

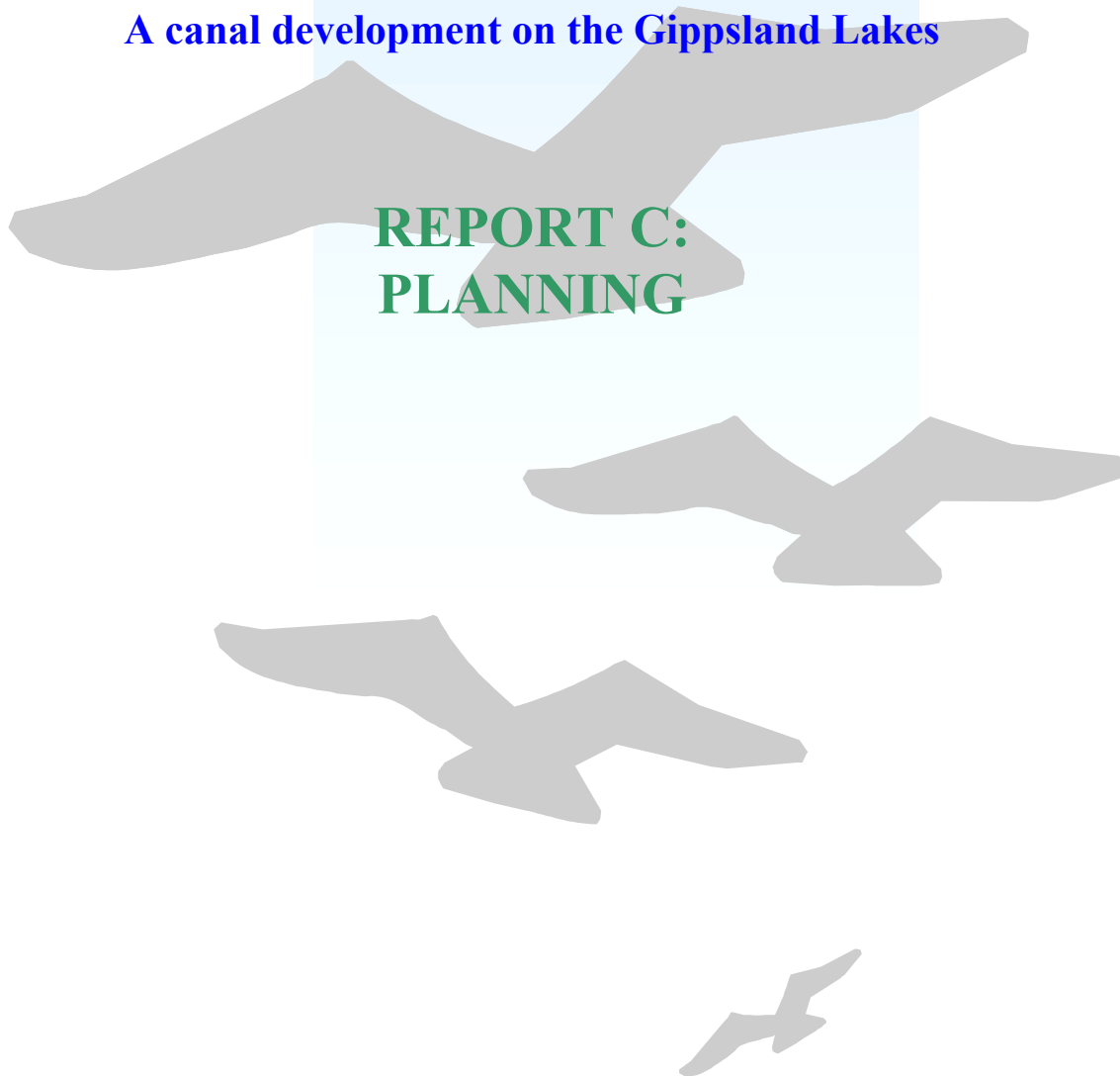


ENVIRONMENT EFFECTS STUDY

WELLINGTON WATERS

A canal development on the Gippsland Lakes

**REPORT C:
PLANNING**



Wellington Waters Canal Development - Planning Scheme Amendment

Planning Report

Wellington Waters

October 2003

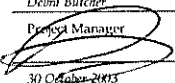
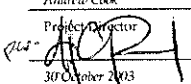
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Wellington Waters Canal Development - Planning Scheme Amendment

Planning Report

Wellington Waters

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Wellington Waters

Wellington Waters Canal
Development - Planning
Scheme Amendment
Planning Report

October 2003

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INTRODUCTION

This planning report has been prepared to accompany a request for a planning scheme amendment to the Wellington Planning Scheme (the Scheme) to facilitate a canal based resort development on the shores of Lake Wellington.

The amendment will be considered in conjunction with an Environmental Effects Statement (EES) which has also been prepared for the proposal.

The land proposed for development is located on the south eastern shores of Lake Wellington in proximity to the 90 Mile Beach and to the town of Lochsport. It has a total area of approximately 725 hectares and is accessed via Sperm Whale Head Road.

It is proposed to amend the Scheme to rezone the subject land from the Rural Zone (RUZ) to the Special Use Zone (SUZ) and to include all of the land in a Development Plan Overlay (DPO).

The land is also currently included in part in the Environmental Significance Overlay (Schedule 1) (ESO1), the Environmental Significance Overlay (Schedule 2) (ESO2) and the Land Subject to Inundation Overlay (LSIO). It is proposed to retain these overlay controls over the land.

It is also proposed to make a minor modification to the MSS to make general reference to a canal based development, as well as inserting a specific clause which relates to the Wellington Waters development.

The purpose of the rezoning is to facilitate a canal based resort type development comprising waterfront housing along canals, wetland areas (including isolated wildlife reserves), and commercial facilities with an associated marina to service both the residents and holiday makers boating on the Gippsland Lakes.

A total of approximately 1000 lots are proposed varying in area from 400 square metres up to 1250 square metres.

The proposed development will help promote the tourism industry both in the Gippsland Lakes region generally as well as promoting Lake Wellington in particular and its potential as a holiday destination. The proposal responds to an identified demand for improved boating and accommodation facilities in the Gippsland Lakes.

The environmental features of the Lake will also be promoted as a result of the proposal, via the provision of wildlife reserve areas.

The proposed development is consistent with the strategic policies and objectives of both the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) which seek to promote tourism in the area and the subsequent generation of employment and economic activity.

The significant environmental features of the site have also been addressed to ensure that the proposal is consistent with the relevant Clauses of the SPPF and the LPPF in terms of appropriately managing ecologically important areas, catchment management and the conservation of biodiversity.

It is considered that the unique nature of the proposal, including its tourism focus and its environmental features, provide appropriate justification for the development of a new tourism focussed settlement in the Shire.

This report will expand on these issues.

The following additional documents have been prepared in support of the amendment and EES:

- A series of plans prepared by Peddle Thorp Melbourne including a Site Analysis Plan, Design Response Plan, preliminary Master Plan and detailed concept plans for Stage 1 of the proposal;
- An Economic Impact Assessment, dated April 2003, prepared by Essential Economics Pty Ltd;
- A Biodiversity Report, dated September 2003, prepared by Australian Corporate Environmental Management Systems.
- A Landscape Masterplan Report, dated March 2000, prepared by Tract Consultants.
- A Coastal Engineering Report, dated May 2003, prepared by Coastal Engineering Solutions.
- Infrastructure Plans, dated March 2003, prepared by Meinhardt.

2.1 SUBJECT SITE

The subject site is located on the south east edge of Lake Wellington, approximately 40 kilometres east of Sale, which is the nearest major town.

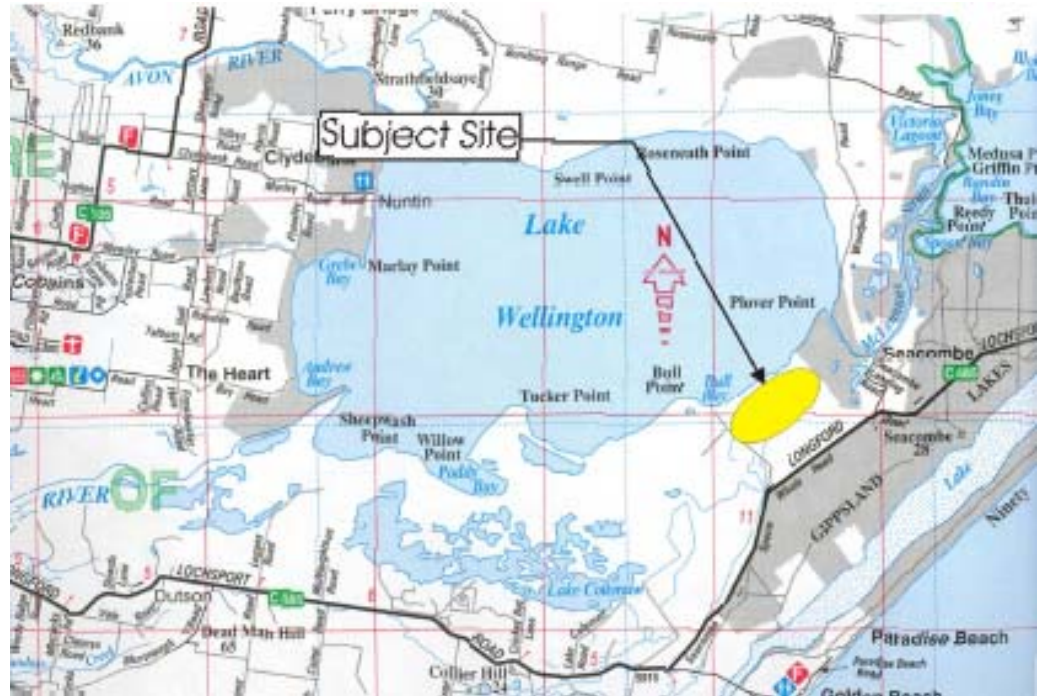


Figure 1: Locality Plan

The site has an area of approximately 725 hectares and forms part of the larger Wellington Park property which has an overall area of 2,712 hectares and is currently used for grazing purposes.

