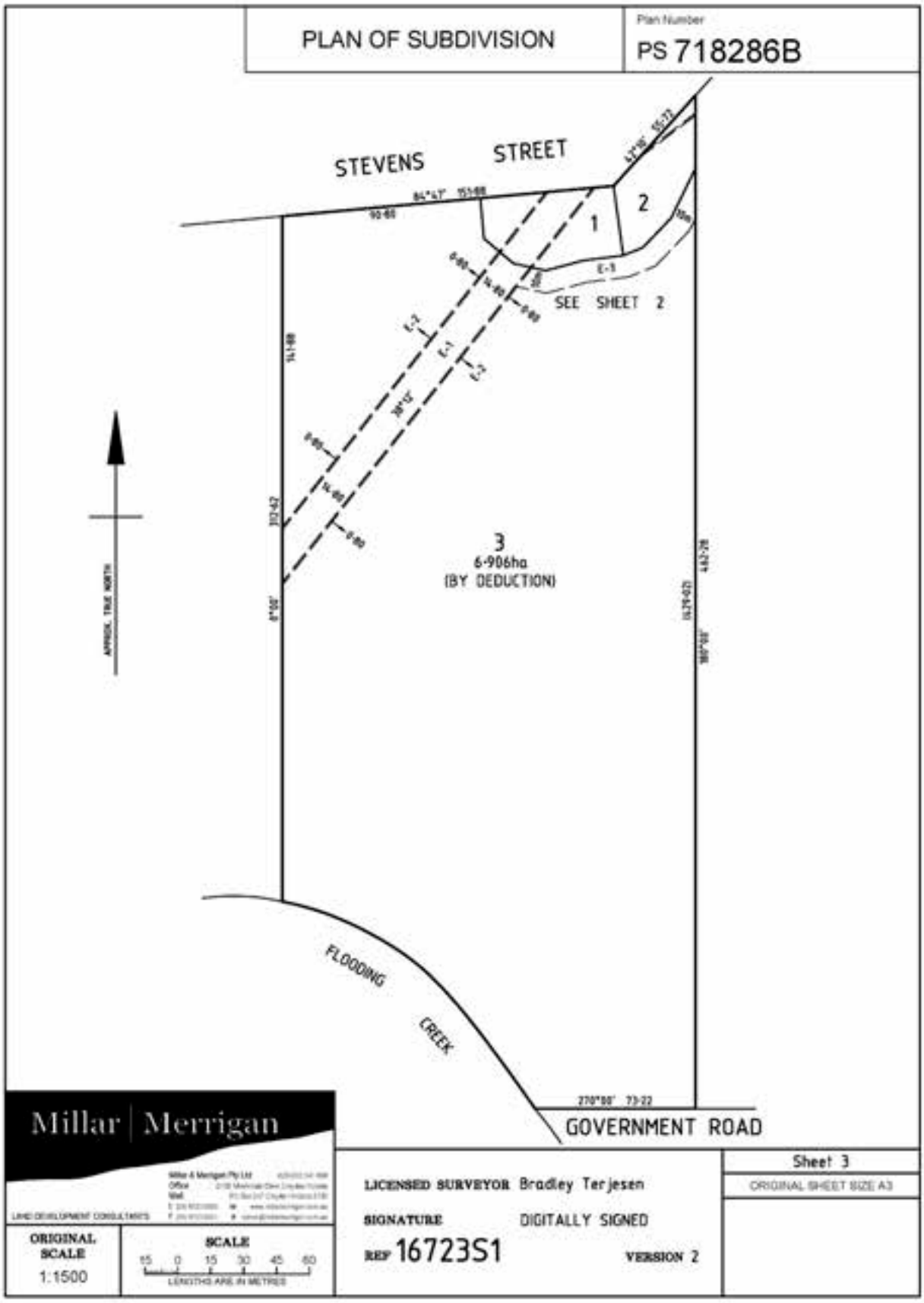
LENGTHS ARE IN METRES
LICENSED SURVEYOR Bradley Terjesen
SIGNATURE DIGITALLY SIGNED
REF 16723S1
VERSION 2
Sheet 2
ORIGINAL SHEET SIZE A3


PLAN OF SUBDIVISION
Plan Number
PS 718286B
STEVENS STREET
1
2
3
6·906ha
(BY DEDUCTION)
SEE SHEET 2
E-1
E-2
E-3
APPROX. TRUE NORTH
FLOODING CREEK
GOVERNMENT ROAD
Millar | Merrigan
LAND DEVELOPMENT CONSULTANTS
ORIGINAL SCALE
1:1500
SCALE
65 0 15 30 45 60
LENGTHS ARE IN METRES
LICENSED SURVEYOR Bradley Terjesen
SIGNATURE DIGITALLY SIGNED
REF 16723S1
VERSION 2
Sheet 3
ORIGINAL SHEET SIZE A3

PLANNING PERMIT

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

Permit No.: P373/2012

Planning Scheme: Wellington Planning Scheme

Responsible Authority: Wellington Shire Council

ADDRESS OF THE LAND: **CA: 8 SEC: 4, 74 STEVENS STREET, SALE**

THE PERMIT ALLOWS: Subdivision of the land into 10 lots.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with plans

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

Time

2. This permit will expire if:

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

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

Referral Authorities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

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

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

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

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

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

c. The owner of each lot is required to comply with the approved Environmental Management Plan.

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

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

Telecommunications

7. The owner of the land must enter into an agreement with:

a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time;

b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Public Open Space Contribution

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

Infrastructure

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

a. Sprayed bituminous seal for the full width of the nature strip from the edge of road seal, 100mm consolidated depth gravel pavement extending from the property line to the roadway including widening at the junction with the existing seal. Or reinforced concrete vehicular crossing per access point in accordance with the following:

- Width of crossing at property line 3.0 metres (min)
- Width of crossing at kerbs 4.0 metres (min)

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

- Thickness 125 mm
- Reinforcement F 72 mesh
- Concrete strength 30 Mpa.

This work is to include any reinstatement works as deemed necessary.

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

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

Environmental Management Plan

11. Prior to the commencement of any works an Environmental Management Plan should be submitted to and approved by the Responsible Authority. The Environment management plan should at least address the following:

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

b. The site must be managed in a manner which minimises the introduction, growth and spread of noxious weeds or pest animals as defined in the Catchment and Land Protection Act 1994, or environmental weeds as advised by the Department of Environment and Primary Industries.

c. To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed before being taken to the work site and cleaned on completion of the project, before leaving the site.

Construction Management Plan

12. Prior to the commencement of any works a Construction Management Plan should be submitted to and approved by the Responsible Authority. The Construction Management Plan should detail how the site will managed during construction and should at least address the following:

a. The exact format of sediment and erosion measures proposed during construction.

b. The exact form of site management to minimise the potential for the introduction growth and spread of noxious weeds during construction.

c. Details of measures to protect resident amenity during construction including but not limited to specification of: hours of construction, control of noise, control of dust, soiling and cleaning of roadways, security fencing, location of site offices, and street lighting during any night works (if any).

West Gippsland Catchment Management Authority:

13. Prior to the issue of Statement of Compliance, a storm water discharge plan must be submitted to the satisfaction of the West Gippsland Catchment Management Authority.

