

# EAST GIPPSLAND

## NEW FORMAT PLANNING SCHEME

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REPORT OF THE PANEL AND  
ADVISORY COMMITTEE

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NOVEMBER 1998

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## REPORT OF THE PANEL AND ADVISORY COMMITTEE

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.....  
RAY ROOKE (CHAIR)



.....  
ELIZABETH JACKA



.....  
BRIAN HARPER

NOVEMBER 1998

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# EAST GIPPSLAND NEW FORMAT PLANNING SCHEME

## REPORT OF THE PANEL AND ADVISORY COMMITTEE

### 1. INTRODUCTION

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#### 1.1 THE PANEL

The Panel and Advisory Committee appointed under Section 151 and 153 of the Planning and Environment Act 1987 to consider the new format East Gippsland Planning Scheme comprised Mr Ray Rooke (Chair), Dr Brian Harper and Ms Elizabeth Jacka.

The Committee had to cancel the planned directions hearing that was to be held at Bairnsdale on 25 June, 1998 because of the severe flooding throughout East Gippsland at that time. The public hearings were held during July at a number of different venues throughout the Shire and also at Box Hill in order to maximise the accessibility of the Panel to submitters. The public hearings were held at Bairnsdale on 16, 17 and 23 July, 1998, Omeo on 20 July, 1998, Mallacoota on 22 July, 1998 and Box Hill on 24 July, 1998. The Panel also met with Council officers at Lakes Entrance on 21 July, 1998.

A total of 236 submissions were received and 49 parties appeared before the Panel during the days of the public hearings.

The Panel considered all written submissions received after the Planning Scheme exhibition process and all those, together with supporting maps, plans, photographs and other documentation received at and during the public hearings. The Panel also visited various parts of the municipality and undertook site inspections as it deemed necessary. During its site inspections and travels through the municipality from hearing venue to hearing venue the Panel was able to observe first hand the enormous destruction, and appreciate the problems that had been caused by the severe floods in the area just prior to the hearings in June.

All those who took part in the Panel/Committee hearing process are thanked for their courtesy, cooperation and consideration during the course of the hearings. In particular, the Shire of East Gippsland is thanked for making premises and facilities available for the hearings.

The terms of reference for the Panel and Advisory Committee are set out in Appendix A.

A list of those who appeared before the Panel is included as Appendix B.

The main body of the report which follows is divided into four principal sections:

- strategic overview;
- response to terms of reference;
- consideration of all submissions;
- recommendations.

## 2. STRATEGIC OVERVIEW

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### 2.1 PROFILE OF THE SHIRE

The Shire of East Gippsland is located at the eastern extremity of the State. The southern and south-eastern boundaries of the Shire are the waters of Bass Strait, and the northern and north-eastern boundaries are the border with New South Wales. To the west, the Shire adjoins the Shires of Alpine, Towong, and Wellington.

The Shire has an area of 2,105,100 hectares, of which only 419,300 hectares (or 20%) is in private ownership. The remainder of the Shire is either publicly owned land or is water. 268,000 hectares of the publicly owned land is National Park, comprising: the Mitchell River National Park, the Alpine National Park (part), the Snowy River National Park, the Errinundra National Park, the Lind National Park, the Coopracambra National Park, the Alfred National Park, and the Croajingalong National Park. There are also a number of significant Coastal Parks and conservation reserves throughout the Shire.

The municipality is an area of spectacular landscapes and vast natural resources, and these landscapes and natural resources are a significant tourist attraction. The tourism assets of the Shire include: vast areas of native forest, extensive river and lake systems, attractive coastlines, and diverse flora and fauna. The Gippsland Lakes, in particular, are an important tourist attraction, and a popular retirement location. However, other remote and semi-remote tourist destinations in the Shire are also important tourist attractions.

The population of the Shire at the 1996 census was 37,893. Significant characteristics of the population include: high unemployment, particularly amongst young people; low average personal and household income; a high component of middle aged and elderly people, reflecting the popularity of the area as a retirement destination; and the uneven spread of population, with remote areas losing population, and growth concentrated around Paynesville, Bairnsdale and Lakes Entrance, in the south-west corner of the Shire.

The DOI in its report included the following summary of estimated of future population growth in the Shire:

*Population growth is likely to occur in two main areas: the Gippsland Lakes; and the other coastal areas, such as Mallacoota. The areas expected to have modest growth or no growth at all are: the East Gippsland high country and timber*

*regions; and the rural area (away from the coast and the Gippsland Lakes). Towns that are experiencing structural decline in their economies are also expected to have little population growth because of preference of people to move towards employment centres.*

The development pattern in the Shire and the associated transportation network has largely been dictated by the topography of the area. The Princes Highway and the Gippsland railway (which runs between Melbourne and Bairnsdale) extend east-west through the flatter southern part of the Shire. North-south links to the Princes Highway are provided by the Great Alpine Highway, the Monaro Highway and Gelantipy Road. Private land in the Shire is concentrated close to these main routes.

The Princes Highway provides an important freight and general transportation link between the East Gippsland area and the cities of Melbourne, Sydney and Canberra. Other roads throughout the Shire are also important in linking local industries and farm properties with this central transportation route. However, the dispersed pattern of development in the Shire adds substantially to the cost of maintaining the local road network, as well as providing other community facilities.

The Council in its MSS separates the Shire into four distinct geographic areas:

- the Lakes and Coastal area;
- the Agricultural Hinterland;
- the Highlands; and
- the Valleys and Forests.

The **Lakes and Coastal area** includes:

- the Gippsland Lakes;
- the 90 mile Beach;
- the coastal towns of Lakes Entrance, Lake Tyers Beach, Marlo, Bemm River and Mallacoota;
- the lakeside communities of Paynesville, Eagle Point, Newlands Arm, Raymond Island and Metung;
- the riverside towns of Bairnsdale, Nicholson, Johnsonville and Swan Reach; and
- Nowa Nowa.

This area is a primary tourist destination in Victoria, and is particularly popular as a retirement location — visitors and retirees alike are attracted to the area by the attractive landscapes, the significant natural resources and the wealth of recreational opportunities in the area. However, the area is also vulnerable to undesirable environmental impacts from development, and a challenge for the Shire is to balance development pressures against the need to protect the sensitive environments of the lakes and coastal areas and other sensitive areas.

The area also contains wetlands that are listed under the Ramsar convention: Lake King wetlands; Lake Victoria wetlands; Blond Bay; Jones Bay; Macleods Morass; Lake Bunga; and Lake Tyers. Furthermore, there are a number of sites of importance to migratory birds that are protected under bilateral agreements with Japan and China (JAMBA and CAMBA).



**The Agricultural Hinterland** comprises the fertile plains between the mountains and hills to the north and the lakes and coastal areas to the south, including the Lindenow and Snowy River flats. The area contains the townships of Lindenow, Bruthen, Buchan, Orbost and Cann River. Whilst this area contains high quality agricultural land, the distance from markets and the decline in the timber industry are constraints to future prosperity in the area. Establishment of value adding industries in the area is seen as an opportunity to enhance the viability of the existing agricultural operations.

**The Highlands** are located in the western part of the Shire, and rise from hilly terrain in the south to the highlands of the Great Dividing Range. The area is accessed by the Great Alpine Road and includes the townships of Omeo, Swifts Creek, Ensay, and Benambra. The primary industries in the area are cattle and sheep grazing and timber production. There is also potential for increased tourism in the area, centred around the area's colourful gold mining history and its proximity to the nearby snow fields at Mt Hotham and Dinner Plains.

**The Valleys and Forests area** is located in the eastern part of the Shire and comprises a number of National Parks and other extensive areas of native forest. Townships include Bonang, Bendoc and Club Terrace. The primary industries in the area are forestry, agriculture and limited eco-tourism that capitalises on the remoteness of the area, its spectacular landscapes, and the rare and significant flora and fauna to be found there.

## 2.2 STRATEGIC ISSUES

The Council in its MSS has considered the issues affecting the future land use and development in the Shire under four broad headings. These are:

- Community Needs and Community Development;
- Economic Activity, Employment and Access;
- Conservation and Natural Resources; and
- Future Land Use and Development.

Under each of these headings strategies and actions to address the relevant issues are set out in detail.

### 2.2.1 Community Needs and Development

Some of the major issues facing the Shire in relation to the provision of community services and facilities are:

- The population is spread unevenly through the Shire, with the bulk of the population concentrated in the south-west corner around Bairnsdale, Lakes Entrance and Paynesville. Furthermore, whilst Bairnsdale, Lakes Entrance and Paynesville are currently experiencing population growth, the more remote areas of the Shire are either losing population or are remaining static.

The vast size of the Shire and the uneven distribution of the population makes it very difficult for the Shire, and others to provide community support services and facilities to residents in these more remote areas.

- A significant number of people are choosing to retire to the Gippsland Lakes and other attractive resorts, such as Mallacoota. Consequently, the population of East Gippsland has a higher than normal component of elderly people. In 1996, 16% of the population was aged 65 years or more, and by the year 2011 it is estimated that 10% of the Shire's population will be over 70.

This trend has significant implications on the level and type of health and community services and facilities that are required to provide for the needs of residents in the Shire.

- The population in East Gippsland has a very low average personal and household income level and a high degree of welfare dependency. In view of the high proportion of both elderly people and low income earners in the population, it is important to ensure that housing in the Shire provides an appropriate range of housing types, tenure and affordability to cater for all groups in the community.
- East Gippsland has a very high proportion of Aboriginal people, and one of Council's goals, set out in its MSS, is:

*To recognise the importance of Aboriginal cultural heritage in East Gippsland, to build and strengthen links with Aboriginal communities, and work towards making generic services more culturally appropriate and responsive to their needs.*

## 2.2.2 Economic Activity, Employment and Access

Some of the major issues facing the Shire in relation to economic activity and employment are:

- Unemployment in the Shire is high, especially amongst young people and there is a need to ensure on going viability of existing industries and businesses in the Shire, and to attract new industries and businesses.
- The Shire's economy is heavily dependent upon tourism and primary production. To ensure continuing economic development and to enhance employment opportunities, there is a need to expand and promote tourism in the Shire, and to attract 'value adding' industries associated with primary production (agriculture, horticulture, timber production and fishing) in order to ensure the on-going viability of these activities and to provide additional employment opportunities.
- Many parts of the Shire are remote and poorly served with essential infrastructure. In order to maintain the viability of existing industries and to attract new industries, there is a need to provide improved infrastructure in the Shire, particularly in relation to transportation, gas supply and telecommunications.
- One of the great assets of the Shire is its natural resources, including its spectacular coastal and forest landscapes, and the rare and significant flora and fauna to be found in the forest areas. These assets must be protected and the Council must ensure that the much needed development in the Shire does not diminish the Shire's highly valued natural resources.

## 2.2.3 Conservation and Natural Resources

Some of the major issues facing the Shire in relation to conservation and natural resource management are:

- The Shire contains the State's greatest resource of native forest. There are 8 National Parks within the Shire, plus other parks and reserves. A further 600,000 hectares are State Forest managed for timber production. The Shire is the only area in temperate mainland Australia where large tracts of native vegetation are to be found, extending from the Alps to the ocean. The diversity of floral and faunal species throughout these forested areas is particularly significant – throughout the area there are at least: 320 bird species, 65 mammals, 40 reptiles, 20 frogs, 100 estuarine and freshwater fishes and there are over 1500 plant species. Of these species, 50 faunal species and 170 plant species are listed as threatened, principally as a result of habitat destruction or alteration.

The forested areas of the Shire are owned and managed by a range of different organisations. Some forest areas are privately owned, some are leased Crown land and others are managed by different levels of government and by different government departments for a range of different purposes. The Shire through its planning scheme must help to ensure that these valuable resources are appropriately managed and protected to ensure that the environmental, cultural and aesthetic values of these areas are not diminished.

- The extent of native forest in the Shire and the species composition in these forests leads to high risk of bushfire throughout much of the Shire – East Gippsland is in fact recognised as one of the most fire prone areas in the world. Fire brings with it significant losses to valuable forests and agricultural properties, and personal tragedy and social disruption. Fire threat to freehold land often emanates from broad acre forests where fuel loads are high and isolated settlements and towns in the foothills, mountains and coastal areas are most at risk.

Appropriate fire prevention and risk management measures must therefore be put in place to reduce the impact of bushfire on people and property in the Shire.

- The Shire contains significant rivers, lakes and wetland areas that require appropriate protection and management.

The Gippsland Lakes make up the largest estuarine lagoon system in Australia. Recreational use of the Lakes is high and a healthy Lakes system is vital to the local tourism industry and to the protection and preservation of the natural resources of the area. Substantial changes in the ecology of the Lakes have resulted from: the creation of a permanent entrance to the Lakes at Lakes Entrance; diminished river flows entering the Lakes; and increased nutrient inputs from physical disturbance, agricultural runoff, leakage from domestic sewerage and industrial wastes. Major blooms of blue green algae have already occurred on the Lakes in recent years.

Other coastal lakes further to the east, including Lake Tyers, Sydenham Inlet, Tamboon Inlet and Mallacoota Inlet are also significant environmental and recreational assets that require careful management.

Whilst water quality in the major rivers and streams draining the Shire is generally high, past activities and developments have had impacts on some of the rivers. One major example is the impact of the Snowy River Scheme on the Snowy River. Other impacts are bed and bank erosion caused by past vegetation removal. Appropriate land management practices must be encouraged to minimise future impacts and redress past impacts on these rivers and streams.

Careful management is also required of the significant wetland areas listed under the Ramsar Convention and the sites protected under the JAMBA and CAMBA agreements.

- The coastal areas in the Shire are popular recreational resources and there is a need to balance the recreational demands in these areas against the need to protect sensitive coastal ecosystems and to ensure that developments do not detract from the significant coastal landscapes.

#### 2.2.4 Future Land Use and Development

- Areas currently zoned for urban and rural residential development should adequately cater for demand in the foreseeable future. Current subdivision approvals in the Shire provide for 1112 urban lots, 685 rural residential lots and 309 hobby farms. There is also considerable capacity for further subdivision in areas zoned for conventional residential and rural residential development.

Rural residential development has been a particularly popular form of development around the Gippsland Lakes area, and there is considerable pressure being brought to bear on Council to rezone additional land for rural residential subdivision. However, a study of demand for low density residential, rural residential and hobby farm lots by Spiller Gibbins Swan Pty Ltd has concluded that:

*'....there is no need for significant new areas to be zoned for low density residential or hobby farm uses within the next 5-10 years.'*

- Other land use and development issues in the Shire include:
  - the need to direct development away from areas subject to development constraints such as flood, fire and erosion;
  - the need to protect high quality agricultural land;
  - the need to protect sites and areas that have natural and cultural heritage significance;
  - the need to protect the significant landscapes of the Shire against inappropriate development.

### 3. RESPONSE TO THE TERMS OF REFERENCE

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## 3.1 CONSISTENCY

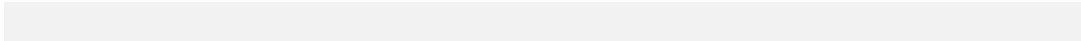
*Is the planning scheme consistent with the Ministerial Direction on the form and content of planning schemes under Section 7(5) of the Planning and Environment Act 1987?*

The Committee considers the Planning Scheme to be generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes in force at the time the Scheme was prepared. Modifications, however, will need to be made to the Scheme to incorporate the various amendments to the Victoria Planning Provisions approved since preparation of the Planning Scheme.

Various minor amendments will also need to be included and omissions corrected, including:

- Provision of Schedules to the Industrial 1, Industrial 3, Business 1, Business 3, Business 4, Public Use, Public Park and Recreation and Public Conservation and Resource Zones, and provision of a Schedule to the Land Subject to Inundation Overlay. Where no requirements are to be included in a schedule, the schedule should still be included, with a 'none specified' notation in the appropriate places.
- Provision of a Schedule to the Public Acquisition Overlay.
- Provision of a Schedules to clauses 52.01, 52.02, 52.03, 52.05, 52.17, 52.28, and 61.01 — 61.04, with a 'none specified' notation in each Schedule.
- Amendments to the Schedules to the Comprehensive Development Zone and the Design and Development Overlays to ensure that they fully comply with the form set out in the Ministerial Direction.

**The Committee recommends that modifications be made to the Scheme to incorporate amendments to the Victoria Planning Provisions approved since preparation of the Planning Scheme, and that appropriate amendments be made to the various Schedules in the Scheme to bring them in line with the Ministerial Direction on the Form and Content of Planning Schemes.**



***Is the planning scheme consistent with the Ministerial Directions under Section 12 of the Planning and Environment Act 1987?***

The relevant Ministerial Directions are Direction No 1 – Potentially Contaminated Land, Direction No 5 – Gippsland Lakes Strategy and Direction Nos 6/6- Gippsland Lakes Strategy.

In relation to Direction No 1, the Council in its submission to the Committee advised that there is currently very limited information on potentially contaminated sites in East Gippsland. The Committee was also advised that the Council currently requires an environmental audit of any site that has potential for contamination – such as former timber mill sites, service station sites and airfields used for aerial spraying, before it will consider any rezoning request or development application. This process is to continue until a full study of potentially contaminated sites has been carried out.

However, the Committee notes that there is no Local Policy relating to this requirement included in the Planning Scheme, nor is there any reference to this requirement in the MSS. **The Committee considers that such a requirement should be included in the Planning Scheme and therefore recommends that the Local Policy relating to Identification of Development Constraints be extended to include Council's requirement for an environmental audit of any potentially contaminated site before any sensitive land use will be considered on the land, and that reference to this requirement be included in Section 21.9.4 of the MSS, under the heading Land Capability and Development Constraints.**

Direction No 5 states that a planning authority must 'have regard to the Gippsland Lakes Strategy, 1990' when preparing a planning scheme amendment. The Council has clearly had regard to the Gippsland Lakes Strategy in the preparation of its Planning Scheme, and references to the Strategy are made throughout the Council's MSS. However, the Council in its submission to the Committee did point out an inconsistency with the Strategy in relation to the zoning around the settlement of Johnsonville.

The Gippsland Lakes Strategy states, in relation to Johnsonville, that:

*No further residential development will occur at Johnsonville until reticulated sewerage is provided. If sewerage becomes available, a concept plan will be prepared to ensure Johnsonville develops with a river focus and south of the highway.*

East Gippsland Water is currently installing a reticulated sewerage scheme to service Johnsonville, and in response to this initiative the Council has included small areas around the settlement, to the north and south of the Princes Highway, in a Low Density Residential Zone. To guide development in the area the Council has, in its MSS, set out a number of policies in relation to future development at Johnsonville, including:

- *Development should preserve the separation between the settlements and the amenity of the highway corridor.*
- *The river corridor will be protected from development which might impact adversely on its environmental and landscape values.*

However, no concept plan has been prepared for development around the settlement as referred to in the Gippsland Lakes Strategy. Whilst the Committee is satisfied that circumstances have changed sufficiently since the Gippsland Lakes Strategy was prepared to provide support for further development at Johnsonville, the Committee does not believe the policies in Council's MSS are sufficient to guide future development in the area. **The Committee therefore recommends that Council prepare a concept plan to guide future residential development at Johnsonville, and that the concept plan be included as a Local Policy in the Planning Scheme.**

The Council has sought to apply the various considerations referred to in Direction No 6/6A in its zoning of land for rural residential development.

*Is the planning scheme consistent with the Manual for the Victoria Planning Provisions?*

The Scheme is generally consistent with the Manual for the Victoria Planning Provisions. However, there are some minor amendments and omissions that need to be attended to, such as the use of the words 'must' and 'shall' in Local Policies. These words should be replaced with less imperative words such as 'should'.

DOI has also expressed concern in relation to mapping techniques, including the inclusion of minimum rural lot size being shown in brackets on the maps, and failure to show the schedule numbers on the maps in relation to the Public Acquisition Overlay and the Special Use Zone.

**The Committee recommends that the wording of the Local Policies be amended by inserting appropriate replacements for the words 'must' and 'shall', and that changes be made to the map notations as requested by DOI.**

## 3.2 MUNICIPAL STRATEGIC STATEMENT

*Does the MSS further the objectives of planning in Victoria to the extent that they are applicable to the municipal district?*

The Committee is satisfied that the detailed strategies and actions set out in the Council's MSS appropriately further the objectives of planning in Victoria as set out in Section 4(1) of the Planning and Environment Act 1987.

*Are the strategic planning, land use and development objectives of the planning authority a reasonable response to the characteristics, regional context, development constraints and opportunities of the municipal district?*

*Considering the objectives of planning in Victoria and the planning authority's objectives, are there any important omissions or inconsistencies?*

*Does the MSS contain realistic and reasonable strategies for achieving the objectives?*

The MSS is a lengthy document of 100 pages containing a total of 235 detailed strategies and actions relating to Community Needs, Economic Development, Conservation and Land Use and Development, plus additional strategies relating to the 4 identified geographic sub-regions in the Shire, and detailed strategies relating to each of the urban areas and rural localities (some 44 areas in all).

The Committee is impressed by the detailed thought that has gone into the formulation of these proposed strategies and actions, which it considers do appropriately respond to the characteristics, regional context, development constraints and opportunities of the municipal district.

However, the Committee has found the layout of the MSS complex and confusing, and it is not satisfied that the objectives (or goals as they are referred to in the MSS) are an adequate response to the characteristics, regional context, development constraints and opportunities of the Shire. Nor is the Committee satisfied that there are appropriate links between the objectives and the related strategies and actions.

The issues affecting future land use and development in the Shire are set out under the broad headings of Community Needs and Development; Economic Activity, Employment and Access; Conservation and Natural Resources; and Future Land Use and Development. Under each of these headings there is a general introductory section, a statement of goals, a list of priorities and then a section referred to as Strategic Directions with a series of sub-headings under which is provided a list of related outcomes and detailed strategy/actions. In many cases the introductory section fails to adequately describe the relevant issues, and there is no clear link between many of the strategy/actions and the objectives.

The Committee believes that the MSS could be substantially simplified and improved by:

- providing a brief description of the issues in the introductory section under each of the broad headings — rather than just setting out a number of facts;
- deleting the lists of priorities and outcomes (where necessary these could either be expressed in the objectives or set out in the strategy/actions section);
- setting out the relevant strategies/actions below the objective to which they are related.



This layout would clearly establish links between the objectives, and the strategies and actions proposed to achieve the objectives. The layout would also ensure that there were appropriate strategies and actions proposed to achieve each of the objectives, and conversely, that there is an appropriate objective relating to each strategy and action.

**The Committee therefore recommends that Council prepare a simplified version of the MSS that clearly establishes links between the issues to be addressed, the objectives intended to address the issues, and the strategies or actions proposed to achieve each of the objectives.**

All the objectives of planning in Victoria are appropriately covered by the goals, strategies and actions set out in the Council's MSS

DOI has expressed concern in relation to the number of Strategies/Actions listed in the MSS, and has suggested that those that are not directly relevant to the context of the planning scheme should be deleted. The Department suggests that a number of these Strategies/Actions would be more appropriately included in Council's Corporate plan. The Department also suggests that the Strategies/Actions listed should only include matters for which Council is responsible and which it therefore can implement.

**The Committee considers these comments relevant and recommends that Council review the Strategies/Actions listed in its MSS in consultation with DOI and to identify those matters best expressed in Council's Corporate Plan.**

The Committee also considers that Council should review the layout of the MSS with a view to producing a clearer, more readable document. Furthermore, the township strategy maps should contain a scale and north point and major features such as river and waterbody names, district names and main road names should be included on the maps.

**The Committee recommends that Council review the layout of the MSS with a view to producing a clearer and more readable document, and that the township strategy maps be appropriately labelled.**

#### ***What were the processes used in arriving at the MSS?***

The Council's MSS was substantially developed from the *East Gippsland Planning and Development Strategy 1997 – 2010*. The Strategy was prepared after extensive community consultation, and consultation with key State Government departments, including: Department of Natural Resources and Environment, Department of Infrastructure, Business Victoria, and Sport and Recreation Victoria. The consultation process was set out in a flow chart attached to the Strategy Report.

The Strategy was managed by a Steering Committee comprising representatives from a wide range of agencies and organisations, and has been endorsed by the following organisations:

- Arts Network East Gippsland
- Bairnsdale Regional Health Service
- East Gippsland Access Project

- East Gippsland Arts and Recreation Access Group
- East Gippsland Catchment Management Authority
- East Gippsland Institute of TAFE
- East Gippsland Regional Youth Committee
- East Gippsland Shire
- East Gippsland Water
- Gippsland Lakes & Coast Regional Coastal Board
- Gippsland Ports Committee of Management
- Heritage Network East Gippsland
- Lakes Entrance Community Health Centre
- Lakes & Wilderness Tourism
- Victorian Eastern Development Association

***Are there satisfactory links with the Corporate Plan?***

The *East Gippsland Planning and Development Strategy 1997 – 2010* contains Strategies/Actions that are reflected in the Council's MSS. In the Strategy each action listed has set out against it the organisations responsible for implementation of the action and an implementation time frame. Following the preparation of the Strategy, the Council's Corporate Plan has been amended to incorporate processes for implementation of each of the actions identified in the Strategy as the responsibility of Council.

***Are local provisions clearly expressed and written following plain English principles?***

Apart from the comments in relation to the layout of the MSS, the Committee believes the local provisions are clearly expressed and written in plain English.

### 3.3 LOCAL PLANNING POLICY FRAMEWORK

***Is the LPPF and other local provisions consistent with the SPPF?***

The Committee is satisfied that the detailed objectives, strategies and actions set out in Council's MSS are consistent with the SPPF. Furthermore, the Council recognises that additional local policies will need to be developed to fully implement the planning objectives of the MSS and this work will be carried out as Council's resources permit.

DOI, in commenting on the Planning Scheme, has raised with the Council the provision in Clause 17.07-2 of the SPPF, which states that:

*Planning authorities should identify areas which may be suitably used and developed for plantation timber production.*

However, the Committee notes that Strategy/ Action 2.13.5 of the Council's MSS is to:

*Help to identify suitable sites for plantations (both hardwood and softwood) in East Gippsland, disseminate information on the economic feasibility and other advantages of agro-forestry and bring together timber industry operators and land holders to substantially increase the area of commercial timber plantings in the region.*

The Committee is satisfied that this Strategy/ Action is consistent with the intent of Clause 17.07-2 of the SPPF.

However, Clause 17.09-2 of the SPPF states that:

*Planning schemes must not prohibit extractive industry in non-urban zones, except if it is prohibited by an Act of Parliament.*

The Committee notes that Extractive Industry is listed as a prohibited use in the Table of Uses to Schedule 2 of the Special Use Zone. Schedule 2 of the Special Use Zone relates to land under the control of the Lake Tyers Aboriginal Trust. The land is located on the Nowa Nowa Arm of Lake Tyers, surrounded by extensive Public Conservation and Resource Zones and Rural zoning. In view of the location and use of the land controlled by the Lake Tyers Aboriginal Trust, the Committee believes that this Special Use Zone is a non-urban zone. Therefore, unless extractive industry is prohibited on this land by an Act of Parliament (and it may well be), this use should not be listed as a prohibited use in the zone.

**The Committee recommends that Council investigate whether Extractive Industry is prohibited on the land controlled by the Lake Tyers Aboriginal Trust by an Act of Parliament, and if it is not prohibited, that the Table of Uses to Schedule 2 of the Special Use Zone be amended by deleting Extractive Industry from the list of Section 3 uses.**

Recommendations in relation to maintenance of clear runway approach gradients to airfields are set out in response the Submission 173 by Dr. C. Smith. These recommendations will ensure consistency with Clause 18.04-2 of the SPPF in relation to the safety and efficiency of airfields.

### 3.4 ZONES, OVERLAYS AND SCHEDULES

*Are there clearly defined linkages between the MSS and the application of zones, overlays and schedules?*

*Is the application of zones, overlays and schedules the most appropriate of the VPP techniques to achieve the stated outcomes?*

*If there are situations where the application of zones, overlays and schedules are not clearly linked to the MSS, is reasonable justification provided and is it considered acceptable?*

The Committee considers that for the most part, there are clearly defined linkages between the MSS and the application of zones, overlays and schedules. However, there are a number of instances where the appropriate overlay has not been applied

because the information necessary to carry out the overlay mapping, or to prepare the overlay, is not yet available. As an interim measure, the Council has included Local Policies in the Planning Scheme that relate to these issues.

The overlays still to be applied, and the related interim Local Policies are:

OVERLAY	INTERIM LOCAL POLICY
Development Contributions Plan Overlay	Development Contributions Policy
Erosion Management Overlay (in the former Shires of Bairnsdale and Tambo) Salinity Management Overlay (in the former Shires of Bairnsdale and Tambo) Land Subject to Inundation Overlay (the Gippsland Lakes tributaries and Snowy River floodplains)	Identification of Development Constraints Policy
Heritage Overlay (further sites still to be listed following a comprehensive heritage assessment of the Shire)	Heritage Policy
Significant Landscape Overlay	Significant Landscapes Policy

Furthermore, the Council has referred, in its MSS, to the need to:

*Identify progressively any potentially contaminated land in the Shire (land used previously for industry, mining, abattoirs, or the storage of chemicals, gas, wastes or liquid fuel) and apply an Environmental Audit Overlay, requiring an environmental audit before such land can be rezoned for residential, education, childcare or other sensitive purposes.*

However, whilst the Committee recognises the need put in place these additional overlay controls, the Committee also recognises the size of the tasks involved and the Council's limited resources to carry out this work in the short term. **The Committee therefore recommends that a Development Contributions Plan Overlay, Significant Landscapes Overlay, Environmental Audit Overlay and an extended Erosion Management Overlay, Salinity Management Overlay and Land Subject to Inundation Overlay be included in the Planning Scheme as soon as practicable.**

DOI, in commenting on the Planning Scheme, suggested that a Design and Development Overlay be applied along the Princes Highway corridor, in order to achieve the objectives of the Princes Highway Corridor Policy. **The Committee agrees with this suggestion and recommends that a Design and Development Overlay be applied to non-urban freehold land within 300 metres of either side of the Princes Highway, in order to maintain the efficiency and amenity of the highway corridor.**

The Planning Scheme includes the following zones:

- Residential 1 Zone
- Low Density Residential Zone
- Mixed Use Zone
- Township Zone
- Industrial 1 Zone
- Industrial 3 Zone
- Business 1 Zone
- Business 3 Zone
- Business 4 Zone
- Rural Zone
- Environmental Rural Zone
- Rural Living Zone
- Public Use Zone
- Public Park and Recreation Zone
- Public Conservation and Resource Zone
- Road Zone
- Special Use Zone
- Comprehensive Development Zone

### 3.4.1 Residential 1 Zone

The Residential 1 Zone has been applied to the existing residential areas in the townships of Bairnsdale, Eagle Point, Lake Bunga, Lakes Entrance, Lake Tyers, Mallacoota, Marlo, Metung, Omeo, Orbost, Paynesville and on Raymond Island. Generally residential development is contained within the existing township

boundaries, with the expectation that infill development will provide for residential demand in the foreseeable future. Some residential expansion is provided for at Bairnsdale, Lakes Entrance and Paynesville.

The use of the Residential 1 Zone is appropriate and consistent with the policies and strategies of the Council's MSS.

### 3.4.2 Low Density Residential Zone

The Low Density Residential Zone has been applied to land on the fringe of a number of towns and settlements throughout the Shire, including: Bairnsdale, Bancroft Bay, Bruthen, Eagle Point, Johnsonville, Lakes Entrance, Lindenow, Lindenow South, Mallacoota, Mosquito Point, Omeo, Raymond Island, Sarsfield and Tambo Bluff. The zoning generally reflects existing zoning, but there have been some limited extensions and modifications to the existing zoning in some areas.

During the preparation of the Planning Scheme, the Council commissioned a study by Spiller, Gibbins Swan Pty Ltd into the need for low density residential living in the Shire. The study related to potential Low Density Residential and Rural Living Zones.

The study concluded that there is likely to be sufficient land to meet demand for low density residential lots until well into the next century. However, the report did recognise that there could be some sub-markets where demand is not met, and that there could be scope for limited rezoning to meet these demands. Indicative growth areas have been indicated in the township strategy maps in the MSS. However, no additional land has been rezoned at this stage to meet this demand. Council plans to carry out a further study to investigate the most appropriate location and density of additional land for low density residential development, taking into account constraints such as topography and vegetation.

The Committee is satisfied that the use of the Low Density Residential Zone, and the proposal for a further study into suitable sites for additional low density residential land, is appropriate and consistent with Council's MSS.

### 3.4.3 Mixed Use Zone

Mixed Use Zones are provided at Bairnsdale, Mallacoota and Paynesville. However, the Panel has recommended deletion of the Mixed Use Zone at Mallacoota.

The Mixed Use Zone in Bairnsdale is provided along the Princes Highway on the western approach to the town, and a Design and Development Overlay has been included over one small section of the Mixed Use Zone to ensure an appropriate gateway treatment to the town. The MSS also states, in relation to the eastern and western approaches, that: *'A more comprehensive overlay will be developed as resources allow.'*

The Mixed Use Zone in Paynesville will provide for boating related activities.

The Committee is satisfied that the use of the Mixed Use Zone is generally appropriate and consistent with the policies and strategies of the Council's MSS.

#### 3.4.4 Township Zone

The Township Zone has been applied to a number of small townships and settlements in the municipality, including Bemm River, Benambra, Bendoc, Bruthen, Buchan, Cann River, Genoa, Gypsy Point, Johnsonville, Lindenow, Nowa Nowa and Swan Reach.

The Committee is satisfied that the use of the Township Zone is appropriate and consistent with the policies and strategies of the Council's MSS.

#### 3.4.5 Industrial 1 Zone

Industrial 1 Zones are provided at Bairnsdale, Lakes Entrance, Orbost and Paynesville. However, the Panel has recommended deletion of the Industrial 1 Zone at Paynesville.

The Metung Township strategy map in the MSS shows a future industrial zone at Metung, adjacent to the tip. However, the MSS also includes the comment that: *'demand does not justify zoning land for this purpose at this time.'*

The Committee is satisfied that the use of the Industrial 1 Zone is generally appropriate and consistent with the policies and strategies of the Council's MSS.

#### 3.4.6 Industrial 3 Zone

Industrial 3 Zones are provided at Lakes Entrance, Mallacoota and Paynesville. However, following consideration of submissions, both Council and the Panel agree that the Industrial 3 Zone at Lakes Entrance should be deleted.

The Committee is satisfied that the use of the Industrial 3 Zone is generally appropriate and consistent with the policies and strategies of the Council's MSS.

#### 3.4.7 Business 1 Zone

The Business 1 Zone has been applied to existing commercial centres in the townships of Bairnsdale, Lakes Entrance, Mallacoota, Metung, Omeo, Orbost and Paynesville.

The Committee is satisfied that the use of the Business 1 Zone is appropriate and consistent with the policies and strategies of the Council's MSS.

### 3.4.8 Business 3 Zone

A small Business 3 Zone is provided at Lakes Entrance within the main commercial centre. This zoning is consistent with the Policy in the MSS to support Lakes Entrance's existing role as a corporate and business centre.

The Committee is satisfied that the use of the Business 3 Zone is appropriate and consistent with the policies and strategies of the Council's MSS.

### 3.4.9 Business 4 Zone

An area of Business 4 and Industrial 1 zoning is provided on the outskirts of Orbost, on the Princes Highway. This zoning is consistent with the township strategy map in the MSS which shows a Future Business and Light Industrial Area in this location.

The Committee is satisfied that the use of the Business 4 Zone is appropriate and consistent with the policies and strategies of the Council's MSS.

### 3.4.10 Rural Zone

The Schedule to the Rural Zone in the exhibited Planning Scheme included 5 different minimum areas for subdivision that generally reflected the subdivision pattern in the municipality – 100, 50, 30, and 15 hectares and 'no minimum area'. However, since the scheme was exhibited, Council has resolved to amend the Schedule to include only 3 different minimum areas for subdivision – 40 and 15 hectares and 'no minimum area'. This change to the exhibited scheme will substantially address many of the objections to the exhibited scheme. However, the proposed amendment to the exhibited scheme has not been re-exhibited, and there may be objections to the proposed reduction in the minimum subdivision area. Re-exhibition of the scheme would substantially delay adoption of the new scheme, and it may therefore be more appropriate to amend the schedule in a separate amendment to the scheme, after the scheme has been approved.

**The Committee recommends that the amended Schedule to the Rural Zone be exhibited prior to the changes being incorporated in the Planning Scheme.**

The Committee notes that the schedule includes a category 'no minimum area'. This category applies to several small areas adjacent to the Mitchell River on the outskirts of Bairnsdale; between Bairnsdale and Lindenow; and between Iguana Creek and Walpa; and generally comprises existing small lot subdivisions. **The Committee is not satisfied that it is reasonable to apply a 'no minimum area' minimum lot size in these particular areas and recommends that an appropriate minimum be specified.**

Otherwise the Committee is satisfied that the Rural Zone as applied throughout the municipality is appropriate and consistent with the policies and strategies of the Council's MSS.



### 3.4.11 Environmental Rural Zone

The Environmental Rural Zone has been applied to land in private ownership on the outer barrier and another environmentally sensitive site opposite the outer barrier on Lake Victoria. The Gippsland Lakes Strategy states that *'the barrier has been subject to some pressure for development and requires strong planning controls to ensure its continued protection.'*

The environmental outcome set out in the Schedule to the zone is:

*To ensure that land use and development occurs in a manner which does not adversely impact on the important environmental characteristics of an area.*

The Council's MSS, with respect to this land also states that:

*Further development will be strictly limited in order to protect the environmental qualities of the area and will be subject to the ability of the land to absorb wastes.*

The use of the Environmental Rural Zone in this area is entirely appropriate and is consistent with the policies and strategies of the Council's MSS.

### 3.4.12 Rural Living Zone

The Rural living Zone has been applied to land on the fringe of a number of towns and settlements throughout the Shire, including: Bairnsdale, Bruthen, Cassilis, Eagle Point, Mallacoota, Now Nowa, Omeo, Orbost and Raymond Island. The zoning generally reflects existing zoning, but there have been some limited extensions and modifications to the existing zoning in some areas. The Schedule to the zone specifies minimum subdivision areas of 2, 4 and 8 hectares, generally reflecting the existing zoning and subdivision pattern of the respective areas.

The *Low Density Living Study* by Spiller Gibbins Swan Pty Ltd concluded that there is considerable capacity for rural residential development and hobby farm/farmlet development in most districts, and that no substantial new zoning should be required within the next 5 to 10 years. Furthermore, Council in its MSS has undertaken to monitor trends in the Low Density Residential and Rural Living Zones and to assess periodically the need for additional land for these purposes.

The Committee is satisfied that the Rural Living Zone as applied throughout the municipality is appropriate and consistent with the policies and strategies of the Council's MSS.

### 3.4.13 Public Use Zone

The Public Use Zone has generally been applied to land within the Shire currently in public ownership and used for utility and community service provision. Submissions 99 and 160 to the Panel have pointed out minor omissions in the Planning Scheme with respect to land owned by East Gippsland Water and the PTC. The Panel in its recommendations on these submissions has recommended appropriate rezonings to correct these omissions.

Otherwise the Committee is satisfied that the Public Use Zone as applied throughout the municipality is appropriate.

#### 3.4.14 Public Park and Recreation Zone

The Public Park and Recreation Zone has been applied to the main public parks and recreation reserves within the towns and settlements of the Shire. The Department of Natural Resources in its submission to the Panel has identified some land that should be included in the zone and other land that should be deleted from the zone. The Panel, in relation to submission 157 by the Department, has recommended that the Council make these various zoning changes.

Otherwise the Committee is satisfied that the Public Park and Recreation Zone as applied throughout the municipality is appropriate.

#### 3.4.15 Public Conservation and Resource Zone

The Public Conservation and Resource Zone is perhaps the most extensive zone in the Shire, and is applied to the many National Parks, Coastal Parks and other conservation reserves throughout the Shire. The Department of Natural Resources in its submission to the Panel has identified some land that should be included in the zone and other land that should be deleted from the zone. The Panel, in relation to submission 157 by the Department, has recommended that the Council make these various zoning changes.

Otherwise the Committee is satisfied that the Public Conservation and Resource Zone as applied throughout the municipality is appropriate and consistent with the policies and strategies of the Council's MSS.

#### 3.4.16 Road Zone

The Road Zone has been applied to State Highways and other declared roads throughout the municipality. Submission 89, by VicRoads has pointed out minor omissions in the Planning Scheme with respect to declared roads in the Shire and the Panel has recommended correction of these omissions.

Otherwise the Committee is satisfied that the Road Zone as applied throughout the municipality is appropriate.

#### 3.4.17 Special Use Zone – Schedule 1, Bullock Island

Bullock Island is located adjacent to the entrance to the Gippsland Lakes at Lakes Entrance and forms part of a significant gateway to the Lakes Entrance township and to the Gippsland Lakes as a whole.

The Council's MSS states that:

*Council will encourage development on Bullock Island of the Gondwanaland International Voyage and Research Centre and integrated development of the remainder of the Island. To facilitate this, a Special use Zone is applied to the Island in the Planning Scheme.*

Within the Special Use Zone, land uses are to be generally in accordance with an approved Concept Plan which is to be authorised by DNRE, exhibited for public comment, and incorporated in the Planning Scheme. A Development Plan in accordance with the approved Concept Plan is also to be prepared to the satisfaction of the Responsible Authority and consistent with the purposes of the zone and policy in the MSS.

DOI in its submission has commented that *'There are quite a few changes that need to be undertaken in all the Schedules to the Special Use Zones and Comprehensive Development Zones. The planning authority should meet with the Gippsland Regional Office to discuss these issues.'*

In view of the scale of the proposed development on Bullock Island, the Committee is satisfied that a Special Use Zone is more appropriate than a Comprehensive Development Zone. The Committee is also satisfied that the zone is consistent with the policies and strategies of the Council's MSS. However, in view of the importance of ensuring an appropriate form of development in this key location, the Committee considers it appropriate to apply a Development Plan Overlay, rather than include a requirement for a Development Plan in the zone provisions.

**The Committee recommends that Council meet with DOI to determine changes required to the Schedule to the Zone, and that Council consider applying a Development Plan Overlay to the land.**

### 3.4.18 Special Use Zone – Schedule 2, Lake Tyers Aboriginal Trust

As previously referred to in this report, the land affected by Schedule 2 to the Special Use Zone comprises land controlled by the Lake Tyers Aboriginal Trust.

As with Schedule 1, the Schedule states that land may be used for a range of uses in accordance with a approved Concept Plan, which is to be exhibited for public comment and incorporated in the Scheme. The Schedule also requires that a Development Plan be prepared, generally in accordance with the approved Concept Plan.

The Council's MSS states that:

*Council will support the existing roles and functions which the Lake Tyers Aboriginal Trust settlement fulfils and encourage development of new and enhanced roles – namely cultural and nature-based tourism.*

The Committee is satisfied that a Special Use Zone is appropriate to the land controlled by the Lake Tyers Aboriginal Trust and that the zone is consistent with the policies and strategies of Council's MSS. However, as with the previous zone schedule, the Committee considers it appropriate to apply a Development Plan Overlay, rather than include a requirement for a Development Plan in the zone provisions.

**The Committee recommends that Council meet with DOI and the Lake Tyers Aboriginal Trust to determine changes required to the Schedule to the Zone, and that Council consider applying a Development Plan Overlay to the land.**

### 3.4.19 Comprehensive Development Zone

The Comprehensive Development Zone applies to land at Nicholson on the Nicholson River, and relates to a proposed tourist resort and marina development. A Concept Plan for the resort and marina was exhibited with the Planning Scheme.

Council's MSS seeks to encourage increased potential for residential and tourist development at Nicholson, and in line with this objective land proposed for the proposed resort has been included in a Comprehensive Development Zone. Section 1 uses in the Schedule to the zone are generally required to be in accordance with the Nerana Resort and Marina Concept Plan, dated 5 June, 1997. The Schedule also includes a sunset clause to the effect that the land will revert to Rural zoning if the development is not substantially commenced by 1 January, 2003, or is not substantially completed by 1 January, 2010.

The Committee is satisfied that the Nerana development is of a scale to warrant application of a Comprehensive Development Zone. The Committee is also satisfied that the zone is consistent with the policies and strategies of Council's MSS. However, as with the Special Use Zone the Committee considers that Council should consult further with DOI to determine changes required to the Schedule to the Zone.

**The Committee recommends that Council meet with DOI to determine changes required to the Schedule to the Comprehensive Development Zone.**

The Planning Scheme includes the following overlays:

- Environmental Significance Overlay
- Vegetation Protection Overlay
- Heritage Overlay
- Design and Development Overlay
- Erosion Management Overlay
- Salinity Management Overlay
- Land Subject to Inundation Overlay
- Wildfire Management Overlay
- Public Acquisition Overlay
- Restructure Overlay

### 3.4.20 Environmental Significance Overlay – Schedules 1 to 94

Ninety four Schedules are provided to the Environmental Significance Overlay (ESO), each relating to a separate Site of Biological Significance. The Schedules have been prepared from a data base compiled by DNRE of habitats of rare or threatened faunal species; restricted, rare or threatened vegetation communities; vegetation which is an important corridor; areas of high species diversity; and other sites with unusual biological features.

Clause 3.7 of Council's MSS sets out Strategies/Actions in relation to Biodiversity Conservation, including:

- 3.7.2 *Encourage community involvement in biodiversity conservation on*

*private land.*

- 3.7.4 *Ensure that land use and development in areas covered by the Significant Vegetation and Environmental Significance Overlays in this Planning Scheme is planned, designed and managed in a way which takes account of the special biological significance of the areas identified.*

A number of submissions were received in relation to the ESO, including application of the Overlay to land that is partially or wholly cleared of significant vegetation. The Panel recommendation in relation to these submissions are set out in relation to Submission 214.

DNRE in its submission also acknowledges that mapping of the sites of biological significance may include some sites which do not possess any significant environmental values. DNRE has undertaken to work with the Shire to re-examine the Sites of Biological Significance with a view to removing from the overlay any land which does not possess the nominated environmental values.

DNRE has also suggested some changes to the wording of the Schedules to the Overlay, including exempting vegetation clearance within 3 metres of either side of a fenceline from the need to obtain a planning permit.

The Panel, in relation to Submission 214 has recommended that areas affected by the ESO be reviewed and that in the meantime, vegetation clearance on land affected by the ESO, but which does not exhibit the environmental values listed in the Schedule, be exempted from the need to obtain a planning permit. The Panel in relation to Submission 157 by DNRE has also recommended that changes be made to the Schedules as set out in DNRE's submission. These recommendations do not need to be repeated in this section.