The site is relatively flat (with levels varying between RL 0.5 to RL 3) and existing vegetation can be described as follows:

- Exotic pasture comprising approximately 151 hectares and located in the south portion of the site.
- Plains Grassy Woodland/Damp Sands Herb Rich Woodland comprising approximately 29 hectares and located in scattered areas centrally and in the southern portion of the site.
- Coastal Saltmarsh comprising approximately 405.5 hectares and located centrally on the site.
- Coastal Banksia Woodland, comprising approximately 16.5 hectares and located in the eastern portion of the site.

- Estuarine Wetland comprising approximately 81 hectares and located both along the lake edge and centrally on the site.
- Damp Sands Herb Rich Woodland comprising approximately 36 hectares and located adjacent to the south boundary of the site.
- Coastal Banksia/Damp Sands Woodland comprising approximately 6.5 hectares and located adjacent to the east boundary of the site.

The Biodiversity Report that has been prepared as part of the EES notes that the subject site is currently in a semi natural state, with land and water environments and vegetation associations that are highly degraded as a result of:

- native vegetation clearance;
- domestic stock grazing;
- salt accumulation (from saltwater flooding of the low lying marsh areas of the site which results in the dieback of vegetation in those areas);
- very high and increasing nutrient loads from upstream;
- the introduction of a range of highly competitive and destructive biodiversity.

Access to the site is currently available via an internal road from the remainder of the Wellington Park property, which in turn is accessed from Sperm Whale Head Road.

There is no development currently located on the subject land although the broader Wellington Park property is occupied by a number of residences and associated outbuildings and farming related buildings.

2.2

LAKE WELLINGTON AND THE GIPPSLAND LAKES

The site is located on the southern edge of Lake Wellington, adjacent to Bull Bay.

Lake Wellington forms part of the wider Gippsland Lakes system which extends from Lake Wellington in the west through to Lakes Entrance to the east. The lakes system is the largest navigable inland waterway in Australia and is fed by a number river systems including the LaTrobe River, the Avon River, the Mitchell River, the Nicholson River and the Tambo River.

The Lakes system is linked to the sea by an artificial entrance at its eastern end, adjacent to Lakes Entrance.

The three main lakes of the system (Lakes Wellington, Victoria and King) cover approximately 345 square kilometres and have a combined shoreline in the order of 325 kilometres.

The Gippsland Lakes are used for a variety of water sports including boating, fishing and swimming.

The lakes also include an extensive area of wetlands which are used seasonally by various species of waterbirds. The wetland areas of the lakes are listed as one of only eleven wetland sites of international significance (Ramsar sites) in Victoria, with the lakes supporting a large number of waterfowl.

In the case of Lake Wellington, there are a number of permanent deep saline wetlands which support populations of waders.

2.3

LOCALITY

The site is located in the northern portion of the existing Wellington Park property and is located approximately 40 kilometres from Sale and in the order of 2.5 hours drive from Melbourne.

The nearest settlement to the site is Seacombe which is located approximately 10 kilometres to the east and is essentially a tourist area used for camping and caravans. The town is not serviced and there are only a handful of permanent dwellings.

The nearest town to the site is Loch Sport which is located approximately 20 kilometres to the east and has only limited services including a restaurant, a café, a general store, bakery, fuel sales and a bait shop.

Wellington Waters is also located in proximity to the Ninety Mile Beach which is approximately 10 minutes drive, to the south.

Directly abutting the site to the north east, also with frontage to Lake Wellington, is the Gippsland Lakes State Park. The McLennan Strait runs through the park and provides a connection between Lake Wellington to the west and Lake Victoria to the east.

To the south east of the site, on the south side of Sperm Whale Head Road is a further area of the Gippsland Lakes State Park. This Park extends north east adjacent to Lake Reeve and the Ninety Mile Beach.

3.1 OPPORTUNITIES AND CONSTRAINTS

Prior to undertaking the detailed design of the proposal, the opportunities and constraints of the site were assessed to ensure an appropriate design response.

Some of the key opportunities that were identified as part of this process include the following.

- The beaches that are available in Bull Bay, adjacent to the site.
- The significant boating opportunities available both on Lake Wellington and throughout the Gippsland Lakes system.
- The limited availability of water front housing anywhere in the Gippsland Lakes system.
- The identified need for a greater number of destination points for recreational boating throughout the Gippsland Lakes system and the need for additional wetberths.
- The lack of commercial services (in the form of general stores, pubs/restaurants) available adjacent to the Gippsland Lakes system.
- The presence of geothermal aquifers providing an opportunity for the development of a health resort featuring natural hot spas.
- The road frontage to Sperm Whale Head Road, enabling appropriate vehicular access to the site.
- The degraded nature of much of the vegetation on the existing site and the opportunity to improve the quality of the vegetation and reduce the impacts of salination.
- The potential to improve habitat quality on the site for native fauna.
- The potential to improve water quality in the wetland areas and thus improve habitat quality for aquatic flora and fauna.

Some of the key constraints identified as part of the process include the following.

- The Ramsar wetlands located adjacent to the subject site and the need to minimise impact on these areas.
- The existing vegetation that is located on the site and the need to minimise the loss of native vegetation as a result of the proposal.

- The likely presence of a number of 'threatened' species (as defined under the Flora and Fauna Guarantee Act 1998) on the site and the need to minimise impact on the habitat of these threatened species.
- The potential for the development to have adverse impacts on the flora and fauna of the site and the need to manage these potential impacts appropriately.
- The presence of mosquitos in the area and the need to provide some level of effective mosquito control.
- The location of the State Park adjoining the site to the north and the need to ensure an appropriate interface with the Park, both in terms of flora and fauna and visual impact.
- The views of the site from the lake and the need to ensure that the proposal has minimal impact on these views.
- The need to provide an appropriate depth for boats using the proposed canal system while ensuring that minimal dredging will be required.
- The inclusion of the site as part of the existing floodplain around Lake Wellington with links through to McLennan Straits.

3.2

DESIGN RESPONSE

The layout and design of the proposal responds to the site's opportunities and constraints in the following manner.

- The siting and design of the canals minimises the need for removal of native vegetation.
- The location of the canal entry and exit points captures prevailing winds from the west to west-south-west and assists in the circulation of water.
- The siting and design of the canal (to a depth of 2 metres) provides for consistency of water movement in and out of the site and minimises the need for dredging (refer to the Coastal Engineering Report for more detail in this regard).
- The location of the canal entrances at existing coastal indents minimises any change in views of the shoreline from the lake.
- Protection of the lake foreshore on the site by proposing no development along the lake foreshore or within 100 metres of the foreshore.
- The provision of a number of wildlife reserves throughout the site including 'island' wildlife reserves in the middle of the site, a wildlife reserve along the shore of the lake and two other smaller reserves along the

north east boundary and in the eastern corner near the entry to the site from Sperm Whale Head Road.

In all instances the wildlife reserves will have grazing stock, rabbits, cats, foxes etc and all exotic weeds removed. There will also be various other strategies implemented to encourage biodiversity of the wildlife reserves including planting of appropriate terrestrial and aquatic vegetation, and where appropriate the provision of artificial nesting sites for waterbirds.

- Where appropriate, the creation of breeding and shelter habitats for fish will be provided in the canals on the wildlife reserve side of the canal.
- Protection of views from the lake to the development through the set back of the dwellings from the shoreline by approximately 100 metres and a restriction on the height of development to a maximum of two storeys with a maximum height above ground level of 9 metres.
- The provision of an appropriate buffer to the adjoining State Park through the location of wildlife reserves along the majority of the boundary, except for a small portion where the canal directly abuts the common boundary.
- The development of an Environmental Management Plan both for the site as a whole and the wildlife reserves to ensure appropriate measure are put in place for the protection and management of the site.
- The design and layout provides a separation of over 60 metres from the existing wetland areas and the proposed housing development. The separation is via the canal, and the canal has been designed so that boats cannot come within 15 metres of the wildlife reserves because of canal depth.
- The retention of low open areas throughout the site to allow flood flows through the development.
- The construction of higher ground on the wildlife reserves as animal 'safety' islands during flooding.

4 THE PROPOSAL

4.1 THE PROPOSED AMENDMENT

It is proposed to modify Clause 21.06 of the MSS to make reference in the objectives to the development of a canal based development, reflecting the objectives included at Clause 22.01 of the Scheme that relates to Coastal Land Use Policy.

It is also proposed to modify Clause 21.06 to make explicit reference to Wellington Waters following Clause 21.06-13.

In terms of zoning, it is proposed to rezone the land from the RUZ to the SUZ.

The purpose of the SUZ is as follows:

To recognise or provide for the use and development of land for specific purposes as identified in a schedule in this Zone.

