



Council Meeting Agenda

Meeting to be held via Skype

Tuesday 2 June 2020, commencing at 3pm

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

ORDINARY MEETING OF COUNCIL – 2 JUNE 2020
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Council Meeting Information

As the COVID-19 social distancing requirements remain in place, the Minister for Local Government, has issued the “Minister’s Good Practice Guideline MGP-1: Virtual Meetings”. Pursuant to section 87 of the Local Government Act 2020, these guidelines ensure that local Government decision making can continue in line with COVID-19 requirements and further details can be found on the Local Government Victoria website.

These guidelines take effect from 1st May 2020 and will remain in place through to 1st November 2020.

While members of the public can no longer attend meetings in person, we have provided options for you to interact with us virtually via our Council Meetings page on the Wellington Shire Council Website. You are able to interact with Council in two ways:

- Email through a specific question or comment relating to a particular Council Agenda item no later than 1:00pm on the day of the Council Meeting; or*
- For general communication with Council, via the webcasting chat room early in the meeting to ensure that your submissions can be dealt with at the end of the meeting.*

While we face a new way of gathering, we thank you for your continued support and look forward to a new way of keeping in touch with all of Wellington Shire.



A - PROCEDURAL



STATEMENT OF ACKNOWLEDGEMENT

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



PRAYER

***“Almighty God, we ask your blessing upon the Wellington
Shire Council, its Councillors, officers, staff and their families.***

***We pray for your guidance in our decisions so that the
true good of the Wellington Shire Council may result to
the benefit of all residents and community groups.”***

Amen



A - PROCEDURAL

A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

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

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

2 JUNE 2020

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 19 May 2020.

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

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 May 2020.

CONFLICT OF INTEREST

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



A - PROCEDURAL

A5 BUSINESS ARISING FROM PREVIOUS MEETING/S



A - PROCEDURAL

A6 ACCEPTANCE OF LATE ITEMS



A - PROCEDURAL

A7 NOTICE/S OF MOTION

ITEM A7(1)**NOTICE OF MOTION: INFORMATION, LINKAGES AND CAPACITY BUILDING GRANT**

OFFICER: COUNCILLOR MAHER

DATE: 2 JUNE 2020

I, Councillor Maher, hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council on 2 June 2020.

That the mayor writes to the Minister for Housing, Disability and Ageing, the Hon Luke Donnellan and to Cr Coral Ross, President, Municipal Association of Victoria requesting they make representations to the National Disability Insurance Agency on behalf of Wellington Shire Council.

That the mayor expresses council's concern at results of the recent funding round of the National Disability Insurance Agency, specifically those under the Information, Linkages and Capacity Building program, Economic and Community Participation stream, 2019-2020 round.

That the mayor ask that the minister and the MAV president seek confirmation of the ability of local government organisations to access funding under future rounds given council's understanding that no local government applications were successful in the 2019-2020 round.

That the mayor also seeks clarification from the minister regarding any Victorian Government funding to support local government in the provision of access and inclusion programs and support, previously supported through the Building Inclusive Communities for Rural Access program.

That local state and federal members of parliament, Darren Chester, Danny O'Brien, Harriet Shing and Jane Garrett receive a copy of this correspondence.

BACKGROUND

Wellington Shire Council, like all Victorian councils, has for many years received Victorian Government funding under the Building Inclusive Communities (BIC) for Rural Access program. When it was announced that this funding was to be discontinued, all councils were allocated a final six month's funding to transition to a federal funding stream that would continue the valuable support work local government provides for those members of our community who experience challenges of access and inclusion due to disabilities. For councils to receive the additional six month's BIC funding, councils were required to commit to apply for an ILC grant.

The Municipal Association of Victoria (MAV) was supportive of this transition approach and worked closely with councils to provide support and assistance in understanding the new federal grant program guidelines and the making of applications by councils. The new program, called the Information Linkages and Capacity Building (ILC) program is administered by the National Disability Insurance Agency (NDIA).

Wellington Shire Council applied to the ILC funding round that closed in October 2019, although we were often confused about our eligibility, number and type of our applications, in our pursuit of transition to a federally funded project for access and inclusion.

As an example of the confusion that surrounded this process, we prepared two distinct applications for ILC funding under the Economic and Community Participation program stream, one relating to employment support and one related to sport. We engaged with partner organisations locally, including employment support services providers and GippsSport, to develop comprehensive applications.

Upon uploading the final applications, the NDIA advised we were not allowed to make two applications. We had understood multiple applications were possible through liaison with MAV and from participation in ILC workshops in September provided through MAV and Disability Services Consulting. As the NDIA accepted only one application, we were required to choose one application to submit and advise partner organisations of the unsuccessful attempt for the other application.

MAV also expressed surprise and disappointment in the NDIA refusal to accept multiple applications and it was not just Wellington Shire Council which encountered this problem. We understand MAV made representations to try to rectify the problem but these were ultimately not successful.

When results of the funding round were announced, it became clear that, in retrospect, the work to develop and submit applications was futile, given that no local government organisation was funded under the ILC program, Economic and Community Participation stream, 2019/20 round.



.....
COUNCILLOR MAHER

Dated: (2 June 2020)



A - PROCEDURAL

A8 RECEIVING OF PETITIONS OR JOINT LETTERS

ITEM A8(1)**OUTSTANDING PETITIONS**

ACTION OFFICER

GOVERNANCE

DATE:

2 JUNE 2020

ITEM	FROM MEETING	COMMENTS	ACTION BY
Vegetation Management in Wellington Shire	19 MAY 2020	Petition received from the Wellington Residents and Ratepayers Group Incorporated relating to the recent bushfires and how vegetation and prevention is managed in Wellington Shire.	Emergency Management, Built Environment and Land Use Planning



A - PROCEDURAL

A9 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS



A - PROCEDURAL

A10 QUESTIONS ON NOTICE



B –REPORT

DELEGATES



C1 - REPORT

CHIEF EXECUTIVE OFFICER

ITEM C1.1**CEO APPOINTMENT TO BOARD OF DESTINATION GIPPSLAND LIMITED**

DIVISION: CHIEF EXECUTIVE OFFICER
 ACTION OFFICER: CHIEF EXECUTIVE OFFICER
 DATE: 2 JUNE 2020

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

OBJECTIVE

To endorse the amendment to the Constitution of Destination Gippsland Ltd, and the appointment of Wellington Shire Council Chief Executive Officer Mr David Morcom, as a Director to the Board.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That Council:***

- 1. Note and endorse the amended constitution of Destination Gippsland Ltd at Appendix 1;, and***
- 2. Appoint David Morcom, Chief Executive Officer, as a Director on the Destination Gippsland Ltd Board in accordance with their constitution.***

BACKGROUND

Destination Gippsland Ltd (DGL) is the Regional Tourism Board and the peak tourism organisation for the region in eastern Victoria.

The organisation was established in 2008 with the support of Visit Victoria, Parks Victoria and the six member councils of One Gippsland / Gippsland Local Government Network. DGL's role is to grow and serve the Gippsland tourism sector and work in partnership with the industry and government to deliver rewarding and lasting economic, environmental and social outcomes.

DGL is a public company limited by guarantee with six financial members (each Gippsland Council is a member, being Bass Coast Shire Council, Baw Baw Shire Council, South Gippsland Shire Council, Latrobe City Council, Wellington Shire Council and East Gippsland Shire Council). DGL has reporting responsibilities to ASIC as well as funding partners, One Gippsland / Gippsland Local Government Network and Visit Victoria. DGL currently has a skills-based Board of Directors and observer positions for a representative from One Gippsland / GLGN, Visit Victoria, Regional Development Victoria and Parks Victoria. The Bass Coast Shire Council Chief Executive Officer has until recently occupied the role of One Gippsland / GLGN representative. At the Board's January 2020 meeting, the Bass Coast Shire CEO was appointed as a director of the company. The DGL Board committed to a process to appoint the remaining five Gippsland CEOs as Directors after the necessary revisions to the company constitution were researched and approved by the Board and financial members.

It is proposed that Local Government Authority CEOs attend a Special General Meeting to vote on the amendments to the constitution on Friday 19 June 2020. Immediately after that Special General Meeting, the Board will hold its scheduled meeting at which the LGA CEOs can be formally appointed to the Board of Directors.

OPTIONS

Council has the following options available:

1. Note and endorse the amended constitution of Destination Gippsland Ltd at Appendix 1 and appoint David Morcom, Chief Executive Officer, as a Director on the Destination Gippsland Ltd Board in accordance with their constitution; or
2. Not note and endorse the amended constitution of Destination Gippsland Ltd at Appendix 1 or appoint David Morcom, Chief Executive Officer, as a Director on the Destination Gippsland Ltd Board in accordance with their constitution.

PROPOSAL

That Council:

1. Note and endorse the amended constitution of Destination Gippsland Ltd at Appendix 1, and
2. Appoint David Morcom, Chief Executive Officer, as a Director on the Destination Gippsland Ltd Board in accordance with their constitution.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

The cost to Council for membership of DGL was \$33,940.00 (excluding GST) for 2019/20. All Gippsland councils contribute an equal amount in accordance with the current Tourism Services Funding Agreement. It should be noted that the agreement includes a 2% increase for the next financial year.

Any additional costs of Board appointment borne by Council would be those related to travel and incidental expenses incurred as a result of attendance at Board meetings. No Directors fees are paid.

Destination **GIPPSLAND**

Proposed Amendments to the Constitution of Destination Gippsland Ltd. May 2020

Background

In response to the wishes of Members for their CEOs to be appointed to the Board of Destination Gippsland, the current Board determined that the Constitution of Destination Gippsland required amendment. Subsequently the Board recommends a number of alterations which have been developed and discussed by the full Board of Directors including the GLGN representative and Bass Coast Shire CEO Director Ali Wastle.

The amendments are set out below, as well as notated in the attached (marked-up) version of the Constitution.

Process

It is proposed that LGA CEOs attend a *Special General Meeting* to vote on these amendments (by video conference) on Friday 19th June 2020. Immediately after that *Special General Meeting* (and assuming the amendments are passed), the Board will hold its scheduled meeting at which the LGA CEO's can be formally appointed to the Board of Directors.

Proposed Amendments

Definitions

- Add CEO
- Add LGA and Local Government Authority
- Amend "member" to mean a Local Government Authority

Clause 2.1

Increase the minimum number of Directors from 7 to not less than 7 excluding the CEOs of the LGA members. The existing constitution gives the Board power to appoint a Director to fill a casual vacancy if their numbers fall below 7 without the need to hold a special general meeting of members.

Clause 2.7

Add sub-clause e). This clause allows for an LGA CEO Director to cease to be a Director of the company should they no longer hold the office of CEO with the member LGA.

Clause 2.13

Amended to clarify that Member LGAs and Observer organisations are responsible for the expenses of their employees serving or observing on the Board.

Clause 2.17

Amended to allow the Board to determine the process by which appointments are made.

Clause 2.21

Removed a clause dictating that at least two Directors must retire each year. The change allows for a smoother transition process and better continuity. The terms of Directors is set at 3 years, at which time the Director may re-nominate for appointment by the Members.

Clause 3.2

Added the power to delegate to a Chief Executive Officer.

Clause 5.4

Amend quorum to be 50% of Directors.

**Constitution of
DESTINATION GIPPSLAND LTD
A.C.N. 131 138 184**

30 April 2020

Amendments - April 2020

- Clause 1.5 – add definition of CEO
- Clause 1.5 – add definition of LGA
- Clause 1.5 – amend definition of ‘member’ to mean Local Government Authority
- Clause 2.1 – amend the number of Directors to be the CEO’s of member LGAs plus not less than 7 non-member Directors
- Clause 2.7 – add sub-clause e) to note that a Director who is appointed as a consequence of being the CEO of a member LGA will cease to be Director when they cease to hold the CEO’s office with that LGA
- Clause 2.13 – the expenses of LGA CEO Directors, and Observers, are to be met by their LGA or employer
- Clause 2.17 – Appointment of Directors shall be made by a process determined by the Board
- Clause 2.21 – remove the imperative for at least two Directors to retire each year (this will be managed through the terms of Directors)
- Clause 3.2 – add the power of delegation to the CEO
- Clause 5.4 – amend quorum to be 50% of Directors

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Copy of ASIC Certificate of Registration as a Company

Certificate of Registration of a Company

This is to certify that

DESTINATION GIPPSLAND LTD

Australian Company Number 131 138 184

is a registered company under the Corporations Act 2001 and
is taken to be registered in Victoria.

The company is limited by guarantee.

The company is a **public** company.

The day of commencement of registration is
the sixteenth day of May 2008.

Issued by the
Australian Securities and Investments Commission
on the sixteenth day of May, 2008.



Anthony Michael D'Aleone
Chairman

DESTINATION GIPPSLAND LTD

A.C.N. 131 138 184

CONSTITUTION

1. Preliminary

- 1.1. The Company is a public company limited by guarantee. Each Member undertakes to contribute \$10.00 (Ten Dollars) to the property of the Company if the Company is wound up at a time when that person is a Member, or within one year of the time that the person ceased to be a Member, for payment of the debts and liabilities of the Company contracted before that person ceased to be a Member, payment of costs charges and expenses of winding up the Company, and adjustment of the rights of contributors among themselves.
- 1.2. The objects of the Company are, to provide leadership and to work in partnership with the tourism industry in Gippsland to drive the development of tourism infrastructure, tourism product, and marketing.
- 1.3. The Company must not make any distribution to any Members, whether by way of dividend, surplus on winding up or otherwise. This Clause does not prevent the payment in good faith by the Company of reasonable remuneration to any Member for goods or services supplied by that Member to the Company in the ordinary course of business, the payment of interest at a reasonable rate on money borrowed by the Company from any Member, the payment of reasonable rent for premises leased to the Company by any Member, or the payment of any other reasonable amount of a similar character to those described in this Clause.
- 1.4. The replaceable rules in the Corporations Act do not apply to the Company.
- 1.5. In this Constitution:

"Alternate Director" means a person for the time being holding office as an alternate director of the Company under Clause 2.9.

"Business Day" means a day except a Saturday, Sunday, or public holiday in the jurisdiction under the Corporations Act which the Company is taken to be registered.

"Cessation Event" means:

- (a) if a Member is an individual, death, or bankruptcy of that Member, or that Member becoming of unsound mind or becoming a person whose property is liable to be dealt with under a law about mental health; or
- (b) if a Member is a body corporate, the deregistration of that Member.

"CEO" means the Chief Executive Officer.

"Corporations Act" means the Corporations Act, 2001 (Commonwealth), as modified or re-enacted from time to time, and where appropriate, includes any regulations issued under it.

"Directors" means the directors of the Company for the time being.

"Expulsion Event" means, in respect of a Member:

- (a) the Member has wilfully refused or neglected to comply with the provisions of this Constitution;
- (b) the conduct of the Member, in the opinion of the Directors, is unbecoming of the Member or prejudicial to the interests or reputation of the Company; or
- (c) the Member is, or any step is taken for the Member to become, an externally administered body corporate (whether or not the Member is a body corporate).

"Legal Costs" of a person means legal costs incurred by that person in defending an action for a Liability of that person.

Commented [191]: Common assets

"LGA" means Local Government Authority

Commented [HP2]: Definition added

"Liability" of a person means any liability incurred by that person as an officer of the Company or a subsidiary of the Company.

"Member" means a Local Government Authority that is a member of the Company

Commented [HP3]: Amended from a person to Local Government Authority as these are the members of the company

"Personal Representative" means the legal personal representative, executor, or administrator of the estate of a deceased person.

"Register" means the register of Members kept under the Corporations Act and, where appropriate, includes any branch register.

"Relevant Officer" means a person who is, or has been, an officer of the Company (including a Director or Secretary) or an officer of a subsidiary of the Company

"Secretary" means a company secretary of the Company for the time being.

1.6. In this Constitution:

- (a) a reference to a meeting of Members includes a meeting of any class of Members;
- (b) a Member is taken to be present at a meeting of Members if the Member is present in person or by proxy, attorney or representative; and
- (c) a reference to a notice or document in writing includes a notice or document given by fax or another form of written communication.

1.7. In this Constitution, unless the context indicates a contrary intention, words importing the singular include the plural (and vice versa), words indicating a gender include every other gender, and the word "person" includes a corporation.

1.8. Unless the context indicates a contrary intention, an expression in a provision of this Constitution that deals with a matter dealt with by a provision of the Corporations Act has the same meaning as in that provision of the Corporations Act and an expression in a provision of this Constitution that is defined in section 9 of the Corporations Act has the same meaning as in that section.

2. Directors

- 2.1. The Company must have not less than 7 Directors excluding the CEOs of LGA members. The Company in general meeting may by ordinary resolution alter the maximum or minimum number of Directors provided that the minimum is not less than 7 in addition to the LGA CEOs.
- 2.2. If the number of Directors is below the minimum fixed by this Constitution, the Directors must not act except:
 - (a) in emergencies;
 - (b) for appointing one or more directors in order to make up a quorum for a meeting of Directors; or
 - (c) to call and arrange to hold a meeting of Members.
- 2.3. The Company in general meeting may by ordinary resolution appoint any person as a Director, in accordance with the provisions of this Constitution.
- 2.4. A Director need not be a Member.
- 2.5. A Director may resign from office by giving the Company notice in writing.
- 2.6. Subject to the Corporations Act, the Company in general meeting may by ordinary resolution remove any Director, and if thought fit, appoint another person in place of that Director.

Commented [HP4]: Was not less than 7. Amended to include the LGA CEOs + 7 non-member Directors (sometimes known as Skills-based Directors)

- 2.7. A Director ceases to be a Director if:
- (a) the Director becomes of unsound mind or a person whose property is liable to be dealt with under a law about mental health;
 - (b) the Director resigns or is removed under this Constitution;
 - (c) the Director becomes an insolvent under administration; or
 - (d) the Corporations Act so provides;
 - (e) in the case of a Director who is appointed as a consequence of being the CEO of a member LGA, ceases to hold that office with that LGA.

Commented [445]: Sub-clause e) edited to account for CEOs leaving their position with a member LGA.

- 2.8. With the approval of a majority of the other Directors, a Director may appoint a person as an alternate director of that Director for any period. An Alternate Director need not be a Member.

- 2.9. The appointing Director may terminate the appointment of his Alternate Director at any time. A notice of appointment, or termination of appointment, of an Alternate Director is effective only if the notice is in writing, the notice is signed by the Director who appointed that Alternate Director, and the Company is given a copy of the notice.

- 2.10. If the Director who appointed an Alternate Director is not present at a meeting of Directors, that Alternate Director may, subject to this Constitution and the Corporations Act, exercise all powers (except the power under Clause 2.6) that the appointing Director may exercise. However, an Alternate Director cannot exercise any powers of his appointing Director if that appointing Director ceases to be a Director.

- 2.11. Subject to Clause 2.13, the Company is not required to pay any remuneration to an Alternate Director.

- 2.12. The Company must not pay any fees to a Director for performing that person's duties and responsibilities as a Director. The Company must not pay any amount to a Director unless that payment has been approved by the Directors.

- 2.13. The Company must pay all reasonable travelling, accommodation and other expenses that a Director or Alternate Director properly incurs in attending meetings of Directors or any meetings of committees of Directors, in attending any meetings of Members, and in connection with the business of the Company, except in the case of LGA CEO Directors and Observers from Government Agencies – both of whose employers are expected to meet the expenses of their employees incurred in the course of attending meetings, and serving on the DGL Board.

Commented [446]: Amended to clarify that member LGAs and Observer Organisations will be responsible for the expenses of their employees serving or observing on the Board.

The Board may agree to pay an annual allowance to cover these expenses except in the case of LGA CEO Directors and Observers from Government Agencies – both of whose employers are expected to meet the expenses of their employees incurred in the course of attending meetings, and serving on the DGL Board.

- 2.14. A Director may:

- (a) hold an office or place of profit (except as auditor) in the Company, on any terms as the Directors resolve (subject to Clause 2.12);
- (b) hold an office or otherwise be interested in any related body corporate of the Company or other body corporate in which the Company is interested; or
- (c) act, or the Director's firm may act, in any capacity for the Company (except as auditor) or any related body corporate of the Company or other body corporate in which the Company is interested.

and retain the benefits of doing so if the Director discloses in accordance with the Corporations Act the interest giving rise to those benefits.

- 2.15. Subject to the Corporations Act, if a Director discloses the interest of the Director in accordance with the Corporations Act, the Director may:

- (a) contract or make an arrangement with the Company, or a related body corporate of the Company or a body corporate in which the Company is interested, in any matter in any capacity.

- (b) be counted in a quorum for a meeting of Directors considering that contract or arrangement, and vote on whether the Company enters into the contract or arrangement, and on any matter that relates to the contract or arrangement.
 - (c) sign on behalf of the Company, or witness the fixing of the common seal of the Company (if any) to, any document in respect of the contract or arrangement, and
 - (d) retain the benefits under the contract or arrangement.
- 2.16. The Directors may make interim Director appointments if the number of Directors falls below the threshold set out in clause 2.1. The interim appointments may be made by calling for nominations and following the process in clause 2.17 and 2.18 (modified as necessary to give efficacy to this clause) must be ratified by an ordinary resolution at the next meeting of Members. If the appointment is ratified at the general meeting, then that Director serves for the remainder of the term of the replaced Director.
- 2.17. Appointment of Directors shall be made by a process determined by the Board and enacted by a Nominations Committee. The Nominations Committee will make recommendations to the Board.
- 2.18. A sub-committee of 3 people, selected by the Chairman, will review nomination applications, including making all necessary enquiries and then make a recommendation to the Directors and the meeting of Members.
- 2.19. The nomination for Director may be accepted by an ordinary resolution at the meeting of Members.
- 2.20. Directors are appointed for terms of up to 3-years (effective from the date of the meeting of Members at which they were elected). Such terms are to be recommended by the Board.

