Planning and Environment Act 1987

EAST GIPPSLAND PLANNING SCHEME

AMENDMENT C151egip

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by East Gippsland Shire Council who is the planning authority for this amendment.

The amendment has been made at the request of East Gippsland Shire Council.

Land affected by the Amendment

The amendment applies to the following land:

- 4 Lands End Grove, Metung being Consolidation Plan 378206H in the Parish of Bumberrah
- 11 Outlook Drive, Metung being Consolidation Plan 378213L in the Parish of Bumberrah
- 1 Mathew Avenue Metung being Consolidation Plan 378200Q in the Parish of Bumberrah
- 24 Brolga Grove, Metung being Consolidation Plan 378235A in the Parish of Bumberrah
- 2 Kookaburra Avenue, Metung being Consolidation Plan 378234C in the Parish of Bumberrah
- 5 Seagull Avenue, Metung being Consolidation Plan 375512R in the Parish of Bumberrah
- 1 Magpie Avenue, Metung being Consolidation Plan 378229U in the Parish of Bumberrah
- 27 Broadlands Road, Metung being Consolidation Plan 378214J in the Parish of Bumberrah
- 59B Broadlands Road, Metung being Consolidation Plan 375518D in the Parish of Bumberrah
- 3 Jeremy Avenue, Metung being Consolidation Plan 378207F in the Parish of Bumberrah
- 5 Jeremy Avenue, Metung being Consolidation Plan 378208D in the Parish of Bumberrah
- 1 Curlew Grove, Metung being Consolidation Plan 375965B in the Parish of Bumberrah
- 1 Pelican Court, Metung being Consolidation Plan 378223H in the Parish of Bumberrah
- 6 Pelican Court, Metung being Consolidation Plan 78140H in the Parish of Bumberrah
- 3A Grevillia Avenue, Metung being lot 2 on Plan of Subdivision 821619Y in the Parish of Bumberrah
- 3B Grevillia Avenue, Metung being lot 1 on Plan of Subdivision 821619Y in the Parish of Bumberrah
- 24 Broadlands Road, Metung being Consolidation Plan 379880N in the Parish of Bumberrah
- 1 Swan Drive, Metung being Consolidation Plan 379881 in the Parish of Bumberrah
- 16 Meridian Way, Newlands Arm Victoria being Consolidation Plan 377408A in the Parish of Bumberrah
- 16 Crown Ridge Avenue, Newlands Arm being Consolidation Plan 378238T in the Parish of Bumberrah
- 24 Crown Ridge Avenue, Newlands Arm being Consolidation Plan 375509E in the Parish of Bumberrah
- 2 Tahoe Court, Newlands Arm being Consolidation Plan 375516H in the Parish of Bumberrah
- 62 Colony Club Drive, Newlands Arm being Consolidation Plan 378216E in the Parish of Bumberrah
- 3 Landfall Avenue, Newlands Arm being Consolidation Plan 375514M in the Parish of Bumberrah

- 46 Riverine Street, Bairnsdale being lots 1, 2 and 3 on Plan of Subdivision 721696M in the Parish of Bairnsdale
- 256 Day Avenue, Omeo being Crown allotment 2, Section A and Crown allotment 13, Section A in the Township of Omeo
- Road reserve adjoining 12 Greer Street, Mallacoota (Mallacoota Recreation Reserve Crown)
 being road reserve adjoining Crown allotment 10B, Section 1 in the Township of Mallacoota
- 2 McEacharn Street, East Bairnsdale (Howitt Park Recreation Reserve Crown) being Crown allotment A11 and A17 in the Township of Lucknow
- Hueton Place Lucknow adjoining 64 Great Alpine Road, Lucknow (Lucknow Recreation Reserve - EGSC) being reserve 1 on Plan of Subdivision 817995S

A mapping reference table can be viewed at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment makes the following changes to the East Gippsland Planning Scheme:

