



# Council Meeting Agenda



**Tuesday 25 July 2023 at 6.00 pm**  
Council Chambers (and by video conferencing)  
East Gippsland Shire Council Corporate Centre  
273 Main Street, Bairnsdale 3875





## Acknowledgement of Country

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawel people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

## Council information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting ([youtube.com/c/EastGippyTV](https://youtube.com/c/EastGippyTV)) to enhance the accessibility of its meetings to the broader East Gippsland community.

These recordings are also archived and available for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, any members of the gallery who are addressing the council will have their image, comments or submissions recorded.

No other person has the right to record Council meetings unless approval has been granted by the Chair.

In line with the *Local Government Act 2020*, Councillors are able to attend Council meetings electronically or in person and the meetings will be open to the public via livestreaming.

Members of the public are invited to view the Council Meeting livestreamed by following the link on Council's website or Facebook page.



## Councillors

Cr Mark Reeves (Mayor)  
Cr Arthur Allen (Deputy Mayor)  
Cr Sonia Buckley  
Cr Tom Crook  
Cr Jane Greacen OAM  
Cr Trevor Stow  
Cr Mendy Urie  
Cr Kirsten Van Diggele  
Cr John White

## Executive Leadership Team

Anthony Basford Chief Executive Officer  
Fiona Weigall General Manager Assets and Environment  
Alba Elling Acting General Manager Business Excellence  
Stuart McConnell General Manager Place and Community

## Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and Delegated Committee meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:
  - (a) there are clear reasons for particular matters to remain confidential; or
  - (b) a meeting is required to be closed for security reasons; or
  - (c) it is necessary to enable the meeting to proceed in an ordinary manner.
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:
  - (a) the meeting may be adjourned; or
  - (b) a recording of the proceedings may be available on the Council website.

## Governance Rules

A copy of East Gippsland Shire Council's governance rules can be found at  
<https://www.eastgippsland.vic.gov.au/council/council-policies>

## Councillors pledge

As Councillors of East Gippsland Shire Council, we solemnly and sincerely declare and affirm that we will consider each item on this agenda in the best interests of the whole municipal community.



## Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

## Our Strategic Objectives

1. An inclusive and caring community that respects and celebrates diversity.
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
3. A natural environment that is managed and enhanced.
4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
5. A transparent organisation that listens and delivers effective, engaging and responsive services.



# Index

<b>1 Procedural</b>	<b>6</b>
1.1 Recognition of Traditional Custodians	6
1.2 Apologies	6
1.3 Declaration of Conflict of Interest	6
1.4 Confirmation of Minutes	6
1.5 Next Meeting	6
1.6 Requests for Leave of Absence	6
1.7 Open Forum	6
1.7.1 Petitions	6
1.7.2 Questions of Council	6
1.7.3 Public Submissions	6
1.8 Items for Noting	6
<b>2 Notices of Motion</b>	<b>7</b>
2.1 Draft Rural Land Use Strategy (Motion to Defer)	7
<b>3 Deferred Business</b>	<b>9</b>
3.1 Draft Rural Land Use Strategy	9
<b>4 Councillor and Delegate Reports</b>	<b>247</b>
<b>5 Officer Reports</b>	<b>247</b>
5.1 Assets and Environment	247
5.1.1 Draft Environmental Sustainability Action Plan 2022-26	247
5.1.2 CON2023 1531 Cleaning and Minor Maintenance of Public Toilets, Barbeques and Slop Hoppers	279
5.2 Business Excellence	283
5.2.1 Council Meeting Resolution Register	283
<b>6 Urgent Business</b>	<b>289</b>
<b>7 Confidential Business</b>	<b>289</b>
<b>8 Close of Meeting</b>	<b>289</b>



# 1 Procedural

## 1.1 Recognition of Traditional Custodians

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawal people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

## 1.2 Apologies

## 1.3 Declaration of Conflict of Interest

## 1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 27 June 2023 be confirmed.

## 1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 15 August 2023 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

## 1.6 Requests for Leave of Absence

## 1.7 Open Forum

### 1.7.1 *Petitions*

### 1.7.2 *Questions of Council*

### 1.7.3 *Public Submissions*

## 1.8 Items for Noting

## 2 Notices of Motion

### 2.1 Draft Rural Land Use Strategy (Motion to Defer)

---

Take notice that it is my intention to move at the Council meeting to be held on Tuesday 25 July 2023 at 6.00 pm or at any adjournment of that meeting:

***That Council defer consideration of the draft Rural Land Use Strategy until the meeting to be held on 12 December 2023 to:***

- a) address outstanding issues such as individual 'rights' to develop a dwelling and avoid impacts on land value;***
- b) address any legal or financial ramifications or need for compensation for those that bought a property of 40-hectare with the "as of rights" claim of building a dwelling; and***
- c) address the other issues provided in the rationale to refine the draft Rural Land Use Strategy to ensure a fairer and more equitable outcome.***

**Signed: Cr Sonia Buckley**

Date: 18 July 2023

---

#### Rationale

The draft Rural Land Use Strategy (Strategy) is a significant Strategy that has the potential to affect landholders and the future of East Gippsland and so further consideration is required:

To address individual 'rights' to develop a dwelling and avoid impacts on land value for those that bought a property of 40 ha with the expectation of building a dwelling for agricultural use or rural living. The economic disadvantage of the introduction of 80-hectare planning permits and the removal of the "as of right" entitlement for 40-hectare lots will have severe economic implications for landholders. This sudden change will devalue their properties, jeopardise their financial security, and may undermine their ability to fulfill financial commitments made when purchasing the land. There has been no provision of compensation to the land holder. To apply retrospectively, new planning laws that disregard "as of right" laws is an injustice and unfair. By creating the 80-hectare planning permit it creates the opportunity for larger adjacent farm holders to snap up cheaper land.

Address ambiguities, lack of clear definitions and undefined terms in the Strategy which contribute to confusion and uncertainty. Clarity and transparency in the use of language are paramount to ensure effective implementation and understanding by all stakeholders.

Noting that there are examples where a lifestyle dwelling is constructed on a 40-hectare property and then lead to small farm creation on the property. The 80-hectare rule creates a substantial barrier to building a home in a time of critical housing shortages. This is counter-productive and adds a further financial burden to the home builder. Properties regularly change hands and a house built on 40 hectares for a family will at some point lead to small farm creation.



To address the issue of close proximity for both lifestyle blocks and farmers, guidelines that outline acceptable practices and standards to provide clarity and cooperation would mitigate conflict. To create an 80-hectare rule will just mean big farms will be made smaller faster as the larger 80-hectare land parcels will be carved off when succession planning, retirement or cash funds are required by larger landowners. It is counterproductive to the argument and the intent of the Strategy which was to keep farms intact.

A Farm Management plan is not an area of expertise for the Shire to manage nor has any costs associated with such an undertaking been explained.

The Strategy imposes unnecessary impediments for justifying farm dwellings, which directly affects farmers and landowners who require onsite residences for operational purposes.

## 3 Deferred Business

### 3.1 Draft Rural Land Use Strategy

Authorised by      General Manager Place and Community

---

#### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

#### Executive Summary

The draft Rural Land Use Strategy (RLUS) is the first of its kind for East Gippsland. It establishes a vision, objectives and strategies for the preferred use and development of land in rural areas. The recommendations of the RLUS will support established rural activities including agriculture, promote emerging opportunities for agriculture, rural industries, and rural tourism in appropriate locations, and recognise and protect important environmental and landscape values.

The RLUS primarily seeks to protect rural land for primary production and related activities, however, also balances competing demands for rural land for rural living and rural tourism; addresses risks from climate change and natural hazards; and protects environmental and landscape values.

The RLUS has been prepared over a number of years and is informed by a comprehensive evidence base, detailed policy analysis and three (3) rounds of stakeholder and community consultation undertaken in October 2015, July 2021 and November 2022 to February 2023.

The recommendations of the RLUS are proposed to be delivered via changes to the East Gippsland Planning Scheme as part of a future planning scheme amendment process. The planning scheme amendment process will include formal notice to affected landowners, an independent Planning Panel hearing (if required) and further consideration by Council and ultimately the Minister for Planning. This provides a further opportunity for any affected landholder to be heard if they remain concerned about the policy directions of the RLUS.

The RLUS is underpinned by the following principles:

1. Protect and enhance all productive farmland and farmland of strategic significance to support food and fibre production.
2. Support innovation and growth of the agricultural sector to leverage competitive advantages and strengthen the economy.
3. Encourage rural and nature-based tourism to augment and diversify the shire's agricultural and environmental values.
4. Protect and enhance environmental values including biodiversity, landscapes, and water quality.
5. Respond to the challenges and threats associated with a changing climate and natural hazards.
6. Address the legacy of dwelling development and fragmentation of land in productive farming areas, and
7. Support population retention for a sustainable and prosperous future in rural communities.



These principles guide strategic directions for the development of land use planning policy under the following themes:

1. Food and Fibre;
2. Rural Tourism;
3. Rural Industries;
4. Environment, Landscape, Catchments and Natural Hazards; and
5. Rural Housing.

The RLUS presents a robust and clear policy approach to the future use and development of land in rural areas of East Gippsland. Its development is informed by and consistent with the existing State Planning Policy provisions of the Planning Scheme, East Gippsland Council Plan (2021-2025) and other key strategies including the Economic Development Strategy (2022-2032), Environmental Sustainability Strategy (2022-2032) and Draft Housing and Settlement Strategy.

The development and implementation of Rural Land Use Strategies are common across Victoria. Within the Gippsland region, strategies have been completed and implemented in Bass Coast, South Gippsland, and Latrobe City whilst Baw Baw Shire are also preparing a Rural Land Use Review. These Strategies reflect the local challenges and opportunities affecting rural land and contain recommendations to update Planning Scheme policy controls to protect and enhance social, economic, and environmental outcomes for rural communities.

The RLUS was presented to Council for consideration at the Ordinary Meeting on 6 June 2023 and a motion was passed deferring the item for consideration on the 25 July 2023.

Based on questions and clarifications sought by Councillors, including questions and clarifications sought on behalf of others, the RLUS has been updated. The updates seek to clarify key issues affecting rural areas of East Gippsland, however, do not change the policy intent of the RLUS. The updates to the RLUS are summarised as follows:

- Clarification that the RLUS provides policy direction for all farming activities, regardless of the size of the operation or type of farm. This better reflects the important role of smaller scale farming activities and reinforces that a wide range of complementary farming activities are supported in East Gippsland.
- Added emphasis in the Vision statement to farming activities as a principal function in the rural areas.
- Clarification of the support for rural settlements and recognition of the important role of rural communities, including the potential for dwellings on smaller lots in the Farming zone in proximity to rural settlements.
- Inclusion of additional policy direction to allow consideration of a dwelling in the Farming Zone that is not related to agriculture where it can be demonstrated that the dwelling will support established environmental values.
- Clarification of language regarding commercial farming, farm business management and related issues.
- Reinforcement of Council's commitment to undertake further strategic work to review and enhance planning policy and associated mapping of areas of environmental significance.
- Updates to reflect the recent Victorian Government decision regarding native timber harvesting on public land.
- Clarification of the scope of a periodic review of the RLUS.

The purpose of this report is to present the amended 'DRAFT Rural Land Use Strategy (July)' to Council for consideration and adoption, as at **Attachment 1**.

The East Gippsland Rural Land Use Strategy Background Report informed the development of the Rural Land Use Strategy. The Background Report can be found at **Attachment 2**.

The Background Report was prepared in 2015 and was updated in 2022. The Background Report has not been updated to reflect changes since that time, such as the decision of the Victorian Government to bring forward the cessation of native timber harvesting on public land. The Background Report informed the development of the RLUS and changes in the context since it was updated have been reflected in the RLUS.

The final East Gippsland RLUS – Engagement Report is presented at **Attachment 3**.

## **Officer Recommendation**

### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. adopts the draft Rural Land Use Strategy, as provided at Attachment 1;***
- 3. notes that a Planning Scheme Amendment, incorporating the policy directions contained in the draft Rural Land Use Strategy, will be presented to Council for consideration at a future date; and***
- 4. requests the Chief Executive Officer to advise all parties that made submissions on the draft Rural Land Use Strategy of Council's decision.***

## **Background**

Rural areas of East Gippsland are critical to the social, economic and environmental fabric of our community. Productive soils and a temperate climate underpin a significant agricultural sector that drives the East Gippsland economy and supports a network of towns and rural settlements with vibrant, unique communities. Environmental qualities, rich biodiversity, significant landscapes, and waterways provide an unparalleled level of lifestyle, recreation and amenity opportunities and foster a vibrant tourism sector.

The preparation of this RLUS is therefore timely to recognise the importance of East Gippsland's rural areas, identify challenges and opportunities, and prepare a strategic policy direction for the future use and development of land that protects and enhances rural areas for future generations.

An amended RLUS is set out at **Attachment 1** to this report. The RLUS Background Report provides the evidence base to guide development of the RLUS. The Background Report can be found at **Attachment 2**. The RLUS has been updated to reflect community feedback from consultation and in response to questions and comments from Councillors and comments and questions raised by Councillors on behalf of others. The RLUS Engagement Report summarises community feedback **Attachment 3**.

The principles underpinning the RLUS are set out above. The RLUS must be consistent with State Government planning policy, including:

- Provide for the use of land in the Farming Zone for agriculture.
- Encourage the retention of productive agricultural land.
- Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture or create land use conflicts.
- Encourage the retention of employment and population to support rural communities.
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- Provide for the use and development of land for the specific purposes identified in a schedule to the relevant zone.
- Protect productive agricultural land from unplanned loss via permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural land from incompatible uses; and
- limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings.
  - Encouraging consolidation of existing isolated small lots in rural zones.

To achieve these outcomes, the RLUS identifies five Strategic Directions to guide land use planning policy development, summarised below:

## 1. Food and Fibre

### *Key Issues and Opportunities*

As identified in the Economic Development Strategy 2022-2032, food and fibre production is significant to the East Gippsland economy, stating: “The agriculture sector has driven the East Gippsland economy for decades. Innovation, growth, and new industry opportunities can be grasped to drive the economy for decades to come.” Focus Area 2 of the Economic Development Strategy focusses on a high value and sustainable food and fibre sector.

Planning policy for the use and development of land in rural areas must therefore protect productive agricultural land and support agriculture to adapt to changing technology, markets, and climate change to continue to be a thriving and efficient industry. Leveraging strengths in food and fibre production will attract supporting service industries, manufacturing, and processing businesses. Protection of productive agricultural land is important to give agricultural businesses confidence to invest in the long term. Farmland of Strategic Significance must also continue to support production and processing of high value crops, in particular horticulture.

Competitive advantages in the food and fibre sector in East Gippsland are reinforced through anticipated changes to agricultural conditions associated with a changing climate. East Gippsland will likely maintain favourable farming conditions in a changing climate, whereas other regions are more likely to experience more extreme weather and challenging conditions for agriculture.

At the same time, industry wide trends in agriculture generally reflect an increase in the scale of farms to maintain viability. Land use planning plays an important role in supporting productivity improvements and structural changes to ensure that agricultural land remains available in suitably sized parcels, unencumbered by unnecessary infrastructure, and priced to reflect its productive farming value not its development potential for residential use.



Land within the Farming Zone also provides existing opportunities to accommodate smaller scale farming activities in locations that offer a range of lot sizes, climatic and soil conditions. This is complemented by opportunities within the proposed Rural Activity Zone (RAZ) and existing Rural Living Zone where smaller scale farming activities can take place.

Fragmentation of rural land presents a risk to the sustainable growth of the food and fibre sector in East Gippsland. Approximately 30% (1,500) of all lots in rural areas of East Gippsland are under 4ha in size and a further 35% of all lots are between 4ha and 40ha in size. Small lots can contribute to overall farming productivity where they are used in conjunction with a larger farm holding (across multiple titles), or where the agricultural activities are more intensive with higher outputs from a small land area.

However, there is an increasing level of demand to use and develop small lots in rural areas for rural residential purposes with little or no agricultural or ongoing farming use. Between 2016 and 2022 an additional 251 planning permits were issued for dwellings on lots of less than 40ha in the Farming Zone. This type of land fragmentation can have a negative impact on agriculture, as follows:

- Increasing land value above productive value such that farmers speculate in their land rather than farming it.
- Isolating tracts of farmland.
- Deterring farmers from investing in their operations as they anticipate the conversion of their land out of commercial agriculture.
- Higher capitalisation (via construction of a dwelling) of smaller farms making them less attractive purchases for farm expansion.
- Loss of critical mass of commercial farms and farmers to sustain an agricultural industry and value chain; and
- Rural land use conflict as new residents in an agricultural landscape have an expectation of a benign rural environment.

### *How the RLUS Responds*

To deliver long term protection and support for food and fibre production in East Gippsland, the RLUS recommends the following land use planning policy directions (*see pages 32-44 of the RLUS*):

- Identify Farmland of Strategic Significance in the Lindenow Valley, Tambo River Valley and Snowy River Valley and introduce planning scheme overlay controls to protect these areas; in conjunction with local planning policy to control the use and development of land within 500 metres of these areas.
- Undertake a 5-year review of the RLUS including a review of the extent of Farmland of Strategic Significance and consider the emergence of new areas.
- Acknowledge that all land in the Farming Zone is potentially productive for diverse agricultural uses and support innovation and infrastructure in the agricultural sector, including adaptation to a changing climate; and
- Discourage uses and development, including dwellings, which are not directly related to agriculture or that may have an adverse impact on agricultural operations or introduce conflict with agriculture. This will be achieved by:
  - Increasing the minimum lot size below which a permit is required for a dwelling from 40ha to 80ha to ensure that the development of dwellings is associated with agricultural use as required by existing policy.
  - Providing guidance for Council and landowners regarding the assessment of planning permits for subdivision, dwelling development and rural workers accommodation in the Farming Zone. The guidelines will require applicants to demonstrate benefits to agricultural productivity, productive capacity and the scale of farming including the preparation of a Farm Management Plan for planning applications (where required).

The RLUS recognises that small scale farming such as artisan agriculture, micro-agriculture or agri-tourism are legitimate land uses and play an important role in local food and fibre networks. Opportunities for these types of activities are available, as existing, in the Farming Zone across East Gippsland and will be further encouraged in the Rural Living Zone and proposed RAZ (discussed below). The proposed policy direction in the RLUS does not compromise these legitimate and ongoing activities, however, small scale, agriculture that is not commercial in nature will not be justification for a dwelling in the Farming Zone, unless the dwelling is required for the management of the agricultural enterprise. This position is supported by many Victorian Civil and Administrative Tribunal (VCAT) decisions in relation to dwellings in the Farming Zone.

## RLUS Consultation Feedback

A detailed response to submissions to the RLUS is set out in the RLUS Engagement Report at **Attachment 3**. This includes data regarding survey results and a table which summarises written submissions and how the submissions have been addressed in the final Rural Land Use Strategy.

Importantly, Council's Agriculture Sector Advisory Committee (ASAC) and the Victorian Government Agricultural Services Department (AgVic) have provided support for RLUS and its strategic policy direction regarding food and fibre production. An excerpt from the ASAC submission states:

*"The proposed policy direction for use, development, and subdivision of land in the Farming Zone is supported by ASAC. Land within the Farming Zone is highly productive and is worthy of protection for existing agricultural activities and also to ensure that rural land is 'future proofed' to allow for growth and innovation of the agricultural sector."*

A number of written submissions raised concerns with the strategic policy direction regarding subdivision of land in the Farming Zone and/or the use and development of dwellings on small rural lots. These submissions on occasions reflected the personal circumstances of submitters and included concerns regarding the following matters:

- a) the policy changes were removing the 'rights' of landowners and were therefore inappropriate. A proposal to introduce a 'grandfather' clause to retain the status quo for landowners of properties sized between 40ha and 80ha has been suggested;
- b) the policy changes were detrimental to succession planning for farmers; and
- c) the policy fails to acknowledge that small lots (including Crown allotments) in the Farming Zone are generally not large enough to sustain commercial agriculture activities and therefore should be allowed to be subdivided and/or developed for rural residential purposes.

These matters are addressed in more detail below.

### *a) 'Grandfather clause'*

In recent years, decision making by Council had resulted in an expectation amongst landowners in rural areas that there was an entitlement to a dwelling on any lot in the Farming Zone. In some circumstances, this expectation was contrary to State Government policy, was creating operational and structural difficulties for commercial farmers and was a risk for the sustainable future of food and fibre production in East Gippsland.

It is the role of Council as the Planning Authority under the *Planning and Environment Act* 1987 to set the strategic policy framework for the municipality and initiate changes to the planning scheme. Changes to the planning scheme must provide for the fair, orderly, economic and sustainable use and development of land and ensure consistency with Victorian Government policy. This is carried out via the preparation of planning strategies such as the RLUS. In fulfilling this statutory role, Council is required to update land use planning policy which may affect land (and landowners) in different ways. For example, in some circumstances land use and development may require a planning permit where previously this was not the case.



In the case of the RLUS, it is not considered that proposed changes to planning policy remove the 'rights' of landowners. The increase in minimum lot size in the Farming Zone where a planning permit is not required for use of the land for a dwelling from 40ha to 80ha does not mean that dwellings are prohibited on lots under 80 ha. A planning permit will be required and tested against Farming Zone guidelines and local planning policy to ensure that the dwelling is genuinely required to carry out an agricultural activity. This approach is consistent with State government policy and ensures that the purpose of the Farming Zone as set out in the East Gippsland Planning Scheme to provide for the use of land for agriculture is appropriately implemented. As such a 'grandfather' clause to protect the 'rights' of landowners of properties sized between 40ha and 80ha is not recommended as part of RLUS.