DOI in its submission has recommended some minor changes to the Schedules. These changes include renumbering Clause 41.02-2 to 41.01-2, and reference in the second dot point of Decision Guidelines to any 'relevant' matters.

The Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS. **However, the Committee recommends that the minor changes referred to in the DOI submission be made to the Schedules to the Overlay.**

### 3.4.21 Vegetation Protection Overlay

There are seven Schedules to the Vegetation Protection Overlay (VPO). These relate to:

- |  |                     |  |
|--|---------------------|--|
| 1. Tambo-Bairnsdale Vegetation Network | Roadside Protection | This Schedule relates to significant areas of vegetation within road reserves which are important remnants of native vegetation which also serve as valuable wildlife corridors and contribute to the landscape character of the area. |
| 2. Raymond Island Protection Area      | Vegetation          | This Schedule relates to large areas of remnant native vegetation on the Island which are important examples of coastal  |

- forest/woodland and wetland vegetation, and which provides important faunal habitat and contributes to the unique landscape character of the Island.
3. Nungurner-Metung Vegetation Protection Area  
This Schedule relates to large areas of native vegetation on the shores of the Gippsland Lakes and along roadsides. The vegetation provides important examples of coastal vegetation, Gippsland Coastal Grey Box and Box-Ironbark vegetation communities, and which provides important faunal habitat and contributes to the unique landscape character of this part of the Gippsland Lakes.
  4. Mosquito Point Vegetation Protection Area  
This Schedule relates to land on Boole Poole Peninsular, which is part of the barrier dune system of the Gippsland lakes. The vegetation comprises remnant coastal, wetland and woodland vegetation which plays an important role in stabilising the highly erodable landforms of the area, as well as providing valuable faunal habitat and contributing to the landscape character of the area.
  5. Flanagan Island and Fraser island Vegetation Protection Areas  
Flanagan and Fraser Islands are located in the Reeve Channel of the Gippsland Lakes, and support a diverse range of wetland, salt marsh, shrubland and woodland vegetation types. The vegetation plays an important role in stabilising the highly erodable island landforms as well as contributing to the landscape character of the area.

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|---|---|
| 6. Outer Barrier Vegetation Protection Area | This Schedule related to some small pockets of private land on the Outer Barrier and Boole Poole Peninsular of the Gippsland Lakes. The vegetation comprises a diverse range of coastal, wetland and woodland vegetation types which play an important role in stabilising the highly erodable landforms of the area, as well as contributing to landscape character. |
| 7. Kalimna Vegetation Protection Area       | This Schedule relates to a small but significant area of warm temperate rainforest within the residential area of Kalimna. The rainforest is of important conservation value, and also provides valuable faunal habitat and contributes to the landscape character of the area.   |

References for the Schedules include:

*Roadside Management Plan, East Gippsland Shire, 1995; Raymond Island Strategy, Shire of Bairnsdale, 1992; Gippsland Lakes Strategy, DP&UG and DC&E, 1990; The Lakes National Park and Gippsland Lakes Coastal Park Draft Management Plan, DNRE, 1996.*

Furthermore, Clause 3.7 of Council's MSS sets out Strategies/ Actions in relation to Biodiversity Conservation, including:

- 3.7.4        *Ensure that land use and development in areas covered by the Significant Vegetation and Environmental Significance Overlays in this Planning Scheme is planned, designed and managed in a way which takes account of the special biological significance of the areas identified.*

DOI in its submission has identified a need to reword the Schedules to clearly specify vegetation that is protected by the VPO. DNRE in its submission suggests that the exclusions statement be extended to include vegetation within 3 metres of a fenceline.

The Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS. **The Committee agrees with the DOI submission and recommends that the Schedules be reworded to clearly specify vegetation that is protected by the Overlay.**

However, in view of the highly sensitive nature of some of the sites covered by the Overlay the Committee does not agree with the suggestion by DNRE that the exclusions statement be extended to include vegetation within 3 metres of a fenceline, and therefore makes no recommendation with respect to that submission.

### 3.4.22 Heritage Overlay

There are 288 Heritage Places listed in the Schedule to the Heritage Overlay. These places have been identified from the *Bairnsdale City Heritage Study*, the Register of the National Estate, the Victorian Heritage Register, the National Trust of Australia (Victoria) and Aboriginal Affairs Victoria. However, the Council in its MSS acknowledges a need to carry out further heritage studies for the remainder of the Shire.

DOI in its submission identified 3 places on the Victorian Heritage Register which are not included in the Heritage Overlay Schedule. These are:

- The Pioneer Battery Site at Bonang (H1429)
- Houghtins Flat Gold Diversion Tunnel at Deptford (H1262)
- Mount Merrimac Gold Battery Site (H1304)

The Department also noted two places that have been removed from the Victorian Heritage Register, but which are included in the Heritage Overlay schedule. These are:

- Railway Station (G60)
- Primary School (G61)

Furthermore, the Department noted that some changes will need to be made to the numbering in the Schedule to reflect new numbering in the Victorian Heritage Register.

Heritage Victoria has made comments on the formatting of Schedules and Maps and these comments are appended as Appendix C.

The National Trust in its submission has also recommended inclusion of a number of places in the Overlay, and the Council has agreed to these recommendations.

The Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS. **However, the Committee recommends that Council amend its Planning Scheme to include the amendments to the Heritage Overlay Schedule and maps as suggested by DOI, Heritage Victoria and the National Trust.**

### 3.4.23 Design and Development Overlay

There are six Schedules to the Design and Development Overlay (DDO). These relate to:

1. Shaving Point Residential Area Shaving Point is a narrow spit of land that extends south from Metung to separate Lake King from Bancroft Bay. The land is highly visible from the Lakes and Council's MSS states that the DDO is applied *'to limit building heights on Shaving Point, in recognition of the visibility of the area from the water, including distant views from both east and west. It also introduces a setback from the waterfront of Bancroft Bay, within which a permit is required for development.'*



2. Constructed Waterways — Paynesville.

This Schedule relates to a recent canal estate located on the east side of the township connecting with and parallel to the McMillan Strait. The Council's MSS states that the DDO is applied to the estate *'to preserve the special features of the planning controls associated with these areas'*. However, no details of these special planning controls are provided in the MSS. The Schedule requires a planning permit for a fence or swimming pool within 5 metres of a canal, and any other buildings or works within 10 metres of a canal.
3. Streetscape, Marine Parade, Marlo

Marlo is a small fishing village located at the mouth of the Snowy River. Marine Parade Marlo runs parallel with the Snowy River and the river foreshore on the south side of the road. This Schedule relates to the front part of properties fronting Marine Parade and requires that a permit be obtained for any buildings and works within 7.5 metres of the Marine Parade frontage. The Council's MSS has a strategy for the area to *'retain the village character and protect the foreshore and river from any development which might affect the landscape or environmental values.'* To this end the MSS states that the current setbacks on the north side of Marine Parade will be retained by means of a DDO.
4. Harnham Service Industrial estate

The Harnham Service Industrial estate is located at the western gateway to Bairnsdale, on the north side of the Princes Highway. The zoning of the estate is Mixed Use. An objective of the Schedule is to ensure that development of the estate is appropriate to the highway and residential interface. The Schedule sets out setback, building height, site coverage, landscaping and acoustic treatment requirements for development in the estate. The Council in its MSS states in relation to the estate: *'Bairnsdale is the gateway to East Gippsland and its townscape plays a vital role in determining visitor impressions not only of the town but the whole region. .... A Design and Development Overlay has been applied to land between the Princes Highway and Harnham Drive at the western entrance to Bairnsdale. A more comprehensive overlay will be developed as resources allow.'*

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|---|---|
| 5. Kalimna Subdivision and Development Controls | This Schedule relates to an area of significant warm temperate rainforest on the south side of Widdis Road, Lakes Entrance, between Widdis Road and North Arm. Council's MSS states that ' <i>A Design and Development Overlay to control access and subdivision has been applied to the rainforest gully (flowing into North Arm)</i> '. The Schedule restricts development in the area to 1 dwelling to each lot and prohibits vehicular access to lots from Widdis Road. The land is also covered by ESO Schedule 53 and VPO Schedule 7. |
| 6. Kalimna Access Controls                      | This Schedule relates to land on the north side of Widdis Road, Lakes Entrance, and requires a planning permit for vehicular access from Widdis Road. There is no ESO or VPO over this land.  |

DOI in its submission has identified a number of problems with the wording of the Schedules, including the need to identify in the Schedule where a planning permit is not required. **The Committee recommends that Council confer with DOI on the wording of the Schedules and make appropriate changes.**

The Manual for the Victoria Planning Provisions, in relation to the DDO, states that '*The built form outcome intended to be achieved must be clearly stated and the way in which the requirements imposed will achieve this clearly expressed.*' The Committee notes that the Schedules contain little detail of the intended built form outcome for the various areas covered by the Overlay. However, the decision guidelines refer to consideration of:

*'Any siting and design guidelines adopted by the responsible authority.'*

No siting and design guidelines have been prepared or adopted by the Council at this stage. **The Committee considers that siting and design guidelines are essential to guide future development in these areas and recommends that guidelines be developed as soon as practicable.**

The Committee also considers that the number of overlays applying to the warm temperate rainforest on the south side of Widdis Road, Lakes Entrance is excessive.

The ESO requires a planning permit to:

- construct a building or carry out works;
- subdivide land;
- remove vegetation.

The VPO requires a planning permit to:

- remove vegetation.

The DDO requires a planning permit to:

- subdivide land;
- construct a building or carry out works.

**In the Committee's view, the VPO and the DDO provide adequate control over vegetation removal and development of land, and recommends that the ESO be removed from the land.**

**The Committee also recommends that the Schedules set out the location of the land affected by the DDO. For example, that the Harnham Service Industrial estate be referred to as the Harnham Service Industrial estate, Bairnsdale.**

Subject to the above amendments, the Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS.

#### 3.4.24 Erosion Management Overlay

The Erosion Management Overlay (EMO) should be used to identify land subject to significant erosion hazard and should generally be supported by technical information to justify its use.

Erosion hazard mapping has been carried out for the former Bairnsdale Shire and parts of the former Tambo Shire. This mapping is contained in the reports: *Erosion Hazard Map, Bairnsdale Region (1:1000,000) based on Aldrick, J.M.et al, A study of the land in the catchment of the Gippsland Lakes (Vols 1 & 2), DC&NR, 1992.* and *A Land Capability Study of the Cassilis Valley, Swifts Creek, Rees, D.M., DC&NR, 1995.*

The Council in its Identification of Developments Constraints Policy acknowledges that additional mapping is required to provide the information necessary to apply the EMO to all areas in the Shire prone to erosion hazard. The Committee has already recommended that this work be carried out as soon as practicable. Otherwise the Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS.

#### 3.4.25 Salinity Management Overlay

The Salinity Management Overlay (SMO) should be used to identify land subject to significant salinity and should generally be supported by technical information to justify its use.

Salinity mapping has been carried out for the former Bairnsdale Shire. This mapping is contained in the report: *Salinity Hazard Map, Bairnsdale Region (1:1000,000) based on Aldrick, J.M.et al, A study of the land in the catchment of the Gippsland Lakes (Vols 1 & 2), DC&NR, 1992..*

The Council in its Identification of Development Constraints Policy acknowledges that additional mapping is required to provide the information necessary to apply the SMO to all areas in the Shire prone to salinity. The Committee has already recommended that this work be carried out as soon as practicable. Otherwise the Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS.

#### 3.4.26 Land Subject to Inundation Overlay

Floodplain mapping for the Shire is incomplete. Information is currently available only for the Gippsland Lakes tributaries and the Snowy River floodplain.

The Council in its Identification of Development Constraints Policy acknowledges that additional mapping is required to provide the information necessary to apply the Land Subject to Inundation Overlay to all areas in the Shire prone to flooding. It is understood the DNRE Floodplain Management Group is currently carrying out this work. The Committee has already recommended that this work be carried out as soon as practicable. Otherwise the Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS.

### 3.4.27 Wildfire Management Overlay

The Wildfire Management Overlay (WMO) has been based on mapping carried out by the CFA. In its submission on the Planning Scheme, DNRE has recommended the use of different criteria for mapping areas of high bushfire hazard. Previous Panel reports on New Format Planning Schemes have identified the need for the two organisations to agree on WMO mapping criteria.

The Panel in relation to the CFA's submission has recommended that the WMO mapping as carried by the CFA be adopted by the Shire until the differences between the CFA and DNRE on appropriate mapping techniques is resolved.

Subject to the mapping differences being satisfactorily resolved, the Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS.

### 3.4.28 Public Acquisition Overlay

The Committee has already commented on the need for a Schedule to this Overlay identifying the responsible acquiring authorities. Otherwise the Committee is satisfied that the overlay is appropriate.

### 3.4.29 Restructure Overlay

There are 4 Restructure Plans covered by the Restructure Overlay. These are:

- Glen Wills Restructure Plan
- Township of Sunnyside Restructure Plan
- Tambo Bluff Estate Restructure Plan
- Newlands Arm Estate Restructure Plan.

Each of these Restructure Plans has been incorporated in the Planning Scheme. The Panel has made comments and recommendations in relation to submissions on the Tambo Bluff Estate Restructure Plan and has recommended development of a Local Planning Policy in relation to development of the Tambo Bluff Estate. The Committee has not had an opportunity to review the other restructure plans, but in the light of its consideration of the Tambo Bluff Estate Restructure Plan, **the Committee recommends that Council review the Glen Wills, Township of Sunnyside and Newlands Arm Estate Restructure Plans to assess whether Local Planning Policies are necessary to satisfactorily achieve the objectives of the**

**Restructure Plans.** Otherwise the Committee is satisfied that the overlay is appropriate and consistent with the policies and strategies of Council's MSS.

### 3.5 LOCAL POLICIES

*Are local policies directed towards implementation of the MSS?*

*Are local policies soundly based and reasonably justified?*

*Will local policies be of practical assistance in day-to-day decision making about permit applications/*

*To what extent have local policies been created as part of the new planning scheme and to what extent are they a replication of previous local policies?*

*Are overlays and schedules being used when it may be more appropriate to use local policies?*

The Council has included the following 12 local policies in its Planning Scheme:

- Special Water Supply Catchment Areas
- Industry Development Policy
- Paynesville Industry Development Policy
- Development Contributions Policy
- Rural Residential Suitability Policy
- Tourist, Commercial or Industrial Developments in Non-urban Areas
- Dwellings in Rural Areas Policy
- Identification of Development Constraints Policy
- Heritage Policy
- Aboriginal Heritage Policy
- Princes Highway Corridor
- Significant Landscapes Policy

#### 3.5.1 Special Water Supply Catchment Areas

This Policy relates to the catchments of the Mitchell, Nicholson, Tambo, Buchan, Brodribb, Rocky River, Bemm, Cann and Betka Rivers and the Boggy, Butchers and Youngs Creeks. Water from these catchments is used for a range of uses, including human consumption, domestic and industrial use, and agricultural use and there is a need to protect both the quantity and quality of water produced within these catchments.

However, substantial areas of productive rural land falls within these catchments, and the Council considers that it is therefore inappropriate to include this rural land

in an Environmental Rural Zone or to apply an overlay that would require a planning permit for any development or works proposed. Council has therefore produced a less onerous Policy aimed at protecting water quality and quantity in the catchment areas.

The Policy, amongst other things, discourages subdivision and intensive farming within the catchment areas and includes requirements in relation to waste water disposal for developments within 100 metres of a waterway or wetland.

The Council's MSS contains a section on Catchment Management which is directed at achieving the objectives of the East Gippsland Regional Catchment Strategy (1997). Strategies/Actions in the MSS relating to the protection of water quality and quantity, include:

- 3.4.4        *Ensure relevant SEPP policies for water quality are taken into account in all planning decisions.*
- 3.4.5        *Improve water quality in rivers, coastal estuaries and lakes:*
  - *Ensure that development proposals with potential for adverse impacts on water quality are fully assessed and conditions applied to prevent degradation of waterways*
  - *Make reduction of sewerage effluent from river-side and coastal townships a management priority*
  - *Ensure that public toilets in foreshore or river frontage land are sewered where feasible, or use other appropriate technologies*
  - *Ensure best practice management of effluent from the Bairnsdale regional saleyards to protect Macleod's Morass.*

The Committee is satisfied that the Special Water Supply Catchment Areas Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making.

### 3.5.2        Industry Development Policy

This Policy applies to development of land for industrial purposes and is intended to ensure that industrial sites are comprehensively planned, and well presented and landscaped. The Policy sets out Council's expectations in relation to site coverage and building setbacks, building materials, landscaping and screening of outdoor storage areas.

The Committee is satisfied that the objective of the Policy is soundly based and appropriate, and that the Policy will assist in day-to-day decision making. However, the Committee believes the Policy requires some redrafting to bring it in line with the guidelines set out in the Manual for the Victoria Planning Provisions, including:

- The need for the Policy to clearly state the land to which it applies, ie. that it applies to industrial developments in business and rural zones, as well as to developments in industrial zones.
- The need for the Policy Basis to be reworded to cover all matters referred to in the Policy, ie. layout, building materials, screening, and landscaping.
- The need for a link between the Policy and the MSS. Whilst the Policy is in accordance with the overall goal: *'To enhance the aesthetic quality of the built*

*environment in East Gippsland .....'* There is no Strategy/Action in Item 4.3 – Industrial Areas relating to the planning and overall presentation of industrial sites. An amendment should be made to the MSS to include this.

- The need to change the wording of the Policy to a less prescriptive form so that it is more in terms of a policy rather than a control.
- The policy relating to car parking provision is unnecessary and should be deleted.

**The Committee recommends that Council reword its Industry Development Policy to bring it in line with the guidelines set out in the Manual for the Victoria Planning Provisions, and that Council include in Item 4.3 of its MSS a Strategy/Action relating to the planning and presentation of industrial sites.**

### 3.5.3 Paynesville Industry Development Policy

This Policy applies to industrial development in Paynesville. The objectives of the Policy are to encourage marine related industries to locate in the Industrial 3 Zone in Slip Road, and to encourage other non-marine related industries to locate in a new Industrial 1 Zone in Grandview Road.

However, the Panel, in response to submissions has recommended deletion of the Industrial 1 Zone in Grandview Road. **In view of this recommendation, the Committee recommends that the Policy be amended by deleting reference to the Grandview Road industrial area.**

Otherwise, the Committee is satisfied that the Paynesville Industrial Development Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making.

### 3.5.4 Development Contributions Policy

This Policy has been prepared as an interim policy to guide Council decisions in relation to development applications until Council has prepared Development Contribution Plans for inclusion in the Planning Scheme. The Policy states that in the absence of an incorporated Development Contribution Plan, Council will negotiate with developers about an appropriate development contribution and that these negotiations will be formalised under a legal agreement under Section 173 of the Planning and Environment Act, 1987.

The Council's MSS contains a section on Development Contributions, and there are detailed Strategies set out in relation to development contributions.

The Committee has already commented on this and other interim policies in this report and has recommended that the work necessary to develop the appropriate overlays be carried out as soon as practicable. Otherwise, the Committee is satisfied that the Development Contributions Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making.

### 3.5.5 Rural Residential Suitability Policy

This Policy applies to requests to rezone rural land to Rural Living or Low Density Residential. The objective of the Policy is to ensure that rural-residential land in the municipality is accessible, that it does not have adverse impacts on agricultural productivity, that it is located on land that is capable of sustaining the development, and that the land can be appropriately serviced.

Whilst the Committee supports the objectives of the Policy, it does not believe that it is appropriate to include in the Planning Scheme a policy relating to rezoning of land. The purpose of local policies is to guide day-to-day decision making in relation to planning applications. In the Committee's view, the Policy would be more appropriately included in the MSS.

The Council's MSS contains a section on Rural Residential Development. Strategies in this section could be expanded to include the matters set out in the Rural Residential Suitability Policy. **The Committee therefore recommends that Council delete the Rural Residential Suitability Policy from the Planning Scheme, and that the provisions of the Policy be incorporated in Item 4.5 – Rural Residential Development, in the Council's MSS.**

### 3.5.6 Tourist, Commercial or Industrial Developments in Non-urban Areas

This Policy applies to tourist, commercial and industrial developments in Low Density Residential, rural and public land zones. The objectives of the Policy are to ensure that tourist, commercial or industrial developments do not detract from the productive capacity and landscape character of rural areas, detract from the amenity of residents on nearby land, or make excessive demands on infrastructure.

The Council in its MSS states that it will:

- 4.5.4 *Permit commercial and industrial uses in Low Density Residential and Rural Living zones only if they are consistent with maintaining the generally residential character and amenity of the area, and its environmental values .....*
- 5.7.4 *Permit appropriate tourist related or other economic development in non-urban areas where it is consistent with maintaining the generally rural character of the area and with environmental protection.*

The Policy sets out what Council will take into consideration when evaluating applications. The Committee is satisfied that the Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making.

### 3.5.7 Dwellings in Rural Areas Policy

This Policy applies to land in the rural zones. The objectives of the Policy are:

- *To ensure that the development of dwellings and the excision of existing dwellings in Rural zones is consistent with the purposes of the zone and the utilisation of the land for sustainable rural uses (including tourism).*
- *To limit development of new dwellings on prime or high quality agricultural land (including areas shown on Map 5 of the Municipal Strategic Statement).*



- *To strongly discourage the development or subdivision of housing for non-rural purposes and to ensure that dwellings which are excised or constructed on a balance lot from which a house has been excised do not prejudice rural production activities.*
- *To encourage consolidation of farm lots.*

The MSS sets out Strategies in relation to subdivision and new dwellings on Rural Land. However, there does not appear to be strong consistency between the Strategies in the MSS, the objectives in the Policy and the policy provisions.

The Committee is satisfied that intention of the Policy is soundly based and appropriate, and that the Policy will assist in day-to-day decision making. However, the Committee believes the Policy requires some redrafting to establish clear links between the MSS and the Policy. Furthermore, there is a need to change the wording of the Policy to a less prescriptive form so that it is more in line with the guidelines set out in the Manual for the Victoria Planning Provisions.

**The Committee recommends that Council reword its Dwellings in Rural Areas Policy to bring it in line with the guidelines set out in the Manual for the Victoria Planning Provisions, and that clearer links be established between the policy objectives and provisions, and between the Policy and the Strategies in Item 4.7 – Rural Land in Council's MSS.**

### 3.5.8 Identification of Development Constraints Policy

This Policy has been prepared as an interim policy to guide Council decisions in relation to development applications that may be prone to development constraints until such time as the Council has the information necessary to ensure that the Erosion Management Overlay, the Salinity Management Overlay and the Land Subject to Inundation Overlay appropriately relate to all areas in the Shire affected by these development constraints.

Item 4.8 of Council's MSS sets out detailed Strategies in relation to Development Constraints.

The Committee has already commented on this and other interim policies in this report and has recommended that the work necessary to revise the appropriate overlays be carried out as soon as practicable. Otherwise, the Committee is satisfied that the Identification of Development Constraints Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making.

The Committee has also noted elsewhere in this report that there is no Local Policy relating to Council's requirement for an environmental audit of any potentially contaminated land, and has recommended extension of this Policy to include this requirement.

### 3.5.9 Heritage Policy

This Policy relates to places in the municipality with potential heritage value. This Policy is also an interim policy to guide Council decisions on development applications until a comprehensive heritage assessment is carried out for the whole

of the Shire. As with other interim policies, the Committee has already recommended that the work necessary to update the Heritage Overlay be carried out as soon as practicable. Otherwise, the Committee is satisfied that the Heritage Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making.

#### 3.5.10 Aboriginal Heritage Policy

This Policy applies to all land in the municipality, and has been developed to provide for the identification, protection and management of Aboriginal cultural heritage values.

Council in its MSS has set out the following Strategies with respect to Aboriginal cultural heritage:

- 4.10.7 *Ensure that developers are sensitive to Aboriginal cultural values, are aware of the existence of significant Aboriginal sites in East Gippsland, and that they consult local Aboriginal communities on proposed developments.*
- 4.10.8 *Ensure that State and Commonwealth legislation on protection of Aboriginal sites is adhered to and that subdivision or development of land containing Aboriginal archaeological sites or areas of importance for Aboriginal cultural heritage is not permitted unless studies and consultation with local Aboriginal communities show that development can be carried out without detriment to the relevant values.*
- 4.10.9 *Developers of major projects in the region will be encouraged to carry out full archaeological surveys and detailed consultation with local Aboriginal communities prior to finalising development proposals, in accordance with the Local Policy in Clause 22.*

The Committee is satisfied that the Aboriginal Heritage Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making

### 3.5.11 Princes Highway Corridor

This Policy applies to all non-urban freehold land within 300 metres of either side of the Princes Highway. The objectives of the Policy are to maintain the efficiency and amenity of the highway corridor. Council in its MSS has as a Strategy to: *'Apply the Local Policies included in Clause 22 to manage land use and development in coastal and lakeside environs, areas adjoining major rivers and the Princes Highway corridor.'*

The Committee is satisfied that the Princes Highway Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making. However, the Committee has elsewhere in this report recommended that a Design and Development Overlay also be applied to non-urban freehold land within 300 metres of either side of the Princes Highway, in order to provide an appropriate level of control over development along the Highway.

### 3.5.12 Significant Landscapes Policy

This Policy applies to land:

- *within 100 metres of major rivers including the Mitchell, Nicholson, Tambo, Snowy, Genoa or Wallagaraugh Rivers.*
- *within the significant regional landscapes of the Gippsland Lakes or Lakes Tyers/Lake Bunga as identified by the National Trust.*
- *within or adjoining the other significant regional landscapes identified by the National Trust.*
- *within 100 metres of scenic roads identified in the MSS.*

This Policy is also an interim policy to guide Council decisions on development applications until a full evaluation of significant landscapes is carried out for the whole of the Shire, and the significant landscapes are described and mapped. This work will need to be done before a Significant Landscape Overlay can be added to the Planning Scheme. As with other interim policies, the Committee has already recommended that the work necessary to map the significant landscapes and introduce a Significant Landscape Overlay be carried out as soon as practicable. Otherwise, the Committee is satisfied that the Significant Landscapes Policy is appropriately directed towards implementing the Council's MSS; that the Policy is soundly based and justified; and that it will assist in day-to-day decision making.

The Committee has not identified any instances where overlays and schedules have been used when it may have been more appropriate to use local policies.

The Council has identified a number of minor technical errors in the exhibited planning scheme. These errors are to be corrected in the adopted scheme, and are listed in Appendix D.

### 3.6 INTERFACE WITH ADJOINING MUNICIPALITIES

*Are the zones, overlays and schedules reasonably compatible at the interface with adjoining municipalities?*

The Shire of East Gippsland shares boundaries with the Victorian Shires of Wellington, Alpine and Towong. Except for the southern part of the boundary with the Shire of Wellington, the boundaries of the Shire comprise remote mountainous areas that are mainly Crown land.

The zoning along the Shire boundaries is generally consistent. Some minor inconsistencies have been identified with the Wellington Planning Scheme, including use of a wider array of overlays to address development constraints and to protect areas of environmental significance. However, these inconsistencies are minor and it is not considered necessary to deal with them at this time. They will be more appropriately addressed when all the relevant planning schemes have been reviewed.

### 3.7 LOCAL PROVISIONS – GENERAL

*Do local provisions adopt a performance based approach?*

Generally, yes. However, where a prescriptive approach has been adopted in the wording of local policies, the Committee has recommended rewording of the policy to adopt a more performance based approach.

*Have local provisions introduced referral requirements additional to those in the VPPs?*

Referrals in addition to those in the VPPs are:

- The Special Water Supply Catchment Policy proposes to refer all applications in the catchment areas to East Gippsland Water, and in some cases they may also be referred to the East Gippsland Catchment Management Authority.
- The Heritage Policy provides for referral of applications relating to sites that have potential heritage value to the Council's Heritage Adviser.
- The Heritage Policy provides for referral to the National Trust of applications relating to heritage sites identified by the National Trust.

### 3.8 INCORPORATED DOCUMENTS

*Does the planning scheme include incorporated documents apart from those in the VPPs?*

*What is the basis for incorporating any such documents?*

*Can the intentions of the planning authority in using incorporated documents be better achieved by other techniques in the VPPs such as local policy?*

Four additional documents have been included in the Planning Scheme in the Schedule to Clause 81. These are:

- Tambo Bluff Estate Restructure Plan
- Township of Sunnyside Restructure Plan
- Glen Wills Restructure Plan
- Newlands Arm Estate Restructure Plan.

The Manual for the Victoria Planning Provisions states that restructure plans should be incorporated into planning schemes.

### 3.9 MONITORING AND REVIEW

*Has the planning authority established appropriate mechanisms for:*

- *monitoring decisions made under the planning scheme;*
- *evaluating decisions against the intentions of the LPPF;*
- *reviewing the LPPF and other local provisions and the planning scheme generally?*

The Council in its submission to the Committee advised that:

*The Shire has already commenced a process of evaluating all applications under our six current planning scheme against the policies and strategies contained in the exhibited East Gippsland Planning Scheme. This has highlighted the inconsistencies and gaps in the existing provisions, but has also brought to light some errors and omissions in the proposed Scheme. These are addressed in Section 6 below (see Appendix D).*

*Council maintains a development database — new lots created by subdivision, planning permits and building approvals, by location — which is updated at regular intervals. This can be correlated with information on the capacity of zoned areas, to indicate when additional land needs to be zoned for particular uses in particular areas. It can also be used to evaluate proposals by land owners or developers for rezonings of individual properties.*

*Council will give particular attention to the analysis of permit refusals, in order to determine whether these indicate a need to modify particular provisions of the Scheme or to make provision for uses that had not previously been recognised as important or appropriate in various areas of the Shire.*

*The Municipal Strategic Statement indicates that the first comprehensive review will be carried out in three years from the date of approval of the Scheme. In order to maintain the cross-agency commitment to land use and development directions in East Gippsland, this will need to run parallel with a review of the East Gippsland Planning and Development Strategy.*

The Committee is satisfied that the Council has established an appropriate mechanism for monitoring decisions made under the planning scheme, evaluating decisions against the intentions of the LPPF, and reviewing the scheme provisions generally.

### 3.10 SUMMARY OVERVIEW

The Committee commends the Council for its planning scheme which has brought praise from many of the submitters. The scheme contains no major defects or errors, and the comments and recommendations in this report are not criticism of the basic substance of the planning scheme.

The Committee wishes to thank Council officers Ms Helen Martin, Mr Syd Deam and Mr Eric Sjerp for their invaluable help during the course of the hearings.

## 4. CONSIDERATION OF SUBMISSIONS

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<b>Submission No. :</b>	1
<b>Submitter:</b>	AM Vickers
<b>Location:</b>	LP 129810 Bullumwaal Road. Bairnsdale
<b>Existing Zone:</b>	POS

**Proposed Zone/Overlay:** R1Z

**Requested Zone/Overlay:** PPRZ

### **Summary**

This submission objects to the blanket zone of Residential 1 being applied to the urban areas without zoning recognition being given to existing reserves and in particular the reserve at 198A Bullumwaal Road, Bairnsdale.

### **Related Submissions**

1, 26, 52, 88, 127, 201

### **Assessment**

A key principle in the development of the new scheme was the need to simplify and rationalise the zoning structure. In applying this principle council did not see it as appropriate to identify each reserve within its municipality with a individual zone. Council considered there was sufficient legal protection for reserves under other legislation. In addition council has adopted a policy to notify landowners adjoining reserves if there is a intent to dispose of the reserve by council.

### **Council Recommendation**

Council recommends that the planning scheme remain unchanged ie that the Residential 1 Zone be applied to the open space reserves.

### **Panel Comment**

This submission is from seven residents of Wy Yang concerned that a local park in Bullumwaal Road used as public access to Clifton Creek is being zoned from Public Open Space to Residential 1 and fearful that this public land may be lost if sold by the Council.

The Council informed the Panel that there was no intention to sell the park and if it was at any time in the future intended, notification would be given of such intention. The local residents are so concerned that they have indicated they would be prepared to care and manage the park under a Committee of Management at no cost to Council, which could well give serious consideration to that course.

The Panel recognises and approves the Council assessment above which should ease the resident's concerns and fears.

Otherwise, the Panel makes no recommendation in respect of this submission.

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Submission No. : 2  
Submitter: Dennis Hall  
Location: 158 Bullumwaal Road, Bairnsdale  
Existing Zone: R3 with an approval of building a shop  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: MUZ

### Summary

It is maintained by the submitter that the Residential 1 Zone is too restrictive for the future use and development of the property for the purpose of a local business centre.

A shop with a permit to develop a further 3 shops is the current land use. As the area develops and the population increases there will be a demand for the additional shops therefore the Mixed Use Zone is considered the appropriate zone to manage the property.

### Related Submission

N/A

### Assessment

The Residential 1 Zone would have been considered appropriate if the site was occupied by one convenience shop. However, it is acknowledged that the Mixed Use Zone would provide a more flexible control over the future development of the 3 additional approved shops.

### Council Recommendation

Council recommends that 158 Bullumwaal Road be zoned Mixed Use Zone.

### Panel Comment

**The Panel accepts the Council assessment above and recommends that No. 158 Bullumwaal Road, Bairnsdale be zoned Mixed Use.**

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Submission No. : 3  
Submitter: Joy Ingram  
Location: 119 McLeod St Bairnsdale  
Existing Zone: RW  
Proposed Zone/Overlay: PUZ4  
Requested Zone/Overlay: MUZ

#### Summary

Enquires as to whether the Public Use Zone 4 is correct for this area as it is not public land or used for a public utility.

#### Related Submission

N/A

#### Assessment

This area between 117 and 131 Macleod Street is predominantly residential with some commercial activity and would more appropriately be Mixed Use Zone.

#### Council Recommendation

Council recommends that the area between 117 and 131 Macleod Street, Bairnsdale be zoned Mixed Use Zone

#### Panel Comment

**On the basis of the Council assessment above, the panel recommends that the land between Nos 117 and 131 Moreland Street, Bairnsdale be zoned Mixed Use.**

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Submission No. : 4  
Submitter: Lesley Edgley  
Location: Rosherville Road, METUNG  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ100  
Requested Zone/Overlay: Smaller lot size

### Summary

Object to the Rural Zone with a 100ha minimum lot size being applied to their land and would like to have the option of subdividing their land at a future date and would also like to retain a small section of land to live on in the future when they can no longer run the farm

### Related Submission

N/A

### Assessment

This area was considered to be outside the area suitable for rural living. The Spiller Gibbins Swan P/L, Low Density Residential Study selected areas for rural living that generally reflected existing rural living areas on the principle that there is sufficient land zoned for such purposes well into the next century ( page 50 SGS report)

In addition the site is within the Significant Landscape area (MSS page58) and whilst development is not prohibited it would have to be designed and implemented in a way which is sympathetic to the character of the area and preserves its aesthetic values.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

1. The Panel agrees with the Council assessment above and elsewhere in this Report has recommended adoption of the Council's recommendations above.
2. Mr and Mrs Edgley also expressed concern that their land which is beside the current rubbish tip was shown on the Strategy Plan in the MSS as being marked for future industrial use.

A letter from the Council dated 12 March 1997 explained that:

*The work for the Strategy identified that there would be a requirement in future for a small industrial estate to service the needs of businesses in the Metung area. An investigation was undertaken to identify sites which were easily accessible to Metung township, relatively inconspicuous, and able to be serviced with reticulated water and sewerage at an acceptable cost. The survey concluded that the general area in Roskerville Road adjacent to the landfill site was the most appropriate. The*

*Strategy map shows the dot on your property, but it could equally easily have been placed on the property across the road.*

It is not intended to rezone the land Industrial which would require a process of public notification and consideration of objections. It is merely an indication of support for an industrial zoning at a strategic level if such a zoning were to be later sought by a developer. If the landowner opposed such a rezoning, it would be most unlikely to proceed successfully.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 5  
Submitter: Graeme Berry  
Location: Crown Allotment 9B, Parish of Marramingo  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ100  
Requested Zone/Overlay: RLZ

### Summary

Considers their land at Crown Allotment 9B, Gypsy Point Road, Parish of Marramingo should be zoned Rural Living Zone rather than Rural Zone as the property will never be a viable farm entity however has significant appeal as hobby farm allotments. States that this style of development will add to the economic viability of the Mallacoota, Genoa, and Gypsy Point area and will provide quality of life opportunities for people.

### Related Submission

N/A

### Assessment

Whilst the new planning scheme proposes to zone the area to Rural Zone on the basis that it is open rural land, further analysis of the area indicates that the Rural Living Zone with a minimum lot size of 8ha. is appropriate. The three properties being Crown Allotment 9, 9A and 9B, adjoining the Gypsy Point settlement range in size between 11ha. up to 47ha. and are considered suitable rural living sites in that they adjoin the township, have acceptable terrain, and additional residents would add to the viability of the community.

### Council Recommendation

Council recommends that Crown Allotments 9, 9A and 9B Gypsy Point Road, Gypsy Point, be zoned Rural Living with a minimum lot size of 8.0ha.

### Panel Comment

The Panel accepts the Council's assessment above and **recommends that Crown Allotments 9, 9A and 9B Gypsy Point Road, Parish of Marramingo be zoned Rural Living with a minimum lot size of eight hectares.**

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Submission No. : 6  
Submitter: Les Barnes  
Location: Intersection of Lees & Betka Roads Mallacoota  
Existing Zone: R1  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: R1Z

### Summary

Totally opposed to the proposal to zone the land between Betka and Lee Roads, Mallacoota, Mixed Use Zone. Considers the amenity of the neighbourhood will be adversely affected by development of the Mixed Use Zone...In addition feels that there is sufficient land elsewhere for this type of development.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

The Municipal Strategic Statement (p.99) states that 'An area in Bastion Point Road has been zoned Mixed Use in the Planning Scheme, in order to recognise that the existing character of the area (which contains several depots/storage areas) makes this an appropriate location for a wider range of uses, subject to their impact on residential uses. An area along Betka Road has also been zoned Mixed Use to cater for large-floor space retail and commercial uses which cannot be accommodated in the existing retail area'

### Council Recommendation

Council recommends that the land, being lot7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone.

### Panel Comment

Mr Les Barnes appeared at the hearing for himself, Mr Jim Hawes and Mr Graham Dempster.

See Submission 86.

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Submission No. : 7  
Submitter: David Allan  
Location: Corner of Betka & Lees Road Mallacoota  
Existing Zone: R1  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: R1

### Summary

Objects to the proposal to zone the land between Betka and Lee Roads, Mallacoota to Mixed Use Zone. Considers the owner should not have been able to purchase the lot with the intent to rezone the property to facilitate the development of a timber yard. Believes surrounding residential properties will be adversely effected by increased traffic, noise pollution and devalued property prices.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

The Municipal Strategic Statement (p.99) states that 'An area in Bastion Point Road has been zoned Mixed Use in the Planning Scheme, in order to recognise that the existing character of the area (which contains several depots/storage areas) makes this an appropriate location for a wider range of uses, subject to their impact on residential uses. An area along Betka Road has also been zoned Mixed Use to cater for large-floor space retail and commercial uses which cannot be accommodated in the existing retail area'

### Council Recommendation

Council recommends that the land, being lot7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone.

### Panel Comment

See Submission 86.

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Submission No. : 8  
Submitter: Keith Murray  
Location: Paynesville  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

An error in the depiction of Fishers Road on map 40 and its overlays has been pointed out.

#### Related Submission

N/A

#### Assessment

Map 40 and its overlays should be amended to show the correct road alignment of Fishers Road.

#### Council Recommendation

Council recommends that Map 40 and its overlays be amended to show the correct road alignment of Fishers Road.

#### Panel Comment

**The Panel recommends that Map 40 and its overlays be amended to show the current alignment of Fishers Road.**

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Submission No. : 9  
Submitter: Margaret Carpenter  
Location: Industrial zone on Grandview Road, Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: Residential

### Summary

Objects to the proposed Grandview Road industrial estate at Paynesville on the grounds that it is inappropriate in a semi residential area, it will increase traffic at an already dangerous intersection, it will present an unsightly entrance to Paynesville and the industrial area in Bairnsdale is adequate to meet Paynesville's needs

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.



### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer submission 133.

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Submission No. : 10 (53)  
Submitter: Keith Anderson  
Location: North of the Princes Highway, south of Oliver Rd,  
east of Jennings Rd, and west of Sandfords Lane,  
Bairnsdale  
Existing Zone: F3  
Proposed Zone/Overlay: RUZ (100Ha) & RUZ (30ha)  
Requested Zone/Overlay: RLZ(2ha)

### Summary

A change from the exhibited Rural Zone (100ha) and (30ha) to the Rural Living Zone in order to facilitate subdivision of their property is requested.

### Related Submission

10, 44, 118

### Assessment

Whilst this area is close to Bairnsdale it is low lying land and poorly drained. Furthermore the land with frontage to the Princes Highway is subject to the Princes Highway Corridor Policy (Local Policies p20) that has as its objectives :

- To ensure that development in the Princes Highway corridor is managed to minimise adverse effects on the safe and efficient flow of traffic along the highway.
- To encourage high standards of design and the use of appropriate materials in buildings and works to be constructed within the highway corridor.
- To prevent linear or ribbon development along the Highway corridor.
- To protect significant native vegetation in the Highway road reserve.
- To assist the preparation of the M.S.S. Council commissioned (1997) planning consultants Spiller Gibbins Swan P/L to undertake a low density living study for the shire. The objective of the study was to determine whether there is a need for low density residential living in the shire and, if so, identify areas that can meet that need, without impacting adversely on agricultural or environmental sustainability. This study did not recommend this area for rural living as it considered there is ample land for this purpose to meet the planning horizon of the new scheme.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council's assessment above. It has adopted the Council's recommendations that the minimum lot size in the Schedule to the Rural Zone be changed from 100 hectares to 40 hectares and that the minimum area for which no permit is required to use land for a dwelling be changed to 40 hectares.

The Panel makes no recommendation otherwise in respect of this submission.

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Submission No. : 11  
Submitter: Tony Broadbent  
Location: Land on corner of Betka & Lees Road, Mallacoota  
Existing Zone: R1  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: R1

### Summary

Disagrees with the proposal to zone the land between Betka and Lee Roads, Mallacoota to Mixed Use Zone, as the area is essentially residential not commercial and as it will reduce residential values.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

The Municipal Strategic Statement (p.99) states that 'An area in Bastion Point Road has been zoned Mixed Use in the Planning Scheme, in order to recognise that the existing character of the area (which contains several depots/storage areas) makes this an appropriate location for a wider range of uses, subject to their impact on residential uses. An area along Betka Road has also been zoned Mixed Use to cater for large-floor space retail and commercial uses which cannot be accommodated in the existing retail area'

### Council Recommendation

Council recommends that the land, being lot7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone.

### Panel Comment

See Submission 86.

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Submission No. : 12  
Submitter: David and Rosemary McQuie  
Location: East of Mosquito Point  
Existing Zone: RU1  
Proposed Zone/Overlay: LDRZ  
Requested Zone/Overlay: LDRZ

### Summary

Supports the Low Density Residential Zone for Mosquito Point.

### Related Submission

12, 135, 176, 179

### Assessment

The small holiday settlement of Mosquito Point is characterised by residential development (approx.30 houses) with varying lot sizes (0.2 to 4.0ha) that lack services such as water, power or sewerage. Access to the settlement is by boat from over Bancroft Bay.

Given the lack of services and a range of lot sizes the Low Density Residential Zone with its objective 'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater' appeared to be the appropriate zoning for Mosquito Point.

### Council Recommendation

Refer to Panel.

### Panel Comment

Mosquito Point is a small holiday settlement on Boole Poole Peninsula on the eastern and southern ends of Bancroft Bay. There is no road access or reticulated services available and most lots are accessed by water directly over the Bay on Crown foreshore reserves.

The Panel agrees with the above Council comments and notes the MSS at Clause 21.10.7 sets out an intention to strictly limit any further development of the area.

The Panel makes no recommendation in respect of this submission.

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□ Submission No. : 13 (153) repeated  
Submitter: M. Wilton  
Location: new industrial site in Hunters Lane, Lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: RUZ

### Summary

Opposes the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it will devalue neighbouring properties, prefer the rural character of the area and there may be costs to us such as upgrading of the road.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

The Council no longer considers the land at the intersection of Hunters Land and the Princes Highway, Lakes Entrance to be appropriate for industry.

### **The Panel recommends that:**

- 1. The land at Hunters Lane and Princes Highway intersection be zoned Rural in place of Industrial 3.**
  - 2. Reference to this land as appropriate for light industrial purposes be removed from the MSS.**
  - 3. The Council undertake additional studies to identify an appropriate industrial site in Lakes Entrance.**
-

Submission No. : 14  
Submitter: Michael Gerner  
Location: Quarry at Deptford Road, Bairnsdale  
Existing Zone: F1  
Proposed Zone/Overlay: RUZ (100Ha)  
Requested Zone/Overlay: SUZ

### Summary

It is proposed to zone the quarry owned by Boral Resources (Vic) Pty Limited at Deptford Road, Sarsfield Rural Zone, the submitter considers that the zone should be Special Use Zone — Extractive Industry.

### Related Submission

N/A

### Assessment

Whilst an Extractive Industry is a consent use in the Rural Zone, the Special Use Zone would afford a greater level of control through the schedule attached to the zone and in addition would offer longer term recognition and security for the land use.

### Council Recommendation

Council recommends that the site owned by Boral Resources (Vic) Pty Limited at Deptford Road, Sarsfield be zoned Special Use Zone-Extractive Industry.

### Panel Comment

Mr Michael Gerner, Planning Consultant, appeared before the Panel.

This extractive industry site known as Granite Rock and having an area of 39.33 hectares is situated about 12 kilometres north west of Bairnsdale via the Omeo Highway and Deptford Road. It is the only granite source in East Gippsland within 50–60 kilometre radius of Bairnsdale and has a reserve of 100 years supply. It has operated since 1980.

The site is proposed to be zoned Rural and is covered by an Erosion Management Overlay (EMO) and a Wildfire Management Overlay (WMO). The zoning sought, and approved by the Panel in line with like zonings for extractive industry in other planning schemes in Victoria, is Special Use Zone — Extractive Industry.

### The Panel recommends:

1. That the extractive industry site known as Granite Rock be zoned Special Use — Extractive Industry.
2. That the MSS at Clause 21.10.3 of the Planning Scheme give recognition to the regionally significant granite reserve at Granite Rock.