It is also proposed to include the site in the DPO of the Scheme. The purpose of the DPO includes the following:

- *To identify areas which require the form and conditions of future use and development be shown on a development plan before a permit can be granted to use or develop land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

The DPO specifies that a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. The DPO also specifies that a permit granted must be generally in accordance with the endorsed development plan.

4.2 REASON FOR THE PROPOSED ZONE

It is proposed to include the site in the SUZ as it is considered that this is the most appropriate zone for the proposed development.

In recommending the SUZ, consideration was given to a number of other zones, including the Township Zone (TZ).

The SUZ was ultimately selected as it was considered that a 'tailored' schedule to the SUZ would ensure the variety of uses that are proposed for the

site could occur, without offering the flexibility that is available under the TZ (where there are only eight prohibited uses).

It is also proposed to include the site in the DPO. One of the key reasons for this is to ensure an appropriate overall development plan is put in place to control development of the site.

The DPO is also important as a result of Clause 43.04-2, which provides for exemption from the notice, decision and review rights of the Act, providing the application is generally in accordance with the endorsed development plan. Importantly the Clause also specifies that these exemptions apply to an application under **any** provision of this Scheme, not just the provisions of the DPO.

This is important as it means that on-going permit requirements for buildings and works and subdivision that result from the various overlay controls affecting the site, will be exempt from the notice, decision and review rights of the Act, providing they are in accordance with the endorsed Development Plan.

4.3 *THE PROPOSED DEVELOPMENT*

It is proposed to develop on the land a canal based resort type development comprising approximately 1000 lots, all of which have direct frontage to a canal.

The development is expected to cater for both permanent residents and tourists with the key focus being the ability to travel to and from the site by boat via Lake Wellington and the canal.

As outlined in the previous chapter the proposal has been designed to respond to the environmental opportunities and constraints of the site to ensure an environmentally sustainable development with minimal impact on the environment.

A preliminary masterplan has been prepared which shows the proposed layout of the site.

Key features of the proposed development include the following:

- A single vehicular entry/exit point from Sperm Whale Head Road.
- One water entry point from Lake Wellington to the proposed canal system and one water exit point from the canal system to Lake Wellington.
- A canal system which extends for a distance of approximately 10 kilometres and winds through the site around a central island wildlife reserve. The canal will occupy approximately 139 hectares which is equivalent to 19 per cent of the total site area. The canal will have a

minimum width of 60 metres and a depth of 2 metres and has been designed to be accessed by tall masted yachts.

- Up to 1000 lots varying in area from 400 square metres up to 1250 square metres. The residential area will occupy a total of 73 hectares, representing 10 per cent of the total site area.
- A centrally located 'island' wildlife reserve, along with a second 'island' wildlife reserve located along the edge of the lake.
- The provision of two other smaller reserves along the north east boundary and in the eastern corner near the entry to the site from Sperm Whale Head Road.
- Additional open space located closer to the Sperm Whale Head Road in proximity to the proposed community facility (refer below). The area in proximity to Sperm Whale Head Road has been identified as having the potential to be used as a golf course in the future, as the population at Wellington Waters expands.
- A small activity/community centre located in the south west corner of the site, to comprise a general store and caretakers residence, a pub/restaurant, a marina and fuel supply, a park with BBQ facilities and amenities and an associated car park area.
- A second activity/community centre located in the northern portion of the site. This facility would only occur after the site has been fully developed and would likely also comprise a general store and restaurant/pub area as well as a marina. The timing and extent of this facility will be dependent upon the success of the first community centre.
- The identification of a possible site for further community services to be provided by the Shire (for example a community health centre or a library) near the entry to the site at Sperm Whale Head Road, if such services are required once the site is fully developed.
- The provision of a maintenance workshop for boats located in the eastern portion of the site adjacent to the vehicular access point to Sperm Whale Head Road.
- The potential for the development of a health spa resort comprising cabin style accommodation, geothermal pools, tennis courts etc in proximity to the proposed location of the golf course. Again this would only occur at a later stage of the development and subject to demand.
- Road access to the rear of the lots.
- The staging of development, with stage 1 comprising a total of 85 lots to be located in the western portion of the site.

- Provision for sewerage treatment plants to service each of the stages of development. There will be no useage of septic tanks on the site.
- The provision of electricity to the site from existing connections along Sperm Whale Head Road.
- The use of rainwater as the water supply for the development, with each dwelling to have a water storage tank.
- The treatment of grey and black water to Category A quality, to be recycled and used in the toilets of the dwellings. Any surplus recycled water to be used for irrigation away from the canals.
- The implementation of building guidelines via a Section 173 Agreement for ach lot to ensure consistent built form at the site.
- The implementation of additional planting on the site in accordance with the landscape masterplan. Key features of the landscape masterplan include:
 - A revegetation program in the wildlife reserves to encourage biodiversity;
 - Planting of both indigenou and native plant communities in the areas of public open space with a mix of trees and shrubs of varying sizes;
 - Some limitations on the planting that can occur in individual lots, via the building guidelines.

5.1 STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) of the Scheme seeks to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the Planning and Environment Act 1987.

Clause 11 of the Scheme outlines the principles of land and development planning in Victoria.

Clause 11.03-2 relates to environment and specifies that planning in Victoria should seek to:

- *Prevent environmental problems created by siting incompatible land uses close together.*
- *Help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity).*
- *Protect areas and sites with significant historic, architectural, aesthetic, scientific and cultural values.*

Clause 11.03-3 relates to management of resources and specifies that planning should protect water ways and water quality including estuarine, coastal and marine environments.

Clause 11.03-5 relates to 'economic well being' and specifies that planning should contribute to the economic well being of communities and the State by fostering and supporting economic growth and development.

Clause 15 of the SPPF relates specifically to the environment and outlines the importance of protecting catchments, waterways and groundwater and the need to consider the impact of catchment management on downstream water quality and freshwater, coastal and marine environments.

Clause 15.03 relates to salinity and seeks to minimise the impacts of salinity and rising water tables on land uses in rural areas and in areas of environmental significance.

Clause 15.08 relates to coastal areas and identifies the importance of protecting and maintaining significant environmental features and sustainable use of natural coastal resources.

This Clause identifies the Victorian Coastal Strategy, 2002 as a reference document to the Scheme.

Clause 15.09 relates to the conservation of flora and fauna and identifies the need to minimise vegetation removal as part of land use or development proposals and, where appropriate, to require the replacement of any vegetation that is to be removed.

The Clause specifies that planning and responsible authorities must ensure that any changes in land use or development will not adversely affect the habitat values of wetlands and wetland wildlife habitats designated under the Convention of Wetlands of International Importance (Ramsar Convention).

This Clause also identifies Victoria's Native Vegetation Management – A Framework for Action, 2002 as a reference document to the Scheme and specifies that if native vegetation is to be removed as part of a land use or development proposal then planning and responsible authorities should achieve a Net Gain outcome as defined in the Framework.

Clause 17.04 relates to tourism and includes the following objective:

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

The Clause identifies the need for Planning Authorities to encourage the development of well designed and sited tourist facilities that are compatible with and build upon the assets and qualities of surrounding urban and rural activities and cultural and natural attractions.

Clause 19.03 relates to design and built form and seeks to ensure a high level of design for all forms of development.

5.2 LOCAL PLANNING POLICY FRAMEWORK

5.2.1 Municipal Strategic Statement

The Municipal Strategic Statement (MSS) of the Scheme identifies the following 'vision' for the Shire.

To maintain and further enhance the diversity, social well-being, economic prosperity and natural resources of the Wellington Shire through ecologically sustainable development of the Shire's diverse natural and built environment.

Clause 21.06 of the MSS relates to Settlement and identifies the following relevant objectives for settlement within the Shire.

- *To promote prosperous, attractive and ecologically sustainable urban environments which satisfy the needs, aspirations and lifestyle choices of the Wellington Community,.*

- *To ensure all development in coastal areas has the necessary infrastructure to protect environmental values, particularly water quality of the Gippsland Lakes.*
- *To restrict population growth and urban development in environmentally sensitive parts of the Shire such as coastal areas.*
- *To restrict urban development in areas subject to flooding.*
- *To support and implement environmentally sensitive waste management and recycling practices.*
- *To ensure that any new development has regard to natural resources and the sustainable use of those resources.*

The Clause then goes on to identify specific strategies for various townships throughout the Shire.

Clause 21.07 relates to the Environment and includes the following relevant objectives:

- *To protect, improve, and sustainably manage the Shire's natural environment and diverse landscapes and promote them as strengths for the Wellington community and its visitors.*
- *To ensure the recognition of ecological, as well as visual, landscape and recreational importance of the Lakes and coastal environment to the region.*
- *To ensure that development of towns and settlements is restricted where such development threatens water quality and ecosystem values of the Lakes and coastline, is subject to flooding (including the effects of tidal flooding), or subsidence (particularly around the Gippsland Lakes) or minimises the availability of high quality agricultural land.*

Claus 21.07-1 relates specifically to Rural Areas and includes as strategies:

- *Prevent inappropriate development within areas subject to flooding.*
- *Encourage tourism and rural residential type development to be located within, or close to, existing settlements.*

The Clause also identifies the need for responsible authorities to use the Coastal Land Use Policy to determine the appropriateness of use or development applications along the Ninety Mile Beach and the Gippsland Lakes hinterland.

Clause 21.07-2 relates to Catchment Management and identifies the need to protect water catchments across the Shire.