Based on consultation feedback, the RLUS has been updated to provide clarification regarding the application of the proposed policy changes in the Farming Zone. This includes additional detail on the level of information required to justify the use and development of land in the Farming Zone for a dwelling.

#### *b) Succession planning*

It is acknowledged that commercial farming activities have often been undertaken through multiple generations of the same farming family. Knowledge and custodianship of the land has been successfully passed through generations, with knowledge and passion being important for ongoing land management and productivity. There is often a desire for family members to remain connected to the land through various stages of life.

This could mean younger generations of a family building a new family home to work on the farm, or older generations of the family remaining on the farm to stay connected to the land and provide knowledge and skills to younger generations. In some circumstances, succession planning can also mean that additional dwelling development is sought for family members who may not be connected to ongoing farming activities.

Policy development and associated decision making by Council must be based on the purpose of the East Gippsland Planning Scheme to provide for the use of land for agriculture. The RLUS therefore provides clear direction for the community, farm businesses and Council on the circumstances when additional dwellings may be supported. If the use and development of a dwelling supports the ongoing productivity of a farm, it is likely to be supported.

For example, if a second dwelling is required for a family member to undertake full time work in a commercial farming business in support of a family member who is continuing to work in that business, it is likely to be supported. The specific circumstances of each planning application will be taken into account and may result in certain conditions being placed on a planning permit to ensure that the ongoing productivity of the farming activity is not compromised. This could include a Section 173 legal agreement that prevents the second dwelling from being subdivided.

### *c) Small lots in rural areas*

Numerous submissions were made to the RLUS that requested specific land parcels in the Farming Zone be considered for use and development for rural living purposes. The justification for these requests were generally based on personal circumstances and the size of the land parcels being too small for commercial farming activities.

The strategic policy direction contained in RLUS does not support the ad-hoc use and development of dwellings in the Farming Zone. Such use and development outcomes are contrary to State Government policy as they have the potential to adversely affect productive farming activities.

The size of a parcel of rural land is not the only determinant of its potential to be used for commercial farming activities. There are examples across East Gippsland of smaller parcels of land being used for commercial farming activities, including more intensive forms of farming (requiring less land); or where a change of land management practices has resulted in an increase in the productivity of a parcel of land. Further, the majority of commercial farms across East Gippsland are made up of multiple parcels of land of varying sizes. The size of a parcel of productive farmland does not preclude it from being used in conjunction with a larger, viable commercial farm or for a more intensive niche farming activity.

Introducing sensitive uses, such as dwellings, in proximity to agricultural activities can also give rise to land use conflict and have adverse impacts on agriculture, including:

- Agricultural operators having to undertake measures to mitigate or minimise the risk of harm to sensitive land uses.
- Constraints on the ability or costs of an agricultural operator to comply with legislation or regulations; and
- Nuisance complaints regarding agricultural operations that are considered 'normal' or 'acceptable' farm activities.

The strategic policy direction in the RLUS seeks to protect productive farmland in the Farming Zone for agricultural purposes. It is critical that this policy direction is not compromised by the use and development of land within the Farming zone for rural residential purposes.

## 2. Rural Tourism

### *Key Issues and Opportunities*

East Gippsland is a popular destination for tourism, attracting 1.4 million visitors in 2019. Many visitors are attracted by the natural beauty of the region and use facilities in rural areas to explore the region. Consistent with the Gippsland Regional Growth Plan and East Gippsland Economic Development Strategy (2022-2032), there are opportunities for further rural based tourism, including:

- Increased accommodation in rural areas to take advantage of the natural settings such farm stays and self-contained accommodation.
- Agri-food outlets such as farm produce, wineries and cellar door.
- Boutique produce opportunities including paddock to plate experiences, cooking and food growing schools; and
- Experiences associated with cultural heritage, environment and art clusters.

Supporting rural tourism and building on established tourism and agricultural strengths in appropriate locations will offer opportunities to diversify the rural economy and support population retention and attraction in remote and rural areas.

### *How the RLUS Responds*

The RLUS supports rural tourism uses and experiences by providing guidance on the type and scale of tourism uses suited to East Gippsland's rural areas. (see pages 45-49 of the RLUS) Guidance for tourism uses in the Farming Zone will be prepared to:

- Support low impact farm-stay/agri-tourism developments in suitable areas, particularly areas of natural beauty.
- Support the diversification of traditional forms of agriculture in appropriate locations, to incorporate tourism and recreation development, where connection to agricultural activities is demonstrated; and
- Ensure tourism related developments and land uses do not have an adverse impact on agriculture or introduce conflict with agriculture in the surrounding area.

In addition to this, it is proposed to introduce the RAZ to an area of land between Bairnsdale, Swan Reach and Bruthen. This area has historically been subject to a pattern of subdivision, land use and development characterised by hobby farming, rural residential living and rural tourism development including farm stays, bed and breakfast, wineries etc.

The purpose of the RAZ is still to provide for the use of land for agriculture. It is not a de facto rural living area, however, it allows Council to identify other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area. Given the extent of land fragmentation and tourism development, and potential for further tourism development, it is considered that the RAZ is justified in this location.

The pattern of historic subdivision in the proposed RAZ is such that further subdivision of land, including the excision of dwellings, will be discouraged. Proposed policy guidelines for the RAZ, however, will afford greater flexibility for planning applications for the use and development of dwellings. Proposed dwellings will need to demonstrate why they are required to support agriculture, however, consideration will be given to 'sub commercial' agricultural activities, agri-tourism and/or nature-based tourism facilities. It will also be necessary to demonstrate that proposed uses and development are compatible with surrounding land uses and environmental values and hazards.

### *RLUS Consultation Feedback*

The RLUS included consideration of three areas for rezoning to RAZ. In addition to the area between Bairnsdale, Swan Reach and Bruthen (discussed above), land between Bairnsdale and Paynesville and at Banksia Peninsula were also considered.

There was general support for the area between Bairnsdale, Swan Reach and Bruthen subject to clarification of the type of use and development that may be considered in this area. As a result of feedback, the RLUS has been updated to clarify the purpose of the proposed RAZ in this location, including draft policy guidelines at Appendix 3 of the RLUS.

The proposed RAZ between Bairnsdale and Paynesville was considered to reflect a variety of land use activities in this precinct, including broadacre farming, quarries, landfill, rural residential and tourism, as well as reflect areas of environmental and landscape significance adjoining the Gippsland Lakes. Feedback received from landowners indicated that there was not a clear understanding that the proposed RAZ would offer any potential benefit as opposed to the existing Farming Zone. There were also concerns raised in relation to more sensitive land uses (residential, tourism etc.) affecting ongoing operation of existing landfill and quarry facilities.

As a result of the community feedback, it is recommended to remove the proposed RAZ from this location, leaving the Farming Zone in place. To offer greater protection to the long-term operations of the quarry and landfill activities, the RLUS has also been updated to recommend a Buffer Area Overlay. This proposed control can apply to community assets such as landfills, waste transfers stations, wastewater treatment plants and quarries.

Land at Banksia Peninsula is discussed further under Environment, Landscape, Catchments and Natural Hazards below.

### 3. Rural Industries

#### *Key Issues and Opportunities*

East Gippsland's strengths and competitive advantages in food and fibre production also provide the opportunity to attract service industries, manufacturing and processing businesses. Value adding to primary production has the potential to generate local employment and economic sustainability. In conjunction with this, renewable energy, forestry and mineral extraction in rural areas also offer opportunities for employment generation and diversification of the local economy.

It is necessary for the RLUS to be consistent with Victorian Government policy for rural industries. The Victorian Government also is largely responsible for the assessment of the environmental impacts of new mining, extractive industry and renewable energy facilities through and Environmental Effects Statement (EES) process; and administers approval of Work Plans for a mineral exploration licence or extractive industry.

#### *How the RLUS Responds*

The RLUS seeks to balance the economic and social benefits arising from new rural industries with the protection of agriculture, significant landscapes and environmental values and the amenity of rural areas. To achieve this outcome (see pages 50-52) the RLUS:

- Acknowledges the importance of agriculture, forestry, rural industries and renewable energy generation to East Gippsland.
- Encourages high quality, low volume native timber harvesting that supports communities and protects the multiple uses and biodiversity of forests (silviculture); and
- Identifies key rural assets including farmland of strategic significance, irrigation assets, significant landscapes, environmental values and tourism assets that should be considered in the assessment of proposed mining, renewable energy or other rural industry developments.

#### *RLUS Consultation Feedback*

Feedback regarding the policy approach set out in the RLUS for rural industries was generally supportive and no substantive changes have been made to the document following community consultation. It is important to note that Council's ASAC and AgVic provided support in relation to the rural industries policy approach.

#### 4. Environment, Landscape, Catchments and Natural Hazards

##### *Key Issues and Opportunities*

East Gippsland contains significant environmental and landscape assets that contribute to the economy and liveability of the Shire. These assets include Ramsar Wetlands, heritage listed rivers, Environment Protection and Biodiversity Conservation (EPBC) listed ecological communities, Declared Water Supply Catchments and landscapes recognised by the National Trust of Australia. There are also environmental risks associated with bushfire, flood and erosion, with the severity and frequency of environmental hazards being exacerbated by climate change.

##### *How the RLUS Responds*

The scope of the RLUS to directly influence environmental outcomes in rural areas of East Gippsland is limited. The Strategy only relates to privately owned rural land and is only able to influence future land use and development outcomes – not the operation of existing activities.

In this context, the RLUS *at pages 53-58* identifies East Gippsland's environmental and landscape values and seeks to ensure that these values are protected and enhanced when assessing proposals for use and development. The RLUS also seeks to appropriately manage environmental risks and prioritise the protection of human life in relation to the use and development of land.

The RLUS notes the need to update the planning overlays that relate to the identification of natural hazards and the protection of natural values. There is a commitment to this work in forward strategic planning work program.

##### *RLUS Consultation Feedback*

Feedback regarding the RLUS confirmed the importance of environmental and landscape values for the East Gippsland community. There was strong support for these values to be recognised, protected and enhanced. This is reflected within the RLUS which encourages use and development of land to deliver high quality environmental outcomes and contribute to improved habitat and ecological connectivity through good design and onsite environmental improvement. Development that fails to address natural hazards will be discouraged.

As discussed above, land at Banksia Peninsula was considered for inclusion in the RAZ to offer a balanced approach to the protection of significant environmental values in conjunction with the ongoing operation of a range of educational camp facilities located on the Peninsula. Detailed feedback was received from landowners raising concerns that the RAZ could compromise the environmental values of the area and increase risks from natural hazards, in particular bushfire. Areas of the Banksia Peninsula are also protected by Trust for Nature covenants that protect the environmental significance of the area.

Following detailed review of this feedback it was considered that the existing Rural Conservation Zone was better suited to protect the environmental qualities of the Banksia Peninsula and the proposed RAZ has been removed. This outcome does not compromise the ongoing operation of educational camps at the Banksia Peninsula.



## 5. Rural Housing

### *Key Issues and Opportunities*

As set out in 'Food and Fibre' above, RLUS seeks to protect productive agricultural land and discourages subdivision, uses and development, including dwellings, which are not directly related to agriculture or that may have an adverse impact on agricultural operations or introduce conflict with agriculture.

This policy approach is required to ensure consistency with Victorian Government planning policy. It is acknowledged that this represents a policy shift for Council where historic decision making has led to a perception for landholders that each lot in the Farming Zone has a 'right' to a dwelling. It is also acknowledged that rural dwellings offer lifestyle housing opportunities and can assist in retaining/attracting people to support sustainable rural and remote communities.

The RLUS seeks to achieve a balanced policy approach that maintains the supply of rural residential housing without compromising the competitive strengths and advantages of agriculture in East Gippsland.

### *How the RLUS Responds*

The RLUS (see pages 59-61) recommends that the consideration of planning permits for dwellings in the Farming Zone will be subject to justification that the dwelling is genuinely required to support an agricultural activity. Legacies of past planning decisions are not justification to provide precedence for future decisions. Justification of a dwelling in the Farming Zone may require the preparation of a Farm Management Plan (discussed below).

Opportunities for dwelling use and development in rural areas will be directed to the Rural Living Zone whose purpose is to provide for residential use in a rural environment. Rural Living Zones in East Gippsland are generally located on the periphery of established settlements and therefore offer the following benefits:

- Protection of productive agricultural land and Farmland of Strategic Significance.
- Locate new rural living development in close proximity to existing community facilities and services.
- Minimise the cost to Council of providing and maintaining infrastructure such as roads, drainage etc;
- Minimise the risk to life and property from environmental hazards such as flooding and fire; and
- Support the operation and development of tourism and business uses that are compatible with the local environment and existing rural residential amenity.

The provision of Rural Living Zone land has been addressed in more detail in the East Gippsland Housing and Settlement Strategy (Draft 2023).

The RLUS also identifies circumstances where the development of a dwelling on a small lot in the Farming Zone may be appropriate. These include:

- Where a previous planning permit for subdivision of land has expressly facilitated the development of a dwelling subject to consideration of hazards, particularly bushfire, environmental constraints and accessibility.
- Where a small lot in the Farming Zone is within or in proximity to a rural settlement subject to consideration of hazards, particularly bushfire, environmental constraints and accessibility; and
- Where it can be demonstrated that the dwelling will protect and enhance established environmental values, subject to consideration of hazards, particularly bushfire, environmental constraints and accessibility.

The RLUS identifies the need to prepare guidance for the assessment of planning applications that meet the criteria set out above. Appendix 3 within the RLUS contains draft decision guidelines that will inform the preparation of guidance for the assessment of planning applications.

Appendix 3 within the RLUS also contains draft decision guidelines in relation to information that could be provided in Farm Management Plans. This will guide Council consideration of planning applications to ensure that a dwelling is genuinely required to support a commercial agricultural activity. Farm Management Plans assist in meeting the decision guidelines currently in the Planning Scheme and are commonly acknowledged through VCAT decisions as being required to demonstrate compliance with the policy requirements for the Farming Zone.

#### *RLUS Consultation Feedback*

Around half the submissions to the RLUS were from landholders seeking land to be considered for an alternative zone, clarification of the implications of policy changes or had concerns regarding the impact of the strategy on personal circumstances. These circumstances generally related to the ability to subdivide or develop land for rural residential dwellings. These issues have been addressed above under 'Food and Fibre'.

#### **Legislation**

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*, Part 2 section 9.2 (c) from the Act: Overarching Governance Principles and Supporting Principles.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed.

#### **Collaborative procurement**

Not applicable

## **Council Plan**

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Strategic Objective 4: 4.6 East Gippsland's natural strengths in agriculture and natural resource-based industries are enhanced to increase value, employment, sustainability and resilience.

Strategic Objective 5: 5.3 Communities are engaged in decision-making and support is provided to develop local solutions to local issues.

## **Council Policy**

The RLUS is aligned with Council's three key strategies that support the Council Plan - The Economic Development Strategy 2022-2032, the Environmental Sustainability Strategy 2022-2032 and the Municipal Health and Wellbeing Plan.

The RLUS also complements a suite of other Council strategies and plans and will ultimately inform land use planning policy set out in the East Gippsland Planning Scheme.

## **Options**

For Council consideration.

1. Proceed with adoption of the RLUS as attached; or
2. Recommend further refinement prior to adoption, or
3. Choose not to adopt the RLUS.

## **Resourcing**

### *Financial*

The financial implications of this proposal have been considered and there are no additional financial resources required directly as a result of adopting this report.

Implementation of the RLUS recommendations via a planning scheme amendment will be funded via the operational budget for the Planning Business Unit.

### *Plant and equipment*

Not applicable.

### *Human Resources*

The human resource implications of this proposal have been considered and there are no additional human resource implications directly as a result of adopting this report.

Implementation of the RLUS recommendations via a planning scheme amendment will be delivered by resources available within the Planning Business Unit.

## **Risk**

The risk implications of this proposal have been considered and there are no additional risk implications as a result of adopting this report.

Some questions have been raised about whether changes in the circumstances under which a dwelling can be built without a planning permit accrues additional risks to Council. If the RLUS is endorsed by Council it does not have legal effect until the East Gippsland Planning Scheme is amended to implement the RLUS recommendations. Council's obligation is to ensure that the planning scheme amendment process is undertaken in accordance with the legislated process and requirements. The decision maker in relation to any amendment of the planning scheme is the Minister for Planning rather than Council. If following amendment of the planning scheme, an applicant is concerned about a decision in relation to a dwelling (or other planning application for use, development or subdivision of land), then the applicant may seek review of the decision by the VCAT.

## **Economic**

The economic implications of this proposal have been assessed and there are positive economic outcomes as a result of adopting the RLUS.

The RLUS provides a strategic policy direction that responds to the changing nature of agriculture and rural industries and recognises their importance to the local economy. By protecting productive agricultural land, the RLUS provides agricultural businesses confidence to invest in the long term and seeks to leverage strengths in food and fibre production to attract service industries, manufacturing and processing businesses with associated job creation.

Strategic policy direction also encourages diversification of the rural economy by supporting agri-tourism and nature-based tourism in appropriate locations.

## **Social**

The RLUS provides a balanced strategic policy approach for the future use and development of land in rural areas. The RLUS has particular regard to rural settlements by supporting population retention where this will contribute to sustainable rural communities.

### ***Gender Impact Statement***

The RLUS has considered the *Gender Equality Act 2020* in its preparation. The RLUS has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

The RLUS identifies key environmental features of East Gippsland including flora and fauna, waterways, landscapes and water catchments. The strategic policy direction seeks to encourage a positive interrelationship between agricultural activities and environmental values.

The RLUS has been developed in alignment with the Environmental Sustainability Strategy 2022-2032, with the environmental implications of the reports having been assessed and there is no risk to the environment as a result of adopting the RLUS.

## *Climate change*

This report has been prepared and aligned with the following Climate Change function/category:

Corporate/Strategic/Council Plan: Consideration is given to climate change in corporate, strategic or council plan(s) and includes responses to direct and indirect impacts.

## **Engagement**

The RLUS has been informed by extensive community and stakeholder engagement over several years, most recently with consultation of the RLUS between 16 November 2022 and 3 February 2023.

Earlier versions of the RLUS were also subject to extensive community and stakeholder engagement, including briefings of agricultural stakeholders, the real estate and property sector and public feedback on the broad directions of the RLUS.

A community consultation process between 21 July and 18 August 2021 on a further version received approximately 80 submissions which helped to refine the document, update various background information and clarify policy aims and intentions.

Each of these previous consultation activities and key dates are set out on the Your Say East Gippsland page.

The most recent feedback has been used to improve the legibility and clarify aspects of the policy direction of the Strategy. An Engagement Report regarding these most recent community and stakeholder engagement activities is set out at **Attachment 3** with highlights of the consultation activities set out below:

- Direct mailouts to properties affected by the proposed RAZ to advise of the proposed recommendations of the RLUS.
- Newspaper notices.
- Dedicated website on the 'YourSay' webpage.
- Online and hard copy survey.
- Print media/social media releases and local radio interviews.
- Hard copy displays in service centres.
- Community and stakeholder meetings, where requested; and
- Briefing of ASAC.

This extensive community and stakeholder consultation resulted in:

- 676 total website page visits and 445 downloads of documentation.
- 29 completed surveys; and
- 25 written submissions.

Given the extent of community consultation activities associated with the RLUS, there were relatively few submissions made. The content of the submissions (both written submissions and via survey responses) indicated a good level of support for the strategic policy directions set out in RLUS. Some submissions did not support the RLUS on the basis that the submitters wished to have their properties in the Farming Zone rezoned to allow further subdivision and/or residential development. These submissions are not supported by Council officers as it would not be appropriate to undertake ad hoc rezoning of individual properties, and this would also be unlikely to be supported by the Department of Transport and Planning or the Minister.



Key themes arising from the community and stakeholder consultation are summarised below:

- Support for the RLUS Vision and general support for the Strategic Directions.
- An overall understanding of the need to allow subdivision and dwelling development only where it supports farming activities in the Farming Zone, however, some divergent views on this matter in relation to submissions regarding personal property scenarios.
- The need to achieve the right policy 'balance' to support small rural communities.
- The need for clarification of the proposed RAZ.
- Support to protect and enhance environmental values; and
- Support for the Strategy from Council's ASAC and Agriculture Victoria.

The Engagement Feedback Report includes data regarding survey submissions and a table which summarises written submissions and how the submissions have been addressed in the final RLUS.

The Engagement Feedback Report was accurate as of June 2023 based on feedback received during the community engagement process for the RLUS (16 November 2022 to 3 February 2023). In the lead up to (and following) the Ordinary Council Meeting on 6 June 2023 additional submissions were received by Council. Many of these submissions contained standardised content and format; all were circulated to Councillors prior to the Ordinary Meeting for their consideration. These submissions are not reflected in the Engagement Feedback Report, however, cover similar themes.