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Submission No. : 15  
Submitter: Graeme Dempster  
Location: Corner of Betka & Lees Roads, Mallacoota  
Existing Zone: R1  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: R1

### Summary

Concerned that the proposal to zone the land between Betka and Lee Roads, Mallacoota to Mixed Use Zone will create increased noise effecting the residential neighbourhood, will be dangerous to school children and will be detrimental to the appearance of the area.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

The Municipal Strategic Statement (p.99) states that 'An area in Bastion Point Road has been zoned Mixed Use in the Planning Scheme, in order to recognise that the existing character of the area (which contains several depots/storage areas) makes this an appropriate location for a wider range of uses, subject to their impact on residential uses. An area along Betka Road has also been zoned Mixed Use to cater for large-floor space retail and commercial uses which cannot be accommodated in the existing retail area'

### Council Recommendation

Council recommends that the land, being lot 7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone.

### Panel Comment

See Submission 86.

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Submission No. : 17  
Submitter: Patricia Chapman  
Location: Metung  
Existing Zone: R1  
Proposed Zone/Overlay: R1Z , Overlays = VPO3, EMO1,ESO  
Requested Zone/Overlay: N/A

### Summary

Concerned that the initiatives of the Metung Restructure Plan in the area of landscape protection have not been adopted by the new planning scheme.

### Related Submission

N/A

### Assessment

The Metung structure Plan is outdated and superseded by the new planning scheme. The overlays applying to the township of Metung such as the Design and Development Overlay, Erosion Management Overlay, Environmental Significance Overlay and the Vegetation Protection Overlay are designed to effectively manage the landscape values of Metung.

### Council Recommendation

Refer to Panel.

### Panel Comment

The Panel agrees with the Council's assessment above and makes no recommendation in respect of this submission.

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Submission No. : 18  
Submitter: Ben Everett  
Location: Industrial estate in Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

The proposed industrial zone in Grandview Road, Paynesville is at odds with the semi-rural and township character of Paynesville. The Bairnsdale industrial area is sufficient.

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.

Submission No. : 20  
Submitter: Ian Campbell  
Location: Industrial site in Grandview Road, Eagle Point  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

An industrial zone is inappropriate as it would not add to the entrance to what is essentially a town focussing on tourism. There is ample industrial land in Paynesville

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.

Submission No. : 21  
Submitter: Alan J Galvin  
Location: General store in Cabbage Tree Creek  
Existing Zone: N/A  
Proposed Zone/Overlay: RUZ  
Requested Zone/Overlay: N/A

### Summary

The Municipal Strategic Statement should recognise the tourist and retail function of the Cabbage Tree Creek settlement.

### Related Submission

21, 22, 23, 24, 40, 45, 46, 47, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 85, 90, 91, 92, 93, 94, 95, 96, 124, 125, 126, 129, 163, 197

### Assessment

The Local Planning and Policy Framework or the Municipal Strategic Statement does recognise that the small settlement of Cabbage Tree Creek forms one end of a tourist loop from Orbost to Marlo to Cape Conran and back to the Princes Highway. The MSS also states that it supports the existing convenience retail role of the highway service function of the settlement.

### Council Recommendation

Council recommends that the planning scheme remain unchanged

### Panel Comment

**The Panel recommends that Clause 21.10.11 of the MSS at page 92 be amended to include an enhanced role for Cabbage Tree Creek as a highway tourism location.**

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Submission No. : 22  
Submitter: C Schroeder  
Location: Cassilis area  
Existing Zone: N/A  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: RUZ(100ha)

### Summary

This submission and 43 others relate to the township of Cassilis and the surrounding area. The Council's assessment and recommendation are the same or like in each.

The Panel's comments and recommendations are contained in Submission 69 (A & LJ Love) and Submission 79 (D R Deveson).

It is not intended to repeat the recommendations in respect of each of the same or like submissions which are:

Submission 23 John Arnott  
Submission 24 Howard and Christine Reddish  
Submission 40 JR & JL Richardson  
Submission 45 P Crisp  
Submission 46 Grace Smith  
Submission 47 Marian McCain  
Submission 55 Deidre Jack  
Submission 56 Trevor and Roslyn Smith  
Submission 58 W.S. McCann  
Submission 59 Valerie Jean McCann  
Submission 60 Gill Liston  
Submission 61 L Davis  
Submission 62 R J Richards  
Submission 63 K Gallagher  
Submission 64 Richard K Darby  
Submission 65 GI & PM Williams  
Submission 66 J Jenkins & C J Gardiner  
Submission 67 Aileen Love  
Submission 68 Michael Mucha  
Submission 70 R Robl  
Submission 71 G and K Ennis  
Submission 72 Jennifer Shaw and Megan Edwards  
Submission 73 AJ Smith and PA Geddes

Submission 74 Jennifer Shaw  
Submission 75 G Bryant  
Submission 76 Col Barling  
Submission 77 Stuart Edwards  
Submission 78 Cassilis Residents Group  
Submission 85 Ken Beruldsen & Associates  
Submission 90 Kaye Orchard  
Submission 91 Frank Peterson  
Submission 92 D & C Knaggs  
Submission 93 G Rotherham  
Submission 94 RK & E Bendall  
Submission 95 GV & JG Crisp  
Submission 96 JH and BWJ Robins  
Submission 124        John Love  
Submission 125        William K Goetz  
Submission 126        Michael Robinson  
Submission 129        Bev Kibble  
Submission 163        J Ulager  
Submission 197        R Kiddle

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Submission No. : 25  
Submitter: Joffre J Gilchrist  
Location: Industrial site in Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

Considers the proposed Grandview Road industrial estate at Paynesville appropriate, provided the zone doesn't encroach over the ridge onto prime view land

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.



Submission No. : 26  
Submitter: D A & G Paterson  
Location: Existing reserve at 198A Bullumwaal Road in Wy Yung  
Existing Zone: POS1  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: PPRZ

### Summary

This submission objects to the blanket zone of Residential 1 being applied to the urban areas without zoning recognition being given to existing reserves and in particular the reserve at 198A Bullumwaal Road, Bairnsdale.

### Related Submission

1, 26, 52, 88, 127, 201

### Assessment

A key principle in the development of the new scheme was the need to simplify and rationalise the zoning structure. In applying this principle council did not see it as appropriate to identify each reserve within its municipality with a individual zone. Council considered there was sufficient legal protection for reserves under other legislation. In addition council has adopted a policy to notify landowners adjoining reserves if there is a intent to dispose of the reserve by council.

### Council Recommendation

Council recommends that the planning scheme remain unchanged ie that the Residential 1 Zone be applied to the open space reserves.

### Panel Comment

See Submission 1.

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Submission No. : 27  
Submitter: Nell Caughey  
Location: Industrial site in Grandview Road, Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

The proposed Grandview Road, Paynesville industrial zone will be an objectionable sight. Paynesville is a retirement town and dormitory suburb of Bairnsdale and should be industry free. Values of properties in Newlands Drive will be reduced if the industrial estate proceeds

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.

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Submission No. : 28  
Submitter: Robert and Janice Long  
Location: Industrial site in Grandview Rd, Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

The proposed Grandview Road industrial estate at Paynesville will detract from the visual beauty of the entrance to Paynesville

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.

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Submission No. : 29  
Submitter: J M Rickards  
Location: Industrial site in Grandview Rd, Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

There is no need for the proposed Grandview Road industrial estate at Paynesville given the proximity to Bairnsdale and it will be visually intrusive.

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.

Submission No. : 30  
Submitter: LF & JU Robinson  
Location: 10 Langford Parade, Paynesville  
Existing Zone: R1  
Proposed Zone/Overlay: B1Z  
Requested Zone/Overlay: R1Z

### Summary

The boundary line between the Business 1 Zone and the Residential 1 Zone on Lot 10 Langford Road is incorrect and the properties north of James Fresherville in Slip Road should be zoned Residential 1 Zone not Industrial 3 Zone.

The land south of the Government Slip Yard should remain open space for boat trailer parking.

### Related Submission

N/A

### Assessment

The boundary between the B1Z and the R1Z is incorrectly drawn and will be amended.

The Municipal Strategic Statement recognises the need to provide for marine related industry to meet the needs of the growing population and the tourist industry and has zoned this area accordingly

### Council Recommendation

Council Recommends that the boundary line between the Business 1 Zone and the Residential 1 Zone on Lot 10 Langford Road be amended to show Lot 10 Langford Road as Residential 1 Zone.

### Panel Comment

**The Panel recommends that the boundary line between the Business 1 Zone and the Residential 1 Zone on Lot 10, Langford Road, Paynesville be amended to show Lot 10 as being zoned Residential 1.**

The land south of the Government Slip Yard in Paynesville is proposed for a designated community operated marina and has been zoned Industrial 3 accordingly. The Panel makes no further recommendation in respect of this submission.

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Submission No. : 31  
Submitter: R. McK Craigie & Associates  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: IN1Z, R1Z, B1Z & MUZ  
Requested Zone/Overlay: Various

### Summary

There is sufficient industrial land in Bairnsdale. The Slip Road area is all the industrial land Paynesville needs. Residential land should be serviced by a reticulated sewerage system and there is no need for a Low Density Residential Zone that is unserved by a sewerage scheme. The proposal for an alternative main road entrance is not appropriate as the road alignment is not suitable. The Urban Design Guidelines, Paynesville Central Area 1985 is out of date and needs re-testing in the community

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

In relation to the appropriateness of Low Density Residential Zone for the land between Paynesville and Eagle Point the Municipal Strategic Statement (p.72) makes the following comments:-

'The land north of the Bairnsdale-Paynesville Road between Eagle Point and Paynesville is recognised as a future growth area for population expansion in the sub-region. A Development Plan Overlay will be developed for this area before it is zoned; short term development will be managed to ensure that it does not sterilise the potential for major growth in future. The development framework will identify key open space corridors to be retained.

Residential development in Eagle Point should concentrate initially on the existing serviced residential land, to better utilise these serviced and reinforce the role of the township. As recommended in the Gippsland Lakes Strategy, the view of the Lakes from the Paynesville-Bairnsdale Road will be preserved by concentrating development behind the low ridgeline which screens existing lakeshore residential areas.

Relatively low density residential development within this growth area will be considered if all appropriate infrastructure is provided, views to the north are preserved and the development is sympathetic to retention of the defined open space corridors.'

In relation to the community testing of the Urban Design Guidelines, Paynesville Central Area 1985, Council is participating in the Department of Infrastructure's Pride of Place Program. This program will produce an urban design framework for both Paynesville and Lakes Entrance and during the process will evaluate the appropriateness and community acceptability of previous studies

#### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

#### Panel Comment

See Submission 133.

The Panel notes and supports the proposed course of action by Council in relation to the process referred to above for Paynesville and Lakes Entrance.

**The Panel recommends that reference to the proposed urban design process be included in Clause 21.10-4 of the Planning Scheme.**

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Submission No. : 33  
Submitter: John & Cheryl Guillot  
Location: 2 Thorpes Lane, Lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ (15ha)  
Requested Zone/Overlay: R1Z

### Summary

It would be advantageous to zone 2 Thorpes Lane, Lakes Entrance to Residential 1 Zone to link with the residential development adjoining this property to the east

### Related Submission

198

### Assessment

The development of a residential estate known as the Merrangbaur Estate is proceeding in a westerly direction towards the above mentioned property. Whilst the rate of development is low the developer has indicated a need to create an access through to Palmers Road thus creating a more direct route to the commercial area of Lakes Entrance. The Municipal Strategic Statement recognises this area as suitable for future residential development

### Council Recommendation

Council recommends that the exhibited zone be altered from Rural Zone to Residential 1 Zone with the consultancy studying the future use of this area determining the staging of the residential development along Palmers Road

### Panel Comment

See Submission 198.

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Submission No. : 34  
Submitter: Kevin Thiele  
Location: Goongerah Valley (including Martins Creek)  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100Ha)  
Requested Zone/Overlay: Smaller lot size

### Summary

Considers the 100ha. minimum lot size is inappropriate for the Goongerah district given its position and circumstances a smaller lot size minimum is justified

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

In relation to the Rural Zone lot size schedule the 100ha min. was originally selected for application over the broad area rural properties based on version 1 of the Victoria Planning Provisions. This version included an entitlement that allowed subject to consent the excision of one small allotment from a lot that met the schedule minimums. Therefore the average minimum lot size was 50ha. if land owners exercised their rights to the above provision. The maps were drafted and then version 2 of the V.P.P.s deleted the provision too late for the maps to be redrawn for the exhibition.

### Council Recommendation

Council recommends that the Schedule to the Rural Zone (section 35.01) be amended from 100ha. to 40ha

### Panel Comment

Elsewhere in this report, the Panel had adopted the recommendation of the Council set out above.

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Submission No. : 35  
Submitter: JH Brewster for AEFIA Pty. Ltd  
Location: the coner of Swan Reach\Metung and Punt Road  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ (100Ha)  
Requested Zone/Overlay: More subdivision

### Summary

Seeks a change from the exhibited Rural Zone with a 100ha minimum lot size to a zone that will allow a cluster subdivision of his property. Also states that appropriate industrial activity should be allowed from home on rural land

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

This area was considered to be outside the area suitable for rural living. The Spiller Gibbins Swan P/L, Low Density Residential Study selected areas for rural living that generally reflected existing rural living areas on the principle that there is sufficient land zoned for such purposes well into the next century ( page 50 SGS report)

In regard to the industrial use of rural land the MSS contains a policy titled Tourist, Commercial or Industrial Developments in Non-Urban Areas that guides the consideration of planning applications for industrial uses in the rural area.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

Ms Jennifer Jones, Planning Consultant, appeared for some 45 landowners.

The Panel agrees with the Council's assessment above.

After the exhibition of the Planning Scheme and receipt of the many submissions relating to the exhibited 100 hectare minimum lot size, the Council resolved to make the changes referred to in the Council's recommendation above and notified all submitters accordingly.

### **The Panel makes a like recommendation.**

It is noted that tourist cabins are a permissible use in the Rural Zone and home occupation is an as of right use in that zone.

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Submission No. : 36  
Submitter: Geoffrey Prior  
Location: Industrial site in Grandview Rd Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

Doubts the need for an expansion of industry in Paynesville beyond providing for marine oriented industries. Considers there is sufficient industrial land in Bairnsdale to cater for Paynesville's needs and the proposal would not create a good first impression of Paynesville. In addition there needs to be a full range of support services such as in Bairnsdale for an industrial area to thrive otherwise the area will only attract operations dependant on low leasing costs that provide an unattractive backdrop to the town

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.

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Submission No. : 37  
Submitter: Bill & Deb Fyfe  
Location: Intersection of Lees & Betka Roads, Mallacoota  
Existing Zone: R1  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: R1Z

### Summary

Strongly objects to the proposal to zone the land between Betka and Lee Roads, Mallacoota to Mixed Use Zone. Considers the development of this area as M.U.Z. would be dangerous to school children and is concerned about the appearance of such a proposal on this major tourist road.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

Council recommends that the land, being lot7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone.

### Council Recommendation

### Panel Comment

See Submission 86.

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Submission No. : 38  
Submitter: June Chopping  
Location: Intersection of Betka & Lees Raod  
Existing Zone: R1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: R1Z

### Summary

Considers the land between Betka and Lee Roads, Mallacoota, Mixed Use Zone should remain residential as she considers the proposed MUZ would be of concern to school children who attend a school nearby and noise would cause nuisance to the town.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

The Municipal Strategic Statement (p.99) states that 'An area in Bastion Point Road has been zoned Mixed Use in the Planning Scheme, in order to recognise that the existing character of the area (which contains several depots/storage areas) makes this an appropriate location for a wider range of uses, subject to their impact on residential uses. An area along Betka Road has also been zoned Mixed Use to cater for large-floor space retail and commercial uses which cannot be accommodated in the existing retail area'

### Council Recommendation

Council recommends that the land, being lot 7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone.

### Panel Comment

See Submission 86.

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Submission No. : 39  
Submitter: C.J.and J.L. Hawes  
Location: Intersection of Betka and Lees Roads, Mallacoota  
Existing Zone: R1  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: R1Z

### Summary

Objects to the proposal to zone the land between Betka and Lee Roads, Mallacoota to Mixed Use Zone on the grounds that it will devalue their property, create unwanted views of a wood yard, cause a fire and explosion hazard, add to noise pollution and generate a need for increase capital works in the area.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

The Municipal Strategic Statement (p.99) states that 'An area in Bastion Point Road has been zoned Mixed Use in the Planning Scheme, in order to recognise that the existing character of the area (which contains several depots/storage areas) makes this an appropriate location for a wider range of uses, subject to their impact on residential uses. An area along Betka Road has also been zoned Mixed Use to cater for large-floor space retail and commercial uses which cannot be accommodated in the existing retail area'

### Council Recommendation

Council recommends that the land, being lot 7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone.

### Panel Comment

See Submission 86.

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Submission No. : 41  
Submitter: Collie Planning & Development Service Pty Ltd  
Location: IN3Z on the entrance to Lakes Entrance and RUZ in the west of lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z & RUZ(100ha)  
Requested Zone/Overlay: R1Z

### Summary

Concerned about the appearance of the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance and suggests that some sections of their land should be zoned residential.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

In regard to the submitters second point of zoning sections of the land residential, the exhibited scheme zoned this property Rural Living Zone with a minimum lot size of 15ha. The property is located to the west of Lakes Entrance with the Municipal Strategic Statement recognising the area to the north of Lakes Entrance as the future residential growth areas for the town (p.83). This property was seen as desirable rural living given its topography, high landscape values (see Significant Regional Landscapes Map7) and its proximity to Lakes Entrance.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

See Submission 13.

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Submission No. : 42  
Submitter: R. McAlpine  
Location: Lot 7 LP8395, Barrier Landing  
Existing Zone: RU1  
Proposed Zone/Overlay: ERZ (100), LSIO, VPO6, WMO  
Requested Zone/Overlay: NA

### Summary

Concerned that new zoning (and overlay provisions) may prevent successful planning permit application for a dwelling since the property can not comply with requirements relating to all-weather access, vehicle parking and reticulated electricity supply as specified in the 35.02-2.

### Related Submission

N/A

### Assessment

Electricity supply may be an alternative supply other than a reticulated supply and to the responsible authorities satisfaction, hence this will not prevent dwelling development. There are no vehicle parking restrictions for the Environmental Rural Zone, hence this will not prevent dwelling development.

All-weather access to the property is not possible due to isolated location on Outer (dune) Barrier. Hence development requirements for a dwelling can not be entirely met.

Not possible to change development requirements for a dwelling for the Environmental Rural Zone (Set by VPP's).

Vegetation Protection Overlay 6 controls vegetation removal on the Outer Barrier but development is not prohibited outright, rather development may occur if impact of vegetation removal is negligible (or minimised as much as possible).

### Council Recommendation

Retain ERZ zoning and approach DoI regarding amendments to Clause 35.02-2 relating to access so as to allow alternate forms of access.

### Panel Comment

The Council has highlighted the problems associated with building a house on this land and should take appropriate steps with DOI to endeavour to overcome them.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 43  
Submitter: Louise McArthur (Mrs)  
Location: Redgum Plains west of Bairnsdale  
Existing Zone: F1, F2, F3, F4  
Proposed Zone/Overlay: RUZ(100Ha)  
Requested Zone/Overlay: RUZ(100ha)

### Summary

Supports the minimum lot size of 100ha. for the Rural Zone especially for the Redgum Plains

### Related Submission

N/A

### Assessment

In relation to the Rural Zone lot size schedule the 100ha min. was originally selected for application over the broad area rural properties based on version 1 of the Victoria Planning Provisions. This version included an entitlement that allowed subject to consent the excision of one small allotment from a lot that met the schedule minimums. Therefore the average minimum lot size was 50ha. if land owners exercised their rights to the above provision. The maps were drafted and then version 2 of the V.P.P.s deleted the provision too late for the maps to be redrawn for the exhibition. Council has reconsidered its position on this matter and is recommending the minimum lot size be 40 ha. replacing the 100ha. previously exhibited

### Council Recommendation

Council recommends that the Schedule to the Rural Zone (section 35.01) be amended from 100ha. to 40ha.

### Panel Comment

Elsewhere in this Report, the Panel has supported the Council recommendation for a 40 hectare minimum lot size in the Rural Zone.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 44  
Submitter: C.T. Storer  
Location: 490 Lanes Rd, Lucknow  
Existing Zone: F1  
Proposed Zone/Overlay: RUZ(100Ha)  
Requested Zone/Overlay: RLZ

### Summary

A change from the exhibited Rural Zone (100ha) to the Rural Living Zone in order to facilitate subdivision of their property is requested.

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

Whilst this area is close to Bairnsdale it is low lying land and poorly drained..

To assist the preparation of the M.S.S. Council commissioned (1997) planning consultants Spiller Gibbins Swan P/L to undertake a low density living study for the shire. The objective of the study was to determine whether there is a need for low density residential living in the shire and, if so, identify areas that can meet that need, without impacting adversely on agricultural or environmental sustainability. This study did not recommend this area for rural living as it considered there is ample land for this purpose to meet the planning horizon of the new scheme.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council assessment above, and elsewhere in this report has adopted the above Council recommendation.

Flooding maps are currently in the course of preparation and review. Whether the submittor's property should be covered by an overlay relating to flooding should then be reviewed.

The Panel makes no recommendation in respect of this submission.

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□Submission No. : 48  
Submitter: Peter Whelan  
Location: in the properties bounded by Thorpes Lane and  
Bunga Creek Road  
Existing Zone: RU1  
Proposed Zone/Overlay: RLZ(4ha)  
Requested Zone/Overlay: RLZ(2Ha)

### Summary

Objects to the 4ha. minimum lot size proposed for this area and considers 2ha. more suitable on the basis that this area is more manageable as lifestyle block.

### Related Submission

N/A

### Assessment

The Municipal Strategic Statement (section 21.10.8) recognises this area as suitable for future rural residential style development subject to the need to protect the catchment of Lake Bunga. In order to preserve water quality in Lake Bunga the lower density of 4ha. was applied to this area.

### Council Recommendation

Council recommends that the zone remain Rural Living with a 4ha. minimum lot size in the schedule to the zone.

### Panel Comment

No justification, such as consideration of the principles in Ministerial Direction 6/6A have been advanced supporting a reduction in lot size to less than four hectares. The Panel also agrees with the Council's assessment above.

The Panel makes no recommendation in respect of this submission.

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Submission No. :	49
Submitter:	Greville Hay On the Behalf of The Lady Ruby Disney Settlement Trust
Location:	propoed industrial estate on the corner of Hunters Lane, Lakes Entrance
Existing Zone:	RU1
Proposed Zone/Overlay:	IN3Z
Requested Zone/Overlay:	Residential

### Summary

Considers the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance would detract enormously from the city's presence being the gateway to Lakes Entrance. Furthermore, it would adversely effect, through its appearance, the proposed resort and integrated development fronting Hunters Lane and North Arm and devalue the standard of housing along Hunters Lane.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whithers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

See Submission 13.

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Submission No. : 50  
Submitter: Dennis Pitt  
Location: Lot 13 Albatross Road  
Existing Zone: RU1  
Proposed Zone/Overlay: RLZ  
Requested Zone/Overlay: R1Z

### Summary

The Residential 1 Zone should be applied to a section of this site rather than the Low Density Residential Zone. The section of land fronting Albatross Road should be R1Z as this would be consistent with the adjoining zone to the west, the land is serviced with power, water and sewerage and lacks any significant vegetation.

### Related Submission

N/A

### Assessment

The balance of this site contains native vegetation and is not serviced, however the section fronting Albatross Road is serviced and would be suitable for residential subdivision. The MSS recognises this area as future residential.

### Council Recommendation

Council recommends that the section of land fronting Albatross Road be zoned Residential 1 Zone as it is serviced and is suitable for residential development.

### Panel Comment

The Panel notes that part of the subject land is serviced with power, water and sewerage and lacks any significant vegetation. To rezone that part to residential would be consistent with the zoning of the land to the west.

**The Panel recommends that that part of Lot 13 fronting Albatross Road, Kalimna be zoned Residential 1.**

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Submission No. : 51  
Submitter: Maugan Bastone  
Location: north side of Lindenow Road  
Existing Zone: F4  
Proposed Zone/Overlay: RLZ(8ha)  
Requested Zone/Overlay: LDRZ

### Summary

A change from the exhibited Rural Living Zone with an 8.0ha minimum lot size to the Low Density Residential Zone is sought on the grounds that the property is suitable for this style of subdivision, there is a need, the policy framework is favourable, necessary services are available and it will assist in keeping residential land prices competitive.

### Related Submission

N/A

### Assessment

The Bairnsdale Strategy Map associated with the MSS indicates this site suitable for future residential development. In order to preserve the residential development potential of this site the 8.0ha. minimum lot size (Rural Living Zone – Schedule) was applied. Development of the site to Low Density Residential standards (0.4-2.0ha.) would prejudice the future residential subdivision potential of the area

### Council Recommendation

That the exhibited Rural Living Zone with an 8.0ha minimum lot size be retained

### Panel Comment

The subject land has an area of 94.52 hectares and is located on the western fringe of Bairnsdale approximately 900 metres west of the intersection of the Princes Highway and Lindenow Road. The submitter seeks a Low Density Residential Zone allowing subdivision into lots of at least 0.4 hectares..

The Council has in the Panel's view rightly zoned this land Rural Living with a subdivision minimum of eight hectares which in effect is a holding zone recognising its potential for future residential development which at this stage is premature.

No strategic planning justification for a change in the proposed zoning at this stage has been made out.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 52  
Submitter: Petition C/D.Cullinan  
Location: Existing Reserve at 198A Bullumwaal Road in Wy Yang  
Existing Zone: POS1  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: PPRZ

### Summary

This submission objects to the blanket zone of Residential 1 being applied to the urban areas without zoning recognition being given to existing reserves and in particular the reserve at 198A Bullumwaal Road, Bairnsdale.

### Related Submission

1, 26, 52, 88, 127, 201

### Assessment

A key principle in the development of the new scheme was the need to simplify and rationalise the zoning structure. In applying this principle council did not see it as appropriate to identify each reserve within its municipality with a individual zone. Council considered there was sufficient legal protection for reserves under other legislation. In addition council has adopted a policy to notify landowners adjoining reserves if there is a intent to dispose of the reserve by council.

### Council Recommendation

Council recommends that the planning scheme remain unchanged ie that the Residential 1 Zone be applied to the open space reserves.

### Panel Comment

The petition contained some 29 signatures.

See Submission 1.

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Submission No. : 54  
Submitter: A.L.McPherson  
Location: 50 Cobblers Creek Road, Bairnsdale  
Existing Zone: F1  
Proposed Zone/Overlay: RUZ  
Requested Zone/Overlay: Smaller lot size

### Summary

States that the exhibited Rural Zone with a 100ha minimum is inappropriate for their site given the property is close to town, existing forms of development in the area are more residential in nature, the area has adequate services to support rural living and good planning would suggest that higher densities should be allowed where rural production has been lost by earlier subdivision and development

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

This area was considered to be outside the area suitable for rural living. The Spiller Gibbins Swan P/L, Low Density Residential Study selected areas for rural living that generally reflected existing rural living areas on the principle that there is sufficient land zoned for such purposes well into the next century ( page 50 SGS report)

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council's assessment above and elsewhere in this Report has adopted the above Council recommendation.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 69  
Submitter: A & LJ Love  
Location: Omeo rural -Cassilis  
Existing Zone: N/A  
Proposed Zone/Overlay: RUZ(100ha), EMO and Restructure Overlay for the Township of Cassilis  
Requested Zone/Overlay: Smaller lot size

### Summary

The proposal to zone the majority of the Cassilis Valley Rural Zone with a minimum lot size of 100ha. would severely restrict on-going development in the valley, which means so much to the economy of nearby towns. It will devalue land unable to attract a permit to build, to worthless vacant land, allow weed infestation to envelop abandoned lots spoiling the amenity and further devaluing existing land on which homes have been built. The Cassilis Valley is poor agricultural land not suitable for viable agriculture, but ideally suited to Rural Living Zones (2-8.0ha.) with the Cassilis Township suited to 0.4-2.0ha lots given the adequate availability of services. The Cassilis area was once a thriving gold mining community and should be preserved at all costs

### Erosion and Restructure Overlay

The Erosion Management Overlay is taken direct from maps accompanying 'A study of the Cassilis Valley, Swift's Creek' by D.M. Rees 1995 and is inaccurate and was only prepared to prevent development of the valley.

The Restructure Overlay is also used to restrict the issue of planning permits and has no justification as there is no need to restrain dwelling densities in the Cassilis Township as all major services are available

### Related Submission

21, 22, 23, 24, 40, 45, 46, 47, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 85, 90, 91, 92, 93, 94, 95, 96, 124, 125, 126, 129, 163, 197

### Assessment

There are competing interests, on the one hand there are the existing residents who wish to retain their environment and consider this environment as fragile given the area is in a rain shadow and has shallow and erodible soils that are not conducive to intense residential development. On the other hand some land owners wish to see a return for their investment, either through subdivision into rural living lots or the construction of dwellings on their properties. They further maintain that the valley is not viable agricultural land and that rural living development will support the local economy and community.

From a planning perspective it was originally considered appropriate to zone the rural area and the Cassilis township , Rural Zone with 100ha. min lot size and a Restructure Overlay for the township on the basis that the valley is predominantly

open rural land with a scattering of rural living properties. In addition, apply a policy to be known as the Dwellings in Rural Areas Policy (Page 11 Local Policies) to assist in the consideration of discretionary planning applications for dwellings in the valley. The Restructure Overlay would allow the existing crown township of Cassilis to be consolidated into larger lots that are more environmentally sustainable.

Following consideration of the submissions, Council agrees that an increase in the rural population would enhance the economic viability of adjoining towns such as Swifts Creek and Omeo and support the community in areas relating to the maintenance of school enrolments and other community assets within the towns.

This can be achieved through the relaxation of both the 100ha lot size to 40ha and the Dwellings in Rural Areas Policy (Page 11 Local Policies) to permit dwellings on crown allotments subject to environmental considerations.

Whilst this amendment would satisfy the majority of land owners wishing to develop their properties it will cause concern to those residents who wish to preserve the current level of development and the valley's environment. The amendment should to some degree satisfy those concerned about environmental issues as any application for development would have to satisfy environmental servicing standards such as effluent disposal and erosion issues.

### Council Recommendation

Council recommends that the Schedule to the Rural Zone (section 35.01) be amended from 100ha. to 40ha. and that the Dwellings in Rural Areas Policy (Page 11 Local Policies) be amended to permit dwellings on crown allotments subject to environmental factors such as effluent disposal and other issues referred to in the relevant overlays being satisfied

### Panel Comment

During the hearing, the Panel sat at the Omeo Office of the Shire and heard various submissions mainly relating to the township of Cassilis and its surrounds. Many submitters had previously made written submissions to the Shire and many had not, making either verbal or written submissions at the hearing.

The township of Cassilis is located on the Swifts Creek – Omeo Road approximately 15 kilometres north west of Swifts Creek and 21 kilometres south of Omeo. It is situated in Long Gully, a 15 kilometre valley branching north west from Tambo River Valley at Swifts Creek. The Cassilis area of that Gully is approximately six kilometres long and is located at the head of Long Gully.

The Council described that area as being:

*... characterised by Rural Living Style development intermingled with farming properties including a Winery. Cassilis has a past life as a large and very active gold mining settlement. There is little left of the actual township, perhaps except for some evidence of past mining activities and there is a small rural retreat population in the valley surrounded by larger farming operations.*

*Cassilis Valley is approximately 30 square kilometres in area. The private land is generally located along the valley floor between large areas of bush and as you leave the valley heading towards Omeo, you rise out of the valley where the landscape*

*changes dramatically and opens up to steep rolling plains which have been substantially cleared.*

Mr Graeme Deveson (Submission 79), in AAT Appeal No. 1994/36060 in relation to a proposed 16 lot rural subdivision in the area by Mr Len Love (Submission 69) told the Tribunal after referring to the mining history of the area:

*There are two significant legacies from this history which affect us today. Firstly, approximately 70 very small land titles still exist around the site of the original township, most of which are now owned by the developer. Secondly, the combined effects of the last century's gold-mining and this century's over-grazing have left the topsoil precariously thin in many places and the whole area predisposed to severe soil erosion. This is against a backdrop of recurrent drought, low rainfall (the valley being in the rain shadow of Mount Hotham) and an inherently fragile soil structure.*

The references to erosion above and the general fragility of soil in the area is confirmed in *A Land Capability Study of the Cassilis Valley, Swifts Creek* (September 1995, D.B. Rees) commissioned by the Council and DNRE. This document provides the Council with detailed land resource information, consisting of base data on the nature of the land and of assessments of the likely performance of the land under various activities and was:

*... prepared for the Valley because over the past period of approximately 5–7 years, there has been significant pressures for change in land use (primarily subdivision for housing or development of housing on existing allotments in the Valley and Crown Township) to more intensive activities.*

The Council regards it, as does the Panel, as a valuable planning tool to assist and guide decision-making in the Cassilis Valley.

Under the Planning Scheme as exhibited, the land in the area is to be zoned Rural with a minimum subdivision size of 100 hectares. As the result of submissions received during and after the exhibition process, the Council has resolved to recommend to the Panel that:

1. *The Schedule to the Rural Zone be amended from 100 hectares to 40 hectares.*
2. *The size of lot below which a planning permit for a dwelling will be 40 hectares in line with the subdivision size.*
3. *The dwellings in Rural Areas Policy will be amended to provide that, where areas have vacant capacity in social infrastructure, dwellings on lots in rural areas which are not related to farming or other economic activities on the land may be approved, and environmental factors such as effluent disposal and other issues referred to in the relevant overlays being satisfied.*

*These amendments if finally approved by the Minister for Planning would not only facilitate additional subdivision, they would also allow approval of dwellings on existing Crown Allotments subject to the abovementioned condition.*

Prior to the Panel hearing, land owners who had made submissions were notified of the Council's intention to amend the exhibited scheme as indicated above.

Clause 21.10.2 at page 65–66 of the Planning Scheme sets out the Council's policies on Cassilis Valley as follows:

*Cassilis Valley*

- *The Cassilis Valley is approximately 30 square kilometres in size and located north-west of Swifts Creek. The area contains the remains of a number of former gold mining settlements, and one mine is still operating.*
- *Recent subdivision within the area has increased pressure on the environment of the valley.*

*Council will support the existing roles and functions which the Cassilis Valley fulfils and encourage development of new and enhanced roles as follows:*

<b><i>Town/Locality</i></b>	<b><i>Support Existing Role(s)</i></b>	<b><i>Encourage New/ Enhanced Roles</i></b>
<b><i>Cassilis</i></b>	<ul style="list-style-type: none"><li>• <i>Historic mining centre</i></li><li>• <i>Rural-residential locality</i></li><li>• <i>Limited local retail/tourism role</i></li></ul>	<ul style="list-style-type: none"><li>• <i>Some potential for small-scale tourist development</i></li><li>• <i>Former Crown township to be restructured for low-density development</i></li><li>• <i>Potential for more intensive agricultural/horticultural enterprises in appropriate areas</i></li></ul>

*The following policies and strategies will apply:*

- *Further investigation is required to determine the environmental/land use capability of the Cassilis Valley, but the area will generally be planned for low density development.*
- *The old Crown townships of Cassilis and Tongio West will be restructured to substantially reduce the potential development density.*
- *Rural land in the remainder of the valley will be planned to ensure that potential dwellings densities are substantially reduced from those which would exist if all Crown allotments were allowed to be developed.*

The Dwellings in Rural Areas Policy referred to above is contained in Clause 22.07 of the Scheme. This policy will need amendment along the lines indicated above.

Even though the Council has determined to change the exhibited minimum subdivision lot size in the Rural Zone from 100 hectares to 40 hectares, there were a large number of submissions objecting to this reduction and wanting subdivision entitlements of an even lower area. This opposition was originally expressed in relation to the removal of the entitlement of an excision of a lot for a new dwelling by Amendment V3 of the VPPs. The opposition continues particularly within the rural communities in the former shire of Omeo where there are no zonings and therefore no minimum lot sizes under the present planning scheme.

This opposition is manifested in the number of submissions dealt with by the Panel, typified by the submission of Mr Len Love who appeared before the Panel at the hearing. (Submission 69)



Mr Love is a wool grower and large landowner in the Cassilis area. He is also the owner of a large number of the 70 odd small lots comprising the original township of Cassilis. He has actively sought and achieved subdivisions in the area — for example the 16 lot subdivision earlier referred to. He has shown an active interest in the Cassilis area over a long period and:

*As a farmer interested in developing the Cassilis Valley to its full potential I have attended every meeting the Shire has called in relation to planning. In addition I have written, with my views, each time submissions were called for. On every occasion I have advised the planning committee farming is in serious decline and this area needs other initiatives if it is to retain something of a community in the future.*

His interest continues and he therefore sought that:

*... the Cassilis Valley should be considered a specific purpose zone within the planning scheme ... and therefore be designated a Rural Living Zone (RLZ) with a minimum area which will attract a planning permit of two hectares.*

*For the existing townships of Cassilis and Tongio West ... these areas should be zoned Low Density Residential (LDR), minimum lot size of .4 hectare with an appropriate overlay to determine suitability of lots for dwellings.*

Mr Love produced at the hearing a letter from Mr Andrew Biacsi, Planning Consultant, of Contour Consultants Australia Pty Ltd, who, with his father, a former Shire Engineer with the Omeo Shire, has had a long association with the Cassilis area and who wrote:

*... there is a touch of sadness to be felt when one realises that Omeo has, after all these years, finally succumbed to the interference of what many will argue are unwanted and somewhat unnecessary town planning controls.*

Interestingly, Mr Biacsi was not present at the hearing to expand upon his touch of sadness or to have his views on planning tested. He also wrote:

*There is much to commend the further encouragement of the settlement as a rural-residential (low density living) area. Cassilis is already regarded as a rural residential community. This is to be further supported by the number of approved lots in the area and the existence of many other undeveloped Crown lots which would be suited to rural-residential use. The valley has many features which distinguish it from other parts of the district particularly the topography, vegetation, sealed access, services, proximity to Omeo and Swifts Creek and its local climate. Significantly, Cassilis also enjoys an important historical link with its former existence as a thriving gold mining community. It is this richness coupled with your own determination to revive Cassilis which may well achieve something special for the district in the future.*

*In my opinion, the message is simple. The zoning over Cassilis should be LDRZ with appropriate overlay controls put in place to address important environmental factors. A development plan overlay should establish the parameters for the future subdivision and development of the L J Love landholding which should be put in place and address matters of effluent disposal, environmental management, servicing etc. as a pre-cursor to issue of a planning permit. A minimum lot size of 0.4ha should generally apply but the actual minimum lot area will depend on land capability factors. I do not believe that a 40 hectare minimum lot area for the Cassilis township (if this is intended) is supportable in the circumstances.*

As regards the Restructure Overlay referred to the Council's comments on this submission and also criticised by Mr Love, the Council informed the Panel that the exhibited maps showed such an overlay over the Township wrongly. It is in fact Council's intention after further study and investigation to use such an overlay in the immediate future to allow the existing small sized Crown allotments to be consolidated into larger lots which will be more environmentally sustainable. The Panel considers favourably the adoption of this proposed course of action for the township area.

Mr Love called as a witness Mr Ian Smith of Land Smith Pty Ltd, a qualified forester and advisor on ecotourism and natural resource management. He took a strategic overview of the planning scheme, particularly the rural zone implications and a perceived lack of strength in the scheme's support of the timber industry. He said that:

*The 40 hectare rural zone may not cater for ratepayers and others wishing to diversity or restructure their holidays. There will be many prime landscapes and potential tourism areas in the rural zonings. Innovative subdivisions, quite isolated from existing settlements, may appeal to some field visitors and others seeking remoteness. I suggest the rural zone should be flexible enough to allow these, provided performance standards are met rather than using the 40 hectare zoning as a barrier to such development. In terms of environmental management, this change of land use is fairly benign and certainly no worse than traditional farming activity. A land owner may gain another income stream, jobs are created and population increases.*

The Panel points out that the Rural Zone allows an almost unlimited range of uses, subject to a permit, and is sufficiently flexible to allow for the diversity or alternatives of activity Mr Smith has in mind.

Mr Love was extremely critical of the Ross Study *A Land Capability Study of the Cassilis Valley, Swifts Creek* and the imposition of the Erosion Management Overlay over the Valley. Despite Mr Love's opinion that the Study is 'fundamentally flawed', the Panel sees no reason to doubt its value as a planning tool, relating to such matters as waste disposal and the basis for placing the overlay as proposed.

At the hearing Mr Love also called several landowners in the district and provided letters from others supporting his opposition to the 40 hectare rural zoning. These included:

David and Claire Knaggs

Jim Jenkins

John Arnott

RK & LA Darby, the proprietors of Swifts Creek General Store and Miners Cottages Accommodation

Pam Williams

Richard Kiddle

Stuart McCann

Alan Polanski

Don Lawson of 'Cobunga'

Wayne Smith, Australian Country Information Services

Although some of the comments from the above related to a broader rural area, most were directly related to Cassilis and the Valley. While not commenting specifically upon each of the above submissions, Mr Knaggs provided the following typical comment:

*We believe that this size allotment (40 hectares) to be far too large and detracting to the future families/residents interested in purchasing and moving into the area. As most of the land is poor and geographically very rugged with little hope of returning a profitable income it is unlikely (to) attract an increase to the farming sector whereas smaller allotments will encourage growth by offering affordable and manageable living offered by this uniquely individual area most suitable for residential growth. Without such growth the demise of the small town would be set in progress. Business, schools, sporting clubs and the like rely on the continuous growth to survive.*

The Panel notes that the Council policy on Rural Residential Development is contained in Clause 21.9.4 at page 51 of the MSS which contains the following strategy 4.5.2:

*4.5.2 Monitor development trends in Low Density Residential or Rural Living areas and assess periodically the need for additional land for these purposes; support rezoning of appropriate areas, identified on the basis of the criteria developed in the Low Density Living Study of East Gippsland Shire (1997) – including proximity to major towns, environmental characteristics and constraints, land capability for development and preservation of high quality agricultural land from inappropriate use – and the Local Policies in Clause 22.*

The Low Density Living Study of East Gippsland Shire (Spiller Gibbins Swan Pty Ltd., 1997) referred to in the Strategy above contains in Clause 5.2.2 a policy that:

*In considering a request to rezone land for low density residential or rural living purposes the planning authority will have regard to Ministerial Direction No. 6 especially in relation to supply and demand.*

The Study related to the demand for a supply of rural residential land (0.4 – two hectares) and hobby farms or farmlets (two – eight hectares) in East Gippsland including an analysis of zonings proposed in the new scheme. It concluded that although the supply was not excessive, there was still considerable capacity for development in zoned land in most districts and that at predicted demand levels, no substantial new zonings were likely to be required within the next five to 10 years.

The Study also states at page 56 that:

*The Cassilis Valley (is) prone to erosion and has some soil stability problems. It would therefore be unwise to expose the land to any intense development*

and also points out that:

*The Highlands Submarket is estimated to be about 120 lots short of meeting demand for low density living to 2011.*

The Panel considers that no case has been made out to justify any change to the Rural zoning of the land nor for a reduction to any subdivision lot size lower than 40 hectares.

It may be appropriate for a high density zoning of the Cassilis township but only after restructuring has taken place.

At the time of this consideration of such a restructuring, the Council could also consider whether any parts of the Valley, particularly the areas along the highway, could be rezoned to Rural Living although the Panel can see no urgency nor need for immediate attention.

From figures supplied by the Council, there is no apparent need for further lots to be created. These figures revealed that in the Cassilis township and Valley area, there are presently:

- 239 lots up to five hectares in area;
- 74 lots between five to 10 hectares;
- 54 lots between 10–20 hectares;
- 22 lots between 20–30 hectares;
- 12 lots between 30–40 hectares
- 14 lots between 40–50 hectares;
- 37 lots between 50–100 hectares.

By way of final comment, the Panel is satisfied that the Council exhibition and consultative processes were adequate, appropriate and proper.

**The Panel recommends that:**

- (1) a restructure plan for the Cassilis township be prepared with the aim of placing a Restructure Plan overlay over relevant land;
  - (2) consideration be given to rezoning relevant parts of the Cassilis Valley to a RLZ or other form of higher density if appropriate;
  - (3) the Schedule to the Rural Zone be amended to change the minimum lot size from 100 hectares to 40 hectares;
  - (4) the Scheme be amended to show the minimum area for which no permit is required to use land for a dwelling in the Rural Zone as 40 hectares
  - (5) local policy Dwellings in Rural Areas Clause 22.07 be amended *to provide that, where areas have vacant capacity in social infrastructure, dwellings which are not related to farming or other economic activities on the land and where environmental factors such as effluent disposal and other issues referred to in the relevant overlays are satisfied may be approved on lots in rural areas.*
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Submission No. : 79  
Submitter: GR Deveson  
Location: Cassilis  
Existing Zone: N/A  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: RUZ(100ha)

### Summary

Considers the valley has reached its limit of development and any further building approvals would degrade it. There is capacity within the existing subdivisions to cater for any demand without developing the crown township lots. These lots should be restructured

### Related Submission

21, 22, 23, 24, 40, 45, 46, 47, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 85, 90, 91, 92, 93, 94, 95, 96, 124, 125, 126, 129, 163, 197

### Assessment

There are competing interests, on the one hand there are the existing residents who wish to retain their environment and consider this environment as fragile given the area is in a rain shadow and has shallow and erodible soils that are not conducive to intense residential development. On the other hand some land owners wish to see a return for their investment, either through subdivision into rural living lots or the construction of dwellings on their properties. They further maintain that the valley is not viable agricultural land and that rural living development will support the local economy and community.

From a planning perspective it was originally considered appropriate to zone the rural area and the Cassilis township, Rural Zone with 100ha. min lot size and a Restructure Overlay for the township on the basis that the valley is predominantly open rural land with a scattering of rural living properties. In addition, apply a policy to be known as the Dwellings in Rural Areas Policy (Page 11 Local Policies) to assist in the consideration of discretionary planning applications for dwellings in the valley. The Restructure Overlay would allow the existing crown township of Cassilis to be consolidated into larger lots that are more environmentally sustainable.

Following consideration of the submissions, Council agrees that an increase in the rural population would enhance the economic viability of adjoining towns such as Swifts Creek and Omeo and support the community in areas relating to the maintenance of school enrolments and other community assets within the towns.