Commented [H97]: Amended from a public call for nominations with specific time frames, to allowing the Board to determine the process through a Nominations Committee

Commented [H98]: It removed a clause dictating that at least two Directors must retire each year. In practice this became unworkable and led to a mis-match of Directors' terms. The change is intended to allow for a smoother transition process and better continuity. The terms of Directors is set at 3 years, at which time the Director may nominate for appointment by the Members.

3. Officers

- 3.1. The Directors may appoint one or more of themselves to the office of managing director for any period and on any terms the Directors resolve (subject to Clause 2.13). Subject to any agreement between the Company and a managing director, the Directors may remove or dismiss a Director from the office of managing director at any time, with or without cause. The Directors may revoke or vary the appointment of a Director to the office of managing director or any power delegated to a managing director. A person ceases to hold the office of managing director if the person ceases to be a Director.
- 3.2. The Directors may delegate any of their powers (including the power to delegate) to a managing director or the Chief Executive Officer. A managing director or CEO must exercise the powers delegated to him or her in accordance with any directions of the Directors. The exercise of a power by a managing director or CEO is as effective as if the Directors exercised the power.
- 3.3. The Directors may appoint one or more Secretaries, for any period and on any terms (including as to remuneration) the Directors resolve. Subject to any agreement between the Company and a Secretary, the Directors may remove or dismiss a Secretary at any time, with or without cause. The Directors may revoke or vary the appointment of a Secretary.
- 3.4. To the extent permitted by law, the Company may (by agreement or deed) indemnify each Relevant Officer against a Liability of that person and Legal Costs of that person. To the extent permitted by law, the Company may also make a payment (whether by way of advance, loan or otherwise) to a Relevant Officer in respect of Legal Costs of that person.
- 3.5. To the extent permitted by law, the Company may pay, or agree to pay, a premium for a contract insuring a Relevant Officer against a Liability of that person and Legal Costs of that person.

Commented [H99]: Added the power to delegate to a Chief Executive Officer

4. Powers of the company and directors

- 4.1 The Company may exercise in any manner permitted by the Corporations Act any power which a public company limited by guarantee may exercise under the Corporations Act. The business of the Company is managed by or under the direction of the Directors. The Directors may exercise all the powers of the Company except any powers that the Corporations Act or this Constitution requires the Company to exercise in general meeting.
- 4.2 If the Company has a common seal, the Company may execute a document if that seal is fixed to the document and the fixing of that seal is witnessed by 2 Directors, a Director and a Secretary, or a Director and another person appointed by a resolution of the Directors for that purpose.
- 4.3 The Company may execute a document without a common seal if the document is signed by 2 Directors, a Director and a Secretary, or a Director and another person appointed by a resolution of the Directors for that purpose.
- 4.4 The Company may execute a document as a deed if the document is expressed to be executed as a deed and is executed in accordance with Clauses 4.2 or 4.3.
- 4.5 The Directors may resolve, generally or in a particular case, that any signature on certificates of Membership of the Company may be affixed by mechanical or other means.
- 4.6 Negotiable instruments may be signed, drawn, accepted, endorsed, or otherwise executed by or on behalf of the Company in the manner and by the persons as the Directors resolve.
- 4.7 The Directors may delegate any of their powers (including this power to delegate) to a committee of Directors, a Director, an employee of the Company, or any other person. The Directors may revoke or vary any power so delegated. A committee or delegate must exercise the powers delegated in accordance with any directions of the Directors. The exercise of a power by the committee or delegate is as effective as if the Directors exercised the power. Clauses 4.9 to 5.6 apply with the necessary changes to meetings of a committee of Directors.
- 4.8 The Directors may appoint any person to be attorney or agent of the Company for any purpose, for any period and on any terms (including as to remuneration) the Directors resolve. The Directors may delegate any of their powers (including the power to delegate) to an attorney or agent. The Directors may revoke or vary that appointment or any power delegated to an attorney or agent.
- 4.9 Any act done by a person as a Director or Secretary is effective even if the appointment of that person, or the continuance of that appointment, is invalid because the Company or that person did not comply with this Constitution or any provision of the Corporations Act. This Clause does not deal with the question whether an effective act by a person binds the Company in its dealings with other people or makes the Company liable to another person.

5. Meetings of directors

- 5.1 The Directors may pass a resolution without a meeting of the Directors being held if a document containing the resolution is sent to all Directors and a majority of the Directors entitled to vote on the resolution sign that document containing a statement that they are in favour of the resolution set out in the document. Separate copies of that document may be used for signing by Directors if the wording of the resolution and the statement is identical in each copy.
- 5.2 The Directors may meet, adjourn, and otherwise regulate their meetings as they think fit. A meeting of Directors may be held using any technology consented to by a majority of the Directors. A Director may only withdraw that consent within a reasonable period of time before the meeting. Any Director may call a meeting of Directors at any time. On request of any Director, a Secretary of the Company must call a meeting of the Directors.

- 5.3. Reasonable notice of a meeting of Directors must be given to each Director and Alternate Director.
- 5.4. A quorum for a meeting of Directors must be present at all times during the meeting. Subject to the Corporations Act, a quorum for a meeting of Directors is, if the Directors have fixed a number for the quorum, that number of Directors, and in any other case, 50% of Directors entitled to vote on a resolution that may be proposed at that meeting. In determining whether a quorum for a meeting of Directors is present:
- (a) where a Director has appointed an Alternate Director, that Alternate Director is counted if the appointing Director is not present;
 - (b) where a person is present as Director and an Alternate Director for another Director, that person is counted separately provided that there is at least one other Director or Alternate Director present; and
 - (c) where a person is present as an Alternate Director for more than one Director, that person is counted separately for each appointment provided that there is at least one other Director or Alternate Director present.
- 5.5. If there are not enough persons to form a quorum for a meeting of Directors, one or more of the Directors (including those who have an interest in a matter being considered at that meeting) may call a general meeting and the general meeting may pass a resolution to deal with the matter.
- 5.6. The Directors may appoint a Director to the office of chairperson of Directors for any period they resolve, or if no period is specified, until that person ceases to be a Director. The Directors may remove a Director from the office of chairperson of Directors at any time.
- 5.7. The chairperson of Directors must (if present within 5 minutes after the time appointed for the holding of the meeting and willing to act) chair each meeting of Directors. If there is no chairperson of Directors, or the chairperson of Directors is not present within 5 minutes after the time appointed for the holding of a meeting of Directors or is present within that time but is not willing to chair all or part of that meeting, then the Directors present must elect one of themselves to chair all or part of the meeting of Directors.
- 5.8. A resolution of Directors is passed if more votes are cast in favour of the resolution than against it. Subject to Clause 2.16 and this Clause, each Director has one vote on a matter arising at a meeting of the Directors. In determining the number of votes a Director has on a matter arising at a meeting of Directors:
- (a) where a person is present as Director and an Alternate Director for another Director, that person has one vote as a Director and, subject to Clause 2.11, one vote as an Alternate Director; and
 - (b) where a person is present as an Alternate Director for more than one Director, that person has, subject to Clause 2.11, one vote for each appointment.
- 5.9. Subject to the Corporations Act, in case of an equality of votes on a resolution at a meeting of Directors, the chairperson of that meeting has a casting vote on that resolution in addition to any vote the chairperson has in his capacity as a Director in respect of that resolution.

Commented [H4:10]: Amended quorum for a meeting of Directors from 4 Directors, to 50%.

6. Meetings of members

- 6.1. While the Company has only one Member, the Company may pass a resolution by that Member signing a record in writing of that resolution.
- 6.2. Subject to the Corporations Act, the Directors may call a meeting of Members. The Directors must call and arrange to hold a general meeting on the request of Members, and the Members may call and arrange to hold a general meeting, as provided by the Corporations Act.
- 6.3. The Company must hold an annual general meeting if required by, and in accordance with, the Corporations Act.

- 6.4. Subject to the Corporations Act, the Company must give not less than 21 days' notice of a meeting of Members. The Company may call an annual general meeting on shorter notice if all Members entitled to attend and vote at the annual general meeting agree beforehand. The Company may call a general meeting (not being an annual general meeting) on shorter notice if Members with at least 95% of the votes that may be cast at the meeting agree beforehand.
- 6.5. Notice of a meeting of Members must be given to each Member, each Director, each Alternate Director, and any auditor of the Company.
- 6.6. A notice of a meeting of Members must:
- (a) set out the place, date and time for the meeting (and if the meeting is to be held in 2 or more places, the technology that will be used to facilitate this);
 - (b) state the general nature of the business of the meeting; and
 - (c) set out or include any other information or documents specified by the Corporations Act.
- 6.7. Subject to the Corporations Act, anything done (including the passing of a resolution) at a meeting of Members is not invalid if either or both:
- (a) a person does not receive notice of the meeting; or
 - (b) the Company accidentally does not give notice of the meeting to a person.
- 6.8. A meeting of Members may be held in 2 or more places linked together by any technology that gives the Members as a whole in those places a reasonable opportunity to participate in proceedings, enables the chairperson to be aware of proceedings in each place, and enables the Members in each place to vote on a show of hands and on a poll.
- 6.9. Each Member and any auditor of the Company are entitled to attend any meetings of Members. Subject to this Constitution, each Director is entitled to attend and speak at all meetings of Members.
- 6.10. A quorum for a meeting of Members must be present at all times during the meeting. A quorum for a meeting of Members is 2 Members (or in the case of 1 Member, that member only) entitled to vote at that meeting. In determining whether a quorum for a meeting of Members is present:
- (a) where more than one proxy, attorney, or representative of a Member is present, only one of those persons is counted;
 - (b) where a person is present as a Member and as a proxy, attorney or representative of another Member, that person is counted separately for each appointment provided that there is at least one other Member present; and
 - (c) where a person is present as a proxy, attorney or representative for more than one Member, that person is counted separately for each appointment provided that there is at least one other Member present.
- 6.11. If a quorum is not present within 15 minutes after the time appointed for a meeting of Members:
- (a) if the meeting was called by the Directors at the request of Members or was called by the Members, the meeting is dissolved; and
 - (b) any other meeting is adjourned to the date, time, and place as the Directors may by notice to the Members appoint, or failing any appointment, to the same day in the next week at the same time and place as the meeting adjourned.
- 6.12. If a quorum is not present within 15 minutes after the time appointed for an adjourned meeting of Members, the meeting is dissolved.

- 6.13. The chairperson of Directors must (if present within 15 minutes after the time appointed for the holding of the meeting and willing to act) chair each meeting of Members. If at a meeting of Members, there is no chairperson of Directors, or the chairperson of Directors is not present within 15 minutes after the time appointed for the holding of a meeting of Members, or is present within that time but is not willing to chair all or part of that meeting, the Members present must elect another person present and willing to act to chair all or part of that meeting.
- 6.14. Subject to the Corporations Act, the chairperson of a meeting of Members is responsible for the general conduct of that meeting and for the procedures to be adopted at that meeting.
- 6.15. Subject to the Corporations Act, a resolution is passed if more votes are cast in favour of the resolution by Members entitled to vote on the resolution than against the resolution. Unless a poll is requested in accordance with Clauses 6.17 and 6.18, a resolution put to the vote at a meeting of Members must be decided on a show of hands.
- 6.16. A declaration by the chairperson of a meeting of Members that a resolution on a show of hands is passed, passed by a particular majority, or not passed, and a record of that declaration in the minutes of the meeting, is sufficient evidence of that fact, unless proved incorrect.
- 6.17. A poll may be demanded on any resolution at a meeting of Members. A poll may be demanded by at least 5 Members present and entitled to vote on that resolution, one or more Members present, and who are together entitled to at least 5% of the votes that may be cast on that resolution on a poll, or the chairperson of that meeting. A poll may be demanded before a vote on that resolution is taken, or before or immediately after the results of the vote on that resolution on a show of hands are declared. A demand for a poll may be withdrawn.
- 6.18. A poll demanded on a resolution at a meeting of Members for the election of a chairperson of that meeting or the adjournment of that meeting must be taken immediately. A poll demanded on any other resolution must be taken in the manner and at the time and place the chairperson directs. The result of a poll demanded on a resolution of a meeting of Members is a resolution of that meeting. A demand for a poll on a resolution of a meeting of Members does not prevent the continuance of that meeting or that meeting dealing with any other business.
- 6.19. Subject to the Corporations Act, the chairperson may adjourn a meeting of Members to any day, time, and place, and must adjourn a meeting of Members if the Members present with a majority of votes that may be cast at that meeting agree or direct the chairperson to do so. The chairperson may adjourn that meeting to any day, time, and place. The Company is only required to give notice of a meeting of Members resumed from an adjourned meeting if the period of adjournment exceeds 21 days. Only business left unfinished is to be transacted at a meeting of Members resumed after an adjournment.
- 6.20. Subject to the Corporations Act, the Directors may at any time postpone or cancel a meeting of Members by giving notice not less than 5 Business Days before the time at which the meeting was to be held to each person who is, at the date of the notice a Member, a Director or Alternate Director, or auditor of the Company. A general meeting called by the Directors at the request of Members or called by the Members must not be cancelled by the Directors without the consent of the Members who requested or called the meeting.
- 6.21. Subject to this Constitution and any rights or restrictions attached to a class of Membership, at a meeting of Members, every Member present has one vote on a show of hands and on a poll.
- 6.22. In the case of an equality of votes on a resolution at a meeting of Members, the chairperson of that meeting does not have a casting vote on that resolution either on a show of hands or on a poll.

- 6.23. A Member present at a meeting of Members is not entitled to vote on any resolution if any fees or any other amount due and payable by that Member to the Company under this Constitution have not been paid, or where that vote is prohibited by the Corporations Act or an order of a court of competent jurisdiction. The Company must disregard any vote on a resolution purported to be cast by a Member present at a meeting of Members where that person is not entitled to vote on that resolution.
- 6.24. The authority of a proxy or attorney for a Member to speak or vote at a meeting of Members is suspended while the Member is present in person at that meeting.
- 6.25. An objection to the qualification of any person to vote at a meeting of Members may only be made at that meeting (or any resumed meeting if that meeting is adjourned), to the chairperson of that meeting. Any objection must be decided by the chairperson of the meeting of Members, whose decision, made in good faith, is final and conclusive.
- 6.26. A Member, who is entitled to attend and cast a vote at a meeting of Members, may vote on a show of hands and on a poll:
- (a) in person or, if the Member is a body corporate, by its representative appointed in accordance with the Corporations Act; or
 - (b) by not more than one proxy or by not more than one attorney.
- 6.27. A proxy, attorney, or representative of a Member need not be a Member. A Member may appoint a proxy, attorney, or representative for all or any number of meetings of Members, or a particular meeting of Members.
- 6.28. An instrument appointing an attorney or representative must be in a form as the Directors may prescribe or accept. An instrument appointing a proxy is valid if it is signed by the Member making the appointment and contains the name and address of that Member, the name of the Company, the name of the proxy or the name of the office of the proxy, and the meetings of Members at which the proxy may be used. The chairperson of a meeting of Members may determine that an instrument appointing a proxy is valid even if it contains only some of this information.
- 6.29. Subject to the Corporations Act, the decision of the chairperson of a meeting of Members as to the validity of an instrument appointing a proxy, attorney or representative is final and conclusive.
- 6.30. If the name of the proxy or the name of the office of the proxy in a proxy form of a Member is not filled in, the proxy of that Member is the person specified by the Company in the form of proxy in the case the Member does not choose, or if no person is so specified, the chairperson of that meeting.
- 6.31. A Member may specify the manner in which a proxy or attorney is to vote on a particular resolution at a meeting of Members. The appointment of a proxy or attorney by a Member may specify the proportion or number of the Member's votes that the proxy or attorney may exercise.
- 6.32. Unless otherwise provided in the Corporations Act or in the appointment, a proxy or attorney may demand or join in demanding a poll on any resolution at a meeting of Members on which the proxy or attorney may vote.
- 6.33. An appointment of proxy or attorney for a meeting of Members is effective only if the Company receives the appointment (and any authority under which the appointment was signed or a certified copy of the authority) before the time scheduled for commencement of that meeting (or any adjournment of that meeting).
- 6.34. Unless the Company has received notice in writing of the matter before the time scheduled for the commencement of a meeting of Members, a vote cast at that meeting by a person appointed by a Member as a proxy, attorney or representative is, subject to this Constitution, valid even if, before the person votes there is a Transmission Event in respect of that Member, that Member revokes the appointment of that person or that Member revokes the authority under which the person was appointed by a third party.

7. Members

- 7.1. Any person is eligible to apply to become a Member. Each applicant to become a Member must sign and deliver to the Company an application in the form which the Directors determine and pay any initial fee which the Directors determine. The Directors determine whether an applicant may become a Member. The Directors are not required to give any reason for the rejection of any application to become a Member.
- 7.2. If an application to become a Member is accepted, the Company must give written notice of the acceptance to the applicant and enter the applicant's name in the Register. If an application to become a Member is rejected, the Company must give written notice of the rejection to the applicant and refund in full the fee (if any) paid by the applicant.
- 7.3. The rights of being a Member are not transferable whether by operation of law or otherwise.
- 7.4. A person will cease to be a Member if the Member resigns in accordance with Clause 7.5, if the Member is expelled under Clause 7.6 or Clause 7.7 or if a Cessation Event occurs in respect of that Member. The estate of a deceased Member is not released from any liability in respect of that person being a Member.
- 7.5. A Member may resign as a Member by giving the Company notice in writing. Unless the notice provides otherwise, a resignation by a Member takes effect immediately on the giving of that notice to the Company.
- 7.6. Subject to Clause 7.6, the Directors may resolve to expel a Member if:
 - (a) an Expulsion Event occurs in respect of the Member; and
 - (b) the Company gives that Member at least 10 Business Days' notice in writing stating the Expulsion Event and that the Member is liable to be expelled and informing the Member of its right under Clause 7.8.
- 7.7. The Directors may resolve to expel a Member if the Member does not pay a fee payable by the Member pursuant to this Constitution within 20 Business Days after the due date for its payment.
- 7.8. Before the passing of any resolution under Clause 7.6, a Member is entitled to give the Directors, either orally or in writing, any explanation or defence of the Expulsion Event the Member may think fit.
- 7.9. Where a resolution is passed under Clause 7.6 or 7.7, the Company must give that Member notice in writing of the expulsion within 10 Business Days of the resolution.
- 7.10. A Member may by notice in writing to the Company within 10 Business Days of receipt of the notice referred to in Clause 7.9 request that a resolution under Clause 7.6 be reviewed by the Company at the next general meeting. If such a request is made, the Directors must propose at the next general meeting of the Company that a resolution be moved to confirm the expulsion of the Member concerned.
- 7.11. A resolution under Clause 7.6 takes effect:
 - (a) if the Member gives a notice under Clause 7.10, the date (if any) the resolution is confirmed by a general meeting of the Company; or
 - (b) if the Member does not give a notice under Clause 7.10, the date of the resolution.
- 7.12. A resolution under Clause 7.7 takes effect on the date of the resolution.
- 7.13. The Directors may reinstate an expelled Member on any terms and at any time as the Directors resolve, including a requirement that all amounts due but unpaid by the expelled Member are paid.

7.14. Subject to the Corporations Act and the terms of a particular class of Membership, the Company may vary or cancel rights attached to being a Member of that class, or convert a Member from one class to another, by special resolution of the Company and either:

- (a) a special resolution passed at a meeting of the Members included in that class; or
- (b) the written consent of Members who are entitled to at least 75% of the votes that may be cast in respect of Membership of that class.

The provisions in this Constitution concerning meetings of Members (with the necessary changes) apply to a meeting held under Clause 97.14 (a).

7.15. The Company may issue to each Member, free of charge, one certificate evidencing that person as a Member.

7.16. The Company may issue a replacement certificate of being a Member if the Company receives and cancels the existing certificate, or the Company is satisfied that the existing certificate is lost or destroyed, and the Member pays any fee as the Directors resolve.

8. Fees

8.1. The Directors may require the payment of fees or levies by Members in the amounts and at the times as the Directors resolve. The Directors may make fees payable for one or more Members for different amounts and at different times, and subject to the terms of Membership payable by instalments. The Directors may revoke or postpone fees or extend the time for payment of fees.

8.2. The Company must give Members at least 10 Business Days' notice of fees payable by Members. A notice of fees must be in writing and specify the amount of the fee, and the time and place of payment of the fee. A fee is not invalid if a Member does not receive notice of the fee.

8.3. A Member must pay to the Company the amount of each fee made on the Member at the times and places specified in the notice of the fee. If a fee is payable in one or more fixed amounts on one or more fixed dates, the Member must pay to the Company those amounts on those dates.