### **Attachments**

1. East Gippsland Rural Land Use Strategy [**3.1.1** - 79 pages]
2. East Gippsland Rural Land Use Strategy - Background Report [**3.1.2** - 99 pages]
3. East Gippsland Rural Land Use Strategy - Engagement Report [**3.1.3** - 42 pages]

# RURAL LAND USE STRATEGY EAST GIPPSLAND SHIRE

July 2023



**RMCG**

East Gippsland Shire Council - Agenda  
Council Meeting - Tuesday 25 July 2023



## **ACKNOWLEDGEMENT**

East Gippsland Shire Council acknowledges the traditional custodians of this land, the Gunaikurnai, Monero and Bidawel people and their enduring relationship with country. Council aspires to strengthen our partnerships and supports Aboriginal participation in management processes for land and natural resources. We recognise Australia's rich cultural heritage and aim to encourage integrated decision making now and in the future.

# Table of Contents

<b>Executive Summary</b>	<b>i</b>	<b>Appendix 3 – Draft Policy Guidelines</b>	<b>67</b>
<b>1. Introduction</b>	<b>1</b>	<b>Glossary</b>	<b>70</b>
<b>2. Policy and Strategic Context</b>	<b>4</b>		
<b>3. Key considerations</b>	<b>10</b>		
<b>4. Consultation and Strategy Revisions</b>	<b>24</b>		
<b>5. East Gippsland Rural Land Use Strategy</b>	<b>26</b>		
<b>6. Strategic Directions</b>	<b>28</b>		
<b>Strategic Direction 1: Food and Fibre</b>	<b>31</b>		
<b>Strategic Direction 2: Rural Tourism</b>	<b>44</b>		
<b>Strategic Direction 3: Rural Industries</b>	<b>49</b>		
<b>Strategic Direction 4: Environment, Landscape, Catchments and Natural Hazards</b>	<b>52</b>		
<b>Strategic Direction 5: Rural housing</b>	<b>58</b>		
<b>7. Implementation</b>	<b>61</b>		
<b>Appendix 1: Overlays</b>	<b>63</b>		
<b>Appendix 2: RAZ Area</b>	<b>65</b>		

# Executive Summary

## INTRODUCTION

This Rural Land Use Strategy (RLUS) is the first of its kind for East Gippsland. The Strategy supports a diversity of agricultural enterprises of various scales, promotes emerging opportunities for rural industries, boutique farming, rural tourism, and recognises and protects important environmental and landscape values. The Strategy acknowledges the important contribution that rural communities make to the economic, social and environmental fabric of East Gippsland and provides support for the ongoing viability of rural settlements.

The key components of the Strategy are:

- A Strategic Framework comprising a vision, principles, framework plan and strategic directions for rural land.
- An Implementation Plan including recommendations for changes to the East Gippsland Planning Scheme and further strategic work.

## STUDY AREA

The study area incorporates all private rural land within the Farming Zone and Rural Conservation Zone (Figure 2) in East Gippsland. Land use on public, urban and Rural Living zoned land is considered where it impacts use and development of land within the scope of this study.

A separate review of rural residential opportunities associated with the Rural Living Zone forms part of the East Gippsland Housing and Settlement Strategy.

## MAJOR DRIVERS

The RLUS responds to the major drivers affecting use and development of rural land. These drivers include:

- A planning policy context that seeks to protect productive agricultural land, natural and cultural heritage values and minimise risks to life, property and the environment from natural hazards.
- A strategic context that seeks to support population retention/growth and job creation by promoting rural industry development and diversification.

- Opportunities to grow the rural economy, leveraging the Shire's competitive strengths in agriculture and rural tourism.
- The need to protect productive agricultural land and farmland of strategic significance that underpin the Shire's agricultural economy.
- The need to address fragmentation of rural land and to achieve a cultural change in the expectation that a dwelling may be constructed on every rural lot.
- Supporting agriculture to adapt to the future climate.
- Balancing the economic and social benefits arising from new rural industries including mining and renewable energy generation with the protection of productive agricultural land, landscape and environmental values and the amenity of the rural areas.

## VISION

The RLUS establishes the following vision for the rural areas of East Gippsland.

*East Gippsland's rural land is integral to the economy, identity and social fabric of the Shire. A unique mix of natural resources, wilderness, lakes and coast supports diverse farming activities, rural industries, unparalleled rural lifestyle and visitor destinations and experiences.*

## STRATEGIC DIRECTIONS

To achieve this vision, the RLUS establishes the following directions for rural land across East Gippsland, to be implemented by the Rural Framework Plan and policy recommendations.

### STRATEGIC DIRECTION 1 – FOOD AND FIBRE

Agriculture underpins the economy of East Gippsland. In 2020, the value of agricultural production in East Gippsland was \$295m. Planning must support agriculture to adapt to changing technology, markets and climate change to be a thriving and efficient industry. Leveraging strengths in food and fibre production will attract supporting service industries, manufacturing and processing businesses. Protection of productive agricultural land is important to give agricultural businesses confidence to invest for

the long term. Farmland of strategic significance continues to support production and processing of high value crops.

The rural areas of East Gippsland also host a variety of smaller scale farming operations that make a valuable contribution to food and fibre production at a local level and complement larger scale commercial farming activities. Planning will continue to support these opportunities to drive innovation and diversity in the agricultural sector.

#### **Objective**

Support growth of food and fibre production, processing and manufacturing that adds value to primary production by protecting productive farmland and farmland of strategic significance.

#### **Strategies**

Facilitate innovation and adoption of new technology in the agricultural sector and adaptation to a changing climate.

Discourage uses and development, including dwellings, in the Farming Zone which are not required to support commercial agricultural activities and that may have an adverse impact on agricultural operations or introduce conflict with agriculture.

Provide rural infrastructure that specifically supports the agricultural sector and adds value to primary produce.

Identify and respond to significant fragmentation of rural land.

### **STRATEGIC DIRECTION 2 – RURAL TOURISM**

Tourism is a well-established industry in East Gippsland based on its natural assets including the Gippsland Lakes, High Country extensive coasts and wilderness areas, Lakes Entrance, Mallacoota, Coastal Wilderness Walk, National Parks, major touring routes and active recreation facilities. There is potential to diversify East Gippsland's rural tourism offer to include wider choice in nature-based and agri-tourism tourism and associated experiences. This includes opportunities such as high-end eco-tourism development (glamping and wilderness lodges), facilities that service the growing interest in hiking, cycling, mountain biking, and agri-food services such as cellar door and farm gate sales. There are also opportunities to leverage the region's significant cultural heritage.

#### **Objective**

Encourage agri-tourism and nature-based tourism opportunities in appropriate locations across the Shire.

#### **Strategies**

Encourage tourism development that leverages environmental, landscape and cultural values.

Encourage agri-tourism and nature-based tourism building on the Shire's strengths in agriculture and environmental values.

Allow for low impact rural tourist-based land uses (including tourist accommodation) which are of an appropriate scale and nature, and do not impact the ordinary operation of agriculture or other rural industry.

Avoid rural tourism development that may have an adverse impact on environmental values, landscape qualities and farmland of strategic significance.

Discourage further fragmentation of land by further subdivision, including dwelling excisions, within the proposed Rural Activity Zone (RAZ).

### **STRATEGIC DIRECTION 3 – RURAL INDUSTRIES**

East Gippsland's strengths and competitive advantages in food and fibre production provide the opportunity to attract service industries, manufacturing and processing businesses in appropriate locations.

Rural industries such as timber harvesting, extractive industries, mining and renewable energy generation present further economic and employment opportunities. Ensuring that rural industry land and assets are not encroached by sensitive uses, including dwellings, will protect their long term viability. It will be important, however, to balance the economic and social benefits arising from new rural industries with the protection of productive farmland, farmland of strategic significance, significant landscape and environmental values and the amenity of the Shire's rural areas.

#### **Objective**

Encourage sustainable development of rural industries in appropriate locations.

#### **Strategies**

Encourage food and fibre processing and manufacturing that has the potential to generate local employment both on farm and across the value chain.

Encourage rural industries that leverage strengths in renewable energy generation and extractive industries.

Encourage high quality, low volume native timber harvesting that supports communities and protects the multiple uses and biodiversity of forests.

Discourage uses and development that may have an adverse impact on the legitimate operation of rural industries.

Avoid development of rural industries including extractive industries, that may have negative impacts on farmland of strategic significance, productive farmland, irrigation assets, significant landscapes and rural tourism assets.

Ensure adequate buffer distances are identified and maintained between rural industries and urban development and sensitive uses.

#### **STRATEGIC DIRECTION 4 – ENVIRONMENT, LANDSCAPE, CATCHMENTS AND NATURAL HAZARDS**

The natural environment and landscapes of East Gippsland contribute to its identity and attractiveness as a place to live, work and visit.

The Shire is host to flora and fauna protected by Federal and State legislation as well as significant wetlands, and waterways. East Gippsland also has a number of declared special water supply catchments that are a critical source of potable water, irrigation and feed the Gippsland Lakes National Park.

East Gippsland offers a diverse range of rural landscapes from The High Country to coastal areas and the Gippsland Lakes. Many of these areas are classified by the National Trust as landscapes of special or regional significance and require recognition and protection.

The natural values of East Gippsland also present challenges in relation to the management of environmental hazards including bushfire, flood and erosion. Risks associated with these hazards are exacerbated by the changing climate and require careful consideration as part of the appropriate and sustainable use of rural land.

There are opportunities to strengthen policy and controls in order to recognise and protect these diverse and significant natural values and associated risks.

##### **Objective**

Recognise, protect and enhance East Gippsland's environmental and landscape values.

Appropriately manage natural hazards in rural areas and prioritise the protection of human life in relation to use and development of rural land.

##### **Strategies**

Protect rural landscapes and ensure that new development complements the established rural character.

Encourage use and development to deliver high quality environmental outcomes and contribute to improved habitat and ecological connectivity through good design and on-site environmental improvement.

Discourage use and development that fails to appropriately address natural hazards and the need to protect human life.

Recognise the need for rural industry and rural tourism development, e.g. agricultural structures, tourism development, renewable energy generation facilities, while ensuring that in areas of high landscape value they are sensitively designed and located.

Identify, protect and enhance significant environmental values.

Discourage inappropriate use and development within Proclaimed Water Supply Catchment Areas.

#### **STRATEGIC DIRECTION 5 – RURAL HOUSING**

Dwelling development has been identified as the major issue for planning in the Rural Zones in East Gippsland.

The RLUS acknowledges that 'rural residential' living and lifestyle opportunities comprise an important component of the East Gippsland housing market and offer economic benefits and support population retention in more remote rural communities. It is critical, however, that these opportunities are balanced against the need to protect productive farm land for agricultural activities that are unencumbered by sensitive land uses such as rural residential dwellings. In this context, the RLUS seeks to identify a balanced approach to rural housing.

The key focus of this RLUS is to support agriculture and the rural economy and therefore recommends policy that will seek to ensure that new rural dwellings in the Farming Zone are only supported when genuinely required for an agricultural purpose.

Rural residential dwellings should be directed to the Rural Living Zone which is intended to provide for residential use in a rural environment. A separate review of rural residential opportunities associated with the Rural Living Zone is being undertaken as part of the East Gippsland Housing and Settlement Strategy. This work will ensure an adequate supply of appropriately located rural residential land. The RLUS also identifies other circumstances where development of a dwelling on a small



lot in the Farming Zone may be an appropriate outcome, subject to proper assessment, including:

- To support rural settlements. There are a number of rural settlements in East Gippsland that, whilst providing limited services, are extremely important to the surrounding rural population. Maintaining the population in these settlements is constrained by the lack of supply of suitable housing and very low demand for new housing.
- To respect historic subdivision for rural residential purposes. There are a number of legacy or historic small lot subdivisions in the Farming Zone that were created under former Planning Schemes for the purpose of 'rural- residential' living, without a zoning change.
- To protect and enhance established environmental values. Some rural areas of East Gippsland have environmental qualities (e.g. established native vegetation) that is not compatible with commercial agricultural operations. The environmental values of these locations may benefit from the use and development of a dwelling that is not associated with agriculture.

#### **Objectives**

Protect rural areas from inappropriate subdivision and dwelling development.

Support population retention in rural settlements and address legacy subdivisions.

#### **Strategies**

Discourage uses and development, including subdivision and dwellings which are not directly related to agriculture, that may have an adverse impact on agricultural operations or introduce conflict with agricultural activities.

Strongly discourage inappropriate development, including dwellings, on Crown Allotments.

Provide for residential development in the Farming Zone within or within reasonable proximity to rural settlements subject to consideration of hazards, particularly bushfire, environmental constraints and accessibility.

Provide for dwelling development in the Farming Zone where previous subdivision of land was intended to facilitate the development of a dwelling subject to consideration of hazards, particularly bushfire, environmental constraints and accessibility.

Provide for dwelling development in the Farming Zone that is not associated with agricultural activities where it can be demonstrated that the dwelling will protect and enhance established environmental values.

## **IMPLEMENTATION**

It is recommended that the RLUS be introduced as a reference document to the East Gippsland Planning Scheme. Implementation of the vision and strategic directions will be achieved by the adoption of the following recommendations for planning policy.

### **STRATEGIC DIRECTION 1 – FOOD AND FIBRE**

Retain the Farming Zone Schedules 1, 3 and 4 where they currently apply (except where land is identified for future Rural Activity Zone).

Apply Farming Zone Schedule 1 to land currently zoned Farming Zone Schedule 2 to protect productive agricultural land on the periphery of the Lindenow Valley.

Introduce local planning policy to minimise the risk of land use conflict arising from the use and development of land within 500m of farmland of strategic significance.

Update the Environmental Significance Overlay 2 (ESO2) – High Quality Agricultural Land and extend the scope of this control to cover farmland of strategic significance identified in the Lindenow Valley, Tambo River and Snowy River areas.

Undertake a 5 year review of the RLUS, including the farmland of strategic significance and emergence of new areas of farmland of strategic significance.

Introduce additional guidance for assessment of planning permit applications for subdivision, dwelling excisions, dwellings, rural workers accommodation and other discretionary uses in the Farming Zone.

### **STRATEGIC DIRECTION 2 – RURAL TOURISM**

Apply the RAZ to the Twin Rivers and Bruthen rural hinterland area.

Introduce additional policy guidance for assessment of planning permits for tourism uses in the Farming Zone and proposed Rural Activity Zone.

Introduce policy guidance in the planning scheme for assessment of planning permits for subdivision, dwellings and other discretionary uses in the proposed Rural Activity Zone.

Introduce policy guidance that clearly identifies and strongly discourages any Section 2 uses considered unsuitable for the proposed Rural Activity Zone.

Introduce policy guidance for large scale tourism development in rural areas.

Consider the directions for future growth recommended by structure plans as well as the findings of the Housing and Settlement Strategy when determining the boundaries of the proposed Rural Activity Zone.

### **STRATEGIC DIRECTION 3 – RURAL INDUSTRIES**

Encourage high quality, low volume native timber harvesting that supports communities and protects the multiple uses and biodiversity of forests.

Encourage food and fibre processing and manufacturing that has the potential to generate local employment both on farm and across the value chain.

Encourage rural industries that leverage strengths in renewable energy generation and extractive industries.

### **STRATEGIC DIRECTION 4 – ENVIRONMENT, LANDSCAPE, CATCHMENTS AND NATURAL HAZARDS**

Advocate to the Victorian Government for assistance to review the mapping of Environmental Significance Overlay Schedule 1 - Sites of biological significance.

Advocate to East Gippsland Catchment Management Authority, West Gippsland Catchment Management Authority and the Victorian Government for assistance to identify and map sites of environmental significance for consideration of inclusion in the Environmental Significance Overlay.

### **STRATEGIC DIRECTION 5 – RURAL HOUSING**

Introduce guidance for assessment of planning permits for dwellings in the Farming Zone around rural settlements.

Introduce guidance for assessment of planning permits for dwellings in the Farming Zone in historic subdivisions.

Introduce guidance for assessment of planning permits for subdivision, dwelling excisions and dwellings in the Rural Activity Zone.

# 1. Introduction

This Rural Land Use Strategy (RLUS) is the first of its kind for East Gippsland. East Gippsland Shire Council through the RLUS aims to:

- Ensure the East Gippsland Planning Scheme responds to the changing nature of agriculture and recognition of its importance to the local economy.
- Encourage diversification of the rural economy and support opportunities for a range of farming activities and rural industry such as value adding to agricultural produce, tourism and sustainable development of natural resources.
- Balance competing demands including the desire to live in rural areas of the Shire and agriculture and other rural industries.
- Protect environmental values and rural landscapes and minimise risks associated with natural hazards.
- Support the agricultural industry to adapt to changing technology, markets and climate change to be thriving and efficient industries.

The key components of the Strategy are:

- A Strategic Framework comprising a vision, principles, framework plan and strategic objectives for rural land.
- An Implementation plan including recommendations for changes to the East Gippsland Planning Scheme and further strategic work.

## STUDY AREA

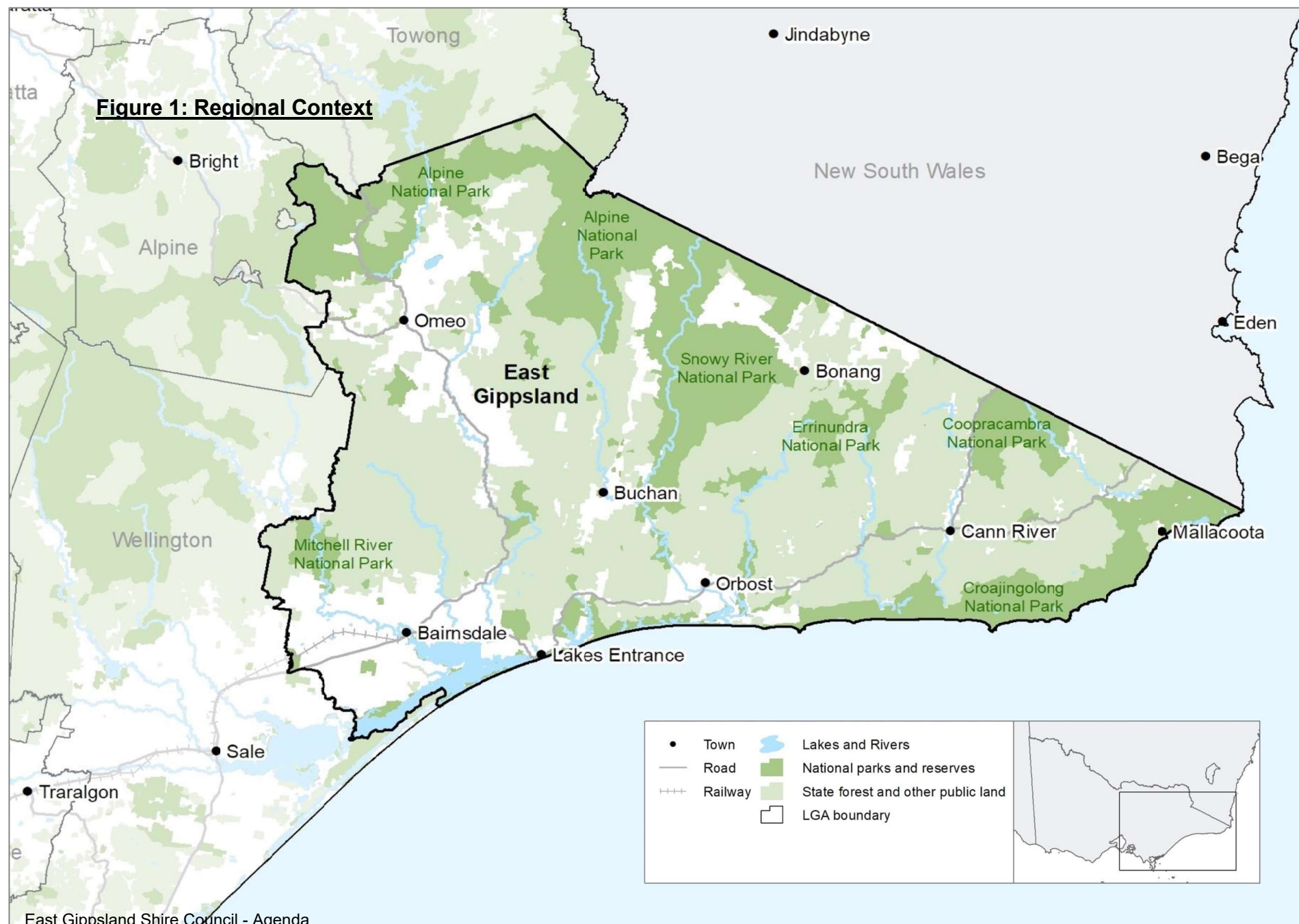
The study area incorporates all private rural land within the Farming Zone and Rural Conservation Zone (Figure 2) in East Gippsland. Land use on public, urban and Rural Living zoned land is considered where it impacts use and development of land within the scope of this study.

A separate review of Rural Living Zone is being undertaken concurrently with the RLUS as part of preparation of a Housing and Settlement Strategy.

## APPROACH

The project timelines and stages are summarised here:

September 2015	Stage 1: Desk top research and analysis culminating in preparation of a Background Report
October 2015	Stage 2: Targeted stakeholder consultation to validate and augment the findings of the Background Report
May 2016	Stage 3: Preparation of the draft RLUS.  The project was suspended between 2016 and 2020.
March 2021	Stage 4: Revision of the draft RLUS to re-structure and simplify the document
May 2021	Stage 5: Targeted consultation with key stakeholders on the draft Strategy following presentation to Council
July 2021	Stage 6: Public exhibition
Oct 2022	Stage 7: Revised draft RLUS and Background Report - The draft RLUS was revised to respond to the consultation findings and changes to the structure of the Victoria Planning Provisions (VPP) and incorporate data and information from the updated Background Report
November 2022	Stage 8: Public exhibition – The revised draft RLUS was placed on Public Exhibition for 8 weeks
2023/24	Stage 9: Implementation. Amendment of the East Gippsland Planning Scheme to incorporate the recommendations of the Rural Land Use Strategy.