14. Prior to the issue of Statement of Compliance, a maintenance plan for the ongoing maintenance of the swale must be submitted and approved by the responsible authority. This may include, but not limited to, the provisions of easements to allow ongoing access to the swale if outside of each title boundary.

SP Ausnet

15. Prior to the Issue of the Statement of Compliance, the owner of the land must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.

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

16. Prior to the Issue of the Statement of Compliance, the owner of the land must provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Gippsland Water

17. Prior to the issue of Statement of Compliance, the owner of the land must complete the following to the satisfaction of Gippsland Water:

a) Pay New Customer Contributions to Gippsland Water for water and wastewater service(s) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.

b) Enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete construction of works necessary for the provision of sewerage services to all lots of the subdivision. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.

c) Install separate sewage disposal connections to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.

d) Provide water and wastewater services to Gippsland Water's minimum supply standards, unless otherwise agreed with by Gippsland Water.

e) Design plans to be submitted outlining the size and the location of the proposed works to determine where easements will be required.

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

g) Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision.

PERMIT NOTES

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

Preliminary Advice for Sewer

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

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

Date of amendment	Brief description of amendment

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

Planning and Environment Regulations 2005 Form 9

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES THE PERMIT BEGIN?

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT APPEALS?

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

PLAN OF SUBDIVISION

LV USE ONLY
EDITION

Plan Number
PS 713416S

Location of Land

Parish: SALE

Section: 4

Crown Allotment: 4, 8 AND 9

Title Reference: VOL.9217 FOL.166
VOL.7329 FOL.663
VOL.2615 FOL.916

Last Plan Reference: TP260991P
TP541127T
TP448857X

Postal Address: 74 STEVENS STREET
SALE, 3850

MGA Co-ordinates (of approx. centre of land in plan): E 507 850 Zone: 55
N 5780 600 GDA 94

WELLINGTON SHIRE COUNCIL

Vesting of Roads and Reserves

Identifier	Council/Body/Person
RESERVE 1	CENTRAL GIPPSLAND REGION WATER CORPORATION

Depth Limitation: DOES NOT APPLY

Survey: This plan is based on survey

This survey has been connected to permanent marks no(s)

In Proclaimed Survey Area No. -

Staging: This is not a staged subdivision
Planning Permit No.

NOTATIONS

THIS IS A SPEAR PLAN

Easement Information

Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement or other Encumbrance
A - Appurtenant Easement R - Encumbering Easement (Road)

Subject Land	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of
E-1	PIPELINE OR ANCILLARY PURPOSES	SEE DIAGRAM	THIS PLAN	CENTRAL GIPPSLAND REGION WATER CORPORATION
E-2	DRAINAGE	SEE DIAGRAM	THIS PLAN	LOTS ON THIS PLAN