8.4. A Member must pay to the Company interest at the rate of 10% per annum on any amount referred to in Clause 8.3 which is not paid on or before the time appointed for its payment, from the time appointed for payment to the time of the actual payment, and expenses incurred by the Company because of the failure to pay or late payment of that amount. The Directors may waive payment of all or any part of an amount payable under this Clause 8.4.

8.5. The Company may recover an amount due and payable under Clauses 8.3 and 8.4 from a Member by commencing legal action against the Member for all or part of the amount due.

8.6. The debt due in respect of an amount payable under Clauses 8.3 and 8.4 is sufficiently proved by evidence that the name of the Member sued is entered in the Register and there is a record in the minute books of the Company of the resolution requiring payment of the fee or the fixed amount referred to in Clause 8.3.

8.7. The Company may accept from any Member all or any part of fees payable before that amount is due and payable. The Company may pay interest at any rate the Directors resolve on the amount paid before it is due and payable (from the date of payment until and including the date the amount becomes actually payable) and the Company may repay the amount so paid to that Member.

9. Notices and payments

- 9.1. The Company may give notice to a Member in person, by sending it by post to the address of the Member in the Register or the alternative address (if any) nominated by that Member, or by sending it to the fax number or electronic address (if any) nominated by that Member.
- 9.2. A notice of meeting sent by post to an address within Australia is taken to be given one Business Day after it is posted, or where to an address outside Australia, is taken to be given 5 Business Days after it is posted. Any other notice sent by post is taken to be given at the time of which the notice would be delivered in the ordinary course of post. A notice sent by fax is taken to be given on the Business Day it is sent, provided that the sender's transmission report shows that the whole notice was sent to the correct faxnumber.
- 9.3. The giving of a notice by post is sufficiently proved by evidence that the notice was addressed to the correct address of the recipient and was placed in the post.
- 9.4. The Directors may decide, generally or in a particular case, that a notice given by the Company be signed by mechanical or other means.
- 9.5. The Company may pay a person entitled to an amount payable in respect of Membership by crediting an account nominated in writing by that person, by cheque made payable to bearer, to the person entitled to the amount or any other person the person entitled directs in writing, or by any other manner as the Directors resolve. The Company may post a cheque under this Clause to the address in the Register of the Member or to any other address which that person directs in writing.

10. Records

- 10.1. The Company must keep minute books in which it records within one month:
- (a) proceedings and resolutions of meetings of Members,
 - (b) proceedings and resolutions of meetings of the Directors (including meetings of committees of Directors),
 - (c) resolutions passed by Members without a meeting; and
 - (d) resolutions passed by the Directors without a meeting.
- 10.2. The Company must ensure that minutes of a meeting are signed within a reasonable time after the meeting by the chairperson of that meeting or the chairperson of the next meeting. The Company must ensure that minutes of the passing of a resolution without a meeting are signed by a Director within a reasonable time after that resolution is passed. A minute recorded and signed in accordance with this Clause is evidence of the proceeding or resolution to which it relates, unless the contrary is proved.
- 10.3. The Company must establish and administer the Register in accordance with the Corporations Act. The Company may establish and administer a branch register of Members in accordance with the Corporations Act. The Company must allow inspection of the Register only as required by the Corporations Act. Unless proved incorrect, the Register is sufficient evidence of the matters shown in the Register.
- 10.4. The Company must keep the financial records required by the Corporations Act.
- 10.5. Unless authorised by a resolution of Directors or the Corporations Act, a Member is not entitled to inspect the books of the Company.

11. Accounts

- 11.1. The Board shall cause proper accounting and other records to be kept and shall distribute copies of every profit and loss account and balance sheet (including every document required by law to be attached thereto) accompanied by a copy of the Auditors report as required by the Law to every member.
- 11.2. The Board shall cause to be made out and laid before each Annual General Meeting a balance sheet and profit and loss account made up to the end of the Company's financial year but in no case shall that date be more than five months before the date of the meeting.
- 11.3. The Board shall from time to time determine at what times and places and under what conditions or regulations the accounting and other records of the Company shall be open to the inspection of members provided that all members shall have reasonable opportunity to inspect those records.

12. Audit

A properly qualified Auditor or Auditors shall be appointed by the Board and his or her duties will be regulated in accordance with the Law.

13. Winding up

- 13.1. On a winding up of the Company, the Members must determine one or more companies, associations or institutions whose constitution:
- (a) requires it to pursue only objects similar to those in Clause 1.2 and to apply its income in promoting those objects;
 - (b) prohibits it from making distributions to its members to at least the same extent as in Clause 1.3; and
 - (c) if a company, prohibits it from paying fees to its directors and requires its directors to approve all other payments the company makes to its directors,
- to whom the liquidator must give or transfer any surplus on winding up.
- 13.2. If the Members fail to make a determination under Clause 11.1 within 20 Business Days of the winding up of the Company, the liquidator must make an application to the Supreme Court in the jurisdiction the Company is taken to be registered to make that determination.

The following person(s), being the person(s) who consented to become a subscriber of the Company in the application for the registration of the Company, agree to the terms of this Constitution.

Name	Signature
------	-----------

(original signed by Glenn Patterson – copy overleaf)

Baw Baw Shire Council

(Original) DATE: 16th day of May 2008
(Original overleaf)

Copy of original signature page

(previously Clause 115) as signed by Glenn Patterson, CEO Baw Baw Shire Council

Winding up

115. On a winding up of the Company, the Members must determine one or more companies, associations or institutions whose constitution:
- (a) requires it to pursue only objects similar to those in Clause 2 and to apply its income in promoting those objects;
 - (b) prohibits it from making distributions to its members to at least the same extent as in Clause 3; and
 - (c) if a company, prohibits it from paying fees to its directors and requires its directors to approve all other payments the company makes to its directors,
- to whom the liquidator must give or transfer any surplus on winding up.
116. If the Members fail to make a determination under Clause 115 within 20 Business Days of the winding up of the Company, the liquidator must make an application to the Supreme Court in the jurisdiction the Company is taken to be registered to make that determination.

The following person(s), being the person(s) who consented to become a subscriber of the Company in the application for the registration of the Company, agree to the terms of this Constitution:

Name	Glenn Patterson	Signature	
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Baw Baw Shire Council

DATE: 16th day of May 2008.



Helen Rose
Company Secretary
30.4.2020



C2 - REPORT

GENERAL MANAGER CORPORATE SERVICES

ITEM C2.1**ASSEMBLY OF COUNCILLORS**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 2 JUNE 2020

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

OBJECTIVE

To report on all assembly of Councillor records received for the period 14 May 2020 to 27 May 2020.

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

That Council note and receive the attached Assembly of Councillor records for the period 14 May 2020 to 27 May 2020.

BACKGROUND

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

Below is a summary of all assembly of Councillor records received for the period 14 May 2020 to 27 May 2020.

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 14 May 2020 to 27 May 2020.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

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

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3

"Maintain a well governed, transparent, high performing, ethical and accountable organisation."

Strategy 6.3.3

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

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

ASSEMBLY OF COUNCILLORS – 19 May 2020

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
IT / Diary Meeting	Cr Bye	Yes	Cr Ripper	Yes	N/A
	Cr Crossley	Yes	Cr Rossetti	Yes	N/A
	Cr Hall	Yes	Cr Stephens	Yes	N/A
	Cr Hole	Yes	David Morcom, CEO	Yes	N/A
	Cr McCubbin	Yes	Viktoria Pope, EA CEO	Yes	N/A
	Cr Maher	Yes	Damian Norkus, ICT Operations Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
Workshops	Cr Bye	Yes	Cr Rossetti	Yes	
	Cr Crossley	Yes	Cr Stephens	Yes	
	Cr Hall	Yes	David Morcom, CEO	Yes	
	Cr Hole	Yes	Arthur Skipitaris, GM Corporate Services	Yes	
	Cr McCubbin	Yes	Sharon Houlihan, GM Community & Culture	Yes	
	Cr Maher	Yes	Chris Hastie, GM Built & Natural Environment	Yes	
	Cr Ripper	Yes	Brent McAlister, GM Development	Yes	

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)	SUMMARY & ACTION ITEMS
Workshops (cont.)	<ul style="list-style-type: none"> BRIEF UPDATES <ul style="list-style-type: none"> FUNDING FOR PEST AND WEEDS UPDATE BUDGET SUBMISSION OPTIONS PARKING LIMITS – MAFFRA STREETSCAPE 	<ul style="list-style-type: none"> Tim Rowe, Manager Natural Environment and Parks Joanna Rule, Sustainability Projects Officer Arthur Skipitaris, General Manager Corporate Services Chris Hastie, General Manager Built and Natural Environment <i>Conflict of Interest: Nil</i>	Councillors noted & agreed with updates. Action: N/A
	1. SMART PLANNING AND PLANNING IN THE ECONOMIC GROWTH ZONE UPDATE	<ul style="list-style-type: none"> Joshua Clydesdale, Manager Land Use Planning Barry Hearsey, Coordinator Strategic Planning Ben Proctor, Strategic Planner Caragh Button, Strategic Planner <i>Conflict of Interest: Nil</i>	Councillors noted & agreed with updates Action: N/A
	2. MEET AND GREET: INSPECTOR CRAIG GAFFEE OF SALE POLICE STATION VERBAL ONLY	<ul style="list-style-type: none"> Inspector Craig Gaffee, Sale Police (external) <i>Conflict of Interest: Nil</i>	Councillors noted & agreed with updates Action: N/A
	3. TAFE GIPPSLAND	<ul style="list-style-type: none"> Grant Radford, CEO Tafe Gippsland <i>Conflict of Interest: Nil</i>	Councillors noted & agreed with updates Action: N/A
	4. DEVELOPMENT DIVISION UPDATE: PLANNING, BUILDING & BUSINESS DEVELOPMENT	<ul style="list-style-type: none"> Joshua Clydesdale, Manager Land Use Planning Paul Johnson, Manager Business Development Vanessa Ebsworth, Manager Municipal Services Barry Nicholl, Municipal Building Surveyor Coordinator John Traa, Coordinator Statutory Planning Daniel Gall, Coordinator Commercial Property <i>Conflict of Interest: Nil</i>	Councillors noted & agreed with updates Action: N/A

	5. LISTENING TOUR, STOCKTAKE AND STRATEGIC PRIORITIES	<ul style="list-style-type: none"> • Brent McAlister, General Manager Development • Joshua Clydesdale, Manager Land Use Planning • Barry Hearsey, Coordinator Strategic Planning • <i>Conflict of Interest: Nil</i> 	Councillors noted & agreed with updates Action: N/A
	6. CAMERON STADIUM REDEVELOPMENT UPDATE	<ul style="list-style-type: none"> • Sam Matthews, Senior Community Facilities Projects Officer • <i>Conflict of Interest: Nil</i> 	Councillors noted & agreed with updates Action: N/A
	7. COMMUNITY FACILITIES: OPERATING SUBSIDY CALCULATIONS	<ul style="list-style-type: none"> • Bodye Darvill, Acting Manager Community Wellbeing • Lisa Lyndon, Community Committees Officer • <i>Conflict of Interest: Nil</i> 	Councillors noted & agreed with updates Action: N/A
	8. GLGN / ONE GIPPSLAND VERBAL ONLY	<ul style="list-style-type: none"> • David Morcom, Chief Executive Officer • <i>Conflict of Interest: Nil</i> 	Councillors noted & agreed with updates Action: N/A



C3 - REPORT

GENERAL MANAGER DEVELOPMENT

ITEM C3.1**MONTHLY PLANNING DECISIONS (MARCH 2020)**

DIVISION: DEVELOPMENT

ACTION OFFICER: MANAGER LAND USE PLANNING

DATE: 2 JUNE 2020

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

OBJECTIVE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of March 2020.

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

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 March and 31 March 2020.

BACKGROUND

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

A copy of planning permit decisions made between 1 March and 31 March 2020 is included in Attachment March 2020 Planning Decisions Report.

Attachment March 2020 Planning Trends Report provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly planning permit activity reporting data).

OPTIONS

Council has the following options available:

1. Receive the March 2020 planning decisions report; or
2. Not receive the March 2020 planning decisions report and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report of recent planning permit trends and planning application determinations between 1 March and 31 March 2020.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

These works form part of the adopted 2020/21 Capital Works Program.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the Victorian *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.2: *"Ensure that community facilities within the municipality continue to meet the expectations and service needs of all current and future residents."*

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

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

The construction of these works will produce a positive community impact with new female change rooms and netball change rooms for the Stratford Recreation Reserve.

ENVIRONMENTAL IMPACT

The proposed works will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored

ENGAGEMENT IMPACT

This project has been developed in consultation with the Committee of Management who have endorsed the proposed works. Wellington Shire Council's standard consultation practices will be implemented during this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All OH&S risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.

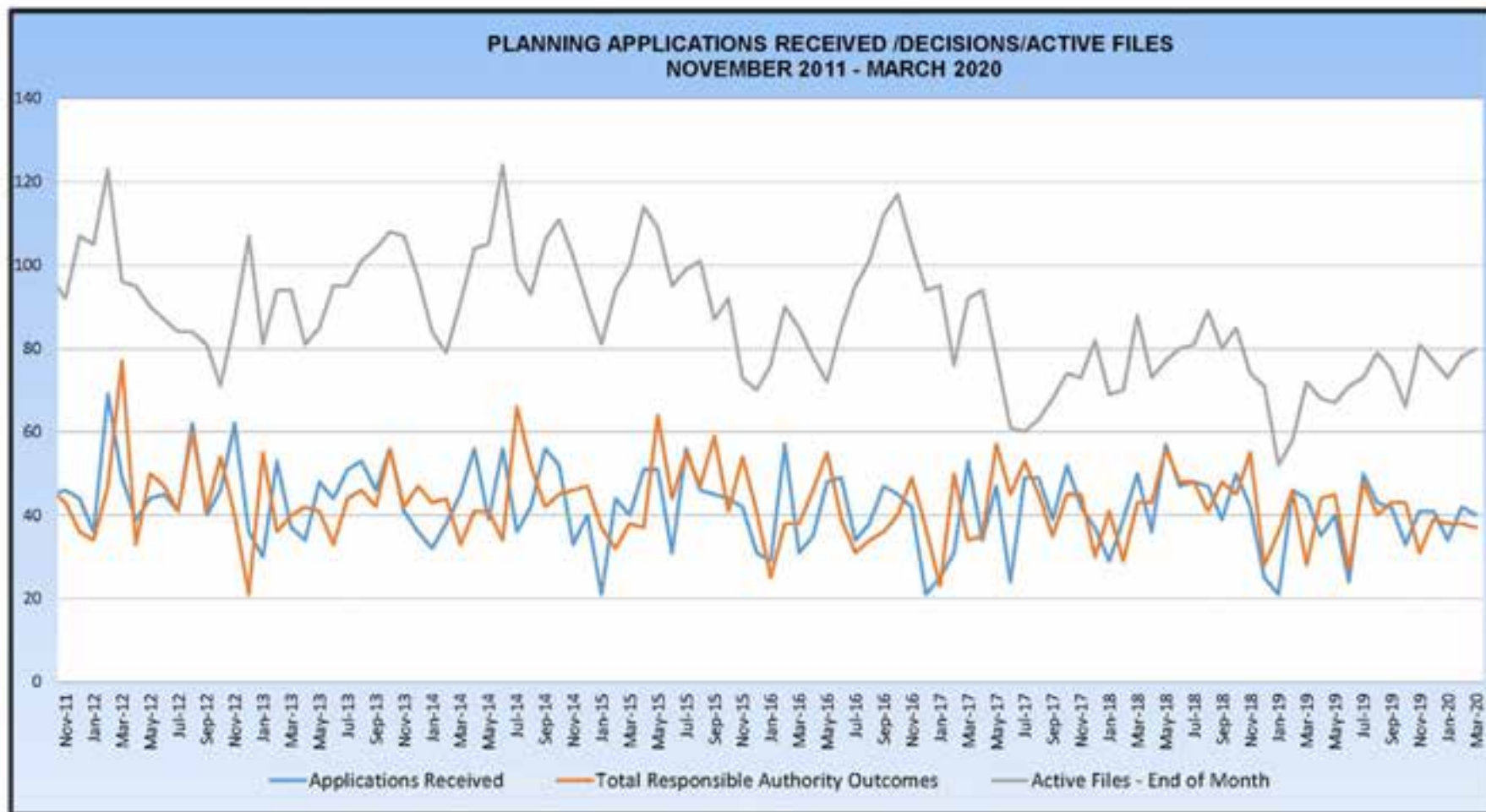
**PLANNING APPLICATION DETERMINATIONS
BETWEEN 1/03/2020 AND 31/03/2020**

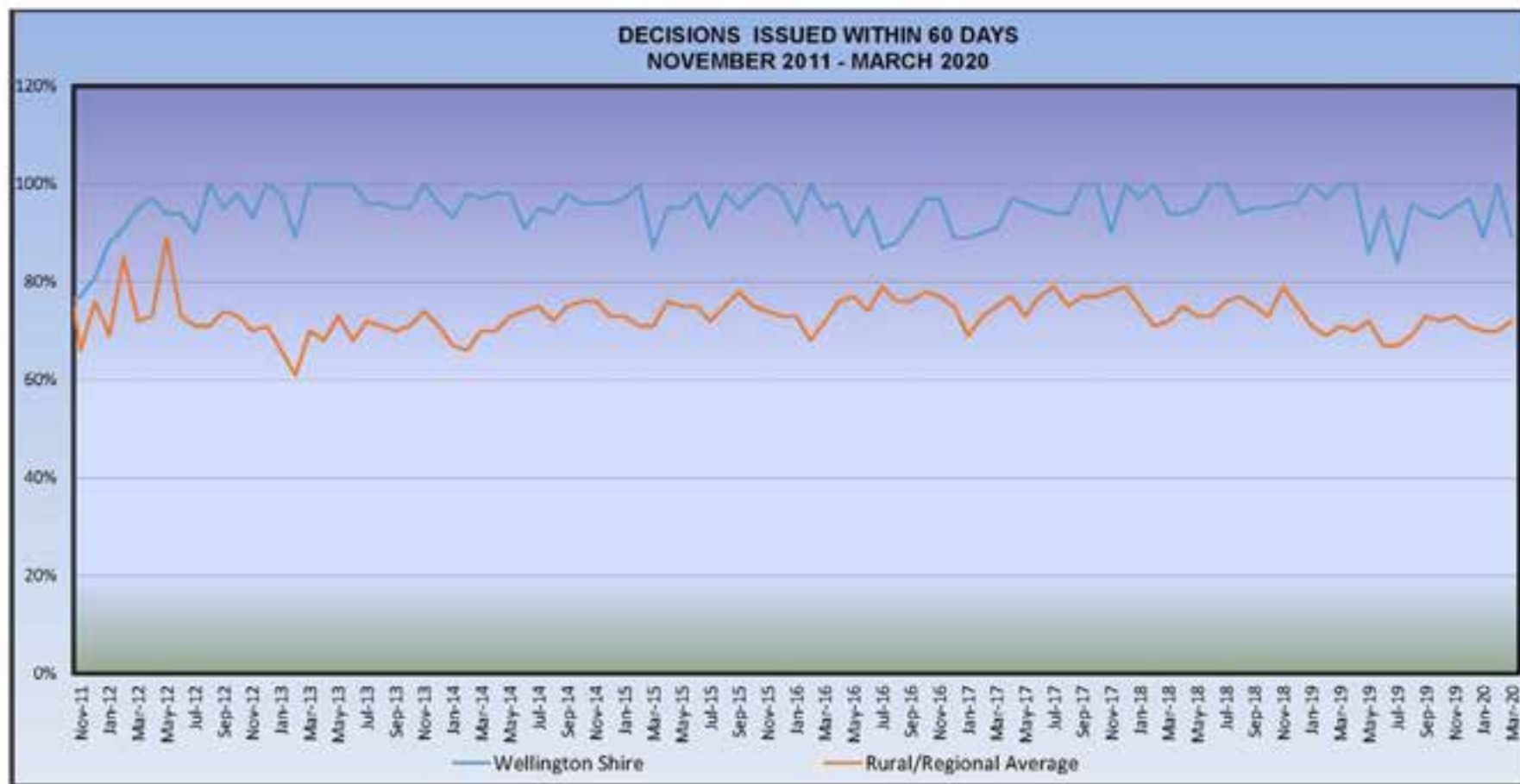
Application No/Year	Date Received	Property Title & Address	Proposal	Status
204-1.00/2019	8/07/2019	Assessment No. 110023 CA: 32 CAIRNBROOK RD TOONGABBIE	Use and development of the land for a Broiler Farm & Resubdivision.	Permit Issued by Delegate of Resp/Auth 11/03/2020
245-1.00/2019	8/08/2019	Assessment No. 184028 LOT: 225 LP: 82059 2,389 SHORELINE DR THE HONEYSUCKLES	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 3/03/2020
302-1.00/2019	18/09/2019	Assessment No. 80945 UNT. 4 CS: 1714G 450 AERODROME RD EAST SALE	Re-subdivision of 5 lots to create 5 new lots.	Permit Issued by Delegate of Resp/Auth 26/03/2020
312-1.00/2019	30/09/2019	Assessment No. 438523 LOT: 2 TP: 1527Q 295-99 PRINCE ST ROSEDALE	Display of a promotion sign.	Permit Issued by Delegate of Resp/Auth 31/03/2020
321-1.00/2019	9/10/2019	Assessment No. 323329 LOT: 33 PS: 6270 76 TYSON RD HEYFIELD	Staged subdivision of the land (27 Lots).	NOD issued by Delegate of Resp/Auth 20/03/2020
333-1.00/2019	17/10/2019	Assessment No. 290585 PTP: 1 TP: 619834K 219 COMMERCIAL RD YARRAM	Liquor Licence (restaurant and cafe licence) food and drink premise.	Withdrawn 10/03/2020
340-1.00/2019	29/10/2019	Assessment No. 76471 CA: 10 SEC: 16 38 MCFARLANE ST STRATFORD	Subdivision of the land into five lots.	Permit Issued by Delegate of Resp/Auth 31/03/2020
367-1.00/2019	18/11/2019	Assessment No. 7781 LOT: 2 LP: 41531 3 MCCOLE ST SALE	Buildings & works/construction of Community Care Accommodation.	Permit Issued by Delegate of Resp/Auth 3/03/2020
371-1.00/2019	21/11/2019	Assessment No. 227843 LOT: 2823 LP: 70945 8 CHRISTOPHER CT LOCH SPORT	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth 2/03/2020
7-1.00/2020	10/01/2020	Assessment No. 438366 LOT: 178 LP: 44537 2 CAMPBELL ST LOCH SPORT	Buildings and works associated with construction of a shed.	Permit Issued by Delegate of Resp/Auth 13/03/2020
10-1.00/2020	13/01/2020	Assessment No. 218958 LOT: 1 TP: 198446L 8 MOONRISE RD GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 23/03/2020