## EAST GIPPSLAND

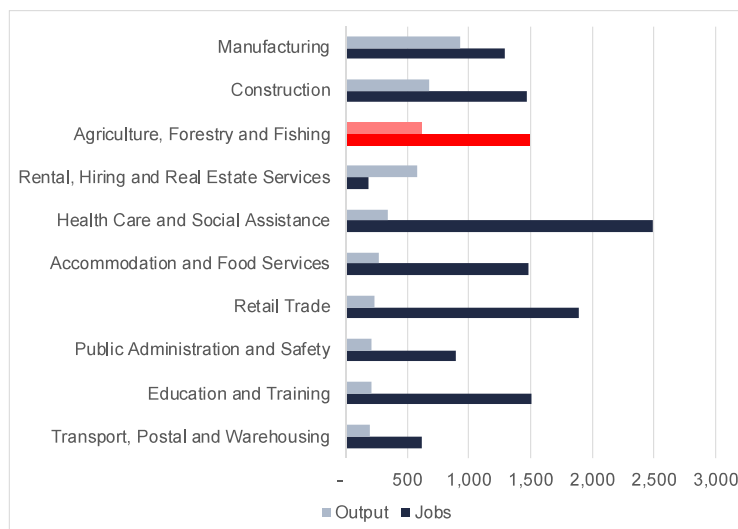
East Gippsland Shire is located in eastern Victoria stretching from Bairnsdale to the NSW border and covering over 21,000 square kilometres. Around 83% of the Shire is public land as National Parks, State forest or other Crown land (Figure 1).

The rural areas of the Shire are important to the East Gippsland economy. Agriculture generates significant local employment both directly on farm and in the food processing (manufacturing) sector as (Figure 2) as well as generating significant output.

The main service centres include Bairnsdale, Lakes Entrance, Orbost and Omeo. Dispersed towns, such as Benambra, Cann River and Swifts Creek are a unique feature of East Gippsland. These settlements are located in beautiful natural settings but remoteness poses challenges for service delivery and economic development. The population of East Gippsland was 47,771 people on 30 June 2021. The population grew at an annual rate between 0.9% and 1.5% over the 10 years to 2021 and is forecast to grow at around 1% and reach 58,000 by 2041<sup>1</sup>

The Shire has an abundance of natural and environmental resources including a temperate climate, Australia's largest navigable inland lake system, an extensive coastline and areas of significant natural beauty. These attributes, as well as productive agricultural land, are a significant component of the Shire's competitive advantages and combine to make the Shire an attractive location to live work and visit.

Figure 2: Key economic sectors<sup>2</sup>



<sup>1</sup> <http://www.economicprofile.com.au/eastgippsland> accessed November 2021

<sup>2</sup> <http://www.economicprofile.com.au/eastgippsland> accessed November 2021

## 2. Policy and Strategic Context

### CURRENT PLANNING CONTROLS

This section of the report provides an overview of the current policy, zone and overlay controls that apply to rural land in East Gippsland. It also documents the findings and recommendations arising from a review of the performance of the planning controls documented in the Background Report.

### PLANNING POLICY FRAMEWORK

The RLUS must be consistent with State policy objectives relevant to the Shire's rural areas, which include:

- Protect strategically important areas of the environment, landscape, water, cultural heritage and agriculture.
- Protect productive farmland and farmland of strategic significance in the local or regional context.
- Encourage rural tourism in appropriate locations.
- Protect and enhance water supply catchments, native vegetation and other biodiversity values and rural landscapes.
- Prevent dispersed settlement and maintain separation between settlements by providing non-urban breaks between urban areas.
- Minimise risk to life, property and the environment from natural hazards.
- Establish town growth boundaries to avoid urban sprawl and protect agricultural land and environmental assets.

A number of amendments to the East Gippsland Planning Scheme have occurred since 2016. The amendments most consequential for rural land use and development include:

- GC13: Introduced updated mapping and schedules detailing requirements for bushfire protection measures.
- VC148: Introduced the Planning Policy Framework and changes the format of planning schemes.
- VC150: Introduces definitions and planning permit thresholds for low density mobile outdoor pig farms and low density mobile outdoor poultry farms as well as introducing an amended Victorian Code for Broiler Farms.

- VC219: Introduced permit requirement for sensitive uses (e.g. dwellings) within 500m of land licensed or proposed to be used for mineral and stone extraction
- VC212: Introduced permit requirement for sensitive uses (e.g. dwellings) within 1 km of an established or proposed wind energy facility
- VC202: Introduced a definition for 'Rural worker accommodation' and permit requirements to facilitate this type of accommodation in the Farming Zone.

The RLUS needs to align with the new planning scheme format including the following Planning Policy Framework (PPF) clauses:

#### PLANNING POLICY FRAMEWORK

11.01-1S Settlement  
 11.03-4S Coastal settlement  
 12.01-1S Protection of biodiversity  
 12.02-1S Protection of the marine and coastal environment  
 12.03-1S River corridors, waterways, lakes and wetlands  
 12.03-1R High value water body assets – Gippsland  
 12.05-1S Environmentally sensitive areas  
 12.05-2S Landscapes  
 13.01-1S Natural hazards and climate change  
 13.02-1S Bushfire planning  
 13.03-1S Floodplain management  
 14.01-1S Protection of agricultural land  
 14.02-1S Catchment planning and management  
 14.03-1S Resource exploration and extraction  
 15.01-6S Design for rural areas  
 15.03-2S Aboriginal cultural heritage  
 17.04-1S Facilitating tourism  
 17.04-1R Tourism - Gippsland  
 17.04-2S Coastal and maritime tourism and recreation  
 19.01-2S Renewable energy



MUNICIPAL PLANNING STRATEGY

The current policy context for East Gippsland's rural areas supports economic development based on the Shire's natural resources and ensuring environmental and amenity values are protected and enhanced. There is strong support in state and local policy to:

- Promote primary production including agriculture and forestry.
- Protect natural and environmental values and minimise risks associated with natural hazards.
- Promote rural industries and rural based tourism in appropriate locations.

ZONES

A planning scheme identifies zones to designate land for particular uses, such as farming, residential or industrial. Each zone has its own purpose, identifies if a planning permit is required for use and/or development of land and the matters that must be considered before deciding to grant a planning permit.

The zones (Figure 3 and 4) that currently apply to rural land in private ownership in East Gippsland are:

- Farming Zone: The main zone for agricultural areas aimed at encouraging retention of productive agricultural land.
- Rural Conservation Zone: This zone aims to protect land with significant environmental, heritage or cultural values.

The rural zones were introduced by direct translation in 2006 resulting in all land in the former Rural Zone being rezoned to the Farming Zone and the former Environmental Rural to the Rural Conservation Zone. Direct translation means that there was no strategic assessment to test the appropriateness of the new Farming Zone and Rural Conservation Zone or whether any of the other new rural zones may be more appropriate.

The Planning Scheme rural zones include a schedule that offers Council the opportunity to specify certain performance requirements to be achieved in each zone. Importantly this includes minimum lot size thresholds relating to the subdivision of land and the construction of dwellings. The minimum lot sizes that apply in current rural zones ranges from 1ha to 100 ha, as set out in Table 1 below.

Table 1: Rural zone minimum lot schedules

ZONE	MINIMUM SUBDIVISION AREA (HA)	MINIMUM AREA FOR WHICH NO PERMIT IS REQUIRED FOR A DWELLING (HA)
Rural Conservation Zone		
Schedule 1	10	All dwellings require a permit
Schedule 2	50	All dwellings require a permit
Schedule 3	100	All dwellings require a permit
Farming Zone		
Schedule 1	40	40
Schedule 2	30	30
Schedule 3	15	15
Schedule 4	1	10

OVERLAYS

Overlays address particular issues such as heritage, bushfire or flooding. An overlay will set out requirements for development of the land, if a planning permit is required and the matters that must be considered before deciding to grant a permit. The requirements of an overlay apply in addition to the requirements of the zone.

The overlays that apply to the rural areas of the Shire are described in Appendix 1 along with an explanation of their impact on rural land use and development in the Shire.

Figure 5 shows how these overlays are applied across East Gippsland.

Council is currently separately reviewing flooding and erosion management controls.



## PLANNING SCHEME REVIEW

An independent review of the East Gippsland Planning Scheme<sup>3</sup> in 2022 made a number of findings relevant to rural land and noted that the RLUS provided an opportunity to address these issues, which include:

- Potential conflicts with rural area policies including protection of productive agricultural land, managing demand for rural lifestyle properties, providing opportunities for tourism related development and other economic development opportunities.
- While very few small lot/rural dwelling decisions have been reviewed by the Victorian Civil and Administrative Tribunal over the last decade, an earlier decision noted that the 'collective' result of repeated approvals is the inevitable loss of rural land.
- Legacy zoning issues in rural areas and in some of the settlements arising from the 'carry over' from old planning schemes dating back 25 years or more. It is apparent that there is a need to re-assess elements of the zoning regime.
- The objectives of the Environmental Significance Overlay Schedule 2 apply to high quality agricultural land in the Shire along the Mitchell River floodplain. The schedule includes four objectives, three of which relate to matters of subdivision, use and excisions, none of which are controlled by the overlay.
- Specific recommendations in relation to rural land in the Shire include:
  - Clause 14: review the Local Planning Policy Framework reference to agriculture.
  - Clause 14: simplify the existing suite of rural zones and include clearer direction on the recurrent themes of dwellings on small lots and rural excisions.
  - Clause 17: include contemporary and relevant economic development material from the RLUS.
  - Clause 21.02: revise the framework plan to clearly identify important Shire assets, including productive agricultural land.
  - Clause 21.09: include contemporary and relevant material from the RLUS regarding the importance of agriculture.

The Independent Review of the East Gippsland Planning Scheme was endorsed by Council at the Ordinary Meeting on 26 July 2022.

<sup>3</sup> Independent Review East Gippsland Planning Scheme Final Report (2022)

Figure 3: Rural zones

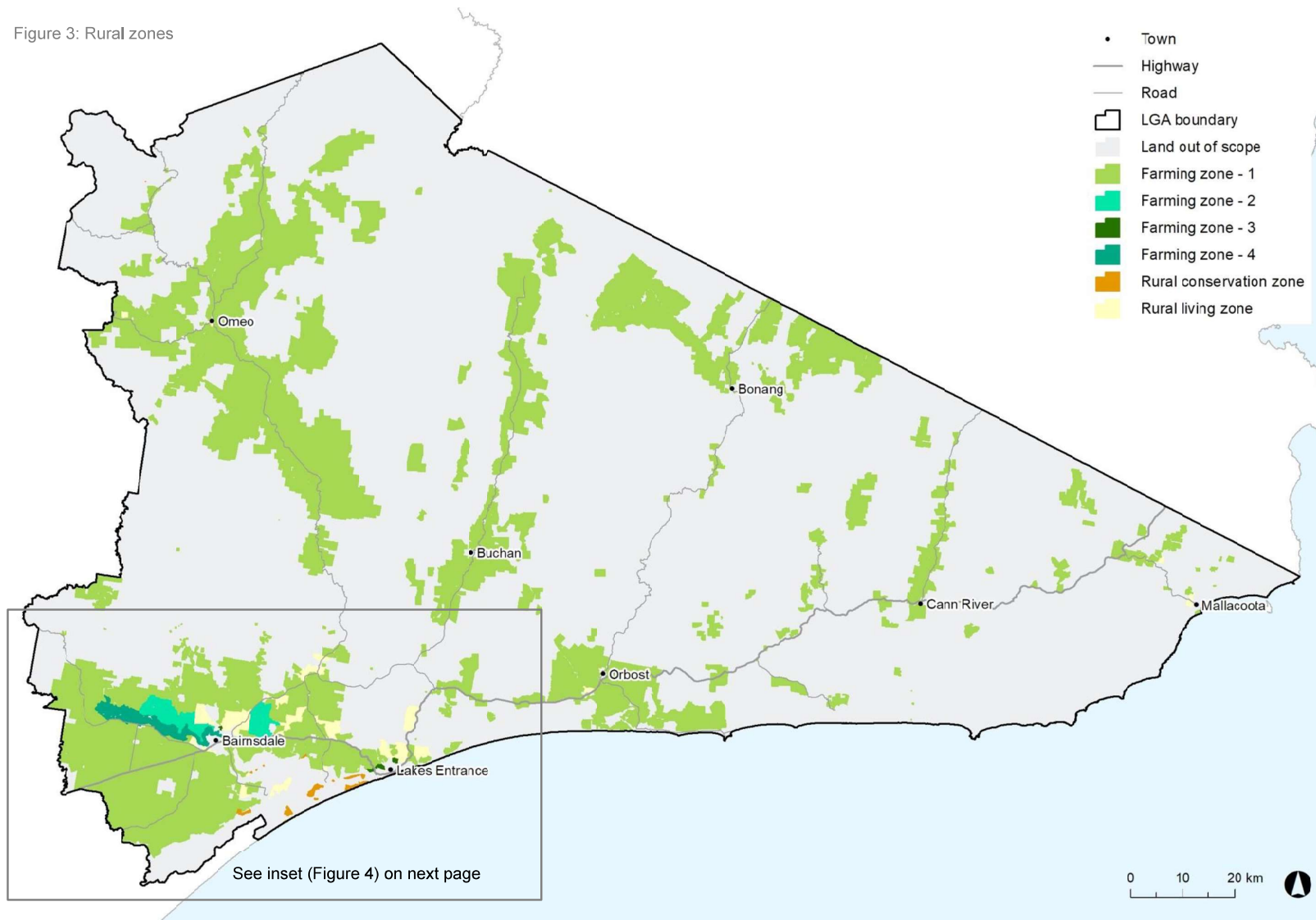


Figure 4: Rural zones

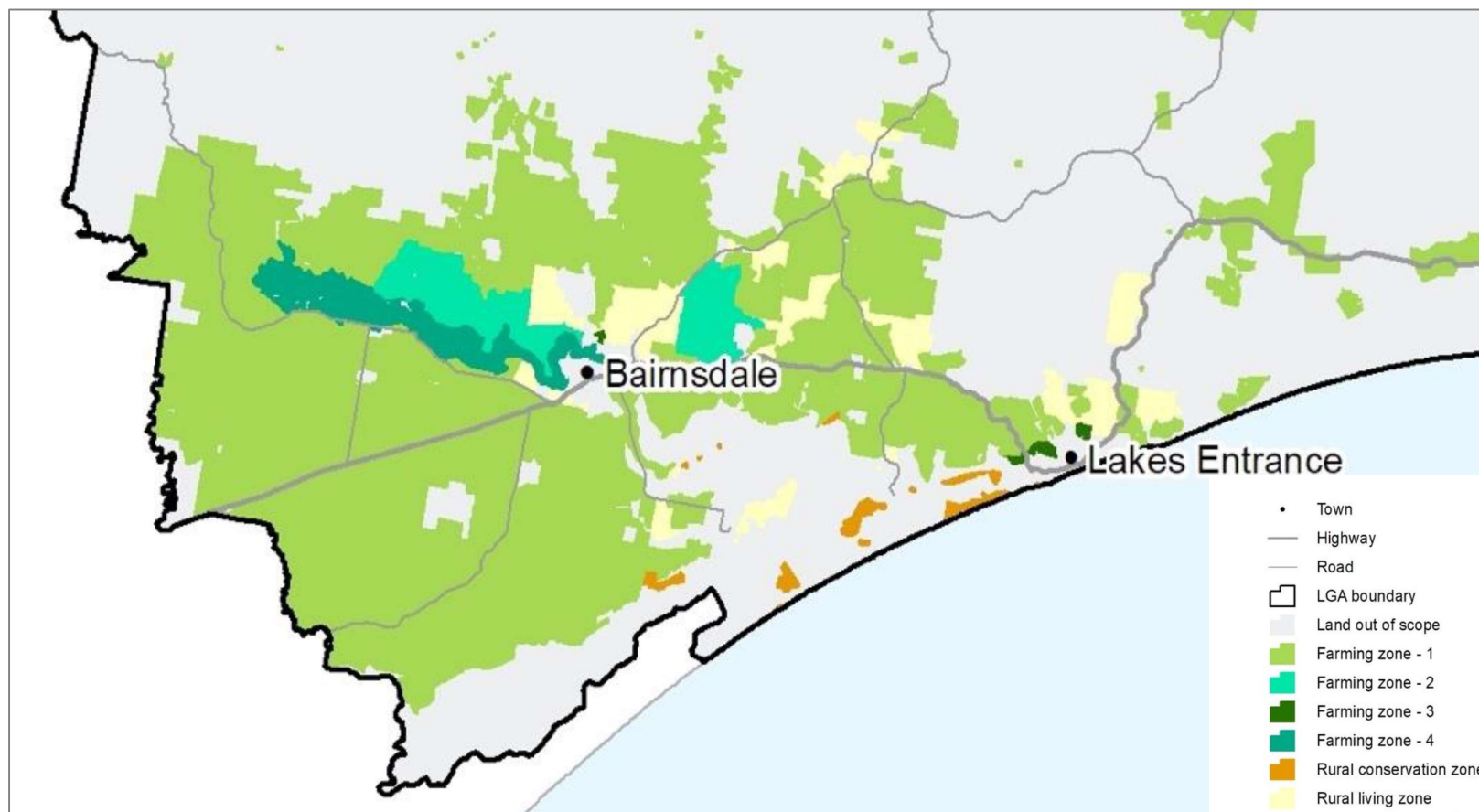
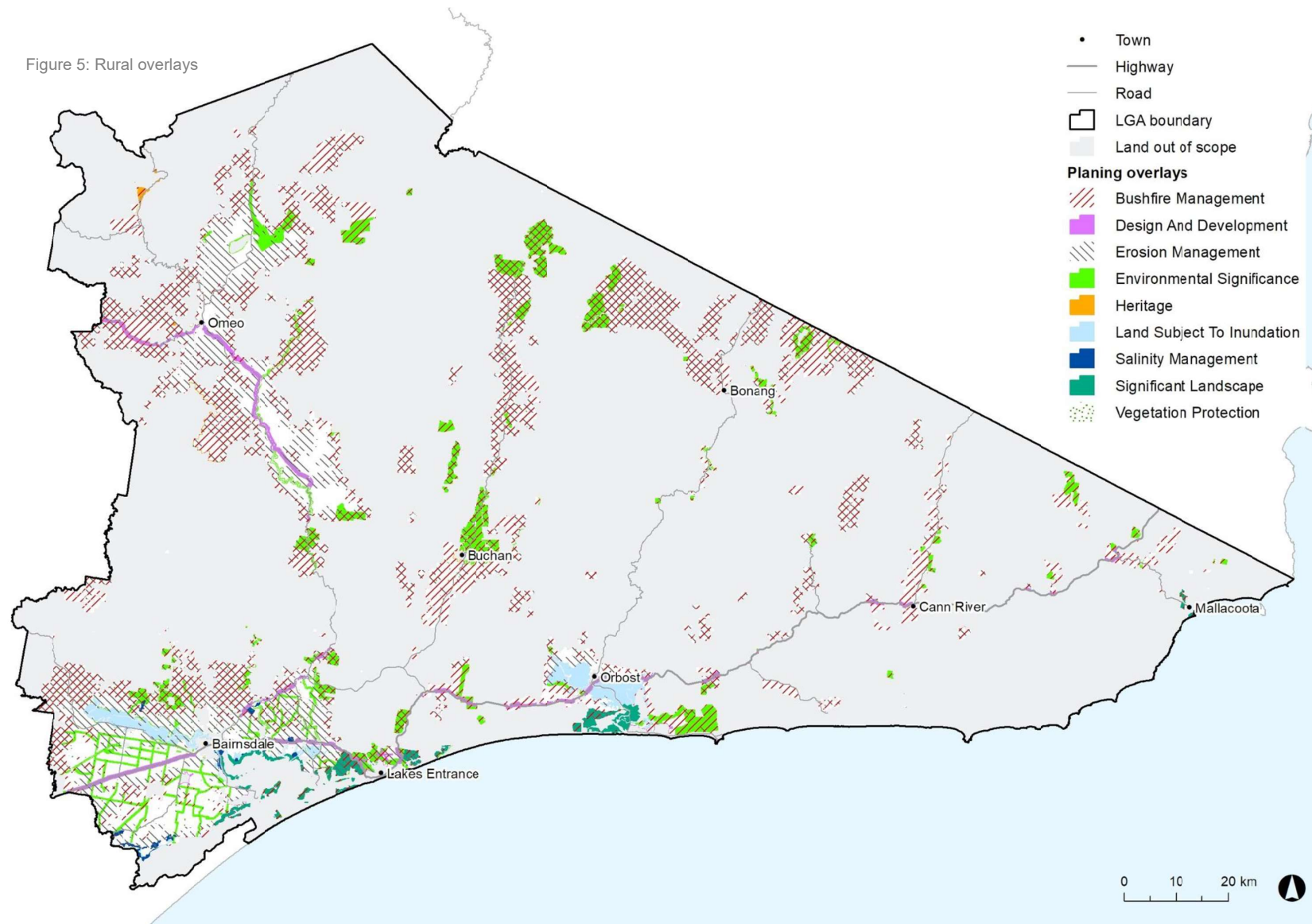


Figure 5: Rural overlays



EAST GIPPSLAND – RURAL LAND USE STRATEGY

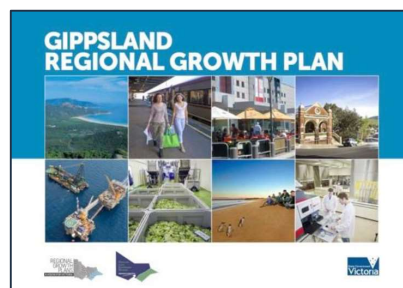
9

### 3. Key considerations

This section of the RLUS summarises the key considerations and drivers of land use change that will inform the preparation of a revised strategic framework for East Gippsland's rural areas and planning scheme changes.