Clause 21.07-3 addresses the issue of Conservation of Biodiversity and outlines the need to recognise and protect native flora and fauna and maintain

biological diversity within the Shire, particularly in alpine, coastal and wetland systems.

Clause 21.07-4 relates to wetlands and includes the following strategies:

- *Promote wetlands as a vital component of the Shire's natural environment.*
- *Ensure that wetlands are conserved and managed appropriately*
- *Assist in protecting and maintaining wetlands listed under the RAMSAR Convention and promote their ecological significance.*
- *Ensure that unclassified wetlands are identified, conserved and protected from inappropriate development.*

Clause 21.08 relates to Economic Development. The Clause identifies the potential that the Shire has for growth in tourism, with the areas of cultural and eco-tourism a particular focus. Included as objectives are the following:

- *The need to promote Sale, and the Shire, as a tourist destination in themselves through initiatives such as the Wetlands Centre.*
- *Unlimited opportunity for the promotion of tourism – particularly 'industrial tourism' (tourists visiting the region on business), eco-tourism and cultural tourism.*

Clause 21.08-5 specifically addresses the Tourist Industry and includes the following strategies.

- *Facilitate and encourage the development of environmentally sustainable tourism opportunities.*
- *Encourage the development of tourism around the Shire's natural environment, cultural and heritage assets, its location and accessibility to metropolitan Melbourne, its linkages between Melbourne and New South Wales and its proximity to nationally important features such as Wilson's Promontory, the Ninety Mile Beach and the Alpine Region.*
- *Facilitate quality tourist uses, developments and experiences which link to the agricultural economy, natural environment and heritage of the Shire.*

Clause 21.09-1 addresses the issue of Physical Infrastructure and includes the following strategies:

- *Encourage infrastructure providers to ensure that cost effective infrastructure is provided for the present and future development of the Shire's towns.*
- *Encourage all new development or uses to include adequate infrastructure to minimise environmental impact of such development or use.*

Clause 21.09-4 relates to Community Services and includes as a strategy:

- *Ensure that new residential developments have good access to community services and facilities by requiring structure plans for new residential areas which incorporate planning for community facilities, open space and recreation.*

Clause 21.09-7 relates to Transport and includes as a strategy:

Ensure the provision of efficient and safe road systems, and pedestrian and bicycle networks to meet the needs of residents, industry and through traffic.

5.2.2

Local Planning Policies

Clause 22.01 is the 'Coastal Land Use' Policy and relates to use or development of land along the Ninety Mile Beach and the Gippsland Lakes hinterland.

This Clause includes the following policy in relation to 'urban settlements and services':

- *Urban development should be concentrated in existing settlements, particularly those with established physical, social and economic infrastructure. This will be achieved largely through infill development within existing town boundaries and restricting development distant from these settlements.*
- *Proposed major developments outside existing centres will be considered only when a genuine need has been demonstrated and environmental capability adequately assessed to ensure minimal adverse impact.*

The Clause also specifically addresses the issue of tourism and recreation and in particular states the following:

- *Tourism will be focused on areas having favourable natural attributes, access and infrastructure. Tourist and commercial recreation development will generally be concentrated in established centres, but applications for major developments on freehold land outside existing settlements will be considered subject to a full assessment of their environmental and social impact.*
- *Proposed sites for tourist developments along the coastline and lakes foreshore should be assessed for their environmental suitability.*

The Policy includes the Gippsland Lakes Coastal Action Plan, 1999 and the Victorian Coastal Strategy, Victorian Coastal Council, 1997 as reference documents.

The site is currently included in the RUZ of the Scheme and is also included in three overlays – ESO1, ESO2 and the LSIO.

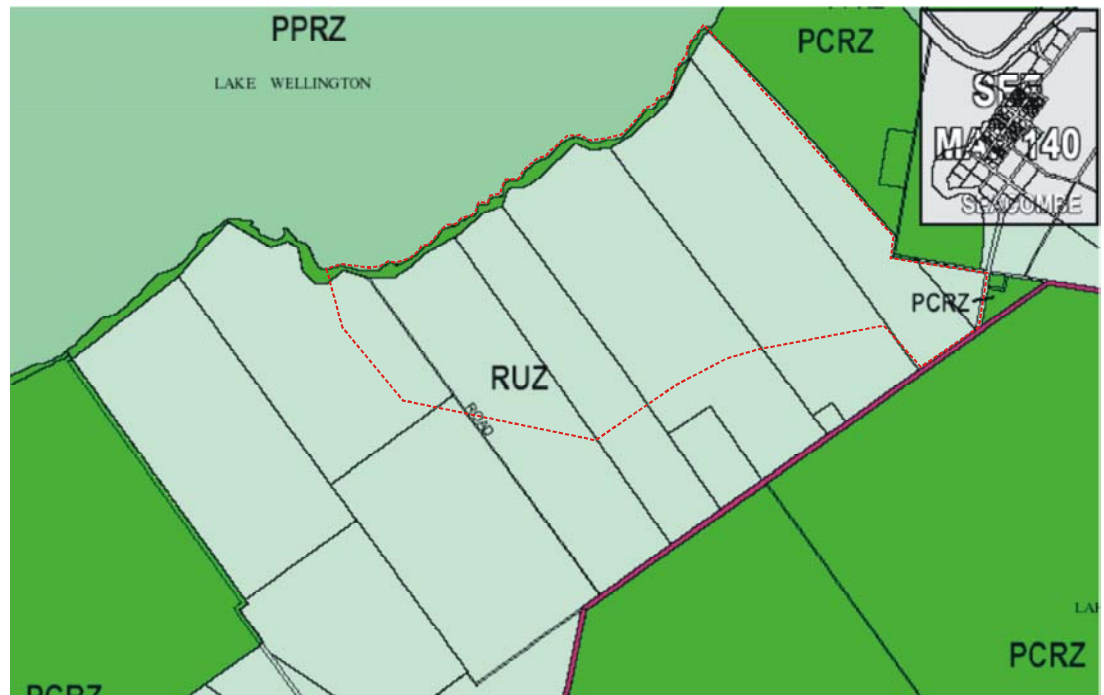


Figure 2: Zoning Map (approximate location of site dashed in red).

The purpose of the RUZ includes the following:

- *To provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production).*
- *To encourage:*
 - *An integrated approach to land management.*
 - *Protection and creation of an effective rural infrastructure and land resources*
 - *Improvement of existing agricultural techniques.*
 - *Protection and enhancement of bio-diversity of the area.*
 - *Value adding to agricultural products at source.*
 - *Promotion of economic development compatible with rural activities.*
 - *Development of new sustainable rural enterprises.*

Under the provisions of the RUZ there are only three uses which are prohibited – all other uses are either as of right or require a planning permit. These three prohibited uses are: brothel, cinema based entertainment facility and shop (other than convenience shop and equestrian supplies).

A planning permit is required for all buildings and works associated with uses that require a planning permit.

A planning permit is also required for subdivision of land with the minimum lot size being 40 hectares.

Thus in the case of the development at Wellington Waters, whilst the majority of the uses that are proposed are either ‘as of right’ or Section 2 uses (with the exception of the shop use), it is not possible to subdivide the site into the residential allotments proposed along the canals, under the provisions of the RUZ.

Also included in the RUZ are a series of decision requirements which relate to general issues as well as rural, environmental and design and siting issues.

The north western portion of the site (the area adjacent to Lake Wellington) is included in ESO1 ‘Coastal and Gippsland Lakes Environs’.

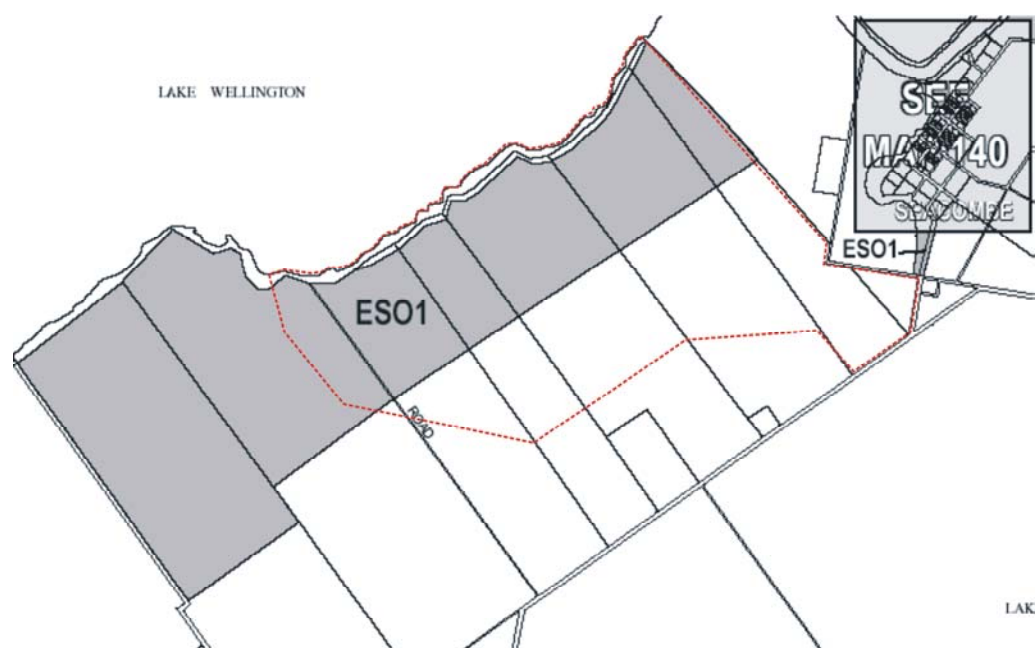


Figure 3: Environmental Significance Overlay Schedule 1 (approximate location of site dashed in red).