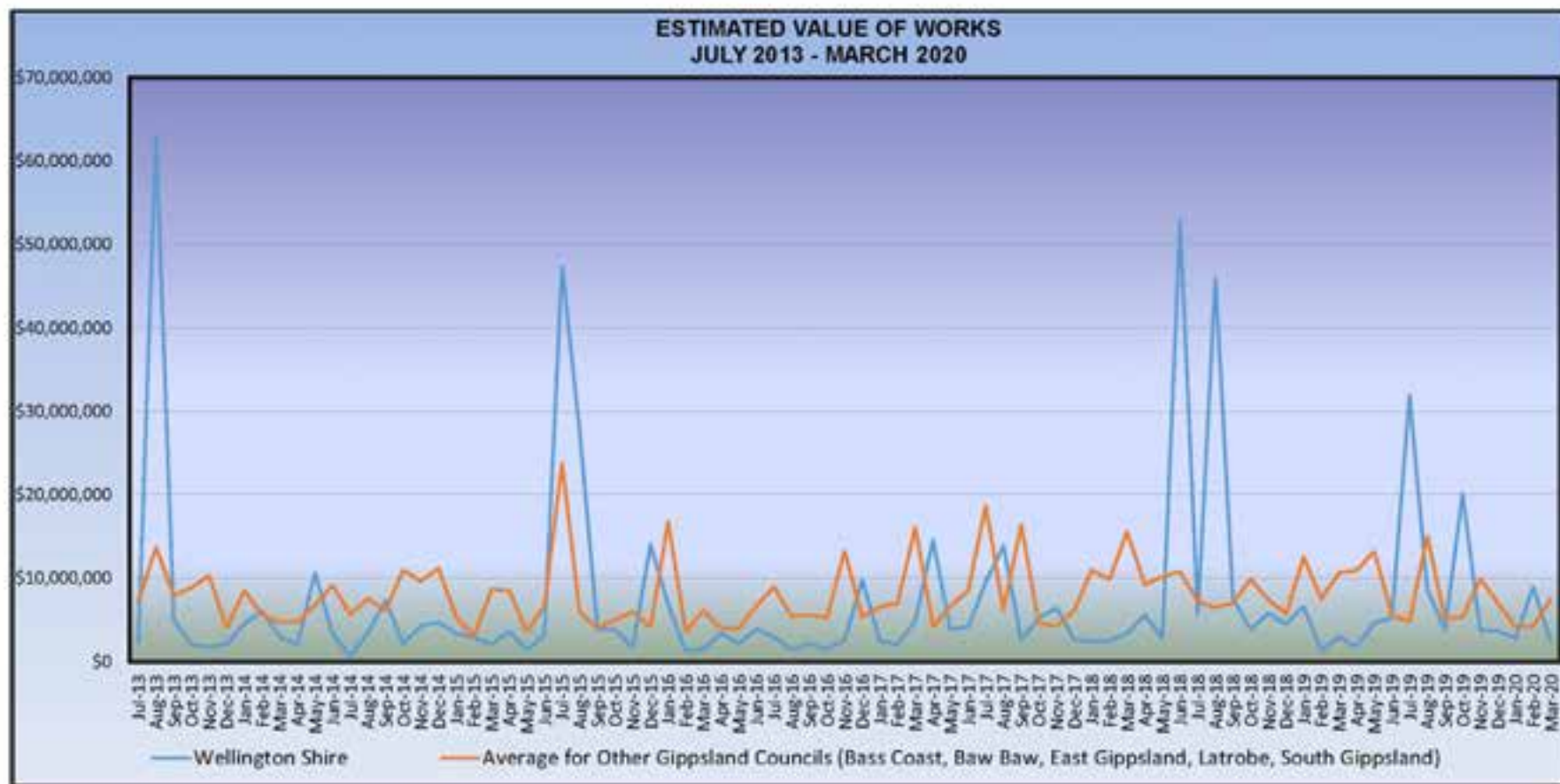
Application No/Year	Date Received	Property Title & Address	Proposal	Status
11-1.00/2020	14/01/2020	Assessment No. 219055 LOT: 1 TP: 142284B 55 BEACHCOMBER RD GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 11/03/2020
12-1.00/2020	14/01/2020	Assessment No. 420851 LOT: 2 PS: 700410D 1,971 TARRA VALLEY RD TARRA VALLEY	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 25/03/2020
13-1.00/2020	15/01/2020	Assessment No. 280727 LOT: 15 PS: 51853 85 MCLOUGHLINS RD MCLOUGHLINS BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 20/03/2020
15-1.00/2020	17/01/2020	Assessment No. 277483 LOT: 10 BLK: 13 LP: 3222 4 NELSON ST PORT ALBERT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 23/03/2020
27-1.00/2020	28/01/2020	Assessment No. 398156 LOT: 2 TP: 173210H ROSEDALE-LONGFORD RD ROSEDALE	Use and development of a dwelling.	Withdrawn 4/03/2020
34-1.00/2020	4/02/2020	Assessment No. 388553 LOT: 2 LP: 2432 87 ORR ST ALBERTON	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 5/03/2020
36-1.00/2020	5/02/2020	Assessment No. 16683 LOT: 1 LP: 142088 242-244 YORK ST SALE	Buildings and works associated with construction of a storage shed.	Permit Issued by Delegate of Resp/Auth 6/03/2020
57-1.00/2020	20/02/2020	Assessment No. 190520 CA: 6 SEC: 14 31-33 KING ST ROSEDALE	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 20/03/2020
59-1.00/2020	24/02/2020	Assessment No. 271791 PC: 150375 21 NAPIER RD WON WRON	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 2/03/2020
64-1.00/2020	26/02/2020	Assessment No. 382739 LOT: 1 TP: 242016 4,706 HYLAND HWY WON WRON	Buildings and works associated with installation of a watertank.	Permit Issued by Delegate of Resp/Auth 5/03/2020
65-1.00/2020	26/02/2020	Assessment No. 445197 LOT: 1 PS: 728215U 52-54 MACKAY ST ROSEDALE	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 27/03/2020
66-1.00/2020	26/02/2020	Assessment No. 220889 PC: 354902V 73 MERIDAN RD GOLDEN BEACH	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth 2/03/2020

Application No/Year	Date Received	Property Title & Address	Proposal	Status
69-1.00/2020	27/02/2020	Assessment No. 363937 LOT: 2 LP: 139313 54 RAUTMANS RD NEWRY	Buildings & works associated with extension to existing dwelling.	Permit issued by Delegate of Resp/Auth 5/03/2020
71-1.00/2020	27/02/2020	Assessment No. 234419 LOT: 1159 LP: 54791 7 LE GRAND CT LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit issued by Delegate of Resp/Auth 3/03/2020
74-1.00/2020	2/03/2020	Assessment No. 220210 LOT: 977 LP: 52648 49 SEA BREEZE AVE GOLDEN BEACH	Buildings & works associated with construction of an outbuilding.	Permit issued by Delegate of Resp/Auth 13/03/2020
76-1.00/2020	2/03/2020	Assessment No. 344325 LOT: 1 TP: 678359F 252 BREWERS HILL RD MAFFRA	Buildings & works associated with construction of a shed.	Permit issued by Delegate of Resp/Auth 4/03/2020
78-1.00/2020	4/03/2020	Assessment No. 186981 LOT: 4 BLK: B LP: 8478 43 MCLACHLAN ST THE HONEYSUCKLES	Buildings and works associated with construction of a water tank.	Permit issued by Delegate of Resp/Auth 10/03/2020
80-1.00/2020	5/03/2020	Assessment No. 237933 LOT: 1651 LP: 58872 173 NATIONAL PARK RD LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit issued by Delegate of Resp/Auth 18/03/2020
82-1.00/2020	10/03/2020	Assessment No. 390104 CA: 3A SEC: C 3,877 SOUTH GIPPSLAND OFFROAD WEST	Buildings and works associated with alterations to existing building.	Permit issued by Delegate of Resp/Auth 11/03/2020
83-1.00/2020	12/03/2020	Assessment No. 48843 PC: 373278T 104-110 STEVENS ST SALE	Buildings and works associated with construction of a dwelling.	Permit issued by Delegate of Resp/Auth 19/03/2020
86-1.00/2020	16/03/2020	Assessment No. 279729 LOT: 8 PS: 16485 10 PRINCES ST ROBERTSONS BEACH	Buildings and works associated with construction of an outbuilding.	Permit issued by Delegate of Resp/Auth 24/03/2020
90-1.00/2020	19/03/2020	Assessment No. 223560 LOT: 1278 LP: 58872 32 BANKSIA ST LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit issued by Delegate of Resp/Auth 23/03/2020
92-1.00/2020	20/03/2020	Assessment No. 323493 LOT: 2 PS: 534191M 14-16 LICOLA RD HEYFIELD	Buildings and works associated with the construction of a gazebo.	Permit issued by Delegate of Resp/Auth 24/03/2020
95-1.00/2020	23/03/2020	Assessment No. 81984 LOT: 1 PS: 139636 472 BENGWORDEN RD COBAINS	Buildings & works associated with extension to existing dwelling.	Withdrawn 25/03/2020

Application No/Year	Date Received	Property Title & Address	Proposal	Status
96-1.00/2020	24/03/2020	Assessment No. 397307 LOT: 1 TP: 854771 DARGO RD DARGO	Resubdivision of two lots to create two new lots.	No Permit Required 31/03/2020
97-1.00/2020	24/03/2020	Assessment No. 11775 PTL: 4 PS: 342640D 268-270 RAYMOND ST SALE	Buildings and works associated with a shop.	Permit Issued by Delegate of Resp/Auth 30/03/2020
Total No of Decisions Made: 37				







ITEM C3.2**AMENDMENT C109 - PLANNING IN ECONOMIC GROWTH ZONE / PLANNING POLICY FRAMEWORK IMPLEMENTATION**

DIVISION: DEVELOPMENT
ACTION OFFICER: MANAGER LAND USE PLANNING
DATE: 2 JUNE 2020

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

OBJECTIVE

To request the Minister for Planning to authorise Council, in its capacity as the Planning Authority for the Wellington Planning Scheme, to prepare Amendment C109 – Planning in the Economic Growth Zone and Planning Policy Framework Implementation.

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

That Council, pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council as the Planning Authority to prepare Amendment C109 to the Wellington Planning Scheme as outlined in the Attachment 'Planning Scheme Amendment Documentation'.

BACKGROUND

Following the closure of the Hazelwood Mine in the Latrobe Valley in October 2016, a three-year State Government funded initiative called 'Planning in the Economic Growth Zone' (PEGZ) was established. PEGZ seeks to improve the planning system and ensure that development and investment can progress in a streamlined manner with greater certainty across the Latrobe Valley. The PEGZ Councils include Wellington Shire, Latrobe City and Baw Baw Shire.

The State Government's Victoria-wide 'Smart Planning' program has also been running concurrently with the PEGZ initiative. Smart Planning aims to reform Victoria's planning regulations to make the planning system more efficient, accessible and transparent.

The Smart Planning program will result in a new streamlined Planning Policy Framework (PPF), which integrates State, regional and local planning policy into a more succinct and consistent structure.

The recommendations of both the PEGZ initiative and changes arising from the Smart Planning program will culminate in a substantially revised and restructured version of the existing Wellington Planning Scheme (Planning Scheme). These changes will be implemented via Planning Scheme Amendment C109.

What the Amendment does:

The Amendment replaces the ‘Municipal Strategic Statement’ (MSS) at Clause 21 and local policies at Clause 22 of the Planning Scheme with a ‘Municipal Planning Strategy’ (MPS) and combined Planning Policy Framework whilst also making changes to a selected number of local zone and overlay schedules consistent with:

- the *Victoria Planning Provisions* as a result of Amendment VC148, and
- the *Ministerial Direction – Form and Content of Planning Schemes*.

The Amendment makes the following changes to the content of the current Clause 21 and Clause 22 of the Planning Scheme:

- Relocates the content to the appropriate headings of the Planning Policy Framework (PPF) and local schedules of the Planning Scheme where the intended effect of that clause or any other clause is not changed.
- Amends various zone and overlay schedules to improve their operation and reduce unnecessary permit triggers.
- Clarifies and improves the style, format, language or grammatical form in accordance with the principles set out in ‘*A Practitioner’s Guide to Victorian Planning Schemes, October 2018*’, where the intended effect of that clause or any other clause is not changed.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts incompatible content that conflicts with State planning policy of the Victoria Planning Provisions.
- Removes repetitive or duplicated content.
- Removes or updates outdated content.

More specifically, the Amendment makes changes to the following local sections of the Planning Scheme:

Purpose and Vision

Introduces a new Municipal Planning Strategy (MPS) at Clause 02 based on content from Clause 21 of the Local Planning Policy Framework. The new content is summarised below:

New Clauses	Content
02.01 (Context)	Provides a general strategic overview of the Wellington Shire.
02.02 (Vision)	Provides the Vision for the Shire based on content previously contained in the Local Planning Policy Framework at Clause 21 of the Wellington Planning Scheme.
02.03 (Strategic Directions)	Addresses the key land use themes based on the Planning Policy Framework and provides a brief overview and strategic directions for each theme based on content previously contained in the Local Planning Policy Framework at Clause 21 of the Wellington Planning Scheme.
02.04 (Strategic Framework Plans)	Includes the following updated strategic framework policy plans: <ul style="list-style-type: none"> • Wellington Strategic Framework Plan • Wellington Shire Landscape Units • Latrobe Valley Economic Growth Sub-Region Strategic Framework Plan

Planning Policy Framework

Based on content from the current Clause 21 and Clause 22 of the Local Planning Policy Framework, Amendment C109 introduces revised local policy content into the Planning Policy Framework (PPF) at:

- Clause 11 - Settlement
- Clause 12 - Environmental and Landscape Values
- Clause 14 - Natural Resource Management
- Clause 15 - Built Environment and Heritage
- Clause 17 - Economic Development
- Clause 18 - Transport
- Clause 19 - Infrastructure

Zones and Overlays

Amendment C109 makes changes to a number of zone and overlay schedules to improve their operation and reduce unnecessary permit triggers. Some of these changes include:

- Introducing exemptions from notice requirements
- Introducing permit exemptions for subdivision
- Consolidating schedules that have the same minimum subdivision area
- Renaming schedules to be location specific
- Inserting dwelling exemptions where certain criteria are met (for certain locations in Port Albert)
- Increasing the floor area exemption for buildings and works from 150 square metres to 200 square metres in some coastal townships
- Consolidating similar 'Design Objectives' within the coastal Design and Development Overlays (DDOs)
- Reducing side boundary setbacks
- Deleting redundant overlays

The following zone and overlay schedules are being amended:

Zones

- Clause 32.04-1 (Schedule 1 to the Mixed Use Zone)
- Clause 32.07-1 (Schedule 1 to the Residential Growth Zone)
- Clause 35.03-2 (Schedule 2 to the Rural Living Zone)
- Clause 35.03-3 (Schedule 3 to the Rural Living Zone) (delete – merged with RLZ2)
- Clause 35.07-1 (Schedule 1 to the Farming Zone)
- Clause 37.01-4 (schedule 4 to the Special Use Zone)
- Clause 37.01-5 (Schedule 5 to the Special Use Zone)

Overlays

- Clause 42.01-1 (Schedule 1 to the Environmental Significance Overlay)
- Clause 42.03-1 (Schedule 1 to the Significant Landscape Overlay)

- Clause 43.02-1 (Schedule 1 to the Design and Development Overlay)
- Clause 43.02-2 (Schedule 2 to the Design and Development Overlay)
- Clause 43.02-3 (Schedule 3 to the Design and Development Overlay)
- Clause 43.02-8 (Schedule 8 to the Design and Development Overlay)
- Clause 43.02-9 (Schedule 9 to the Design and Development Overlay)
- Clause 43.02-10 (Schedule 10 to the Design and Development Overlay)
- Clause 43.02-11 (Schedule 11 to the Design and Development Overlay)
- Clause 43.02-12 (Schedule 12 to the Design and Development Overlay)
- Clause 43.02-13 (Schedule 13 to the Design and Development Overlay)
- Clause 43.02-14 (Schedule 14 to the Design and Development Overlay)
- Clause 43.02-15 (Schedule 15 to the Design and Development Overlay)
- Clause 43.02-16 (Schedule 16 to the Design and Development Overlay)
- Clause 43.02-17 (Schedule 17 to the Design and Development Overlay)
- Clause 43.02-18 (Schedule 18 to the Design and Development Overlay)
- Clause 43.02-19 (Schedule 19 to the Design and Development Overlay)
- Clause 43.02-20 (Schedule 20 to the Design and Development Overlay)
- Clause 43.04-1 (Schedule 1 to the Development Plan Overlay)

The Amendment also makes changes to the schedule to Clause 72.04 (Schedule to 'Documents Incorporated in this Planning Scheme'), the schedule to Clause 72.08 (Schedule to 'Background Documents') and the Incorporated Document '*Port Albert Heritage Precinct Permit Exemptions*'.

OPTIONS

Council has the following options available:

1. To request the Minister for Planning to authorise Council, as the Planning Authority, to prepare Amendment C109 – PEGZ Implementation and PPF Translation, pursuant to Section 8A of the *Planning and Environment Act 1987*; or
2. To not request the Minister for Planning to authorise Council, as the Planning Authority, to prepare Amendment C109 – PEGZ Implementation and PPF Translation and to seek additional information prior to considering a further report at a future Council Meeting

PROPOSAL

That Council pursuant to Section 8A of the *Planning and Environment Act 1987*, request the Minister for Planning to authorise Council as the Planning Authority to prepare Amendment C109 to the Wellington Planning Scheme as outlined in the Attachment 'Planning Scheme Amendment Documentation'.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

The Amendment has been prepared in accordance with the strategic considerations set out in Ministerial Direction No.11 - Strategic Assessment of Amendments, made under Section 12 of the *Planning and Environment Act 1987*, and is consistent with:

- the Victoria Planning Provisions as a result of Amendment VC148, and
- Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

Amendment C109 forms part of Stage 3 of the Smart Planning Rules and Policy Program to reform Victoria's planning system and change the Victoria Planning Provisions (VPP) to make planning schemes more efficient, accessible and transparent.

In 2018 Amendment VC148 introduced widespread changes to the Victoria Planning Provisions as part of Stage 2 of the Smart Planning Program. More specifically, Amendment VC148:

- introduced a new Planning Policy Framework (PPF);
- enabled the future introduction of a Municipal Planning Strategy (MPS);
- introduced a new State, regional and local integrated policy structure
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content, and
- created new operational provisions.

A key focus for Stage 3 of the Smart Planning Program is to ensure better alignment of local planning policy with State and regional policy by integrating local policy content into the new MPS and PPF.

Local policy content has been generally drafted in a policy neutral manner, in accordance with the principles set out in '*A Practitioner's Guide to Victorian Planning Schemes*', to ensure policy content is:

- within the scope of the *Planning and Environment Act 1987* and strategically justified;
- clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and Ministerial directions issued by the Minister for Planning, and
- drafted to be clear and unambiguous.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.3: *"Wellington Shire is well planned, considering long term growth and sustainability."*

Strategy 2.3.1: *"Continue to provide strategic planning to encourage long term growth and sustainability in Wellington Shire."*

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

RESOURCES AND STAFF IMPACT

Amendment C109 is not expected to impose additional resource or administrative costs. Introducing revised local policy content in the form of the MPS and PPF is expected to create a clearer more navigable Planning Policy Framework where State and local policy build on each other to allow policy to achieve its intended outcome.

Ultimately Amendment C109 will provide a clear set of guidelines that deliver a greater level of certainty to the community and other stakeholders within the Shire.

COMMUNITY IMPACT

Amendment C109 is expected to have a positive community impact as it will result in a more efficient, accessible and transparent Planning Scheme that is easier to navigate and triggers less unnecessary planning permits.