#### PLANNING CONTEXT

State Planning Policy seeks to strengthen the economy of the Gippsland region, by supporting production of food and fibre, value-adding and diversification, tourism, alternative energy and natural resource development. State planning also seeks to ensure that the regions environmental, cultural heritage and landscape values are enhanced and protected, and development considers the risks posed by natural hazards and climate change.



The Gippsland Regional Growth Plan sets the following directions relevant to the rural areas of Gippsland:

- Further diversify Gippsland's service and manufacturing industries to support job creation and investment, and value-add to local products.
- Advance productive and innovative agriculture, forestry and fisheries sectors with a focus on export markets and local food processing.
- Strengthen the energy sector, including renewables, subject to best practice environmental standards, and identify, protect, extract and process valued earth resources .....
- Facilitate the rejuvenation, expansion and development of regional tourism based on Gippsland's environmental and cultural heritage assets and identified strategic tourism investment areas.
- Manage risks to Gippsland's communities and economy from natural hazards.
- Manage Gippsland's environmental and heritage assets to achieve the best outcomes for the region's environment, economy and community.

<sup>4</sup> East Gippsland Economic Development Strategy, 2022 – 2032, DRAFT, JUNE 2022

- Plan for potential impacts and opportunities arising from climate change and initiatives that support national and global action to reduce greenhouse gas emissions.

These directions are reflected in East Gippsland's Council Plan 2021-26, Environmental Sustainability Strategy 2022-2032, Economic Development Strategy 2022-32 and have informed this RLUS.

The RLUS may also assist the development of implementation of the proposed program of strategic work including:

- Eagle Point Structure Plan
- East Bairnsdale/Lucknow Structure Plan
- Lakes Entrance Northern Growth Area – implementation
- Landfills – buffer protection
- Bairnsdale Growth Strategy review
- Omeo Land Supply Review

#### POPULATION AND ECONOMY

The population of East Gippsland has shown modest, around 1%, sustained growth over the last 10 years, which is forecast to continue. The economy, however, is smaller now than it was a decade ago<sup>4</sup>. Economic growth and diversification are critical to sustaining population growth, maintaining a labour force and a diverse demographic profile.

The economy and population of East Gippsland has experienced significant shocks from an extended drought leading up to the 2019/20 bushfires. The bushfires destroyed approximately 350 homes, as well as commercial properties and farm infrastructure.





Loss of visitor expenditure for Gippsland was estimated at \$170-180m<sup>5</sup>. Added to this was the downturn in the visitor economy caused by COVID-19.

A core aim of Council's Economic Development Strategy is to leverage existing strengths and increase the value of exports while reducing leakage out of the Shire. The Strategy recommends that the RLUS is adopted and implemented to support development of local food processing and manufacturing that adds value to a greater share of agriculture products and creates local employment.

The geographic circumstances of East Gippsland's rural communities are unique with many rural settlements separated by extensive tracts of public land. The distance from Bairnsdale to Mallacoota, the Shire's eastern most settlement is the same distance from Bairnsdale to Melbourne. It is a two to three hour drive from Bairnsdale to reach some rural settlements such as Omeo, Benambra and Bendoc. Maintaining the population in rural settlements is critical to the retention of the limited but vital services offered to the resident and surrounding rural population.

Tourism Research Australia<sup>6</sup> anticipates that domestic tourism is likely to lead recovery of the tourism industry. East Gippsland's tourism offer is well positioned to increase its share of the domestic travel market, particularly the touring and nature-based market segments.

Rural industry development and diversification that support's population retention and job creation provide the overarching context for the following key drivers of change underpinning this RLUS.

## FOOD AND FIBRE

The agriculture and forestry industries are a key element of Council's plan for stimulating growth, attracting investment and retaining population. Planning should consider major trends and industry needs including:

- Protecting productive agricultural land and farmland of strategic significance to provide confidence for industry to invest in new technology and respond to market trends.
- Industry trends such as increased farm size and output concentration with most production generated by the small cohort of larger producers.

<sup>5</sup> East Gippsland Fires 2019-20 Summary of Impacts

<sup>6</sup> Tourism Research Australia (2020) Moving forward: The role of domestic travel in Australia's tourism recovery

<sup>7</sup> <https://www.oneharvest.com.au>

- Enabling the industry to diversify and respond to opportunities and issues such as the impacts of climate change and the potential for small-scale farming activities.

Most agricultural and forestry products leave East Gippsland in a raw state. An opportunity for economic diversification by value adding to primary production such as food and fibre processing and manufacturing has the potential to generate local employment both on farm and across the value chain.

A number of very successful East Gippsland businesses are value adding to local, specialised produce that generates employment and supports a significant value chain, including:

- Vegco / One Harvest<sup>7</sup> is the largest salad fresh cuts factory in Australia and sources produce directly from the Lindenow Valley.
- The Bonaccord<sup>8</sup> Group is a long established horticultural business that supplies and delivers fresh produce via its freight business into Melbourne.
- Bulmer Farms<sup>9</sup> operate nine different properties totalling around 400 hectares in the Lindenow Valley producing a range of fresh produce.
- Busch Organics is an Australian Certified Organic farm on the Mitchell River Flats near Lindenow and produces a variety of seasonal vegetables and lucerne.

***The agriculture sector has driven the East Gippsland economy for decades. Innovation, growth, and new industry opportunities can be grasped to drive the economy for decades to come<sup>10</sup>***

A survey of East Gippsland farmers<sup>11</sup> (2021) highlighted challenges for planning in rural areas, including:

- The impact of subdivision and dwelling development on agricultural land values vs a desire to subdivide and develop because the farm is no longer considered viable.
- The need for farm businesses to evolve and adapt to maintain profitability and sustainability.

<sup>8</sup> <https://bonaccordingram.com.au>

<sup>9</sup> <https://bulmerfarms.com.au>

<sup>10</sup> East Gippsland Draft Economic Development Strategy 2022-32

<sup>11</sup> EGSC Farmer Survey 2021: SURVEY RESPONSE REPORT 08 December 2014 - 23 November 2021

- The needs of commercial agricultural business are different and sometimes in conflict with the needs of hobby farmers.

Broadacre farms in East Gippsland, such as livestock and cropping farms, comprise multiple lots and are typically between 100ha and 500 ha with some larger than 1,000ha (Figure 6). Farm sizes have been increasing over time.

Economies of scale are critical in agriculture and broadacre farms achieve this by purchasing land over time to expand the business and adopting new technology and equipment to manage larger land areas with the same or less labour inputs. Generally, there is a reliance on family members for labour with specialists contracted to undertake specific tasks such as shearing.

Similar to broadacre farms, horticultural farms in East Gippsland comprise multiple lots, and are between 100ha and 500ha in size. There is also a clear trend in increasing scale. Critical for horticulture is access to high quality soils, an irrigation supply, labour, and processing infrastructure. Economies of scale are also important for vegetable producers as they invest in water efficient irrigation systems, mechanisation of farm operations and vertical integration to produce large volumes of food of consistent quality.

The timber industry was once a significant driver of the East Gippsland economy. In 2016, there was around 1 million hectares of State Forest available for timber production; a significant reduction compared to historical harvesting levels, that has led to mill closures. A number of timber mills are processing hardwood timber across East Gippsland and are particularly important for local employment and economic activity within the more remote parts of the Shire.

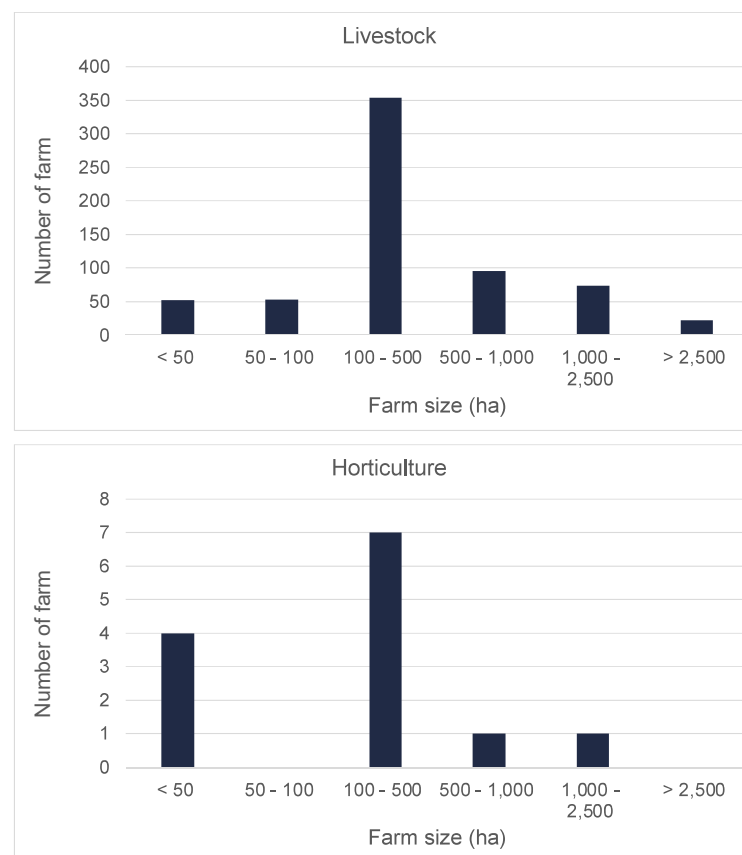
The Victorian Government made a commitment<sup>12</sup> in 2019 to phase out native timber harvesting on public land from 2030 and increase production of plantation timber. In response to the announcement and the implications for East Gippsland communities, Council adopted a Native Timber Harvesting in East Gippsland Position Paper<sup>13</sup>. The paper summarises Council's position as follows:

*The East Gippsland Shire Council supports a high quality, low volume native timber harvesting industry where our communities continue to thrive, forests have multiple uses and biodiversity is protected.*

<sup>12</sup> Victorian State Government (2019) Victoria Forestry Plan

<sup>13</sup> East Gippsland Council Meeting Agenda 16.8.2022

Figure 6: Number of livestock and horticulture farms\* by farm size in East Gippsland (2016)<sup>14</sup> NB Farm business with an estimated value of agricultural operations less than \$40,000 are not included in the agricultural census



<sup>14</sup> ABS agricultural census 2016. Industry data from the 2020/21 census data was not available at the time of preparing this report).

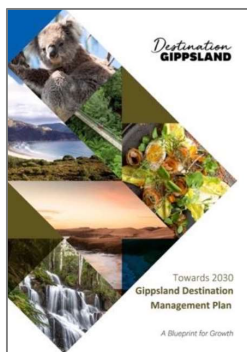
*While recognising there are a wide range of views in relation to native timber harvesting, Council is concerned about the impact of the Victorian Government's decision to cease native timber harvesting by 2030 on businesses, workers and the communities of East Gippsland.*

Council advocates that the practice of clear-fell native timber harvesting be replaced as soon as practical with a new approach to silviculture (utilising thinning and select harvest) that maintains or improves forest health and reduces vulnerability to the impacts of bushfire, while also providing sawlogs for timber processing and supports the use of forest resources by a range of other forest users, including tourism and recreation. The Victorian Government has since announced that native timber harvesting on public land will cease by the end of 2023. The regulatory framework for native timber harvesting on private land remains unchanged by this decision.

## RURAL TOURISM

East Gippsland has long been a destination for family holidays with the Gippsland Lakes, Lakes Entrance, Metung, Paynesville and Mallacoota popular destinations. National Parks and extensive river systems are also strong attractions providing visitors with opportunities for camping, 4 wheel driving, fishing and kayaking. The State and local government strategic direction for rural tourism focuses on promoting nature-based tourism and experiences, accommodation including high-end eco-tourism developments such as wilderness lodges and 'glamping' sites and indigenous culture tourism offering experiences linked to the region's significant cultural heritage.

The Gippsland Regional Growth Plan identified strategic tourism investment areas in East Gippsland with potential for growth of rural based tourism, including the Gippsland Lakes, Lakes Entrance, Mallacoota, Coastal Wilderness Walk and Croajingolong National Park. Aligning tourism with natural assets, townships and touring routes, such as the Sydney to Melbourne and the Great Alpine touring routes will maximise infrastructure efficiency, encourage increased length of stay and promote population growth.



<sup>15</sup> Data provided by East Gippsland Shire

## LAND FRAGMENTATION

Historic subdivision and settlement policies (including soldier settlements and crown allotments) have resulted in fragmentation of rural land and a significant legacy of small rural lots across the Shire.

There are nearly 6,500 lots in the Farming and Rural Conservation Zone and nearly 90% of these are in the Farming Zone Schedule 1 (Table 2). Around 30% (1,500) of all lots in Farming Zone Schedule 1 are less than 4ha in size. Small lots are scattered across the Shire with clusters east of Bairnsdale and in the Tambo Valley (Figure 7).

Most farm enterprises comprise multiple lots as evidenced by the scale of farm business as well as the area of land in single ownership Table 3, Figure 8, Figure 9).

Table 2: Lot sizes in the Farming Zone and Rural Conservation Zone

	SIZE RANGE (HA)						TOTAL
	0-4	4-40	40-100	100-500	500-1,000	>1,000	
FZ1	1,505	1,833	1,091	1,138	99	21	5,687
FZ2	74	151	46	10	-	-	281
FZ3	112	9	2	-	-	-	123
FZ4	43	156	30	-	-	-	229
<b>Total</b>	<b>1,734</b>	<b>2,149</b>	<b>1,169</b>	<b>1,148</b>	<b>99</b>	<b>21</b>	<b>6,320</b>
RCZ1	5	-	-	-	-	-	5
RCZ2	3	2	-	-	-	-	5
RCZ3	90	24	23	2	-	-	139
<b>Total</b>	<b>98</b>	<b>26</b>	<b>23</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>149</b>

Table 3: Land ownership size in the Farming Zone<sup>15</sup>

	SIZE RANGE (HA)						TOTAL
	0-4	4-40	40-100	100-500	500	>1,000	
FZ1	1,227	1302	656	674	108	69	4,036
FZ2	62	109	31	31	0	4	237
FZ3	104	6	4	1	0	1	116
FZ4	31	27	20	25	5	3	111
<b>Total</b>	<b>1,424</b>	<b>1,444</b>	<b>711</b>	<b>731</b>	<b>113</b>	<b>77</b>	<b>4,500</b>



