Who is the planning authority?
This amendment has been prepared by the 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 land referred to as the Twin Rivers area. The area is situated to the east of Bairnsdale and is generally encompassed by the Nicholson and Tambo Rivers; the three small towns of Nicholson, Johnsonville and Swan Reach; and the hinterland which surrounds these towns. It generally includes the Township, Low Density Residential and Rural Living Zones and the farming hinterlands between and surrounding each settlement. Refer to Plan1 below.

Plan 1 – Land affected by the amendment

What the amendment does
The amendment seeks to implement the outcomes of the Twin Rivers Land Use Plan (the “Land Use Plan”) into the East Gippsland Planning Scheme (the “Scheme”). Specifically, the amendment will:

- Delete existing sections within Clause 21.12 relating to the strategic directions for the towns of Nicholson River, Johnsonville and Swan Reach.
- Replace deleted sections in Clause 21.12 with strategies for the Twin Rivers Region and the towns of Nicholson, Johnsonville and Swan Reach.
- Rezone land at 100 Sarsfield-Nicholson Road, Nicholson from Low Density Residential Zone to Township Zone and undertake associated mapping changes.
- Apply the Development Plan Overlay to land at 100 Sarsfield-Nicholson Road, Nicholson and make associated mapping changes. In doing so, introduce a new schedule to the Development Plan Overlay to specify the requirements for any future Development Plan.

**Strategic assessment of the amendment**

- **Why is the amendment required?**

The amendment is required to provide statutory weight to the strategic directions and recommendations contained within the Twin Rivers Land Use Plan completed by Council in 2012. The Land Use Plan drew together community views and key information relating to the region’s future development and provides a 20 year planning framework to manage growth and change.

Land within the townships of Nicholson, Johnsonville and Swan Reach is primarily contained within the Township Zone (TZ), Low Density Residential Zone (LDRZ), and Rural Living Zone (RLZ). Land between the settlements is primarily contained within the Farm Zone (FZ).

Due to the size and proximity of the Twin Rivers townships, the Land Use Plan acknowledged that Bairnsdale and Lakes Entrance will continue to provide for higher order employment opportunities and that there is sufficient flexibility within the existing Township zoned land within each town to accommodate any possible demand for future local services or commercial activity.

A land supply and demand analysis undertaken as part of the Land Use Plan identified that there is sufficient undeveloped LDRZ and RLZ land available to meet long term needs and that no additional land would be required to be rezoned for this purpose. No further increase in land to serve low density residential or rural living purposes is proposed.

**Johnsonville and Swan Reach**

The Land Use Plan also identified that there is sufficient TZ land available in Johnsonville and Swan Reach to meet long term needs. No changes to zone boundaries are proposed in these towns. Growth and change can be accommodated within existing zoned land. In line with these findings, the amendment proposes to make changes to Clause 21.12 to update the strategic directions for Johnsonville and Swan Reach to provide guidance for the future use and development within each town.

**Nicholson**

The Land Use Plan identified that additional TZ land would be required in Nicholson to meet long term needs. It was identified that while some growth can be achieved in the existing TZ
area through infill and redevelopment, additional land would be required to meet long term needs.

An area north of Nicholson at 100 Sarsfield-Nicholson Road was identified as a future growth area. The subject land is currently zoned Low Density Residential (LDRZ). This land provides an opportunity for a logical expansion of the Township Zone. The rezoning of land would provide an opportunity for smaller lots with access to town services, amenities and recreation opportunities to support residential growth and will improve the long-term sustainability of the Nicholson township.

The Amendment is therefore required to rezone land at 100 Sarsfield – Nicholson Road from LDRZ to TZ to enable the land to be more effectively used to meet long term town needs. The Development Plan Overlay will be applied to the land to ensure that the land is planned and developed in an appropriate and integrated manner. The Amendment would also make changes to Clause 21.12 to update the strategic directions for the Township of Nicholson.

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

  The proposed amendment implements the objectives of planning in Victoria by:
  
  - Providing clearer linkages between objectives, strategies and policy statements articulated in the Municipal Strategic Statement. This provides a clear policy framework for the fair, orderly, economic and sustainable use and development of land in East Gippsland Shire.
  
  - Providing for the orderly, economic and sustainable use and development of land.
  
  - Ensuring that the scheme provides balanced direction for present and future interests of all Victorians.

  The Twin Rivers Land Use Plan establishes guidelines for the timely and coordinated development of the Twin Rivers region. The Plan is designed to provide clarity on the future direction for settlement, infrastructure, recreation and economic development within the region. The Plan encourages land use planning outcomes and decision making that is consistent with State Planning Policy and at the same time provides maximum community benefit.

  The amendment implements the findings of the Land Use Plan and represents an appropriate balance between the present and future interests of all Victorians by providing strategic direction for future land use and change within East Gippsland Shire Council’s.

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

  **Social and Economic Effects**

  It is intended that the Amendment will result in positive social and economic effects by providing appropriate opportunities for growth and change in the Twin Rivers area. The strategic directions of the amendment have been established through detailed investigation, in conjunction with consultation with local communities and key stakeholders through the development of the *Twin Rivers Land Use Plan, 2012*.

  The amendment recognises the size and proximity of Nicholson, Johnsonville, and Swan Reach to Bairnsdale and Lakes Entrance and the role that these major towns will play on providing higher order employment opportunities. The amendment seeks to provide sufficient flexibility within each of the three towns to accommodate future demands for local services, amenities, and tourism.