Millar | Merrigan

LAND DEVELOPMENT CONSULTANTS

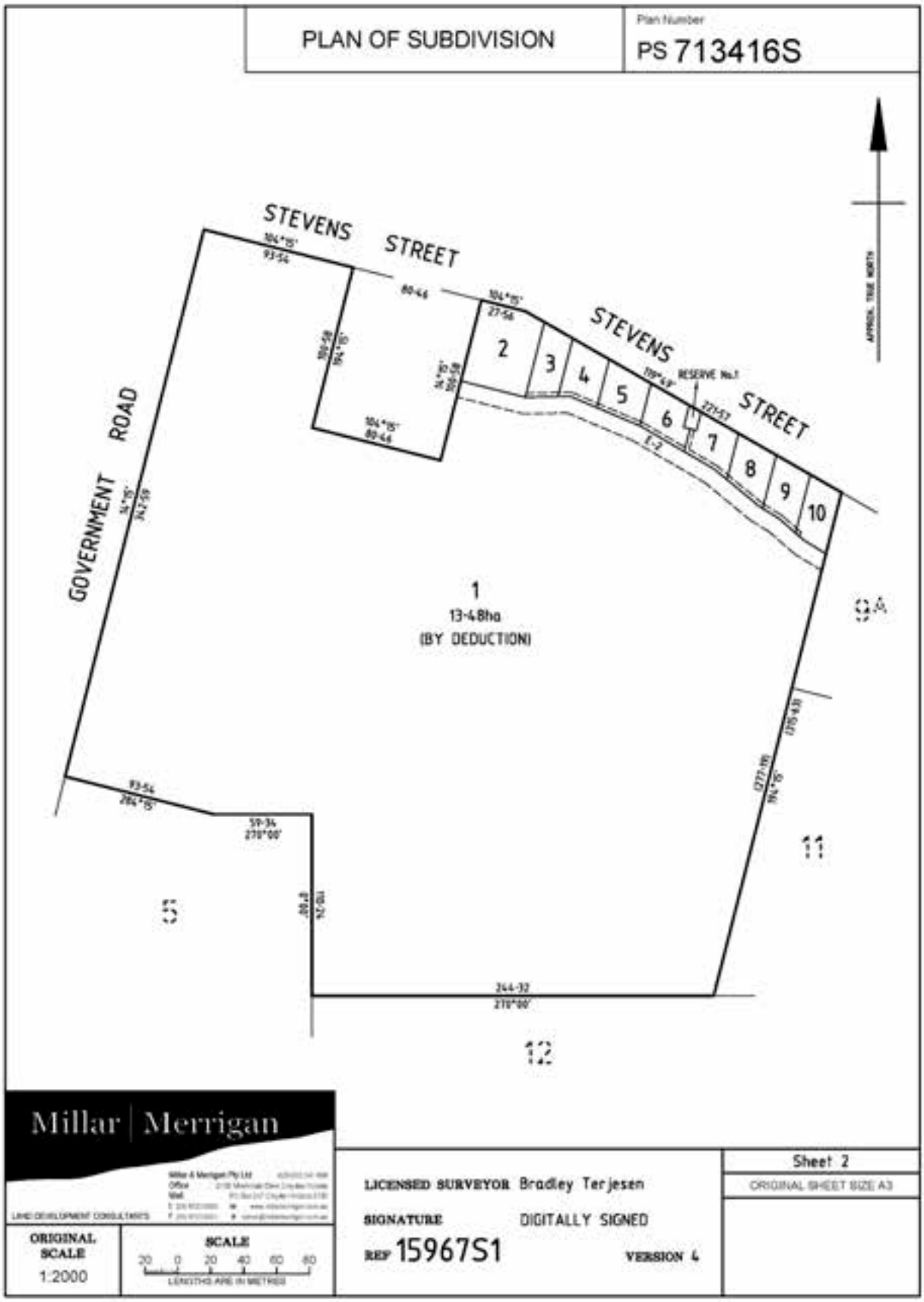
LICENSED SURVEYOR Bradley Terjesen

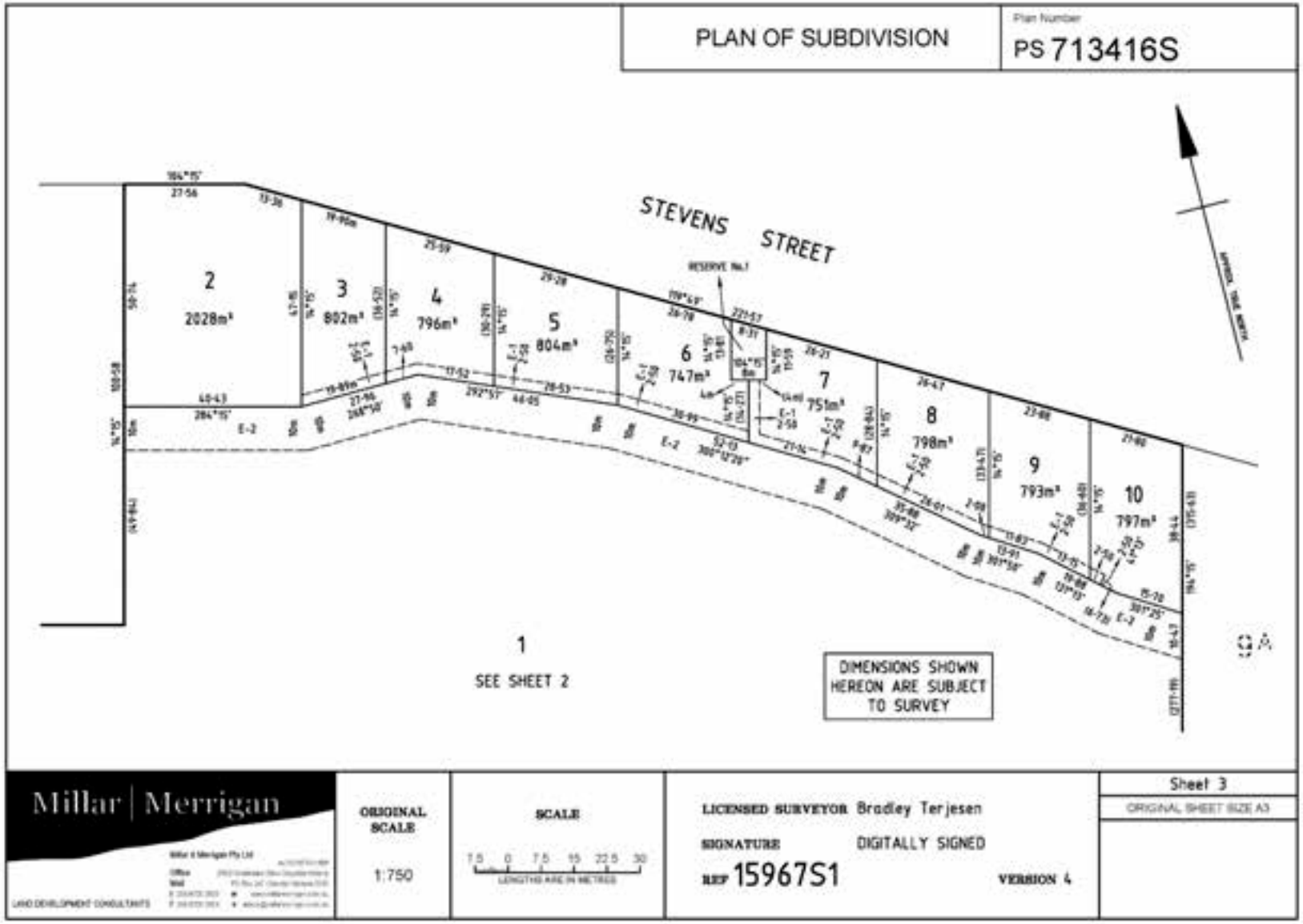
SIGNATURE DIGITALLY SIGNED

REF 15967S1 VERSION 4: 16/4/2015

Sheet 1 of 3 Sheets

ORIGINAL SHEET SIZE A3


PLAN OF SUBDIVISION
Plan Number
PS 713416S
STEVENS STREET
STEVENS STREET
GOVERNMENT ROAD
RESERVE No.1
APPROX. TRUE NORTH
1
13-48ha
(BY DEDUCTION)
2
3
4
5
6
7
8
9
10
11
12
Millar | Merrigan
LAND DEVELOPMENT CONSULTANTS
ORIGINAL SCALE
1:2000
SCALE
20 0 20 40 60 80
LENGTHS ARE IN METRES
LICENSED SURVEYOR Bradley Terjesen
SIGNATURE DIGITALLY SIGNED
REF 15967S1
VERSION 4
Sheet 2
ORIGINAL SHEET SIZE A3


PLAN OF SUBDIVISION
Plan Number
PS 713416S
STEVENS STREET
RESERVE No.1
2
2028m²
3
802m²
4
796m²
5
804m²
6
747m²
7
751m²
8
798m²
9
793m²
10
797m²
1
SEE SHEET 2
DIMENSIONS SHOWN HEREON ARE SUBJECT TO SURVEY
Millar | Merrigan
ORIGINAL SCALE
1:750
SCALE
7.5 0 7.5 15 22.5 30
LENGTHS ARE IN METRES
LICENSED SURVEYOR Bradley Terjesen
SIGNATURE DIGITALLY SIGNED
REF 15967S1
VERSION 4
Sheet 3
ORIGINAL SHEET SIZE A3

C4 - REPORT

GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

ITEM C4.1 **CONTRACT 2014/066 MCLOUGHLINS BEACH FOOTBRIDGE & PONTOONS**

DIVISION: BUILT AND NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER ASSETS & PROJECTS

DATE: 21 JULY 2015

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

OBJECTIVE

The objective of this report is for Council to consider entering into a contract to replace the existing footbridge and provide new floating pontoons to the existing boat ramp at McLoughlins Beach.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That

1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.1 of the Council Meeting Agenda for contract 2014-066 McLoughlins Beach Footbridge & Pontoons; and
2. The information contained in the confidential document Item F1.1 Contract 2014-066 McLoughlins Beach Footbridge & Pontoons of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 8 July 2015 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public

BACKGROUND

This project includes two key components:

1. The replacement of the existing 184m timber footbridge, on the same footprint, which provides access to the Ninety Mile Beach and Nooramunga Marine & Coastal Park. These works have been necessitated by the poor condition of the existing infrastructure. A feasibly study conducted on the existing footbridge recommended that the bridge was at the end of its useful life and needed to be replaced to ensure safe reliable access to Ninety Mile Beach and Nooramunga Marine & Coastal Park. Currently a rigorous inspection and maintenance regime is in place. However the safety and continued operation of the footbridge cannot be guaranteed beyond 12 months.

2. Construction of new floating pontoon mooring structures are proposed on both sides of the existing dual lane boat ramp. Provision of a floating pontoon to the south side of the boat ramp will provide safer access and egress

   This is a multi-year project. Consultation, preplanning, concept design and scope, obtaining statutory permits and approvals were carried out in the 2014/15 Financial Year. It is proposed that final detailed design and construction be carried out as part of a design and construct contract in the first half of the 2015/16 financial year with an anticipated date for completion of works at the end of December 2015.