Figure 7: Lot size, Farming Zone and Rural Conservation Zone

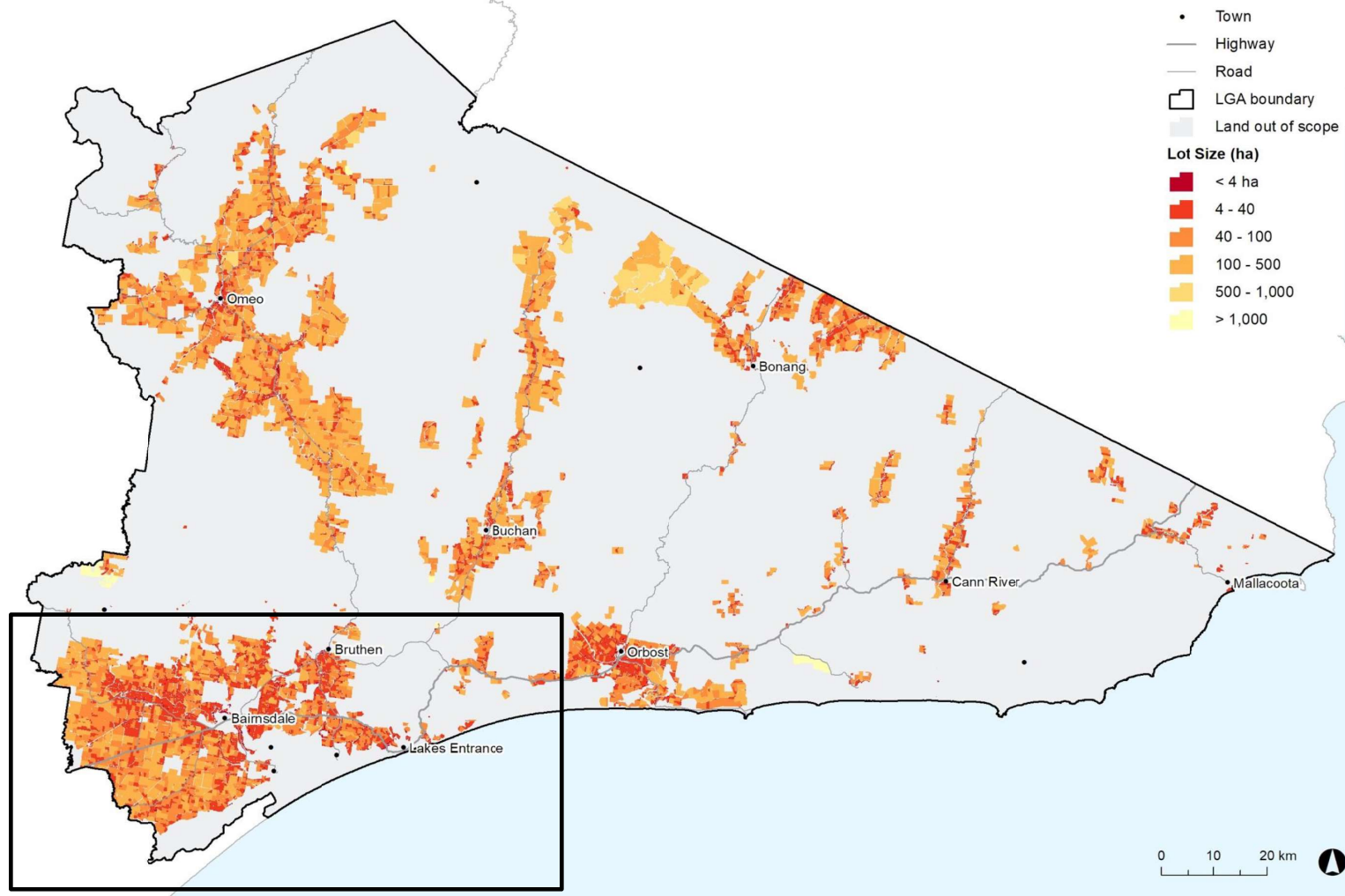


Figure 8: Land ownership size, Farming Zone and Rural Conservation Zone

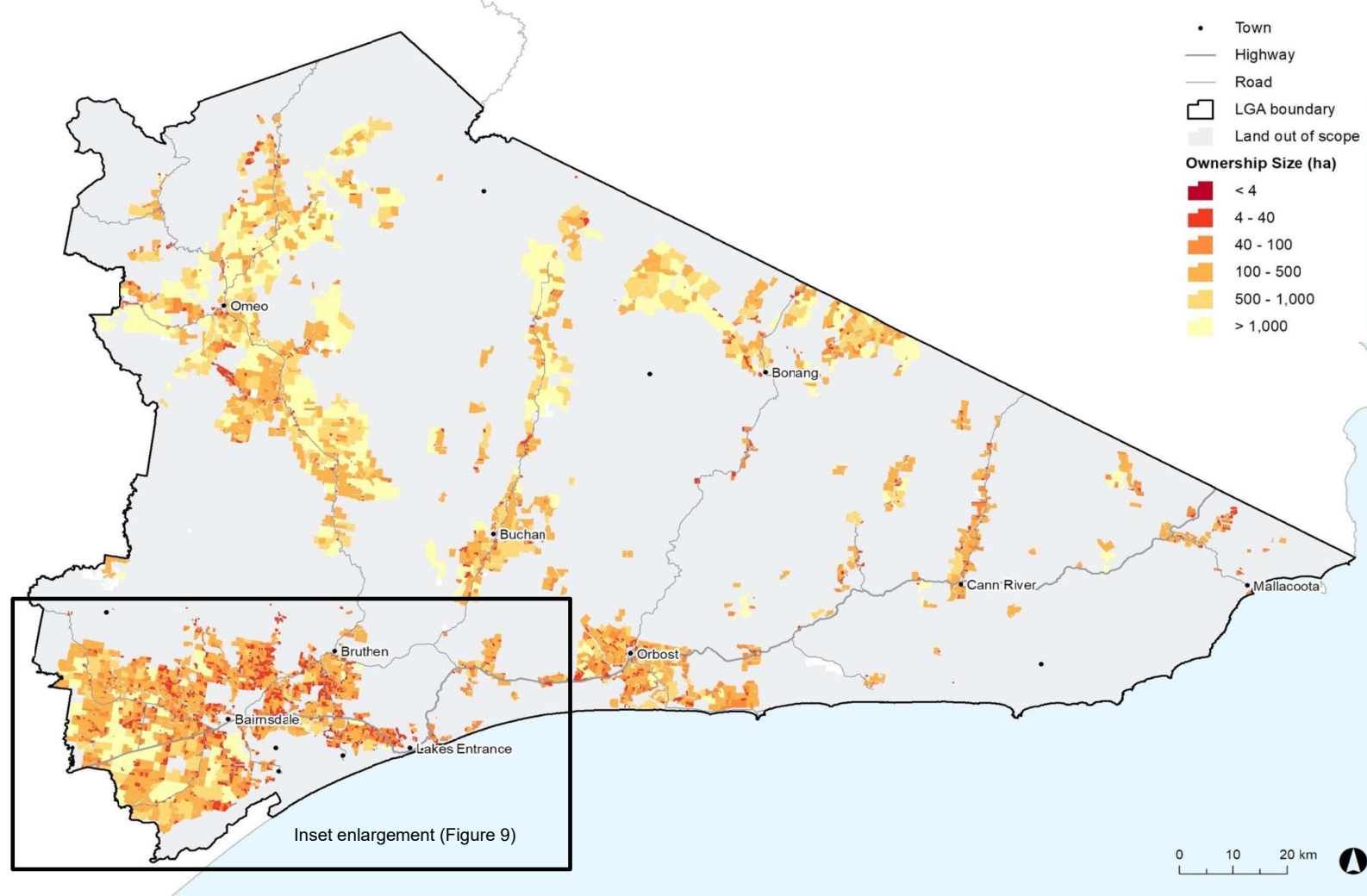


Figure 9: Lot and ownership size inset enlargements

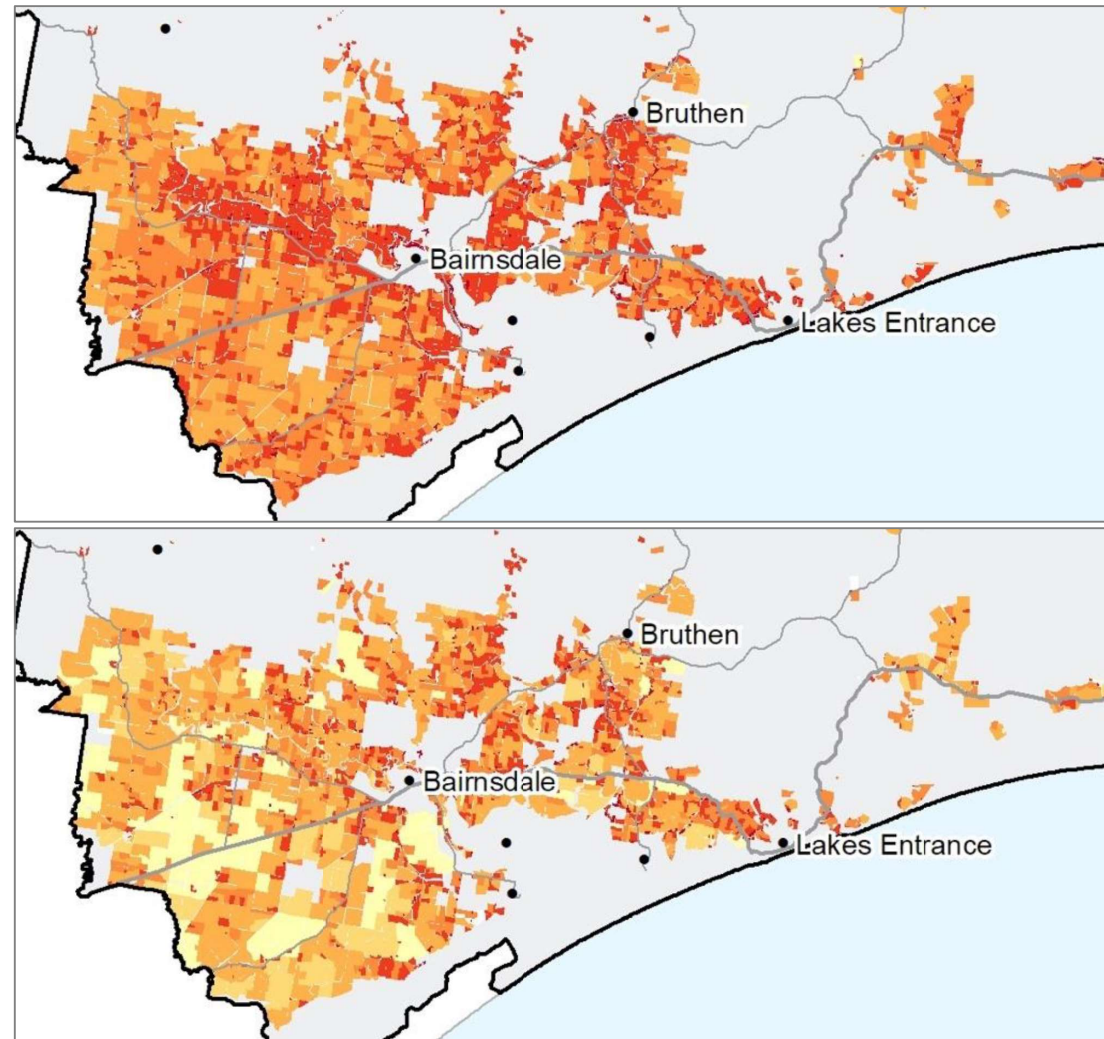
- Town
- Highway
- Road
- LGA boundary
- Land out of scope

**Lot Size (ha)**

- < 4 ha
- 4 - 40
- 40 - 100
- 100 - 500
- 500 - 1,000
- > 1,000

**Ownership Size (ha)**

- < 4
- 4 - 40
- 40 - 100
- 100 - 500
- 500 - 1,000
- > 1,000



An analysis of planning permit applications in the Farming Zone (Figure 10) found that nearly all applications for subdivision and dwellings were approved over the last six years resulting in an additional 251 dwellings and 56 subdivisions primarily in Farming Zone Schedule 1 (Figure 11).

While some of the dwellings and lots would have been required for agriculture, the high number of dwelling approvals runs counter to a decreasing trend in the number of farm enterprises and increasing farm size. It is also noted that the higher number of dwelling approvals in 2021 is partly due to bushfire rebuilds.

Mapping of planning permits for dwellings (Figure 12) shows 'hot spots' indicating demand around Bairnsdale, along the Great Alpine Road to Omeo and around Buchan and Orbost.

Fragmentation of agricultural land has a number of negative impacts on commercial agriculture including:

- Increasing land value above productive value such that farmers speculate in their land rather than farming it.
- Isolating tracts of farmland.
- Deterring farmers from investing in their operations as they anticipate the conversion of their land out of commercial agriculture.
- Higher capitalisation (via construction of a dwelling) of smaller farms making them less attractive purchases for farm expansion.
- Loss of critical mass of commercial farms and farmers to sustain an agricultural industry and value chain.
- Rural land use conflict as new migrants in an agricultural landscape have an expectation of a benign rural environment.

Productive agricultural land unencumbered by dwellings not relating to farming activities is essential to encourage ongoing investment in agriculture and prevent rural land use conflict.

Figure 10: Approved planning permits 2016-2022<sup>16</sup>

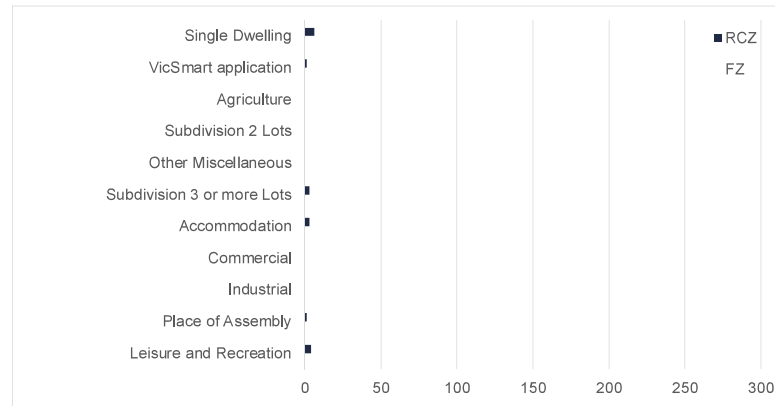
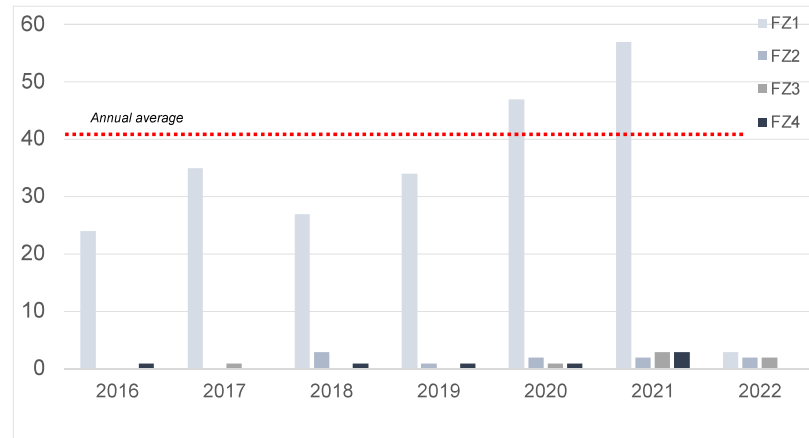
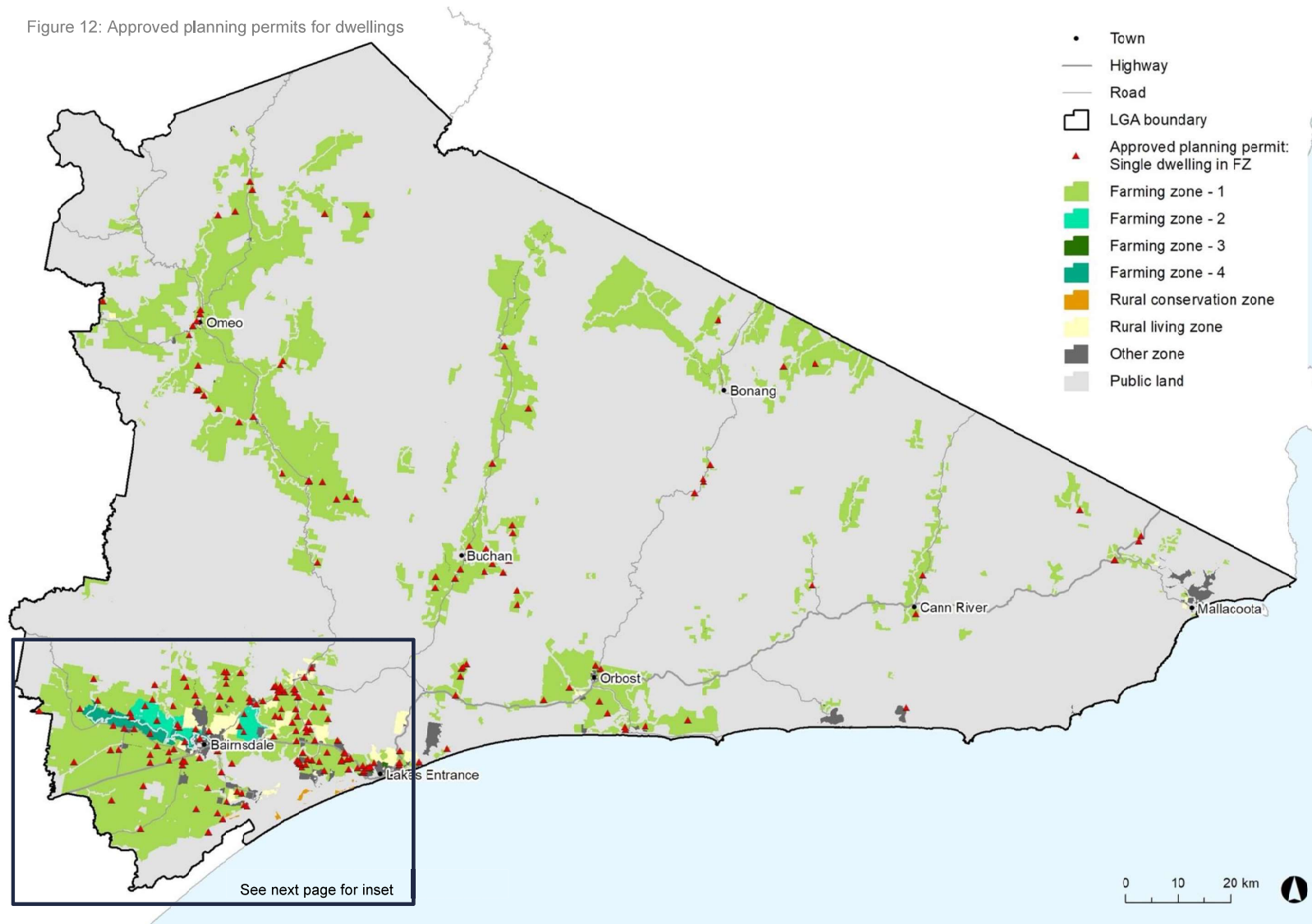


Figure 11: Planning permits approved for dwellings in the Farming Zone (2016-2022)



<sup>16</sup> Data provided by East Gippsland. Includes permits approved up to February 2022

Figure 12: Approved planning permits for dwellings

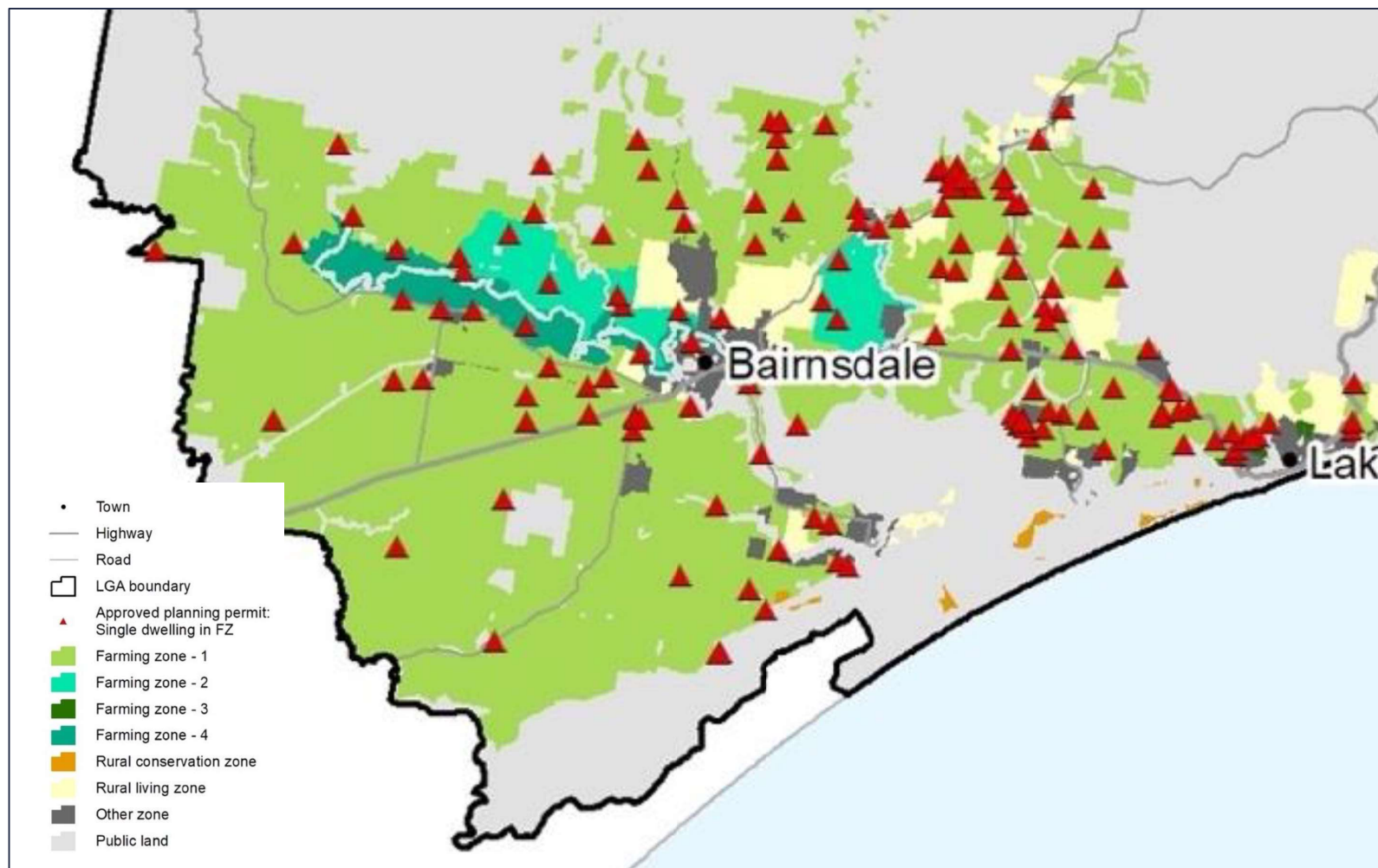


EAST GIPPSLAND – RURAL LAND USE STRATEGY

18



Figure 13: Approved planning permits for dwellings, inset enlargement



## FARMLAND OF STRATEGIC SIGNIFICANCE

Farmland of state, regional or local strategic significance is a limited resource and requires protection under the Planning Policy Framework of the Planning Scheme.

The Gippsland Regional Growth Plan identifies land within East Gippsland as farmland of strategic significance. In conjunction with this, the Background Report and the 2016 draft RLUS assessed the biophysical attributes and economic importance of agriculture to refine the regional scale mapping provided in the Regional Growth Plan.

The review found the majority of rural land in the Shire is productive agricultural land. There are some areas, including the Lindenow Valley, Snowy River and Tambo River valleys that due to the combination of soil types and access to irrigation are considered to be highly productive agricultural land.

The Lindenow Valley has high quality soils, access to an irrigation supply and supports the regionally significant horticulture and dairy industries. These industries underpin a regionally important food processing sector. Lindenow Valley is therefore considered farmland of strategic significance. Irrigation development is expanding, and horticultural production is occurring on the slopes to the north and south of the Mitchell River floodplain.

The rich floodplains of the Snowy River and Tambo River valleys have access to irrigation. Agriculture in the valleys is transitioning to high value horticultural and fodder products. These areas have also been identified as farmland of strategic significance (Figure 14).

There are areas of East Gippsland, such as Wairewa and Cann River with the biophysical attributes and where agricultural investment and development is occurring such that there is potential for these areas to meet the definition of Farmland of Strategic Significance in the future. It is recommended that as part of a periodic review of the RLUS, Farmland of Strategic Significance be reviewed to assess:

- Whether has been any change to the extent of existing farmland of strategic significance.
- Whether new areas meet the definition of farmland of strategic significance.

## FARMLAND OF STRATEGIC SIGNIFICANCE

**Productive agricultural land** is defined in Planning Practice Note 42: Applying the Rural Zones as generally having one or more of the following characteristics:

- Suitable soil type including consideration of soil structure, texture, drainage, topography, fertility
- Suitable climatic conditions such as rainfall, temperature and evaporation
- Suitable agricultural infrastructure, in particular irrigation and drainage systems
- A present pattern of subdivision favourable for sustainable agricultural production.

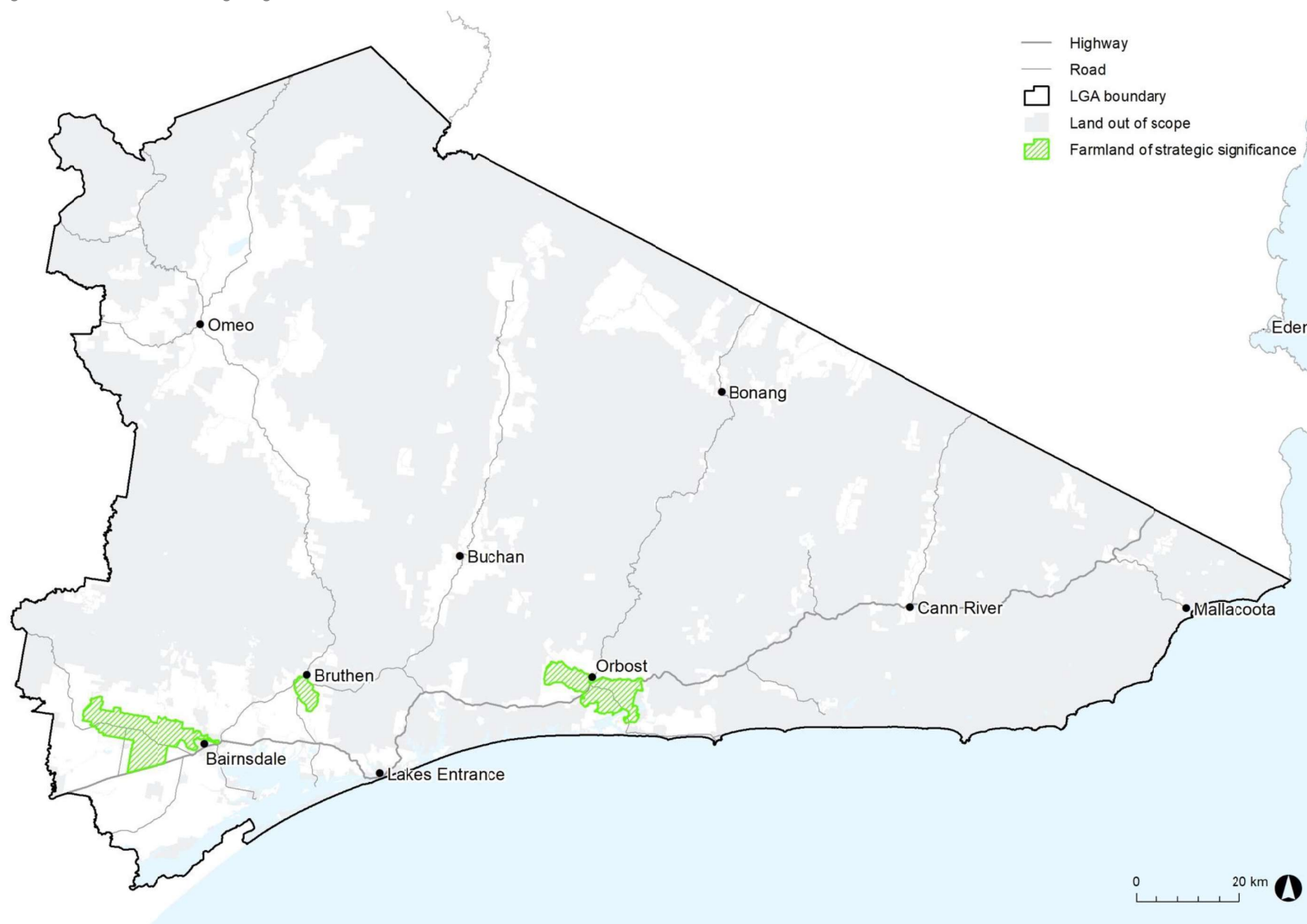
**Industry clusters** identify areas that make a significant economic contribution based on an assessment of where:

- Concentrations of enterprises supporting an industry of national or state or regional significance
- Significant public and private sector investment in industry
- Economic scale of primary production and secondary processing, and employment opportunities that these provide.