ENVIRONMENTAL IMPACT

The Amendment proposes to remove the Environmental Significance Overlay – Schedule 1 (ESO1 - Coastal and Gippsland Lakes Environs) from the small urban lots of Paradise Beach (Low Density Residential Zone - LDRZ), Golden Beach (LDRZ/Commercial 1 Zone), and The Honeysuckles (LDRZ). ESO1 will be retained where the Rural Conservation Zone (RCZ) applies. The intent of this change is to reduce the number of unnecessary permit triggers within these 'urban zoned' township areas and to provide consistency with other coastal towns (e.g. Loch Sport) where the ESO1 is not applied. It is noted that the removal of the ESO1 would result in the loss of the permit trigger for vegetation removal. However, the relevant Design and Development Overlay (DDO) applying to each township still allows for the consideration of the impacts of vegetation removal through the decision guidelines contained within the Overlay.

ENGAGEMENT IMPACT

On the basis that Authorisation to proceed with Amendment C109 is received from the Minister for Planning, the process will allow for the following:

- a. Notice of Amendment C109 will appear in the Victorian Government Gazette, Gippsland Times, Yarram Standard and Latrobe Valley Express in the week that Exhibition of Amendment C109 commences.
- b. An Amendment C109 webpage will be published on Council's website with information on the Amendment and the ability to make an 'online submission'.
- c. If submissions are received, Council will have the option to request an independent Planning Panel to be appointed by the Minister for Planning to consider any issues that are raised or abandon Amendment C109.

It is noted that public notification of Amendment C109 will not be undertaken until the COVID-19 crisis has passed and will also be dependent on Council's other strategic planning priorities.

**WELLINGTON PLANNING SCHEME
AMENDMENT C109WELL
EXPLANATORY REPORT**

Who is the planning authority?

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

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

Land affected by the Amendment

The Amendment applies to all land in Wellington Shire

What the amendment does

The Amendment replaces the Municipal Strategic Statement (MSS) at Clause 21 and local policies at Clause 22 of the Wellington Planning Scheme (the Planning Scheme) with a Municipal Planning Strategy (MPS) and combined Planning Policy Framework whilst also making changes to a selected number of local zone and overlay schedules consistent with:

- the Victoria Planning Provisions as a result of Amendment VC148, and
- the Ministerial Direction – Form and Content of Planning Schemes.

The Amendment makes the following changes to the content of the current Clause 21 and Clause 22 of the Wellington Planning Scheme:

- Relocates the content to the appropriate headings of the Planning Policy Framework (PPF) and local schedules of the WPS where the intended effect of that clause or any other clause is not changed.
- Amends various zone and overlay schedules to improve their operation and reduce unnecessary permit triggers
- Clarifies and improves the style, format, language or grammatical form in accordance with the principles set out in 'A Practitioner's Guide to Victorian Planning Schemes, October 2018', where the intended effect of that clause or any other clause is not changed.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts incompatible content that conflicts with State planning policy of the Victoria Planning Provisions.
- Removes repetitive or duplicated content.
- Removes or updates outdated content.

More specifically, the Amendment makes changes to the following local sections of the Planning Scheme:

Purpose and Vision

Introduces a new Municipal Planning Strategy (MPS) at Clause 02 based on content from Clause 21 of the Local Planning Policy Framework. The new content is summarised below

New Clauses	Content
02.01 Context	Provides a general strategic overview of the Wellington Shire.
02.02 Vision	Provides the Vision for the Shire based on content previously contained in the Local Planning Policy Framework at Clause 21 of the Wellington Planning Scheme.
02.03 Strategic Directions	Addresses the key land use themes based on the PPF and provides a brief overview and strategic directions for each theme based on content previously contained in the Local Planning Policy Framework at Clause 21 of the Wellington Planning Scheme.
02.04 Strategic Framework Plans	<ul style="list-style-type: none"> - Includes the following updated strategic framework policy plans: <ul style="list-style-type: none"> • Wellington Strategic Framework Plan • Wellington Shire Landscape Units • Latrobe Valley Economic Growth Sub-Region Strategic Framework Plan

Planning Policy Framework

Based on content from the current Clause 21 and Clause 22 of the Local Planning Policy Framework, Amendment C109 introduces revised local policy content into the Planning Policy Framework (PPF) at:

- Clause 11 - Settlement
- Clause 12 - Environmental and Landscape Values
- Clause 14 - Natural Resource Management
- Clause 15 - Built Environment and Heritage
- Clause 17 - Economic Development
- Clause 18 - Transport
- Clause 19 - Infrastructure

Zones and Overlays

Amends the following zone and overlay schedules to improve their operation and reduce unnecessary permit triggers:

Zones

- Clause 32.04-1 (Schedule 1 to the Mixed Use Zone)
- Clause 32.07-1 (Schedule 1 to the Residential Growth Zone)
- Clause 35.03-2 (Schedule 2 to the Rural Living Zone)
- Clause 35.03-3 (Schedule 3 to the Rural Living Zone) (delete – merged with RLZ2)
- Clause 35.07-1 (Schedule 1 to the Farming Zone)
- Clause 37.01-4 (schedule 4 to the Special Use Zone)
- Clause 37.01-5 (Schedule 5 to the Special Use Zone)

Overlays

- Clause 42.01-1 (Schedule 1 to the Environmental Significance Overlay)
- Clause 42.03-1 (Schedule 1 to the Significant Landscape Overlay)
- Clause 43.02-1 (Schedule 1 to the Design and Development Overlay)

- Clause 43.02-2 (Schedule 2 to the Design and Development Overlay)
- Clause 43.02-3 (Schedule 3 to the Design and Development Overlay) (delete)
- Clause 43.02-8 (Schedule 8 to the Design and Development Overlay)
- Clause 43.02-9 (Schedule 9 to the Design and Development Overlay)
- Clause 43.02-10 (Schedule 10 to the Design and Development Overlay)
- Clause 43.02-11 (Schedule 11 to the Design and Development Overlay)
- Clause 43.02-12 (Schedule 12 to the Design and Development Overlay)
- Clause 43.02-13 (Schedule 13 to the Design and Development Overlay)
- Clause 43.02-14 (Schedule 14 to the Design and Development Overlay)
- Clause 43.02-15 (Schedule 15 to the Design and Development Overlay)
- Clause 43.02-16 (Schedule 16 to the Design and Development Overlay)
- Clause 43.02-17 (Schedule 17 to the Design and Development Overlay)
- Clause 43.02-18 (Schedule 18 to the Design and Development Overlay)
- Clause 43.02-19 (Schedule 19 to the Design and Development Overlay)
- Clause 43.02-20 (Schedule 20 to the Design and Development Overlay)
- Clause 43.04-1 (Schedule 1 to the Development Plan Overlay)

The Amendment also makes changes to

- the schedule to Clause 72.04 (Schedule to Documents Incorporated in this Planning Scheme);
- the schedule to Clause 72.08 (Schedule to Background Documents), and
- Port Albert Heritage Precinct Permit Exemptions (Incorporated Document).

Strategic assessment of the Amendment

Why is the Amendment required?

Amendment C109well, in part, forms part of Stage 3 of the Smart Planning Rules and Policy Program to reform Victoria's planning system and change the Victoria Planning Provisions (VPP) to make planning schemes more efficient, accessible and transparent.

In 2018 Amendment VC148 introduced widespread changes to the Victoria Planning Provisions as part of Stage 2 of the Smart Planning Program. More specifically, Amendment VC148:

- introduced a new Planning Policy Framework (PPF);
- enabled the future introduction of a Municipal Planning Strategy (MPS);
- introduced a new state, regional and local integrated policy structure;
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content, and
- created new operational provisions.

A key focus for Stage 3 of the Smart Planning Program is to ensure better alignment of local planning policy with state and regional policy by integrating local policy content into the new MPS and PPF.

Local policy content has been generally drafted in a policy neutral manner, in accordance with the principles set out in A Practitioner's Guide to Victorian Planning Schemes to ensure policy content is:

- within the scope of the *Planning and Environment Act 1987* and strategically justified
- clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning, and

- drafted to be clear and unambiguous.

The other non policy neutral component of the Amendment relates to the State Governments Planning in the Economic Growth Zone initiatives.

Following the closure of the Hazelwood Mine in the Latrobe Valley in October 2016, a three-year state-government funded initiative called 'Planning in the Economic Growth Zone' (PEGZ) was established. PEGZ seeks to improve the planning system and ensure that development and investment can progress in a streamlined manner with greater certainty across the Latrobe Valley. The PEGZ Councils include Wellington Shire, Latrobe City and Baw Baw Shire.

Several technical planning studies have now been completed under the PEGZ initiative, a number of which contain recommendations for changes to the Wellington Planning Scheme (Planning Scheme). The recommended changes seek to relax existing planning controls – particularly within local Schedules to zones and overlays, to create simpler approval processes.

The recommendations of both the PEGZ initiative and changes arising from the Smart Planning program will culminate in a substantially revised and restructured version of the existing Planning Scheme. These changes will be implemented via Planning Scheme Amendment C109.

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

By restructuring local policy content into the Municipal Planning Strategy, Planning Policy Framework and local schedules, the amendment will clarify, condense and modernise the Wellington Planning Scheme, implementing the following objectives of planning in Victoria set out in section 4(1) of the Planning and Environment Act 1987:

- a) To provide for the fair, orderly, economic and suitable use, and development of the land.
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- f) To facilitate development in accordance with the objectives of planning in Victoria.

The Amendment provides certainty to users of the Scheme and provides clear strategic direction that will inform decision making regarding use and development in the municipality consistent with these objectives.

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

The Amendment is expected to have positive environmental, social and economic effects by:

- improving the clarity of local policy content in the MPS, PPF and local schedules which results in greater certainty for users of the system;
- removing unnecessary planning permit triggers;
- reducing unnecessary costs to applicants and councils as a result of unclear planning requirements; and
- improving planning outcomes by removing errors, inconsistencies, redundancies, duplication and incompatibility in local policy content in the MPS, PPF and local schedules.

The application of updated and improved local policy content in the MPS, PPF and proposed local schedules will provide certainty to the users of the planning system by ensuring land use and development outcomes are consistent with environmental, social and economic land use objectives of planning in Wellington and Victoria.

Does the Amendment address relevant bushfire risk?

The Amendment is not expected to result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

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

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.

The Amendment has been prepared in accordance with the strategic considerations set out in Ministerial Direction No. 11 Strategic Assessment of Amendment made under Section 12 of the Planning and Environment Act 1987.

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

The Amendment introduces a new Municipal Planning Strategy at Clause 02 and Local Planning Policies at Clauses 11, 12, 14, 15, 17, 18 and 19 of the Planning Policy Framework.

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

The Amendment introduces a new Municipal Planning Strategy at Clause 02 of the Wellington Planning Scheme.

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

The amendment introduces local policy and associated local policy content consistent with Amendment VC148 and the Ministerial Direction - The Form and Content of Planning Schemes.

Where local schedules have been amended, the form of the schedule has been modified to accord with the current *Ministerial Direction - The Form and Content of Planning Schemes*.

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

The Planning in the Economic Growth Zone (PEGZ) project has demonstrated that designating the Latrobe Valley (collectively Baw Baw Shire, Latrobe City and Wellington Shire) as an Economic Growth Zone (EGZ) has encouraged DELWP, councils and agencies to work together to create efficiencies and improve the planning system to achieve the collective goal of boosting economic development.

The PEGZ project has established stronger working relationships between DELWP, the three councils, the Latrobe Valley Authority, the Better Regulation and Red Tape Commissioner, the Victorian Planning Authority and Regional Development Victoria with a common purpose for the EGZ. It has also aimed to improve relationships with service authorities and applicants. The project has provided a forum over nearly three years to share and discuss difficulties and solutions through a Steering Committee, Project Teams, forums and workshops.

Amendment C109well also makes administrative changes to the Wellington Planning Scheme following approval of VC148. Various government agencies and other entities were involved in the identification or preparation of particular changes as part of the wider Smart Planning consultation.

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

Amendment C109well will not have a significant impact on the transport system as defined by the Transport Integration Act 2010.

Resource and administrative costs

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

Amendment C109well is not expected to impose additional resource or administrative costs on the responsible authority.

Introducing revised local policy content in the form of the MPS and PPF as well as revised schedules, is expected to create a clearer more navigable policy framework and will result in a reduction in permit applications. After an initial familiarisation phase this should have the effect of reducing the burden on the responsible authority of creating and administering local policy content in the scheme.

Ultimately Amendment C109 will provide a more concise scheme that is easier to navigate and administer and will deliver a greater level of certainty to the community and other stakeholders within the municipality.

Where you may inspect this Amendment

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

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

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

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

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by [insert submissions due date]. A submission must be sent to:

Strategic Planning
Wellington Shire Council
PO BOX 506
SALE VIC 3850

Panel hearing dates

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

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

02.01 CONTEXTCOMMIT-
Proposed
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The Wellington Shire municipality has an area of nearly 11,000 square kilometres and is located approximately 200 kilometres east of Melbourne. It is situated in Central Gippsland, between the Latrobe Valley and East Gippsland. Wellington's key transport routes include the Princes Highway, South Gippsland Highway and the Bairnsdale-Melbourne rail corridor.

Wellington's 2019 population of approximately 43,000 people is expected to increase to over 45,000 by 2036.

Over 60 percent of Wellington's population resides in and around the six main urban centres of Sale, Maffra, Rosedale, Yarram, Stratford and Heyfield. The remaining townships fulfil a service role to the rural areas across Wellington as well as being centres of commerce, industry and employment. The Ninety Mile Beach coastal area includes a number of settlements stretching from Loch Sport to Port Albert.

Wellington features unspoilt coastal, lake and mountain areas, together with some of the richest agricultural land and oldest urban settlements in the state. Wellington has a variety of ecosystems from the Great Dividing Range and Dargo High Plains to the Gippsland Lakes system, wetlands and the Ninety Mile Beach coastal areas. The Alpine National Park is a key natural feature of the Great Dividing Range and Wellington's wetlands are recognised under the Ramsar Convention on Wetlands of International Importance.

Wellington is at risk from bushfire, flooding, potential changes in climatic conditions and land degradation issues including salinity and erosion.

Agriculture is a major industry within Wellington and contributes both directly and indirectly to the ongoing prosperity of its communities. The timber industry also plays an important role in Wellington's economy and is a significant employer. Wellington hosts significant airfield infrastructure with the Royal Australian Air Force (RAAF) Base East Sale and the West Sale Airport being important local employers. The oil and gas industry have also been well established in Wellington for many years.

02.02 VISION

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Wellington Vision

The 2017-2021 Council Plan provides a vision for the municipality as follows:

Happy, healthy environment and thriving communities in the heart of Gippsland

This vision is supported by the following key outcomes for future land use planning and development in the Wellington Shire:

- Wellington strives for good health, to feel safe and to be prepared for natural disasters.
- Wellington has a built environment that is sustainable, appropriate, accessible and responsive to the community.
- Transport connects people to communities and places.
- Services support strong communities.
- Wellington's natural environment and landscape is clean, diverse, beautiful, accessible and protected.
- Wellington has broad choice of local training, education and holistic learning and development options that lead to meaningful employment.
- Wellington has a wealth of diverse industries providing employment opportunities for all.
- There is growth in the Wellington population and economy which is balanced with preservation of the natural environment and connected communities.

02.03 STRATEGIC DIRECTIONS

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02.03-1 Settlement

Large settlements

Sale, Wurruk and Longford (combined population of about 15,800 people) have developed inter-dependant roles and together they form the regional centre of Wellington, providing for diverse commercial, cultural, health and industrial activities.

Sale is the principal town and main growth settlement in Wellington. It is Wellington's main employment, education, medical and commercial centre and caters to a large catchment of smaller townships.

Important attributes of Sale include its character which is derived from its heritage buildings; the Port of Sale Cultural and Civic Precinct; and its farming hinterland. Energy resources in Bass Strait and the RAAF Base East Sale support employment in Sale.

Wurruk is distinguished by contemporary infrastructure and its position on a ridgeline overlooking the Thomson River floodplains.

Longford is a small rural living settlement south of Sale and is characterised by single dwellings set amongst gardens on large allotments.

Maffra (4,300) is an administrative, commercial and social centre for surrounding farms and communities. A productive rural hinterland supports rural industry in the town. It is characterized by a town centre that features a tree-lined boulevard with a variety of specialty shops and cafes.

Heyfield (2,000) is built on timber industries and tourism being the major hardwood sawmilling centre of Victoria and the gateway to Lake Glenmaggie, the Avon Wilderness Park and Alpine National Parks. It is characterised by large vegetated recreation areas, spacious streetscapes with native vegetation and predominately low-scale built form.

Stratford (2,600) is located on the Princes Highway between Sale and Bairnsdale on the Avon River. It is developing a specialisation as an arts and culture stopover and provides essential services for the local community and visitors. It is characterised by its association with the Avon River, native street trees and single-storey scale, although taller buildings do exist, including the State Bank building.

Rosedale (1,600) is a highway town on the Latrobe River which is developing as a recognised tourist stopover. It is characterised by active frontages to Princes Street, heritage buildings, the intact Crown grid subdivision pattern and tree-lined, wide road reserves that provide a visual connection to the rural surrounds.

Yarram (2,100) is the primary commercial and cultural centre for the rural areas and small settlements in the south-western part of Wellington and capitalises on its heritage for regional tourism and local recreational opportunities. The South Gippsland Highway forms the central spine of the township and includes a defined town centre characterised by heritage buildings. Residential areas are generally located to the east and south of the town centre and maintain a consistent grid subdivision pattern.

Most larger settlements within Wellington are connected to reticulated services except for low density residential properties that operate on-site effluent disposal systems. Some rural towns including Maffra and Yarram have drainage issues.

Council's strategic directions for 'Large Settlements' are to:

- Support higher population and growth and reinforce the regional centre role of Sale.
- Support Wurruk and Longford as secondary settlements to complement Sale by providing diversity and choice in urban and rural living and opportunities for new industry, local services and facilities.
- Support moderate population and growth within Maffra, Rosedale, Stratford Yarram and Heyfield to maintain their roles as local service centres.

- Encourage rural living areas in proximity to developed settlements to utilise existing social, cultural and infrastructure facilities.

Other settlements

There are a number of other inland and coastal townships in Wellington that are minor rural service centres with limited reticulated sewerage, drainage, community or recreational facilities. These include the following townships:

Alberton (260) is a small rural service centre with an established timber industry. It is characterised by its low lying farmland context and low-scale dwellings set close to the South Gippsland Highway. The Victoria Hotel is a prominent local landmark.

Briargolong (1,100) is a small town with a service role to the local community and nearby tourist uses. It is characterised by low-scale dwellings set into a well vegetated urban environment. The town centre is not formalised and commercial activities predominately located on Maffra-Briargolong Road.

Dargo (100) is a remote rural community supporting outdoor recreational tourism in the surrounding National Parks. It is characterised as a mountain village with a stylised, rustic built form using earthen materials and colours. It also includes groves of established walnut trees and informal open spaces which connect the urban area to the surrounding forested hills and valley pastures. Low rural fencing and large lot sizes contribute to the rural character.

Licola (30) is a remote rural locality providing limited retail and communication services to nearby camping grounds, isolated rural dwellings and tourists. It is characterised as a mountain village with a collection of isolated buildings set among native vegetation on the Macalister River. Local rural fencing and informal gardens contribute to a sense of open space.

Council's strategic directions for 'Other settlements' are to:

- Support limited population and growth within other inland townships as minor settlements or tourism nodes.
- Encourage rural living areas in proximity to developed settlements to utilise existing social, cultural and infrastructure facilities.

Coastal settlements

Wellington is also characterised by a number of coastal settlements along the Ninety Mile Beach coastal area and the Nooramunga Marine and Coastal Park. Most of these settlements experience a large population influx during holiday periods.

There is a legacy of about 11,000 subdivided lots along the Ninety Mile Beach without connection to reticulated water and sewerage systems. State government controls have been in place since 1979 to restrict development in these areas due to a lack of infrastructure and impacts on the coastal environs and Gippsland Lakes system. The *Wellington Coast Subdivision Strategy: The Honeysuckles to Paradise Beach* (GHD, February 2007) identifies the limits to growth along this sensitive coastal strip.

Coastal settlements in Wellington include:

Loch Sport (800) is a growing coastal town with local commercial and community facilities catering to outdoor recreation, particularly water-oriented activities. It is a linear town with single and double storey dwellings of varied sizes set among coastal forest and bushland.

Port Albert and Palmerston is a small port town of special heritage significance in Gippsland. It is a tourist destination with commercial and recreational marinas, retail and services. It is characterised by its cultural heritage and heritage building stock. The town retains much of its original form, layout and aspect.

Golden Beach and Paradise Beach are low density coastal lifestyle settlements with limited utility services. Golden Beach includes a limited range of commercial and community facilities which serve both settlements. Both settlements are characterised by low maintenance modest dwellings set amongst coastal heathland. There is no reticulated water or sewerage and only limited areas are connected to electricity.

Seaspray has an established role as a tourist destination with a caravan park, boat launching facilities and lifesaving club. It is characterised by an avenue of cypress pines, wide road reserves, relatively small allotments and examples of pre-war beach holiday development.

The Honeysuckles is a small residential dormitory settlement. It is characterised by formed gravel roads providing access to modest weatherboard or hardiplank dwellings set within the coast heathland.