   The funding for two aspects of the project is split as follows:

Footbridge Ledger 03.04198.3456.0205	
Grant (Putting Locals First):	$500,000.00
Rates:	$250,000.00
Footbridge Total:	**$750,000.00**
Pontoons Ledger: 03.04973.4034.0205	
Grant (Boating Safety & Facilities Program – DELWP):	$166,800.00
Rates:	$56,000.00
Pontoons Total:	**$222,800.00**
Overall Project Total	**$972,800.00**

This report is for the Contract 2014-066 McLoughlins Beach Footbridge & Pontoons

OPTIONS

Council has the following options:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for contract 2014-066 McLoughlins Beach Footbridge & Pontoons; or

2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council enter into a contract for the 2014-066 McLoughlins Beach Footbridge & Pontoons.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

There are sufficient funds available for the works programmed for completion in this financial year.

COMMUNICATION IMPACT

Extensive community consultation with the McLoughlins Beach Residents & Rate Payers Association (MBRRA) has taken place to date in the planning of this project. Final consultation with MBRRA will take place once final designs have been provided as part of the design & construct contract.

This project is likely to result in positive public relations outcomes for Wellington Shire Council as it provides significant enhancement to the existing boating and recreational infrastructure, providing improved access to Bass Straight, estuarine areas and Ninety Mile Beach and Nooramunga Marine & Coastal Park.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Victorian Local Government Act 1989* and the Victorian Local Government Code of Tendering.

COUNCIL PLAN IMPACT

The Council Plan 2013–2017 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objective
"Assets and infrastructure that meet current and future community needs"

Strategy 4.2
"Ensure assets are managed, maintained and renewed to meet service needs."

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

RESOURCES AND STAFF IMPACT

The Assets and Projects Unit will provide the staff and resources to manage this contract.

COMMUNITY IMPACT

The improved and upgraded infrastructure will provide safer and more usable recreational and boating access and this will produce a positive community impact.

ENVIRONMENTAL IMPACT

The proposed construction works will have minimal environmental impact, with the contractors complying with Council's Guidelines on Environmental Management for Roadwork Projects. As a requirement of the contract and relevant statutory body permits the contractor will prepare and follow an approved environmental management plan.

CONSULTATION IMPACT

There will be short term interruptions associated with the construction works, as the bridge will be closed and one lane of the boat ramp intermittently closed. However there will be positive long term impacts on the community and tourists that use these facilities. Council's standard consultation practices will be implemented on this project.

Launching and retrieving of boats as well as providing a waiting area for boats to moor while waiting for space on the boat ramp. The lower end portion of the existing jetty to the north side of the boat ramp is currently submerged during high tide and cannot be used. It is proposed that this lower end section be replaced with a floating pontoon that will function for mooring and access during most tide levels. Following extensive community consultation the proposed pontoons are the preferred option.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Council to any significant risks. All Occupational and Health and Safety and environmental risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.
The completed footbridge will provide a durable pedestrian crossing structure fit for purpose, replacing the existing failing bridge with its inherent risks and rigorous inspection and maintenance regime.

The completed pontoons will provide safer and more efficient access and mooring for launching and retrieving of boats, in lieu of current inadequacies at the launching facility which lead to congestion during peak times.

C5 - REPORT

GENERAL MANAGER COMMUNITY AND CULTURE

ITEM C5.1 **BRIAGOLONG QUARRY RESERVE COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: COMMUNITY AND CULTURE

ACTION OFFICER: MANAGER HEALTHY LIFESTYLES

DATE: 21 JULY 2015

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

OBJECTIVE

For Council to receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015.

RECOMMENDATION

That Council receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015.

BACKGROUND

The Briagolong Quarry Reserve Committee of Management is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

- To manage, operate and maintain the Briagolong Quarry Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Briagolong Quarry Reserve for the use and enjoyment of the local community.

As provided under the Committee's Instrument of Delegation the minutes of all meetings are to be presented to Council and highlight the day to day activities being undertaken by the Committee.

Conflict of Interest: It was noted that conflicts of interest were called for at the commencement of the meeting, with no conflicts being declared.

OPTIONS

Council has the following options:

1. Receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015; or
2. Seek further information to be considered at a future Council Meeting.

PROPOSAL

That Council receive the minutes from the Briagolong Quarry Reserve Committee of Management's Ordinary Meeting held on 15 June 2015.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

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

Strategic Objectives
Asset and infrastructure that meet current and future community needs.

Strategy 4.2
Ensure assets are managed, maintained and renewed to meet service needs.

CONSULTATION IMPACT

Meetings held by the Briagolong Quarry Reserve Committee of Management are open to the public.

BRIAGOLONG QUARRY RESERVE
Special Committee of Council

MINUTES

MEETING DATE: 15/6/2015 **MEETING TIME:** 7.30

MEETING VENUE: BRIAGOLONG HOTEL

Meeting Opened Time:

1. **Present / Apologies**

Name	Title	Present / Apology
Peter Cleary	Councillor	✓
Warrick Brown	Chairperson	✓
Graeme Appleton		✓
Jacob Taylor		✓
Jodie Taylor		APOL
Kaye Whitworth		APOL
Marty Geaney		APOL

Quorum Achieved? (Yes) / No

2. **Declaration of Conflicts of Interest** ✓

3. **Confirmation of Minutes of Previous Meeting (note any corrections)**

Moved: JAKE **Seconded:** APPLES **CARRIED** ✓

Chairperson to sign and date previous minutes to be filed by Secretary

4. **Business Arising from Previous Minutes**

NIL

WELLINGTON SHIRE COUNCIL
18 JUN 2015
RECEIVED

5. **Correspondence In**
   -
   -
   -

6. **Correspondence Out – date previous minutes sent to Council**
   -
   -
   -

7. **Reports**

7.1 Chairperson's Report

7.2 Treasurer's Report (Attached)

THERE IS $8802.70 IN THE BANK

7.3 User Group Reports

CLIPSAL GROUP USED THE QUARRY FOR A WEEKEND AT THE END OF MAY AND WERE IMPRESSED AND THANKFUL FOR THE USE OF THE RESERVE

8. **Volunteers**

9. **OHS / Risk / Facility Fault Report**

10. New Rules of the Committee to be endorsed by Council

N/L

11. General Business

SOLAR LIGHT FOR TOILETS APPLES IS LOOKING IN TO IT.

PUMP IS OPERATIONAL IN SHED THANKS TO APPLES AND IAN CLUTTERBUCK FOR THEIR TIME

SHELTER NEEDS REPAINTING A WORKING BEE WILL BE ORGANISED ~~IN~~ SEPTEMBER/OR OCTOBER 17TH

SIGNS NEED TO BE PUT IN TO SAY NOT FOR DRINKING IN TOILETS

FIRE RINGS / PLACES NEED TO BE LOOKED AT

12. Next Meeting

Meeting Closed Time: 8-20

These minutes are:

Confirmed as true and correct on 15/6/2015
Date

Or

Corrections have been made and noted at the meeting on .....
Date

Chairperson Signature.....

ITEM C5.2 **CAMERON STREET SPORTING COMPLEX COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: COMMUNITY AND CULTURE

ACTION OFFICER: MANAGER HEALTHY LIFESTYLES

DATE: 21 JULY 2015

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

OBJECTIVE

For Council to receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015.