This can be achieved through the relaxation of both the 100ha lot size to 40ha and the Dwellings in Rural Areas Policy (Page 11 Local Policies) to permit dwellings on crown allotments subject to environmental considerations. These amendments would allow the creation of additional lots through the subdivision of large properties ie. multiples of 40ha. and in addition would allow residential development on the numerous existing crown allotments in the valley.

Whilst this amendment would satisfy the majority of land owners wishing to develop their properties it will cause concern to those residents who wish to preserve the current level of development and the valley's environment. The amendment should to some degree satisfy those concerned about environmental issues as any application for development would have to satisfy environmental servicing standards such as effluent disposal and erosion issues.

### Council Recommendation

Council recommends that the Schedule to the Rural Zone (section 35.01) be amended from 100ha. to 40ha. and that the Dwellings in Rural Areas Policy (Page 11 Local Policies) be amended to permit dwellings on crown allotments subject to environmental factors such as effluent disposal and other issues referred to in the relevant overlays being satisfied.

### Panel Comment

Mr Graeme Deveson appeared at the hearing assisted by Mr Howard Reddish. Both are residents of the Cassilis Valley. Mr Reddish is the proprietor of St Markey Winery and President of the Omeo Region Business and Tourism Association.

As vigorously as Mr L Love (See Submission 69) presses for more intense development of Cassilis and the Valley. Messrs Deveson and Reddish have opposed it, over a number of years.

This pressure for development was referred to in a letter to the Shire President dated 28 July 1994, from the Minister for Planning, Mr Robert Maclellan who said in response to concerns about a specific subdivision by Mr Love (while not commenting on the specifics of the proposal):

*I am concerned that a substantial number of small lots have already been created in the area, apparently more by a series of ad hoc decisions rather than within any strategic planning framework. Such unplanned development can place a considerable burden on Council and the Committee in terms of the provision of services, and the risk of environmental damage where land has a poor capability for that intensity of development.*

This pressure for development continues and the Council is now through this planning scheme taking appropriate steps to control it with strategic planning. The scheme should assist in creating 'an environment that encourages investment, innovation, diversity and sustainability. What we don't want are those particular industries squeezed out by inappropriate residential development especially when it is against the wishes of the residents' (Mr Reddish's submission). It can be seen from the number of submissions commented upon in this Report that it is not against the wishes of all residents.

The Panel has already commented at length elsewhere on the Cassilis township and Valley.

See Submission No. 69.

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Submission No. : 80  
Submitter: Lorna Peterson  
Location: Lot 3 LP307479; part Bald Hills Creek Road; Sec B  
Hankshaw Hill Road; Lot3 LP307479 and Lot1  
LP307479  
Existing Zone: N/A  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: Smaller lot size

### Summary

Property owned in McCoy Street Omeo may not be capable of subdivision if the 100ha minimum lot size is approved creating financial hardship

### Related Submission

N/A

### Assessment

McCoy Street is zoned Residential 1 in the exhibited planning scheme.

### Council Recommendation

That the submitter be advised that the zoning is Residential 1 Zone and not Rural Zone.

### Panel Comment

Mrs Lorna Peterson appeared before the Panel.

(The Council pointed out to the Panel that its assessment and recommendation above are incorrect and that the submitter's land is presently zoned Rural.)

The Panel elsewhere recommended that the Schedule to the Rural Zone be amended from 100 hectares to 40 hectares and that the Dwellings in Rural Areas Policy at Clause 22.07 be amended to permit dwellings on crown allotments subject to environmental factors such as effluent disposal and other considerations referred to in the relevant overlays being satisfied.

It is not considered appropriate to extend the southern boundary of Hamilton Street, Omeo which is presently regarded as the boundary of the town's urban zoning.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 81  
Submitter: Barry Baines  
Location: A future new entry to Paynesville  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

The Local Planning Policy Framework section of the new scheme shows the future entry road to Paynesville through the Bairnsdale Golf Club.

### Related Submission

N/A

### Assessment

This future entry road to Paynesville was shown as indicative only and was not meant to indicate an exact position. The strategy map titled Eagle Point to Paynesville Strategy Map should be amended to more accurately depict the proposal.

### Council Recommendation

Council recommends that the strategy map in the Local Planning Policy Framework titled Eagle Point to Paynesville Strategy Map be amended to more accurately depict the proposed future entry road to Paynesville.

### Panel Comment

**The Panel recommends that the Map in the LPPF entitled 'Eagle Point to Paynesville Strategy Map' be amended to more accurately reflect the proposed entry road to Paynesville.**

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Submission No. : 82  
Submitter: W. & S Jobling  
Location: Industrial site adjacent to the Metung tip  
Existing Zone: RU1  
Proposed Zone/Overlay: See Page 79 of MSS  
Requested Zone/Overlay: Remove from MSS

### Summary

Advises that the proposal in the new planning scheme to identify land adjacent to the Metung Tip in Rosherville Road for industrial purposes is inappropriate

### Related Submission

N/A

### Assessment

Whilst the new planning scheme did not zone an area as industrial the Municipal Strategic Statement (p.80) states 'Land adjoining the Metung tip has been identified, on the basis of accessibility and cost of servicing, as an appropriate site for light industrial purposes , in the longer term, particularly for marine – related service industries (Metung Strategy map). However, demand does not justify zoning land for this purpose at this time.'

### Council Recommendation

Council supports the Municipal Strategic Statement (p.80) stating 'Land adjoining the Metung tip has been identified, on the basis of accessibility and cost of servicing, as an appropriate site for light industrial purposes , in the longer term, particularly for marine-related service industries (Metung Strategy map). However, demand does not justify zoning land for this purpose at this time.'

### Panel Comment

1. The Panel notes the above assessment and recommendation by the Council and sees no reason to differ from the conclusion that land in Roskerville Road, adjoining the existing tip, is an appropriate site for light industrial uses at some time in the future. The Strategy Plan merely identifies this potential use at this stage and does not presume zoning for that purpose unless and until demand justifies it. In this regard — see also Submission 4.
2. The Council describes Roskerville Road, though scenic, as only a minor road not having the relatively high usage of a tourist road and not justifying any classification or identification as a 'tourist road'. The Panel accepts this statement.

3. The potential light industrial site in Roskerville Road was chosen by Council after consideration of a number of possible sites in Metung, following an industrial study by Ms Jenny Jones. She was aware of the subdivision of the land within some 200 metres of the identified site opposite it in Roskerville Road.
4. The potential light industrial site is covered by an ESO and a VPO. Industrial development on the site would not necessarily involve tree removal which can be protected by appropriate development controls.
5. The Council informed the Panel it was not intended to relocate the waste water treatment plan on Normans Road to Bruces Track. Nor is it intended to require existing businesses in Metung to relocate to the identified potential industrial site if and when it is rezoned for that purpose.
6. The Panel does not consider identification of a potential site by the Council, as it has, to be premature.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 83  
Submitter: J Whadcoat  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

Provides suggestions on improvements to the scheme such as widths of public foreshore reserves, setback requirements from foreshores, reserves and public parks and provides advice on how to manage permit conditions and development consultation. Also comments on issue relating to streetscape and heritage preservation, water quality and native vegetation clearing.

### Related Submission

N/A

### Assessment

The above issues where they pertain to the jurisdiction of the planning scheme are adequately addressed and managed by the scheme.

### Council Recommendation

Refer to Panel

### Panel Comment

This submission is comprehensive and wide-ranging. Many of the suggestions are worthy of consideration and many of the issues raised are already adequately covered in the Scheme.

The matters raised relate to:

- public consultation and impact before approval of 'a development of a substantial nature';
- a set back of six metres to public land '(e.g. foreshores, park reserves or watercourses)';
- a minimum foreshore reserve of 'two chains' from highwater surrounding the waters of Lake Tyers with 'a further one chain of reserve owned by Council and zoned for recreation purposes';
- special protection of sites 'from a Cultural, Heritage, Environmental and Recreational viewpoint' by overlays;
- monitoring of permit conditions;
- using local strategy policy documents as referral documents;

- protection of streetscapes with heritage values;
- use of 'world best practice; in waste 'elimination, control, disposal';
- protection and enhancement of water quality and native vegetation.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 84  
Submitter: Rob Willersdorf; Gippsland Farm Plantations  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: RUZ, ESO, EMO, SMO  
Requested Zone/Overlay: Change to RUZ Schedule

### Summary

Supports statements in MSS regarding encouragement of plantation establishment on suitable sites throughout the region. Requests softwood plantations be given equal encouragement to hardwood plantations in the Tubbut, Bonang and Bendoc areas. Claims plantations should be considered as an 'agricultural crop' rather than separate development proposal. Objects to the proposed 100ha limit for as-of-right plantation development in RUZ. Requests no maximum size limit arguing that environmental issues are able to be addressed through the Forest Code of Practice. Claims MSS does not adequately demonstrate link between 100ha limit and road and bridge infrastructure maintenance & replacement issues. Endorses exemption for ploughing within Environmental Significance Overlays assuming it applies to plantation establishment, but concerned over effect of overlays (ESO, EMO & SMO) on plantation related roading and plantation establishment in SMO.

### Related Submission

84, 162, 169, 177

### Assessment

100ha size limit for as-of-right plantation development in RUZ is adequately justified in the MSS, Section 21.9.4 (Item 4.13).

Alter Schedule exemptions to allow plantation establishment (ie ploughing) and plantation related roading.

### Council Recommendation

Retain 100ha size limit for as-of-right plantation development.

Alter Schedule exemptions to allow plantation establishment (ie ploughing) and plantation related roading.

### Panel Comment

Mr Rob Willersdorf of Gippsland Farm Plantations appeared before the Panel.

The Panel considers that the Planning Scheme gives adequate and proper recognition of an encouragement to the timber industry.

The Council has seen fit to regard 100 hectares as the limit for an of right plantation development in the Rural Zone and the Panel is not convinced of any justification warranting a change to this Council position.

**The Panel recommends in line with Council resolution a change to the Schedule to the above overlays to exempt plantation establishment and plantation related roads from the need to obtain a permit.**

See also Submission 169.

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Submission No. : 86  
Submitter: Business & Tourism Assoc. Inc.  
Location: Mixed Use Zone in Mallacoota  
Existing Zone: R1  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: Mainly MUZ

### Summary

Considers the Mixed Use Zone should be applied to the following areas :-

- Betka Road to Bastion Point Road (east)
- Maurice Ave./Genoa Road to Bastion Point Road
- Bastion Point Road, West (between Betka and Genoa Roads)
- Allan Drive (east of Maurice Ave.)

Height controls restrictions for residential zones should be based on amenity issues through the planning permit process and for commercial/business areas no limitations should apply.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

In respect to the Maurice Ave/Genoa Road to Bastion Point Road the submission is correct in that the properties fronting the road are a mixture of land uses and could correctly be zoned Mixed Use.

The Municipal Strategic Statement (p.99) states that 'An area in Bastion Point Road has been zoned Mixed Use in the Planning Scheme, in order to recognise that the existing character of the area (which contains several depots/storage areas) makes this an appropriate location for a wider range of uses, subject to their impact on residential uses. An area along Betka Road has also been zoned Mixed Use to cater for large-floor space retail and commercial uses which cannot be accommodated in the existing retail area'

Bastion Point Road, west (between Betka and Genoa Roads) is also a mixture of residential and commercial uses mainly government depots and has been recognised through the Mixed Use Zone.

Allan Drive is essentially residential in character and any additional development of the area should be facilitated through the flexible structure of the Residential 1 Zone land use tables.

Height controls were omitted from the Municipal Strategic Statement and the Local Policy Section as it was considered there was adequate management of building design through the Good Design Guide and Vic Code particularly overshadowing and overlooking. With respect to the protection of view lines it was considered appropriate to gauge public opinion of this issue through the exhibition of the planning scheme. There has been minimal public comment on the issue however further development of a DDO is warranted.

### Council Recommendation

Council recommends that the land, being lot 7, No 16, at the intersection of Lees and Betka Roads Mallacoota, be zoned Residential 1 Zone and the Maurice Ave/Genoa Road (north side) to Bastion Point Road be zoned Mixed Use.

Prepare, for later amendment, a DDO addressing building heights for Mallacoota.

### Panel Comment

Mr Ian Lewis, the President of the Mallacoota Business and Tourism Association Inc. appeared at the hearing supporting the above Council assessment.

### The Panel recommends:

1. That the properties fronting Maurice Avenue/Genoa Road, Mallacoota (south side) to Bastion Point Road be zoned Mixed Use.
2. That the land fronting Allan Drive, Mallacoota east of Maurice Avenue remain Residential 1 as exhibited.
3. That Lot 7, No. 16 at the intersections of Lees and Betha Roads, Mallacoota be zoned Residential 1 (See also Submission 6).

See Submission 172 relating to the DDO suggested and recommended by the Panel.

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Submission No. : 87  
Submitter: Pam Andrews  
Location: Bemm River  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

This submission has confused councils strategy plan with the new East Gippsland Planning Scheme. The issues raised in the submission are not mentioned in the new planning scheme.

#### Related Submission

N/A

#### Assessment

No assessment is required

#### Council Recommendation

#### Panel Comment

The Panel agrees that the matters raised by the Association are not related to the Planning Scheme as such and makes no recommendation in respect of this submission.

However, the Council should consider the matters raised and give assistance and/or support where appropriate.

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Submission No. : 88  
Submitter: Helen Stott  
Location: Various  
Existing Zone: POS  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: PPRZ

### Summary

This submission objects to the blanket zone of Residential 1 being applied to the urban areas without zoning recognition being given to existing reserves and in particular the reserves at Lake Tyers Beach

### Related Submission

1, 26, 52, 88, 127, 201

### Assessment

A key principle in the development of the new scheme was the need to simplify and rationalise the zoning structure. In applying this principle council did not see it as appropriate to identify each reserve within its municipality with a individual zone. Council considered there was sufficient legal protection for reserves under other legislation. In addition council has adopted a policy to notify landowners adjoining reserves if there is a intent to dispose of the reserve by council.

### Council Recommendation

Council recommends that the planning scheme remain unchanged ie that the Residential 1 Zone be applied to the open space reserves.

### Panel Comment

The Panel accepts the Council assessment and recommendation above and makes no recommendation in respect of this submission.

---

Submission No. : 89  
Submitter: VICROADS  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: Various  
Requested Zone/Overlay: Various

### Summary

VicRoads recommends a number of amendments to the zoning maps to accord with legislative requirements.

### Related Submission

N/A

### Assessment

The recommendations of VicRoads will be incorporated into the new planning scheme

### Council Recommendation

Council recommends that the amendments proposed by Vic Roads be incorporated into the new planning scheme

### Panel Comment

**The Panel recommends that the Council:**

- 1. Amend its Planning Scheme maps to show as Road Zone Category 1 (RDZ1) all roads declared under the provisions of the *Transport Act 1983* i.e. freeways, highways, main, tourist and forest roads, the Benambra-Corryong Road from end of the seal at 100.6 km from Murray Valley Highway northwards towards Corryong and to correct maps presently incorrectly shown as RDZ1.**
  - 2. Rename in its maps the Alpine Road and Omeo Highway south of Omeo to the Great Alpine Road and the Cann Valley Highway to the Monaro Highway.**
  - 3. Rezone the land on Map 54 set aside for a deviation of the Princes Highway at Jemmy's Point, Kalimna as Proposed Freeway to the same zone as the abutting land with a PAO, in accordance with the Schedule included with VicRoad's letter of 24 February 1998.**
-

Submission No. : 97  
Submitter: Alan Sheridan  
Location: Heritage Listing Map Ref No. 82, 267 Main Street,  
Bairnsdale  
Existing Zone: Heritage Overlay  
Proposed Zone/Overlay: Heritage Overlay No.82  
Requested Zone/Overlay: Remove

### Summary

Requests the deletion of the Heritage Overlay listing No.82 for 267 Main Street Bairnsdale as the building is vacant and in need of major structural and service utility repair and upgrading.

### Related Submission

N/A

### Assessment

The property is listed in the Heritage Overlay. (Section 43.07 No 82 Schedule to Heritage Overlay) It should be noted that a listing in the Heritage Overlay does not indicate that the building cannot be modified. A planning permit would be required and assessed using the decisions guidelines and provisions of the overlay.

The property was assessed by Council's Heritage Advisor (attached) who states that 'Architecturally significant locally as the most characteristic and intact complex Edwardian house in Bairnsdale and unusually in brick. Historically significant locally as evidence of the slow settlement of the Bairnsdale Pre emptive Right, which had been subdivided about 20years earlier in 1888.

Recommendation 1. No. 267 Main Street remain controlled under the Planning Scheme, since the information provided does not appear to have diminished its cultural significance below local significance. 2. Apparent soil movement in the general locality of 265-269 Main Street be investigated by a specialist. Cause of the movement and recommendation to remedy damage caused should be identified.

### Council Recommendation

Council recommends the deletion of the Heritage Overlay listing No.82 in the Schedule, for 267 Main Street Bairnsdale.

### Panel Comment

Mr Alan Sheridan appeared before the Panel in support of his submission.

This proposed, 267 Main Street Bairnsdale, was leased as an office until June 1997 and is currently vacant. It is *'in need of major structural and service utility repair and upgrading'* according to Jennifer Jones, Planning Consultant in her written submission.

A separate report by Hopkins and Mohomed Building Surveyors indicates the current dilapidated state of the building.

Ms Jones' report also indicates significant reproduction elements in the current building.

**The Panel agrees with the Council recommendation and also recommends that the Heritage Overlay be removed from the property by deleting listing No. 82 from the Schedule to the Overlay.**

---

Submission No. : 98  
Submitter: Department of Infrastructure  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: Various  
Requested Zone/Overlay: Various

### Summary

The Department of Infrastructure's submission congratulates council on the preparation of the new scheme and provides a detailed assessment and suggestions to assist in refining the scheme.

### Related Submission

N/A

### Assessment

The recommendations proposed by the Department are considered appropriate and the scheme will be amended accordingly.

### Council Recommendation

Council recommends that the amendments proposed by the Department of Infrastructure be incorporated into the new planning scheme.

### Panel Comment

The Panel has commented elsewhere in this Report on the DOI submission made at the hearing by Ms Heather Hadley-Powell.

---

Submission No. : 99  
Submitter: East Gippsland Water  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: Various  
Requested Zone/Overlay: PUZ1

#### Summary

East Gippsland Water advise that there a number of their sites that should be zoned Public Use Zone 1

#### Related Submission

N/A

#### Assessment

The sites listed in the submission should be zoned Public Use Zone 1.

#### Council Recommendation

Council recommends that the sites listed in the East Gippsland Water submission should be zoned Public Use Zone 1.

#### Panel Comment

**The Panel recommends that the sites owned by East Gippsland Water and referred to in its letter of 24 December 1997 be zoned PUZ1.**

---

Submission No. : 100  
Submitter: GPU PowerNet Pty Ltd  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: RUZ  
Requested Zone/Overlay: SUZ

### Summary

GPU Powernet P/L are requesting an amendment to the scheme to recognise their assets by zoning them to Special Use Zone rather than the exhibited zone of Rural Zone. They also state they are seeking an amendment to the Victoria Planning Provisions to recognise their company as public utility service provider in order to adequately discharge their functions as a provider. In addition it is suggested that

GPU Powernet transmission lines be clearly identified on the zoning maps through appropriate notations.

### Related Submission

N/A

### Assessment

The use of the Special Use Zone appears to be an appropriate method of recognising and managing the Bairnsdale Terminal Station from a planning perspective. Identification of transmission lines would require additional information from GPU Powernet to identify the lines in order for them to be mapped.

### Council Recommendation

Council recommends that the Bairnsdale Terminal Station be zoned Special Use Zone.

### Panel Comment

GPU Powernet Pty Ltd has only one asset in the Shire — namely, the Bairnsdale Terminal Station on the Princes Highway east of Marriage Lane.

Amendment V3 to the VPPs has removed utility installations from being a prohibited use in most zones, largely addressing the concerns of GPU Powernet. The Panel does not consider it appropriate to introduce a Special Use Zone for this one asset which is already erected and therefore makes no recommendation in respect of this submission.

**The Panel recommends that upon receipt of additional information from GPU Powernet Pty Ltd to identify its powerlines, the powerlines be shown on the base to planning scheme maps.**

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Submission No. : 101  
Submitter: Helen & Brian Carroll  
Location: Colquhoun area  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ(15ha)  
Requested Zone/Overlay: Smaller lot size

### Summary

Considers the proposed zoning of Rural Zone with a 15ha. and 50ha. minimum lot size is inappropriate as the Colquhoun area is developing as a cottage industry area and is very marginal grazing land.

### Related Submission

101, 113, 193, 198

### Assessment

The Municipal Strategic Statement recognises the Colquhoun area as appropriate for future residential and rural living land use subject to further studies to 'identify the appropriate development distribution and density, taking account of topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road'. (MSS Page 83) The new planning scheme would be sufficiently flexible to consider a range of land uses and development that would satisfy the cottage industry nature of the area

### Council Recommendation

Council recommends that the area remain as exhibited, Rural Zone and that a study of the area be commenced to identify the appropriate development distribution and density, taking account of the topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road

### Panel Comment

The Panel notes that above assessment and recommendation. It was informed that the Council has funds available to conduct the proposed study during this financial year.

**The Panel recommends that a study of the Colquhoun area be undertaken by the Council to identify the appropriate development distribution and density taking account of topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road.**

The Panel makes no further recommendation in respect of this submission.

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Submission No. : 102  
Submitter: Frank Herbert, Herbert Petroleum P/L  
Location: Shell Service Station on Tennyson ,Orbost and Self  
Service Station in Newmerella  
Existing Zone: R1Z  
Proposed Zone/Overlay: B1Z  
Requested Zone/Overlay: B1Z

#### Summary

Seeks to zone the Shell Service Station, located on Salisbury Street, Orbost, to Business 1 Zone. The exhibited zone is Residential 1.

Also similarly requests that the service station in Newmerella be zoned B1Z.

#### Related Submission

N/A

#### Assessment

The Orbost site adjoins residential properties with a service station being a consent use within the Residential 1 Zone as such the R1Z was considered appropriate.

The Newmerella site was exhibited as a Business 4 Zone given the B4 zoning of adjoining land. A service station will be an as of right use in this zone.

#### Council Recommendation

Council recommends no change to the scheme.

#### Panel Comment

Mr Dean Herbert appeared before the Panel.

The Panel agrees with the Council's assessment above and makes no recommendation in respect of this submission.

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Submission No. : 103  
Submitter: Fred G Ward  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

Discusses issues relating the road transport system, development of Mount Hotham ski village ( Alpine Shire), fishing shellfish harvesting and aquaculture, mining and minerals development, tourism and the environment, crime and justice, wildfire, water quality, river flow management and coastal management.

### Related Submission

N/A

### Assessment

The above comments are noted and it is considered that the planning scheme adequately manages the above issues where relevant.

### Council Recommendation

Refer to Panel

### Panel Comment

This submission embraces a wide range of issues and comprehensively discusses these at length. Many of the suggestions related to management rather than planning issues.

The Panel notes his comments, as does the Council, and makes no recommendation in respect of this submission.

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Submission No. : 104  
Submitter: Tom Courtney  
Location: Car parking  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

This is a submission relating to the Victoria Planning Provisions and refers to the Carparking Table in section 52.06-6. This is not a matter for consideration by council and the submitter has been requested to advise the Minister for Planning of his concern with the carparking provisions.

#### Related Submission

N/A

#### Assessment

No assessment required

#### Council Recommendation

No council recommendation required

#### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 105  
Submitter: Chris Jordan, Bairnsdale Club Committee  
Location: 68 Nicholson Street  
Existing Zone: Heritage overlay  
Proposed Zone/Overlay: Heritage overlay  
Requested Zone/Overlay: Removal of the overlay

### Summary

Seeks removal of the Bairnsdale Club at 68 Nicholson Street from the Heritage Overlay as it is not justified

### Related Submission

N/A

### Assessment

The property known as 68 Nicholson Street and occupied by the Bairnsdale Club is included in the Schedule to the Heritage Overlay (Section 43.01).

Council's heritage advisor has assessed the premises and states 'This is architecturally significant locally as the last known work by Harry French Bairnsdale's greatest and most prolific Edwardian architect, built around 1940 and historically significant locally as the premises of the Bairnsdale Club for the past almost 60 years, founded in Dux's Coffee Place 100years ago. Henry French was the Club's first life member. Recommendation No evidence has been offered to diminish the evaluation of the cultural significance of this building. Accordingly I support the retention of the heritage overlay in this instance'

### Council Recommendation

Council recommends the deletion of the Heritage Overlay listing No.27 in the Schedule, for 68 Nicholson Street, Bairnsdale.

### Panel Comment

See Submission 87 also.

The Panel notes the advice received from Mr Richard Peterson, Architect and Conservation Consultant, on 25 April 1998, quoted above in the Council's assessment.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 106  
Submitter: Haydn Owen  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

Seeks the deletion of a sentence relating to Apiculture from sections 36.02-1 and 36.03-1 referring to 'Must not be in a Natural Catchment Area designated in the Heritage Rivers Act 1992'

#### Related Submission

109,111

#### Assessment

This submission relates to the Victoria Planning Provisions as such should be addressed by the Minister for Planning. The submitters have been advised accordingly.

#### Council Recommendation

Refer to Panel

#### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 107  
Submitter: Gil Sheppard  
Location: War Memorial Sites  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: Overlay = Heritage overlay

#### Summary

Seeks protection of all Public War Memorials under the new planning scheme.

#### Related Submission

110

#### Assessment

Public War Memorials would generally be located in Council reserves thus protected by the reservation status of the land. A zoning of Public Park and Recreation Zone would not offer any higher level of protection.

#### Council Recommendation

Recommended that the RSL provide a list of War Memorials to include in the Heritage Overlay.

#### Panel Comment

**The Panel recommends that upon receipt of a list of war memorials in the Shire from the RSL, the war memorials be included in the Heritage Overlay.**

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Submission No. : 108  
Submitter: R G Harvey for Telstra  
Location: Telstra properties in Lakes Entrance & Bairnsdale and Orbost  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

Advises that the status of the use of some Telstra land may be affected by the new definitional structure of the V.P.P. The outcome of the changes to the V.P.P. being sought by Telstra with the Department of Infrastructure may therefore influence the planning status of the properties mentioned in the submission, requiring further submissions to the planning scheme.

#### Related Submission

N/A

#### Assessment

The proposed zones of the sites mentioned by Telstra in their submission are acceptable to Telstra.

#### Council Recommendation

Council notes Telstra's comments.

#### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 109  
Submitter: Neil O'Mara  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

Seeks the deletion of a sentence relating to Apiculture from sections 36.02-1 and 36.03-1 referring to 'Must not be in a Natural Catchment Area designated in the Heritage Rivers Act 1992'

#### Related Submission

106,111

#### Assessment

This submission relates to the Victoria Planning Provisions as such should be addressed by the Minister for Planning. The submitters have been advised accordingly.

#### Council Recommendation

Refer to Panel

#### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 110  
Submitter: Secretary RSL  
Location: War memorials  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: Overlay = Heritage overlay

#### Summary

Seeks protection of all Public War Memorials under the new planning scheme.

#### Related Submission

107

#### Assessment

Public War Memorials would generally be located in Council reserves thus protected by the reservation status of the land. A zoning of Public Park and Recreation Zone would not offer any higher level of protection.

#### Council Recommendation

Recommended that the RSL provide a list of War Memorials to include in the Heritage Overlay.

#### Panel Comment

**The Panel recommends that upon receipt of a list of war memorials in the Shire from the RSL, the war memorials be included in the Heritage Overlay.**

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Submission No. : 111  
Submitter: LM Clarkson  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

Seeks the deletion of a sentence relating to Apiculture from sections 36.02-1 and 36.03-1 referring to 'Must not be in a Natural Catchment Area designated in the Heritage Rivers Act 1992'

#### Related Submission

106, 109

#### Assessment

This submission relates to the Victoria Planning Provisions as such should be addressed by the Minister for Planning. The submitters have been advised accordingly.

#### Council Recommendation

Refer to Panel

#### Panel Comment

**The Panel recommends that upon receipt of a list of war memorials in the Shire from the RSL, the war memorials be included in the Heritage Overlay.**

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Submission No. : 112  
Submitter: Wards for ST. Mary's School  
Location: St.Mary's School Site  
Existing Zone: Residential A and Restricted Commercial  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: B1Z

### Summary

St Mary's School and Convent located between Nicholson, Pyke and Francis Streets Bairnsdale are shown as Residential 1 Zone and Business 1 Zone in the new scheme. The submitter considers the site should be zoned B1Z.

### Related Submission

N/A

### Assessment

The site is located on the western edge of the Bairnsdale business district and has high volumes of traffic using the precinct. Given both the sites strategic location enabling the expansion of the business district and its low residential amenity the zoning of Business 1 is considered appropriate.

### Council Recommendation

Council recommends that St Mary's School and Convent located between Nicholson, Pyke and Francis Streets, Bairnsdale be zoned Business 1 Zone.

### Panel Comment

**The Panel adopts the above Council recommendation.**

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Submission No. : 113  
Submitter: BN Carroll & Residents Colquhoun  
Location: Colquhoun  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: Smaller lot size

### Summary

Considers the proposed zoning of Rural Zone with a 15ha. and 50ha. minimum lot size is inappropriate as the Colquhoun area is developing as a cottage industry area and is very marginal grazing land.

### Related Submission

101, 113, 193, 198

### Assessment

The Municipal Strategic Statement recognises the Colquhoun area as appropriate for future residential and rural living land use subject to further studies to 'identify the appropriate development distribution and density, taking account of topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road'. (MSS Page 83) The new planning scheme would be sufficiently flexible to consider a range of land uses and development that would satisfy the cottage industry nature of the area

### Council Recommendation

Council recommends that the area remain as exhibited, Rural Zone and that a study of the area be commenced to identify the appropriate development distribution and density, taking account of the topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road

### Panel Comment

See Submission 101.

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Submission No. : 114  
Submitter: Victoria Farmers Federation  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: Rural Subdivisions, ERZ and overlays  
Requested Zone/Overlay: Changes to lot sizes and overlay schedule.

### Summary

A lot of the submission discusses the VPP's, for which Council can not receive submissions. The submission comments on the planning scheme rural land use, impacts. It suggests inter alia that the minimum lot size for the Rural Zone Schedule should be 40ha. not 100ha. and views flexibility for land use within the Shire as the most important outcome of the planning scheme. In addition the submission comments on the policies and overlays relating to rural land use.

The following comments are restricted only to the ERZ & Overlays

Requests that minimum lot size for Environmental Rural Zone should be 4ha.

Much of the submission is regarding the VPP component over which Council has no control. Objects to use of Environmental Significance Overlay as perceives will hinder agricultural activities. Claims that DNRE Sites of Biological Significance is an inaccurate source for information. Request that ESO and SMO Schedules state that no permit be required for grazing, burning, slashing and ploughing within ESO and SMO. Claims that Native Vegetation Retention Controls should not be applied in Decision Guidelines of schedule to ESO.

Requests that no permit be required for grazing or moving of stock on roadsides covered by Vegetation Protection Overlay.

Need to define the terms 'environmental integrity', 'predominantly cleared' and 'works'.

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

Numerous comments such as 'The VPP 'Purpose' contains woolly-eared nonsense' pertain to the construction and detail of the Victoria Planning Provisions and would be better directed to the Minister for Planning for assessment.

In relation to the Rural Zone lot size schedule the 100ha min. was originally selected for application over the broad area rural properties based on version 1 of the Victoria Planning Provisions. This version included an entitlement that allowed subject to consent the excision of one small allotment from a lot that met the schedule minimums. Therefore the average minimum lot size was 50ha. if land owners exercised their rights to the above provision. The maps were drafted and then version 2 of the V.P.P.s deleted the provision too late for the maps to be redrawn for the exhibition. Council has reconsidered its position on this matter and is

recommending the minimum lot size be 40 ha. replacing the 100ha. previously exhibited.

4ha ERZ lot size represents a high density that would not allow for adequate protect of environmental values.

There is no better source of information for Sites of Biological Significance

Agree that no permit be required for grazing, burning, slashing and ploughing within ESO & SMO.

The Particular Provisions require that Native Vegetation Retention Controls must be applied to all removal of native vegetation.

Grazing or moving of stock on roadsides currently requires a permit and this is consistent with the Roadside Management Plan developed with community input.

Provide definitions as requested.

### Council Recommendation

Council recommends that the Schedule to the Rural Zone (section 35.01) be amended from 100ha. to 40ha.

Retain existing ERZ lot size.

Agree that no permit be required for grazing, burning, slashing and ploughing within ESO & SMO.

### Panel Comment

1. The Panel in the main agrees with the Council's assessment above. Elsewhere in this Report, the Panel has accepted the Council's recommendation regarding the reduction of 100 hectares to 40 hectares for the minimum subdivision lot size in the Rural Zone.
2. The Panel has also elsewhere in the Report made comment and recommendation regarding the application of the ESO in the Planning Scheme and has adopted the Council's recommendations regarding no permit being required for grazing, burning, slashing or ploughing within an area covered by the ESO and SMO. See Submission 214 which also includes an exemption from obtaining a permit for the removal and/or cutting of timber for fencing and the harvesting of firewood for personal use (not commercial sale).
3. The Panel does not consider an exemption from obtaining a permit for grazing or moving of stock on roadsides covered by a Vegetation Protection Overlay (VPO) to be appropriate.
4. The Panel has elsewhere recommended amendment of the Dwellings in Rural Areas Policy Clause 22.07 in line with the Council's suggested change. See Submission 214.

5. The Panel does not agree that there is a need to provide definitions of:

- ‘good quality agricultural land’
- ‘suitable rural uses’;
- ‘prime or high quality agricultural land’;
- ‘substantially cleared areas’;
- ‘inappropriate clearing and harvesting’;
- ‘works’; and
- ‘environmental integrity’

as submitted by the VFF.

The Panel notes that ‘works’ is defined in the *Planning and Environment Act 1987*.

If a need to define the others exists, it should be on a statewide basis.

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Submission No. : 115  
Submitter: AK Arnold  
Location: 9-11 Wellington St, Payneville  
Existing Zone: Residential  
Proposed Zone/Overlay: B1Z  
Requested Zone/Overlay: R1Z

#### Summary

This submission advises council that the zoning boundary is inaccurate on Map No.51 as the Business 1 Zone runs through their residential property.

#### Related Submission

N/A

#### Assessment

Map No 51 is incorrect and should be amended to show No. 9-11 Wellington Street Paynesville as Residential 1 Zone.

#### Council Recommendation

Council recommends that Map No 51 be amended to show No. 9-11 Wellington Street Paynesville as Residential 1 Zone.

#### Panel Comment

**The Panel recommends that Map 51 be amended to show the zoning of Nos 9-11 Wellington Street, Paynesville as Residential 1.**

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Submission No. : 116  
Submitter: NA McKenzie  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

Provides observations relating to the need to properly plan for the increasing population of Lakes Entrance and comments on the opportunity that the new planning scheme offers to plan for the next 15years.

#### Related Submission

N/A

#### Assessment

The above comments are noted and it is considered that the planning scheme achieves the above statement.

#### Council Recommendation

Refer to Panel.

#### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 117  
Submitter: A.J. AH SAM  
Location: Rural zone  
Existing Zone: N/A  
Proposed Zone/Overlay: R1Z & RUZ(100ha)  
Requested Zone/Overlay: Smaller lot size

### Summary

States that the residential zone of Omeo does not include all the area with sewerage reticulation. Also the 100ha rural zone is far too large within 1km of town.

### Related Submission

N/A

### Assessment

In preparing the planning scheme maps for Omeo it was councils objective to incorporate all the sewage district into the Residential 1 Zone. The section missed out should be incorporated into the R.1.Z.

Open rural land surrounds the town justifying the Rural Zone. Whilst this area was exhibited as having a 100ha. min. lot size council is recommending an amendment to 40ha

### Council Recommendation

That the sewage district be zoned Residential 1

### Panel Comment

**The Panel recommends that the area having reticulated sewerage within the Omeo Sewerage District as defined by East Gippsland Water be zoned Residential 1.**

The Panel has elsewhere recommended the minimum lot size for subdivision in the Rural Zone in the Omeo region and elsewhere be changed from 100 hectares to 40 hectares.

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Submission No. : 118  
Submitter: Mr RS Dingey  
Location: Lanes Rd, Lucknow; Olivers Rd, Sarsfield;  
McNamaras La, Sarsfield; Whelans Rd, Sarsfield;  
Sanford La, Lucknow and Nicholson, Sarsfield  
Existing Zone: Various  
Proposed Zone/Overlay: RUZ(100ha) &RUZ(30ha)  
Requested Zone/Overlay: RLZ

### Summary

A number of land owners (17) signed this submission requesting a change from the exhibited Rural Zone (100ha) and (30ha) to the Rural Living Zone in order to facilitate the subdivision of their properties.

### Related Submission

10, 44, 118

### Assessment

Whilst this area is close to Bairnsdale it is low lying land and poorly drained. Furthermore the land with frontage to the Princes Highway is subject to the Princes Highway Corridor Policy (Local Policies p20) that has as its objectives :-

- To ensure that development in the Princes Highway corridor is managed to minimise adverse effects on the safe and efficient flow of traffic along the highway.
- To encourage high standards of design and the use of appropriate materials in buildings and works to be constructed within the highway corridor.
- To prevent linear or ribbon development along the Highway corridor.
- To protect significant native vegetation in the Highway road reserve.
- To assist the preparation of the M.S.S. Council commissioned (1997) planning consultants Spiller Gibbins Swan P/L to undertake a low density living study for the shire. The objective of the study was to determine whether there is a need for low density residential living in the shire and, if so, identify areas that can meet that need, without impacting adversely on agricultural or environmental sustainability. This study did not recommend this area for rural living as it considered there is ample land for this purpose to meet the planning horizon of the new scheme.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

Mr Robert Dingey appeared before the Panel for himself and some 17 other landowners in the Sarsfield area and spoke to his written submission.

Mr Dingey owns some 100 acres which does not front the Princes Highway as stated in the Council's assessment above and is not low lying and poorly drained. It is not therefore affected by Council's Princes Highway Corridor policy. His land is presently zoned Mixed Farm and is intended to be zoned Rural.

The Panel has previously recommended adoption of the Council's change from a minimum lot size for subdivisions from 100 hectares to 40 hectares in the Rural Zone.

The Panel agrees with the Council's assessment of this land and that surrounding it vis a vis the Spiller Gibbins Swan Pty Ltd study and therefore makes no recommendation in respect of this submission.

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Submission No. : 119  
Submitter: Centre of Bairnsdale Committee  
Location: Former East Gippsland Centre site  
Existing Zone: R1  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: MUZ

### Summary

The site of the former geriatric nursing home known as the East Gippsland Centre is now unoccupied. A committee has been formed to investigate possible uses and this committee is suggesting that the proposed Residential 1 Zone is inappropriate as it does not offer sufficient flexibility for the future use of the property.

### Related Submission

N/A

### Assessment

Whilst the property is located in a residential area, the substantial buildings will lend themselves to recycling to a range of non-residential activities. In addition the site is sufficiently large to enable upgrading of carparking areas and appropriate buffer distances to neighbouring residential properties, if necessary. The Mixed Use Zone would provide greater flexibility for the sites future use and as such is considered more appropriate than the R1Z.

### Council Recommendation

Council recommends that the area bounded by McKean, Drevermann, Morgan and Moroney Streets be zoned Mixed Use Zone.

### Panel Comment

The Panel considers that this large block of land of approximately five acres would be a virtual island surrounded by residentially zoned land if zoned Mixed Use as suggested by the Council.

The Residential 1 zone allows flexibility for continued and future uses of the land. If a specific proposal warranting a change in zoning is made, consideration to a change in zoning can then be given.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 120  
Submitter: Gippsland Coastal Board  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

The Gippsland Coastal Board considers the new East Gippsland Planning Scheme is consistent with, and complementary to, the objectives of the Board for the use and conservation of the coast.

### Related Submission

N/A

### Assessment

Nil required

### Council Recommendation

Nil required

### Panel Comment

The Board is satisfied that the Planning Scheme provides a sound framework for it and the Council to undertake Coastal Action Planning in East Gippsland and approves:

- the status given to the Victorian Coastal Strategy and Coastal Action Plan in the SPPF;
- the prominence in the MSS (Clause 21.8-4) to coastal water quality and fish stocks;
- the Shire's strategic directions relating to coastal management;
- the recognition given to the Gippsland Lakes Strategy and successor documents;
- the objectives relating to fish stocks in lakes and rivers in the Habitat Protection and Biodiversity Conservation section of the Scheme;
- the zoning of coastal Crown land as either PPRZ or PCRZ.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 122  
Submitter: V.A. Nixon  
Location: Volume 6443. Fol 1288495  
Existing Zone: RR1  
Proposed Zone/Overlay: LDRZ  
Requested Zone/Overlay: RLZ(8ha)

### Summary

Our property at No645 Bullumwaal Road, Mt Taylor appears to be zoned Rural Zone with a minimum subdivision lot size of 100ha. This is a major change to the current scheme provisions which allows subdivision to 4.0ha

### Related Submission

N/A

### Assessment

The new East Gippsland Planning Scheme zones No645 Bullumwaal Road, Mt Taylor as Low Density Residential Zone not Rural Zone as suggested

### Council Recommendation

Council recommends that the Low Density Residential Zone as exhibited be retained

### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 123  
Submitter: Steve Mathews  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

A comprehensive submission that provides comments and suggestions on most aspects of the planning scheme.

### Related Submission

N/A

### Assessment

This is a complex and thorough submission that in essence is supporting the planning schemes use of overlays and the minimum lot size of 100ha. for the Rural Zone. However, by way of summary, this submission is recommending additional studies be undertaken in the areas of landscape and heritage assessment to strengthen the respective overlays. The majority of the recommendations advanced in this submission have been addressed through recommendations contained in the other submissions.

### Council Recommendation

The recommendations by Council contained in this report to the Panel adequately address the majority of suggestions advanced in this submission.

### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 127  
Submitter: D. Paterson & Others  
Location: Existing Reserve at 198A Bullumwaal Road  
Existing Zone: POS1  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: PPRZ

### Summary

This submission objects to the blanket zone of Residential 1 being applied to the urban areas without zoning recognition being given to existing reserves and in particular the reserve at 198A Bullumwaal Road, Bairnsdale.

### Related Submission

1, 26, 52, 88, 127, 201

### Assessment

A key principle in the development of the new scheme was the need to simplify and rationalise the zoning structure. In applying this principle council did not see it as appropriate to identify each reserve within its municipality with a individual zone. Council considered there was sufficient legal protection for reserves under other legislation. In addition council has adopted a policy to notify landowners adjoining reserves if there is a intent to dispose of the reserve by council.

### Council Recommendation

Council recommends that the planning scheme remain unchanged ie that the Residential 1 Zone be applied to the open space reserves.

### Panel Comment

See Submission 12.

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Submission No. : 128  
Submitter: EDM Rowe  
Location: Lot 2 CA92 & 93  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: Seeking an excision of a 6 ha lot

### Summary

Seeking an excision of a 6ha lot from their property in order to execute the conditions of a will.

### Related Submission

N/A

### Assessment

The exhibited scheme zoned this area Rural Zone with a minimum subdivision area of 100ha. Section 35.01-4 of the new scheme would allow, subject to a planning permit, the excision of a lot of at least 0.4ha if there was an existing dwelling. In this case there is no dwelling therefore there is no entitlement for the subdivision.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

Mr Len Rowe appeared at the hearing.

The Panel has elsewhere recommended adoption of the Council's recommendation relating to amending the minimum subdivision lot size in the Rural Zone from 100 hectares to 40 hectares.

The excision proposed by Mr Rowe will not be permitted under the Planning Scheme when adopted.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 130  
Submitter: Andrew M Noble  
Location: MUZ in Payneville  
Existing Zone: C2 & R5  
Proposed Zone/Overlay: MUZ  
Requested Zone/Overlay: R1Z

### Summary

The Mixed Use Zone extending from Fort King Road and below Windermere Terrace, Paynesville allows too wide a range of uses that could conflict with the nearby residential development. The northern boundary of the Mixed Use Zone adjoining Burden Place and the Bairnsdale-Paynesville Road should follow the rear cadastral boundary of the properties fronting the Bairnsdale-Paynesville Road

### Related Submission

N/A

### Assessment

The Mixed Use Zone was applied to the Fort King Road, Windermere Terrace area to facilitate the further extension of the canal estate and commercial development that may associate with this proposal, such as holiday accommodation/resort development perhaps including offices, residential development or a retail area. The Residential 1 Zone does not have the flexibility to consider the above range of uses.

As a result of a drafting error the planning maps showing the northern boundary of the Mixed Use Zone adjoining Burden Place and the Bairnsdale-Paynesville Road will be amended to follow the rear cadastral boundary of the properties fronting the Bairnsdale-Paynesville Road

### Council Recommendation

Council recommends that the Mixed Use Zone extending from Fort King Road and below Windermere Terrace, Paynesville remains as exhibited and the northern boundary of the Mixed Use Zone adjoining Burden Place and the Bairnsdale-Paynesville Road should be amended to follow the rear cadastral boundary of the properties fronting the Bairnsdale-Paynesville Road.

### Panel Comment

The Panel agrees with the above Council assessment and makes no recommendation in respect of the proposed Mixed Use Zone extending from Fort King Road and below Windemere Terrace, Paynesville.

The Panel recommends amendment of the northern boundary of the Mixed Use Zone adjoining Barden Place and the Bairnsdale-Paynesville Road to follow the rear cadastral boundary of the properties fronting the Bairnsdale-Paynesville Road.

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□ Submission No. : 131  
Submitter: National Trust of Australia  
Location:  
Existing Zone:  
Proposed Zone/Overlay:  
Requested Zone/Overlay:

### Summary

(Letter 1)

The National Trust advises that the Cabbage Tree Creek Bridge should be incorporated into the Heritage Overlay. The Trust provides a detailed description and history of the bridge in their submission.

(Letter 2)

The Trust provides comments and recommendations in relation to the M.S.S., the Heritage Policy, the Significant Landscape Policy, the Environmental Significance Overlay and the Heritage Overlay.

### Related Submission

N/A

### Assessment

(Letter) 1

The Cabbage Tree Creek Bridge should be incorporated into the Heritage Overlay.