McLoughlins Beach is a small residential settlement dependent on surrounding townships for commercial and community facilities. There is a major boat launching and mooring facility located to the east of the township. It is characterised by its distinctive setting of waterways and mangrove wetland. Urban form is varied with an indistinct housing stock, partially sealed road network and informal open swale drains.

Manns Beach is a small fishing and holiday settlement, dependent on surrounding towns for commercial and community facilities. Its urban form is characterised by modest single and two storey dwellings with large sheds set in simple gardens. Unsealed roads and low scale vegetation expose the settlement to views and coastal weather.

Woodside Beach is a small holiday village settlement dependent on surrounding towns for commercial and community facilities. It supports access to a patrolled section of Ninety Mile Beach. It is characterised in two distinct areas – established residential homes set in coastal vegetation on undulating terrain, and low density residential estate on an exposed and un-vegetated ridge line.

Robertsons Beach is a small low-lying residential settlement reliant on Port Albert and Yarram for commercial and community facilities. It is characterised by its native heathland setting, unsealed roads and open drains.

Council's strategic directions for 'Coastal settlement' are to:

- Support limited population and growth within coastal townships as minor settlements or tourism nodes.
- Limit unplanned development outside the defined settlement boundaries along the Ninety Mile Beach.

02.03-2 Environmental and landscape values

Owing to native vegetation clearance, many of Wellington's native species and communities are listed as highly significant and threatened including the Gippsland Red Gum Grassy Woodland vegetation community. Remnant native vegetation in agricultural landscapes form important bio-links between the Australian Alps National Parks and Reserves, the Gippsland Lakes, Ninety Mile Beach, the Strzelecki Ranges and Nooramunga Inlet.

Many wetlands in Wellington are recognised by the Ramsar Convention on Wetlands of International Importance. These wetlands provide a prelude to the Gippsland Lakes, Heyfield and the Corner Inlet/Nooramunga Marine National Park. The Thomson and Latrobe Rivers and other waterways support ecologically significant stands of remnant vegetation and form part of a network wildlife corridors and recreation routes for walking and cycling.

Wellington's rural areas contain some of the most ecologically important and diverse areas in Victoria, including the Gippsland Lakes, the Ninety Mile Beach and the Alpine National Park. Significant environmental landscape issues for Wellington's rural areas include water quality, inappropriate residential development and protection of vegetation habitat and neighbouring wetlands and coastal parks. Infrastructure development can have significant detrimental effects on these landscapes.

Within the Ninety Mile Beach area, recent coastal and alluvial landforms have formed a series of narrow spits and peninsulas that separate the Bass Strait Coast at Ninety Mile Beach from the extensive inland lakes system of Gippsland Lakes and these coastal landscapes are of state importance.

Council's strategic directions for 'Environment and landscape values' are to:

- Respect the ecological importance of the Gippsland Lakes and coastal environment to the region.
- Require development to be subordinate to the natural landscape character and significance of the Ninety Mile Beach and the Gippsland Lakes.
- Avoid development in towns and settlements where it threatens the water quality and ecosystem values of the Gippsland Lakes and coastline.

02.03-3 Environmental risks and amenity

There are a number of environmental risks facing Wellington Shire Council that may impact on land use and development decisions, including climate change, bushfire, flooding, salinity and land degradation.

Climate change has the potential to significantly impact land use and development within Wellington, including coastal areas, as these areas may be subject to inundation from potential sea level rises.

Salinity, acid sulphate soils, sedimentation and high nutrient loads may pose threats to farmland, infrastructure, the built environment of coastal towns and wetlands around Sale and Lake Wellington in particular. Salinity and land degradation can create issues for the viability of agriculture as well as reduce the quality of the environment.

Council's strategic directions for 'Environmental risks and amenity' are to:

- Limit development in towns and settlements where it will be subject to flooding, tidal flooding or subsidence, particularly around the Gippsland Lakes.
- Discourage development in areas of significant coastal vulnerability.
- Discourage residential development and associated uses in areas that are subject to high fire risk.
- Encourage use and development to minimise environmental damage on groundwater and aquifer recharge areas.

02.03-4 Natural resource management

Rural areas within Wellington include high quality agricultural land, timber industries, rural activities and environmental values. Wellington's agricultural sector is one of the largest contributors to Victoria's agricultural economy. Key agricultural sectors include dairying, vegetable growing and timber production.

The Macalister Irrigation District (MID) is an important component of the rural area within which dairying and cattle grazing are the dominant agricultural pursuits. Farm sizes in the MID are smaller on average than farms across Victoria. The *Rural Zones Review* (Maunsell Australia, January 2009) categorised Wellington into nine Landscape Units which are shown at Clause 02.04.

The timber industry plays an important role in Wellington's economy and comprises plantations, timber mills, processing plants and transport services. The potential for expansion of timber plantations in rural areas across Wellington makes this industry an important one, with positive employment, economic, social, and environmental flow on effects.

Substantial areas of rural land in Wellington are located in declared water catchment areas that provide for urban, domestic and irrigation water supplies.

Townships and farming communities across Wellington are heavily dependent upon the health of the rivers and streams within catchment areas for town water supplies and rural irrigation. The supply of quality water depends on sound management of these water supply catchments.

Poor management of stormwater and effluent is contributing to pollution of ground and surface water resources in some settlements.

The Gippsland region contains significant coal resources that are an important energy resource suitable as a fuel source for the generation of electricity and having potential for alternative fuels and other products.

Council's strategic directions for 'Natural resource management' are to:

- Discourage subdivisions that do not support efficient agricultural practices.
- Discourage residential development that impacts the use of rural land for agricultural, industrial or rural activities.
- Support the contribution that agriculture and rural industries make to the economy.
- Maintain settlement growth boundaries to protect natural assets, coastal areas, the Macalister Irrigation District and high quality agricultural land.
- Discourage uses and development that are incompatible with the protection of productive land and natural assets.
- Promote sustainable development within the timber industries.
- Facilitate integrated catchment management that addresses salinity, erosion, sedimentation, water quality, biodiversity, and native vegetation retention.
- Discourage land and water management practices that impair the quality of water or increase occurrences of blue green algal blooms.
- Protect Wellington's coal reserves by delineating coal resources and urban buffer areas.

02.03-5 Built environment and heritage

Wellington Shire has an extensive and diverse cultural heritage. The area was home to the Gunaikurnai people for thousands of years prior to European settlement. Gunaikurnai people are the recognised traditional owners of land, with territory extending from coastal and inland areas through to the southern slopes of the Victorian Alps.

There are significant areas of Wellington which have important cultural heritage values, including the Gippsland Lakes, which need to be conserved and protected for the benefit of future generations.

The Wellington Shire also has many important post European heritage precincts and places. In particular, Port Albert is a place of special heritage significance in Gippsland.

Council's strategic directions for 'Built environment and heritage' are to:

- Promote the identification, protection and conservation of places of heritage significance and cultural value
- Protect and enhance the individual character of each township.

02.03-6 Economic development

The *Wellington Economic Development Strategy 2016-2022* (Wellington Shire Council, 2016) promotes greater diversity in Wellington's industrial, retail and commercial sectors. Wellington's economy is linked to the natural resource base and productive agricultural land and it is important to ensure natural assets are protected and used sustainably.

Important industries include defence, aviation, health, education, manufacturing, horticulture, dairying, intensive agriculture, timber production, racing, forestry and forestry support, fishing, tourism, oil and gas, brown coal production, mining support and environmentally sustainable green energy.

The RAAF Base East Sale and the West Sale Airport are important assets and provide opportunities for a range of aviation related businesses and value-added industries in the region.

Renewable energy production presents opportunities for Wellington to capitalise on Gippsland's potential to be a future leader in new, low emission energy technologies such as biomass.

Tourism in Wellington has significant potential for growth, particularly cultural, agri-tourism, outdoor eco-tourism and racing, including horse and greyhound racing. A

significant opportunity to improve tourism is associated with the Port of Sale Cultural and Civic Precinct including arts, entertainment and cultural activities.

Council's strategic directions for 'Economic development' are to:

- Encourage expansion and diversification of the regional economy to increase employment.
- Maximise the potential of productive and natural assets for rural purposes.
- Promote diversity in Wellington's industrial, retail and commercial sectors.
- Support the role of horse and greyhound racing in Wellington's economy.
- Promote Sale as the regional headquarters for horse and greyhound racing in eastern Victoria.
- Encourage the development of tourism around Wellington's natural environment, cultural and heritage assets.
- Facilitate Sale's role as a tourist destination.

02.03-7 Infrastructure

The efficient delivery of infrastructure is a fundamental element in providing affordable and diverse housing, generating economic growth and managing the municipality in a sustainable manner.

Basslink is an electricity interconnector located at McGaurans Beach that connects Tasmania to the national electricity market through the Loy Yang switchyard. The Interconnector enhances security of electricity supply on both sides of Bass Strait.

The Eastern Gas Pipeline (EGP) is a natural gas pipeline that is a key supply artery between the Gippsland Basin and New South Wales. Longford Gas Plant is a key link between the EGP and the wholesale gas market and allows suppliers to source gas from a variety of receipt points, including Longford. Natural gas from the Bass Strait gas fields is distributed to Melbourne via the Longford to Long Island Point pipeline.

Council's strategic directions for 'Infrastructure' are to:

- Encourage a consistent approach to the design and construction of infrastructure.
- Protect the Basslink Electricity Interconnector, the EGP and other natural gas infrastructure from development that impacts their continued operation.

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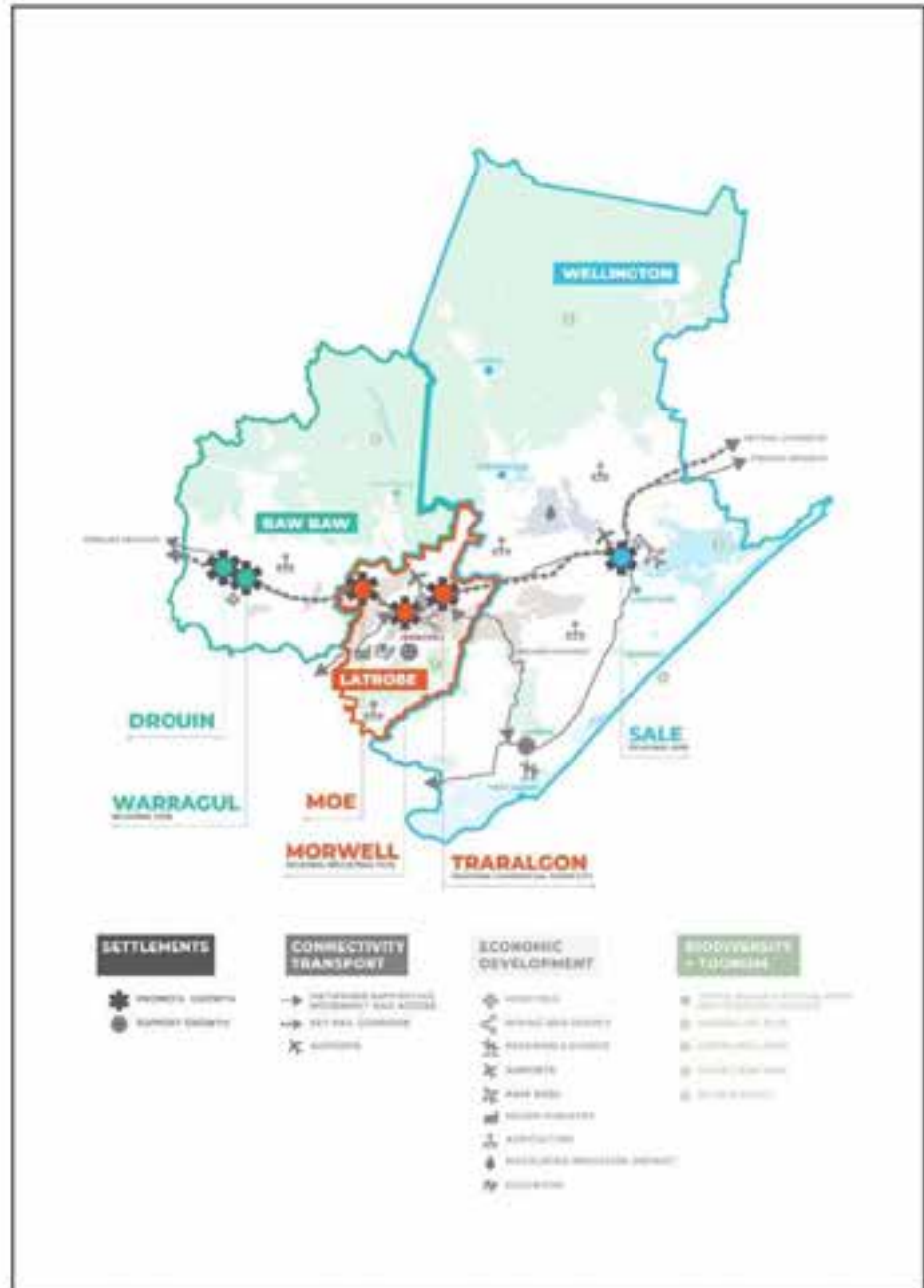
STRATEGIC FRAMEWORK PLANS

Wellington Shire Strategic Framework Plan

Wellington Shire Strategic Framework Plan



Latrobe Valley Economic Growth Sub-Region Strategic Framework Plan



11.01-1L Sale, Wurruk and Longford

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Policy application

This policy applies to the area within the settlement boundary identified in the Sale and Wurruk Strategy Plan and the Longford Strategy Plan contained within this Clause.

Strategies

Maintain settlement growth boundaries to protect to operation of the RAAF Base East Sale.

Facilitate establishment of lower order neighbourhood activity centres inclusive of community services in the general locations identified in the Sale & Wurruk Strategy Plan. Encourage higher density residential development:

- Within and close to the Sale CBD.
- Within and around the medical precinct identified in the Sale & Wurruk Strategy Plan.
- Around neighbourhood activity centres.
- On major transport routes.

Support residential growth within the North Sale growth area.

Encourage residential development in the Wurruk growth area adjacent to the Princes Highway.

Encourage low density residential development in Wurruk in the area south of Arnup Road, subject to heritage investigations and considerations.

Encourage development that respects the rural character of Longford.

Encourage rural living development in Longford to enhance its existing character and function.

Promote further residential intensification of the Longford core subject to the provision of sewerage and water infrastructure.

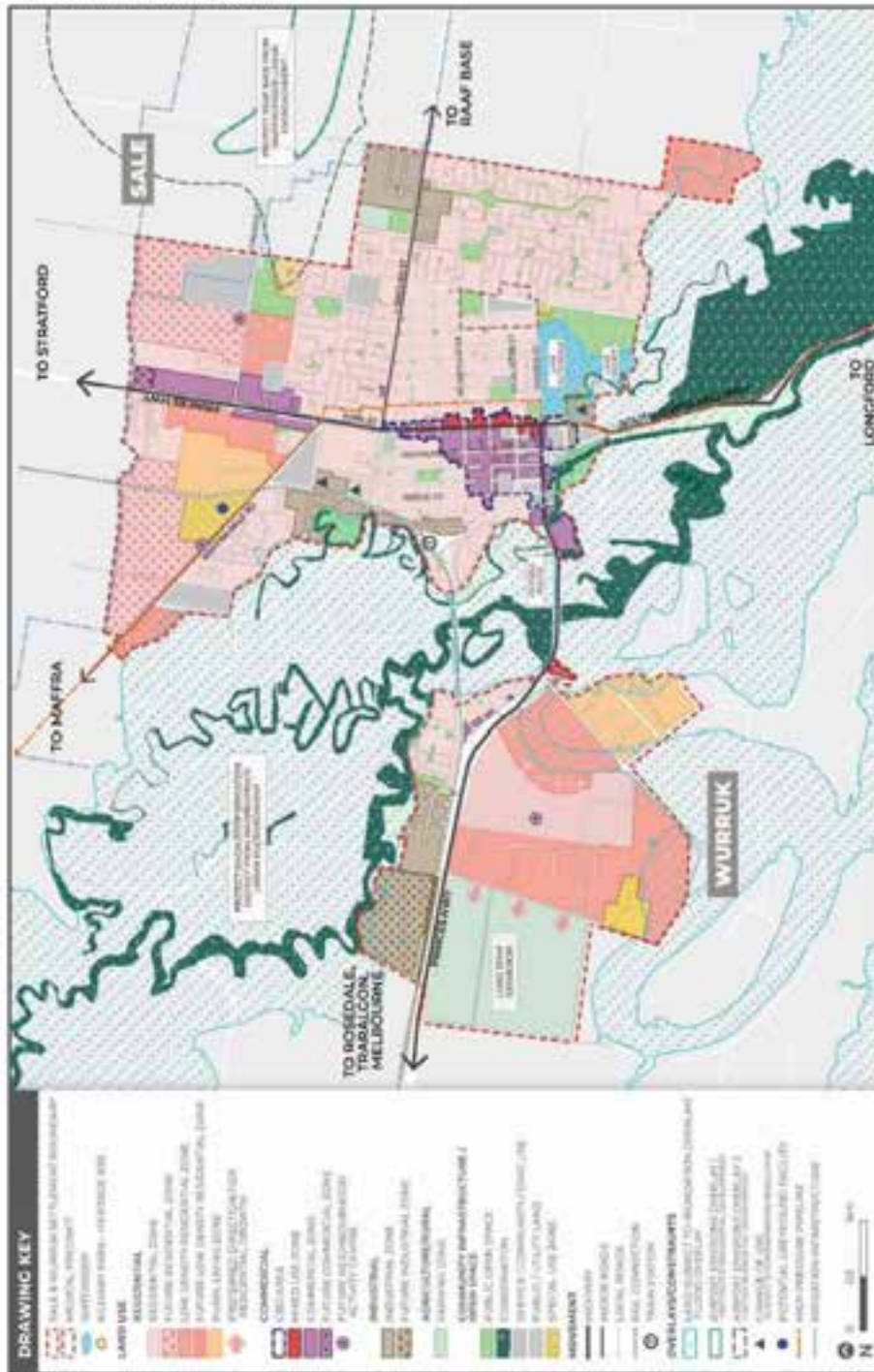
Support redevelopment of the Sale Golf Club, including provision of housing and tourist accommodation around the golf course, subject to appropriate infrastructure and environmental measures including reticulated water and sewerage infrastructure.

Policy guidelines

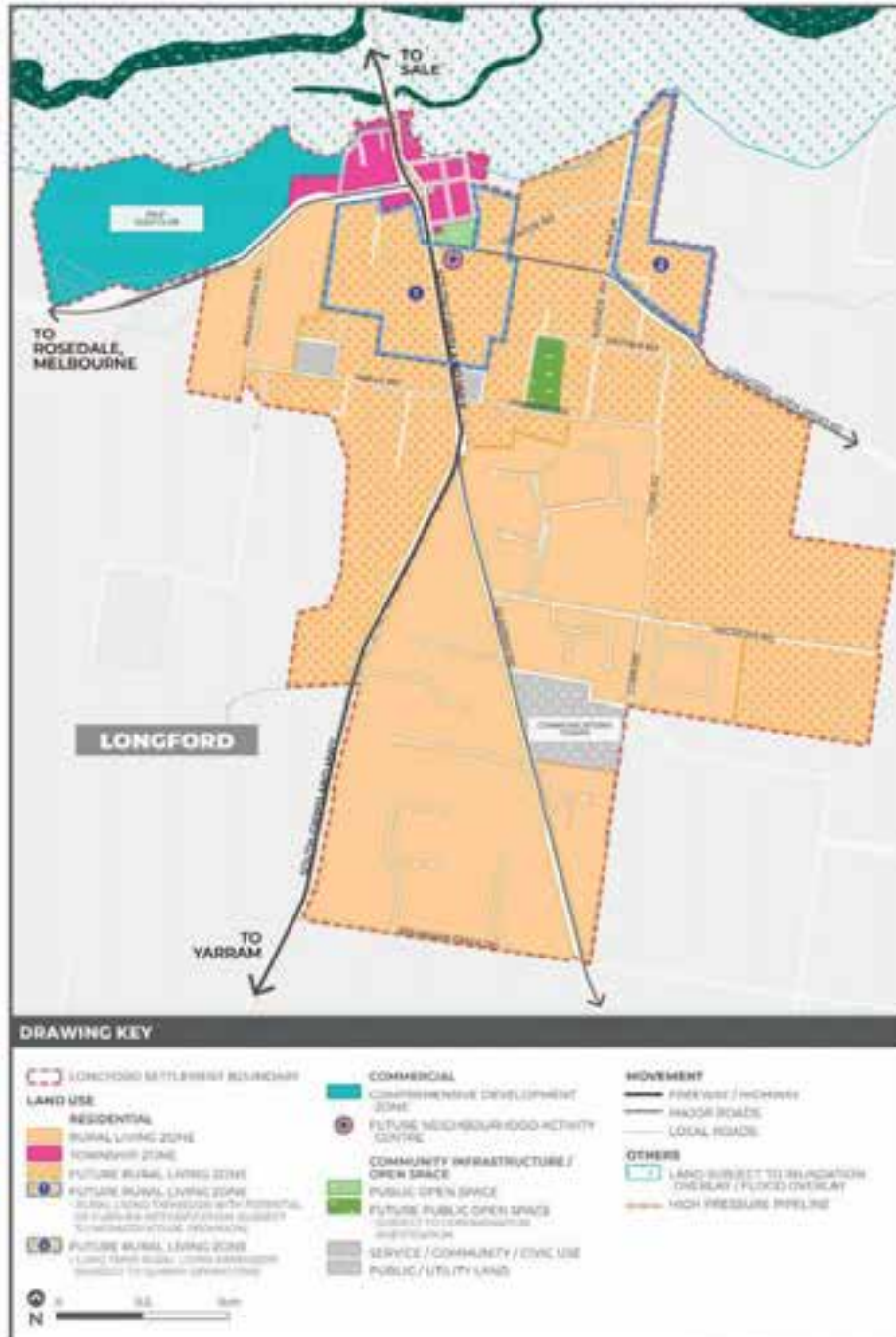
Consider as relevant:

- Encouraging higher density residential development within and adjoining a 400 metre radius of the Sale CBD.