The environmental objectives identified in the Schedule are as follows:

- To ensure that use or development of the land is compatible with the environmentally sensitive coastal area, including the Gippsland Lakes.
- To conserve and enhance the environmental quality of the coastal area.

- *To protect and enhance the natural beauty of the coastal area.*
- *To minimise the risk of erosion, pollution and destruction by fire.*

Under the provisions of this Schedule a planning permit is required for most buildings and works, except in particular circumstances. A series of decision guidelines are listed for consideration by the responsible authority.

The north western portion of the site is also included in ESO2 which relates to wetlands. The environmental objective to be achieved by this Schedule is as follows:

- *To protect and enhance the ecological, habitat, aesthetic, scientific, floristic, faunal, cultural, educational, and recreation values of wetlands through the control of development.*
- *To implement obligations under international, national, State or other agreements to protect and enhance plant and animal species and habitats.*

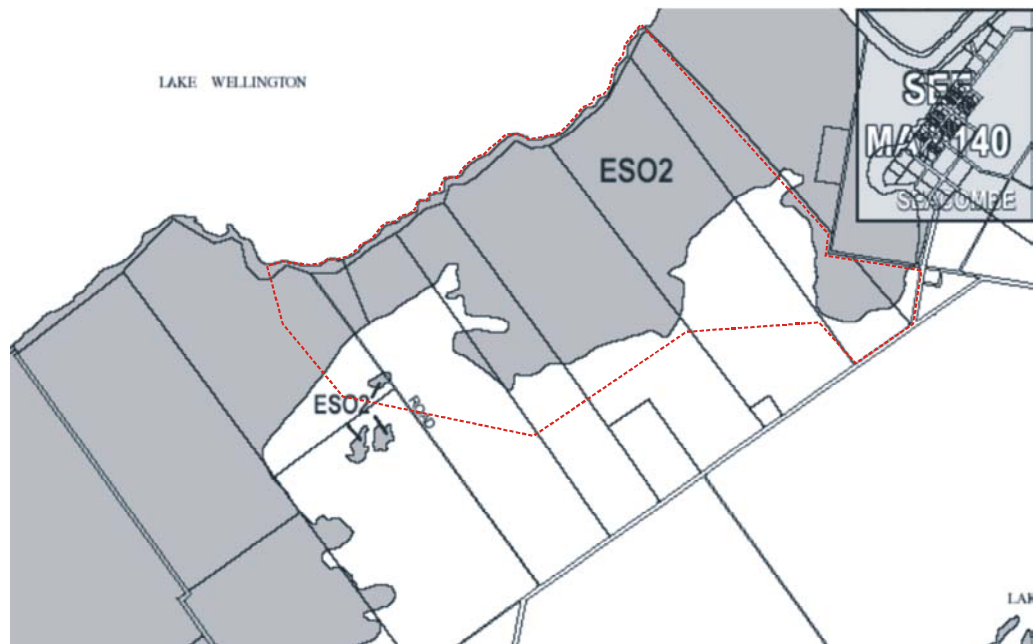


Figure 4: *Environmental Significance Overlay Schedule 2 (approximate location of site dashed in red).*

As with ESO1, under this overlay a permit is required for most buildings and works, except in particular circumstances. A series of decision guidelines are also listed for consideration by the responsible authority.

Under the provisions of both Schedules a planning permit is required to remove, destroy or lop vegetation except in particular circumstances.

The majority of the site is included in the LSIO. The purpose of the LSIO includes the following:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clause 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

Under the provisions of the LSIO a planning permit is required to construct a building or to construct or carry out works. A permit is also required for the subdivision of land.

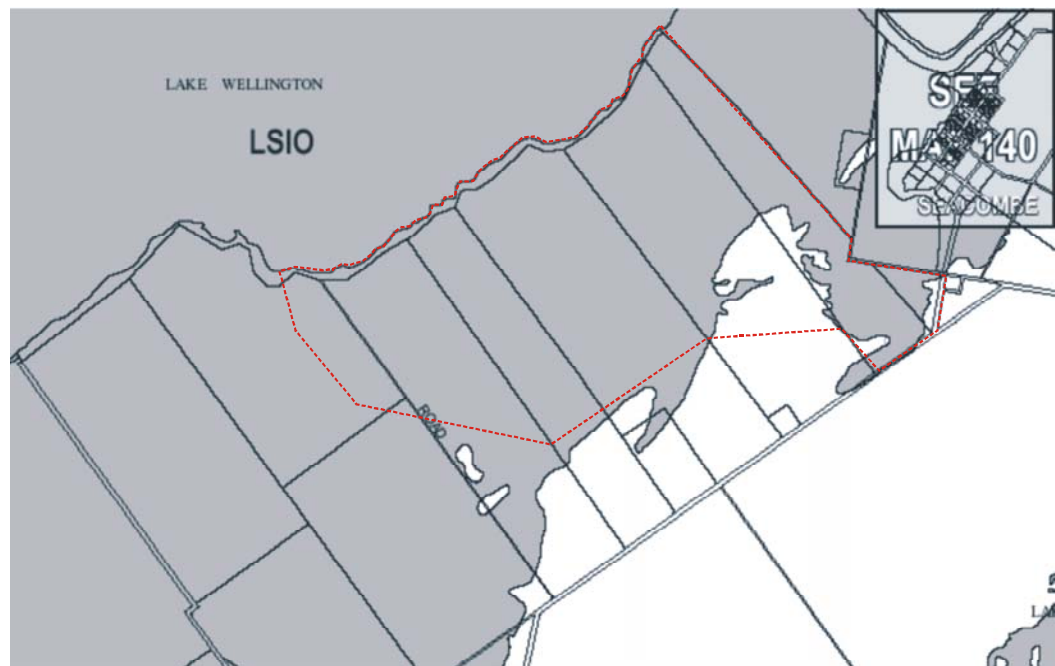


Figure 5: Land Subject to Inundation Overlay 2 (approximate location of site dashed in red).

5.4

PARTICULAR PROVISIONS

Clause 52.17 of the Scheme relates to native vegetation. The purpose of this clause is to protect and conserve native vegetation. A permit is required to remove, destroy or lop native vegetation on a site of over 0.4 hectares in area although numerous exemptions apply.

Clause 52.29 relates to land adjacent to a road zone. This clause requires a permit to create or alter access to Sperm Whale Head Road and that the application be referred to VicRoads.

Clause 55.06 of the Scheme relates to residential subdivision. This Clause seeks to ensure that subdivision design appropriately responds to site opportunities and constraints.

The Clause includes a series of objectives and standards which new residential subdivisions should meet. Some of these include:

- The need to provide a movement network that has good external and internal access for residents.
- The need to ensure subdivision layouts provide for public surveillance of streets and open spaces.
- The need to provide an appropriate accessway reservation and pavement width to accommodate the anticipated traffic volumes.
- The need to provide an appropriate level of public open space. The minimum contribution is usually 5 per cent of the total site area.
- The need to ensure that lots have appropriate solar orientation.
- The need to take into account environmental features (such as topography, vegetation etc) to ensure lots have adequate area and dimensions.

6 REFERENCE DOCUMENTS

There are various documents referred to in the Scheme that are of relevance to this amendment. Each of these documents is discussed briefly below.

6.1 VICTORIAN COASTAL STRATEGY AND ASSOCIATED DOCUMENTS

6.1.1 *Victorian Coastal Strategy 2002*

The Victorian Coastal Strategy 2002 is referenced at Clause 15.08-2 of the Scheme. One of the key goals of the Victorian Coastal Strategy 2002 is to help conserve and manage the Victorian coast for present and future generations by providing a framework for ecologically sustainable development.

The Victorian 'coast' is defined in the document as the sea and seabed to the State limit of 5.5 kilometres and land and inland waters within the coastal catchment. Land within the coastal catchment includes private land adjacent to and within the critical views of the foreshore and the near shore marine environment.

It is arguable, therefore, as to whether the Coastal Strategy is of direct relevance to this amendment given the location of the site approximately 7.5 kilometres from the nearest point of the coastline. However, the assessment guidelines prepared by the Technical Reference Group for the EES document has identified this document as one which needs to be considered.

The Strategy notes that the environmental, social and economic significance of the coast are all considered to be integral aspects of coastal planning and that all of these aspects are considered as part of the Strategy.

The Strategy outlines principles for coastal planning and management to guide decision making. These include the following:

- Protection of significant environments.
- Sustainable use of natural coastal resources.
- Direction for the future.
- Suitable development on the coast.

The Strategy states that appropriate coastal development includes development that:

- Results in increased public benefit having regard to environmental, social and economic implications;

- Is sensitively sited and designed having regard to the 'Siting and Design Guidelines for Structures on the Victorian Coast' and 'Landscape Setting Types for the Victorian Coast';
- Is set back as far from the coast as practicable in line with vulnerability assessments;
- Is consistent with the requirements of coastal planning strategies and plans, and relevant planning schemes.

The Strategy then focuses on six main themes. The most relevant of these in terms of the proposal are themes 2, 4, 5 and 6.

Theme 2 relates to the natural onshore environment and identifies the need to protect coastal habitats and associated native flora and fauna and to improve conservation outcomes on freehold land. The Strategy notes that it is the Planning Schemes that will be the primary mechanism for identifying significant conservation values on freehold land.