(Letter 2)

The Trust suggests that the Heritage Policy should refer to the City of Bairnsdale Heritage Study. The places identified in the Study have been included in the Heritage Overlay as such it is considered that there is adequate planning control of these sites.

In relation to the Significant Landscape Policy and in the absence of a landscape assessment of the shire, available information was used in the preparation of the Policy.

It is Council's intention to prepare and incorporate through subsequent amendment to the scheme a Significant Landscape Overlay.

The Trust in later correspondence acknowledges Council's Environmental Significance Overlay.

The places mentioned for inclusion in the Heritage Overlay will be discussed with the Trust and incorporated into the Overlay if appropriate.

## Council Recommendation

(Letter 1)

Bridge lost if floods.

(Letter 2)

Prepare and incorporate through subsequent amendment to the scheme a Significant Landscape Overlay.

Incorporate heritage places and sites deemed appropriate by Council and the Trust into the Overlay.

## Panel Comment

Mr David Moloney appeared before the Panel.

1. The Panel notes with regret, as does the Council, that the Cabbage Tree Creek bridge, a five span timber-beam highway bridge on timber piers dating from 1938 and of historical and scientific significance at State level was swept away from its location north of the Princes Highway over the Highway and deposited in the creek south of the Highway by the recent devastating floods of June 1998. The bridge has been lost.
  2. The Panel has elsewhere endorsed and recommended the preparation and incorporation into the planning scheme of a Significant Landscape Overlay as proposed by the Council.
  3. **The Panel recommends inclusion in the Heritage Overlay those heritage places and sites deemed appropriate after discussions with the National Trust.**
-

Submission No. : 132  
Submitter: RJ McClare  
Location: PPRZ surrounding the Motor Cruiser Club & MUZ extending from Fort King Road  
Existing Zone: C2 & R5  
Proposed Zone/Overlay: PPRZ & MUZ  
Requested Zone/Overlay: R1Z

### Summary

The area surrounding the Motor Cruiser Club at Paynesville should remain as open space. The Mixed Use Zone extending from Fort King Road and below Windermere Terrace, Paynesville should be zoned Residential 1 Zone and not allow commercial or industrial uses as the MUZ will permit.

### Related Submission

N/A

### Assessment

The area surrounding the Motor Cruiser Club is shown as Public Park and Recreation Zone in the exhibited scheme. The Mixed Use Zone was applied to the Fort King Road, Windermere Terrace area to facilitate the further extension of the canal estate and commercial development that may associate with this proposal, such as holiday accommodation/resort development perhaps including offices, residential development or a retail area. The Residential 1 Zone does not have the flexibility to consider the above range of uses

### Council Recommendation

Council recommends that the zones remain as exhibited.

### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 133  
Submitter: Patricia Whately-McClare  
Location: Industrial site in Grandview Rd, Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: RUZ

### Summary

Expresses concern that the proposed Grandview Road industrial estate at Paynesville will detract from the appearance of the area and will be visible from the Lakes, in addition there is no need for the proposal as Bairnsdale has sufficient industrial land. Also suggests that Forge Creek Road would provide a better location

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.



### Panel Comment

Ms Whately-McClare appeared before the Panel in support of her submission.

The proposed industrial area is located some 1.3 kilometres from the edge of the township (as a crow flies), and over 2.5 kilometres from the industrial/business zoning in the heart of Paynesville. The proposed zone is surrounded by Rural zoning.

The submitter believes that there has been insufficient consideration of the need for, and impacts of the proposed industrial zone, and that there has been insufficient consultation with the local community. The Panel is also concerned about the relative remoteness of the proposed industrial zone, and believes that any additional industrial development would be more appropriately located within the town, close to related support services and businesses.

**The Panel considers that insufficient strategic justification has been given for the proposed industrial zone, and recommends that the Industrial 1 Zone in Grandview Road, Paynesville be deleted from the planning scheme map; that the land be zoned Rural 1; and that the MSS be amended accordingly.**

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Submission No. : 134  
Submitter: Michael Howlett  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: Smaller lot size

### Summary

There should be greater flexibility in the rural controls to allow for the subdivision of properties. Rural cluster subdivisions should be encouraged to allow the farmer the opportunity of subdividing small lots and retaining the balance for farming purposes. Suggests a communal stock yard should be incorporated into rural living subdivision designs. Considers there is confusion in the rural controls, too many subdivision options. Future industrial estates should be better planned with more emphasis on landscaping and effective screening

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

One of the principle tenets of the new scheme is flexibility in the land use management of the rural area together with the rationalisation of zones.

The Municipal Strategic Statement contains policies that recognise the need for well planned, presented and landscaped industrial estates. (sections 22.02 and 22.03)

### Council Recommendation

Council considers that there is sufficient flexibility in the exhibited scheme and considers there is no need to amend the exhibited scheme in this regard.

### Panel Comment

Mr Michael Howlett appeared before the Panel.

1. It is noted that a cluster farm subdivision as suggested is a permitted use in the Rural Zone as proposed for the subject properties.
2. See Submission 35 in relation to comments on the suggestion for denser subdivision entitlements. The Panel supports the findings of the Spiller Gibbins Swan Pty Ltd study and accordingly makes no recommendation in respect of this part of the submission.
3. The Panel notes that adequate and appropriate guides for consideration of planning application for industrial uses of rural land are contained in the MSS in the Tourist, Commercial or Industrial Developments in Non Urban Areas – Clause 22.06.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 135  
Submitter: Deacons Graham & James (on behalf of 28 land owners)  
Location: Mosquito Point at Metung  
Existing Zone: RU1  
Proposed Zone/Overlay: ERZ(10ha)  
Requested Zone/Overlay: Changes to ERZ Schedule and MSS 21.10.7

### Summary

Concerned that Environmental Rural Zone (10ha) may allow development of more than one dwelling on single allotment. Claim that this would be contrary to high environmental values and special characteristics of the area. Acknowledge that zoning clauses can not be changed but request MSS (21.10.7) be amended to specifically discourage development of more than one dwelling per allotment in the ERZ at Mosquito Point.

### Related Submission

12, 135, 176, 179

### Assessment

MSS (21.10.7, page 82) adequately addresses need to assess desirability of more than one dwelling.

### Council Recommendation

Retain as exhibited.

### Panel Comment

Jennifer Jones, Planning Consultant, appeared at the hearing.

The Panel notes the above summary and **recommends that the third dot point at Clause 21.10-7 of the MSS be replaced with *'development of more than one dwelling on any lot will be actively discouraged unless it can be demonstrated that the environmental qualities of the area are not adversely affected.'***

See also Submission 12 relating to the 'rural residential' settlement to the west of the subject land.

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Submission No. : 136  
Submitter: L. Eskdale  
Location: Industrial site at Grandview Road  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: Residential

### Summary

This submission containing 21 signatures objects to the proposed Grandview Road industrial estate at Paynesville on the grounds that it will detract from the appearance of the area, there is no need and Bairnsdale's industrial area will cater for Paynesville's general industrial needs

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer submission 133

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Submission No. :	137
Submitter:	N.F. Hadley
Location:	Industrial site at Grandview Road, Paynesville
Existing Zone:	F1
Proposed Zone/Overlay:	IN1Z
Requested Zone/Overlay:	Residential

### Summary

Protests the proposed industrial zoning of a section of Grandview Road, Paynesville as it will spoil the magnificent views of the lakes and the mountains

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

### Panel Comment

Refer Submission 133.

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Submission No. : 142  
Submitter: G.W. & WJ Cooke  
Location: Tambo Bluff  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

Identifies a number of issues relating to the Tambo Bluff estate that require addressing by council, including the provision of infrastructure, the estate name change, councils attitude, road closures, the Low Intensity Use area, quality of housing, erosion control and considers the provision for an industrial zone at the intersection of Rosherville and Nungurner Roads Metung is inappropriate.

### Related Submission

19, 121, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 196

### Assessment

#### Background

The Tambo Bluff estate had its origins as a Soldier Settlement grant in 1949. Less than twelve years later the farm had been divided into nine related subdivisions totalling well over a thousand lots (1195 residential sites and 33 shop sites). The majority of these lots were less than 500m<sup>2</sup> with most being 465m<sup>2</sup>. The estate remains unserviced with the exception of power.

A committee was formed in the late 1970s to prepare a restructure plan of what was then called Blue Horizons later renamed Tambo Bluff Estate. The committee's report gave the background to the proposed planning controls as:-

In the 1950s and 1960s, much rural land around the Gippsland Lakes was subdivided into home sites in expectation of great increases in demand for holiday-home type construction or as a means of investment. The land was sold to the public at reasonable prices because, as farm land, it was able to be purchase by the developer relatively cheaply. It was also not necessary at that time for the subdivider to provide a range of expensive services which is usually required in a present day subdivision. When the Blue Horizons was created in 1960-62, it complied with all the legal requirements of that time.

By early 1970 it had become apparent that much of the residential subdivision around the Gippsland Lakes was inappropriate. The full development of some of these subdivisions would have profoundly serious effects on the Lakes, thus threatening the very qualities which made them so attractive to the people who purchased there and to all others who visit or use them.

In 1973 the Town and Country Planning Board took out interim planning control over the area and halted development on a number of subdivisions around the lakes until the effects on substantially increased human occupation of these places were fully understood.

The key features of the restructure plan are :-

- Incorporating lots (254) where any development was inappropriate (largely gully areas) into a Low Intensity Use Area;
- Absorbing some lots (65) on the periphery of the Estate abutting existing Reserves/Public Open Space status.
- The remaining properties (908) were incorporated into a fewer number (328) of enlarged building blocks (Restructure Lots) by amalgamating two or more of the original subdivision lots.

A number of roads were also shown to be closed, principally roads along gullies.

### **Current Situation**

The restructure of the estate is slowly progressing with :-

- over half of the restructure lots being consolidated
- thirteen percent (43) of the blocks containing dwellings
- none of the suggested roads closed
- power being the only service provided to the estate
- just over half of the land in the Low Intensity Use area remaining in private ownership

### **New Planning Scheme**

The new East Gippsland Planning Scheme proposes to zone the area Low Density Residential Zone and Public Park and Recreation Zone with the following overlays applying to the estate:-

- Erosion Management Overlay
- Land Subject to Inundation Overlay
- Vegetation Protection Overlay and the
- Restructure Overlay

The Restructure Overlay is essentially the same restructure plan as prepared by the Town and Country Planning Board with several minor amendments indicating additional road closures. These suggested road closures are where the roads are not required for public use.

Council is in the process of reviewing the development of the estate and will be assessing the provision of infrastructure such as roads, drainage, water and a reticulated effluent disposal system.

### Council Recommendation

Council supports the inclusion of the Restructure Overlay with minor amendments to the road closure provisions to incorporate a walking track in the closed section of James Street and Foreshore Road and provide for emergency vehicle access.

### Panel Comment

There are 18 submissions in relation to Tambo Bluff and these submissions have been considered by the Panel as a group. These submissions are:

Submission 16	Petra Hilbert
Submission 19	Jochen Kruse
Submission 121	C B Healey
Submission 138	K G Hardcastle
Submission 139	Alan Gaudion
Submission 140	J G Kellett
Submission 141	Val Fowles
Submission 142	G W & W J Cooke
Submission 143	K & T Wilson
Submission 144	Roger Arrell
Submission 145	K A & E F Hillebrand
Submission 146	D & S Hardiman
Submission 147	Minggold Pty Ltd
Submission 148	L R Mainard
Submission 149	Tambo Bluff Landcare Group
Submission 150	S E Douglas
Submission 151	Ken Bonwick
Submission 196	L Hillgrove

Ms Cheryl Mainard (submission 149) from the Tambo Bluff Landcare Group, Mr Ramon Jiminez (submission 147) from Minggold Pty Ltd, Messrs Hardcastle and Horner (submission 138), and Mr Mainard (submission 148) appeared before the Panel in support of their submissions.

The Panel was informed that:

- The Tambo Bluff estate is an 'old and inappropriate' subdivision. The estate is located on the north shore of Lake King, 2 kilometres west of Metung, and is located high on Tambo Bluff with extensive views over the Gippsland Lakes.



The estate is highly visible from Lake King, and from the mouth of the Tambo River and adjacent river flats to the north of Tambo Bluff.

- In the early 1960s the land was subdivided into 1195 residential lots and 33 shop sites. The majority of the lots had an area of around 465 square metres. The Tambo Bluff estate is located on a plateau cut by two steep gullies that drain into large swamps in the lower sections of the gullies. The structure of the soil and the steep slopes over much of the land creates erosion and effluent disposal problems and renders much of the land unsuitable for development. Furthermore, parts of the estate are subject to flooding.
- In the 1970s it was recognised that inappropriate subdivisions around the Gippsland Lakes had potential to seriously affect the lakes through sedimentation from erosion; pollution from septic and stormwater runoff; and from visual impacts caused by the intensity of development and other impacts such as vegetation removal. In 1973 the Town and Country Planning Board introduced special planning controls over the area and prepared restructure plans for a number of inappropriate subdivisions.
- A restructure plan was prepared for the Tambo Bluff estate. The plan restructured 908 allotments into 328 (now 324) allotments by combining the lots into groups of 2, 3 or more. These allotments are referred to as 'restructure lots', and a permit may be obtained to build a house on a restructure lot. A further 254 allotments were identified as unsuitable for development because they are too steep or because they are floodprone. These lots are referred to as 'low intensity use' lots and may not be developed. In addition, the open spaces reserves within the estate were increased by including 65 allotments in the reserves, and a number of streets were to be closed where the lots fronting them had alternative access.
- Some restructuring of the estate has occurred:
  - Approximately 50% of the allotments have been restructured, and a further 25% are capable of being restructured (ie are in the one ownership). This leaves less than 25% of the potential restructure lots (68 lots) still in divided ownership.
  - A total of 43 houses have been erected within the estate.
  - Of the 254 low intensity use lots, 117 are owned by Council and 137 are still in private ownership.
  - None of the roads have been closed.
- Electricity is the only service provided to the estate, and the roads vary in condition from formed but unconstructed roads to overgrown and virtually non-existent roads.
- A review of the estate was carried out in 1997 by Paul Maroney of Subdivision Restructure Associates. The review report contained a number of recommendations, including:
  - that 6 restructure lots be reclassified as low intensity use lots (restructure lots 15, 16, 21, 31, 299 and 302);

- that Council acquire the remaining low intensity use lots that are in private ownership;
- that the restructure plan show all roads serving the low intensity use lots 'to be closed';
- that all other roads not required to provide access to lots also be shown 'to be closed'.

Public meetings were held with property owners early this year to discuss the recommendations of the Maroney report,

- The estate is included in a Low Density Residential Zone in the exhibited planning scheme, and the restructure plan exhibited with the scheme shows the recommended road closures and 6 restructure lots reclassified as low intensity use lots as recommended in the Maroney Report. Four overlays apply to the estate: an Erosion Management Overlay, a Land Subject to Inundation Overlay; a Vegetation Protection Overlay and a Restructure Overlay. Open space areas are included in a Public Park and Recreation Zone.

The submissions received fall into four distinct categories:

- Two submissions relate to the reclassification of restructure lots as low intensity use lots in the exhibited restructure plan. These submissions relate to restructure lots 15, 16 and 21 in Outlook Drive, and restructure lot 31 in Kookaburra Avenue. The lots were reclassified because the land is low lying and was considered to be subject to flooding and have poor capability to retain septic waste. However, inspections of these sites after the recent floods revealed that lots 21 and 31 have no drainage problems. Council has therefore recommended that these lots retain their original classification as restructure lots.

In relation to lots 15 and 16, the submitter argues that the lots are not floodprone and waste water can be satisfactorily treated and disposed of within the boundaries of the lots.

- Ten submissions object to proposals to close roads, and/or the way in which land from road closures is apportioned to adjoining owners. Other submissions support the road closure proposals. Opposition to the road closures relates to closure of trafficable roads; loss of access to the lake; loss of viewing spots over the lake; and fire hazard caused by loss of emergency vehicle access.
- A number of submissions sought to revisit the restructure plan, arguing either that their land is suitable as a building site without restructuring (lot 717); or that their land should not be classified as a low intensity use lot as the land can be developed without causing environmental problems (lot 1218, and lots 1262/1262 and lots 1257/1258).
- A number of submissions argued that:
  - controls must ensure that lots are large enough to contain septic waste;
  - low intensity use lots should be zoned as open space;
  - walking tracks should be provided in the road closure areas; and

- extensive tree planting programmes should be encouraged, particularly to hide the unsightly power poles on the estate.

The Tambo Bluff Landcare Group also submitted that:

- the Land Subject to Inundation Overlay should be extended to include all floodprone land;
- the Erosion Management Overlay should be extended to cover the whole of the cliff area;
- an Environmental Significance Overlay should be applied over the wetlands;
- a Public Acquisition Overlay should be applied over all low intensity use lots;
- a Design and Development overlay should be applied to the whole of the estate.

The issues associated with the Tambo Bluff estate are complex and difficult, and have caused hardship and frustration to landowners over a long period of time. It is not the role of the Panel to review the detail of the Restructure Plan, nor does it have sufficient information to carry out such a review. However, the Panel notes that much has been achieved since 1973, when the Town and Country Planning Board sought to control inappropriate subdivisions around the Gippsland Lakes. Furthermore, the Council, in commissioning a review of the estate, has taken a commendable first step in addressing the complex issues that still need to be resolved.

The Panel believes that the Low Density Residential Zone is appropriate to the estate, in combination with the Restructure Overlay and other overlays that address the environmental issues on the estate. However, the Panel notes that there is no clear statement of policy, either as part of the restructure plan or as a local planning policy, in relation to development of the restructure lots or the low intensity use lots.

In the Low Density Residential Zone use of land for a dwelling must comply with Clause 32.03-2. Clause 32.03-2 states that:

*' A lot may be used for one or two dwellings provided the following requirements are met:*

- *Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (waters of Victoria) under the Environment Protection Act 1970. ....'*

The Panel notes that the Review of the Tambo Bluff Estate raises doubts about the ability of restructure lots within the estate to satisfactorily retain septic effluent. The report states that:

*' ..... Many of the Restructure Lots are only 929 sq m in area and square shaped into the bargain ..... this makes it less likely that these Restructure Lots could contain the effluent within the property especially if the central placement of a dwelling limits the septic arrangements to a small corner block. .... If the effluent cannot be contained within the Restructure Lots then further development of the Estate may not be possible if the Septic Tank Code of Practice is strictly enforced.'*

In view of the doubts about the ability of the restructure lots to retain septic effluent, the Panel believes that a more detailed study should be conducted of the estate to assess the capability of the restructure lots to treat and retain effluent. Furthermore, a Local Planning Policy should be developed for the Tambo Bluff estate that clearly sets out policy in relation to development of: the restructure lots; the lots that have not yet been restructured; and the low intensity use lots, and should set out requirements in relation to the treatment and disposal of waste water (such as definition of effluent disposal envelopes and appropriate soil percolation tests as recommended in the Review of the Tambo Bluff Estate).

Under the provisions of the Restructure Overlay a planning permit is required to construct or extend a dwelling. The decision guidelines of the overlay include:

- *The objectives of the restructure plan for the area.*
- *Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.*
- *The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridgelines and property boundaries.*
- *The availability of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *The design of buildings.*

A Local Planning Policy developed for the Tambo Bluff estate (as referred to above) should set out objectives for the restructure plan, as referred to in the decision guidelines, and should provide clear guidance on the appropriate form of development within the estate.

Furthermore, it is important that development of the Tambo Bluff estate is carried out in the broader context of the strategies for the Gippsland Lakes contained in the Council's MSS-strategies in relation to protection and enhancement of water quality and protection of the significant landscapes of the lakes. One of the major issues associated with the Tambo Bluff estate is the potential for soil erosion and effluent disposal problems — and the consequent impacts on the wetlands within the estate and on the waters of Lake King through sedimentation and nutrient input. Other issues include the potential impact of development on this visually prominent site on the sensitive landscape of Lake King.

The Panel believes that a further more detailed study of the estate should be carried out that looks at ways the estate should develop, whilst at the same time protecting the water quality and significant landscapes of Lake King. The Panel notes that the features of the estate are not only constraints to development, but, if properly managed may also be opportunities for the creation of an attractive residential development. Tambo Bluff is located in a prominent position and commands spectacular views over Lake King and the surrounding countryside. The distribution of open space areas and other Council owned land, if appropriately developed, could help to integrate development within the estate into the landscape; and the swamplands within the lower parts of the gullies could be developed into significant and attractive wetlands that could become an important feature of the estate.

A detailed study of the estate could also examine these matters and the various issues raised by submitters in relation to the restructure plan.

**The Panel recommends that:**

- **A Local Planning Policy be developed for the Tambo Bluff estate:**
    - **setting out objectives for the restructure plan;**
    - **setting out policy in relation to development of restructure lots; lots that have not yet been restructured; and low intensity use lots**
    - **setting out requirements in relation to the treatment and disposal of waste water;**
    - **providing clear guidance on the appropriate form of development within the estate.**
  - **A detailed study of the estate be carried out to assess, amongst other things:**
    - **the capability of the restructure lots to treat and retain septic effluent;**
    - **the development potential of the subdivision if it is sewerred;**
    - **the development potential of the lots referred to by submitters;**
    - **proposed road closures and apportionment of land from the closures to adjoining land owners;**
    - **future use of low intensity use lots that are owned by Council;**
    - **development of the open space areas and swamplands;**
    - **provision of walking tracks and car parking areas;**
    - **road construction standards,****and to develop design and development guidelines for the estate.**
-

Submission No. : 152  
Submitter: Tambo Historical Society Inc.  
Location: Tambo historical sites  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

Seeks to ensure that Council be aware of and notify the Tambo Historical Society and other incorporated bodies when heritage and cultural matters are raised in relation to a proposed development.

#### Related Submission

19, 121, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 196

#### Assessment

Council at the planning permit stage does consult with relevant bodies when considering matters relating to heritage and cultural.

#### Council Recommendation

Council notes the above comments

#### Panel Comment

The Panel notes the Council comments makes no recommendation in respect to this submission.

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Submission No. : 154  
Submitter: Lake Tyers Coast Inc.  
Location: Lakes Tyers area  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

#### Summary

This submission refers to the East Gippsland Planning and Development Strategy and the 1991 Strategy for Lake Tyers Beach and is not a submission to the planning scheme.

#### Related Submission

N/A

#### Assessment

None required

#### Council Recommendation

None required

#### Panel Comment

The Panel makes no recommendation in respect of this submission.

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Submission No. : 155  
Submitter: Norman Newport/G.Watson  
Location: Callaghans Road, Anglers Rest Binao Munjie  
Existing Zone: N/A  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: Smaller lot size

### Summary

Tourism may be diminished by the 100ha provision in the Bundara valley

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

The 100ha minimum lot size was applied to the Bundara valley given its open, grazing rural characteristics. The 100ha min. was originally selected based on version 1 of the Victoria Planning Provisions. This version included an entitlement that allowed subject to consent the excision of one small allotment from a lot that met the schedule minimums. Therefore the average minimum lot size was 50ha. if land owners exercised their rights to the above provision. The maps were drafted and then version 2 of the V.P.P.s deleted the provision too late for the maps to be re-drawn for the exhibition.

In relation to tourism for the Bundara valley the Rural Zone is sufficiently flexible to cater for a range a land uses and development

### Council Recommendation

Council recommends that the Schedule to the Rural Zone (section 35.01) be amended from 100ha. to 40ha

### Panel Comment

The Panel agrees with the Council's assessment above in relation to the flexibility of the Rural Zone.

Elsewhere in this Report, the Panel has adopted the Council's recommendation above.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 156  
Submitter: KR & IM Weaver  
Location: Raymond Island  
Existing Zone: Rural  
Proposed Zone/Overlay: RLZ (4ha)  
Requested Zone/Overlay: RLZ(2ha)

### Summary

'Rural Retreat' style of development on Raymond Island should be more appropriately sited, landscaped and be of a higher quality than is currently occurring. The minimum lot size for the rural section of the Island should be 2.0ha. not 4.0ha. as exhibited

### Related Submission

N/A

### Assessment

The Municipal Strategic Statement sets the development framework for the Island by stating (inter alia) that the 'rural area is zoned as Rural Living (with a 4.0ha. minimum lot size) to retain the character and environment of the Island. However, low key tourist developments, such as bed and breakfasts, host farms and rural retreat style accommodation are considered appropriate land uses, subject to a suitable location and evaluation of the specific characteristics of each proposal.' (P71)

### Council Recommendation

That the exhibited Rural Living Zone with a 4.0ha minimum lot size be retained

### Panel Comment

The Panel notes the Council assessment above.

No strategic justification for departure from the MSS in relation to a lesser minimum lot size from 4.0 hectares minimum has been advanced.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 157  
Submitter: Natural Resources and Environment  
Location: NA  
Existing Zone: Various  
Proposed Zone/Overlay: Various  
Requested Zone/Overlay: Various

### Summary

Extensive submission commending Council on draft scheme and providing comments on a wide range of issues and also on specific details.

Strongly supportive of inclusion of DNRE's Sites of Biological Significance as ESO and also of the VPO. Encourages further development to include rare ecological vegetation classes once these are mapped as part of the Regional Vegetation Plan process.

Request exclusion of public land from overlays.

Provides additional information sources to allow for shire-wide coverage of EMO.

Comment on LSIO wrt CMA and Floodplain Management Unit.

Numerous comments on the MSS and policies, generally providing clarification rather than objection.

Support concept of standard condition to address potential substantial increase in permit referrals to DNRE.

Request no maximum size be specified for as-of-right plantation development in RUZ.

Extensive list of mapping errors (caused by errors in Government data set).

Numerous other administrative issues covered.

### Related Submission

157, 188

### Assessment

Support majority of requested text changes.

Exclusion of most public land from overlays appears to be a logical request as the underlying Zoning (PCRZ or PPRZ) would provide the necessary environmental protection.

Revise LSIO with CMA and Floodplain Management Unit, taking into account data from June 98 flood.

Shire-wide coverage of EMO is a priority task for completion by first amendment of EG Planning Scheme

Make mapping alterations as appropriate.

## Council Recommendation

Exclude overlays from public land zoned PPRZ & PCRZ.

Refine EMO, SMO & LSIO as per DNRE information.

Retain 100ha size limit for as-of-right plantation development.

Amend maps as per DNRE advice.

## Panel Comment

Andrew Buckley and Steven Henry appeared before the Panel on behalf of the Department of Natural Resources and Environment. A later submission, No. 188, was also made by the Department, dealing with some additional matters not included in the original submission. Submissions 157 and 188 are dealt with together in this report.

The Panel notes that Council has generally agreed to make the various zoning amendments, changes to the overlay provisions, and amendments to the LPPF as requested by the Department.

1. The one area of contention is the use of the schedule to the Rural Zone to require a planning permit for timber plantations in excess of 100 hectares in area. The Council, in its MSS justifies this requirement as a means of enabling it to evaluate potential social and environmental impacts, as well as impacts on roads and bridges. Whilst the discussion paper, *Timber Production – A Common Approach to New Format Planning Schemes* by Helen Gibson concludes that planning permit conditions are not the appropriate mechanism for providing for maintenance and repair of roads and bridges damaged by logging trucks, the discussion paper does acknowledge that:

*Where there is some question about whether a location is appropriate for timber production (eg it may be an area of high quality agricultural land that a council considers would be better used for some other agricultural purposes, or an area of environmental or landscape significance), the council should retain the option to require a planning permit.*

However, the paper did recommend inclusion in the Ministerial Direction on the Form and Content of Planning Schemes a direction that:

*..... councils should not specify any area in the schedule to the Rural Zone which would require a planning permit for timber production unless the council has a justifiable reason, supported by a local policy which forms part of the LPPF, which relates to issues other than roads, wildling escape, fire hazard or the like.*

The Panel agrees with the Council that plantations in excess of 100 hectares could have social and environmental impacts, including significant landscape impacts, and that the planning approval process provides an appropriate mechanism for evaluating these potential impacts.

2. The Department's submission also raised the issue of proposed rezoning of Crown land at Mallacoota to Industrial 3 Zone. The Department supports rezoning approximately 5 hectares of Crown land adjacent to the existing industrial estate to Industrial 3, but submits that the balance of the land should be retained in public ownership and zoned Public Conservation and Resource Zone.

**The Panel recommends that:**

- Council include the zoning and overlay changes, and amendments to the LPPF as agreed to by Council and set out in the submission by the Department of Natural Resources and Environment and attached as Appendix E.
  - Council amend its MSS in relation to Plantation Establishment & Farm Forestry by deleting reference in item 4.13.3 to *'implications for Shire infrastructure such as roads and bridges'*, and that it develop a local policy for inclusion in the LPPF, justifying its requirement for a planning permit for timber plantations in excess of 100 hectares in the Rural Zone.
  - The Crown land adjacent to the existing industrial estate in Mallacoota be zoned part Industrial 3, part Public Conservation and Resource Zone as shown on the plans provided to the Shire by the Department of Natural Resources and Environment.
  - When the Regional Vegetation Plan and Jetty Zoning Plan have been completed by the Department, Council incorporate these documents in its planning scheme.
-

Submission No. : 158  
Submitter: E. G. Morrell  
Location: Lot 54 FLANAGAN ISLAND  
Existing Zone: RU1 + A1  
Proposed Zone/Overlay: ERZ, LSIO, VPO5, WMO1  
Requested Zone/Overlay: RUZ

### Summary

Objects to rezoning of Flannagan Island as Environmental Rural Zone (100ha) and all VPO, LSIO and WMO overlays as claims will impact on farming activities, historic use of the property, and impact on value of the property. Claims no significant vegetation present on the island and erosion only present along shoreline. Claims Island is not subject to inundation.

### Related Submission

N/A

### Assessment

Environmental Rural Zone is consistent with Island setting. Island vegetation important for protection against erosion and preserving landscape values.

Flooding information is as provided by DNRE/ Floodplain Management Unit.

WMO should be changed to newer version.

Development within an Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible). Grazing and other agricultural practices are not prohibited within overlay areas. Clearing of significant areas may be refused and landowners are 'encouraged' to protect these areas.

### Council Recommendation

Retain as exhibited

### Panel Comment

The Panel agrees with the Council recommendation and makes no recommendation with respect to this submission.

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Submission No. : 159  
Submitter: Camp Cooinda Inc  
Location: CA 15A Boole Poole (Western end of Boole Poole Peninsula)  
Existing Zone: RU1  
Proposed Zone/Overlay: ERZ & PCRZ  
Requested Zone/Overlay: ERZ

### Summary

Agrees with zoning of property on Boole Poole Peninsula as Environmental Rural Zone. Identifies a mapping error in the delineation of private and Crown land resulting part of landowners property being zoned PCRZ (ie Crown land). Requests the be changed to ERZ.

### Related Submission

N/A

### Assessment

Agree that mapping error has occurred. Subject land should be zoned ERZ.

### Council Recommendation

That subject land should be zoned ERZ.

### Panel Comment

Mr David Merritt appeared before the Panel on behalf of Camp Cooinda Incorporated.

The Panel notes that the submitter also pointed out that most of the western end of Boole Poole Peninsular is privately owned and should also be zoned Environmental Rural Zone rather than Public Conservation and Recreation Zone.

**The Panel recommends that Council investigate the ownership of land at the western end of the Boole Poole Peninsular, and that any privately owned land be rezoned Environmental Rural Zone.**

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Submission No. : 160  
Submitter: Jewell Partnership Pty. Ltd for Public Transport Corporation  
Location: Railway land at Bairnsdale and rural land across the municipality  
Existing Zone: RW + other  
Proposed Zone/Overlay: PUZ4, PPRZ, ESO, LSIO, SMO  
Requested Zone/Overlay: PUZ4 and removal of PPRZ, ESO, LSIO, SMO

### Summary

Public Transport Corporation (Victoria) requests removal of LSIO, SMO and ESO from rail land and for the zoning to be PUZ4 (Transport).

### Related Submission

N/A

### Assessment

Overlays should continue to apply to those areas of rail land where the overlay value/constraint has been identified. SMO not relevant to rail land. Development within an Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible).

### Council Recommendation

Agree with zoning as PUZ4.

Remove SMO.

Retain LSIO and ESO.

### Panel Comment

The Panel was informed that the railway reserves contain significant grassland areas. The Panel agrees with Council's recommendation, and in turn **recommends that the Public Transport Corporation land be zoned Public Use Zone — 4, and that the Salinity Management Overlay be removed from the Public Transport Corporation land.**

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Submission No. : 161  
Submitter: Michael Mekken  
Location: Lot 4 Lake Road, Lochend  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ (50ha) & ESO67  
Requested Zone/Overlay: RUZ

### Summary

Objects to Environmental Rural Zone zoning and states that values identified in schedule to ESO67 are not present on the property which comprises cleared land used for cattle grazing.

### Related Submission

161, 171

### Assessment

Subject land is proposed to be zoned RUZ(50), not ERZ. ESO67 boundary, as mapped, appears to be generalised, but Council and DNRE not in a position to amend every site to take account of small scale variations. Address by amending wording in schedule to exempt areas within ESO areas that do not exhibit values listed in schedule (ie cleared land). Agriculture, including cattle grazing, is not prohibited in ESO areas.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that do not exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

Refer to the Panel recommendation in relation to Environmental Significance Overlays in the Mallacoota and Bendoc areas (submission 214).

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Submission No. : 162  
Submitter: Private Forest Council Victoria  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: RUZ  
Requested Zone/Overlay: Changes to RUZ schedule

#### Summary

Endorses encouragement for tree growing throughout region. (Verbal indication that disagrees with proposed 100ha limit for as-of-right plantation development in RUZ).

#### Related Submission

84, 162, 169, 177

#### Assessment

100ha size limit for as-of-right plantation development in RUZ is justified in the MSS, Section 21.9.4 (Item 4.13).

#### Council Recommendation

Retain 100ha size limit for as-of-right plantation development.

#### Panel Comment

The Panel notes the above Council assessment and recommendations and makes no recommendation in respect of this submission.

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Submission No. : 164  
Submitter: CFA  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: Wildfire Management Overlays  
Requested Zone/Overlay: N/A

#### Summary

The CFA are satisfied with the planning scheme and commend council on its preparation.

#### Related Submission

N/A

#### Assessment

Nil required

#### Council Recommendation

Nil required

#### Panel Comment

The Panel notes that a subsequent letter from the CFA expressed concern in relation to the different criteria recommended by the Department of Natural Resources and Environment in relation to mapping areas where the Wildfire Management Overlay should apply. The letter also responded to DNRE criticism that some areas of coastal vegetation were not covered by the WMO and advised that once mapping of these areas is completed amendments could be made to the WMO, either prior to adoption of the planning scheme or as part of a later amendment, whichever is appropriate.

An earlier letter from the CFA also referred to confusion that exists between WMO mapping and 'Bushfire Prone Area' mapping required by the Building Control Act.

These issues are not new and a report on trends and issues that emerged from the first five new format planning scheme reviews also identified the need to: reconcile WMO mapping criteria and clarify the relationship between WMO mapping and 'Bushfire Prone Area' mapping, and recommended that guidelines be included in the Manual for the Victoria Planning Provisions in relation to WMO mapping.

Refer Council assessment and recommendation in relation to submission 188 from DNRE.

**The Panel recommends that:**

- the Wildfire Management Overlay mapping carried out by the CFA be adopted by the Council until such time as the differences between the CFA and DNRE on appropriate mapping techniques are resolved at a State level;
  - additional WMO mapping carried out by the CFA be included in a later planning scheme amendment, to allow for proper exhibition of the extended WMO areas.
-

Submission No. : 165  
Submitter: Bill Peel  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: ERZ, ESO, VPO, PPRZ, PCRZ  
Requested Zone/Overlay: Various

### Summary

Endorses inclusion of environmental criteria in planning scheme. Identifies several omissions in the schedule to the Environmental Significance and Vegetation Protection Overlay. Requests additional areas be covered with ESO and VPO, Requests various re-zoning of private land to PPRZ and PCRZ .

### Related Submission

165, 195, 206

### Assessment

Rare flora listed under the Flora and Fauna Guarantee Act and rare Ecological Vegetation Classes are to be included into the VPO's once mapping is complete and the regional vegetation plan is complete. Other omissions should be included in schedules. Crown land does not require overlay protection if zoned PCRZ or PPRZ as underlying zoning achieves environmental objectives.

### Council Recommendation

Amend VPO and ESO on private land only in consultation with DNRE.

### Panel Comment

Mr Peel has an Honours degree in Botany and has worked for DNRE for the past nine years and his current role as Ecosystem Conservation Coordinator is to oversee vegetation mapping. Much of the data used to develop the ESO has come from his work on the vegetation in East Gippsland. In his submission he has made comprehensive comment on the environmental aspects of the Planning Scheme including specific suggestions relating to various schedules to the ESO of things which ought to be included in the Schedules.

Elsewhere in this Report, the Panel has recommended a review and update of the data employed in the ESO. The matters referred to in this submission should be included where appropriate following that review and update. Similarly his worthwhile suggestions concerning aspects of the VPO should be taken up by the Council at the appropriate time.

It is difficult for the Panel to make specific recommendation in respect of a submission such as this at this time. **However, the Panel recommends that the Council give due consideration to the matters raised in this submission and make the appropriate amendments to the ESO and VPO when able.**

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Submission No. : 166  
Submitter: Orbost Field and Game  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: Various  
Requested Zone/Overlay: NA

#### Summary

Concerned that proposed planning provisions may prevent right to hunt game and threaten wetland protection.

#### Related Submission

N/A

#### Assessment

New planning provisions do not alter existing legal right to hunt game. Wetland protection is afforded by PPRZ and PCRZ on Crown land and by existing zoning and overlays on private land where appropriate.

#### Council Recommendation

Retain as exhibited.

#### Panel Comment

The Panel agrees with Council's comments and makes no recommendation with respect to this submission.

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Submission No. : 167  
Submitter: G. Beever  
Location: CA 46 Sec A  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100ha), ESO72  
Requested Zone/Overlay: Removal of ESO72

### Summary

Objects to the principle of Environmental Significance Overlays and to ESO72 in particular. Claims sufficient vegetation for conservation purposes on Crown land. Perceives that ESO72 requires farmers to exclude stock and fence remnant vegetation. States that subject land has been logged, grazed and ring-barked.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ESO72 covers 95% of subject land. Perceptions of the effect of the Environmental Significance Overlays are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible). Grazing of significant areas within ESO72 is discouraged rather than prohibited. Clearing of significant areas may be refused and landowners are 'encouraged' to protect these areas. Environmental values have been identified on the subject land by DNRE who took previous land use into account.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 168  
Submitter: Margaret Weir  
Location: CA 46 Sec A  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100ha), ESO72  
Requested Zone/Overlay: Removal of ESO72

### Summary

States subject land is prone to high fire risk and requires regular fuel reduction burning. Property used for grazing on a variety of animals for a considerable period of time.

Perceives new planning regulations (presumably ESO72 and possibly WMO) prevent grazing, fuel reduction burning and management of land as they wish.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ESO72 covers 95% of landowners property, although no specific objection to this area. Perceptions of the effect of the Environmental Significance Overlays are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible). Grazing of significant areas within ESO72 is discouraged rather than prohibited. Clearing of significant areas may be refused and landowners are 'encouraged' to protect these areas. Fuel reduction burning is not prohibited, rather it is encouraged whilst taking ecological factors into consideration.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 169  
Submitter: David Smith, Willmott Forests Management Ltd  
Location: Various Rural  
Existing Zone: Various  
Proposed Zone/Overlay: RUZ (100ha), ESO, EMO, SMO  
Requested Zone/Overlay: Changes to schedules

### Summary

Endorses MSS's strategy to substantially increase areas of commercial timber plantations in the region. Concerned with apparent bias against softwoods in favour of hardwood plantations. Objects to the proposed 100ha limit for as-of-right plantation development in RUZ. Argue that plantations should be regarded as legitimate agricultural activity. Seeks clarification regarding track construction and ploughing related to plantation establishment in ESO and EMO areas.

### Related Submission

84, 162, 169, 177

### Assessment

100ha size limit for as-of-right plantation development in RUZ is justified in the MSS, Section 21.9.4 (Item 4.13).

Alter Schedule exemptions to allow plantation establishment (ie ploughing) and plantation related roading.

### Council Recommendation

Retain 100ha size limit for as-of-right plantation development.

Alter Schedule exemptions to allow plantation establishment (ie ploughing) and plantation related roading

### Panel Comment

Mr Jim Adams of Wilmott Forests Management Ltd addressed the Company's written submission at the hearing. The company is a softwood plantation grower active and with significant holdings in the Bendoc, Bonang and Tubbut subregions of the Shire. It is currently establishing about 1000 hectares of plantation in the 'Bombala Supply Zone' annually with the aim of achieving 10,000 hectares of plantations under management by the year 2000.

The Panel notes the Council assessment and recommendation above and elsewhere has recommended overlay schedule amendments relating to plantation establishment and plantation related roading.

The Panel sees no reason to change the Council limit for as of right plantation development.

**However, the Panel recommends that Clause 21.10.12 of the MSS at page 99 be amended by including the words 'and softwood' after the word 'hardwood' to the third dot point.**

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Submission No. : 170  
Submitter: KJ & L Brown  
Location: 6 Hill View Lane, Lot 5 PS 302081Q, Metung  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ, EMO  
Requested Zone/Overlay: NA

#### Summary

Inquiry seeking clarification regarding potential for cabin-style accommodation on subject land.

#### Related Submission

N/A

#### Assessment

Cabin-style accommodation is permit required use on subject land.

Subject land covered by EMO, not ESO as stated in submission.

#### Council Recommendation

Retain as exhibited.

#### Panel Comment

The Panel makes no recommendation with respect to this submission.

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Submission No. : 171  
Submitter: R B & J Thompson  
Location: Lot1 LP121623 Maramingo  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100ha), ESO75  
Requested Zone/Overlay: Removal of ESO75

### Summary

Objects to ESO75 believing in may restrict or prohibit timber production and quarrying of stone. Requests that harvesting of firewood should be exempt from ESO's.

### Related Submission

171, 220, 231

### Assessment

Timber Production is controlled by clauses 52.18 and 52.17 of the Particular Provisions and hence not subject to Council discretion. ESO75 does not prohibited development (including timber production) outright, rather development may occur if impact thereof is negligible (or minimised as much as possible). Clearing of significant areas may however be refused, is it would be under current provisions.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

Amend ESO and VPO schedules to exclude firewood harvesting for personal use (not for commercial sale) from requirement to obtain planning permit.

Requirements for the quarrying of stone do not change from current provisions.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

Amend ESO (and VPO) schedules to exclude firewood harvesting for personal use (not for commercial sale) from requirement to obtain planning permit.

### Panel Comment

See Submission 214.

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Submission No. : 172  
Submitter: Friends of Mallacoota  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: Various  
Requested Zone/Overlay: DDO and various changes

### Summary

Concerned at apparent 'arbitrariness' of policy driven planning provisions. Request a DDO over Mallacoota. Highlight inaccuracies in delineation of private and Crown land

Partly relates to zoning provisions in SPPF.

### Related Submission

6, 7, 11, 15, 37, 38, 39, 86, 172

### Assessment

Comments relating to SPPF not subject to Council discretion.

Height controls were omitted from the Municipal Strategic Statement and the Local Policy Section as it was considered there was adequate management of building design through the Good Design Guide and Vic Code particularly overshadowing and overlooking. With respect to the protection of view lines it was considered appropriate to gauge public opinion of this issue through the exhibition of the planning scheme. There has been minimal public comment on the issue however further development of a DDO is warranted.

Amend inaccuracies in delineation of private and Crown land.

### Council Recommendation

Prepare, for later amendment, a DDO addressing building heights for Mallacoota.

Amend inaccuracies in delineation of private and Crown land.

### Panel Comment

Mr John Roy and Ms Val Fisher appeared at the hearing on behalf of Friends of Mallacoota Inc. assisted by Ms Estelle McKenzie.

The following comments and recommendations will make clear the nature and contents of this submission.

Mallacoota was described by Mr Roy as follows:

*Mallacoota lies within an area of outstanding beauty and natural diversity, surrounded by forests of the Croajingalong National park and World Biosphere Reserve, as well as abutting the Wilderness Coast where a major inlet feeds into the sea.*

The values of this coastal resort town are recognised by the Shire.

*The town is essentially a very popular holiday location and retirement area. It is also recognised as being a base for ecotourism and centre of the abalone industry in eastern Victoria. MSS page 7.*

The MSS in Clause 21.10.15 at pages 97–99 refers to Mallacoota and District and sets out the support by Council of the existing role of the township and district and the encouragement of new and enhanced roles for the area, as well as the policies and strategies to achieve these aims and objectives.

1. The Friends of Mallacoota consider the establishment of a Design and Development Overlay (DDO) for Mallacoota to be essential to ensure the unique character of the township is maintained. As indicated above in the Council's assessment of this submission, the Council too considers development of a DDO is warranted, as does the Panel, notwithstanding minimal public comment may have been received after exhibition of the Scheme.

Some of the matters warranting attention in the preparation of a DDO and inclusion in it are:

- (i) setting maximum permissible heights of residential and non-residential buildings;
- (ii) reducing the visual impact of buildings from the lake by not exceeding the height of the natural ridgeline; and
- (iii) approving building designs in residential areas which maintain the natural and heritage character of the township.

The Panel agrees with the Friends when they said:

*... the sudden removal of height restrictions will not only adversely affect the amenity of the residential part of the town in general, but will encourage new residents to enhance their own views (and property values) at the expense of existing residents, with a longer term tendency of such disadvantaged residents making 'additions' to recover their original views. Such a process would be unfair and potentially disastrous for the amenity of our residential areas and for the village's social fabric. As much local and tourist activity occurs on Bottom Lake, a natural view of the village from the lake is an important natural asset. Thus, buildings which jut out above the natural ridge line should be strongly discouraged.*

**The Panel recommends the preparation of and inclusion of a Design and Development Overlay for the township of Mallacoota addressing, though not exclusively, the issues discussed.**

2. **The Panel recommends inclusion of the heritage sites referred to in the Mallacoota Workshop Report, East Gippsland Heritage Workshop CNR and AHC, July 1993 not already included in the Heritage Overlay, where appropriate.**

3. The Panel notes:

- (i) The open space area abutting Bastion Point Road and Deviling Inlet, known as Mortimer's Paddock, previously zoned OS – NFR (Natural Flora Reserve) under the Orbost Planning Scheme is already appropriately zoned under the Planning Scheme;
- (ii) The camp park is zoned PPRZ.
- (iii) The land opposite the Miva Centre is appropriately zoned OCRZ.