Sale & Wurruk Strategy Plan



Longford Strategy Plan



11.01-1L Maffra

Policy application

This policy applies to the area within the settlement boundary identified in the Maffra Strategy Plan contained within this Clause.

Strategies

Discourage residential and rural residential development in Maffra from establishing outside the existing residential, low density residential and rural living zoned areas adjoining and to the north and north east of the Maffra urban area.

Direct residential development within:

- The northern and north-eastern residential growth corridors.
- Land either side of Boisdale Street and extending northwards up to Sandy Creek Road.
- Land either side of Powerscourt Street extending eastwards to Campbell Street and northwards to McAlister Street.

Maffra Strategy Plan



11.01-1L Rosedale

Policy application

This policy applies to the area within the settlement boundary identified in the Rosedale Strategy Plan contained within this Clause.

Objectives

To maintain Rosedale's identity as a small rural highway town and provide a strong sense of place and character.

Strategies

Maintain and enhance Rosedale's rural character.

Encourage the retention of historic places on the Princes Highway.

Encourage urban development to be designed to:

- Respect the characteristics of nearby historical places.
- Use the existing grid pattern as a design basis for new subdivision layouts.
- Design dwellings to front open spaces and green reserves where possible.

Create a walking and cycling path network that connects and allows for safe movement between residential areas, recreation areas and key nodes within Rosedale by:

- Improving the safety and ease of accessing and crossing Prince Street.
- Using creeks (including the Blind Joes Creek corridor) and floodplains to provide physical walking and cycling connections between Rosedale and the surrounding area.
- Supporting improvements to create direct access between Cansick Street and the railway station.

Facilitate sustainable tourism uses in Rosedale within the rural activity area north of the western town approach of the Princes Highway.

Facilitate future growth while minimising encroachment of development into floodplains.

Protect views from the town to the surrounding landscape.

Residential Strategies

Support subdivision of Low Density Residential Zoned land within the Rosedale Urban Area (north of the railway line) to smaller lot sizes where reticulated sewerage can be provided. Encourage residential development in the following locations:

- The vacant broad acre land to the east of the town (Mill Lane).
- Between Moore Street, Rosedale-Flynns Creek Road, Cricket Street and Blind Joes Creek, subject to the outcome of the Rosedale Flood Study.
- To the west of Blind Joes Creek and east of Mill Lane.

Encourage low density residential development on:

- Rosedale-Flynns Creek Road north of the railway line, subject to the outcome of the Rosedale Flood Study.
- Low density residential zoned land on Williams Road.

Support rural lifestyle living on land bound by Williams Road, Willung Road, Hoopers Road and Friends Road.

Encourage intensification of land for rural living to the west of Rosedale-Flynns Creek Road outside the coal buffer and to the east of Willung Road.

Rosedale Strategy Plan



11.01-1L Heyfield

Policy application

This policy applies to the area within the settlement boundary identified in the Heyfield Strategy Plan contained within this Clause.

Strategies

Encourage the development of under-utilised land in the town centre for mixed use development.

Encourage consolidation of health services within the vicinity of the existing Heyfield Hospital.

Urban design strategies

Discourage driveway entrances on building frontages along George and Temple Street. Provide access from rear and side laneways where possible.

Encourage development within the town centre to include weather protection for pedestrians.

Encourage retention of older buildings that contribute to the character of the town centre.

Commercial strategies

Facilitate the consolidation of the George and Temple Street commercial areas into a single commercial area.

Encourage ancillary office and residential uses at upper levels of buildings on Temple Street.

Encourage the expansion of the existing supermarket.

Encourage tourism development on land outside the threshold distance from the mill at 63 – 97 Firebrace Road as shown on Map 1 in the Special Use Zone 4.

Residential strategies

Ensure that sufficient land is zoned for residential purposes within the Heyfield Township Boundary.

Encourage development of strategic infill sites (19 Weir Road, 3 Pearson Street, 9 Harbeck Street, south of River Street and land within the Township Boundary along Licola Road and Tyson Road) for residential purposes.

Encourage medium density residential development within a 400 metre radius of the Heyfield town centre.

Enable more intensive residential development within the Heyfield Township Boundary.

Encourage the development of short term workers accommodation in Heyfield.

Encourage workers accommodation on land within the Special Use Zone 5.

Encourage mixed use residential development on the west side of Temple Street, to link the two commercial centres between George Street and Harbeck Street.

Encourage residential development to be located either above or at the rear of new shops fronting Temple Street.

Encourage development of retirement and aged care housing within walking distance to the Heyfield Hospital and town centre.

Industrial strategies

Direct large-scale industries and industries with adverse amenity potential to locate east of Weir Road in the Industrial Activity Precinct.

WELLINGTON PLANNING SCHEME

Encourage light industrial uses to remain on industrial land in Firebrace Road closest to the Heyfield town centre.

Protect timber processing industries around Heyfield by including noise attenuation measures in developments for sensitive uses in close proximity.

Encourage provision of natural gas infrastructure to support business and industry.

Provide and maintain buffer treatments to protect land identified for future growth from industrial activities.



11.01-1L Yarram

Policy application

This policy applies to the area within the settlement boundary identified in the Yarram Strategy Plan and Buckleys Island Road Strategy Plan contained within this Clause.

Strategies

Maintain and promote a compact commercial centre.

Encourage the retention of heritage buildings in the commercial centre.

Encourage infill development that respects existing heritage buildings in the commercial centre.

Encourage low density residential development for the Yarram area at Buckleys Island Road.

Encourage multi-unit development and housing for older people to locate in areas with good access to the city centre, hospital, transport, open space and community and recreational activities and facilities.

Yarram Strategy Plan



Buckleys Island Road Strategy Plan



11.01-1L Stratford

Policy application

This policy applies to the area within the settlement boundary identified in the Stratford Strategy Plan contained within this Clause.

Stratford strategies

Ensure that residential development to the east of the existing urban area only occurs following the resolution of stormwater drainage problems in this area.

Limit the expansion of rural residential development outside of those areas shown on the Stratford Strategy Plan.

Stratford Strategy Plan



11.01-1L Other settlements

Policy application

This policy applies to the areas within the settlement boundaries identified in the Briagolong Strategy Plan and the Alberton Strategy Plan contained within this Clause, and to all urban zoned land in the townships of Dargo and Licola.

Briagolong strategies

Retain the existing rural character in the township zone.

Encourage residential development that includes measures to contain and treat effluent on site and to discharge stormwater runoff in a manner which minimises impacts on the receiving environment.

Encourage development of cottage based tourism along the main roads of the town.

Briagolong Strategy Plan



WELLINGTON PLANNING SCHEME

Alberton, Dargo and Licola objective

To protect and enhance the character and environment of Alberton, Dargo and Licola and their surrounds.

Alberton, Dargo and Licola strategies

Direct residential growth in Alberton to the township zone.

Ensure development density and subdivision protects the township character.

Ensure that all development is sited and designed in a manner which responds to the 'mountain village' character of Dargo and Licola.

Alberton Strategy Plan



11.02-3L Sequencing of development - Wellington

infrastructure
C...

Strategies

Rezone land in a logical and sequential manner that has regard to:

- The staging of infrastructure delivery, including the provision of water, sewer, drainage, traffic, pedestrian/cyclist and other relevant infrastructure.
- Access to community services and facilities.
- The general sequencing identified in the Sale and Warruk Strategy Plan and Longford Strategy Plan at Clause 11.01-1L.

Manage the staging of residential development for land north of Hiho's Lane and south of Rhoda Street, Yarram, using development plans, to achieve efficient infrastructure provision and avoid an oversupply of residential lots.

Avoid development that is out of sequence with infrastructure provision.

11.03-1L Sale activity centre

11.03-1L
C-11

Policy application

This policy applies to the area within the Sale CBD Strategy Plan contained within this clause.

Objective

To maintain the primacy of the Sale Central Business District (CBD) as a commercial hub.

Strategies

Facilitate development within the Port of Sale Cultural and Civic Precinct.

Concentrate retail activities in the Activity Centre precinct.

Facilitate retail expansion southwards along Raymond Street to cater for future retail demand, improve the legibility of the CBD from Foster Street and improve the physical and commercial connection of the Sale CBD to the Princes Highway, the Port of Sale Cultural and Civic Precinct and Sale Railway Station.

Concentrate highway related uses in the Commercial Zone precinct to capitalise on passing trade.

Discourage non-commercial uses at ground floor level in the Commercial Zone precinct between Starvell and Foster Streets.

Promote commercial uses at the street level and accommodation and business uses at upper floors in the Mixed Use Zone.

Encourage intensive commercial development on York Street (between Macarthur and Macalister Streets) that integrates with the CBD and facilitates its extension onto York Street.

Facilitate small-scale businesses and medium density housing north of Macalister Street within the existing mixed-use precinct.

Encourage establishment of entertainment facilities within and close to the CBD.

Facilitate development that respects and positively responds to the prevailing building height of the Sale CBD.

Encourage well designed development on York Street and Foster Street to present an improved image of Sale to passing traffic.

Encourage all buildings within the CBD to incorporate active frontages to street edges and mid-block car parks to improve pedestrian safety and amenity.

Encourage development on Cunninghame Street (between York Street and Raymond Street) that promotes pedestrian activity.

Encourage development within the CBD to:

- Adopt a high standard of architectural design through the use of special design features, articulation within façades, varying materials and colours, scale, contextual design responses and like measures.
- Incorporate high quality urban design and landscape architecture.

Policy guideline

Encourage the development of buildings no greater than 3 storeys in height in the Sale CBD.

Objective

To provide for limited commercial facilities that are strategically required outside the CBD.

Strategies

Direct office development to the south of the Sale CBD (between Reeve Street and York Street).

Promote tourism and cultural uses and development within the Port of Sale Cultural and Civic Precinct area.

Encourage use and development within the Port of Sale Cultural and Civic Precinct that supports or complements the arts, entertainment, culture, tourism and recreation. [21.11-2.3]

Support community facilities and recreation within the vicinity of Lakes Guthridge and Guyatt.

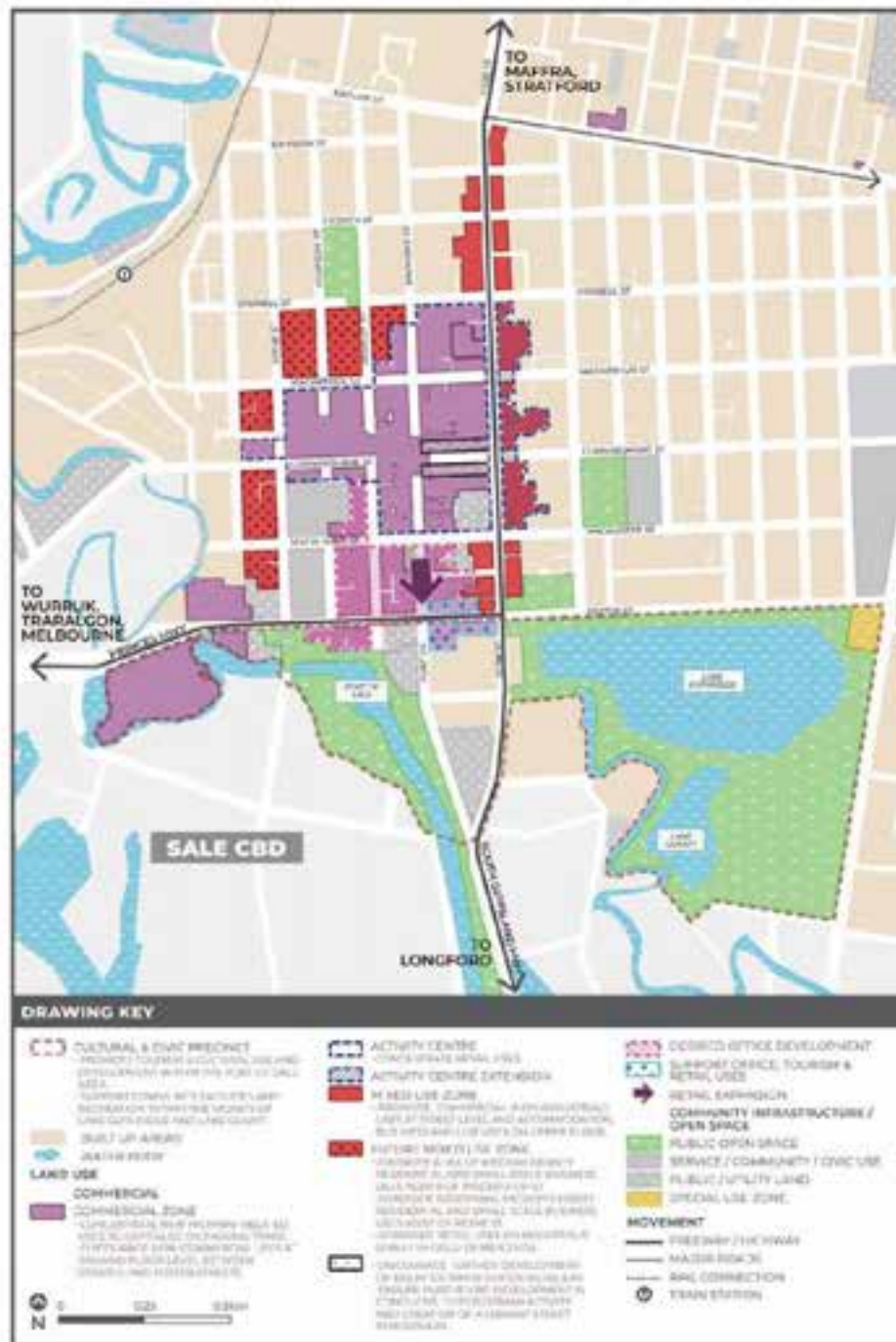
Discourage development of higher order retailing and commercial development outside the CBD, with the exception of the corner of Cobains Road and Princes Highway.

Encourage restricted retail premises to locate in the Commercial 2 Zone on the corner of Cobains Road and the Princes Highway as a dedicated homemaker and bulky goods retail centre.

Facilitate the northward expansion of the homemaker/bulky goods site located on the corner of Cobains Road and the Princes Highway.

Discourage industrial use and development from establishing on the corner of Cobains Road and the Princes Highway.

Sale CBD Strategy Plan



11.03-4L Coastal settlements - Wellington

11.03-4L
C-11

Policy Application

This policy applies to land within the settlement boundaries identified on the following plans contained within this clause:

- Loch Sport Strategy Plan
- Port Albert and Palmerston Strategy Plan
- Golden Beach/Paradise Beach Strategy Plan
- Manns Beach Strategy Plan
- McLoughlins Beach Strategy Plan
- Robertsons Beach Strategy Plan
- Seaspray Strategy Plan
- The Honeysuckles Strategy Plan
- Woodside Beach Strategy Plan

Objective

To facilitate limited development of coastal settlements that responds to their environmental constraints.

Strategies

Facilitate the restructuring of old and inappropriate coastal subdivisions.

Ensure development in coastal areas has adequate infrastructure, including reticulated sewerage, to protect environmental values, particularly the water quality of the Gippsland Lakes.

Limit coastal settlements with little existing infrastructure, including reticulated sewerage, to existing development densities.

Design new buildings in coastal areas to complement the character of coastal settlements by using low scale building forms set in to the landscape and employing colours and materials that reduce contrast and distant visibility.

Minimise development visible above the dunes and coastal vegetation outside settlements, when viewed from the beach, foreshore or offshore.

Avoid structures visible from the foreshore on the Bass Strait coast by setting new developments back from the coast and natural coastal landforms.

Develop effective public spaces within Loch Sport to provide for passive recreation.

Define the Sanctuary Road and National Park Road major access route in Loch Sport as the central spine of the town through the use of landscape treatments to define the road edge.

Loch Sport Strategy Plan



Port Albert and Palmerston Strategy Plan



Golden Beach/Paradise Beach Strategy Plan



Manns Beach Strategy Plan



McLoughlins Beach Strategy Plan



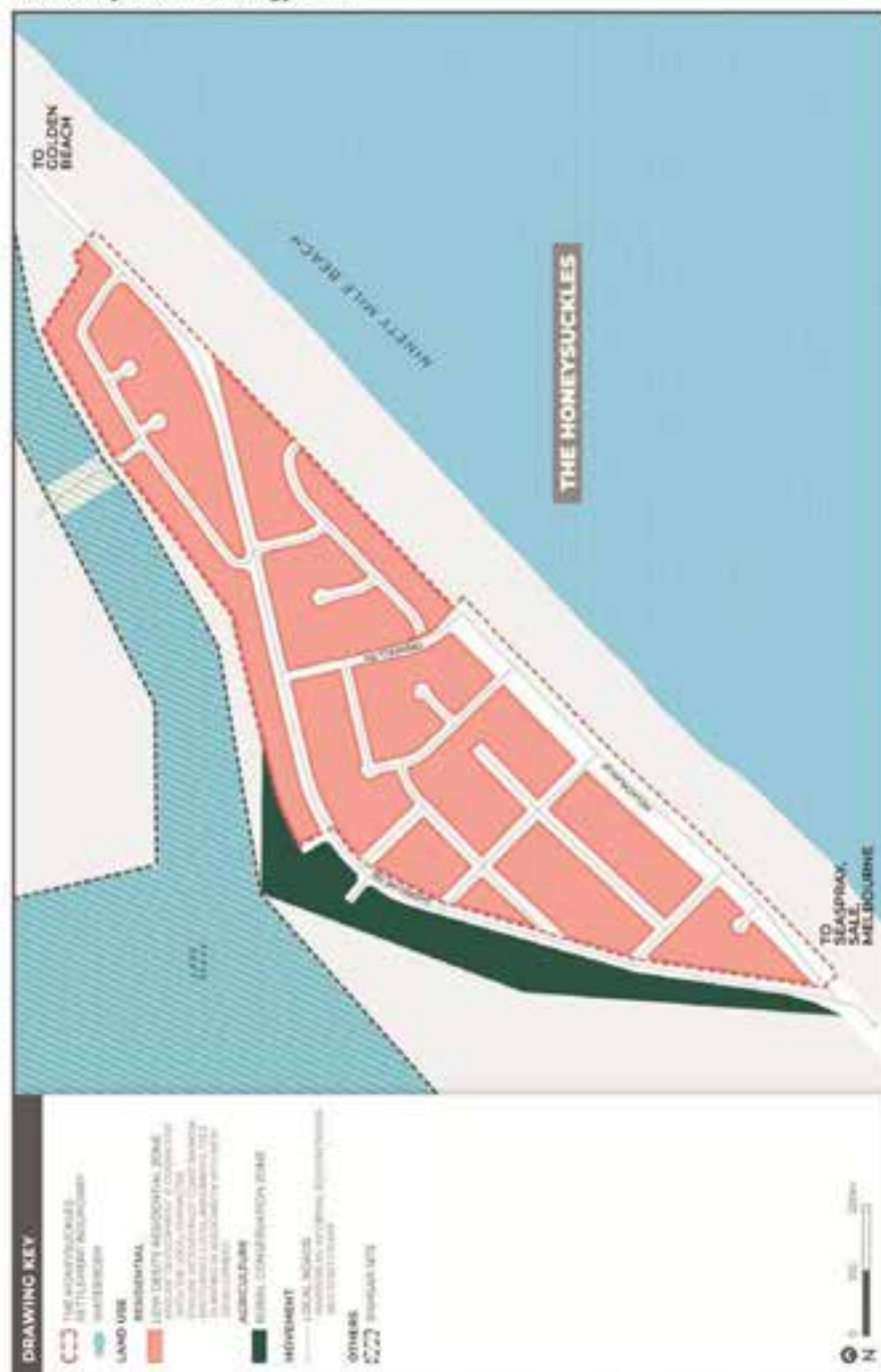
Robertsons Beach Strategy Plan



Seaspray Strategy Plan



The Honeysuckles Strategy Plan



12.01-1L Protection of biodiversity - Wellington

12.01-1L
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Strategies

Encourage development that reduces stormwater runoff to minimise environmental impacts, habitat loss and destruction.

Facilitate retention of native animal habitat areas.

12.01-2L Native vegetation management - Wellington

noted
C=

Strategies

Conserve native vegetation on private land, Crown land, declared water stream-side reserves and roadsides.

Encourage development to protect and maintain indigenous coastal vegetation, particularly at the coastal edge of the Ninety Mile Beach and adjoining inland lakes, south of Seaspray and within coastal settlements.