- Delete the Restructure Overlay from land at:
 - 1. 4 Lands End Grove, Tambo Bluff Estate, Metung
 - 2. 11 Outlook Drive, Tambo Bluff Estate, Metung
 - 3. Mathew Avenue, Tambo Bluff Estate, Metung
 - 4. 24 Brolga Grove, Tambo Bluff Estate, Metung
 - 5. 2 Kookaburra Avenue, Tambo Bluff Estate, Metung
 - 6. 5 Seagull Avenue, Tambo Bluff Estate, Metung
 - 7. 1 Magpie Avenue, Tambo Bluff Estate, Metung
 - 8. 27 Broadlands Road, Tambo Bluff Estate, Metung
 - 9. 59B Broadlands Road, Tambo Bluff Estate, Metung
 - 10. 3 Jeremy Avenue, Tambo Bluff Estate, Metung
 - 11. 5 Jeremy Avenue, Tambo Bluff Estate, Metung
 - 12. Curlew Grove, Tambo Bluff Estate, Metung
 - 13. 1 Pelican Court, Tambo Bluff Estate, Metung
 - 14. 6 Pelican Court, Tambo Bluff Estate, Metung
 - 15. 3A Grevillia Avenue, Tambo Bluff Estate, Metung
 - 16. 3B Grevillia Avenue, Tambo Bluff Estate, Metung
 - 17. 24 Broadlands Road, Tambo Bluff Estate, Metung
 - 18. 1 Swan Drive, Tambo Bluff Estate, Metung
 - 19. 16 Meridian Way, Newlands Arm
 - 20. 16 Crown Ridge Avenue, Newlands Arm
 - 21. 24 Crown Ridge Avenue, Newlands Arm
 - 22. 2 Tahoe Court, Newlands Arm
 - 23. 62 Colony Club Drive, Newlands Arm
 - 24. 3 Landfall Avenue. Newlands Arm
- Deletes the Heritage Overlay from land at:
 - 25. 46 Riverine Street Bairnsdale
- Rezones land at:

- 26. 256 Day Avenue, Omeo being Crown allotment 2, Section A and Crown allotment 13, Section A, in the Township of Omeo from Public Conservation and Resource Zone to Farming Zone, Schedule 1
- 27. part of road reserve adjoining 12 Greer Street Mallacoota (Mallacoota Recreation Reserve) being Crown allotment 10B, Section 1 in the Township of Mallacoota from General Residential Zone to Public Park and Recreation Zone
- 28. 2 McEacharn Street East Bairnsdale (Howitt Park Recreation Reserve) being CA A11 Sec A and CA PART 17 Sec A from General Residential Zone to Public Park and Recreation Zone.
- 29. Hueton Place Lucknow reserve (Lucknow Recreation Reserve) shown on lot 1 Plan of Subdivision 817995 adjoining 64 Great Alpine Road Lucknow from General Residential Zone to Public Park and Recreation Zone.

Strategic assessment of the Amendment

Why is the Amendment required?

An internal review process and day to day use of the planning scheme has revealed a number of inappropriate zoning, mapping anomalies and overlay controls that no longer serve a purpose across the East Gippsland Shire. This corrections amendment seeks to rectify these anomalies.

Correcting these anomalies and removing redundant controls will ensure the planning controls reflect land ownership and use. This improves the functionality of the planning scheme, reduces conflicts and minimises the event of a planning permit being unnecessarily required.

The planning scheme is the most relevant and appropriate tool to give effect to the proposed matters that form part of this amendment.

The amendment will improve the general operation and administration of the East Gippsland Planning Scheme for practitioners and landowners resulting in net community benefit.

The amendment deletes the Restructure Overlay from land on 18 properties that have been consolidated in accordance with the *Tambo Bluff Restructure Plan 2018*. The intended outcome of the overlay has been achieved and the control is now redundant and should be deleted from the land. This has the effect of reducing unnecessary planning permits and facilitates development consistent with the East Gippsland Planning Scheme. In turn, this reduces development costs, cuts red tape and facilitates more timely development.