**The Panel recommends:**

- 1. **Addition of a buffer zone separating the Industrial 3 Zone parallel to Commercial Road and David Creek along Casuarina Walk,.**
  - 2. **Correction of the zoning maps for the PPRZ designated in Crabtree Lane where appropriate.**
-

Submission No. : 173  
Submitter: C. Smith  
Location: Lakes Entrance airfield  
Existing Zone: RU1  
Proposed Zone/Overlay: VPO1  
Requested Zone/Overlay: Amend VPO1

### Summary

Concerned that VPO1 may prevent pruning of trees on approach to airstrip, as required by aviation regulations.

### Related Submission

212

### Assessment

Amend VPO1 on Map 54 to exclude area in question.

### Council Recommendation

Amend VPO1 on Map 54 to exclude area in question.

### Panel Comment

A later submission (no 212) was also made by Dr Smith in relation to the same matter, and submissions 173 and 212 are dealt with together in this report.

Dr Smith appeared before the Panel in support of his submission, and was assisted by Mr Hussey — a commercial aircraft operator.

Dr Smith owns a private airstrip on the north-east side of the Princes Highway, north of Lakes Entrance township. Civil Aviation Advisory Publication (CAAP) No 92-1(1) provides Guidelines for Aeroplane Landing Areas. The guidelines specify that the approach/take-off area adjacent to a runway must be clear of any obstacle within a 1:30 gradient for a distance of 900 metres from the runway.

The approach/take-off area to Dr Smith's airfield extends beyond the boundaries of his property, over the Princes Highway to the west and over adjoining properties to the east. Dr Smith is concerned that the proposed planning provisions could allow vegetation and minor utility installations to encroach into the required runway approach gradient. The planning provisions that are of concern are:

- VPO1 which covers roadside vegetation along the Princes Highway adjacent to the airfield, and which would require a planning permit to prune vegetation which intrudes into the runway approach gradient;
- Clause 62.02 which allows construction of a minor utility installation (including power lines and telephone lines) without a planning permit.

The Panel supports Council's approach in relation to this submission, but also notes that this is also a matter of Statewide concern that should be remedied through an appropriate amendment to the VPPs.

**The Panel recommends that:**

- **The Vegetation Protection Overlay — Schedule 1 be removed from the land within the required runway approach gradient to the airfield as specified in CAAP No 92-1(1).**
  - **A Design and Development Overlay, with a Schedule as set out in the Council report, be applied to the approach gradients to runways of all appropriate airfields in the Shire.**
  - **The Department of Infrastructure investigate the matter of maintaining runway approach gradients to airfields clear of any obstructions, with a view to making an appropriate amendment to the VPPs to address the aircraft safety issues raised by Dr Smith.**
-

Submission No. : 174  
Submitter: Doug Cameron  
Location: CA 22 Sec A, CA 24 Sec A, CA12A Sec A, Lots 2 & 3  
LP 309717, Lot 2 LP 309716, Lot 2 LP 138644,  
Delegate Hill, Bendoc  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ, ESO72  
Requested Zone/Overlay: Removal of ESO72

### Summary

Objects to ESO72 believing that new planning regulations prevent grazing of vegetated areas, prohibits fuel reduction burning and require remnant vegetation to be fenced to excluded stock. States regular fuel reduction burning of river frontage is required to reduce fire risk and maintain grazing productivity.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ESO72 adjacent to submitter's properties, although complete landownership is unclear and hence ESO71 & 72 could also cover the subject land. Perceptions of the effect of the Environmental Significance Overlays are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible). Grazing of significant areas within ESO72 is discouraged rather than prohibited. Clearing of significant areas may be refused and landowners are 'encouraged' to protect these areas. Fuel reduction burning is not prohibited, rather it is encouraged whilst taking ecological factors into consideration.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 175

Submitter: DJ Nichol

Location: CA 27A, CA A2, CA 23A Sec B, CA 23B Sec B, CA 23C Sec B, CA 26C Sec A, CA 27 Sec A, CA 27B Sec A, CA 28A Sec A, CA 28B Sec A, CA 28C Sec A, CA 29 Sec B, CA 30 Sec B, CA 30A Sec B, CA 31 Sec B, CA 31A Sec B, CA 32 Sec B, CA A Sec B, CA 30B Sec B, CA 19 Sec B, CA 15A Sec B, CA 221A Sec B, CA 22 Sec B.

Existing Zone: RU2

Proposed Zone/Overlay: RUZ, ESO72

Requested Zone/Overlay: Removal of ESO72

### Summary

Objects to ESO72 believing that Environmental Significance Overlays prevent land from being used for agricultural purposes. States emphasis should be on protection of significant species found on Crown land.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ESO72 covers a portion (~10%) of landowners extensive property. Perceptions of the effect of the Environmental Significance Overlays are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible). The existence of ESO72 does not affect existing agricultural practices on cleared land. Grazing of significant areas within ESO72 is discouraged rather than prohibited.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 176  
Submitter: Ray & Pat Jeffreys  
Location: Mosquito Point  
Existing Zone: RU1  
Proposed Zone/Overlay: LDRZ + VPO, WMO, LSIO  
Requested Zone/Overlay: Changes to WMO

### Summary

Commends LDRZ at Mosquito Point. Requests additional text to be added to WMO.

### Related Submission

12, 135, 176, 179

### Assessment

Unable to change text in WMO as no schedule. Replace WMO maps with correct version from CFA.

### Council Recommendation

Retain as exhibited. Replace WMO maps with correct version from CFA.

### Panel Comment

See also submissions 12 and 135.

The submitter appeared at the hearing. It is noted that the requirements of the WMO in Clause 44.06-2 sets out fire protection struction features amongst other requirements.

**The Panel recommends that the WMO maps over Mosquito Point be replaced with revised maps from the CFA when received.**

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Submission No. : 177  
Submitter: Kim Liebscher  
Location: CA 28A1 Sec A, Bendoc  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ  
Requested Zone/Overlay: Changes to objective of RUZ

### Summary

Concerned that objectives of the proposed Rural Zone do not entirely restate those of existing Rural B Zone of the Orbost planning scheme. Concerned that this omission will result in chemical use associated with plantation development of rural areas and potential for off-target contamination.

### Related Submission

84, 162, 169, 177

### Assessment

Objectives of Rural Zone is set by SPPF and not subject to submissions. Objectives are nevertheless similar. Plantation development in rural Zone is proposed to be subject to permit for plantations above 100ha (as stated in the MSS section 21.9.4), thereby providing some control over large 'commercial' plantations. Use and control of chemicals in plantation and agricultural settings is regulated by codes of practice and thus beyond the role of planning scheme regulations.

### Council Recommendation

Retain as exhibited.

### Panel Comment

The Panel shares the concerns expressed in this submission concerning chemical uses in timber plantations and agrees with the Council's assessment above.

Strict compliance with the Code of Forest Practices must be ensured and supervised at all stages of production from plantation establishment to harvesting. Concerns such as these expressed should be then minimised if not eliminated.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 178  
Submitter: Sharon Lane  
Location: Lot 4 Lake Road Lochend  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ (100HA) ESO67  
Requested Zone/Overlay: Removal of ESO 67

### Summary

Objects to ESO67 on the basis that values listed in the schedule are not found on the subject land.

### Related Submission

161, 171

### Assessment

ESO67 boundary, as mapped, appears to be generalised, but Council and DNRE not in a position to amend every site to take account of small scale variations. Address by amending wording in schedule to exempt areas with ESO areas that do not exhibit values listed in schedule (ie cleared land). Agriculture, including cattle grazing, is not prohibited in ESO areas.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that do not exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

The Panel makes no recommendation in respect to this submission.

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Submission No. : 179  
Submitter: KC & JA Eckhardt  
Location: Mosquito Point  
Existing Zone: RU1  
Proposed Zone/Overlay: LDRZ + VPO, WMO, LSIO  
Requested Zone/Overlay: Changes to WMO

### Summary

Support proposed LDRZ, VPO and LSIO at Mosquito Point. Concerned over extent of WMO. Indicate desire to subdivide subject land as per Ministers offer of December 1997

### Related Submission

12, 135, 176, 179

### Assessment

Relace WMO with correct version from CFA.

### Council Recommendation

Relace WMO with correct version from CFA.

### Panel Comment

See also Submissions 12, 135 and 176.

The Minister's offer referred to above is contained in his letter of 17 December 1997 which says in relation to Amendment L47 to the Rosedale Planning Scheme as follows:

*The applicants of the above amendment, the Jeffreys, propose to subdivide their land into three lots, with the two existing dwellings to each be on their own lot and a new lot to be created and a planning permit to be allowed to be issued for the use and development of a dwelling, provided the south western portion of their land covering 1.94 hectares in area is placed into a Trust for Nature conservation covenant.*

*I am writing to you to ascertain whether you would like to subdivide your land into two lots, with each lot allows to be used and developed with one dwelling, provide the south west portion of your land is to be placed into a Trust for Nature conservation covenant. The actual area of the covenant will need to be determined after consultation with officers of the East Gippsland Shire Council, the Department of Infrastructure, the Department of Conservation and Natural Resources, and Trust for Nature (Victoria).*

Mr and Mrs Eckhardt replied, agreeing to the suggestion. They are still able to proceed with such a proposal if they wish.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 180  
Submitter: John Bick  
Location: CA B, CA B1, CA 36A  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ (100ha) ES071  
Requested Zone/Overlay: NA

#### Summary

Wishes to be informed of meetings relevant to ES071

#### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

#### Assessment

NA

#### Council Recommendation

None required

#### Panel Comment

See Submission 214.

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Submission No. : 181  
Submitter: E.S. Sellers  
Location: CA 37A, CA 41, CA 42, CA 43, CA 45, CA 46, CA 47, CA 48, CA 57, CA C1, Pt CA 40, Pt CA 2 Bendoc  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ (100ha), ESO71  
Requested Zone/Overlay: Removal of ESO71

### Summary

Objects to Environmental Significance Overlay as perceives it will restrict access to water supply (presumably for grazing purposes). Concerned regarding implications for agricultural productivity.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ESO781 covers portion (~10%) of landowners property. The existence of ESO71 does not affect existing agricultural practices on cleared land. Grazing of significant areas within ESO721 is discouraged rather than prohibited. Access to water is not affected by ESO71. Sympathetic wetland management is encouraged.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that do not exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 182  
Submitter: R. L. Walcott  
Location: CA 34, 35, 7 36, Delegate River, Bendoc  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100ha), ES071  
Requested Zone/Overlay: Removal of ES071

### Summary

Disagrees with philosophy of Environmental Significance Overlays as claims endangered species have survived to date without protection. Perceives overlay will prevent grazing of significant areas and vital access to water on landowners property.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ES071 does NOT cover landowners property. Perceptions of the effect of the Environmental Significance Overlays are incorrect. The existence of ES071 does not affect existing agricultural practices on cleared land. Grazing of significant areas within ES071 is discouraged rather than prohibited. Access to water is not affected by ES071. Sympathetic wetland management is encouraged.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that do not exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 183  
Submitter: H. A. Sellers  
Location: CA 3, 4, 5, 32, 32A, 33 Sec A Lower Bendoc  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ (100ha), ES071  
Requested Zone/Overlay: Removal of ES071

### Summary

Concerned that ES071 unnecessarily protects river frontage. States that areas of significance has been actively grazed and burnt for many years and concerned that ES071 will restrict access to river frontage for stock water and restrict ability burn frontage.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ES071 affects western boundary of landowners property. ES071. Perceptions of the effect of the Environmental Significance Overlays are incorrect. The existence of ES071 does not affect existing agricultural practices on cleared land. Grazing of significant areas within ES071 is discouraged rather than prohibited. Access to water is not affected by ES071. Sympathetic wetland management is encouraged.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that do not exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 184  
Submitter: John Guthrie  
Location: CA 35A, 35B, 35C, 39 Sec B Lower Bendoc  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ (100ha), ES071  
Requested Zone/Overlay: Removal of ES071

### Summary

Disagrees with philosophy of Environmental Significance Overlays as claims endangered species have survived to date without protection. Perceives overlay will impose unnecessary restrictions and impact adversely on employment prospects of the area..

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

Only the road reserve adjacent to and the wetlands to the north of the landowners property are covered by ES071. Perceptions of the effect of the Environmental Significance Overlays are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible). The existence of ES071 does not affect existing agricultural practices on cleared land.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that do not exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 185  
Submitter: V. Crunden  
Location: Lot 1 PS 320822V, Tambo Boulevarde, Metung  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ, ESO58, EMO  
Requested Zone/Overlay: ERZ with overlays

### Summary

Landowners have undertaken extensive rehabilitation of their degraded lake and river frontage property. Seek change from RUZ to ERZ, arguing that future agriculture/grazing will be unsustainable on the small lot size and cause on-going erosion/degradation. Surrounding lots are only 6-7 acres and should also be ERZ. Support ESO58 over Tambo River.

### Related Submission

N/A

### Assessment

Leave as RUZ on the basis that the environmental protection sought by the owners is achievable voluntarily by them and is enhanced by PCRZ on Tambo Bay, PPRZ on Tambo River frontage, ESO58 over Tambo River, and EMO on portion of subject land.

### Council Recommendation

Retain as exhibited.

### Panel Comment

The Panel agrees with the submitters that the Environmental Rural Zone is more appropriate to their conservation objectives for their land, and in view of the fact that the land is an isolated parcel of land bounded on one side by the Tambo River and the other side by Tambo Bay, **the Panel recommends that the land be included in the Environmental Rural Zone with a minimum subdivision area of 50 hectares.**

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Submission No. : 186  
Submitter: BL Martin  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: Various with LSIO  
Requested Zone/Overlay: Amend extent of LSIO

#### Summary

Disagrees with extent of LSIO on Map 50 as it applies to the RUZ.

#### Related Submission

186, 217

#### Assessment

Flooding information provided to Council by DNRE/ Flood Plain Management Unit. No basis to doubt this information without sound confirmation but should nevertheless re-assess in light of June 1998 flood

#### Council Recommendation

Retain as exhibited but re-assess in light of June 1998 flood when information becomes available.

#### Panel Comment

The Panel agrees with the Council's assessment above and with its proposed course of action.

The Panel makes no recommendation with respect to this submission.

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Submission No. : 187  
Submitter: J Nelson  
Location: Lot 1 LP 321327, Gunmark Rd, Bendoc  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100ha), ESO73  
Requested Zone/Overlay: Removal of ESO73

### Summary

Agrees with need to protect environment but perceives that Environmental Significance Overlay ESO73 will prohibit landowners from using their land as they wish and restrictions constitute a breach of their ownership rights, especially given they pay rates on the land. Landowner believes (incorrectly) that ESO73 requires 'full environmental impact study' to 'cut grass or erect a post' and will prohibit all development.

### Related Submission

167, 168, 174, 175, 180, 181, 182, 183, 184, 187

### Assessment

ESO73 covers small portion of landowners property and covers adjacent reserve and river. Perceptions of the effect of the Environmental Significance Overlay are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible).

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

See Submission 214.

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Submission No. : 188  
Submitter: Natural Resources & Environment  
Location: NA  
Existing Zone: Various  
Proposed Zone/Overlay: Various  
Requested Zone/Overlay: Various incl. amendments to WMO

### Summary

Requests that DNRE's Jetty Zoning Plan be incorporated into Scheme once plan is complete

Provides considerable additional information regarding mapping errors caused as a result of errors in the base Government mapping bases

Provides information supporting an argument to alter the criteria used by Country Fire Authority to define the extent of WMO.

### Related Submission

157, 188

### Assessment

Incorporation of DNRE's Jetty Zoning Plan into Scheme would improve jetting and foreshore management and hence should be supported.

Appropriate amendments to mapping errors should be made.

Extent of WMO needs to be resolved between Country Fire Authority and DNRE as it applies state wide.

### Council Recommendation

Incorporate DNRE's Jetty Zoning Plan as later amendment.

Amend maps according to advice.

Incorporate WMO as per CFA request.

### Panel Comment

Refer Submission 157.

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Submission No. : 189  
Submitter: Crowther & Sadler for L & C Tranchina  
Location: Lots 1 & 2 LP 306912 Princes Highway, Kalimna  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ (100ha)  
Requested Zone/Overlay: RLZ (4ha)

### Summary

A change from the exhibited Rural Zone with a minimum lot size of 100ha. to Rural Living Zone with a minimum 4.0ha. is requested, on the grounds that there is a need for this style of development and the site is ideally suited to rural living as it has the necessary services.

### Related Submission

189, 191

### Assessment

The Low Density Living Study prepared by Spiller Gibbins Swan P/L indicates a need to provide 38 lots per year for this region. The capacity to accommodate these lots will be determined by the study of the area to the north of Lakes Entrance. However there appears to be sufficient land in this area to meet the demand within the planning horizon of 2011 without additional areas being added. In addition the site adjoins the scenic road known as the Kalimna West Road shown on Map7 in the Municipal Strategic Plan (p58). The MSS in this instance is seeking to preserve the high landscape values of this scenic route and is not seeking to encourage development that detracts from its amenity.

### Council Recommendation

That the exhibited Rural Zone with a 100ha minimum lot size be amended to Rural Living Zone with a minimum lot size of 8.0ha on the grounds that this land is close to Lakes Entrance, is suitable for rural living purposes, if designed to minimise frontages to the roads will not adversely effect the aesthetic character of the landscape and has services available to the site

### Panel Comment

The Panel agrees with the Council's above assessment of this application but believes it to be more appropriate to consider inclusion of the subject land in a RLZ following completion of the further study intended by the Council of the area north of Lakes Entrance.

The Panel does not agree with the Council recommendation above and makes no recommendation in respect of this submission.

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Submission No. : 190  
Submitter: Crowther & Sadler for J & C Hammond  
Location: Lot 823 LP 147968 Colony Club Drive, Newlands Arm  
Existing Zone: F1  
Proposed Zone/Overlay: RUZ (100ha)  
Requested Zone/Overlay: R1Z

### Summary

To change the zone from the exhibited Rural Zone with a 100ha minimum to Residential 1 on the grounds that the site adjoins the residential area of Newlands Arm, now has access to sewage reticulation and can be considered infill development.

### Related Submission

190, 207, 210

### Assessment

The eastern shoreline of Newlands Arm has natural vegetation along its coastal reserve and is free from urban development in order to protect the aesthetic values of views from Lake Victoria. It was the preservation of the natural landscape that determined the zoning structure for the eastern shoreline of Newlands Arm. The Significant Landscape Policy (section 22.12) of the MSS establishes the policy framework for land use and development within areas of high landscape value.

### Council Recommendation

Council recommends that the zone be altered from the Rural Zone with a 100ha minimum, as exhibited, to the Residential 1 Zone given that the site adjoins the residential area of Newlands Arm, now has access to sewage reticulation and can be considered infill development.

### Panel Comment

The Panel notes that the recently constructed Newlands Avenue Sewerage Scheme now can provide reticulated sewerage outfall to part of the subject property.

**The Panel recommends that the north eastern portion of Lot 823, LP 147968 Colony Club Drive, Newlands Area be zoned Residential 1.**

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Submission No. : 191  
Submitter: Crowther & Sadler for D & D Connally  
Location: 99 Commers Road, Lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ (100ha)  
Requested Zone/Overlay: RLZ (4ha)

### Summary

A Rural Living Zone with a minimum subdivision size of 4ha. rather than the exhibited Rural Zone with a 100ha. minimum is suggested by the submitter, on the grounds that the 91ha property is not viable as a farm and lends itself to being an attractive rural living subdivision

### Related Submission

189, 191

### Assessment

To assist the preparation of the M.S.S. Council commissioned (1997) planning consultants Spiller Gibbins Swan P/L to undertake a low density living study for the shire. The objective of the study was to determine whether there is a need for low density residential living in the shire and, if so, identify areas that can meet that need, without impacting adversely on agricultural or environmental sustainability. This study did not recommend this area for rural living as it considered there is ample land for this purpose to meet the planning horizon of the new scheme

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council's assessment above and elsewhere in this Report, has adopted the Council's recommendation above.

Otherwise, the Panel makes no recommendation in respect of this submission.

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Submission No. : 192  
Submitter: Crowther & Sadler for C & K Neal  
Location: 130 Rivermouth Road, Silt Jetties  
Existing Zone: F1  
Proposed Zone/Overlay: RLZ (2ha)  
Requested Zone/Overlay: LDRZ

### Summary

It is suggested that 130 Rivermouth Road, Silt Jetties, Eagle Point should be zoned Low Density Residential rather than Rural Living Zone with a 2ha. minimum subdivision area. The submitter maintains that the site is in a highly desirable location with expansive views over both Jones and Eagle Point Bays and as such should be zoned LDRZ

### Related Submission

N/A

### Assessment

This site is located on the silt jetties of the Mitchell River. The silt jetties are recognised by the Municipal Strategic Statement as a major geomorphological feature that will be protected by planning. Low Density Residential development was not considered consistent with the need to protect this natural feature.

### Council Recommendation

Council recommends that the Rural Living Zone with a 2ha. minimum subdivision area remain.

### Panel Comment

Mr Michael Sadler of Crowther and Sadler, Surveyors appeared before the Panel on behalf of Mr and Mrs Neal.

The Panel agrees with Council's recommendation with respect to this submission and therefore makes no recommendation.

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Submission No. : 193  
Submitter: Crowther & Sadler for W & M Peel  
Location: Lot 2 LP 206130 Baades Road, Lakes Entrance  
Existing Zone: F1  
Proposed Zone/Overlay: RUZ (50ha)  
Requested Zone/Overlay: RLZ (8ha)

### Summary

Suggests that the exhibited Rural Zone with a minimum subdivision area of 50ha. is inappropriate and that the zone should be Rural Living with a minimum lot area of 8.00ha

### Related Submission

101, 113, 193, 198

### Assessment

The Municipal Strategic Statement (section 21.10.8) states that 'Land between Ostlers Road and Baades Road has potential for 'rural residential' subdivision at a later stage, but further studies are required to identify the appropriate development distribution and density, taking account of the topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road.' Funding for this study has been allocated for the 1998-99 financial year.

### Council Recommendation

Council recommends that the area remain as exhibited, Rural Zone and that a study of the area be commenced to identify the appropriate development distribution and density, taking account of the topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road.

### Panel Comment

See Submission 101.

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Submission No. : 194  
Submitter: T. Kirwan  
Location: 30 Creighton Street, Kalimna  
Existing Zone: R1  
Proposed Zone/Overlay: R1Z with DDO6  
Requested Zone/Overlay: Removal of DDO6

### Summary

Objects, on the grounds that it is illogical, to the application of the Design and Development Overlay (Schedule 6) over Lot39 (No. 30) Creighton Street, Kalimna.

### Related Submission

N/A

### Assessment

A warm temperate rainforest is located in the urban area of Kalimna and it is this unique forest that the overlay is seeking to preserve.

The overlay will manage access to and from Widdis Road for any future land use, development and subdivision through the requirement for a planning permit. Any decision on an application will be based on a number of decision guidelines (section 43.02 Schedule 6) including:- the effect any proposed access works will have on the integrity of the rainforest gully.

### Council Recommendation

Council recommends that the Design and Development Overlay (Schedule 6) be retained.

### Panel Comment

Mr Kirwan appeared before the Panel in support of his submission.

The Kirwan land and adjoining properties are included in the Residential 1 Zone. The Design and Development Overlay (Schedule 6) applies to only two adjoining properties at this eastern end of Widdis Street — the Kirwan property and the adjoining property to the east, and both properties extend between Widdis Street and Creighton Street to the north. Other land in this part of the street has been resubdivided, creating one lot fronting Widdis Street and one lot fronting Creighton Street, and Mr Kirwan is concerned that the DDO will restrict his ability to subdivide and/or develop his land. However, the DDO only relates to access from Widdis Street and does not prohibit future subdivision or development of the land provided access works to the site do not detrimentally impact on the Warm Temperate Rainforest Gully in this part of Widdis Street.

The Panel supports the retention of the DDO and makes no recommendation with respect to this submission.

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□ Submission No. : 195  
Submitter: Trust for Nature  
Location: NA  
Existing Zone: Various  
Proposed Zone/Overlay: VPO, ESO  
Requested Zone/Overlay: Additions to ESO

### Summary

Strongly endorses the inclusion of VPO and ESO. Draws attention to the Victorian Biodiversity Strategy and requests that rare remnant native vegetation on the red Gum Plains be included in the ESO, as identified in the Victorian Biodiversity Strategy. Also requests that private land voluntarily covenanted under the Trust for Nature Scheme be included in the ESO.

### Related Submission

165, 195, 206

### Assessment

Known existing rare Ecological Vegetation Classes (including those on the Red Gum Plains) should be included into ESO with DNRE input. All other as yet undefined rare Ecological Vegetation Classes will be included once the East Gippsland Regional Vegetation Plan is complete.

### Council Recommendation

Amend ESO to include existing rare Ecological Vegetation Classes.

### Panel Comment

Ms Robyn Edwards appeared before the Panel.

The Panel agrees with the above Council assessment and makes a like recommendation as in Submission 165.

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Submission No. : 198  
Submitter: Crowther & Sadler for AW McColley  
Location: Lot 1 LP 140153 Palmers Road, Lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ (15ha)  
Requested Zone/Overlay: R1Z

### Summary

It is suggested that the exhibited Rural Zone with a minimum lot area of 15ha. should be Residential Zone, given the need to connect the adjoining residential development with the commercial centre of Lakes Entrance and that the area is recognised as future residential by the Municipal Strategic Statement.

### Related Submission

101, 113, 193, 198

### Assessment

The development of a residential estate known as the Merrangbaur Estate is proceeding in a westerly direction towards the above mentioned property. Whilst the rate of development is low the developer has indicated a need to create an access through to Palmers Road thus creating a more direct route to the commercial area of Lakes Entrance. The Municipal Strategic Statement recognises this area as suitable for future residential development.

### Council Recommendation

Council recommends that the properties be zoned Residential 1 Zone with a report to be prepared specifying the stages or sequencing of the residential development along Palmers Road.

### Panel Comment

The Panel notes the Council's assessment and recommendation. Until such time as the report suggested has been provided and examined, the Panel considers rezoning to Residential 1 of the subject land to be premature.

Providing such report is satisfactory, the Panel would regard the rezoning to be then appropriate.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 199  
Submitter: L. Hallamore  
Location: 70 Metung Road METUNG  
Existing Zone: C & R1  
Proposed Zone/Overlay: R1Z and B1Z  
Requested Zone/Overlay: R1Z

### Summary

The new planning scheme will result in the property at 70 Metung Road Metung being dissected by zone boundary between the Residential 1 Zone and the Business 1 Zone.

The owners consider the property should be zoned Residential 1 Zone.

### Related Submission

N/A

### Assessment

The dwelling is currently used as a restaurant, however the owners state that this use will cease in July 1988 and the dwelling will revert back to residential use. Given this the Residential 1 Zone is considered appropriate for the site.

### Council Recommendation

Council recommends that the property at 70 Metung Road, Metung be zoned Residential 1 Zone.

### Panel Comment

**The Panel recommends that No. 70 Metung Road, Metung be zoned Residential 1.**

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Submission No. : 200  
Submitter: G. Miller  
Location: Corner of Barks Avenue & Hunter Street  
Existing Zone: R1  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: B1Z

#### Summary

Seeking a change from the exhibited zone of Residential 1 Zone to Business 1 Zone on the grounds that the lot has tourism and business potential.

#### Related Submission

N/A

#### Assessment

The proposed Residential 1 Zone is sufficiently flexible to allow a range of tourist related land uses as such this zone is considered appropriate.

#### Council Recommendation

Refer to Panel

#### Panel Comment

The Panel agrees with the Council's assessment above and makes no recommendation in respect of this submission.

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Submission No. : 201  
Submitter: S & N Hallpike  
Location: Existing reserve land 198A Bullumwaal Road, Wy Yung  
Existing Zone: POS1  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: PPRZ

### Summary

Objects to the possible rezoning of the public open space adjacent to landowners property on Bullumwaal Rd, Wy Yung.

### Related Submission

1, 26, 52, 88, 127, 201

### Assessment

A key principle in the development of the new scheme was the need to simplify and rationalise the zoning structure. In applying this principle council did not see it as appropriate to identify each reserve within its municipality with a individual zone. Council considered there was sufficient legal protection for reserves under other legislation. In addition council has adopted a policy to notify landowners adjoining reserves if there is a intent to dispose of the reserve by council.

### Council Recommendation

Council recommends that the planning scheme remain unchanged ie that the Residential 1 Zone be applied to the open space reserves.

### Panel Comment

Mr and Mrs Hallpike appeared before the Panel.

They were most concerned at the change in zoning of the Bullumwaal Road reserve from Public Open Space to Residential 1 as they were under the firm impression that a rumour of Council's intention to sell the reserve was true. Council informed them and the Panel that there was no such intention.

The Panel agrees with the Council assessment above and makes no recommendation in respect of this submission.

See also Submission 1.

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Submission No. : 202  
Submitter: East Gippsland Catchment Management Authority  
Location: N/A  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

The Catchment Management Authority state that they have reviewed the planning scheme and congratulate council on its preparation

### Related Submission

N/A

### Assessment

Nil required

### Council Recommendation

Nil required

### Panel Comment

Mr Duncan Malcom, the Chairman of the Authority appeared before the Panel.

This submission commended the Council for inclusion in the Planning Scheme of the East Gippsland Regional Catchment Strategy and numerous references to the need to preserve and improve water quality in the planning scheme. The Authority also *'looks forward to continued discussions and interactions on relevant issues relating to catchment management'*.

It is noted that flood inundation maps are currently being prepared and reviewed.

The Panel makes no recommendation with respect to this submission.

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Submission No. : 203  
Submitter: N & V Kilmartin  
Location: 641 Main Street BAIRNSDALE VIC 3875  
Existing Zone: Residential  
Proposed Zone/Overlay: IN1  
Requested Zone/Overlay: Residential

#### Summary

Objects to the Industrial 1 Zone being applied to their residential property.

#### Related Submission

203, 204, 205

#### Assessment

The zoning of Industrial 1 Zone was a mapping error and the area should be zoned Mixed Use Zone in accordance with the existing land use of the area.

#### Council Recommendation

That the land on the Princes Highway between lot 2 on LP 31191 and lot 21 on LP 31191 be altered from Industrial 1 to Mixed Use Zone.

#### Panel Comment

**The Panel recommends that Lots 2 and 3 and 21, LP 31191, Main Street, Bairnsdale be zoned Mixed Use.**

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Submission No. : 204  
Submitter: IK & PL Booth  
Location: 639 Main Street BAIRNSDALE VIC 3875  
Existing Zone: Residential  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: Residential

#### Summary

Objects to the Industrial 1 Zone being applied to their residential property.

#### Related Submission

203, 204, 205

#### Assessment

The zoning of Industrial 1 Zone was a mapping error and the area should be zoned Mixed Use Zone in accordance with the existing land use of the area.

#### Council Recommendation

That the land on the Princes Highway between lot 2 on LP 31191 and lot 21 on LP 31191 be altered from Industrial 1 to Mixed Use Zone.

#### Panel Comment

**The Panel recommends that Lots 2 and 3 and 21, LP 31191, Main Street, Bairnsdale be zoned Mixed Use.**

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Submission No. : 205  
Submitter: BG Hall  
Location: 635 Main Street BAIRNSDALE VIC 3875  
Existing Zone: Residential  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: Residential

#### Summary

Objects to the Industrial 1 Zone being applied to their residential property.

#### Related Submission

203, 204, 205

#### Assessment

The zoning of Industrial 1 Zone was a mapping error and the area should be zoned Mixed Use Zone in accordance with the existing land use of the area.

#### Council Recommendation

That the land on the Princes Highway between lot 2 on LP 31191 and lot 21 on LP 31191 be altered from Industrial 1 to Mixed Use Zone.

#### Panel Comment

**The Panel recommends that Lots 2 and 3 and 21, LP 31191, Main Street, Bairnsdale be zoned Mixed Use.**

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Submission No. : 206  
Submitter: Victorian National Parks Assoc. Inc.  
Location: Various  
Existing Zone: Various  
Proposed Zone/Overlay: ERZ, RUZ, VPO, ESO  
Requested Zone/Overlay: Various amendments

### Summary

Encourage greater policy emphasis on biodiversity conservation in MSS and LPPF. Suggest greater strategic policy overview and use of indicators to measure implementation. Request extensive use of ERZ in rural areas with remnant native vegetation as a means of ensuring conservation of significant areas rather than relying on overlays and RUZ.

Requests additional controls for excavation be included in schedule to ERZ.

Comment on wording of schedules to ESO and VPO.

### Related Submission

165, 195, 206

### Assessment

Protection of remnant native vegetation is afforded by clauses 52.17.

ERZ zoning over extensive rural areas would result in a permit requirement for agriculture; not acceptable to community and incompatible with existing land use.

Make amendments to schedule and policy wording to clarify objectives and desired outcomes.

### Council Recommendation

Make amendments to schedule and policy wording to clarify objectives and desired outcomes, otherwise, retain as exhibited.

### Panel Comment

The Panel accepts the Council assessment above relating to this submission, particularly as regards the use of a ERZ suggested by the Victorian National Parks Association.

The Panel notes Council's intention to make overlay schedule and policy wording changes to clarify objectives and desired outcomes where appropriate to address the suggestions made.

The Panel makes no recommendation in respect of this submission.

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Submission No. : 207  
Submitter: WJ & HM Hall  
Location: 10 Lake Tide Avenue NEWLANDS ARM VIC 3875  
Existing Zone: F1  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: LDRZ

### Summary

Seeks a change in zone from the exhibited Rural Zone to Low Density Residential Zone.

### Related Submission

190, 207, 210

### Assessment

This area was considered to be outside the area suitable for rural living. The Spiller Gibbins Swan P/L, Low Density Residential Study selected areas for rural living that generally reflected existing rural living areas on the principle that there is sufficient land zoned for such purposes well into the next century ( page 50 SGS report)

In addition the site is within the Significant Landscape area (MSS page58) and whilst development is not prohibited it would have to be designed and implemented in a way which is sympathetic to the character of the area and preserves its aesthetic values.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council's assessment above and elsewhere in this Report has adopted the Council's recommendation above.

Otherwise, the Panel makes no recommendation in respect of this submission.

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Submission No. : 208  
Submitter: Crowther & Sadler for Cuthbertson & Richards  
Location: Racecourse Road, BAIRNSDALE  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(8ha)  
Requested Zone/Overlay: Higher density residential

### Summary

Requests that the Schedule to the Rural Living Zone for the property be amended to read 2ha. and not 8ha.

### Related Submission

### Assessment

This property should have been included in the 2ha. area and not 8ha. A mapping error has occurred.

### Council Recommendation

That the Schedule to the Rural Living Zone be amended to read 2ha. for this property.

### Panel Comment

Mr Michael Sadler of Crowther and Sadler, Surveyors appeared before the panel on behalf of Cuthbertson and Richards Sawmills Pty Ltd.

**The Panel recommends that the land in Racecourse Road, Bairnsdale east of the railway line be included in a Rural Living Zone with a minimum subdivision area of 2 hectares.**

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Submission No. : 209  
Submitter: Crowther & Sadler for DJ Michell  
Location: 438 Main Street, BAIRNSDALE  
Existing Zone: R1  
Proposed Zone/Overlay: R1Z  
Requested Zone/Overlay: MUZ

### Summary

A change from the exhibited Residential 1 Zone to Mixed Use Zone is sought on the grounds that the precinct is mixed use now, as it is currently developed for the purposes of a medical centre on one lot, a chiropractor on a neighbouring lot and another office use adjoins the chiropractic clinic.

### Related Submission

N/A

### Assessment

The proposed change of zone to Mixed Use Zone is supported given the current use of the land.

### Council Recommendation

Council recommends that the precinct bounded by Goold Street, Morrison and main Streets be zoned Mixed Use Zone.

### Panel Comment

Mr Michael Sadler of Crowther and Sadler, Surveyors appeared before the panel on behalf of Mr D J Mitchell.

The Panel notes that whilst three of the lots in the block bounded by Main Street, Goold Street and Morrison Street are used for non-residential purposes, there are a further 8 properties in the block and the owners of these properties have not had an opportunity to comment on the proposed Mixed Use zoning. The Mixed Use Zone allows with a permit uses such as Industry, Office, Shop and Warehouse, all of which are prohibited in a Residential 1 Zone. The Panel therefore believes that whilst there may be arguments in support of Mixed Use zoning of the block, other land owners should be given opportunity to comment on the proposed Mixed use zoning.

**The Panel recommends that the proposal to include the land bounded by Main Street, Goold Street and Morrison Street in a Mixed Use Zone be the subject of a later amendment to the East Gippsland Planning Scheme to enable the proposed zoning to be fully canvassed.**

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Submission No. : 210  
Submitter: Crowther & Sadler for J & C HammonD & P. Armstrong  
Location: Newlands Arm  
Existing Zone: R1  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: LDRZ

### Summary

Seeks a change of zone from Rural Zone to Rural Living Zone as this would allow the development of non viable farming land providing highly attractive lots in a much sought after location.

### Related Submission

190, 207, 210

### Assessment

This area was considered to be outside the area suitable for rural living. The Spiller Gibbins Swan P/L, Low Density Residential Study selected areas for rural living that generally reflected existing rural living areas on the principle that there is sufficient land zoned for such purposes well into the next century ( page 50 SGS report)

In addition the site is within the Significant Landscape area (MSS page58) and whilst development is not prohibited it would have to be designed and implemented in a way which is sympathetic to the character of the area and preserves its aesthetic values.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council's assessment above and elsewhere in this Report has adopted the Council's recommendation above.

Otherwise, the Panel makes no recommendation in respect of this submission.

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Submission No. : 211  
Submitter: Crowther & Sadler for D. Laing  
Location: Lot, PS344946R, METUNG  
Existing Zone: Rural A  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: RLZ(4ha)

### Summary

Requests a change in zone from the exhibited Rural Zone to Rural Living Zone with a minimum lot size of 4ha., on the grounds that alternative uses for the site are limited and given the sites proximity to Metung the highest and best use of the site would be rural residential.

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

This area was considered to be outside the area suitable for rural living. The Spiller Gibbins Swan P/L, Low Density Residential Study selected areas for rural living that generally reflected existing rural living areas on the principle that there is sufficient land zoned for such purposes well into the next century ( page 50 SGS report)

In addition the site is within the Significant Landscape area (MSS page58) and whilst development is not prohibited it would have to be designed and implemented in a way which is sympathetic to the character of the area and preserves its aesthetic values.

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council's assessment above and elsewhere in this Report has adopted the Council's recommendation above.

Otherwise, the Panel makes no recommendation in respect of this submission.

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Submission No. : 212 (173)  
Submitter: C. Smith  
Location: Lakes Entrance Airfield  
Existing Zone: N/A  
Proposed Zone/Overlay: N/A  
Requested Zone/Overlay: N/A

### Summary

Expresses concern that the new planning scheme will allow 'as of right' a minor utility installation (General Provisions- Section 62.02) to be constructed in the aircraft approach gradients to airfields.

### Related Submission

173

### Assessment

Section 62.02 of the General Provisions contained in the new planning scheme would allow 'as of right' the construction of a minor utility installation in the approach path to an airport. Construction of powerlines in the final approach to an airfield would constitute a hazard to aircraft. It is suggested that a Design and Development Overlay be applied to airfields that may be subject to this problem. The Design and Development Overlay would be as follows:-

## SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO7

## AIRPORT RUNWAY APPROACH GRADIENTS

### 1.0 Design Objectives

To identify and protect runway approach gradients at designated airfields.

To maintain 1 in 30 approach gradients to runways as designated in the Civil Aviation Authority Advisory Publication No. 92-1(1) Guidelines for Aeroplane Landing Areas.

### 2.0 Buildings and Works

A permit is required for all buildings and works.

A permit is required for all electricity powerlines and electricity transmission equipment.

A permit is required for all subdivision.

### **3.0 Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

Any siting and design guidelines adopted by the Responsible Authority.

Any siting and design guidelines prepared by the Civil Aviation Safety Authority.

The effect of the height, bulk, siting and design of any proposed building or works on the runway approach gradients.

The height and location of any electricity powerlines and transmission equipment.

#### **Council Recommendation**

Council recommends that a Design and Development Overlay to protect the approach gradients to airfields be applied to appropriate airfields throughout the Shire.

#### **Panel Comment**

See Submission 173.

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Submission No. : 213  
Submitter: Austec Surveying Consultants  
Location: Stephenson's Road, Tambo Upper  
Existing Zone: RU1  
Proposed Zone/Overlay: RUZ(100ha)  
Requested Zone/Overlay: RLZ(4ha)

### Summary

A zoning change from the exhibited Rural Zone to Rural Living Zone with a 4ha. minimum lot size is requested on the grounds that the land is superb for rural living, well drained, power and water available, has good access and is elevated.

### Related Submission

34, 35, 44, 54, 114, 134, 155, 211, 213

### Assessment

This area was considered to be outside the area suitable for rural living. The Spiller Gibbins Swan P/L, Low Density Residential Study selected areas for rural living that generally reflected existing rural living areas on the principle that there is sufficient land zoned for such purposes well into the next century ( page 50 SGS report).

### Council Recommendation

Council recommends that the area remain Rural Zone with the minimum lot size in the schedule to the Rural Zone being changed from 100ha. to 40ha. and that the minimum area for which no permit is required to use land for a dwelling be altered to 40ha.

### Panel Comment

The Panel agrees with the Council's assessment above and elsewhere in this Report has adopted the Council's recommendation above.

Otherwise, the Panel makes no recommendation in respect of this submission.

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Submission No. : 214  
Submitter: FR Peisley  
Location: C/A 1, 1A, B, C, 2, 17 Princes Highway  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ (100) with ESO76 overlay  
Requested Zone/Overlay: Remove ESO76 overlay

### Summary

Objects to Environmental Significance Overlay ESO76.

### Related Submission

171, 220, 214, 231

### Assessment

ESO76 covers property. Perceptions of the effect of the Environmental Significance Overlay are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible).

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Amend ESO schedules to exclude firewood harvesting for personal use (not for commercial sale) from requirement to obtain planning.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land. Consult with DNRE to determine true extent of listed environmental values.

### Panel Comment

Mr Frank Peisley appeared at the hearing. He owns 173 hectares of land at Genoa, used for four generations as a residence and farm for cattle grazing, horticulture and selected timber harvesting and production.

His concern was the perceived restrictions placed on his property by the application of an Environmental Significance Overlay (ESO). The concern was shared by many other owners of land used primarily for farming, not only in the extreme east and north east parts of the Shire around Genoa, Mallacoota and Bendoc in particular as

evidenced by the number of submissions received and the high interest displayed at the public hearing held by the Panel at Mallacoota.

The concept of overlays has been difficult to grasp and understood by many landowners. In many instances this misunderstanding is understandable particularly where much or all of some properties affected by the ESO are partially or totally cleared of significant vegetation and has been so for many years.

As the Council has pointed out, the information on which the ESO is based has been provided by DNRE from its data base and mapping sources and is not new data. Some of this data is obviously outdated and in need of review. Financial constraints upon both the Council, but more importantly on DNRE, preclude the constant and regular updates of the data base used in justifying the application of such an overlay.

The purpose of the overlay includes:

- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values,*

as well as implementation of the SPPF and LPPF including the MSS.

Clause 15.01 in the SPPF of the Planning Scheme relates to the protection of catchments, waterways and groundwater and Clause 15.09 relates to the conservation of flora and fauna. Item 3.7 'Biodiversity Conservation' at page 42 of the MSS (Clause 21.8.2) sets out the relevant strategies/activities in relation to Biodiversity Conservation and the goals for conservation and natural resource management.

Many of the concerns about perceived restriction on the farming activities and rural pursuits carried on by the submitter and others were in the Panel's view satisfactorily resolved or explained during the course of the hearing.

The Council has conceded some amendments to the Overlay are warranted in the circumstances, as does the Panel. The Council has also indicated its readiness to issue planning permits for multiple uses or developments if appropriate or for the ongoing use and development of a property as shown on an approved wholefarm plan or property management plan.

**The Panel recommends that:**

- 1. All areas contained in the ESO which do not exhibit the values listed in the table to the Schedule to the overlay be exempted if satisfied such values do not exist as in the case of cleared land.**
- 2. Council consult with DNRE to determine the true extent of listed environmental values.**
- 3. DNRE be requested to update and review its data base and mapping upon which the application of an ESO is based as and when able.**
- 4. Schedule 1 to the ESO be amended to include as an exemption under Clause 42.01-2 the removal and/or cutting of timber for fencing, the harvesting of firewood for personal use (not commercial sale) and grazing, farming, slashing and ploughing.**

Finally, the Panel notes that existing permitted uses can continue by virtue of Clause 64.

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Submission No. : 215  
Submitter: Fisher Stewart Pty. Ltd.  
Location: Part C/A 49 Lucknow  
Existing Zone: Rural  
Proposed Zone/Overlay: RLZ(8ha)  
Requested Zone/Overlay: R1Z

### Summary

Their property abuts the eastern edge of Bairnsdale's residential development. They consider it appropriate for the existing 3 dwellings fronting Princes Highway to be zoned Residential 1 rather Rural Living Zone.

### Related Submission

N/A

### Assessment

This appears to be an oversight in the preparation of the planning scheme map. These 3 sites should be zoned Residential 1 to recognise the current use of the properties as dwellings.

### Council Recommendation

Council recommends that the existing 3 dwellings fronting Princes Highway (known as lot 125, 127 & 131 be zoned Residential 1 Zone.

### Panel Comment

Mr Chris Taylor of Fisher Stewart, Planning Consultants appeared before the Panel on behalf of Mr J T Mathews.

The Panel agrees with Mr Taylor's submission and Council's recommendation and **recommends that Nos 125 to 131 Princes Highway, on the north side of the highway immediately to the east of the land currently zoned Residential 1, and extending approximately 71 metres further to the east and 42,67 metres in depth, be included in the Residential 1 Zone.**

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Submission No. : 216  
Submitter: IM & JR Cook  
Location: Proposed Industrial Site  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: Residential

### Summary

Paynesville is a predominantly quiet holiday/tourist town with a largely older population that have no need for an industrial estate. Traffic using the industrial estate would cause problems at an already dangerous intersection. We did not initially lodge a submission to the planning scheme as we were led to believe from your 1997 East Gippsland Planning and Development Strategy (1997-2010) that the future industrial area was Slip Road as indicated by Map6 in the strategy.