  Further, the amendment seeks to recognise that the Twin Rivers area has an attractive rural setting which is important to its character, identity and sense of place. The rural character,
landscape amenity and natural qualities are key attributes and highly valued by local residents and visitors. The amendment seeks to provide appropriate protection of these assets to enhance the long term sustainability of the area.

Environmental effects

The Twin Rives Land Use Plan included a review of environmental values and constraints affecting the subject land. A range of environmental constraints and opportunities were identified and considered in the preparation of the plan. This included the development of strategies to manage and contain urban growth and change in areas where these values were present. The amendment seeks to implement these findings by providing strategic direction for the future use and development of land, including strategies to manage growth in areas of environmental significance.

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

  The amendment appropriately addresses bushfire risk. There is no increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire arising from the amendment.

  - Land to the north and east of Swan Reach presents an obvious bushfire risk. Part of the Rural Living Zone at Swan Reach is contained within a Bushfire Management Overlay (BMO). A significant proportion of public and private land further to the east and north east of Swan Reach is also included within the BMO.

  - Isolated parcels of land zoned Rural Living north of Nicholson and Johnsonville are also located within the BMO.

  The remainder of the land affected by the amendment is not included within the BMO, but is identified as Bushfire Prone under the Building Act.

  Proposals to use, develop, and subdivide land in these area would be subject to a bushfire risk assessment under the planning system, including the determination of a (Bushfire Attack Level) BAL.

  The amendment recognises the risk to life as a priority, property, community infrastructure and the natural environment from bushfire by containing urban growth and change within a defined town boundary. The amendment does not introduce changes which would intensify the use and development of land contained within the BMO.

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

  The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning & Environment Act 1987, in particular Direction 11 – Strategic Assessment of amendments which is addressed by this Explanatory Report.

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

  **Clause 11 Settlement**

  The amendment promotes the sustainable growth and development of regional Victoria by providing strong strategic direction for future land use and development of Nicholson, Johnsonville and Swan Reach. The amendment implements the Twin Rivers Land Use Plan which has undergone a thorough strategic investigation to inform future development of the area. Inclusion of additional land at Nicholson within the Township Zone will support these objectives. The amendment seeks to provide sufficient flexibility within each of the three towns to accommodate future housing requirements.
Clause 12 Environmental and Landscape Values

Environmental and Landscape Values have been identified through the preparation of the Twin Rivers Land Use Plan, 2012. The amendment seeks to implement these findings by providing strategic direction for the future use and development of land, including strategies to manage growth in areas of environmental and landscape significance.

Clause 15 Built Environment and Heritage

The amendment supports this Clause by introducing planning and design strategies for Nicholson, Johnsonville, and Swan Reach. These strategies seek to guide the development of each town and reinforce the identity of place, legibility and safety within the area.

Clause 16 Housing

The amendment supports this Clause by providing for different housing market segments in East Gippsland by supplying sufficient land to support a range of housing choices, lot sizes and densities. It also seeks to encourage and consolidate growth in areas which are close to infrastructure, services, transportation, recreations, and community facilities.

Clause 17 Economic Development

The amendment supports this Clause by seeking to provide sufficient flexibility within each of the three towns to accommodate future demands for local services, commercial activity, and tourism. The amendment also acknowledges the role that Bairnsdale and Lakes Entrance will continue play in providing for higher order employment opportunities.

Clause 18 Transport

The amendment supports integrated transport by encouraging a sustainable transport system through the integration of walking, cycling and bus services within each town.

Clause 19 Infrastructure

The amendment supports this clause by seeking to ensure that new development has access to reticulated water supply, sewerage and drainage services to meet the needs of the local area. The amendment also seeks to ensure the efficient use of community facilities to service current and future populations.

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

  The amendment updates the vision, objectives, and strategies for Nicholson, Johnsonville, and Swan Reach at Clause 21.12, consistent with the directions of the Twin Rivers Land Use Plan 2012. The Land Use Plan will be referenced at Clause 21.12 to provide additional strategic direction for the future use and development of land.

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

  The amendment seeks to implement the outcomes of the Twin Rivers Land Use Plan into the East Gippsland Planning Scheme. The amendment makes proper use of the Victorian planning provisions by updating the strategic policy directions for Nicholson, Johnsonville and Swan Reach contained at Clause 21.12, and rezones land at Nicholson to accommodate its long term growth requirements. Each change is appropriate to facilitate the implementation of the Twin Rivers Land Use Plan.

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

  Consultation with the key government agencies, extensive consultation with the community was carried out in developing the Twin Rivers Land Use Plan. This amendment seeks to implement the outcomes of the Twin Rivers Land Use Plan. It is envisaged that agencies will consider the amendment through the exhibition process.
• Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is generally consistent with the objectives and decision-making principles of the *Transport Integration Act 2010*, in particular by facilitating the following:

- Efficient land use and an efficient, well-integrated transport system; and
- Improved safety, health and wellbeing by encouraging walking and cycling within each town.

Resource and administrative costs

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

The amendment will not provide any additional permit triggers and therefore it is not anticipated that there will be any additional resource or administrative costs to East Gippsland Shire Council.

Panel hearing dates

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

- directions hearing: to be held in the week of 3 November 2014
- panel hearing: to be held in the week of 8 December 2014

Where you may inspect this Amendment

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

East Gippsland Shire Council, 273 Main Street, Bairnsdale

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dtpli.vic.gov.au/planning/publicinspection.