The amendment deletes the Restructure Overlay from land on 6 properties that have been consolidated in accordance with the *Newlands Arm Restructure Plan 2017*. The intended outcome of the overlay has been achieved and the control is now redundant and should be deleted from the land. This has the effect of reducing unnecessary planning permits and facilitates development consistent with the East Gippsland Planning Scheme. In turn, this reduces development costs, cuts red tape and facilitates more timely development.

The Heritage Overlay applies across three titles with common property at 46 Riverine Street, Bairnsdale and relates to a former house and outbuildings with identified heritage significance. The house was destroyed in a fire and the heritage values have been extinguished. Therefore, it is appropriate to delete the Heritage Overlay from the land as it is redundant and no longer serves a purpose.

Parts of privately owned land at 256 Day Avenue is in a public zone being the Public Conservation and Resource Zone. The balance of the privately owned land is Farming Zone Schedule 1 as is the surrounding privately owned land. Private land in a public zone in not appropriate. Rezoning all of the land to the underlying Farming Zone Schedule 1 is considered appropriate.

Land at 12 Greer Street Mallacoota (Mallacoota Recreation Reserve) is a Council managed Crown land recreation reserve. Part of this land is zoned General Residential which is considered inappropriate for a public land use. Rezoning to Public Park and Recreation Zone reflects the public land use and will allow the land to be managed for the community under the *Planning and Environment Act 1987* and other legislation including the *Crown Land Reserves Act 1978*. The rezoning will provide the public land manager with a level of flexibility to manage the land for public benefit that may not otherwise be possible without a planning permit under the existing General Residential Zone.

Land at 2 McEacharn Street East Bairnsdale (Howitt Park Recreation Reserve) is a Council managed Crown land recreation reserve. Part of this land is zoned General Residential which is considered inappropriate for the public land use. Rezoning to Public Park and Recreation Zone reflects the public

use and will allow the land to be managed for the community under the *Planning and Environment Act* 1987 and other legislation including the *Crown Land Reserves Act* 1978. The rezoning will provide the public land manger with a level of flexibility to manage the land for public benefit that may not otherwise be possible without a planning permit under the existing General Residential Zone.

Land in a reserve at Hueton Place Lucknow adjoining 64 Great Alpine Road Lucknow (Lucknow Recreation Reserve) is a reserve created by residential subdivision and is currently zoned General Residential Zone. The reserve is 5 metres wide and $850m^2$ in size with a footpath connecting the surrounding residential area to the established sporting facilities on the adjacent sporting ground. The reserve is owned and managed by East Gippsland Shire Council and forms part of the existing East Gippsland Shire Lucknow Recreation Reserve sporting ground. Rezoning the reserve from General Residential Zone to Public Park and Recreation Zone will facilitate better management of the whole of the land that comprises the sporting recreation facility.

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

The amendment is consistent with the objective and planning in Victoria pursuant to section 4 and 12 of the *Planning and Environment Act 1987*, through:

- providing for the fair, orderly, economic and sustainable development of the land;
- protecting public assets and enabling the orderly provision and coordination of facilities for the benefit of the community

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

The proposed amendment is limited in scope in that it relates to correcting errors and anomalies and does not include policy changes. Therefore, the effect on the above strategic assessment areas of consideration are limited.

Environmental

The proposed amendment is not expected cause significant natural environmental impacts as it provides for controls that are appropriate to the existing land use and within a modified urban environment.

Social

A positive impact will result from the amendment as corrections to zoning will reflect the land use, public or private ownership, and achievement of the intent of the control or the control has become redundant. This ensures planning controls reflect the land ownership and existing land use promoting a fairer regulatory environment and more streamlined process for community infrastructure on public land.

Economic

The amendment will provide more certainty for private landowners whereby appropriate zoning allows private land to be developed and correctly rated. The proposed matters in the amendment that relate to Council owned land used for public or community use will have the effect of reinforcing first principles of achieving net community benefit.

Does the Amendment address relevant bushfire risk?