Encourage planting of indigenous vegetation for rehabilitation works and landscaping.

12.02-1L Protection of coastal areas - Wellington

12.02-1L
C-1

Objective

To protect sensitive coastal areas from development that detracts from their scenic and environmental value.

Strategies

Maintain the natural condition of the coastline between settlements by limiting opportunities for development.

Encourage retention of existing shelterbelts and non-indigenous feature planting where they are features of the area and the species are non-invasive.

Discourage residential subdivision or development in sensitive areas such as primary or secondary sand dunes or the Lake Reeve islands.

Discourage uses or development that adversely impacts on adjacent coastal parks.

Encourage lower intensity agricultural uses such as animal husbandry in coastal areas where it will not be detrimental to the surrounding natural environment.

Encourage uses that integrate conservation and agricultural production in coastal areas.

Locate infrastructure away from highly scenic locations, key views and near-coastal locations.

Encourage the siting of powerlines and other utility services underground wherever possible.

Use vegetation to screen infrastructure from key viewing corridors and public use areas.

Protect significant views and vistas that contribute to the character of coastal and hinterland areas from development, particularly from formal lookouts, from the Longford-Loch Sport Road to Lake Wellington and Lake Reeve, and to the coastal dunes of the Ninety Mile Beach.

Protect the natural and unbuilt views of Lake Victoria and Lake Wellington as viewed from the shores of the lakes by setting development back from natural coastal landforms.

Where development within the coastal strip is proposed:

- Site developments on the inland slope of dunes to avoid buildings protruding above the dune ridgeline.
- Set development back from the coast in flatter locations.
- Set buildings and structures among existing vegetation, maximising the retention of coastal vegetation.
- Use indigenous vegetation to further integrate the development with the landscape.
- Design buildings to follow the site contours or step down the site and avoid visually dominant elevations.
- Minimising the visibility and impact of pedestrian and vehicular access paths and site servicing on the coastal landscape.

Policy Guidelines

Consider as relevant:

- Any relevant coastal hazard vulnerability assessment prepared for the coastal townships.

12.02-1L Ninety Mile Beach and Gippsland Lakes

Policy Application

This policy applies to land shown on the Ninety Mile Beach Policy Plan 01, 02 and 03 to Clause 12.02-1L Ninety Mile Beach and Gippsland lakes.

Objective

To protect the landscape character of the Ninety Mile Beach coast and Gippsland Lakes.

General Strategies

Discourage development that adversely impacts on the coastal and Gippsland Lakes environments.

Maintain and enhance the conservation and recreation values of the Ninety Mile Beach foreshore.

Design development at the coastal edge of settlements to be sensitive to surrounding development and landforms, particularly when viewed from the foreshore.

Support lower buildings adjacent to the foreshore and higher buildings away from the foreshore.

Discourage urban development, including dwellings and ancillary buildings, within the Rural Conservation Zone.

Glomar Beach to Golden Beach strategies

Limit development to lots restructured in accordance with the Restructure Plans in Clause 45.05 that are not vulnerable to environmental impacts.

Locate development on land identified in the Restructure Plans in Clause 45.05 to not adversely impact on the coastal and lakes environment.

Discourage development that is not consistent with the *Ninety Mile Beach Development and Subdivision Controls, Golden Beach to Glomar Beach, March 2012 (Incorporated Document)* (Wellington Shire Council, March 2012).

Areas between settlements strategies

Design development outside of the settlements of the Honeysuckles or Golden Beach, including through siting, materials and colours, to:

- Respond to the natural landscape setting.
- Minimise visibility with the surrounding landscape character, particularly in prominent locations, main road corridors, key public use areas and in fragile, unstable and flood prone areas.

Protect sensitive coastal vegetation, in particular heath-lands and dune vegetation, from clearing, grazing and trampling.

Design and locate development in open rural areas to be well set back from roads or to be grouped among substantial indigenous or non-invasive vegetation including existing shelterbelts.

Encourage development outside of the settlements of the Honeysuckles or Golden Beach, to:

- Use permeable areas for vegetation and surface water infiltration.
- Retain and plant trees that contribute to continuous canopies.
- Minimise the visual impact of signage and infrastructure.
- Avoid large, visually intrusive or brightly coloured signs.
- Locate power lines, access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations.

WELLINGTON PLANNING SCHEME

- Be of a low scale where near lakes or waterways.

Policy guidelines

Consider as relevant:

- Whether development is at least 100 metres from riparian vegetation to allow for their protection or rehabilitation.

Policy documents

Consider as relevant:

- *Wellington Coast Subdivision Strategy: The Honeysuckles to Paradise Beach* (GHD, February 2007).
- *Ninety Mile Beach Development and Subdivision Controls, Golden Beach to Glomar Beach, March 2012 (Incorporated Document)* (Wellington Shire Council, March 2012).

Ninety Mile Beach Policy Plan - 01



Ninety Mile Beach Policy Plan - 02



Ninety Mile Beach Policy Plan - 03



WELLINGTON PLANNING SCHEME

12.03-1L River corridors, waterways, lakes and wetlands – Wellington

12.03-1L
12.03-1L

Strategies

Avoid development that has the potential to adversely impact on the ecological, cultural, historic, archaeological and scientific values of the Corner Inlet Ramsar Wetlands and the surrounding Albert River, Jack River and Tarra River.

V.5

14.01-1L Protection of agricultural land - Wellington

14.01-1L
C-1

Use and development – strategies

Discourage residential, commercial, industrial and other land uses that do not demonstrate a direct link with agricultural land use or rural dependent tourism enterprises.

Discourage development for dog breeding and boarding facilities on high quality agricultural land and in the Macalister Irrigation District.

Ensure use and development adjacent to main roads in rural areas is related to agriculture.

Protect the continued operation of existing farms in rural areas from adverse residential amenity concerns.

Discourage dwellings in agricultural areas unless there is a clear and necessary connection between the use of the dwelling and a rural activity carried out on the land.

Subdivision – strategies

Ensure subdivisions and associated development are designed to minimise potential impacts on irrigation infrastructure.

Support the realignment of boundaries only to:

- Make minor adjustments, such as in association with topographical or public infrastructure features; or
- Facilitate more productive agricultural outcomes particularly through farm consolidation.

Ensure the realignment of boundaries does not create additional subdivision potential.

Support house lot excisions only where they are:

- Directly related to the agricultural use of the land
- Not likely to lead to a concentration of lots that would change the general use or development of the area
- For an existing and long-established farm house, where the owner seeks to remain on the land.

Discourage small or irregular shaped rural lots unless it will facilitate and provide greater flexibility for continued agricultural production.

Ensure small rural lots support ongoing agricultural production and are located adjacent to sealed roads and close to community services.

Subdivision - policy guidelines

Consider as relevant:

- Whether the resulting lot has a maximum size of 1 hectare on irrigated land and 2 hectares elsewhere.
- Following the creation of a small lot, whether an agreement under Section 173 of the *Planning and Environment Act 1987* should be entered into to restrict the ability to use the small lot provisions of Clause 35.07-3 again in respect of the affected land.

14.01-2L Diversifying agriculture - Wellington

~~14.01-2L~~
C---

Strategies

Facilitate more intensive and diversified agricultural uses including horticulture and viticulture.

WELLINGTON PLANNING SCHEME

14.01-3L Forestry and timber production - Wellington

14.01-3L
Forestry and timber production - Wellington

Strategies

Encourage timber production activities, including timber mills and agroforestry, in rural areas that minimise impacts on the environment.

Facilitate development of timber industries in Heyfield and Yarram.

Facilitate retention and expansion of timber processing industries.

Encourage timber production and agroforestry on marginal agricultural land including land with steep slopes (but less than 30 degrees), cleared land and areas with poor soil structure, perched water tables, salinity and erosion.

14.02-1L Catchment planning and management - Wellington

*noted
C...*

Strategies

Ensure development is connected to reticulated sewerage or includes the provision of on-site effluent disposal which minimises adverse impacts on groundwater.

Discourage small rural lots of less than 40 hectares in domestic water supply catchment areas.

14.02-1L Special Water Supply Catchment Management Areas

Policy application

This policy applies to all land within a Special Water Supply Catchment Area as defined in the *Catchment and Land Protection Act 1994* and land designated 'Irrigated Land' on the plan '*Proclaimed water supply catchments and irrigation area*' contained in this Clause.

Strategies

Discourage residential development, subdivision and intensive farming activity in water supply catchments and aquifer recharge areas, particularly near water supply take-off points and aquifer recharge areas.

'Proclaimed water supply catchments and irrigation area' plan



14.02-2L Water quality - Wellington

14.02-2L
Water quality - Wellington

Strategies

Encourage revegetation of riparian buffers along waterways, gullies, ridge-lines, property boundaries and recharge areas.

Discourage development and farm practices that increase the amount of nutrients reaching waterways, aquifer recharge areas and groundwater.

Policy guidelines

Consider as relevant:

- Locating development with associated effluent disposal systems at least 100 metres from waterways and wetlands, particularly in areas with high water tables and in domestic water supply catchments.
- The need for a water treatment system where a use or development will generate effluent and cannot be located more than 100 metres from a waterway or wetland.

14.03-1L Resource exploration and extraction - Wellington

~~14.03-1L~~
C--

Strategies

Promote the protection of visual amenity for urban communities from future coal resource developments through landscaping works and tree planting in buffer areas, while minimising the risk of fire hazard.

15.01-2L Building design for older and special needs people

15.01-2L
C---

Strategies

Design development, including housing, medical facilities and transport infrastructure, to cater for older people and people with special needs.

WELLINGTON PLANNING SCHEME

15.03-1L Heritage conservation - Wellington

Policy
15.03-1L

Policy application

This policy applies to all land within a Heritage Overlay.

Strategies

Discourage demolition on the basis of the poor condition or low integrity of a heritage place, whether this is through deterioration, neglect, damage or for any other reason.

Support the use and development of significant heritage places for tourism.

V.5

17.01-1L Diversified economy - Wellington

17.01-1L
C---

Strategies

Support use and development that will increase employment opportunities and diversify industry in the Wellington, consistent with the Latrobe Valley Economic Growth Sub-Region Strategic Framework Plan to Clause 02.04.

Encourage development that supports agricultural, defence and oil and gas industries and supply chains, including industrial and commercial business activities.

Facilitate the development of the Defence sector, and development and business activities that complement Defence activities including training, manufacturing and research and development.

Capitalise on the opportunities afforded by the RAAF Base East Sale and the West Sale Airport to Wellington's employment and economic profile.

Support the development of aviation related industries on or within proximity to the West Sale Airport and RAAF Base East Sale.

Facilitate the growth of other key sectors such as recreation and general industry.

Facilitate the establishment of the West Sale Airport area in accordance with the West Sale Industrial Strategy Plan at Clause 17.03-1L as a major industrial node with access by road, rail and air, while ensuring the airport functions and environmentally significant features are not adversely affected.

Support business that uses Wellington's natural resources in a sustainable manner.

Facilitate development and diversification of local vegetable processing industries in the Maffra and Boisdale area.

Facilitate the expansion of the oil and gas industry and resource exploration within the region's oil and gas fields.

17.03-1L Industrial land supply - Wellington

Industrial
C...

Strategies

Facilitate the expansion of industrial land in Sale and Warrak in accordance with the:

- Sale and Warrak Strategy Plan contained in Clause 11.01-1L.
- West Sale Industrial Strategy Plan contained in this Clause.

Encourage the supply of industrial land suitable for medium and large lots in Sale and Warrak in accordance with the *West Sale and Warrak Industrial Land Supply Strategy* (Urban Enterprise, 2018).

Encourage industrial development east of Fulton Road in Maffra in accordance with the Maffra Strategy Plan at Clause 11.01-1L.

Encourage industrial development on the land on the corner of Church Road and Livingston Road in accordance with the Yarram Strategy Plan at Clause 11.01-1L.

Facilitate the redevelopment of the old Murray Goulburn factory site in Commercial Road, Yarram in accordance with the Yarram Strategy Plan at Clause 11.01-1L.

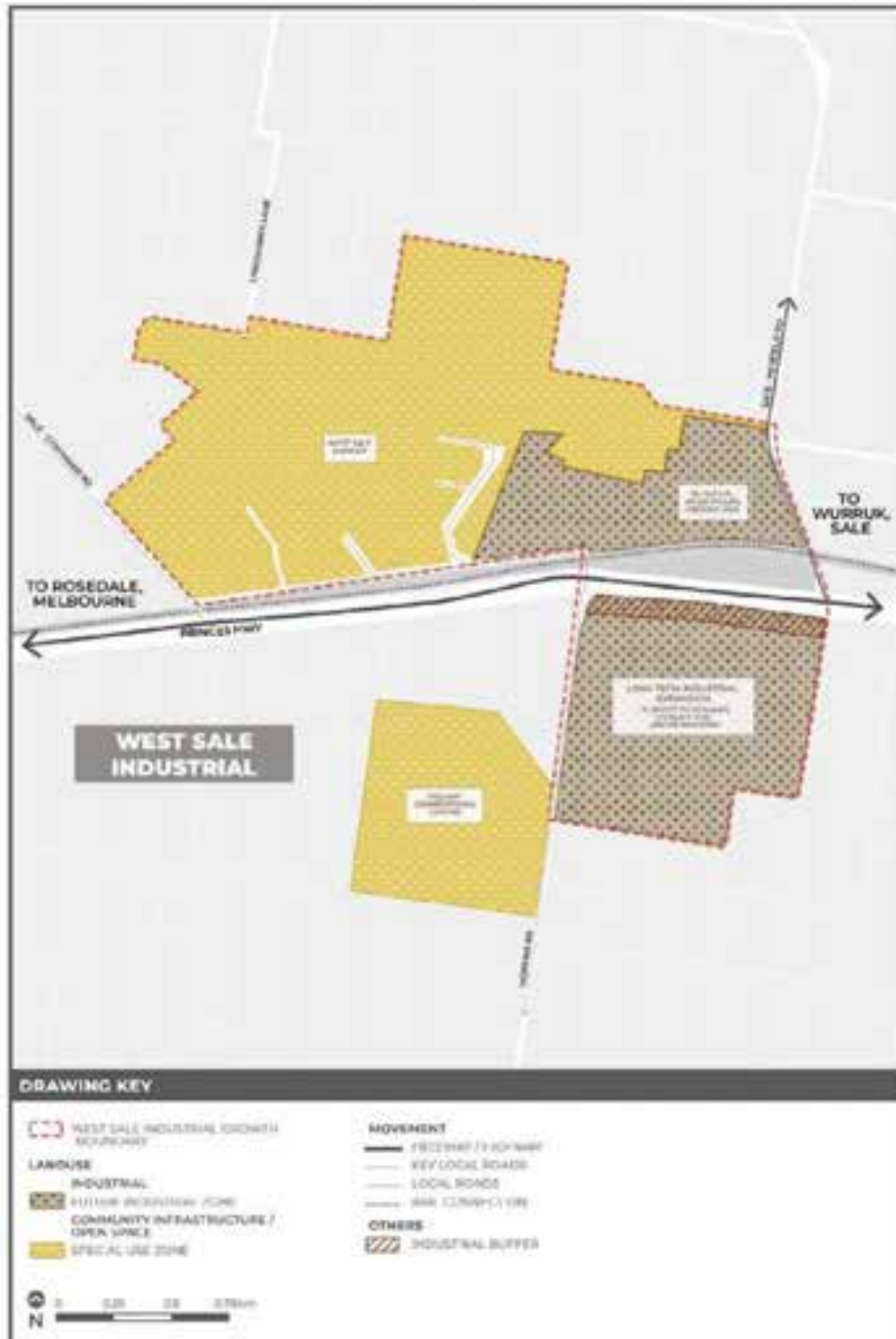
Provide suitable land for the development of future noxious or offensive industries such as food and animal processing industries, together with complementary value adding industries.

Policy documents

Consider as relevant:

- *West Sale and Warrak Industrial Land Supply Strategy* (Urban Enterprise, 2018)

West Sale Industrial Strategy Plan



17.04-1L Facilitating tourism - Wellington

17.04-1L
C-1

Strategies

Facilitate rural based tourist activities that do not adversely impact upon agricultural activities, fragment high quality agricultural land or adversely impact Wellington's natural resources.

Facilitate high quality tourism uses and development (including sustainable ecotourism) to capitalise on areas with favourable natural and heritage attributes, access and infrastructure.

Support low impact and ecologically sustainable tourism development that enhances connectivity with local pedestrian and cycle paths to encourage physical activity.

Promote land close to the Gippsland Plains Rail Trail for tourist accommodation that supports its use.

Facilitate tourism use and development in and around Dargo and Licola.

Facilitate nature-based tourism in appropriate locations, especially near the Gippsland Lakes and Tarra Bulga National Park.

Facilitate concentration of urban-type tourist and commercial recreation development in established urban areas and townships.

Facilitate the development of 'cottage' based tourism in Briagolong, particularly along the main roads of the town.

Support major tourism uses that are not dependent on a coastal location to develop within Loch Sport and Port Albert.

17.04-2L Coastal and maritime tourism and recreation - Wellington

noted
C++

Strategies

Enhance Loch Sport's role as a boating centre and support the development of facilities that promote boating visitation to Loch Sport from other centres in the Gippsland Lakes network.

Encourage the concentration of coastal tourist and commercial recreation development in established urban areas and townships.

Facilitate diversity of commercial activity in coastal areas, particularly where it is related to environmentally sustainable tourism.

18.01-1L Land use and transport planning - Wellington

18.01-1L
C---

Strategies

Encourage businesses and industries that are reliant on road and rail infrastructure to locate on, or close to, the Princes Highway and South Gippsland Highway transport corridors.

18.04-1L Planning for airports and airfields - Wellington

18.04-1L
C-1

Policy application

This policy applies to applications to use and develop land within the Airport Environs Overlay (Schedules 1 and 2) and the Design and Development Overlay (Schedules 4, 5 and 6) within and around the RAAF Base East Sale, West Sale Airport and the Parkside Aerodrome at Yarram.

Strategies

Protect the operation of the RAAF Base East Sale, West Sale Airport and Parkside Aerodrome, Yarram and their ability to expand.

Facilitate a multimodal interchange/transport and logistics hub in the West Sale Airport area.

RAAF Base East Sale – Policy guidelines

Consider as relevant:

- Whether the land is located within a designated area on the:
 - RAAF Base East Sale – Vic. 2035 Australian Noise Exposure Forecast (Department of Defence, 2018).
 - *Defence Aviation Areas Regulations – RAAF Base East Sale DAA Plan, 2018.*
- and the implications of associated controls/guidelines.

West Sale Airport – Policy guidelines

Consider as relevant:

- Whether the application or amendment is consistent with the:
 - West Sale Airport Master Plan Update 2017
 - West Sale Aerodrome Public Authority Management Agreement, June 2003.
- Whether the application will adversely impact sites specified as having significant flora and fauna values as outlined in the West Sale Airport Master Plan Update 2017 and the West Sale Aerodrome Public Authority Management Agreement, June 2003.

Policy documents

Consider as relevant:

- Australian Standard AS 2021-2015, *Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* (Standards Australia, 2015)
- *RAAF Base East Sale – Vic. 2035 Australian Noise Exposure* (Department of Defence, 2018).
- *Defence Regulations 2016 Part 11A – Defence aviation areas*
- *Defence (RAAF Base East Sale Defence Aviation Area) Declaration, 2018*
- *West Sale Airport Master Plan Update* (To70 Aviation Pty Ltd, 2017)
- *West Sale Aerodrome Public Authority Management Agreement* (2003)

WELLINGTON PLANNING SCHEME

19.02-1L Health facilities - Wellington

*refused
C-1*

Strategies

Facilitate the northward expansion of Central Gippsland Health Service to ensure long term viability and enhancement of health services and training.

Facilitate establishment of an integrated health precinct around the Central Gippsland Health Service by encouraging medical services and retirement/aged care housing.

19.02-3L Cultural facilities - Wellington

~~19.02-3L~~
C...

Strategies

Provide the community with access to high quality cultural facilities, including arts and recreation facilities.

WELLINGTON PLANNING SCHEME

19.02-6L Open space - Wellington

19.02-6L
C...

Strategies

Maintain and further develop existing open space networks and recreation facilities throughout Wellington that are consistent with Council's open space plan.

Encourage new open space networks that increase tree canopy cover, increase urban forest diversity and improve vegetation health, consistent with Council's open space plan.

Policy documents

Consider as relevant:

- *Public Open Space Plan 2014-2024* (Wellington Shire Council, 2014)

19.03-2L Infrastructure design and provision - Wellington

infrastructure
C...

Strategies

Encourage development to utilise existing urban infrastructure where possible.

Provide a consistent approach to the design and construction of infrastructure across the municipality.

Restrict development on rural township sites incapable of treating and managing waste disposal until reticulated sewerage is installed.

Policy guidelines

Consider as relevant:

- *The Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2019) or an approved precinct structure plan for new subdivision and development.

Policy documents

Consider as relevant:

- *The Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2019).

19.03-3L Integrated water management - Wellington

19.03-3L
19.03-3L

Strategies

Encourage the use of innovative water management infrastructure, including reed-beds and composting toilets.

Discourage development in coastal areas that generates and disposes of wastewater on-site within setback distances of waterways and wetlands as set out in *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016).