Theme 4 relates to access and identifies the need to improve opportunities for safe boating and water based activities. Whilst this clause is obviously focussed on the provision of boating facilities along the coast line, it is considered of relevance to this amendment as the facilities that are proposed as part of this amendment will result in improved boating services to the Gippsland Lakes as a whole.

Theme 5 relates to the built environment and coastal infrastructure and identifies the importance of ensuring improved outcomes for buildings and structures in foreshore and coastal areas and to ensure that sensitive sites along the coastline are protected from inappropriate development and use. Theme 5 also identifies the importance of using planning scheme overlays to address significant environmental issues.

Theme 6 is also of relevance as it identifies the need to ensure appropriate infrastructure is available to the recreational boating sector and also notes the importance of coastal tourism and the need to provide improved facilities for cultural and nature based tourism.

6.1.2 *Landscape Setting Types for the Victorian Coast*

This document is a reference document in the Victorian Coastal Strategy 2002 and identifies thirty four different setting types for the Victorian coastline based on a variety of different criteria.

The subject site is located inland from the Ninety Mile Beach, which extends from Reeves Beach to Lakes Entrance.

The document identifies this area of coastline as being *generally flat with low visual horizons vulnerable to development*. The document notes that the development of taller buildings in proximity to the coastline is likely to

significantly devalue the landscape character of the coastline and impact on the natural setting.

6.1.3 *Siting and Design Guidelines for Structures on the Victorian Coast*

The stated primary purpose of these Guidelines is to define those issues which should be considered in the siting, design and construction of new structures in coastal areas.

The Guidelines outline a number of general principles for coastal and marine management and design which reflect the Victorian Coastal Strategy 2002 principles for ecologically sustainable development. Three different types of guidelines are identified:

- Functional guidelines – that structures are sited and designed to fulfil their purpose with sustainable use of resources.
- Cultural and aesthetic guidelines – a structure should be sited and designed to culturally respect its setting and visually complement the surrounding landscape.
- Ecological guidelines – A structure should not cause undesirable changes to terrestrial and marine ecosystems in the locality.

Key elements of the ‘functional guidelines’ that are of relevance to a canal based development, inland from the coastline include:

- the need for structures to be located as far as practicable away from the shoreline and for development to be located where it is accessible to existing infrastructure;
- the need for new structures to respond to their context and to be of an appropriate scale and form.;
- the need for materials and finishes to be durable in the coastal environment and for structures to be designed to satisfy the engineering constraints of the wind and soil conditions of the coastal landscape.

In terms of cultural and aesthetic guidelines:

- the need for the siting and design of structures to maintain and enhance the landscape character of the area in terms of dominant forms, dominant linear relationships and dominant colours of the surrounding environment;
- the need to ensure that key views are maintained and protected from inappropriate development that may impinge on or reduce the character of a landscape setting.

In terms of the ecological guidelines:

- the need to ensure new development results in minimal changes to the natural drainage pattern of an area;
- the need to ensure minimal disturbance to native vegetation;
- the need to encourage natural regeneration and provide extensive planting of indigenous species around new development.

6.2 *GIPPSLAND LAKES COASTAL ACTION PLAN, 1999*

This Action Plan is based on the format of the Victorian Coastal Strategy and identifies a series of action areas, with underlying themes, for the Gippsland Lakes. Each of these action areas are addressed briefly below.

6.2.1 *Sustain*

This action area seeks to ensure the on-going protection of water quality in the Gippsland Lakes by addressing processes which threaten the lakes environment and by increasing public awareness and public involvement in the protection and enhancement of the Gippsland Lakes.

This action area also identifies the need to improve and restore the values of the Gippsland Lakes and thus meet Australia's obligations under the Ramsar convention.

A series of strategic actions and specific actions are then identified to meet the key objectives of this action area. These actions are not of any direct relevance to this proposal.

6.2.2 *Protect*

Key objectives of this action area are to protect sites of cultural, natural, historic, visual and built significance and to enhance the systems of parks and reserves around the Gippsland Lakes.

The action area identifies a series of strategies to meet these objectives including:

- *Ensure that any effects on fish stocks and other natural resources are adequately addressed prior to approval of major developments such as dam construction of a new entrance configuration.*
- *Manage mosquito populations in accordance with agency and municipality's policies without jeopardising natural systems.*

- *Protect remnant indigenous vegetation on private land, and support revegetation through planning controls and incentives such as rebates, grants and other assistance.*
- *Undertake feral predator control programs in priority areas in accordance with threatened species and park management plans, and encourage responsible pet ownership.*

6.2.3 *Direct*

Key objectives for this action area is to coordinate municipal, departmental, catchment management and economic planning processes to ensure a good planning outcome for the Gippsland Lakes and to provide a framework for the guidance of future development that reflects the strategic direction of the Victorian Coastal Strategy.

Relevant strategic directions and specific actions include:

- *Identify activity nodes and coastal settlements, to encourage development in suitable locations. Review or refine Municipal Planning Schemes to ensure adequate controls for the protection of significant environmental assets and sites in the Gippsland lakes region.*
- *Prohibit inappropriate development on the islands or outer barrier of the Gippsland Lakes system.*
- *Investigate and implement appropriate planning controls for developments in and on the waters of the Gippsland Lakes.*

6.2.4 *Develop*

The principles objectives for this action area are to provide a framework for appropriate development around the Gippsland Lakes and to provide a cohesive and integrated strategy for boating and boating related activities. This action area also identifies the need to provide a clear direction of future development by individuals, groups, businesses and government organisations.

Relevant strategic directions and specific actions include:

- *Ensure ecologically sustainable tourism is promoted, based on maintaining the long-term health of the Gippsland Lakes biological assets and minimising disruption to native flora and fauna populations.*
- *Encourage tourism projects with year round uses.*
- *Develop criteria to define suitable sites for large tourism developments. Criteria will be consistent with Municipal Planning Schemes, and will include:*

- *Requirement for development to occur within existing activity nodes, or nodes defined by municipalities in conjunction with the Board in the future. Infrastructure requirements such as proximity to major roads and reticulated services such as power, water and sewerage;*
- *Urban and landscape design criteria;*
- *Drainage requirements;*
- *Water quality implications including protection of aquatic environments;*
- *Special consideration of sites of biological significance as depicted in the ESO in the East Gippsland Planning Scheme and areas of important remnant vegetation identified in the Wellington Shire;*
- *Provision of Stormwater Pollution Prevention Plans.*

6.3

WELLINGTON SHIRE STRATEGY PLAN, 1997

The Wellington Strategy Plan is a reference document in the Scheme. The Plan comprises six parts, the most relevant of which are Part 2 Leisure and Recreation Strategy, Part 3 Environmental Strategy Plan and Part 6 Economic Development Strategy Plan.

A relevant strategy included for Leisure and Recreation is:

- *Develop appropriate integrated resources and strategies to promote the leisure and recreation assets, events and skills of the Shire to communities within and beyond the Shire.*

Relevant strategies identified in the Environmental Strategy Plan include:

- *Recognition and protection of remnant native vegetation;*
- *Recognition, protection and management of water catchments;*
- *Minimise the extent and effect of pest, plants and animals;*
- *Promote existing natural assets including coastal, wetland and alpine areas within the Shire as ecotourism opportunities consistent with the preservation and enhancement of these assets.*
- *Recognise biodiversity and support efforts to protect and maintain biological diversity and ecological processes and systems within the Shire.*

Relevant Strategies of Part 6 include the following:

- *Identify economic development opportunities;*

- *Consult and assist local and regional development organisations to encourage economic development initiatives.*

6.4

WELLINGTON SHIRE TOURISM DEVELOPMENT PLAN, 1998

The objectives of the Tourism Development Plan include the following:

- *To increase visitation to the Shire;*
- *To expand and improve the range of visitor services on offer in the Shire in order to increase yields and generate more employment;*
- *By identifying and assessing opportunities, to encourage existing businesses to grow and new businesses to locate in the Shire;*

The Development Plan identifies the lakes and wetlands of the Shire as being one of the key potential market areas for tourism development, stating the following:

The system of lakes and wetlands stretching from Heyfield to Sperm Whale Head at the tip of the Lakes National Park are the chief distinguishing feature of Wellington in the Victorian context. Creating value from visitation to the Wetlands has been difficult. Visitation to Lake Victoria from the Wellington side is higher but largely because of proximity to the Ninety Mile Beach (and because it is a more sheltered boating destination).

The Development Plan refers specifically to the Wellington Waters proposal (referred to as Pelican Cove) and at Appendix 2 provides a description of the proposal, an assessment of the market feasibility and direction as to what needs to be done to support it.

The Development Plan determines that the proposal will have significant benefits for tourism in Wellington that will add at least \$1 million per year to the local economy. The Development Plan identifies the advantages of providing a destination and safe harbour on Lake Wellington that will encourage boating on the lake and assist in drawing traffic through from Paynesville to Sale.

The Plan states that the proposed development will be commercially feasible and will add significantly to the tourism product of Wellington Shire. On that basis it recommends that the Wellington Shire and local tourism groups support the proposal.

7.1 STATE PLANNING POLICY FRAMEWORK

The proposed amendment to facilitate the development of a canal based resort type development is consistent with the relevant strategic directions of the SPPF.

The SPPF identifies as an objective the importance of protecting waterways and marine environments. The SPPF also identifies the need for conservation of flora and fauna, the need to minimise vegetation removal as part of land use and development proposals and the need to ensure that development and use does not have any adverse impacts on wetland sites designated under the RAMSAR convention.