A number of land parcels in the amendment are subject to the Bushfire Management Overlay as well as being in a designated bushfire prone area. However, the nature of the amendment will not increase bushfire risk as it will either only change zoning to reflect existing ownership or delete a redundant overlay control. No changes have been made to the Bushfire Management Overlay.

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

The proposed amendment is consistent with all Ministers Directions under section 12 of the *Planning and Environment Act 1987*. In particular, the amendment is consistent with the following:

- Ministerial Direction on the Form and Content of Planning Schemes
- Ministerial Direction 11, Strategic Assessment of Amendments

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

The amendment will support the implementation of the Planning Policy Framework (PPF) in particular Objectives for Clause 11 Settlement, Clause15 Built Environment and Heritage and Clause 16 Housing by providing more clarity and certainty for users of the planning scheme.

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

The amendment will have the effect of ensuring that appropriate planning controls are applied to land and deleting planning controls from land where they have become redundant. The amendment does not require any changes to existing policy nor insertion of new policy to the Local Planning Policy Framework and the Municipal Strategic Statement.

The amendment will support the implementation of the East Gippsland Planning Scheme and relevant sections of the Municipal Strategic Statement as it will have the effect of ensuring the more appropriate planning controls applying to land.

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

The amendment will have the effect of correcting controls applied to land where either public or private zones are inappropriately applied given the land tenure. It has also identified where an overlay is no longer required over land where the reason it was applied has occurred.

Correcting zoning and deleting controls as outlined in the amendment is consistent with the intended and proper use of the Victorian Planning Provisions, will not conflict with other policy directions and is consistent with relevant practice notes, including Planning Practice note 46 – Strategic Assessment of Planning Scheme Amendments.

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

The amendment has been prepared following discussions with the Department of Environment, Land, Water and Planning land management division. The Department has provided written consent to the proposed rezoning at the Howitt Park Recreation Reserve and the Mallacoota Recreation Reserve.

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

The Amendment Is not considered to trigger any of the requirements of the *Transport Integration Act 2010*. The Amendment does not involve changes to the transport network, nor will it have any effect on the transport network.

Resource and administrative costs

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

Where appropriate zones are aligned with the land ownership and / or use of land, there will be reduction in administrative costs associated with a reduction in planning permits where they are no longer required.

The amendment will have the effect of reducing unnecessary and no value adding planning permits being triggered by deleting redundant controls from land where the intent of the control has been met.

Therefore, the amendment will have the overall effect of reducing resource and administrative costs for the Responsible Authority.