RECOMMENDATION

That Council receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015.

BACKGROUND

The Cameron Street Sporting Complex Committee of Management is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

- To manage, operate and maintain the Cameron Street Sporting Complex for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Cameron Street Sporting Complex for the use and enjoyment of the local community.

As provided under the Committee's Instrument of Delegation the minutes of all meetings are to be presented to Council and highlight the day to day activities being undertaken by the Committee.

Conflict of Interest: It was noted that conflicts of interest were called for at the commencement of the meeting, with no conflicts being declared.

OPTIONS

Council has the following options:

1. Receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015; or
2. Seek further information to be considered at a future Council Meeting.

PROPOSAL

That Council receive the minutes from the Cameron Street Sporting Complex Committee of Management's Ordinary Meeting held on 21 May 2015.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

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

Strategic Objectives
Asset and infrastructure that meet current and future community needs.

Strategy 4.2
Ensure assets are managed, maintained and renewed to meet service needs.

CONSULTATION IMPACT

Meetings held by the Cameron Street Sporting Complex Committee of Management are open to the public.

WELLINGTON SHIRE COUNCIL
25 JUN 2015
RECEIVED

CAMERON SPORTING COMPLEX
Special Committee of Council

MINUTES

MEETING DATE 21st May 2015 MEETING TIME 7pm
MEETING VENUE Cameron Sporting Complex

Meeting Opened Time:

1. **Present / Apologies**

Name	Title	Representing	Present / Apology
Malcolm Hole	Councillor		x
Brad Spunner	Chairperson	Community	x
Peter Anderson	Vice Chairperson	Community	x
Tracy Cameron	Secretary	Community	x
Anna Gaw	Treasurer	Community	x
Timothy Kemp		Community	x
Vacant	Rob Rowley	Maffra Cricket	x
Yvonne Higgins		Maffra Basketball	x
Bronwyn Hillbrich		Maffra Hockey	x
Vacant	Pat Weatherley	Maffra Junior Football	x

Jane Gallatly and Prue Berry

Quorum Achieved? **No**

2. **Declaration of Conflicts of Interest -Nil**

3. **Confirmation of Minutes of Previous Meeting (note any corrections)**

   Moved Y. Higgins **Seconded: M. Hole** **CARRIED**

   Chairperson to sign and date previous minutes to be filed by Secretary

4. **Business Arising from Previous Minutes**
   - **Shower heads have been repaired**
   - **Campbell street oval still under water, request no 3 oval Morison street be inspected for water drainage.**
   - **Bore Finaly passed by council, WSC to tender bore works.**

5. Correspondence In
   - Quotes, Brian Teese for works in Stadium, refer to general business
   - GST, WSC
   - WSC Re furniture

6. Correspondence Out – date previous minutes sent to Council

7. Reports

7.1Treasurer's Report

Moved B Spunner Seconded M Hole

7.1 User Group Report

BASKETBALL

- 35 U/8 boys and girls.
- Gippsland players to do clinic for u/8 and 10girls June 10
- Skills weekend in Maffra July 25th 26th. U/12 from all over Gippsland
- Country Vic to run shooting camp in June School holidays
- Only a few Harlem Globe Trotters tickets left

JUNIOR FOOTBALL

- Dog bags WSC, look into getting them
- U/10 great concept

CRICKET CLUB

- AGM end of June
- New A grade captain, Josh Rurrawhe.

GYMNASTICS

- Attached

HOCKEY CLUB

- 80 players registered
- 24 under 11's
- u/9's play when seniors have home games
- Maffra have 5 x u/13 players, 4 x u/15 players and 1 x u/17 players, to play Country championships
- New turf in Sale, Hockey Victoria have given $2 million expected between 2015/2019
- Forward plan want an indoor facility to play on. Discussion about Stadium and Maffra Secondary college, Wooden floors in stadium would be a problem with damage

8. Volunteers

9. OHS / Risk / Facility Fault Report

10. New Rules of the Committee to be endorsed by Council

11.General Business

- Audit report Brian Wheatley WSC Have a meeting asap after Audit is done
- Basketball have floor boards to replace others, Brian Teese
- Cricket club room leaks, Rodney Fitt Plumber, Blocked drain pipe (audit report)
- Urinal button fixed
- Grader to smooth out, Blue metal
- Fence posts, Cricket club usually repairs needs more work.
- Nets Brocken posts on both, water sits around posts
- Cricket nets, club to raise money to put roof and easterly walls up
- Electronic score board approx 20,000 Junior football and cricket club trying to get funds
- Gymnastics spent $9,000 on new foam for pit
- Hand dryers get a quote from Darren Bennett
- Ring WSC about paperwork for New members
- light poles done
* Led lights, funding available. Brad keeping in touch with Melissa Bastion
- Prue would like the committee to but pads for defiulator, Brad moved Yvonne Seconded Carried

12. Next Meeting June 18th 8PM

Meeting Closed Time: 8.45pm

These minutes are:

Confirmed as true and correct on 18 June 15
Date

Or

Corrections have been made and noted at the meeting on .....
Date

Chairperson Signature.....

:AMERON SPORTING COMPLEX - COMMITTEE OF MANAGEMENT

INANCIAL STATEMENT - MONTH ENDED 31st MAY 2015

HEQUE ACCOUNT

ECEIPTS

	MAY	Y.T.D.
'ellington Shire:		
aintenance Grant		$ 43,210.00
ıdit Works		$ 2,470.70
eimbursements:		
asketball Association		$ 13,874.03
ymnastics	$ 383.99	$ 7,998.78
affra Junior Football Club		
affra Cricket Club		
entals:		
affra Cricket Club		$ 6,300.00
:hools		$ 275.00
ɔckey Club		$ 2,535.00
etball Association		
affra Junior Football Club	$ 6,300.00	$ 6,300.00
iscellaneous Rentals		
id Other Income:		
scellaneous		$ 22.45
ST Reimbursement		$ 1,964.81
ST Collected on Receipts	$ 668.39	$ 3,975.21
ınk Interest		
ansfers:		
om Investment Acc		$ 14,000.00
tal Receipts	**$ 7,352.38**	**$ 102,925.98**
ılance 1st July 2014		**$ 9,416.55**
tal		**$ 112,342.53**

PAYMENTS

	MAY	Y.T.D.
Reserve:		
Telstra		
Gippsland Water		$ 3,104.58
Origin		$ 451.20
TXU		
Stadium:		
Origin		$ 897.53
Electricity -		$ 12,513.77
Contract Cleaning:		
Cleaning	$ 1,572.81	$ 17,499.08
Mowing Contract:		
Maffra Golf Club		$ 9,472.73
Miscellaneous:		
Audit Costs		$ 300.00
Rubbish Collection	$ 315.00	$ 2,816.50
Toilet Supplies	$ 42.75	$ 657.20
Maintenance:		
Stadium		$ 1,429.60
Reserve/Pavilion		$ 3,368.78
Sundries:		
PO Box Rental		$ 24.54
Postage		$ 12.73
Advertising		
Materials		$ 117.87
Equipment		
Bank Charges		
Other Expenses:		
GST on Expenses	$ 193.06	$ 4,956.15
GST to Shire		$ 834.02
Transfer:		
To Investment Account		$ 40,000.00
Total Payments	**$ 2,123.62**	**$ 98,456.28**
Balance 31st May 2015		**$ 13,886.25**
Total		**$ 112,342.53**