The proposed amendment is consistent with these directions as summarised below:

- The proposal will have minimal visual impact on Lake Wellington as a result of the significant setback proposed to development from the shore of the lake (a minimum distance of 75 metres), ensuring that views from the lake to the shore are protected. The proposal will also have no visual impact on the coastline as a result of the significant separation of the site from the coast.
- The proposal will have a positive impact on the aquatic habitat in the lake adjacent to the site through the improvement of water quality as a result of the removal of domestic grazing stock and rabbits and a reversal of salination. The proposal is therefore expected to have a positive impact on aquatic flora and fauna, as outlined in the Biodiversity report.
- The Biodiversity report also concludes that the proposal will have a positive impact on the flora in the wetland areas of the site (through their protection in the wildlife reserve areas, removal of pest animals, provision of additional planting if required etc) as well as on the remainder of the site through the removal of grazing stock, planting of indigenous species and the ability to better control salinity levels via the canal development.
- In terms of fauna the Biodiversity report concludes the proposal will have only a negligible impact. The report notes that whilst there will be some loss of habitat for fauna during the construction of the canals and roads, this will be appropriately replaced through the use of felled trees both on the land and in shallow water. The report also notes the significant beneficial impacts for native fauna as a result of the removal of the introduced predators and herbivores from the wildlife reserve areas.
- The Biodiversity report also addresses potential impacts on the adjoining RAMSAR wetlands area and notes that the various strategies to be

implemented at Wellington Waters, including the removal of foxes and feral cats from the site, weed management and additional planting, will all have a positive impact on the adjoining RAMSAR site. The report also notes that, taking into account the type, level, proximity and frequency of noise that will be generated by construction and human habitation at the site, that it is unlikely any species will be adversely impacted.

The SPPF also identifies the need to encourage well designed and sited tourist facilities that build upon the assets of the surrounding area. The development at Wellington Waters is clearly consistent with this Clause given the following:

- It proposes a development that will provide much needed additional boating facilities in the form of a new marina near the western canal entrance and approximately 1000 additional wet berths associated with each of the proposed lots;
- It will also provide improved facilities for boating through the provision of a pub/restaurant and general store that can be accessed via the water and a marina;
- It will provide water based accommodation options that are in demand and which are in limited supply in the Gippsland Lakes. The only other canal based development is at Paynesville is now fully developed.

The proposal also responds to the identified need for appropriately designed buildings by introducing building guidelines that lot owners will be required to adhere to via a covenant attached to the land. These Guidelines are addressed in greater detail in Section 8.1.

7.2 LOCAL PLANNING POLICY FRAMEWORK

7.2.1 Municipal Strategic Statement

Key directions of the MSS include the following:

- The need to ensure that new development in the Shire has the necessary infrastructure available and does not impact on environmentally sensitive areas or areas subject to flooding.
- The need to ensure that the ecological, visual, landscape and recreational values of the Gippsland Lakes are not affected by inappropriate development.
- The need to ensure that biodiversity in the Shire is maintained.
- The need to ensure that sites listed under the RAMSAR convention are protected and maintained.

- The need to promote tourism opportunities and in particular environmentally sustainable tourism opportunities which are focussed around the Shire's natural environment.
- The need to ensure that new development is appropriately serviced with community services and facilities and with an appropriate roads and pedestrian network.

It is considered that the proposed development is, in most instances, generally consistent with the relevant policies of the MSS, as outlined briefly below.

- The proposed development is able to be full serviced with electricity. Sewerage treatment plants are to be constructed for each stage, avoiding the difficulties associated with a number of the existing settlements in the Shire (eg Loch Sport, Golden Beach) that are not sewered. Water to the site will be provided via rainwater tanks.
- Whilst the proposed development is located in an area identified as being environmentally sensitive, the various consultant reports that have been prepared demonstrate that there will be significant benefits associated with the proposal in terms of improved flora and fauna habitat and the control of salinity. The Biodiversity report in particular outlines some of the benefits associated with the proposal in terms of improving the aquatic and wetland environments of the site.
- It is considered that the proposed development will have significant benefits for the biodiversity of the site through the development of wildlife reserves, improved aquatic habitat and the planting of native vegetation on the site.
- It is considered that the proposed development will not have a significant impact on the adjoining RAMSAR wetlands and that some of the measures proposed for the site associated with the wetlands areas will have a positive affect on the adjoining wetlands areas.
- The proposed development responds to a recognised demand for additional and improved boating facilities in the Gippsland Lakes and will assist in opening Lake Wellington up for greater tourism and recreational purposes that are environmentally sustainable and which take advantage of key environmental features of the Shire. The development will provide an new destination point for the recreational boating industry, that is located half way between Paynesville and Sale.
- In planning for the project consideration has been given to the need for community facilities and services. The master plan that has been prepared for the site identifies sites for commercial facilities to service both the permanent and visiting population and also provides appropriate areas of public open space. Consideration has also been given to the need for additional community facilities once the site is fully developed and a site

has been designated for such a use adjacent to the driveway entry from Sperm Whale Head Road.

- Consideration has also been given to the vehicular access to the site with a single entrance proposed from Sperm Whale Head Road and a road network that provides access to the rear of all lots. Pedestrian access through the site is also available along the proposed road network.

7.2.2 *Local Planning Policies*

The most relevant policy to the proposed amendment is Clause 22.01 which relates to coastal land use and in particular that component of the policy that relates to urban settlements and services.

This policy specifies that urban development should be concentrated in existing settlements and that major developments outside existing centres should only be considered where a genuine need has been demonstrated and where there will be minimal impact on the environment.

The policy also specifies that tourist and commercial recreation developments should be concentrated in established centres, however, proposals in freehold land outside such settlements will be considered subject to a full assessment of their environmental and social impact.

It is considered that the proposed amendment is generally consistent with this policy in the following way:

- The proposed development will be a unique canal based resort type development that will have the ability to provide both permanent and holiday accommodation. The proposed use responds to an identified demand for additional boating facilities in the Gippsland Lakes and for additional accommodation. The proposal is also consistent with the need identified in the MSS to promote environmentally sustainable tourist developments that take advantage of the Shire's natural resources.
- The Biodiversity report that has been prepared demonstrates that the proposed development will not have a negative impact on the environment and will not have any significant impacts on the adjoining Ramsar wetland sites.
- The proposal is also considered to offer significant social and economic benefits for existing residents of the Shire through the increased number of tourists that will visit the Shire and the additional facilities that will also be available to residents (the marina, the commercial and community facilities). In addition there will be significant economic benefits through jobs generated by the construction and through increased rates revenue.
- The proposed development could not occur in an already established settlement, given its requirements for canal frontage and direct access to

the lakes system. The proposal therefore is considered to clearly fit the 'exceptions' allowed by the local policy for development of tourist facilities and settlements outside of established towns, where there has been a genuine need demonstrated and the environmental and social impacts fully assessed.

7.3 *REFERENCE DOCUMENTS*

7.3.1 *Victorian Coastal Strategy 2002*

The proposed amendment is considered to be generally consistent with the Victorian Coastal Strategy 2002 given the following:

- The proposed development is some distance from the coastline and so will not impact on the coastal habitat and the native flora and fauna of the coast.
- The proposal will result in improved access to Lake Wellington and thus the Gippsland Lakes as a whole.
- Given the separation of the site from the coast, the proposed development will not impact visually on the coastline. The significant set back of the development from the edge of Lake Wellington, along with the restriction on the height of development, will also ensure that proposal does not significantly impact on views of the lake shoreline.
- The proposal responds to an identified need of the recreational boating sector for improved facilities.
- It is considered that the environmental, economic and social impacts will be of net public benefit.

7.3.2 *Landscape Setting Types for the Victorian Coast*

This document specifies that development in the Ninety Mile Beach area should consider the flat nature of the coastline and that development of taller buildings in proximity to the coast are inappropriate.

As outlined earlier in this report development at the site will be restricted to a maximum of two storeys. Given this height limitation and the distance of the proposal from the coastline it is considered the proposal is consistent with this document.

7.3.3

Siting and Design Guidelines For Structures on the Victorian Coast

It is considered that the proposed development is consistent with the various requirements of this document given the following:

- The proposed development is well removed from the coastline and is also set back from the shoreline of Lake Wellington. Thus impacts on views are minimal.
- The building guidelines that have been prepared for the site will ensure that new development will have a consistent theme (through consistent building materials that are appropriate in terms of durability and colours) that responds to the lake/coastal environs of the site.
- The site is subject to significant flooding approximately once every five years and this has been taken into consideration in the design of the canals and the earthworks. The site layout includes flood passageways in strategic locations to ensure there are no impacts on flood events. The cut and fill will be balanced and during major floods the canals will also assist with the movement of floodwaters across the site in an easterly direction. It is the annual flooding and drying of the site from the lakes system that is currently causing major salinity problems, thus a reduction in the flooding levels through the construction of the canals is considered to be a significant environmental benefit.
- The canals have been sited to minimise the removal of native vegetation. Extensive planting of indigenous species throughout the development is proposed.

7.3.4

Gippsland Lakes Coastal Action Plan 1999

The Action Plan focuses particularly on the protection of the Gippsland Lakes and their environs including the protection of fish stocks, management of mosquitos, protection of indigenous vegetation and the implementation of feral predator control programs.