**Farmland of strategic significance** is farmland where productive agricultural land and land supporting industry clusters intersect.



Figure 14: Farmland of strategic significance





## RURAL INDUSTRIES

Mining and extractive industries are currently not extensive users of rural land. Extractive industries such as quarries are important regional assets providing a local source of material for road construction and maintenance. There are mineral resources and opportunities for renewable energy within the Shire that if developed, could bring significant local economic benefits.

It will be important to seek to balance the economic and social benefits arising from new rural industries with the protection of significant landscape, cultural and environmental values and the amenity of the rural areas. Appropriate separation should therefore be maintained between mineral resource development and other significant rural assets including farmland of strategic significance and important tourism assets, rural landscapes and environmental values.

East Gippsland's strengths and competitive advantages in food and fibre production also provide the opportunity to attract service industries, manufacturing and processing businesses. Value adding to primary production has the potential to generate local employment both on farm and across the value chain.

## ENVIRONMENT AND LANDSCAPE

East Gippsland has significant environmental and cultural assets that make an important contribution to the liveability of the Shire and its attractiveness for visitors. While this Rural Land Use Strategy is not primarily intended as a tool for resolving challenges associated with the management of environmental and cultural values and hazards, it has sought to identify the key gaps in the Planning Scheme.

The *Coastal Spaces Landscape Assessment Study*<sup>17</sup> provides a comprehensive understanding of the Shire's landscape values. The study policy recommendations have been in the East Gippsland Planning Scheme in the East Gippsland Planning Scheme for over a decade and are strongly supported for providing control over some of the most sensitive landscape areas in the Shire, especially the Ninety Mile Beach, Gippsland Lakes and rivers and coastal settlements. No further landscape protection measures are proposed at this point in time.

ESO1 applies to Sites of Biological Significance which maps and lists 94 sites derived from the East Gippsland Sites of Biological Significance Report, (Department of Natural Resources and Environment, 1997). The ESO extends over public and private land, roads, watercourses and parts of townships. The Planning Scheme Review<sup>3</sup> found that

the overlays and schedules require further work, including possible deletion, exemptions, decision guidelines, map changes and the like, especially given the new Ministerial Direction on Form and Content of Planning Schemes.

The Background Report found that a number of environmental assets including Ramsar listed wetlands, wetlands list in the Directory of Important Wetlands, Heritage rivers and ecological communities and species listed in the *Environment Protection and Biodiversity Conservation Act 1999* are not recognised in the Planning Scheme. A review of environmental and vegetation overlays is warranted as part of further strategic work.

## CLIMATE CHANGE AND HAZARDS

The projected climate of East Gippsland is forecast to include increased frequency and intensity of bushfires, droughts and flood events. Coastal land is also forecast to be impacted by sea level rise and storm surge. It will therefore be important to regularly update the Land Subject to Inundation Overlay to consider the projected impacts of coastal inundation and flooding in the event of a 1 in 100 year storm.

Council is separately reviewing flooding and erosion management controls in partnership with the Victorian Government.

A number of changes have been made to the planning scheme with regard bushfire planning, including:

- Bushfire Management Overlay (BMO) mapping was updated across Victorian in 2017 via Amendment GC13.
- Introduction of revised Bushfire Planning Policy at Clause 13 in 2017 via Amendment VC140.
- Designated Bushfire Prone Area (BPA) mapping for East Gippsland was reviewed and updated in 2019.

These changes have significantly raised the threshold that must be met when undertaking strategic planning and land rezoning, including this RLUS, in bushfire risk areas. Continual review of the Bushfire Management Overlay and Bushfire Prone Area mapping is warranted to ensure the bushfire risk to settlements are appropriately identified and assessed.

<sup>17</sup> Victorian Government (2006) The Coastal Spaces Landscape Assessment Study: State Overview Report

Extensive parts of the East Gippsland coastline are affected by coastal acid sulfate soils (CASS) including large tracts of Farming Zone and Rural Conservation Zone land, particularly around Marlo and Orbost and around the shorelines of the Gippsland Lakes.

Coastal acid sulfate soils occur naturally along many parts of Victoria's coastal zone and, if left undisturbed, are largely benign. However, if disturbed, i.e., water drains from the soil and air enters, they can react with oxygen and produce sulfuric acid with significant environmental impacts.

Clause 12.02-1S Protection of coastal areas includes a strategy: 'Avoid disturbance of coastal acid sulphate soils', however there is no recognition of the location of coastal acid sulphate soils in the East Gippsland Planning Scheme. This requires consideration as part of future strategic work for Council.

## KEY FINDINGS

The strategic directions and major drivers summarised in this chapter, along with the vision for rural land will underpin preparation of planning policy and controls to guide use and management of rural land into the future. The strategic directions and implications are summarised as:

- Enable differentiated policy positions to be developed in recognition of diverse rural areas by:
  - Identifying and acknowledging in policy, areas where development pressure has resulted in conversion from commercial agriculture to predominantly rural residential or other non-agricultural uses.
  - Identifying remote rural townships and settlements where policy can support retention of employment and maintain population.
- Promote agriculture and protect agricultural land by:
  - Protecting farmland of strategic significance, productive agricultural land and land with potential for irrigation development.
  - Providing policy guidance to assist Council assess planning permits for subdivision, dwellings, rural workers accommodation and on-farm agricultural infrastructure.
  - Providing policy guidance on the types of tourism uses to be promoted in the Farming Zone and Rural Activity Zone.
- Promote rural tourism and experiences by:
  - Supporting tourism that builds on the existing tourism product.
  - Supporting Indigenous tourism and experiences linked to Indigenous cultural heritage.

- Providing policy guidance on the appropriate scale and types of tourism developments to ensure productive agricultural land, landscape and environmental values are protected and to maximise the efficient use of infrastructure.
- Promote rural industry by:
  - Maintaining appropriate separation between rural industries and sensitive uses.
  - Maintaining the current policy position for timber production and harvesting.
  - Provide suitable locations for agricultural workers accommodation and agricultural infrastructure such as secondary processing, packaging and logistics.
- Protect environmental values and reduce threats posed by environmental hazards by:
  - Recognising and protecting significant environmental values including Ramsar listed wetlands, Directory of Important Wetlands, Heritage rivers and ecological communities listed in the *Environment Protection and Biodiversity Conservation Act. 1999*.
  - Ensuring development on floodplains does not introduce impediments to movement of floodwater and does not negatively impact floodplain wetlands.
  - Protecting and enhancing areas of landscape significance by discouraging inappropriate development and uses.
  - Ensuring that the threats to human safety and development posed by natural hazards are minimised.
  - Avoiding the disturbance of coastal acid sulfate soils.
  - Discourage inappropriate use and development within Proclaimed Water Supply Catchment Areas.

## 4. Consultation and Strategy Revisions

The community and stakeholders informed the development of the RLUS through a number of engagement activities, including:

- Targeted stakeholder consultation to validate and augment the findings of the Background Report in 2015
- Targeted consultation with key stakeholders on the initial draft Strategy in 2021
- Public exhibition of the initial draft Strategy 2021.

The key themes and issues provided in submissions to the 2021 draft included:

- General support for the vision but views diverged on the proposed recommendations to achieve the visions.
- Broad support for protecting agricultural land and agriculture.
- Small number of submissions suggesting agriculture has no future and is not important to the local economy.
- Numerous requests for submitters land to be rezoned to rural living.
- Supporting data is out of date and requires a refresh.
- Varying views on optimum lot size for agriculture.
- Greater flexibility is required in areas where fragmentation of rural land exists.

The preparation of the draft RLUS commenced in 2015 with a Background Report and Draft Strategy completed in 2016. For a number of reasons the project then lapsed until 2021 when Council undertook a range of formal and informal consultation. In 2022, the Background Report and Draft Strategy were both updated to include current ABS data, consider strategic studies recently completed by Council and the consultation findings.

The key changes made to the strategy in response to the updates and consultation include:

- Restructure of the RLUS report to improve readability and alignment with the new planning scheme format.
- Include land currently zoned Farming Zone 2 into Farming Zone 1 (west of Bairnsdale) and into Rural Activity Zone (east of Bairnsdale).
- Abandon proposed RAZ for land fronting Lake King due to the use and large lot configuration of land in this precinct being compatible with future commercial farming activities. Land in this precinct will remain within the Farming Zone 1 which will afford greater protection to commercial farming activities and landscape values fronting Lake King.

- Abandon proposed RAZ for the Boole Poole Peninsula due to natural hazard risks associated with bushfire and flooding. Retention of the Farming Zone 1 will ensure potential future land use and development has regard to natural hazard risks in this location.
- Introduce new local policy to protect farmland within a 500m buffer of land identified as farmland of strategic significance.
- Update and extend the Environmental Significance Overlay Schedule 2 – High Quality Agricultural Land to all areas identified as farmland of strategic significance.

The feedback was considered in the preparation of the 2022 version of the Draft RLUS which was placed on public exhibition for eight weeks in December and January 2023. In total, 29 responses were received via an online survey, 21 written submissions were received from community members and businesses and two from State agencies. The key themes and issues raised in the feedback included:

- A number of submissions provided general support for the strategy.
- Concern that the proposal to introduce the RAZ to the Banksia Peninsula will weaken policy that protects the environmental values.
- Clarification of the intent and benefit of applying the RAZ to the Bairnsdale-Paynesville hinterland.
- Around half the submissions were from landholders seeking land to be considered for an alternative zone, clarification of the implications of policy changes or had concerns regarding the impact of the strategy on personal circumstances.
- A number of submitters sought stronger support for nature-based tourism particularly associated with rural settlements along touring routes and the extensive river systems.
- A small number of submissions were not supportive of the strategy and disagreed with the research analysis and findings.

Council's Agricultural Sector Advisory Committee (ASAC) comprises representatives of a diverse range of companies, business and families actively engaged in the agriculture sectors and provides advice, guidance and recommendations to Council on matters that affect the agriculture sector in East Gippsland. The ASAC supported the Strategy policy directions and included recommendations to strengthen policy including identification of additional areas of FSS and information to be included in Farm Management Plans.

The main changes made to the strategy in response to submission include:

- Expansion of Farmland of Strategic Significance in the Lindenow Valley.
- Abandon proposal to rezone land on the Banksia Peninsula and in the Bairnsdale-Paynesville hinterland from FZ to RAZ.
- Inclusion of a recommendation to introduce the Buffer Overlay to important community assets within the Bairnsdale-Paynesville hinterland including the landfill and quarry.
- Additional commentary to expand on strategic direction for nature-based tourism, environmental values and climate change.
- Refinement of text to clarify or expand on the Strategy response to issues such as succession, old Crown Allotments and details regarding the content of Farm Management Plans.

It is acknowledged that during the development of the RLUS East Gippsland was devastated by the Black Summer bushfires of 2019-20. Over a million hectares were burnt with hundreds of houses destroyed and properties left without fencing, sheds and other basic needs. Communities and farm businesses are still recovering and rebuilding and this will process is likely to continue for some time. As part of the recovery process, communities are re-evaluating their future, and seeking to build resilience into local economies. This was evident in some submissions, particularly in relation to support for nature-based tourism. The RLUS acknowledges the unique circumstances of East Gippsland with rural settlements separated by extensive areas of public land, the desire to retain population and a high bushfire risk environment. The Strategy has sufficient flexibility to respond to local aspirations as it recovers from bushfire and provide an enduring framework for the Shire's rural lands.

## 5. East Gippsland Rural Land Use Strategy

### THE EAST GIPPSLAND RURAL LAND USE STRATEGY COMPRISES

- **VISION AND PRINCIPLES**

- **STRATEGIC DIRECTIONS**

Containing the objectives, strategies and actions for:

- Food and Fibre
- Rural Tourism
- Rural industries
- Environment and Landscape
- Rural housing

- **RURAL FRAMEWORK PLAN**

- **IMPLEMENTATION**

Actions to deliver the RLUS

# Vision and Principles

The RLUS vision is nested within East Gippsland's Council Plan vision:

*East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive*

## VISION

*East Gippsland's rural land is integral to the economy, identity and social fabric of the Shire. A unique mix of natural resources, wilderness, lakes and coasts supports diverse farming activities, rural industries, unparalleled rural lifestyle and visitor destinations and experiences.*

## PRINCIPLES

Preparation of this draft Rural Land Use Strategy is underpinned by the following principles.

- Protect and enhance productive farmland and farmland of strategic significance to support food and fibre production.
- Facilitate innovation and growth of the agricultural sector to leverage competitive advantages and strengthen the economy.
- Encourage rural and nature-based tourism to augment and diversify the Shire's agricultural and environmental values.
- Protect and enhance environmental values including biodiversity, landscapes and water quality.
- Respond to the challenges and threats associated with a changing climate and natural hazards.
- Address the legacy of dwelling development and fragmentation of land in productive farming areas.
- Support population retention for a sustainable and prosperous future in rural communities.

## 6. Strategic Directions

This Strategy establishes the following directions for rural land across East Gippsland, to be implemented by the Rural Framework Plan. The subsequent chapters provide further discussion and identify key actions to implement these directions.

### STRATEGIC DIRECTION 1: FOOD AND FIBRE

#### Support and promote production of food and fibre and value add industries

Agriculture underpins the economy of East Gippsland. Planning must support agriculture to adapt to changing technology, markets and climate change to be a thriving and efficient industry. Leveraging strengths in food and fibre production will attract supporting service industries, manufacturing and processing businesses. Protection of productive agricultural land is important to give agricultural businesses confidence to invest for the long term. Farmland of strategic significance continues to support production and processing of high value crops.

The rural areas of East Gippsland also host a variety of small -scale farming operations that make a valuable contribution to food and fibre production at a local level and complement larger scale commercial farming activities. Planning will continue to support these opportunities to drive innovation and diversity in the agricultural sector.

### STRATEGIC DIRECTION 2: RURAL TOURISM

#### Encourage rural tourism opportunities in appropriate locations

Tourism is a well-established industry in East Gippsland based on its natural assets including the Gippsland Lakes, High Country, extensive coasts and wilderness areas, Lakes Entrance, Mallacoota, Coastal Wilderness Walk, National Parks, major touring routes and active recreation facilities. There is potential to diversify East Gippsland's rural tourism offer to include wider choice in nature-based tourism, agri-tourism and associated experiences. This includes opportunities such as high-end eco-tourism development (glamping and wilderness lodges), facilities that service the growing interest in hiking, cycling, mountain biking and agri-food services such as cellar door and farm gate sales. There are also opportunities to leverage the region's significant cultural heritage.

### STRATEGIC DIRECTION 3: RURAL INDUSTRIES

#### Support sustainable development of rural industries

East Gippsland's strengths and competitive advantages in food and fibre production provide the opportunity to attract service industries, manufacturing and processing businesses in appropriate locations.

Rural industries such as timber harvesting, extractive industries, mining and renewable energy generation present further economic and employment opportunities. Ensuring that rural industry land and assets are not encroached by sensitive uses, including dwellings, will protect their long term viability. It will be important, however, to seek to balance the economic and social benefits arising from new rural industries with the protection of productive farmland and farmland of strategic significance, significant landscape and environmental values and the amenity of the Shire's rural areas.

### STRATEGIC DIRECTION 4: ENVIRONMENT, LANDSCAPE, CATCHMENTS AND NATURAL HAZARDS

#### Protect and enhance environmental and landscape values

The natural environment and landscapes of East Gippsland contribute to its identity and its attractiveness as a place to live, work and visit. The Shire is host to flora and fauna protected by Federal and State legislation as well as significant catchments, wetlands, and waterways.

East Gippsland offers diverse range of rural landscapes from The High Country to coastal areas and the Gippsland Lakes. Many of these areas are classified by the National Trust as landscapes of special or regional significance and require recognition and protection.

The natural values of East Gippsland also present challenges in relation to the management of environmental hazards including bushfire, flood and erosion. Risks associated with these hazards are exacerbated by the changing climate and require careful consideration as part of the appropriate and sustainable use of rural land.

There are opportunities to strengthen policy and controls in order to recognise and protect these diverse and significant natural values and associated risks.

## STRATEGIC DIRECTION 5: RURAL HOUSING

### **Support population retention in rural settlements and address legacy subdivisions**

Dwelling development has been identified as the major issue for planning in the Rural Zones in East Gippsland.

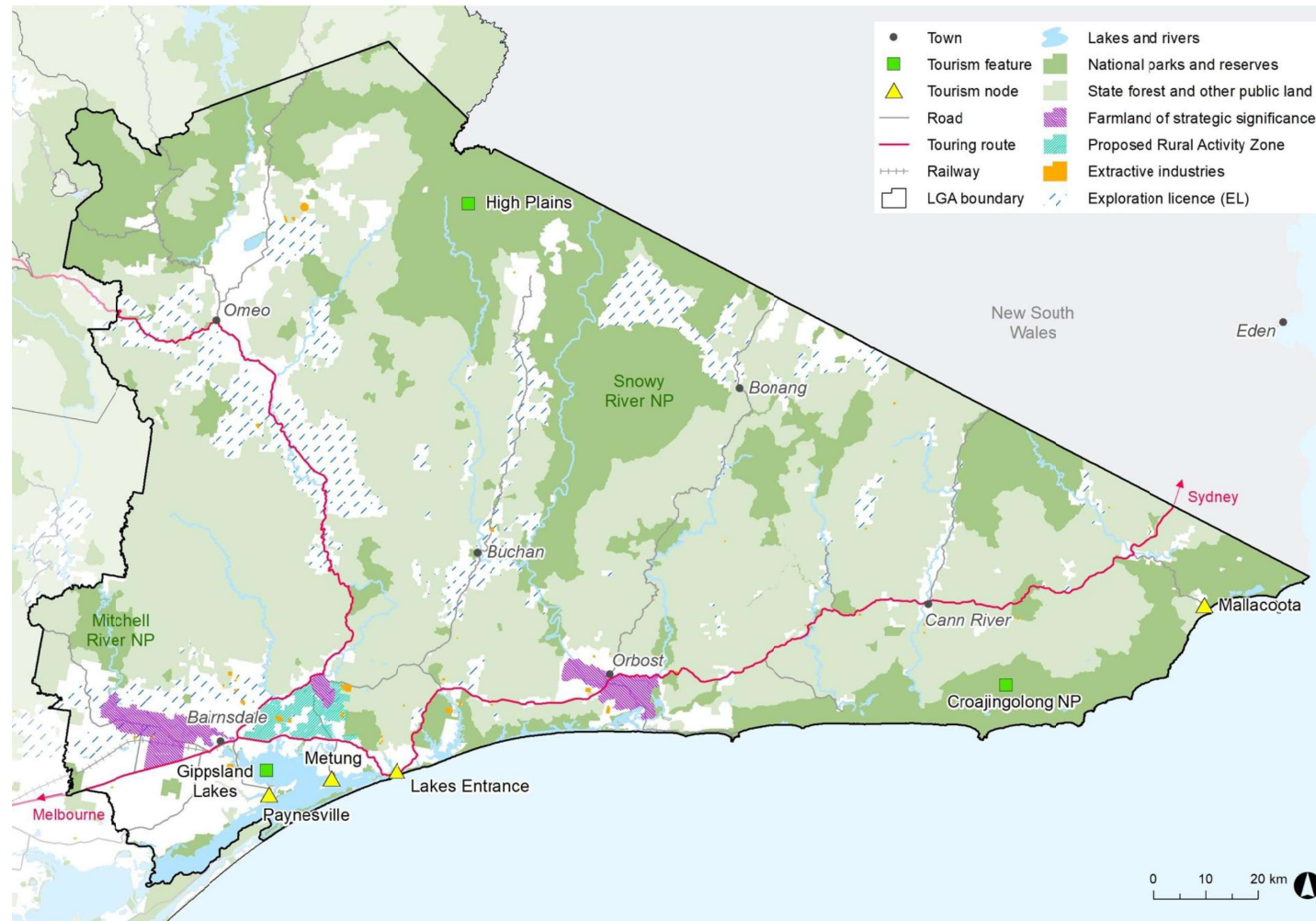
The key focus of this RLUS is to support agriculture and the rural economy and therefore recommends policy that will seek to ensure that new rural dwellings in the Farming Zone are only supported when genuinely required for an agricultural purpose.