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

In relation to the 1997 East Gippsland Planning and Development Strategy (1997-2010), Map No.6 does show the future industrial area as Slip Road, however the Local Strategies & Issues section (p112) states:- 'Other issues to be resolved in the MSS and new Planning Scheme will include:

An appropriate location for an industrial estate to meet the service industrial requirements such motor repair shops, panel beaters, garden supplies and other workshops, located away from the foreshore and commercial or residential areas

Whether there is a need to zone land in Paynesville for mixed showroom /storage /business uses, and if so, to identify an appropriate location.

#### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

#### Panel Comment

Refer Submission 133.

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Submission No. : 217  
Submitter: MB & DF Loader/GM Loader  
Location: 690 Riverbank East Road, Broadlands  
Existing Zone: F1  
Proposed Zone/Overlay: RUZ(100ha) with LSIO  
Requested Zone/Overlay: Remove LSIO

### Summary

Objects to being included in the Land Subject to Inundation Overlay. Considers that his property is only subject to being isolated during a flood and not actually subject to inundation.

### Related Submission

186, 217

### Assessment

It should be noted that inclusion in the Land Subject to Inundation Overlay does not prohibit the construction of a building or the carrying out of works it however require the consent of the Responsible Authority through the planning permit process. Before deciding on a planning application the Council would consider the decision guidelines set out in Section 44.03-3 of the Land Subject to Inundation Overlay.

### Council Recommendation

Council recommended that the Land Subject to Inundation Overlay be retained, and that the submission be referred to the Panel.

### Panel Comment

The Panel agrees with the Council's assessment above.

It is noted that the basis upon which the Overlay is applied derives from data and mapping provided by DNRE — Flood Plain Management Unit. No doubt this information is likely to be reassessed following the disastrous June 1998 flood.

The Panel agrees that, certainly pending any such reassessment, the Overlay should remain and makes no recommendation with respect to this submission.

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Submission No. : 218  
Submitter: C & L Callow  
Location: 134 Hunters Lane, Lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Residential

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:-, will cause noise problems, is too close to residential properties, will be dangerous to children and will spoil the natural beauty of the area.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whitters Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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□ Submission No. : 219  
Submitter: R. Winfield  
Location: 189A Hunters Lane KALIMNA VIC 3909  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Seeks additional information

#### Summary

Seeks additional information relating to the proposal to create an Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway.

#### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

#### Assessment

Information provided at a public meeting to discuss this issue and through the planning scheme.

#### Council Recommendation

Nil required.

#### Panel Comment

Refer Submission 13.

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Submission No. : 220  
Submitter: WL Brown  
Location: Lot 1 LP 202141 off Princes Highway. Maramingo  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100ha), ESO75  
Requested Zone/Overlay: Removal of ESO 75

### Summary

Objects to ESO75 on the basis of no consultation, adverse effect on property value and potential sale of property.

### Related Submission

171, 220, 231

### Assessment

ESO75 covers entire property. Perceptions of the effect of the Environmental Significance Overlay are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible).

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

### Panel Comment

Mr Bill Brown appeared at the hearing. He was another owner of property at Maramingo who was concerned at the application of an ESO over his 29 hectare property and objected *'to this intrusion on account of the restrictions and conditions imposed if this scheme was allowed to go ahead'*.

His current or future use of the property for firewood, saw mill logs, fencing material, stone and general extraction, stockyard building material provision and the like will be able to be carried on subject to obtaining a permit if the use is one requiring one.

Otherwise, see Submission 214.

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Submission No. : 221  
Submitter: KAD Smith  
Location: 110-112 Grandview Road, Paynesville  
Existing Zone: F1  
Proposed Zone/Overlay: IN1Z  
Requested Zone/Overlay: Residential

### Summary

Expresses concern that the proposed Grandview Road industrial estate at Paynesville will detract from the appearance of the area, will increase the possibility of traffic accidents, would subject the residents of Newlands Drive to increased traffic and in addition there is no need for the proposal as Bairnsdale has sufficient industrial land.

### Related Submission

9, 18, 20, 25, 27, 28, 29, 31, 36, 133, 136, 137, 216, 221

### Assessment

Paynesville is recognised as a major growth area in the region and to service this center the Municipal Strategic Statement (p.69&70) identifies two key industrial locations. An industrial estate is proposed of approximately 8ha. on Grandview Road and an existing area is also recognised at Slip Road. The Slip Road site adjoins McMillan Straits and is developing as a major marine related service area. The MSS recognises this feature in its policy titled the Paynesville Industrial Development Policy (p.5 Local Policies) and states as one of its objectives 'To encourage marine related industry dependent on its proximity to water to locate in the Slip Road industrial area'

The planning scheme zoned the Grandview Road area as Industrial 1 Zone to meet Paynesville's local service industrial requirements, such as motor repair shops, panel beaters, garden supplies and workshops. The MSS states in its Paynesville Industrial Development Policy that 'Non-marine related industry will be encouraged to locate in the Industrial zoned land in Grandview Road, Paynesville.

The Grandview Road site was selected following an analysis of alternative sites examining issues of servicing costs, proximity to Paynesville, need and visual amenity.

From a visual amenity perspective this site was considered to be unobtrusive in that it would not block views of the lakes and could be effectively screened from Grandview Road and the main Paynesville-Bairnsdale Road.

In relation to the 1997 East Gippsland Planning and Development Strategy (1997-2010), Map No.6 does show the future industrial area as Slip Road, however the Local Strategies & Issues section (p112) states:- 'Other issues to be resolved in the MSS and new Planning Scheme will include:

An appropriate location for an industrial estate to meet the service industrial requirements such motor repair shops, panel beaters, garden supplies and other workshops, located away from the foreshore and commercial or residential areas.



Whether there is a need to zone land in Paynesville for mixed showroom /storage /business uses, and if so, to identify an appropriate location.

#### Council Recommendation

Council accepts the proposed Grandview Road industrial estate, however recommends changing the zoning from Industrial 1 to Industrial 3 Zone and further resolves that additional public consultation will be conducted after the panel hearing decision.

#### Panel Comment

Refer submission 133.

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Submission No. : 223  
Submitter: RP Scott  
Location: Part C/A 85 & 85A Hunters Lane  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: N/A

### Summary

Opposes the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it will devalue neighbouring properties and will cause traffic problems.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whitters Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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□ Submission No. : 224  
Submitter: P & D Bowler/K & A Askew  
Location: C/- 155 Hunters Lane LAKES ENTRANCE VIC 3909  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: N/A

### Summary

Opposes the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it will devalue neighbouring properties, will cause traffic problems, dangerous to school children, cause noise problems and spoil the farm view.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whithers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer submission 13.

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□ Submission No. : 225

Submitter: AG Johnson  
Location: 102 Hunters Lane, Lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: N/A

### Summary

Opposes the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it will devalue neighbouring properties, will cause traffic problems, create environmental problems, and spoil the natural beauty of the area.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer submission 13.

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Submission No. : 226  
Submitter: C & J Middleton  
Location: 2 Hunters Lane  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial site at Hunters Lane

### Summary

Opposes the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- will devalue neighbouring properties, will cause noise problems, is too close to residential properties, will be dangerous to children and will spoil the natural beauty of the area.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer submission 13.

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Submission No. : 227  
Submitter: GW & AR Jackson  
Location: 141 Hunters Lane, Lakes Entrance  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Protests the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it is too close to residential properties.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whithers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer submission 13.

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Submission No. : 228  
Submitter: Crowther & Sadler for P & L Friend  
Location: Princes Highway, Kalimna  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Support the zoning

### Summary

Supports the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it is well located to supply the township of Lakes Entrance with industrial land, has easy access to main roads and services and the large site is capable of providing landscaped screening between the industrial and residential areas to negate any perceived impact on nearby residents.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whithers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Mr Michael Sadler of Crowther and Sadler Pty Ltd, Surveyors, appeared before the Panel on behalf of Mr and Mrs Friend, the owners of the subject land.

Refer submission 13

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Submission No. : 229  
Submitter: L. Wilton  
Location: 18 Hunters Lane  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Opposes the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- will devalue neighbouring properties, will cause noise problems, is too close to residential properties, will be dangerous to children and will spoil the natural beauty of the area.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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□ Submission No. : 230  
Submitter: B. Scott  
Location: Part C/A 85 & 85A Hunters Lane  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it will be detrimental to the local residents and the town, as it will remove valuable residential land that is suitable for the future expansion of the town.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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Submission No. : 231  
Submitter: L & G Rands  
Location: Lot 6 LP 215434  
Existing Zone: RU2  
Proposed Zone/Overlay: RUZ(100ha), ESO75, WMO  
Requested Zone/Overlay: Removal of ESO75

### Summary

Objects to Environmental Significance Overlay ESO75. Identifies existing land use as vegetable and flower production, orchard, cattle grazing, stone quarry, and previously for commercial firewood gathering. Indicates that the environmental values identified in ESO75 are not present, or present in small areas on the subject land. Highlights that ESO75 prevents firewood gathering for personal use.

### Related Submission

171, 220, 231

### Assessment

ESO75 covers entire property. Perceptions of the effect of the Environmental Significance Overlay are incorrect. Development within an Environmental Significance Overlay area is not prohibited outright, rather development may occur if impact thereof is negligible (or minimised as much as possible).

Information forming the basis of the Environmental Significance Overlay has been provided by DNRE and is not new data. The information has been used to date by DNRE in assessing development proposals and is now included 'up-front' into the planning scheme thereby providing greater information to landowners when considering development options.

Identification of sites of environmental significance is consistent with the requirements of the State Planning Policy Framework clauses 15.01 & 15.09, overlay objectives, and objectives of the Municipal Strategic Statement.

Amend ESO and VPO schedules to exclude firewood harvesting for personal use (not for commercial sale) from requirement to obtain planning approval.

### Council Recommendation

Retain as exhibited but exempt all areas within an ESO that DO NOT exhibit the values listed in the schedule table, ie all cleared land.

Amend ESO (and VPO) schedules to exclude firewood harvesting for personal use (not for commercial sale) from requirement to obtain planning approval.

### Panel Comment

Mr Leslie Rands appeared at the hearing with his wife and forcefully presented his submission.

Mr and Mrs Rands were not only concerned at the perceived adverse impact of the ESO on their property but also at the possible effect on the 'licensed' quarry on their 66 hectare property, the harvesting of firewood and the fact that there are no powerful or masked owls or glossy black cockatoos on their property.

They also pointed out the incongruity in that the whole of their western boundary and part of the northern boundary of their property which has only 50-60 year old regrowth bush with a small area of the rare Coastal Grey Box regrowth abuts Crown land which is *'under General Management Zone which means it can be clear felled and majority wood chipped at any time'* including mature Coastal Grey Box whereas their land is subject to clearing of Native Vegetation Controls and also the ESO.

See Submission 214.

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Submission No. : 232  
Submitter: CD & JA Henry  
Location: 132 Hunters Lane  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site in Hunters Lane

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- will devalue neighbouring properties, will cause noise problems, is too close to residential properties, will be dangerous to children and will spoil the natural beauty of the area.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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Submission No. : 233  
Submitter: AH & JA Baker  
Location: 60 Hunters Lane  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- is too close to residential properties and the proposal would fragment the existing industrial estate. In addition the when they invested in the area they had no knowledge of the proposal.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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Submission No. : 234  
Submitter: RF Wiesner  
Location: 177 Hunters Lane LAKES ENTRANCE VIC 3909  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- is too close to residential properties and the proposal would fragment the existing industrial estate. In addition the when they invested in the area they had no knowledge of the proposal.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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□ Submission No. : 235  
Submitter: C. Armistead  
Location: 30 Hunters Lane LAKES ENTRANCE VIC 3909  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Protests the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- will devalue neighbouring properties, will cause noise problems, is too close to residential properties and will spoil the natural beauty of the area.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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Submission No. : 236  
Submitter: RG Mallen  
Location: 62 Hunters Lane LAKES ENTRANCE VIC 3909  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- is too close to residential properties and the proposal would fragment the existing industrial estate. In addition the when they invested in the area they had no knowledge of the proposal.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whifers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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Submission No. : 237  
Submitter: J. Jennings for RE Taggart, M. Oldenburger, P. Savige,  
PE Andrews, J. Moore, MJ Smith all of Hunters Lane  
Location: 48 Hunters Lane  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- is too close to residential properties and the proposal would fragment the existing industrial estate. In addition the when they invested in the area they had no knowledge of the proposal.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whithers Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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Submission No. : 238  
Submitter: JF Campbell  
Location: 100 Hunters Lane LAKES ENTRANCE VIC 3909  
Existing Zone: RU1  
Proposed Zone/Overlay: IN3Z  
Requested Zone/Overlay: Object to proposed Industrial Site at Hunters Lane

### Summary

Objects to the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance on the grounds that it:- is too close to residential properties and the proposal would fragment the existing industrial estate. In addition the when they invested in the area they had no knowledge of the proposal.

### Related Submission

13, 41, 49, 218, 219, 223, 224, 225, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 237, 238

### Assessment

Lakes Entrance is recognised as a major urban growth area in the region. It is primarily a tourist and retirement town with a strong commercial fishing base.

The service industrial requirements of the town are currently met by a small light industrial area in Whitters Road. This area is reaching full capacity and as such a new site was identified in the planning scheme to meet the needs of the expanding community. The Municipal Strategic Statement states (p.84) 'The Planning Scheme identifies additional land to the west of Lakes Entrance (off Hunters Lane) for light industrial purposes, with good access from the Princes Highway and capable of being fully serviced at an acceptable cost. The Scheme also designates an area of the central commercial area of Lakes Entrance as a Business 3 Zone, to provide an appropriate location for service businesses and large-floorspace retail uses.'

In relation to the appearance of any future industrial estate the Local Policies section of the new planning scheme contains the Industry Development Policy (p.3) and the Princes Highway Corridor Policy (p.20). Both these policies have strong themes of promoting the landscape presentation of new developments to ensure that the overall amenity and appearance of urban and rural areas is maintained.

### Council Recommendation

Council recommends that the proposed Industrial 3 Zone at the intersection of Hunters Lane and the Princes Highway, Lakes Entrance be deleted and the site zoned Rural Zone and that additional studies be conducted to identify an appropriate industrial site for Lakes Entrance.

### Panel Comment

Refer Submission 13.

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## 5. RECOMMENDATIONS

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The Panel/Advisory Committee recommends that the East Gippsland Planning Scheme should be adopted subject to the following recommendations.

### 5.1 BEFORE ADOPTION

The following changes should be made to the exhibited East Gippsland Planning Scheme before adoption.

1. Modifications be made to the Scheme to incorporate amendments to the Victoria Planning Provisions approved since preparation of the Planning Scheme, and that appropriate amendments be made to the various Schedules in the Scheme to bring them in line with the Ministerial Direction on the Form and Content of Planning Schemes. (page 9)
2. The Local Policy relating to Identification of Development Constraints be extended to include Council's requirement for an environmental audit of any potentially contaminated site before any sensitive land use will be considered on the land, and that reference to this requirement be included in Section 21.9.4 of the MSS, under the heading Land Capability and Development Constraints. (page 10)
3. The wording of the Local Policies be amended by inserting appropriate replacements for the words 'must' and 'shall', and that changes be made to the map notations as requested by DOI. (page 11)
4. Council prepare a simplified version of the MSS that clearly establishes links between the issues to be addressed, the objectives intended to address the issues, and the strategies or actions proposed to achieve each of the objectives. (page 13)
5. Council review the Strategies/Actions listed in its MSS with a view to deleting those not directly relevant to the context of the Planning Scheme. (page 13)
6. Council review the layout of the MSS with a view to producing a clearer and more readable document, and that the township strategy maps be appropriately labelled. (page 13)
7. Council investigate whether Extractive Industry is prohibited on the land controlled by the Lake Tyers Aboriginal Trust by an Act of Parliament, and if it is not prohibited, that the Table of Uses to Schedule 2 of the Special Use Zone be amended by deleting Extractive Industry from the list of Section 3 uses. (page 15)
8. A Development Contributions Plan Overlay, Significant Landscapes Overlay, Environmental Audit Overlay and an extended Erosion Management Overlay, Salinity Management Overlay and Land Subject to Inundation Overlay be included in the Planning Scheme as soon as practicable. (page 17)

9. A Design and Development Overlay be applied to non-urban freehold land within 300 metres of either side of the Princes Highway, in order to maintain the efficiency and amenity of the highway corridor. (page 17)
10. The minor changes referred to in the DOI submission be made to the Schedules to the Environmental Significance Overlay. (page 25)
11. The Schedules to the VPO be reworded to clearly specify vegetation that is protected by the Overlay. (page 27)
12. Council amend its Planning Scheme to include the amendments to the Heritage Overlay Schedule and maps as suggested by DOI, Heritage Victoria and the National Trust. (page 28)
13. Council confer with DOI on the wording of the Schedules to the DDO and make appropriate changes. (page 30)
14. The ESO be removed from the warm temperate forest land on the south side of Widdis Road, Lakes Entrance. (page 31)
15. The Schedules to the DDO clearly set out the location of the land affected by the DDO. (page 31)
16. Council reword its Industry Development Policy to bring it in line with the guidelines set out in the Manual for the Victoria Planning Provisions, and that Council include in Item 4.3 of its MSS a Strategy/Action relating to the planning and presentation of industrial sites. (page 35)
17. The Paynesville Industry Development Policy be amended by deleting reference to the Grandview Road industrial area. (page 35)
18. Council delete the Rural Residential Suitability Policy from the Planning Scheme, and that the provisions of the Policy be incorporated in Item 4.5 – Rural Residential Development, in the Council's MSS. (page 36)
19. Council reword its Dwellings in Rural Areas Policy to bring it in line with the guidelines set out in the Manual for the Victoria Planning Provisions, and that clearer links be established between the policy objectives and provisions, and between the Policy and the Strategies in Item 4.7 – Rural Land in Council's MSS. (page 38)

### **Recommendations Arising From Individual Submissions**

20. No. 158 Bullumwaal Road, Bairnsdale be zoned Mixed Use. (Submission 2)
21. The land between Nos 117 and 131 Moreland Street, Bairnsdale be zoned Mixed Use. (Submission 3)
22. Crown Allotments 9, 9A and 9B Gypsy Point Road, Parish of Maramingo be zoned Rural Living with a minimum lot size of eight hectares. (Submission 5)
23. Map 40 and its overlays be amended to show the current alignment of Fishers Road, Paynesville. (Submission 8)
24. (a) The land at the intersection of Hunters Lane and Princes Highway, Lakes Entrance be zoned Rural in place of Industrial 3.

- (b) Reference to this land as being appropriate for light industrial purposes be removed from the MSS. (Submission 13)
- 25. The extractive industry site known as Granite Rock be zoned Special Use – Extractive Industry. (Submission 14)
- 26. That the MSS at Clause 21.10.3 of the Planning Scheme give recognition to the regionally significant granite reserve at Granite Rock. (Submission 14)
- 27. Clause 21.10.11 of the MSS at page 92 be amended to include an enhanced role for Cabbage Tree Creek as a highway tourism location. (Submission 21)
- 28. The boundary line between the Business 1 Zone and the Residential 1 Zone on Lot 10, Langford Road, Paynesville be amended to show Lot 10 as being zoned Residential 1. (Submission 30)
- 29. That part of Lot 13 fronting Albatross Road, Kalimna as referred to in the submission be zoned Residential 1. (Submission 50)
- 30. The local policy Dwellings in Rural Areas Clause 22.07 be amended to provide that, where areas have vacant capacity in social infrastructure, dwellings which are not related to farming or other economic activities on the land and where environmental factors such as effluent disposal and other issues referred to in the relevant overlays are satisfied may be approved on lots in rural areas. (Submission 69)
- 31. The Map in the LPPF entitled 'Eagle Point to Paynesville Strategy Map' be amended to more accurately reflect the proposed entry road to Paynesville. (Submission 81)
- 32. Council change the Schedules to the ESO, EMO and SMO to exempt plantation establishment and plantation related roads from the need to obtain a permit. (Submission 84)
- 33. (a) The properties fronting Maurice Avenue/Genoa Road Mallacoota (south side) to Bastion Point Road be zoned Mixed Use.
- (b) Lot 7, No. 16 at the intersections of Lees and Betha Roads, Mallacoota be zoned Residential 1. (Submission 86)
- 34. Council:
  - (a) Amend its Planning Scheme maps to show as Road Zone Category 1 (RDZ1) all roads declared under the provisions of the *Transport Act 1983* i.e. freeways, highways, main, tourist and forest roads, the Benambra-Corryong Road from end of the seal at 100.6 km from Murray Valley Highway northwards towards Corryong and to correct maps presently incorrectly shown as RDZ1.
  - (b) Rename in its maps the Alpine Road and Omeo Highway south of Omeo to the Great Alpine Road and the Cann Valley Highway to the Monaro Highway.
  - (c) Rezone the land on Map 54 set aside for a deviation of the Princes Highway at Jemmy's Point, Kalimna as Proposed Freeway to the same zone as the abutting land with a PAO, in accordance with the Schedule included with VicRoad's letter of 24 February 1998. (Submission 89)

35. The Heritage Overlay be removed from 267 Main Street, Bairnsdale by deleting Listing No. 82 from the Overlay. (Submission 97)
36. The sites owned by East Gippsland Water and referred to in its letter of 24 December 1997 be zoned PUZ1. (Submission 99)
37. St Mary's School and Convent located between Nicholson, Pyke and Francis Streets, Bairnsdale be zoned Business 1 Zone. (Submission 112)
38. Map 51 be amended to show the zoning of Nos 9-11 Wellington Street, Paynesville as Residential 1. (Submission 115)
39. The area having reticulated sewerage within the Omeo Sewerage District as defined by East Gippsland Water be zoned Residential 1. (Submission 117)
40. The Industrial 1 Zone in Grandview Road, Paynesville be deleted from the planning scheme map; that the land be zoned Rural 1; and that the MSS be amended accordingly. (Submission 133)
41. The third dot point at Clause 21.10-7 of the MSS be replaced with 'development of more than one dwelling on any lot will be actively discouraged unless it can be demonstrated that the environmental qualities of the area are not adversely affected.' (Submission 135)
42. Council include the zoning and overlay changes, and amendments to the LPPF as agreed to by Council and set out in the submission by the Department of Natural Resources and Environment and attached as Appendix E. (Submission 157)
43. Council amend its MSS in relation to Plantation Establishment & Farm Forestry by deleting reference in item 4.13.3 to '*implications for Shire infrastructure such as roads and bridges*', and that it develop a local policy for inclusion in the LPPF, justifying its requirement for a planning permit for timber plantations in excess of 100 hectares in the Rural Zone. (Submission 157)
44. The Crown land adjacent to the existing industrial estate in Mallacoota be zoned part Industrial 3, part Public Conservation and Resource Zone as shown on the plans provided to the Shire by the Department of Natural Resources and Environment. (Submission 157)
45. Council investigate the ownership of land at the western end of the Boole Poole Peninsula, and that any privately owned land be zoned Environmental Rural Zone. (Submission 159)
46. The Public Transport Corporation land be zoned Public Use Zone – 4, and that the Salinity Management Overlay be removed from the Public Transport Corporation land. (Submission 160)
47. Clause 21.10.12 of the MSS at page 99 be amended by including the words '*and softwood*' after the word '*hardwood*' to the third dot point. (Submission 169)
48. The heritage sites referred to in the Mallacoota Workshop Report, East Gippsland Heritage Workshop CNR and AHC, July 1993 be included in the Heritage Overlay. (Submission 172)
49. (a) A buffer zone separating the Industrial 3 Zone parallel to Commercial Road and David Creek, Mallacoota along Casuarina Walk be provided.

- (b) The zoning maps for the PPRZ designated in Crabtree Lane, Mallacoota where appropriate be corrected. (Submission 172)
- 50. The Vegetation Protection Overlay – Schedule 1 be removed from the land within the required runway approach gradient to the Lakes Entrance airfield as specified in CAAP No 92-1(1). (Submission 173)
- 51. A Design and Development Overlay, with a Schedule as set out in the Council report, be applied to the approach gradients to runways of all appropriate airfields in the Shire. (Submission 173)
- 52. Lot 1, PS 320822V Tambo Boulevard, Metung be included in the Environmental Rural Zone with a minimum subdivision area of 50 hectares. (Submission 185)
- 53. The north eastern portion of Lot 823, LP 147968 Colony Club Drive, Newlands Arm be zoned Residential 1. (Submission 190)
- 54. No. 70 Metung Road, Metung be zoned Residential 1. (Submission 199)
- 55. The Panel recommends that Lots 2 and 3 and 21, LP 31191, Main Street, Bairnsdale be zoned Mixed Use. (Submission 203, 204, 205)
- 56. The land in Racecourse Road, Bairnsdale east of the railway line be included in a Rural Living Zone with a minimum subdivision area of 2 hectares. (Submission 208)
- 57. Schedule 1 to the ESO be amended to include as an exemption under Clause 42.01-2 the removal and/or cutting of timber for fencing, the harvesting of firewood for personal use (not commercial sale) and grazing, farming, slashing and ploughing. (Submission 214)
- 58. Nos 125 to 131 Princes Highway, Bairnsdale on the north side of the highway immediately to the east of the land currently zoned Residential 1, and extending approximately 71 metres further to the east and 42,67 metres in depth, be included in the Residential 1 Zone. (Submission 215)

## 5.2 AFTER ADOPTION

- 1. Council prepare a concept plan to guide future residential development at Johnsonville, and that the concept plan be included as a Local Policy in the Planning Scheme. (page 11)
- 2. A Development Contributions Plan Overlay, Significant Landscapes Overlay, Environmental Audit Overlay and an extended Erosion Management Overlay, Salinity Management Overlay and Land Subject to Inundation Overlay be included in the Planning Scheme as soon as practicable. (page 17)
- 3. The amended Schedule to the Rural Zone be exhibited prior to the changes being incorporated in the Planning Scheme. The appropriate minimum lot size for subdivision be substituted for the 'no minimum area' in the Schedule to the Rural Zone as exhibited. (page 20)
- 4. Council meet with DOI to determine changes required to Schedule 1 to the Special Use Zone, and that Council consider applying a Development Plan Overlay to the land affected by the zone. (page 23)



5. Council meet with DOI and the Lake Tyers Aboriginal Trust to determine changes required to Schedule 2 to the Special Use Zone, and that Council consider applying a Development Plan Overlay to the land affected by the zone. (page 23)
6. Council meet with DOI to determine changes required to the Schedule to the Comprehensive Development Zone. (page 24)
7. Siting and design guidelines be developed as soon as practicable for the areas covered by the DDO. (page 30)
8. Council review the Glen Wills, Township of Sunnyside and Newlands Arm Estate Restructure Plans to assess whether Local Planning Policies are necessary to satisfactorily achieve the objectives of the Restructure Plans. (page 33)

### Recommendations Arising from Individual Submissions

9. The Council undertake additional studies to identify an appropriate industrial site in Lakes Entrance. (Submission 13)
10. A restructure plan for the Cassilis township be prepared with the aim of placing a Restructure Plan overlay over relevant land. (Submission 69)
11. Consideration be given to rezoning relevant parts of the Cassilis Valley to a RLZ or other form of higher density if appropriate. (Submission 69)
12. The Schedule to the Rural Zone be amended to change the minimum lot size from 100 hectares to 40 hectare. (Submission 69)
13. The Scheme be amended to show the minimum area for which no permit is required to use land for a dwelling in the Rural Zone as 40 hectare. (Submission 69)
14. Upon receipt of additional information from GPU Powernet Pty Ltd to identify its powerlines, the powerlines be shown on the base to planning scheme maps. (Submission 100)
15. A study of the Colquhoun area be undertaken by the Council to identify the appropriate development distribution and density taking account of topography, native vegetation, the need to protect the catchment of North Arm, and the proximity of the airfield north of Lakes-Colquhoun Road. (Submission 101)
16. Upon receipt of a list of war memorials in the Shire from the RSL, the war memorials be included in the Heritage Overlay. (Submissions 107, 110, 111)
17. Those heritage places and sites selected after discussions with the National Trust be included in the Heritage Overlay. (Submission 131)
18. A Local Planning Policy be developed for the Tambo Bluff estate:
  - setting out objectives for the restructure plan;
  - setting out policy in relation to development of restructure lots; lots that have not yet been restructured; and low intensity use lots

- setting out requirements in relation to the treatment and disposal of waste water;
  - providing clear guidance on the appropriate form of development within the estate. (Submission 142 and ors)
19. A detailed study of the Tambo Bluff Estate be carried out to assess, amongst other things:
- the capability of the restructure lots to treat and retain septic effluent;
  - the development potential of the subdivision if it is sewerred;
  - the development potential of the lots referred to by submitters;
  - proposed road closures and apportionment of land from the closures to adjoining land owners;
  - future use of low intensity use lots that are owned by Council;
  - development of the open space areas and swamplands;
  - provision of walking tracks and car parking areas;
  - road construction standards,
- and that design and development guidelines be developed for the Estate.  
(Submission 142 and ors)
20. When the Regional Vegetation Plan and Jetty Zoning Plan have been completed by DNRE, Council incorporate these documents in its planning scheme.
21. Additional WMO mapping carried out by the CFA be included in a later planning scheme amendment, to allow for proper exhibition of the extended WMO areas.  
(Submission 164)
22. Council give due consideration to the matters raised by Mr Peel in this submission and make appropriate amendments to the ESO and VPO when able.  
(Submission 165)
23. A Design and Development Overlay for the township of Mallacoota be prepared addressing, though not exclusively, the issues raised by the Friends of Mallacoota in its submission.  
(Submission 172)
24. The Department of Infrastructure investigate the matter of maintaining runway approach gradients to airfields clear of any obstructions, with a view to making an appropriate amendment to the VPPs to address the aircraft safety issues raised by Dr Smith.  
(Submission 173)
25. The WMO maps over Mosquito Point be replaced with revised maps from the CFA when received.  
(Submission 176)
26. All areas contained in the ESO which do not exhibit the values listed in the table to the Schedule to the overlay be exempted if satisfied such values do not exist as in the case of cleared land.  
(Submission 214)

27. Council consult with DNRE to determine the true extent of listed environmental values included in the Schedules to the ESO. (Submission 214)
28. DNRE be requested to update and review its data base and mapping upon which the application of an ESO is based as and when able. (Submission 214)

# APPENDIX A – TERMS OF REFERENCE

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# NEW FORMAT PLANNING SCHEME

## TERMS OF REFERENCE FOR ADVISORY COMMITTEE

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### PART A – BACKGROUND

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The three key objectives of the current program of planning reform in Victoria are:

- To establish a focus on state and local strategic directions which provide the bases for controls in planning schemes and guidance to decision-making.
- To provide a consistent set of statewide planning scheme controls and provisions.
- To test the system's effectiveness by annual monitoring and review.

The introduction of new format planning schemes for every municipality in Victoria presents a unique opportunity to put in place a complete set of consistent new schemes which express clear and implementable strategic objectives, eliminate unnecessary controls and display a high standard of statutory drafting.

The program also provides an opportunity to begin to build into schemes performance measurement criteria as a basis for the evaluation of the longer term effectiveness of each scheme and the effectiveness of individual policy initiatives.

To achieve these outcomes, it is very important that each scheme be examined and enhanced wherever possible to ensure that it is strategically well founded, well constructed and as technically correct as possible at the time of approval. In particular, a scheme should:

- Be consistent with statutory requirements, Ministerial Directions and the guidance given about the use of the Victoria Planning Provisions.
- Be consistent with the State Planning Policy Framework.
- Be constructed to actively implement the Municipal Strategic Statement and local policies, rather than being a best fit translation of the previous scheme.
- Only include clearly justified local policies.
- Use performance based or outcome based requirements wherever practicable.

An advisory committee appointed under Section 151 of the *Planning and Environment Act 1987* provides a means to assess schemes in these terms and to develop a comparative understanding of schemes on a statewide basis.

The development and use of new format planning schemes will be a learning process. Good ideas which emerge from this review of schemes will be able to be passed on for the benefit of all planning authorities: similarly with lessons.

There is a potential for planning authorities to use the Victoria Planning in a way which may make planning schemes unduly cumbersome. Experience the VPPs will overcome many of these problems, however this opportunity taken to identify if there are schemes that are overly cumbersome and whether there are more appropriate approaches which could overcome this.

## PART B THE TASK

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The task of the Advisory Committee is to evaluate schemes and recommend modification or improvement to achieve a high standard statutory document.

It is not intended that the Advisory Committee re-examine the principles underlying the reforms to the planning scheme, the approval of the Victoria Planning Provisions, the structure of new planning schemes or any other matter introduced under the *Planning and Environment (Planning Schemes) Act 1996*.

The Advisory Committee must hold a public hearing at which it will give the planning authority an opportunity to respond to the specific matters identified in Part E. It may hear from any other person with respect to these matters also.

The Advisory Committee must prepare a report in accordance with Part D which responds to the matters set out in Part C.

The Advisory Committee must undertake its task in conjunction with its role as a panel appointed to consider submissions about the planning scheme under of the *Planning and Environment Act 1987*.

## PART C WHAT SHOULD ADVISORY COMMITTEES CONSIDER?

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### **I. Consistency**

Is the planning scheme consistent with:

- the Ministerial Direction on the Form and Content of Planning Schemes under
- section 7(5) of the Planning and Environment Act 1987;
- Ministerial Directions under section 12 of the Planning and Environment Act 1987
- the Manual for the Victoria Planning Provisions?

### **2. Municipal Strategic Statement (MSS)**

Does the MSS further the objectives of planning in Victoria to the extent that they are applicable in the municipal district?

Are the strategic planning, land use and development objectives of the planning authority a reasonable response to the characteristics, regional context, constraints and opportunities of the municipal district?

Considering the objectives of planning in Victoria and the planning authority's objectives, are there any important omissions or inconsistencies?

Does the MSS contain realistic and reasonable strategies for achieving the objectives?

What were the processes used in arriving at the MSS?

Are there satisfactory links with the corporate plan?

Are local provisions clearly expressed and written following plain English principles?

### **3. Local Planning Policy Framework (LPPF)**

Is the LPPF and other local provisions consistent with the SPPF?

### **4. Zones, Overalls and Schedules**

Are there clearly defined linkages between the MSS and the application of zones, overlays and schedules?

Is the application of zones, overlays and schedules the most appropriate of the VPP techniques to achieve the stated outcomes?

Are overlays and schedules being used when it may be more appropriate to use local policies?

If there are situations where the application of zones, overlays and schedules are not clearly linked to the MSS, is reasonable justification provided and is it considered acceptable?

Are the zones, overlays and schedules reasonably compatible at the interface with adjoining schemes?

Do local provisions adopt a performance based approach?

Have local provisions introduced referral requirements additional to those in the VPP?

### **5. Local Policies**

Are local policies directed towards implementation of the MSS?

Are local policies soundly based and reasonably justified?

Will local policies be of practical assistance in day-to-day decision making about permit applications?

To what extent have local policies been created as part of the new planning scheme and to what extent are they a replication of previous local policies?

### **6. Incorporated Documents**

Does the planning scheme include incorporated documents apart from those in the VPP?

What is the basis for incorporating any such documents?

Can the intentions of the planning authority in using incorporated documents be better achieved by other techniques in the VPP such as local policies?

## **7. Monitoring and Review**

Has the planning authority established appropriate mechanisms for:

monitoring decisions made under the planning scheme;

evaluating decisions against the intentions of the LPPF;

reviewing the LPPF and other local provisions and the planning scheme generally?

## **Part D — REPORTING REQUIREMENTS OF PANELS AND ADVISORY COMMITTEES**

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The reports of a panel and an advisory committee in respect of any new format scheme and submissions to it should be combined.

The Advisory Committee must prepare a report which:

- Addresses the terms of reference.
- Recommends appropriate modifications (either generally or specifically) to the exhibited scheme.
- Identifies matters which warrant ongoing review or monitoring, including the need for time limits or 'sunset clauses' for such matters.
- Recommends matters or issues to be considered as part of a further review of either the scheme or the Victoria Planning Provisions.

Addresses or recommends any other matters which the Committee considers appropriate.

The report should be structured in the following way:

- The first part should be a general overview including a brief appraisal of the municipality and its strategic planning response to its circumstances. Any major strategic issues which have not been sufficiently addressed or emphasised should be identified together with any major inconsistencies or apparent anomalies. This part of the report should also evaluate:
  - whether or not the scheme is in line with the expectations of planning reform
  - whether the scheme is an improvement on the old format scheme
  - options for further improvement in the short and long term.
- The second part should contain the Advisory Committee's responses to the matters set out in Part C, together with any discussion and recommendations arising from this part of its task. In doing this, the Committee should take into consideration the responses from the council under Part E.



- The third part should deal with all submissions and recommendations arising from them.
- The fourth part should assemble all the recommendations and divide them into two sections:
  - those which, in the opinion of the Panel/Advisory Committee, should be implemented before the planning scheme is adopted and approved. This will include any recommendations for rezoning etc. which arise from consideration of individual submissions.
  - those which can be considered as part of a further review or a proposed amendment following adoption and approval of the planning scheme. This will include any suggestions for revision of the VPPs.

Without limiting the ambit of recommendations which a Panel/Advisory Committee may make, the following actions are open to a Panel/Advisory Committee when making recommendations about a planning scheme:

- Change the zone or overlay applying to land.
- Modify a schedule.
- Recommend that the scheme be approved with identified modifications to the MSS or other parts of the LPPF.
- Recommend that the scheme be approved with a 'sunset clause' applying to certain provisions which require further consideration.
- Recommend that the scheme not be approved until certain matters are reviewed or done by the planning authority, or certain changes are made to the scheme.

The Panel/Advisory Committee should leave the drafting of modifications to the planning authority unless there is a specific reason for recommending a particular wording. In particular, the Panel/Advisory Committee should avoid attempts to rewrite any part of the council's MSS or local policies.

When identifying matters which warrant further review or ongoing monitoring, the Panel/Advisory Committee should consider the need to specify a time limit within which such review or monitoring should be carried out.

A copy of the report must be submitted to both the Minister and the planning authority within two months following the last day of hearings. A copy of the report must also be provided to the Minister and the planning authority on disk in MS Word format.

The Panel/Advisory Committee report will be available to the public 28 days after it is received by the planning authority or earlier if the planning authority agrees.

## PART E RESPONSES REQUIRED FROM COUNCILS

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The Panel/Advisory Committee will rely heavily on the material presented to them by Council. It is important that this material assist the Panel/Advisory Committee to fulfil its terms of reference and, in particular, to respond to the matters set out in Part C. Council's submission should respond to the following matters.

## **E.I. THE PLANNING SCHEME**

### **1. What are Council's strategic planning, land use and development objectives?**

This responds to section 12A(3)(a) of the Planning and Environment Act 1987 and essentially answers the question, 'What are we trying to achieve'? This section should identify the key issues in the municipality and explain how the objectives were arrived at.

### **2. What are the strategies for achieving these objectives?**

This responds to section 12A(3)(b) of the Planning and Environment Act 1987 and essentially answers the question, 'What are we going to do to reach the objectives?' This is the core of the Municipal Strategic Statement and sets the framework for the application of zones, overlays and schedules, and the development of local policies. The response is likely to contain a mixture of sectoral (eg. housing, industry,) and geographical (eg. activity centres, foreshore) statements identifying what Council intends to do and where it intends to do it.

### **3. How are the strategies to be implemented?**

This is an important step in explaining how the planning scheme has been developed. Some strategies or parts of strategies will be implemented through the application of zones, overlays, schedules and local policies and the subsequent administration of the planning scheme. Some strategies or parts of strategies may require actions or budgetary commitments through other Council programs and services, eg. Tree planting programs, capital works programs, traffic management schemes. There are therefore likely to be two aspects to the response.

For those strategies that are to be implemented through the planning scheme, it will be necessary to explain the relationship between the strategic action and the application of zones, overlays and schedules (where appropriate) and the relationship with particular local policies. One way of working through this exercise is to think of it in terms of the following matrix.

Strategy Zone Overlay Schedule Local Policy 1 2 etc

The components of the matrix would only be filled in as required. Not every strategy will require overlays and schedules nor have a specific local policy.

The matrix is only a tool; it is not necessary to include a matrix in Council's submission. What is necessary, however, is to explain to the Advisory Committee the relationship between the elements of the strategy and the zones (with any overlays or schedules) and local policies which are to be used in the planning scheme to implement the various elements of the strategy.

It is expected that this explanation will include reference to maps in order to explain where the zones etc apply.

This exploration responds to section 12A(3)(c) of the *Planning and Environment Act 1987*.

For those strategies that will be implemented, wholly or in part, through other activities of Council, it will be necessary to explain how they fit in with Council's corporate plan; what actions will be taken and when; and whether there is any budget commitment if one is necessary.

This explanation can be provided in the form of a simple matrix. It responds to section 12A(4) of the Planning and Environment Act 1987.

Strategy Relevant Council Corporate Program Action Time Line Budget Commitment  
1 2 etc

4. Explain any particular or special situations where zones, overlays, schedules or local policies have been included in the planning scheme which do not bear a direct relationship with Council's municipal strategic statement.

5. What mechanisms have been established or are proposed for:

Monitoring decisions made under the planning scheme and evaluating them in terms of the MSS and local policies?

Reviewing strategy and policy within the planning scheme and the planning scheme generally?

Are there any:

- Inconsistencies with the Ministers Directions under sections 7(5) and 12 of the Planning and Environment Act 1987?
  - Inconsistencies with the Manual for the Victoria Planning provisions?
  - Technical corrections which Council has made or wishes to make to the exhibited planning scheme?
7. How does the planning scheme relate to those of adjoining municipalities, particularly with reference to the compatibility of zones etc and local policies across municipal boundaries?
  8. Are there any incorporated documents in the planning scheme in addition to those included in the VPPs and, if so, what is the basis for their incorporation?
  9. Are there any referrals in the planning scheme in addition to those included in the VPPs and, if so, what is the basis for their incorporation?

## **E.2 SUBMISSIONS TO THE PLANNING SCHEME**

Councils should provide a response to ALL submissions received resulting from exhibition of its planning scheme.

The response should include the following sections:

- submission number
- submittor's name
- address of property (if relevant)
- existing zone (if relevant)
- exhibited zone (if relevant)
- requested zone (if relevant)
- brief summary of submission
- strategic assessment
- Council comment and recommendation
- Panel comment and recommendation (to be left blank)

### **E.3 OTHER MATTERS**

Councils may raise any additional issues as part of their overall submission which they consider appropriate.

APPROVED:

Robert Maclellan

Minister for Planning and Local Government

DATED: 28 January 1998

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## APPENDIX B – PERSONS APPEARING

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## LIST OF PERSONS APPEARING AT THE HEARING

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1. Ms Heather Hadley-Powell for DOI
2. Ms Helen Martin and Mr Sid Deam, Planning Officers for the Shire of East Gippsland
3. S & N Hallpike – Submission 201
4. JR & JL Richardson – Submission 40
5. KC Eckhart – Submission 179
6. Dean Herbert – Submission 102
7. Mr Murray Rankin, Executive Officer for Gippsland Coastal Board – Submission 120
8. Mr Andrew Buckley and Dr Stephen Henry, Co-ordinator. Flora and Fauna for DNRE – Submission 157 and 188
9. Mr M B Loader – Submission 217
10. Mr R Craigie – Submission 31
11. Ms Jenny Jones, Planning Consultant for Peter Baker and 45 others, Submission 35
12. Mr Len Rowe – Submission 128
13. Mr Jim Adams of Willmott Forests Pty Ltd – Submission 169
14. Mr Jon Hall – Submission 207
15. Mr Alan Sheridan – Submission 97
16. Ms Bev Kibble – Submission 129
17. Mr Peter Crisp – Submission 45
18. Mr Graeme Deveson and Mr Howard Reddish – Submission 79
19. Mr Len Love and witnesses Mr Richard Darby, Ian Smith, Mr Buckley, Mrs Lorna Peterson, Mr Alan Polanski – Submission 69
20. Mr Don Lawson of Cobungra Station – Submission 69
21. Mr Frank Peisley – Submission 214
22. Leskis Rands – Submission 231
23. Mr John Roy and Ms Val Fisher, Friends of Mallacoota – Submission 172
24. Ian Lewis – Submission 86
25. Mr Les Barnes representing Jim Hawes and Graham Dempster – Submission 6
26. Mr W Brown – Submission 220

27. Mr Graham Peel
28. John Wassink
29. George Campell
30. Dawn Parker
31. Mr B L Martin – Submission 186
32. Duncan Macolm, Chairman, East Gippsland Catchment Management Authority – Submission 202
33. Patricia McClare – Submission 133
34. Mitchell Howlett – Submission 134
35. Robyn Edwards of Trust for Nature – Submission 195
36. Robert Dingey – Submission 118
37. Cheryl Mainard of Tambo Bluff Landcare Group – Submission 149
38. Dr Glen Smith assisted by Bob Hussey, Commercial Pilot – Submission 173, 212
39. Mr Michael Sadler of Crowther & Sadler Pty Ltd, Licensed Surveyors – Submission 192
40. Mr Ramon Jiminez of Minggold Pty Ltd – Submission 147
41. K G Hardcastle and DC Horner – Submission 38
42. David Merrett of Camp Cooyinda Inc. – Submission 159
43. David Moloney – Submission 131
44. Mr LR Mainard – Submission 148
45. Mr G Rotherham – Submission 93
46. C. Barling – Submission 76
47. Chris Taylor of Fisher Stewart, Licensed Surveyors for John Matthews – Submission 215
48. Mr T Kirwin – Submission 194
49. Mr Michael Gerner, Town Planner, for Boral Quarries Ltd – Submission 14



APPENDIX C – HERITAGE  
VICTORIA COMMENTS ON  
PLANNING SCHEME

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## PROPOSED EAST GIPPSLAND PLANNING SCHEME

**(Most of these issues are covered in the Practise Notes on the Heritage Overlay in the VPP manual. All formatting issues, including correct listing of places on the Heritage Register, should be adhered to.)**

- The Strategic Framework Plan for East Gippsland is very clear and user friendly. It outlines the key features of the area and recognises the main areas of historic worth within the Shire.