Bank Reconciliation

Balance as per Bank Statement (copy attached)	$ 13,886.25
Less unpresented cheques	
Cheque No.	
	$ -
Balance as at 31st May 2015	**$ 13,886.25**

SAVINGS ACCOUNT

RECEIPTS	MAY	Y.T.D.	PAYMENTS	MAY	Y.T.D.
Interest	$ 19.38	$ 129.68	Bank Charges		
Transfers In		$ 40,000.00	Transfers Out		$ 14,000.00
Total Receipts	**$ 19.38**	**$ 40,129.68**	**Total Payments**	**$ -**	**$ 14,000.00**
Balance 1st July 2014		**$ 21,054.89**	**Balance 31st May 2015**		**$ 47,184.57**
Total		**$ 61,184.57**	**Total**		**$ 61,184.57**

Bank Reconciliation

Passbook Balance as at 31st May 2015 $ 47,184.57

ACCOUNT SUMMARY

Cheque Account	$ 13,886.25
Savings Passbook	$ 47,184.57
TOTAL 31st May 2015	$ 61,070.82

www.bendigobank.com.au

Bendigo Bank

034/07458 009935

WELLINGTON SHIRE COUNCIL
PO BOX 618
MAFFRA VIC 3860

BSB number	633-000
Account number	108684895
Customer number	6626006/1601
Account title	WELLINGTON SHIRE COUNCIL-CAMERON SPORTING COMPLEXCOMMITTEE OF MANAGEMENT

Statement period	1 May 2015 - 31 May 2015
Statement number	195
Opening balance on 1 May 2015	$8,928.09
Deposits & credits	$7,352.38
Withdrawals & debits	$2,394.22
Closing Balance on 31 May 2015	$13,886.25

Any questions?

Contact Kellie Read at 146 Johnson Street, Maffra 3860 on **03 5141 1999**, or call **1300 BENDIGO** (1300 236 344).

Bendigo Club Cheque Account

Date	Transaction	Withdrawals	Deposits	Balance
Opening balance				**$8,928.09**
1 May 15	**Monthly Transaction Summary**			
	CHEQUE WITHDRAWALS (8 @ 0.70)	5.60		
	Total Transaction Fees	**5.60**		
	ACCOUNT REBATE		5.60	
	Total Rebates		**5.60**	
	Net Transaction Fees for April 15	**0.00**		8,928.09
1 May 15	CHEQUE 1554	270.60		8,657.49
11 May 15	CHEQUE 1556	1,777.12		6,880.37
14 May 15	CHEQUE 1557	346.50		6,533.87
26 May 15	DIRECT CREDIT GYMNASTICS CLUB MAFFRA GYMNASTIC 0599893645		422.38	6,956.25
28 May 15	DEPOSIT - CHEQUE(S) #Chq:1		6,930.00	13,886.25
Transaction totals / Closing balance		**$2,394.22**	**$7,352.38**	**$13,886.25**

ITEM C5.3 **QUICK RESPONSE GRANT SCHEME**

DIVISION: COMMUNITY AND CULTURE

ACTION OFFICER: MANAGER HEALTHY LIFESTYLES

DATE: 21 JULY 2015

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

OBJECTIVE

For Council to note the information regarding successful applications under the Quick Response Grant Scheme (QRGS) for the period March to June 2015 as at Attachment A.

RECOMMENDATION

For Council to note the information regarding successful applications under the Quick Response Grant Scheme for the period March and June 2015 as at Attachment A.

BACKGROUND

The QRGS aims to fulfil community need by providing a quick turnaround for funding and provides an opportunity for the community to access funding outside the Community Grant timeline. The QRGS supports the delivery of projects that demonstrate positive impacts on the wider Wellington community. Eligible projects submitted under this program are assessed within two weeks.

Individuals can apply for a QRG of up to $500 under the Individual Sponsorship category. Not for profit community groups operating in the Wellington Shire can apply for up to $2,000 from the three minor community funding categories (Events, Projects and Facilities categories).

The applications included in this paper were assessed between March and June 2015.

Applications are assessed by an internal assessment panel. Each application is assessed on its benefit to the community, ability to fulfil a community need, project planning and the capacity of the applicant to deliver the project. The Panel allocates funding based on the assessment criteria and funding guidelines.

OPTIONS

Council has the following options:

1. Note the information regarding successful applications under the QRGS for the period March and June 2015 as at Attachment A.; or
2. Request further information at a future Council meeting.

PROPOSAL

For Council to receive the information regarding successful applications under the QRGS for the period March and June 2015 as at Attachment A.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

These application have been funded through the QRGS within the Healthy Lifestyles budget. The total available budget for the 2014/15 Quick Response Grant Scheme is $95,000. A total of $37,307.02 was allocated to successful applications between March and June 2015.

The table below is a summary of the funding allocation, detailed list at Attachment A.

Applications received and assessed	
• Minor Community Events	11 totalling $18,485.02
• Minor Community Projects	7 totalling $12,600.12
• Minor Community Facilities	4 totalling $8,000
• Individual Sponsorship	7 totalling $3,500
Successful Applications	
• Minor Community Events	11 totalling $18,485.02
• Minor Community Projects	6 totalling $11,322
• Minor Community Facilities	2 totalling $4,000
• Individual Sponsorship	7 totalling $3,500
Unsuccessful Applications	
• Minor Community Events	Nil
• Minor Community Projects	1 totalling $1,278.12
• Minor Community Facilities	2 totalling $4,000
• Individual Sponsorship	Nil

COMMUNICATION IMPACT

The funding of these events and projects facilitates positive community relationships for the Wellington Shire, highlighting Council's commitment to supporting not for profit community organisations in the delivery of their activities, projects and events that benefit the wider community.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 7 Community Wellbeing states the following strategic objective and related strategy:

Strategic Objective
"*Enhance health and wellbeing for the whole Community".*

Strategy 7.1
"Support access to a range of recreational opportunities for all sectors of the community".

COMMUNITY IMPACT

The funding of these individuals, events and projects will have a significant positive effect on the community, providing assistance to increase the range of events and activities that the wider Wellington community can access. Successful applicants have demonstrated a community need that will be filled through receiving the funding and show a community benefit through project outcomes.

ENVIRONMENTAL IMPACT

All events and projects are encouraged to be consider the waste that will be produced through delivering their grant outcomes and have appropriate measures in place to manage waste. Assistance from Council is offered to all events to minimise landfill waste through the use of recycle bins.

CONSULTATION IMPACT

Council officers were involved in consultation with grant applicants to provide advice and assistance in the completion of event grant applications.

RISK MANAGEMENT IMPACT

The events industry is strongly legislated and all events are encouraged to comply with current OH&S and best practice safety standards. It is the responsibility of applicants to ensure that their project complies with all current rules and regulations.