The Action Plan also identifies the need to promote ecologically sustainable tourism in the Lakes Area that does not impact on the significant environmental assets of the Lakes.

The proposed amendment is consistent with the recommendations of this Action Plan. As outlined earlier in the report, the proposed development appropriately addresses the issues of aquatic flora and fauna, management of mosquitoes (the final option for management still to be selected), loss of indigenous vegetation and feral animals. The proposed implementation of the wildlife reserve, in particular, addresses some of the key issues identified in the Action Plan.

Feral predator eradication in the wildlife reserves will provide real protection for native fauna that is not delivered with predator control programs.

Further, the proposal promotes ecologically sustainable development in various ways including the treatment of grey and black water to be recycled and used in the toilets of the dwellings, the use of rainwater tanks, the use of solar water heaters, the orientation of dwellings to face north etc. All of these features will assist in ensuring the proposal responds appropriately to the identified environmental assets of the site and its surrounds.

7.3.5 *Wellington Strategy Plan*

The Wellington Strategy Plan seeks to ensure that appropriate leisure and recreation facilities are provided in the Shire, that native vegetation, biodiversity and water catchments are protected, that the existing natural assets of the Shire are promoted as ecotourism opportunities without impacting on the environment and that appropriate economic development opportunities are recognised and encouraged.

The proposed amendment is consistent with the various recommendations of the Strategy Plan in the following way:

- The proposal will offer a new range of leisure and recreation facilities in the Shire through the provision of a marina with associated commercial facilities and public open space that will be of benefit both to local residents and tourists in the Shire.
- The proposal will ensure minimal impact on the biodiversity of the site and, as previously outlined in this report, will be of benefit to both flora and fauna in terms of improved habitat, removal of predators etc.
- The proposal promotes ecotourism in the Shire that will be of economic benefit without impacting on the environmental features of the site.

7.3.6 *Wellington Shire Tourism Development Plan*

The proposed development of Wellington Waters is supported by the Wellington Shire Tourism Development Plan. The proposal is identified in the plan as having the potential to generate significant economic benefits for the Shire, through the provision of facilities that are currently not commonly available in the Shire

8.1 BUILT FORM

As identified earlier in the report, consideration has been given to the desired built form outcome for development at the site, through the preparation of building guidelines for development at Wellington Waters.

It is proposed to implement these guidelines through the application of Section 173 Agreements.

The building guidelines address the following matters:

- Subdivision - prohibiting the further subdivision of any lots and specifying that only one dwelling is permitted per lot.
- Setbacks - varying set backs depending upon whether single storey (minimum set back 10 metres from the canal), double storey (minimum set back 10 metres to the ground floor and 12 metres to the first floor from the canal) or medium density housing (minimum set back 10 metres from the canal) is proposed.
- Building heights - for single storey dwellings a maximum of 8 metres above AHD and for both double storey and medium density developments a maximum of 12 metres above AHD.
- Building floor levels - all dwellings to have minimum floor level of 3.0 AHD with sheds and buildings other than dwellings to have a minimum floor level of 2.0 AHD.
- House design - addressing roof pitch, incorporation of verandahs, chimneys and hip or gabled roofs etc.
- House orientation and siting - in particular identifying the need for dwellings to be designed to promote energy efficiency through various measures including orientation of houses along north-south /east-west axes, maximise north facing windows and minimise west-facing windows, locate living areas on the north side of dwellings.
- External building materials including roof materials - specifying timber weatherboards, corrugated iron, copper sheeting, masonry with bagged or rendered finish and split face coloured concrete block.
- Colours for external building materials - to be in muted tones.
- Sheds and building structures - to be constructed within the designated building envelope and to match the colour and form of the accompanying dwelling.

- Garages and carports – requiring the provision of a minimum of two spaces per lot (with one to be undercover) and specify garages to be set back behind the building line so they do not dominate.
- Fences – to be post and wire to the street front and sides, with side boundary fences to match the materials, style and colour of the associated dwelling. Maximum fence heights are also specified.
- Insect control – requiring fly wire screens to all windows, doors and verandahs.
- Water supply and water storage tanks – drinking and washing water to be supplied from rain water tanks which are to be constructed to match the dwelling.
- Sewerage – each dwelling to be connected to a sewerage package treatment plant.
- Jetty – one floating pontoon only to each single and double storey dwelling with one pontoon per two medium density allotments.
- Vegetation management – trees and vegetation outside the building envelope not to be removed, destroyed or lopped.

Effectively the building guidelines seek to ensure that residential development on the site reflects a rural Australian character through the use of appropriate building materials and a consistent built form.

It is considered that the draft building guidelines will ensure an appropriate scale and form of development on the site which reflects the surrounding rural environment and blends in with the surrounds.

8.2 *PROVISION OF PUBLIC OPEN SPACE*

As identified earlier in the report, approximately 51.3 hectares, or 71 per cent of the total site area, is designated for open space purposes in the form of passive open space and wildlife reserves (excluding the canal areas).

Accordingly the identified requirement at Clause 52.01 of the Scheme for a 5 per cent minimum public open space contribution for new residential subdivision is clearly exceeded.

8.3 *AMENITY*

The proposed development is abutted to the west and south by the remainder of the Wellington Park, to the north by Lake Wellington and to the east by the State Park.

Accordingly the proposed development is well separated from any adjoining residential properties and so is not expected to have any amenity impacts on adjoining land owners.

As discussed earlier in this report, it is also considered the proposal will not have any significant impact on views of the shoreline from Lake Wellington given the set back of development from the shoreline, the maximum permissible building height of two storeys and the separation of the development from the shore by the canal and the wildlife reserve.

8.4 *ECONOMIC IMPACT ASSESSMENT*

The Economic Impact Assessment provides an assessment of the economic and tourism benefits of the proposal to the Shire of Wellington. The key findings of the report may be summarised as follows:

- The waterfront dwellings proposed as part of the development are expected to be in demand principally from Melbourne or interstate residents and are expected to be used principally as retirement or holiday houses.
- The estimated price for a lot in the subdivision would be in the \$200,00 to \$500,000 range with dwelling construction additional to that.
- The proposed development of 1,000 dwellings will result in a total population of approximately 2,500 people (based on an average household size of 2.5 persons). It is expected that these will be a mix of permanent residents and holiday makers.
- The proposed development is estimated to involve a total investment of around \$268 million, including \$18 million in civil construction and \$250 million in dwelling construction.
- The civil works are expected to generate approximately 60 direct jobs and 140 indirect jobs per annum for two years.
- The dwelling construction is expected to generate approximately 250 direct jobs per annum over a 10 year period with flow-on jobs in the wider economic expected to be in the order of 775 jobs per annum during the construction period.
- The retail spending generated by new residents is expected to be approximately \$12.5 million per annum which would support some 125 jobs per annum in retail trade, principally in Sale.
- Council rate payments when the development is completed are estimated to be approximately \$2.53 million per annum, based on the present rates and comparable property values.

- The proposal would have significant benefits for the tourism industry in terms of the provision of additional infrastructure, and the provision of an attractive stopping point or destination in an area that currently has limited services.

8.5

TRAFFIC

It is proposed to access the site from Sperm Whale Head Road, which is included in a RDZ1 and provides connection through to Loch Sport.

Whilst the proposal will result in increased traffic on the Sperm Whale Head Road, given the designation of the road as a RZ1 it is considered that it has adequate capacity to accommodate the increased traffic volumes.

8.6

LANDSCAPE

As discussed earlier in the report, a landscape masterplan has been prepared for the site, which proposes three basic zones of planting. These are as follows:

- For the wildlife reserves a comprehensive revegetation program of endemic species including *Melaleuca* sp., *Leptospermum* sp., *Atriplex*, *Oleara* etc in appropriate communities to encourage biodiversity.
- For the public open space areas coordinated plantings of species including both native and indigenous plant communities. Landscape planting will be designed to reinforce circulation as well as to provide visual screening, wind protection and character definition.
- For the private open space areas, an identified need for planting within views from the canals and roads to be native with all species based on the species selected from the public open space areas.

It is considered that the landscaping proposed for the site will further ensure an ecologically sustainable development that complements the surrounding landscape and provides improved habitat for native flora and fauna.

CONCLUSION

The proposed amendment will result in the development of an ecologically sustainable canal based development that responds to an identified need for additional tourist facilities in the Gippsland Lakes area.

The proposed development will result in improved boating facilities (in the form of new marinas and wet berths) as well as high quality accommodation in close proximity to Lake Wellington.

The proposed development has been designed to minimise impacts on the environment through a variety of measures including the provision of wildlife reserves, the careful siting of canals to minimise vegetation removal the improve of salinity conditions, the use of rainwater for water supply and recycling of water for use in toilets.

Careful consideration has also been given to the adjoining Ramsar wetland site to ensure development will not have any significant impact on this site.

The proposal is generally consistent with both State and Local planning policy and will result in the provision of improved facilities that will be of significant economic benefit to the Shire in terms of job generation and retail spending.

Whilst the proposal will result in a new settlement in the Shire it is considered that this is appropriate given the unique nature of the settlement, the identified demand for the facilities, the ability of the proposal to be provided with all necessary services and infrastructure and the minimal impact the proposal is expected to have on the environment.

In conclusion, it is considered that the proposed development will be of great benefit to Wellington Shire through the provision of new boating and accommodation facilities that offer significant economic benefits with minimal associated impact on the environment.

Environmental Resources Management Australia Pty Ltd
October 2003

Annex A

Building Guidelines