### *Heritage Overlay schedule*

- It is encouraging to note that East Gippsland have used the most recent version (v3) of the schedule to the Heritage Overlay. Great!
- In general most places are described well, including their address. However, it would be of even more use if all the places could be listed in alphabetical order by town and then street.
- The provisions for External Controls are mostly 'Yes' and for Internal Alterations mostly 'No'. This is acceptable for now, although the Council should look at reviewing this in the next year. For instance, external paint controls are not required where the place is not currently painted (permit required to paint an unpainted surface).
- Tree controls are minimal which is acceptable. A review of the area may find further significant trees worthy of protection. For those places that are subject to tree controls, however, Council should be aware that for some places, such as HO235 Victoria Falls Historic Area, and HO245 Captain Stevensons Point Area the implications are huge. If every tree on this site requires a permit for removal or lopping the work load is going to increase significantly! Only trees of historic significance should be subject to this control.
- No outbuilding or fence is exempted from Clause 43.01-4 (bar two). This should be reviewed as the public may want a right to make a submission on some public places. For instance, schools, cemeteries, Bairnsdale Butter Factory, Clay Products Kiln?
- Only places on the Victorian Heritage Register should be listed with a "yes" in the column titled "*Included on the Victorian Heritage Register..?*". A dash (-) must be applied to the four columns preceding this column. Discretion is given to council, however, as to whether prohibited uses may be permitted. 10 places in East Gippsland are on the Victorian Heritage Register.
- Any place with a Gnumber is listed on the Government Buildings Register. These places should be treated as having local significance and be acknowledged with a "No" in the column titled "*Included on the Victorian Heritage Register..?*". A review is to be completed in May 1998 determining which GBR places will be transferred to the Heritage Register. 7 places are currently listed on the GBR in East Gippsland Shire.
- Most places allows prohibited uses. This may not be appropriate for all places. For instance, it may not be appropriate to allow residences to apply for a prohibited use. Given that the number of Section 3 uses in zone tables are minimal it may not be appropriate to

allow these uses in historic places. The Yes and No provisions in this column should be revised during the next year.

### *Mapping*

- Generally the maps are very good. It is encouraging to note that the places are marked with polygons and it is clear which HO number relates to which place.
- A heritage place identifies what controls are relevant to that area. In some instances a heritage place has been mapped and listed separately, even though they are subject to the same controls. It is important that the Council realises that this map is not to show levels of significance but to show controls only.

For example, on Map 30 - HO182 and HO183 are subject to the same controls and HO34, HO123, HO124 are subject to the same controls. These places should be made one number and treated as a large heritage area.

### *Local Planning Policy Framework*

- 21.7.4 - Tourism: Heritage could be considered as an asset to tourism. The MSS could identify tourism potential as being another reason to pursue the identification and protection of heritage places in East Gippsland. This strategy should be reviewed over the next year.
- 21.9.1 - Heritage: This strategy quotes that 17 places are on the VHR. This is wrong! At the moment only 10 places are on the VHR, 7 are on the GBR. This will change from 23 May 1998 when the GBR is dissolved and places transfer either to the VHR or the planning scheme. Council will be informed of the changes at the end of May and should alter this statement accordingly prior to approval of the scheme.

The goals and priorities of the Heritage strategy are good but seem to be a little general. This should be monitored and reviewed over the next year.

- 21.9.4 - Strategic Directions; Heritage: Given that 223 places are already protected in the current planning schemes, please check that all culturally significant places on the Register of the National Estate and National Trust Register are included in the heritage overlay.

It is very encouraging to note that the direction refers to the need for a heritage adviser and states the need for a heritage study.

There is no mention of a timeframe for producing a heritage study. This would be helpful if tendering for heritage study grants, etc, and gives users of the MSS an idea as to how committed East Gippsland is in implementing heritage strategies to protect and conserve, etc.

- 22.10 - It is encouraging that a good policy has been developed for Aboriginal heritage.
- 22.11 - Heritage Policy: This is an adequate policy that says more than the heritage overlay clause. It is encouraging that they have a policy to utilise advice from heritage advisers.

Heritage Victoria is supportive of the policy statement that where the place is listed on the National Trust Register, applications will be referred to the National Trust for their comment.

APPENDIX D — TECHNICAL  
ERRORS IN PLANNING  
SCHEME IDENTIFIED BY  
COUNCIL

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**Technical Errors in the Exhibited Planning Scheme**

No.	Comment	Action
1	Lakes Tyers Beach: Public park on Lakes Tyers Beach Rd is public land..	Show as PPRZ
2	Bullumwaal Township shown as RUZ (100ha), previously Rural Res. Bairnsdale Shire Planning Scheme (Map 14).	Change to LDRZ
3	Map 33 and 55 Public Acquisition Overlay need numbers ie PAO1, PAO2.	Amend schedules.
4	Map 51 Paynesville Mariners Place foreshore B1Z wrong colour / not defined where R1Z ends. Same opposite fronting King Street.	Close polygons.
5	Map 51 Paynesville industrial zone colour, but not designated as IN1Z.	Show as IN3Z (see submission response)
6	Map 16 Buchan. Extent of Township zoning incorporates farms, flood plain and steep land on north side of Gelantipy Rd - reflects the current township zoning under Tambo Planning Scheme but is not desirable.	Amend boundary to exclude steep and flood-prone land
7	ESO 61 at Goongerah Map should be ESO 91	Renumber
8	Map 55 Lakes Entrance. Former shire depot to be sold is PUZ1 should be zoned rural.	Show as RUZ.
9	Paynesville Map 51. Canals are not shown going through to McMillan Straits. From Roundabout at North end of Main Rd to the canal is Canal Road, not Slip Road	Amend maps
10	Small area of Council owned land on foreshore at Eagle Point should be zoned PPRZ; not R1Z	Show as PPRZ
11	On Map31, the Key for Bairnsdale enlargement should read "33".	Amend map
12	Map 33 Heritage overlay - extent of Big Garage site should be extended to include building.	Amend map
13	Current heritage precincts in Bairnsdale inadvertently omitted from Heritage Overlay.	Include in Overlay
14	Map 9 Private/Public boundary incorrect with respect to Parish Plan for CA3 SEA Suggan Buggan owned Fabris & Cambell BN 42017	Amend map.
15	Heritage Overlay Maps 30 & No 35 (Bairnsdale) appears to apply to wrong piece of land should be on the front part fronting Francis St not on the part now fronting only Ligar St.	Amend map.
16	Map 2 on the edge of Lake Dartmoth - titles not delineated nor on overlay maps Perkins(BN60483) Part CA 40, Parish of Mowamba	Amend map.
17	Map 15. The second freehold area off bottom of map needs designation RUZ(100ha) An area of freehold land owned by Kaye Shanahan, just below word DEPTFORD and on edge of Nicholson River needs to be shown and zoned RUZ(100ha).	Amend map
18	Map 1 Spelling of Glen Willis should be Wills	Amend map
19	Macleod Street, Bairnsdale. Former railway houses still zoned "Public Use Zone-Transport"	Show as MUZ.

# EAST GIPPSLAND PLANNING SCHEME

No.	Comment	Action
20	Map 33 Cremin Hall, Pyke Street, Bairnsdale - should it be zoned for Public Use (PUZ7) or for Business?	Show as B1Z
21	Map 51 foreshore land, Paynesville, MUZ? Delete two labels of B1Z	Delete incorrect labels
22	Map23 Mallacoota Lake shoreline not shown in main township area	Due to sharing same zone as adjoining water.
23	Map15 Land on Waterholes Rd Designation RUZ(100ha) missing	Amend map
24	Map34 6A CA 16B Sect 1, Engineers Rd Bruthen is shown as Crown	Amend map.
25	ESO along Delegate River. Does it include part of Willmot pine plantation	Check and amend
26	Map31 Bairnsdale Insert should be overprinted	Amend map
27	State Amend S68 - Clause 81, may have to change to reflect this	Include new schedule
28	Restructure Overlay Schedule/Plan Tambo Bluff and Newlands Arm are back to front.	Amend numbering
29	Include "V4" Alpine Areas Policy	Include policy
30	Heritage Overlay Schedule 35 spelling error, Francis Street, not "Francic"	Correct
31	Mitchell River Flats are zoned RUZ (No min.). Local Planning Policy framework 21.10.1 Page 61 refer to "Relatively small lot minimum of 10ha for subdivision, but a large size for construction of a dwellings" This discrepancy needs sorting out. How do we control subdivision or erection of houses on River flats?	Intention was that no houses would be allowed as of right. Correct MSS to accord with Schedule.
32	Need to consider a policy prohibiting commercial development near/on the footbridge at Lakes Entrance	Future D&DO to implement Urban Design Framework
33	Heritage Rivers not included on heritage Overlay	Include
34	Should Fernbank have a different zone (Map 48 RUZ 100ha) It is an established township. Many houses, expectation that some vacant land can have houses built. Old Shire of Bairnsdale had a restructure plan for township, that was locked in planning scheme.	Add Restructure overlay for Fernbank, continuing existing plan.
35	LPP clause 21.10.16 probably need to check what additional crown townships should be mentioned where there is freehold land. Eg. Igunana Creek, Murrungowar, should Fernbank be out.	Check & add missing Crown townships.
36	D&DO schedule for Harnham Service Industrial Estate needs to be reviewed for practicality given change approved to subdivision layout-setbacks do not work	Review setback provisions & correct
37	Zoning of existing strip of residential properties on Service Road running paralleled to Princes Highway, Bairnsdale - opposite Harnham Estate what should this be zoned?.	Show as
38	Township zone Swifts Creek- maps not correct in relation to parcelling of land, more houses along road. Rural 100ha should outskirts allow for Rural Residential?	Need to review Swifts Creek zone boundaries in light of recent flood info.
39	Jemmy's Point Land zoned PUZ1 and PCRZ above Princes Highway, Lakes Entrance should be PPRZ.	Show as PPRZ
40	Map 40 the RUZ(100ha) label is incorrect over Joiners Rd, should be RUZ(50ha).	Now to be 40ha.
41	Map 44 RUZ (30ha) should be (50ha).	Now to be 40ha.
42	Restructure Overlay - Cassilis Township - no restructure plan.	Delete overlay until plan prepared; exhibit Overlay and plan

# EAST GIPPSLAND PLANNING SCHEME

No.	Comment	Action
43	Omco - Extent of Residential zonings between Day Street and Livingstone Creek: includes some very steep land.	Amend maps to show as Rural or Rural Living.
44	<p>Environmental Significance Overlays, Schedules</p> <ul style="list-style-type: none"> <li>• Need to recognise the fact that broad definition of areas means not all land covered by Overlay has the relevant values.</li> <li>• Clause 3.0. Current wording implies permits required for some existing uses.</li> <li>• Need to provide more information for land owners, managers, developers about appropriate land management.</li> </ul>	<p>Change wording of the Environmental Significance Overlay Schedule to:</p> <ul style="list-style-type: none"> <li>• Exempt all areas within an ESO that <b>do not</b> exhibit the values listed in the schedule table, ie all cleared land</li> <li>• Exempt fire wood gathering for private use</li> <li>• Define better linkages between ESO and Sites of Biological Significance register (NRE), especially the text in the "Statement of Significance" and "Objective"</li> <li>• Change context of 4.0 Decision Guidelines (incl. table) by adding additional relevant information from Sites of Biological Significance Register to provide better guidance for responsible authority as well as landowners, ie use wording such as <i>"ensure that development addresses adequate weed control measures and includes appropriate fire regime as defined by DNRE, CFA"</i> etc.</li> </ul>
45	<p>Vegetation Protection Overlay - Schedule:</p> <ul style="list-style-type: none"> <li>• Clause 3 - wording implies some existing uses need a permit</li> <li>• Need to provide more information for land owners, managers, developers about appropriate land management.</li> <li>• Some areas of private land on Barrier omitted because of errors in cadastral map base.</li> </ul>	<p>Change wording of the Vegetation Protection Overlay Schedules to:</p> <ul style="list-style-type: none"> <li>• Exempt fire wood gathering for private use</li> <li>• Define better linkage between VPO and Roadside Management Plan, especially the text in the "Statement of Significance", the "Objective" and the "Decision Guidelines"</li> <li>• Extend VPO to cover all private land on Barrier.</li> </ul>
46	Environmental Rural Zone: objectives not specified.	Include "Objectives" in the Environmental Rural Zone
47	Flood mapping: new information available as a result of June 1998 floods.	Amend/extend overlays to reflect new information.



APPENDIX E — AMENDMENTS TO  
ZONING AND CROWN LAND  
BOUNDARIES REQUESTED BY  
DNRE

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## **SCHEDULE 1**

### **LCC Recommended Land Use**

All waterways with bed, banks and frontage of Crown land should be zoned PCRZ or PPRZ.

Reserved Crown land and land parcels with land use recommendations made by the Land Conservation Council, now Environment Conservation Council, should be zoned in line with the Department's translation table for LCC land categories. A copy of the translation table is attached to this schedule.

Detailed comments relating to individual sites on each map page are provided below. If further site information is required, please contact Jill McDonough, Project Officer, Crown Land Management at Bairnsdale DNRE office on (03) 5152 0488.

#### **MAP 1.**

Mitta Mitta river where zoned RUZ (100 ha) should be zoned PCRZ.

#### **MAP 2**

Mitta Mitta river where zoned RUZ (100 ha) should be zoned PCRZ.

CA 15B and 15C, Parish of Guttamurra reserved for conservation of an area of natural interest, (MacFarlane's Lookout, LCC Rec D25 ) is zoned RUZ (100 ha) and should be zoned PCRZ.

#### **MAP 4**

Suggan Buggan River and Limestone Creek where zoned RUZ (100 ha) should be zoned PCRZ

#### **MAP 6**

Livingstone Creek, Cobungra River and Bundara River where zoned RUZ (100 ha) should be zoned PCRZ

CA 11A, Parish of Bingo Munjio and CA 21B, Parish of Bundara Munjio (Victoria Falls Historic Area LCC Rec G3) zoned RUZ (100 ha) should be zoned PCRZ

CA 5B, Parish of Omeo (Oriental Claims Area LCC Rec G4) zoned RUZ (100 ha) should be zoned PCRZ

CA 9J, Parish of Bingo Munjio (Public Park and Recreation Reserve LCC Rec V1) zoned RUZ (100 ha) should be zoned PCRZ

#### **MAP 7**

CA 86C and 86H, Township of Omeo, the Departmental Depot in Omeo, currently zoned PPRZ, should be zoned PUZ 7

#### **MAP 8**

Tambo River, similarly Swifts Creek, where zoned RUZ (100 ha) should be zoned PCRZ.

CA 57A, Parish of Tongio Munjio West, the Departmental Office in Swifts Creek, zoned TZ, should be zoned PUZ 7.

CA 56A, Parish of Tongio Munjio West, the Departmental Depot in Swifts Creek, zoned RUZ (100ha), should be zoned PUZ 7

#### **MAP 9**

CA 1B, Parish of Woongulmerang West, LCC Rec 11 (recreation) zoned RUZ (100ha), should be zoned PCRZ.

CA 19A of Section B, Parish of Chilpin, LCC rec L5, and CA 20A of Section B, LCC rec L6 (bushland reserves) zoned RUZ (100 ha) should be zoned PCRZ

**MAP 10**

CA 5, Township of Deddick, Departmental Depot, zoned RUZ (100 ha) should be zoned PUZ7

CA 2B, Cabanandra, reserved for cemetery purposes, should be zoned PUZ 5

CA 3A and 4A, Township of Deddick, LCC Rec B1 (conservation) zoned RUZ (100 ha) should be zoned PCRZ

CA 10A, Parish of Tubbut, LCC rec 17 (recreation, and conservation of flora and fauna) zoned RUZ (100 ha) should be zoned PCRZ

CA 14H and 14G, Parish of Bonang, camping reserve, zoned RUZ (100 ha) should be zoned PCRZ

CA 3B, Parish of Bonang, camping and water reserve, zoned RUZ (100 ha) should be zoned PCRZ

Deddick River and Tingary Creek where zoned RUZ (100 ha) should be zoned PCRZ

**MAP 11**

Where zoned RUZ (100 ha) the Delegate, Little, Bendoc and Bonang Rivers should be zoned PCRZ:

**MAP 12**

CA 7A and 10, Township of Bendoc, Departmental Depot/office site, zoned TZ, should be zoned PUZ7

Where zoned RUZ (100 ha) the Bendoc River should be zoned PCRZ

**MAP 13**

Where zoned RUZ (100 ha) the Cann River should be PCRZ

**MAP 14**

All the Township of Bullinmwaal including Crown land, has been zoned RUZ (100ha). LCC rec T2 (that the land be managed as forest) applies. Crown land parcels be zoned PCRZ.

The Wentworth River where zoned RUZ (100ha) should be zoned PCRZ.

**MAP 16**

The Snowy River where zoned RUZ (100 ha), should be zoned PCRZ

CA 25A of Section C, Parish of Buchan, LCC Rec 15 (bushland reserve), zoned RUZ (100 ha) should be PCRZ

CA 3A, Parish of Buchan, LCC Rec H8 (Kanni Flora and Fauna Reserve), zoned RUZ (100 ha) should be PCRZ

CA 10D, Parish of Buchan, LCC Rec S3 (rubbish depot), zoned RUZ (100 ha) should be PUZ1

CA 10C, Parish of Buchan, cemetery reserve, zoned RUZ (100 ha) should be PUZ 5

CA 5A and 5B of Section F, Parish of Buchan, LCC rec N2 (caves), zoned RUZ (100 ha) should be PCRZ

CA 22D, 22B, 22E and 22C of Section B, Parish of Buchan, LCC rec N3 (caves), zoned RUZ (100 ha) should be PCRZ

CA 23C of Section B, Parish of Buchan, LCC rec N4 (caves), zoned RUZ (100 ha) should be PCRZ

CA 29A of Section B, Parish of Buchan, LCC rec N5 (caves), zoned RUZ (100 ha) should be PCRZ

CA 26H of Section B, Parish of Buchan, LCC rec N6 (caves), zoned RUZ (100 ha) should be PCRZ

CA 46A of Section F, Parish of Buchan, LCC rec N7 (caves), zoned RUZ (100 ha) should be PCRZ

**MAP 17**

The Brodribb River, where zoned RUZ (100 ha) should be PCRZ

**MAP 18**

The Brodribb, Bemm and Combienbar Rivers where zoned RUZ (100ha) should be zoned PCRZ

**MAP 19**

The Cann River where zoned RUZ (100 ha) should be zoned PCRZ

**MAP 20**

The Cann River where zoned RUZ (100 ha) should be zoned PCRZ

CA 18 of Sec 10, Township of Cann River, LCC rec L6 (recreation), zoned RUZ (100 ha), should be zoned PCRZ

CA 19 of Sec 10, Township of Cann River, LCC rec G2 (Cann River Bushland Reserve), zoned RUZ (100 ha), should be zoned PCRZ.

**MAP 21**

CA 26 of Sec F, Parish of Mallacoota, zoned PUZ1 should be zoned PCRZ (if confirmed after further discussion between Shire and NRE land use planners)

The Wallagaraugh and Genoa Rivers, where zoned RUZ (100ha) should be zoned PCRZ

**MAP 23**

CA 10, Parish of Mallacoota zoned IN3Z should be zoned PCRZ (if confirmed after further discussion between Shire and NRE land use planners)

**MAP 24**

CA 14 and part of CA 13 of Sec A, Parish of Wau Wauka, transferred to the Crown, shown as freehold and zoned RUZ (100 ha) should be zoned PCRZ

Gabo Island (not included in zoning) should be zoned PCRZ

**MAP 27**

CA 7A, Glenaladale, cemetery reserve, zoned RUZ (100ha), should be zoned PUZ5

Iguana Creek where zoned RUZ (100 ha) should be zoned PCRZ

Saplings Morass, CA 21A, Parish of Coongulmerang, LCC rec H12 (preservation of native plants), zoned RUZ (100 ha) should be zoned PCRZ

**MAP 28**

Unnamed creek with public land frontage (zoned RUZ 100 ha) should be zoned PCRZ

CA 27F, Parish of Wuk Wuk, LCC Rec R8 (minerals and stone), zoned RUZ 100 ha should be zoned PCRZ

CA 199A and 199B, Parish of Coongulmerang, LCC rec V1 (other reserves and public land) zoned RUZ (100 ha), used by Forests as a log dump, should be zoned PUZ7

**MAP 30**

CA 101D and 101G, Parish of Moormung, Departmental depot, Lindenow Road zoned RUZ (100 ha) should be zoned PUZ7

**MAP 31**

CA 14C, LCC rec V1 (other reserves and public land) zoned PPRZ and being used as a school plantation, may be zoned for the underlying zoning (RUZ 100 ha).

Pt CA 14A of Sec B, Parish of Tambo, LCC rec I22 (bushland reserve), zoned RUZ (100 ha) should be zoned PCRZ

CA 1P of Sec C, Parish of Tambo, LCC rec I23 (bushland reserve) zoned RUZ (100 ha) should be zoned PCRZ

CA 3A, Parish of Tambo, LCC rec I21 (bushland reserve) zoned RUZ (4ha) should be zoned PCRZ

CA 27D of Sec 1, Parish of Sarsfield, LCC rec R9 (minerals and stone) zoned RUZ (100 ha) should be zoned PCRZ

**MAP 33**

CA 1A, Parish of Bairnsdale, part of the State Game Reserve, zoned RUZ (100 ha), should be zoned PCRZ

**MAP 34**

CA 44c and 44B, Parish of Bumberrah, Cemetery reserve, zoned RUZ (100ha), should be zoned PUZ5

CA 55F, Parish of Tambo, LCC rec R19 and CA 89B, Parish of Bumberrah, LCC rec R20 (gravel reserves) zoned RUZ (100 ha) should be zoned PCRZ

CA 52D, Parish of Tambo, LCC rec I24, and CA 89C, Parish of Bumberrah, LCC rec I25 (bushland reserves) zoned RUZ (100 ha) should be zoned PCRZ

CA 52B, 52C and 52D, Parish of Bumberrah, part of lake frontage LCC rec A6 (Gippsland Lakes reserve) zoned RUZ (100 ha) should be zoned PCRZ

**MAP 38**

CA 42 and 46A, Township of Nowa Nowa and CA 10B, Parish of Tildesley West, Departmental depot and residence (for forestry purposes) zoned RUZ (100 ha) should be zoned PUZ7

**MAP 39**

The Hartland River, where zoned RUZ (100 ha) should be zoned PCRZ.

CA 20 of Sec A, Parish of Tildesley East, LCC rec P11 (minerals and stone), zoned RUZ (100 ha) should be zoned PCRZ.

**MAP 40**

CA 55G of Sec A, Parish of Orbost, Orbost North Departmental Depot, zoned PUZ1, should be zoned PUZ7

CA 17, Parish of Newmerella, Racecourse and Recreation Reserve, zoned RUZ (50 ha), should be zoned PPRZ

**MAP 41**

CA 7B2, Township of Orbost, Wilson Street Departmental workshop, zoned R1Z, should be zoned PUZ7

**MAP 42**

Areas of LCC rec for stone reserves, P7 (within CA 19L, Orbost East) and P8 (within CA 19G Orbost East) should be zoned PCRZ

Crown land in the Township of Tabbara, reserved for wildlife, zoned RUZ (50ha), should be zoned PCRZ. The allotments are 1, 3, 4, 5 and 6 of Sec 1; 1, 2, 3 and 4 of Sec 2; 2, 5, 6, 7 and 8 of Sec 3; 1, 2, 3 and 4 of Sec 8; 1, 2, 3, 4, 5 and 6 of Sec 7 and 1, 2, 3 and 4 of Sec 6.

CA 37D and 37E, Parish of Orbost East, State school reserve, zoned RUZ (50ha) should be zoned PUZ2

Cabbage Tree Creek, where zoned RUZ (50ha), should be zoned PCRZ.

**MAP 44**

Cabbage Tree Creek, where zoned RUZ (30ha), should be zoned PCRZ

**MAP 48**

CA 30E, Parish of Nindoo, LCC rec H11, The Billabong Flora and Fauna Reserve, zoned RUZ (100 ha) should be zoned PCRZ

CA 38C of Sec B, Parish of Nindoo, LCC rec R11 for minerals and stone, zoned RUZ (100 ha) should be zoned PCRZ

Tom and Emu Creeks zoned RUZ (100 ha) should be zoned PCRZ

**MAP 50**

CA 243A, Parish of Bairnsdale, LCC rec I20 for bushland reserve, zoned RUZ (100ha), should be zoned PCRZ

CA 78D, Bairnsdale, LCC rec A6 Gippsland Lakes, zoned RUZ (100ha), should be zoned PCRZ

**MAP 51**

CA 140C, Parish of Bairnsdale, Paynesville Cemetery, zoned RUZ (100ha), should be zoned PUZ5

**MAP 52**

CA 13B, 14B, 104C, 5D and 54, Parish of Colquhoun, Nyerimilang Park, reserved for conservation of an area of natural interest, LCC rec A6 Gippsland Lakes Reserve, zoned RUZ (100ha), should be zoned PCRZ.

CA 21A, Township of Nungurner, LCC rec I27 (bushland reserve), zoned LDRZ, should be zoned PCRZ

**MAP 55**

CA 38A and 38B, Township of Lakes Entrance, reserved for public recreation, being the site of the Youth and Recreation Centre, zoned PUZ1 and R1Z, should be zoned PPRZ

## SCHEDULE 2

### Surplus Crown Land

Approximately 360 Crown land parcels in the municipal district have been assessed as surplus and available for disposal. The Department believes that the proposed zoning for some of the properties is not appropriate. Below is a list of individual parcels with suggested zoning.

It is noted that some proclaimed townships, for example, Club Terrace and Fernbank, are zoned RUZ (100 ha) in entirety. It is suggested that existing surveyed allotments available in these townships should be zoned TZ to provide for residential development unless Council generally considers these parcels have an 'as of right' use for residential buildings, and within the RUZ (100 ha) zone intends to approve a planning permit application for a residence unless particular site specific factors preclude this use.

If further site information is required, please contact Jill McDonough, Project Officer, Crown Land Management at Bairnsdale DNRE office on (03) 5152 0488.

PARCEL NO	PARISH OR TOWNSHIP	ALLOTMENT	SECTION	PROPOSED ZONE	SUGGESTED ZONE
P322184	Bairnsdale (T)	4C	D	PPRZ	RUZ
P341019	Bemm	3A	A	PCRZ	RUZ (100 ha)
P340350	Bendoc (T)	pt 15	H	PCRZ	TZ
P340351	Bendoc (T)	16	H	PPRZ	TZ
P322417	Buchan	23D	B	PCRZ	RUZ (100 ha)
P341223	Cabanandra	9D	A	PCRZ	RUZ (100 ha)
P341227	Cabanandra	9H	A	PCRZ	RUZ (100 ha)
P321873	Omeo (T)	14	3	RUZ (100 ha)	R1Z
P321872	Omeo (T)	15	3	RUZ (100 ha)	R1Z
P322409	Omeo (T)	86H	No Sec	PPRZ	IN1Z
P321896	Omeo (T)	86A	No Sec	PPRZ	IN1Z
P321897	Omeo (T)	86B	No Sec	PPRZ	IN1Z
P321898	Omeo (T)	86D	No Sec	PPRZ	IN1Z
P321899	Omeo (T)	86F	No Sec	PPRZ	IN1Z
P322096	Cunninghame (T)	41	No Sec	PPRZ	R1Z
P321922	Cunninghame (T)	PT 45	No Sec	PUZ1	R1Z
P320663	Cunninghame (T)	50A	No Sec	PPRZ	R1Z
P 320648	East Cunningham (T)	21	No Sec	PCRZ	R1Z
P320777	Goon Nure	37C	21	PCRZ	RUZ (100 ha)
P340167	Mallacoota (T)	7A	12	R1Z	MUZ
P322505	Mallacoota (T)	10	13	PPRZ	R1Z
P322506	Mallacoota (T)	11	13	PPRZ	R1Z
P322511	Mallacoota (T)	24	13	PPRZ	R1Z
P322510	Mallacoota (T)	25	13	PPRZ	R1Z

P322509	Mallacoota (T)	26	13	PPRZ	R1Z
P322508	Mallacoota (T)	27	13	PPRZ	R1Z
P322507	Mallacoota (T)	28	13	PPRZ	R1Z
P340157	Mallacoota (T)	7A	13	PPRZ	R1Z
P322503	Mallacoota (T)	8A	13	PPRZ	R1Z
P322504	Mallacoota (T)	9	13	PPRZ	R1Z
P322355	Mowamba	44	No Sec	PCRZ	RUZ (100 ha)
P3201084	Nowa Nowa (T)	1	A	PCRZ	TZ
P321083	Nowa Nowa (T)	2	A	PCRZ	TZ
P321081	Nowa Nowa (T)	3	A	PCRZ	TZ
P321082	Nowa Nowa (T)	4	A	PCRZ	TZ
P322156	Nowa Nowa (T)	1E	C	PCRZ	TZ
P321099	Nowa Nowa (T)	33	C	RUZ	TZ
P321080	Nowa Nowa (T)	7	A	PCRZ	TZ
P341259	Noorinbee	pt 15D	A	PCRZ	IN1Z
P341493	Noorinbee	15F	A	PCRZ	IN1Z
P340218	Cann River (T)	21	14	PPRZ	TZ
P340219	Cann River (T)	21A	14	PPRZ	TZ
P340220	Cann River (T)	22	14	PPRZ	TZ
P340222	Cann River (T)	23	14	PPRZ	TZ
P340469	Cann River (T)	24	14	PPRZ	TZ
P340226	Cann River (T)	25	14	PPRZ	TZ
P340227	Cann River (T)	26	14	PPRZ	TZ
P340228	Cann River (T)	27	14	PPRZ	TZ
P340229	Cann River (T)	28	14	PPRZ	TZ
P340230	Cann River (T)	29	14	PPRZ	TZ
P340231	Cann River (T)	30	14	PPRZ	TZ
P340190	Cann River (T)	2A	5	PCRZ	TZ
P340021	Orbost (T)	18	10	PUZ6	BIZ
P340019	Orbost (T)	pt16	10	PUZ6	BIZ
P321119	Sarsfield	14C	1	PPRZ	RUZ (100ha)
P321128	Sarsfield (T)	28A	A	RUZ (100HA)	LDRZ
P321257	Tildesley West	pt 4A	C	PCRZ	IN3Z
P322009	Wollonaby	pt59	2	PCRZ	RUZ (100ha)
P321798	Wy Yung	ptA11	A	PPRZ	TZ
P321441	Wy Yung	66A	No sec	PCRZ	RUZ (100ha)

## APPENDIX

The following table presents Schedule 3 Crown Land Boundaries. Note Schedules 1 and 2 will be forwarded by 9 April, 1998.

### SCHEDULE 3

#### Crown Land Boundaries

A comparison of boundaries and status between maps provided with the draft planning scheme, and regional records, has indicated some discrepancies. These are noted below for information and further action as required.

Information relates to numbered maps as provided with the draft scheme. Within the column titled Shire Action, numbers in brackets relate to numbers noted on a copy of those maps at the location of the parcel in question. Map copies with notations are available if required. Contact Jill McDonough, Project Officer, Crown Land Management, Bairnsdale DNRE on telephone (03) 51 520488.

Map No 1	Shire action
CL/Freehold Boundaries Lochiel Bundarra- Munjie Ludrick Munji Tongara Bogong South	Shire to verify its CL records FH included in PCRZ Wollonaby CA 18A Sec 2 (1)
Map No 2	Shire action
CL/Freehold boundaries Jinderboine, Mowamba, Guttamara	Shire to verify its CL records: CL not included in PCRZ Jinderboine CA 28D & 28C (1) Mowamba CA 42F (4) FH included in PCRZ Mowamba CA 19 (2) and CA 17 (3) Guttamara CA 16B. 16 & 4 (5)
Map No 4	Shire action
CL/Freehold boundaries Gungarlan, Indi, Enano, Ingeegoodbee, Suggan Buggan, Toonginbook a, Karawah	Shire to verify its CL records: FH included in PCRZ Ingeegoodbee Inlier of FH, CA A,
Map No 5	Shire action
CL/Freehold boundaries Ingeegoodbee, Suggan Buggan, Wyangil	Shire to verify its CL records: FH included in PCRZ Ingeegoodbee Inlier of FH, CA A
Map No 6	Shire action



CL/Freehold boundaries: Bingo-Munjie, Bingo-Munjie Sth, Omeo, Jirnkee, Cobungra	<b>CL not included in PCRZ:</b> Bingo-Munjie: P321500 CA 32F (3) P320174 CA 13A (6) (LCC rec for agriculture so RUZ may be appropriate) P322663 CA 21D (7) P320193 CA 9J (Public Park and Rec Reserve. see note below re LCC rec) (10) P321502 CA 5B (Historic Interest Reserve; see note below re LCC rec, and re overlay) (11) Bundara-Munjie CA 17B (8) Jirnkee CA 13A (4) Omeo CA 73A (5) <b>FH included in PCRZ</b> Omeo CA 66, 66A, 66C and 67 (1) Bingo-Munjie CA 76A, 19A and part 19 (2)
<b>Map No 7</b>	<b>Shire action</b>
CL/Freehold boundaries: Tshp Omeo	<b>Shire to verify CL records:</b> Crown land being channel reserve within CA 10, Sec 1, not shown (1) Crown land being channel reserve within CA 61A No Sec not shown (2)
<b>Map No 10</b>	<b>Shire action</b>
CL/Freehold boundaries: Ph Suggan Buggan, Wyangil, Chilpin, Jingalla, Woongulmerang East, Gelantipy east, Deddick, Moonkan, Tingaringy, Bonang, Boorpuk, Tubbut, Cabanandra, Tshp Deddick	<b>Shire to verify CL records:</b> <b>CL not included in PCRZ</b> Jingalla CA 6A and 8 (1)
<b>Map No 11</b>	<b>Shire action</b>
CL/Freehold boundaries: Cabanandra, Bonang, Tingaringy, Kirkenong, Bidwell, Dellicknora, Bendoc, Errinundra	<b>Shire to verify its CL records:</b> <b>CL not included in PCRZ</b> Dellicknora CA 3C (3) Bidwell CA 18A (4) Cabanandra CA 27A & 27D (Alpine NP) (4) <b>FH included in PCRZ:</b> Bidwell CA A (1) Kirkenong CA 31B (2), CA 7 (12) Cabanandra CA 19A (130)
<b>Map No 13</b>	<b>Shire action</b>
CL/Freehold boundaries: Copracambra, Bondi, Kowat, Kool	<b>Shire to verify its CL records:</b>  <b>FH included in PCRZ:</b> Kowat CA 6 (1) Query status freehold
<b>Map No 14</b>	<b>Shire action</b>
CL/Freehold	<b>Shire to verify its CL records:</b>

boundaries: Wentworth, Tabberabberah, Binnigan, Kooran, Onyim, Bullumwaal, Nungatta, Cobbannah, Morekana, Doodwuk, Tyirra, Tshp Bullumwaal	<b>CL not included in PCRZ</b> Tyirra CA 2C, 2B, 2A, 8 & 8C are CL (2); check zone boundary on coloured map <b>FH included in PCRZ:</b> Kooran CA 1 (1) Cobbanah CA 8 & 10 of 7 (1), CA 17 (8), CA 7 (3), CA 13 (4) Bullumwaal CA 9A (5), CA 3, 1 & 2 (6) Nungatta CA 1 & 4 (6)
<b>Map No 15</b>	<b>Shire action</b>
CL/Freehold boundaries: Tabberabbera, Angora, Bullumwaal, Numbie Munjie, Koomberar, Yambulla, Eumana, Kooroon, Nurong, Timbarra, Omeo, Onyim, Kianceek, Noyong, Bonderoot, and Tshps Stirling, Deptford, and Ensay	Shire to verify its CL records: <b>CL not included in PCRZ</b> Eumana CA 11A (1), CA 9 (2) Numbie Munjie CA 11c, 16A of 3 (7) Noyong CA 5A (7) <b>FH included in PCRZ:</b> Tshp Stirling CA 2 & 4 (3) Omeo CA 29B & 29C (4) Yambulla CA 21 (5) Maneroo CA 1 of B (6)
<b>Map No 16</b>	<b>Shire action</b>
CL/Freehold boundaries: Nappa, Murrindal East, Murrindal West, Bullamalk, Yalmy, Pinnac, Windarra, Eumana, Timbarra, Gillingall, Kaewurt, Ninnie, Nowa Nowa, Nowa Nowa Sth, Bete Belong South, Bete Belong North, Loongelaat, Buchan, Detarka, Tshp Buchan	Shire to verify its CL records: <b>CL not included in PCRZ</b> Ninnie Pt CA 4 (1) Windarra CA 17C (5) Buchan pt CA 10 (6) Detarka CA 32B & 32C (7) Kaewurt CA 9B (2) <b>FH included in PCRZ:</b> Kaewurt CA 9C (2), CA 1A (4) Gillingall CA 7A & 7B (3)
<b>Map No 17</b>	<b>Shire action</b>
CL/Freehold boundaries: Bullamalk, Wat Wat, Yalmy, Wibenduck, Noonga, Pinnak, Nerran, Kuark, Loongelaat, Curlip, Murrungowar, Orbost, Jirrah	Shire to verify its CL records: <b>CL not included in PCRZ</b> Murrungowar CA 42D & 41B (1)
<b>Map No 18</b>	<b>Shire action</b>
CL/Freehold boundaries: Jirrah,	Shire to verify its CL records: <b>CL not included in PCRZ</b> Bungwarr CA 20D & 21H (Bemm River) (3)

Murrungowar, Kuark, Noonga, Goongerah, Goolengook, Purgoolah, Jilwain, Yarak, Benm, Nungal, Winyar, Bungywarr, Cobon, Tonghi TSHPS Murrungowar, Club Terrace, Winyar	<b>FH included in PCRZ</b> Murrungowar CA 22A (1) Tshp Murrungowar CA 1, 2, & 5 of Sec 2, CA 6 & 8 (2) Tonghi CA 9E (4) and pt 14A (5)
Map No 19	Shire action
CL/Freehold boundaries: Kowat, Loomat, Koola, Coogallah, Derndang, Kooragan, Karlo, Toonyarak, Baawang, Wooyoot, Tonghi, Noorinbee, Combienbar, Weeagua	Shire to verify its CL records: CL not included in PCRZ Tonghi CA 3 (2) and CA 35 (3) Weeragua CA 3P (6) <b>FH included in PCRZ</b> Tonghi CA 14A & 14B (1) Noorinbee CA 38A (4) and CA 25B (5)
Map No 20	Shire action
CL/Freehold boundaries: Township of Cann River	Shire to verify its CL records:  <b>FH included in PCRZ</b> CA 12A included in PPRZ (1)
Map No 21	Shire action
CL/Freehold boundaries: Wangarabel, Wurrin, Derndang, Karlo, Maramingo, Wau Wauka East, Mallacoota, Betka, Brindat, Wingan, Baawang, Bralak	Shire to verify its CL records: CL not included in PCRZ Maramingo CA 19 (Genoa caravan Park?) (1) Karlo CA 1, 10, 11 & 12 (4) <b>FH included in PCRZ</b> Maramingo CA 13D, 13J, 13C, 13F, 13G, 13H
Map No 24	Shire action
CL/Freehold boundaries: Wau Wauka, Gabo	Shire to verify its CL records: <b>CL not included in PCRZ</b> Gabo Island not included in zone mapping
Map No 26	Shire action
CL/Freehold boundaries: Marlooh,	Shire to verify its CL records: <b>FH included in PCRZ</b> Marlooh CA 25B and part 27B (1)
Map No 27	Shire action
CL/Freehold boundaries: Nindoo, Wuk Wuk, Coongulmerang,	Shire to verify its CL records: <b>CL not included in PCRZ</b> Nindoo CA N (2) <b>FH included in PCRZ</b>

<b>Glenaladale</b>	Wuk Wuk CA 16C (1) Coongulmerang Pt 62A, 62B (1)
<b>Map No 30</b>	<b>Shire action</b>
CL/Freehold boundaries: <b>Tshp Bairnsdale</b>	Shire to verify its CL records CL not included in PCRZ: Tshp Bairnsdale Part CA 37A (1) Part CA 37B (2) Part CA 15A (3) Part CA 15A (4) Part CA 28
<b>Map No 31</b>	<b>Shire action</b>
CL/Freehold boundaries: <b>Wy Yung, Sarsfield, Bumberrah, Tambo, Tshp Sarsfield</b>	Shire to verify its CL records:  FH included in PCRZ Mitchell River backwater (7) PPRZ
<b>Map No 33</b>	<b>Shire action</b>
CL/Freehold boundaries: <b>TSHP Bairnsdale</b> <b>TSHP Lucknow</b>	Shire to verify its CL records: CL not included in PCRZ CA 1A (state game reserve) (4) CA 21 of Sec C (3)  FH included in PCRZ Railway freehold Part of CA A Tshp Lucknow (5)
<b>Map No 34</b>	<b>Shire action</b>
CL/Freehold boundaries: <b>Tshp Mossiface</b> <b>Tambo, Bumberrah</b> <b>Colquhoun Nth.</b> <b>Colquhoun</b>	Shire to verify its CL records:  FH included in PCRZ Tambo Pt 16B (3)
<b>Map No 35</b>	<b>Shire action</b>
CL/Freehold boundaries: <b>Tshp Bruthen</b> <b>Tambo</b>	Shire to verify its CL records: CL not included in PCRZ  FH included in PCRZ Tshp Bruthen CA 16D (1) Railway freehold Lots 1 & 2 (2)
<b>Map No 37</b>	<b>Shire action</b>
CL/Freehold boundaries: <b>Nowa Nowa Sth</b> <b>Tildesley West</b> <b>Colquhoun East</b>	Shire to verify its CL records: CL not included in PCRZ Tildesley West CA 10E & 10D (3), 41H (4), pt 4A (5) Colquhoun East CA 9 & 8 (6), pt CA 11 Sec B (9), CA 14 & 15 (10), pt CA 6, pt 10 & CA 9 (13), CA 4 (14), pt CA 7 (17), pt CA 3 Sec B

Colquhoun Ninnie	(18) Ninnie pt CA 3, CA 2 Sec D (7), CA 5&6 (12) <b>FH included in PCRZ</b> Tildesley West freehold (2) Colquhoun East pt CA 4 (11), CA 3 of Sec A (16)
Map No 38	Shire action
CL/Freehold boundaries: Tshp Nowa Nowa Tildesley West Ninnie	Shire to verify its CL records: CL not included in PCRZ Tildesley West CA 10C & 10L (2) <b>FH included in PCRZ</b> Pt LP119141 (1)
Map No 39	Shire action
CL/Freehold boundaries: Nowa Nowa Sth, Tildesley West, Tildesley East, Bete Belong Sth, Waygara	Shire to verify its CL records: CL not included in PCRZ Tildesley West CA 43 (1), 41H (2) Tildesley East pt CA 26a (3) Waygara CA 14B (4) <b>FH included in PCRZ</b>
Map No 40	Shire action
CL/Freehold boundaries: Newmerella, Orbst East, Bete Belong Sth, Waygara	Shire to verify its CL records: CL not included in PCRZ Waygara CA 22B (2), 22A (3) Bete Belong Sth Pt 21 (4) Racecourse and Rec Reserve (11) <b>FH included in PCRZ</b> Newmerella CA 41A (1), pt CA 6 (12) Orbst CA 3 Sec B (6)
Map No 42	Shire action
CL/Freehold boundaries: Orbst East Curlip Newmerella Tabbara	Shire to verify its CL records: CL not included in PCRZ  <b>FH included in PCRZ</b> Tabbara Pt CA 14A (4)
Map No 43	Shire action
CL/Freehold boundaries: Tshp Marlo	Shire to verify its CL records: CL not included in PCRZ  <b>FH included in PCRZ</b> Tshp Marlo pt CA 19A (1)
Map No 44	Shire action
CL/Freehold boundaries: Tabbara Jilwain Jirrah Yarak Bemm	Shire to verify its CL records: CL not included in PCRZ  <b>FH included in PCRZ</b> Bemm CA 5A (2)
Map No 45	Shire action
CL/Freehold boundaries:  Tshp Bemm	Shire to verify its CL records: CL not included in PCRZ Check CA 16 Sec A (zoned differently to adjoining CL, all crown land reserved for camp park) (1) <b>FH included in PCRZ</b>
Map No 48	Shire action

CL/Freehold boundaries: Bengworden Nindoo	Shire to verify its CL records: CL not included in PCRZ Bengworden CA 17 & 17A (1) FH included in PCRZ
Map No 49	Shire action
CL/Freehold boundaries: Bengworden Bairnsdale Moormung Goon Nure	Shire to verify its CL records: CL not included in PCRZ Bengworden Pt CA 2A(1) Frontage to Lake Victoria (2) FH included in PCRZ
Map No 50	Shire action
CL/Freehold boundaries: Bumberrah Bairnsdale Goon Nure Boole Poole Tshp Goon Nure	Shire to verify its CL records: CL not included in PCRZ Bairnsdale CA 25A1 Boundary shape differs (1) Bumberrah pt CA 8D (3) FH included in PCRZ Some FH in PCRZ in Tshp Goon Nure (Very small scale, check) (4) CA 1A, 1C, 1F (2)
Map No 51	Shire action
CL/Freehold boundaries: Bairnsdale	Shire to verify its CL records: CL not included in PCRZ  FH included in PCRZ CA 2, 80, 67 and pt 67 (1)
Map No 52	Shire action
CL/Freehold boundaries: Boole Poole Colquhoun	Shire to verify its CL records: CL not included in PCRZ Boole Poole CA 11F (1) and CA 37A (2) FH included in PCRZ
Map No 53	Shire action
CL/Freehold boundaries: Tshp Metung	Shire to verify its CL records: CL not included in PCRZ Frontage to lake (1) Rec reserve CA 6A & 6B of Sec H (2) FH included in PCRZ
Map No 54	Shire action
CL/Freehold boundaries: Tshp Kalimna Colquhoun	Shire to verify its CL records: CL not included in PCRZ Tshp Kalimna CA 27D (1) Colquhoun CA 13B (3) and pt CA 85B (4) and (5) FH included in PCRZ Parcel in Colquhoun (2)
Map No 55	Shire action
CL/Freehold boundaries: Tshp Lakes Entrance	Shire to verify its CL records: CL not included in PCRZ  FH included in PCRZ Parcel boundary differs (1)
Map No 56	Shire action
CL/Freehold boundaries: Tshp Cunninghame Colquhoun	Shire to verify its CL records: CL not included in PCRZ Tshp East Cunningham CA 2B (1) FH included in PCRZ Colquhoun pt CA 131D (2) and pt CA 4 (3)