Attachment A

Quick Response Grant Scheme - Successful Applications – March - June 2015

Organisation		Project Title	Amount	Description
Minor Community Projects				
1	Good Practice, Good Health Inc	Gippsland Health Summit	$2,000	Gippsland Health Summit aims to build better partnerships between health care providers and patients/clients through education.
2	Groundwork Youth Theatre	Comical and Absurd - Clowning for kids	$2,000	Internationally acclaimed clown and physical comedian Clint Bolster will teach you how to unleash your inner clown in a special workshop program designed for youth
3	Sale Business and Tourism Association	Shop in Sale Street Flags	$1,390	A set of 12 flags printed and displayed along Raymond Street, Sale to promote our shop in Sale initiative and encouraging consumers to shop local.
4	Sale Women's Support Group (Commonsense Magic Connections Inc)	Sale Women's Support Group	$2,000	Sale Women's Support group engages, encourages and empowers local women who may be socially isolated due to mental health, chronic pain or lifestyles factors.
5	St Vincent De Paul Maffra Conference (St Vincent De Paul Society Victoria Inc)	Replace an Aged Truck	$2,000	The truck used for welfare work is worn out and has to be replaced, continuing to deliver and service the Maffra community and surrounds.
6	Wellington Toy Library Inc	Mibase Database for Toy Library Volunteers	$1,932	Setting up a transition to volunteer-run Toy Library sessions by implementing an online catalogue database, custom-designed for toy libraries.
		Total	$11.322	
Minor Community Events				
1	Anglican Parish of Yarram	Blessing of the Fleet Port Albert	$1,330.00	A continuation of a yearly community event in which the Blessing of the Fleet is performed for all sailors, boat persons and boats.
2	Dargo Bush Nursing Centre	Winter Christmas Lunch	$2,000	Winter Christmas Lunch celebration at Dargo Hotel or Dargo Tavern at a time most suitable for the older and more isolated people in the community.
3	Family and Friends for Autism Awareness (Lions Club of Sale)	Walk for Autism Family Day	$1,555.02	An awareness Family Day with a jumping castle, face painting, sausage sizzle, and walk around the lake.
4	Gippy Rocks (UnitingCare Gippsland)	Gippy Rocks Promotion Campaign	$2,000	Gippy Rocks is a 3 day rock n roll festival featuring a Ronald McDonald charity dance, rock n roll workshops, all-day street festival, Victorian regional dance championships and hot rod display.
5	Glenmaggie Mechanics' Institute	Glenmaggie Scottish Folk Festival	$2,000	A community festival celebrating the rich Scottish history of Glenmaggie and surrounds
6	Heyfield Family History Group (Heyfield Community Resource Centre)	Gowns Through the Decades	$1,500.00	Be dazzles by the array of colours and designs of 'Bridesmaid' gowns through the decades Vintage, Retro and current designs to enjoy
7	Meerlieu and District Rural Community Group	ANZAC Day 2015 Commemoration	$1,600.00	To commemorate the servicemen from the local district who served in the First World War.

8	Sale Netball Association	Sale Netball Association 2015 Tournament	$1,000	Netball teams from both the Wellington Shire and state wide compete in a round robin tournament in age groups ranging from 11/U to Open Section.
9	Sale Vintage Tractor Club	31st Annual Tractor Pull	$2,000	The Vintage Tractor Club is holding their 31st Tractor Pull. All proceeds are donated to local groups. The CFA, Longford PS and Longford Pony Club are involved on the day.
10	Veronica Maybury Memorial Reserve	VMMR Community Clubrooms Official Opening of Extension & Renovation	$1,500	Celebrating the completion of the renovations and extensions to the VMMR Community Clubrooms. A Thank You event to the community.
11	Woodside Recreation Reserve Committee of Management	Monster Auction and Fun Day	$2,000	Monster Auction, family fun day fundraiser. Important community event in an isolated community that attracts participation from surrounding communities.
		Total	$18,485.02	
Minor Community Facilities				
1	Maffra Lawn Tennis	Replace spectator fence	$2,000	Replace the fence between grandstand and grass courts. The existing fence is no longer practical or safe.
2	Yarram Campdraft Club Inc.	Upgrade of Camp and Cattle Yards	$2,000	Return the Camp and Yards to a safe state, at the same time enhancing the appearance for visitors
		Total	$2,000.00	

Individual Sponsorship

Individual's Name	**Supporting Organisation**	**Activity Title**	**Amount**
Mr Solomon Jones	Rotary International	Rotary Adventure in Citizenship	$500
Ms Charlie Noble	Swimming Australia	Australian Long Course Swimming Championships	$500
Mr Harrison Conway	Sports Travel Australia	Track & Field, Canada	$500
Ms Rebecca Ingram	Volleyball Australia	Junior Women's Development Program USA Tour	$500
Miss Lilli Stobie	Banyule Netball Association	Banyule Netball School Holiday Program	$500
Miss Maya Bown	Banyule Netball Association	Banyule Netball School Holiday Program	$500
Miss Indigo Waugh	Banyule Netball Association	Banyule Netball School Holiday Program	$500
		Total	$3,500

ITEM C5.4 **ESSO BHP BILLITON WELLINGTON ENTERTAINMENT CENTRE ADVISORY GROUP MINUTES**

DIVISION: COMMUNITY AND CULTURE

ACTION OFFICER: MANAGER ARTS AND CULTURE

DATE: 21 JULY 2015

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

OBJECTIVE

To receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive the minutes of the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015.

BACKGROUND

The Esso BHP Billiton Wellington Entertainment Centre Advisory Group is a Committee of Council that meets on a quarterly basis. The membership of the Esso BHP Billiton Wellington Entertainment Centre Advisory Group includes one Councillor representative, seven community members, and the Entertainment Centre Manager (ex-officio).

As provided under the Committee's Instrument of Delegation approved on 18 February 2014, the objectives and Terms of Reference of the Committee are to provide advice to the Wellington Shire Council representing equally and fairly the views, requirements and aspirations of the Centre in relation to:

- Advise Council on policies for the management and promotion of the performing arts in the Wellington Shire, in particular in relation to the Centre but also on other matters as designated by the Council.
- Develop and encourage community participation in, and utilisation of, the Centre and to assist with promoting the Centre's events and facilities to patrons and hirers.
- Advise the Entertainment Centre Manager of the Centre regarding the engagement of performances and events within the Centre's product mix.
- Liaise with the Council's art gallery and promote cooperation between the Centre and other cultural services of Council.
- Utilise networks to obtain support for the Centre, both financial and non-financial, and to assist with philanthropic support of those activities.

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

OPTIONS

Council has the following options:

1. Receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015; or

2. Request additional information and receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015 at a future Council meeting.

PROPOSAL

To receive the minutes from the Esso BHP Billiton Wellington Entertainment Centre Advisory Group meeting held on 20 May 2015.

CONFLICT OF INTEREST

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

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

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

Strategic Objectives
"Asset and infrastructure that meet current and future community needs."

Strategy 4.3
"Manage Council community facilities planning to ensure that outputs are based on identified community needs."