Attachment 1- Mapping Reference Table

	Location	Land/Area Affected	Planning Scheme Map
1	4 Lands End Grove, Metung 3904	Consolidation Plan 378206H Vol 11954 Folio289	East Gippsland C151egip 001d-roMap53 Exhibition
2	11 Outlook Drive, Metung 3904	Consolidation Plan 378213L Vol 11955 Folio 210	East Gippsland C151egip 001d-roMap53 Exhibition
3	1 Mathew Avenue Metung 3904	Consolidation Plan 378200Q Vol 11943 Folio 958	East Gippsland C151egip 001d-roMap53 Exhibition
4	24 Brolga Grove, Metung 3904	Consolidation Plan 378235A Vol 12067 Folio 914	East Gippsland C151egip 001d-roMap53 Exhibition
5.	2 Kookaburra Avenue, Metung 3904	Consolidation Plan 378234C Vol 12071 Folio 869	East Gippsland C151egip 001d-roMap53 Exhibition
6	5 Seagull Avenue, Metung 3904	Consolidation Plan 375512R Vol 11932 Folio 033	East Gippsland C151egip 001d-roMap53 Exhibition
7	1 Magpie Avenue, Metung 3904	Consolidation Plan 378229U Vol 12066 Folio 721	East Gippsland C151egip 001d-roMap53 Exhibition
8	27 Broadlands Road, Metung 3904	Consolidation Plan 378214J Vol 12022 Folio 314	East Gippsland C151egip 001d-roMap53 Exhibition
9	59B Broadlands Road, Metung 3904	Consolidation Plan 375518D Vol 11943 Folio 124	East Gippsland C151egip 001d-roMap53 Exhibition
10	3 Jeremy Avenue, Metung 3904	Consolidation Plan 378207F Vol 12020 Folio 482	East Gippsland C151egip 001d-roMap53 Exhibition
11	5 Jeremy Avenue, Metung 3904	Consolidation Plan 378208D Vol 12009 Folio 358	East Gippsland C151egip 001d-roMap53 Exhibition
12	1 Curlew Grove, Metung 3904	Consolidation Plan 375965B Vol 11593 Folio 182	East Gippsland C151egip 001d-roMap53 Exhibition
13	1 Pelican Court, Metung 3904	Consolidation Plan 378223H Vol 12019 Folio 756	East Gippsland C151egip 001d-roMap53 Exhibition
14	6 Pelican Court, Metung 3904	Consolidation Plan 78240H Vol 12173 Folio 507	East Gippsland C151egip 001d-roMap53 Exhibition
15	3A Grevillia Avenue, Metung 3904	Lot 2 PS 821619Y Vol 12174 Folio 233	East Gippsland C151egip 001d-roMap53 Exhibition
16	3B Grevillia Avenue, Metung 3904	Lot 1 PS821619Y Vol 12174 Folio 232	East Gippsland C151egip 001d-roMap53 Exhibition
17	24 Broadlands Road, Metung 3904	Consolidation Plan 379880N Vol 12172 Folio 933	East Gippsland C151egip 001d-roMap53 Exhibition
18	1 Swan Drive, Metung 3904	Vol 12174 Folio 455	East Gippsland C151egip 001d-roMap53 Exhibition
19	16 Meridian Way, Newlands Arm Victoria 3875	Consolidation Plan 377408A Vol 12067 Folio 535	East Gippsland C151egip 002d-roMap51 Exhibition
20	16 Crown Ridge Avenue, Newlands Arm 3875	Consolidation Plan 378238T Vol 12143 Folio 609	East Gippsland C151egip 002d-roMap51 Exhibition

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21	24 Crown Ridge Avenue, Newlands Arm 3875	Consolidation Plan 375509E Vol 11926 Folio 647	East Gippsland C151egip 002d-roMap51 Exhibition
22	2 Tahoe Court, Newlands Arm 3875	Consolidation Plan 375516H Vol 11974 Folio 374	East Gippsland C151egip 002d-roMap51 Exhibition
23	62 Colony Club Drive, Newlands Arm 3875	Consolidation Plan 378216E Vol 12014 Folio 541	East Gippsland C151egip 002d-roMap51 Exhibition
24	3 Landfall Avenue, Newlands Arm 3875	Consolidation Plan 375514M Vol11943 Folio 824	East Gippsland C151egip 002d-roMap51 Exhibition
25	46 Riverine Street, Bairnsdale 3875	Lots 1, 2 and 3 on PS 721696M Vol 11621 Folio 883 Vol 11933 Folio 329 Vol 11933 Folio 330	East Gippsland C151egip008d-hoMap33 Exhibition
26	256 Day Avenue, Omeo 3898	Crown Allotment 2 Section A and Crown Allotment 13 Section A Township of Omeo	East Gippsland C151egip003znMap06_07 Exhibition
27	12 Greer Street, Mallacoota 3892 (Mallacoota Recreation Reserve - Crown)	Roads adjoining Crown allotment 10B Section 1 Township of Mallacoota Parish of Mallacoota	East Gippsland C151egip 007znMao23 Exhibition
28	2 McEacharn Street, East Bairnsdale 3875 (Howitt Park Recreation Reserve - Crown)	Crown Allotment A11 Township of Lucknow Vol 11800 Folio 530 and A17 Vol11800 Folio 533	East Gippsland C151egip 006znMap33 Exhibition
29	Hueton Place, Lucknow adjacent to 64 Great Alpine Road, Lucknow 3875 (Lucknow Recreation Reserve - EGSC)	Reserve 1 PS 817995S Vol 12061 Folio 217	East Gippsland C151egip 005znMap33 Exhibition

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