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

Advisory Group

Minutes
Wednesday 20 May 2015 6:10PM
Equus

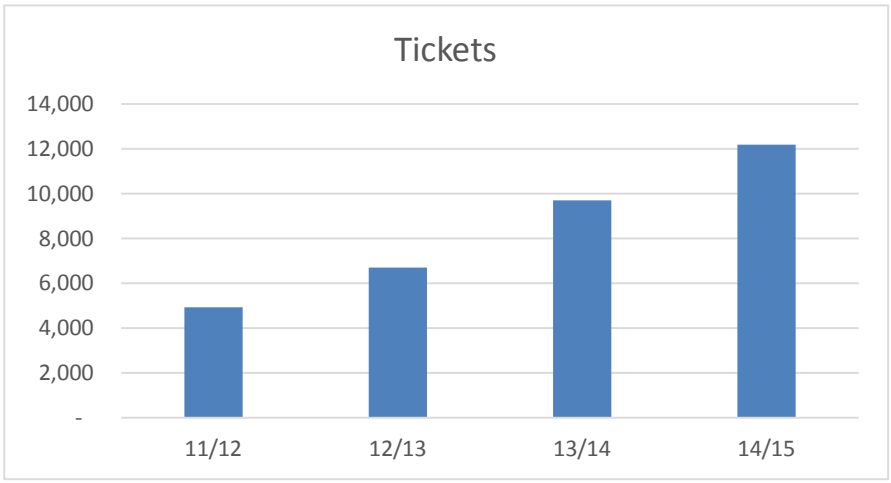
Item	
Open meeting	6:10pm
Present:	Don Carmichael, Stephen Dwyer (chair), Jo Clancy, Brian Teese, Deirdre Relph
In Attendance:	Brendan Peters, Andrew Thomson, Mirranda Francis, Stephen Dempsey
1. Apologies	Cr Carolyn Crossley
2. Conflict of Interest	No conflicts
3. Approval of Previous Minutes	Motion to accept minutes of previous meeting as true and correct. *Moved:* Don Carmichael *Seconded:* Jo Clancy
4. Business Arising	**1. Drinks Trial** A few concerns have been voiced on the matter of disorderly behaviour. Measures will be put in to place to make sure no one can bring drinks into the theatre "during" the performance. Motion carried by Jo Clancy that drinks trial becomes policy. *Seconded by* Brian Teese. **2. Art Gallery / Library update** Federal grant received for $4.5 million towards art precinct project, focussing on linking the Entertainment Centre, port and skate park together. **3. New Entertainment Centre Staff** Melissa Forlano will start in the role of Coordinator Venue Administration on 1 July. Melissa is currently Philanthropy Coordinator for Opera Australia.

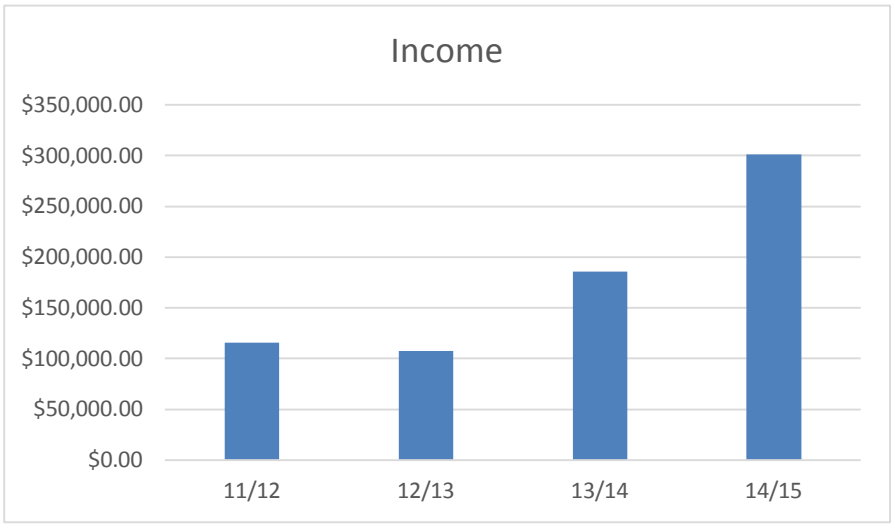
5. General Business

1. Ticket Sales

Last year was our best yet, grossing $185,594 through 9,715 ticket sales for our season shows. This year we have grossed $301,225 through 12,197 ticket sales. This is a remarkable result and shows how the community are embracing and taking ownership of the Centre.

Year	Tickets	Income
11/12	4,934	$115,567.00
12/13	6,704	$107,796.50
13/14	9,715	$185,594.25
14/15	12,197	$301,225.05





2. Engage Programme

The Entertainment Centre in the motion of putting together community engagement programme bringing workshops and professional development with touring acts to the public. Looking at adding to website.

	3. Vacant Advisory Committee Position Position available to join the advisory committee due to a departure. Yet to be advertised. 4. **New item- Library/gallery opening** Discussion about possible festival type opening for new cultural "hub". The idea put forth being that an event is made of it with suggestions of art, poetry readings, music and performances during the duration. Organising needing to commence in order for this to be successful. *Deirdre Relph* moves the prospect of an opening ceremony. All in favour. This committee supports the opening ceremony of the cultural hub in 2017. **5. Accessibility** Prospect of removing a row of seating and replacing it with more accessible seating and walk way. Subject to further research and discussion**.** 6. **Equus** Concerns have been raised in regards to staff, service and organization. People unhappy with speed of service. Suggested that further training is in order. Concerns about consistency of eftpos points also brought to discussion. EBBWEC Manager to discuss with Equus Management.
6. Other matters	
Meeting Closed	**7.00 pm**
Next meeting	**Wednesday May 20 at 6:00pm**

Please call 5143 3200 or email andrew.thomson@wellington.vic.gov.au to RSVP.

D. URGENT BUSINESS

E. FURTHER GALLERY AND CHAT ROOM COMMENTS

F. CONFIDENTIAL ATTACHMENT/S

ITEM F1.1 2014-066 McLOUGHLINS BEACH FOOTBRIDGE & PONTOONS (REFER TO ITEM C4.1 OF THIS AGENDA)

WELLINGTON SHIRE COUNCIL
The Heart of Gippsland

ORDINARY COUNCIL MEETING
21 July 2015

On this day of 8 July 2015, in accordance with Section 77 Clause (2) (c) of *the Local Government Act 1989*; I, Chris Hastie General Manager Built and Natural Environment declare that the information contained in the attached document **ITEM F1.1 2014-066 McLoughlins Beach Footbridge & Pontoons** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

d) Contractual matters

.....
Chris Hastie General Manager Built and Natural Environment

G. IN CLOSED SESSION

That the meeting be closed to the public pursuant to Section 89(2) of the Local Government Act 1989 to consider:

- ***a) personnel matters***
- ***b) the personal hardship of any resident or ratepayer***
- ***c) industrial matters***
- ***d) contractual matters***
- ***e) proposed developments***
- ***f) legal advice***
- ***g) matters affecting the security of Council property***
- ***h) any other matter which the Council or special committee considers would prejudice the Council or any person***

IN CLOSED SESSION

COUNCILLOR
That:

_____

That:
That Council move into open session and ratify the decision made in closed session.