The RLUS acknowledges that 'rural residential' living and lifestyle opportunities comprise an important component of the East Gippsland housing market, can offer economic benefits and support population retention in more remote rural communities. It is critical, however, that these opportunities are balanced against the need to protect productive farm land for agricultural activities that are unencumbered by sensitive land uses such as rural residential dwellings. In this context, the RLUS seeks to identify a balanced approach to rural housing, including the identification of circumstances where dwelling development may be appropriate.



## RURAL FRAMEWORK PLAN

Figure 15: Rural Framework Plan



EAST GIPPSLAND – RURAL LAND USE STRATEGY

30

## Strategic Direction 1: Food and Fibre

Agriculture plays a significant role in the economy of East Gippsland. Primary produce, including meat, vegetables and milk supports a significant local and regional food processing sector and supplies national and international markets (Figure 15).

In 2020, the gross value of agricultural production (GVAP) in East Gippsland was \$295m, nearly double the 2006 GVAP, and comprised mostly meat, milk and vegetables (Figure 17). The growth in GVAP is attributed mostly to improved prices for meat and wool. These trends are consistent with the findings of the recent Livestock Farm Monitor Project<sup>18</sup>, a survey of 124 Victorian sheep, beef and mixed farming, including cropping, farmers with detailed financial and production performance information. The Project found in relation to Gippsland farmers:

- Beef sales made up 73 per cent of cash income for LFMP farms in Gippsland.
- Highest average price received for beef cattle in 18 years.
- Highest average gross farm income recorded in 18 years.
- Highest return on assets since 2016-17.

Horticultural production is focused on the Lindenow Valley where the combination of high capability soils and irrigation enables production of a range of vegetables for the fresh market and local processing. Expansion of horticulture from the river flats on to surrounding land is being driven by a positive industry outlook and adoption of advanced irrigation technology. Increasingly, producers of fresh food on the metropolitan fringe are seeking high quality affordable land with few neighbours, such as that available in the Lindenow Valley. Improved freight and logistics mean that fresh produce can be readily delivered from East Gippsland into wholesale markets and supermarkets in Melbourne. Industry expansion will increase demand for workers accommodation and secondary processing and logistics infrastructure near the Lindenow Valley.

Livestock production is the most widespread agricultural industry in East Gippsland. The industry is strongly segmented with a few very large enterprises and a large number of smaller operations. East Gippsland milk producers are part of the wider Gippsland dairy region that produces around one quarter of the nation's milk, primarily for processing and export markets. Dairy farms are focussed on the Lindenow Valley and around Orbost

<sup>18</sup> [https://agriculture.vic.gov.au/\\_\\_data/assets/pdf\\_file/0010/907498/2021-22-LFMP-report.pdf](https://agriculture.vic.gov.au/__data/assets/pdf_file/0010/907498/2021-22-LFMP-report.pdf)

Figure 16: Jobs by industry sector<sup>19</sup>

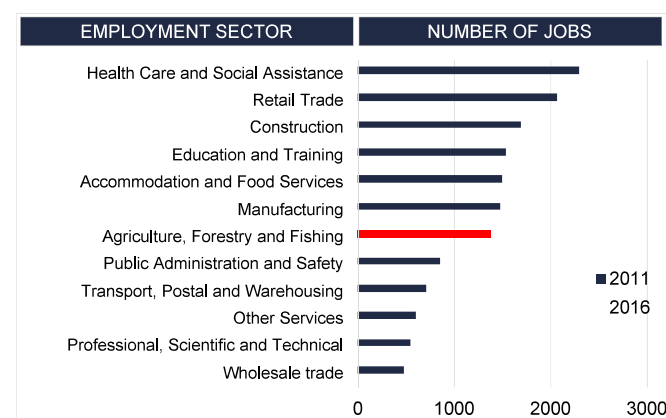
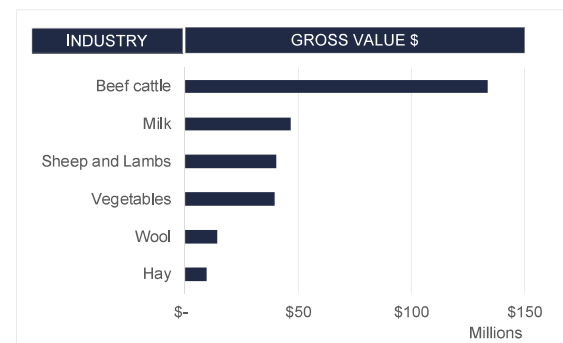


Figure 17: Gross value of agricultural production, 2020<sup>14</sup>



<sup>19</sup> Industry data from the ABS 2020/21 survey is anticipated to be released in the second half of 2022 and the final strategy will be updated accordingly.

where there is access to irrigation. Protection of agricultural land with access to water for irrigation is important to promote development and growth of high value industries such as milk and vegetable production.

Analysis of agricultural industry and business trends documented in the Background Report found that farm size and business scale is increasing with greater production per unit area to maintain productivity and profitability and spread business risk. The industry is also more concentrated with a small proportion of farms generating most of the agricultural output.

Value adding and vertical integration is an increasing feature, particularly in the horticulture sector. Facilitating farm growth and expansion and vertical integration will promote industry investment.

The food and fibre industries are supported by infrastructure such as the Princes Highway providing access to Melbourne markets and ports. The Fenning Internodal Freight Terminal in Bairnsdale announced in May 2022 will increase rail freight services to the Port of Melbourne.

The Shire's location, accessibility and agricultural infrastructure are significant competitive advantages for producers in East Gippsland. Better mobile phone coverage and wireless access would enable farmers to continue to innovate and adopt new technology. There is an opportunity to expand established food and fibre processing industries to create new employment opportunities.

East Gippsland is blessed with extensive areas of productive agricultural land. An assessment of land capability and land fragmentation in Stage 1, found that most rural land has moderate to high agricultural capability and is held in land parcels suited to broadacre agriculture and forestry. Based on a combination of productive agricultural land and the economic contribution to the agricultural industry and food processing, land in the Lindenow Valley, Snowy Valley and Tambo Valley has been identified as farmland of strategic significance.

Commercial agriculture requires the flexibility to respond to market and consumer changes, adopt new technology and more intensive production systems and adapt to the impacts of climate change. Planning policy can promote flexibility and industry growth by:

- Clearly identifying locations where commercial agriculture will be the primary land use and providing supporting policy to prevent fragmentation.
- Protecting Farmland of Strategic Significance and productive agricultural land.
- Facilitating parcel sizes suited to contemporary agricultural management practices and unencumbered by unwanted infrastructure, particularly dwellings.

- Maintaining separation between commercial agriculture and sensitive uses, such as urban and rural residential settlement, to minimise risk of offsite impacts and support efficient and optimal agricultural operations.
- Providing for on-farm agricultural infrastructure associated with vertical integration and value adding and suitable locations for larger scale infrastructure and workers accommodation.

Council's current policy position supports timber production on private land. Planning should continue to acknowledge the importance of the industry however additional policy guidance is currently not required.

Whilst the majority of food and fibre output is derived from large scale, commercial farming activities, rural areas of East Gippsland also host a variety of smaller scale farming operations that make a valuable contribution to local food and fibre production and complements larger scale commercial farming activities. This includes niche or boutique farming activities such as vineyards and associated wine making, fruit growing, cut flowers etc.

The Farming Zone currently supports smaller scale farming activities in locations with the appropriate climatic and soil conditions. This is complemented by opportunities for small scale farming activities in within the proposed Rural Activity Zone and existing Rural Living Zone. The use of land for smaller scale farming activities can often take place without the need for a planning permit (although some development, for example shedding, may require a planning permit). If it can be demonstrated that there is a genuine need for a dwelling to be constructed to undertake the farming activity, regardless of scale, a planning permit will likely be issued. Given the large number of small lots across the rural areas, it is unlikely that further fragmentation of land via subdivision will be required to facilitate small scale farming activities.

## ISSUES AND OPPORTUNITIES

### CLIMATE CHANGE

The climate in East Gippsland is temperate, with patterns of precipitation and temperature influenced by geography, topography, altitude and proximity to the coast. The plains and coastal areas are subject to mild temperature compared to the cooler climate of the ranges. Rain shadows caused by the ranges occur in the Mitchell and Tambo River valleys, and on the plains. Rain shadow effects are evident when comparing average annual rainfall of 659 mm at Tabberabbera in the Mitchell River valley with Bullumwaal in the bordering high country which receives an average of 1,080 mm. Mean annual rainfall at Bairnsdale is 716 mm and at Cann River is 1,008 mm.

The future climate of East Gippsland is expected to be hotter and drier. In general, the region can expect more hot days and warm spells, with fewer frosts, less rainfall in winter and spring with harsher fire weather and longer fire seasons. Although rainfall is predicted to decline on average, an increase in intense rainfall events is likely to result in more flooding.

Climate analogues give an indication of the potential impacts of these changes on agriculture. By 2070, under a higher emissions growth scenario, Orbost's temperatures would resemble those of Nowra in New South Wales, while annual rainfall would be similar to present day Bairnsdale. By 2070, under a higher emissions growth scenario, annual rainfall at Lakes Entrance would be similar to present day Melbourne<sup>20</sup>. This suggests that the agricultural virility, the range of commodities suited to the area, is not likely to change significantly. Areas with access to an irrigation supply will have advantages over dryland areas, through the reliability of the irrigation water supply, particularly stream diversion, may be more variable.

By comparison, climate change in Northern Victoria will also result in hotter and drier conditions, however the climate analogues show that the future will be significantly hotter and drier than East Gippsland. By 2070, under a higher emissions growth scenario, both temperature and annual rainfall in Tatura would resemble those of West Wyalong in New South Wales. By 2070, under a higher emissions growth scenario, Benalla's temperatures would resemble those of Hay, while annual rainfall would be similar to present day Rutherglen<sup>21</sup>.

The forecast climate in East Gippsland will be less extreme compared to the northern regions of Victoria. This will be a significant attractor for agricultural businesses looking to reduce their climate risk exposure. The mix of agricultural industries may change as the land suitability changes with climate however, it will continue to be dominated by broadacre industries and horticulture where there is access to irrigation.

Access to irrigation for horticulture and increased capture of rainfall will be critical to manage increased risks to agricultural business from the future climate. Planning policy should support diversification and adaptation to climate change and promote investment in irrigation efficiency and upgrade by maintaining the agricultural credentials of areas with access to irrigation.

## FRAGMENTATION

There are around 6,300 lots in the Farming Zone and nearly 62% (3,883) of these are under 40ha. Given the scale of farming and range of lots sizes there will be few

circumstances where further subdivision, including dwelling excisions, will be required. Planning policy should support agriculture by retaining land in parcels suited the scale and types of farming and agricultural industries in East Gippsland. Re-subdivision that results in creation of rural residential size lots and house lot excisions should be strongly discouraged.

Considerable pressure for the creation and development of small lots or new dwellings is often placed on Councils by farmers citing the value of the land for residential purposes as their retirement plan or a desire to retire on the farm. In other cases, Councils are urged to allow small lots to be sold or excised for residential purposes as part of debt structuring for superannuation purposes. Farm succession will generally not be sufficient justification for a subdivision, a dwelling excision or new dwelling. Planning policy should not be used to solve issues that are the domain of business planning and management, including succession planning. Second dwellings and rural workers accommodation will be considered subject to demonstrating that they are genuinely required to support an agricultural enterprise.

Fragmentation of agricultural land has a number of negative impacts on commercial agriculture including:

- Increasing land value above productive value such that farmers speculate in their land rather than farming it.
- Isolating tracts of farmland.
- Deterring farmers from investing in their operations as they anticipate the conversion of their land out of commercial agriculture.
- Higher capitalisation of smaller farms making them less attractive purchases for farm expansion.
- Loss of critical mass of commercial farms and farmers to sustain an agricultural industry and value chain.
- Rural land use conflict as new migrants in an agricultural landscape have an expectation of a benign rural environment.

Productive agricultural land unencumbered by dwellings is essential to encourage ongoing investment in agriculture and prevent rural land use conflict. Planning permit applications for new dwellings in the Farming Zone should be required to clearly demonstrate that the dwelling is genuinely required to support a commercial agricultural enterprise.

<sup>20</sup> <https://vpls.sdp.sirsidynix.net.au/client/search/asset/1012484>

<sup>21</sup> [https://www.gbcma.vic.gov.au/downloads/ClimateChange/Climate\\_Change\\_in\\_Goulburn\\_Broken.pdf](https://www.gbcma.vic.gov.au/downloads/ClimateChange/Climate_Change_in_Goulburn_Broken.pdf)

## FARM SCALE

This RLUS has found an increasing trend in farm scale which is consistent with the national trend driven by the declining terms of trade for agriculture products (price of product falls relative to the cost of inputs). The main mechanism available to agricultural businesses to respond to declining terms of trade and remain viable is to increase scale. If a farming business cannot increase the area of land farmed then the enterprise must change to generate more income from the same area e.g. change production to higher value crops or value add. For livestock enterprises on moderate capability land, intensive enterprises could include intensive animal husbandry such as a feedlot. For a horticultural enterprise, this might include protected cropping (glasshouse) production or processing of fresh produce.

Increased farm size has supported improved productivity and economies of scale and facilitated investment in technology. This in turn allows for better and more flexible labour management, better knowledge management and adoption of better farm management practices. The higher productivity of larger farms highlights the importance of structural change (which enables farms to grow) for industry-level competitiveness.

Land use planning plays an important role in supporting productivity improvements and structural changes by ensuring that agricultural land remains available in suitably sized parcels, unencumbered by unnecessary infrastructure and priced to reflect its productive value not its development potential.

Most commercial agricultural businesses, both livestock grazing and horticulture businesses, in East Gippsland are between 100ha and 500ha in size. Farm business scale will be an important consideration in the assessment of planning permits for dwellings and rural workers accommodation in the Farming Zone.

The Farming Zone currently supports smaller scale farming activities in locations with the appropriate climatic and soil conditions. This is complemented by opportunities for small scale farming activities in the proposed Rural Activity Zone and existing Rural Living Zone. The use of land for smaller scale farming activities can often take place without the need for a planning permit (although some development, for example shedding, may require a planning permit). If it can be demonstrated that there is a genuine need for a dwelling to be constructed to undertake the farming activity, regardless of scale, a planning permit will likely be issued. Given the large number of small lots across the rural areas, it is unlikely that further fragmentation of land via subdivision will be required to facilitate small scale farming activities.

## FARM DWELLING JUSTIFICATION

Dwelling development has been identified as the major issue for planning in the Farming Zone in East Gippsland. The trend in increasing farm scale, which occurs primarily through farm amalgamation, runs counter to the rate of approvals for new dwellings in the Farming Zone, currently averaging 40 dwellings per annum.

Determining whether an applicant has demonstrated that a dwelling is genuinely required for the operation of an agricultural enterprise is the main challenge for council in assessing planning permits for dwellings in the Farming Zone. The Victorian Planning Provisions (VPP) makes it clear that the viability of an agricultural enterprise and the impact of development on the viability of agriculture and the agricultural processing sector are key considerations.

Clause 14.01-1 Protection of agricultural land states *permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors*. Clause 14.01-2 encourages sustainable agricultural land use, sustainable agriculture being defined as *the use of farming practices and systems which maintain or enhance the economic viability of agricultural production*.

This RLUS seeks to support and encourage *commercial* agricultural enterprises which contribute to the region's agriculture industries and processing sectors consistent with State Policy. Commercial agricultural enterprises generally have the following attributes:

- The enterprise is the primary source of income for the business owner (acknowledging that many farm businesses have some off farm income or income derived from secondary on-farm business operations).
- The primary purpose of the business is to raise crops and livestock to sell into the market (retail, wholesale, processors) with the aim of making a profit.
- Is compliant with industry regulatory and quality assurance requirements.
- Invests in technology, technical advice and information to achieve productivity improvements and efficiency gains.
- Undertakes market analysis to produce products that are in demand and meet consumer preferences.
- Have risk management plans to address economic risks such as market downturn or natural risks such as drought and climate change.

Sub-commercial farms or hobby farms can be used productively to grow crops and livestock. However, they do not produce the critical mass of commodities required to support the agricultural value chain or secondary processing sector. For example, secondary processors typically require large volumes of product that meet specific



standards and sub-commercial producers generally cannot produce the volume required by the secondary sector. For many sub-commercial producers, the primary motivation for undertaking agriculture is lifestyle.

Sub-commercial farming such as artisan agriculture, micro-agriculture or agri-tourism are legitimate land uses and can play a role in local food networks. Opportunities for small scale agriculture enterprises exist in the Rural Living Zones, the proposed Rural Activity Zone and the current supply of small farms in the Farming Zone of East Gippsland. The RLUS recognises the contribution of these small farms and does not compromise these legitimate and ongoing activities. Small scale, sub-commercial agriculture will not be justification however, for a dwelling in the Farming Zone.

### SEPARATING AGRICULTURE AND SENSITIVE USES

Introducing sensitive uses, such as residential uses, in proximity of agriculture can give rise to land use conflict and have adverse impacts on agriculture, including:

- Agricultural operators having to undertake measures to mitigate or minimise the risk of harm to sensitive receptors.
- Constraints on the ability of an agricultural operator to comply with legislation or regulations or an increase in the costs to an agricultural operator of complying with legislation or regulations.
- Nuisance complaints regarding agricultural operations that comply with the general environmental duty or considered 'normal' or 'acceptable' farm activities.
- Increased stress to an agricultural operator associated with undertaking 'normal' or 'acceptable' farm activities.

The risk of land use conflict tends to increase with the intensity of the agricultural enterprise and can arise from impacts on air quality, noise, biosecurity and amenity.

The Lindenow Valley horticultural area is adjacent to Bairnsdale and the Lindenow township. In a number of locations, it immediately adjoins land zoned General Residential Zone and Low Density Residential Zone which introduces significant risk of land use conflict.

It is recommended that policy be introduced to identify where new development may introduce land use conflict with agriculture on farmland of strategic significance. Where practical and appropriate, new land use and development, including development of land zoned for residential and rural residential purposes, within 500m of farmland of strategic significance should be sited to minimise the potential for land use conflict with agricultural activities. A land use conflict risk assessment may be required as part of a planning permit application for new use and development within 500m of farmland of strategic significance. The assessment should identify and assess risks that the development may

pose to normal agricultural operations and nominate measures to mitigate significant risks. Mitigation measures may include improved siting of development and/or vegetation screens.

### PLANNING SCHEME

The Background Report identified a number of opportunities to improve the performance of the East Gippsland Planning Scheme as it relates to food and fibre. Measures to improve the performance of the planning scheme include:

- Review the Farming Zone minimum lot size schedules for subdivision and dwellings to reflect the scale and nature of the food and fibre industry.
- Clearly distinguish farmland of strategic significance where food and fibre production will have primacy of all other uses.
- Update the MPS to reflect trends and contemporary agriculture practices.
- Policy guidance, additional to that provided in the Farming Zone, for assessment of planning permits for:
  - Dwellings, rural workers accommodation and other discretionary non-agricultural uses
  - Subdivision including dwelling excisions.

The Planning Scheme Review<sup>3</sup> noted the following with regard the Farming Zone:

*It is understood that the current Rural Land Use Strategy introduces the concept of 'land of strategic significance' and there appears considerable scope to rationalise the four schedules to the Farming Zone into one focussed on the most productive land and another dealing with all other rural land.*

*Like nearly every other rural planning scheme in the State, there is local direction in the EGPS (at Clauses 21.06 and 21.08) on subdivision and housing in rural areas to accompany the FZ. Consultations suggest that there is an urgent need for revised local policy direction to address recurrent discretionary issues and to clarify Council's attitude to matters such as rural dwellings, small lot rural subdivision (like excisions) and non-rural uses in rural areas which evidently are rarely denied, other than in the FZ4 area. There is also a need for local policy direction to ensure there is some connection between any industry and the agricultural production on the land.*

ESO2 High Quality Agricultural Land currently applies to land within the Farming Zone Schedule 4 (Lindenow Valley). The schedule includes the following objectives:

- Preserve areas of high inherent agricultural productivity and versatility for agricultural production.
- Ensure that areas of sufficient size for sustainable agricultural production are maintained.
- Discourage other uses, housing and buildings and works, even if associated with agriculture, that removes prime agricultural land from agricultural production.
- Allow small lot subdivision for agricultural purposes provided no house entitlement is created.

The Planning Scheme review notes that three of the objectives relate to matters of subdivision, use and excisions, none of which are controlled by the overlay. It is recommended that the ESO2 be updated with an appropriate statement of environmental significance and environmental objectives. This should include recommendations for setbacks to ensure that new dwellings and rural residential development do not introduce constraints on legitimate agricultural operations. It is also recommended that the ESO2 be extended to cover farmland of strategic significance identified in the Tambo River and Snowy River areas. Farmland of strategic significance and proposed extent are shown in Figure 18, Figure 19 and Figure 20.

Figure 18: Farmland of strategic significance - Lindenow Valley

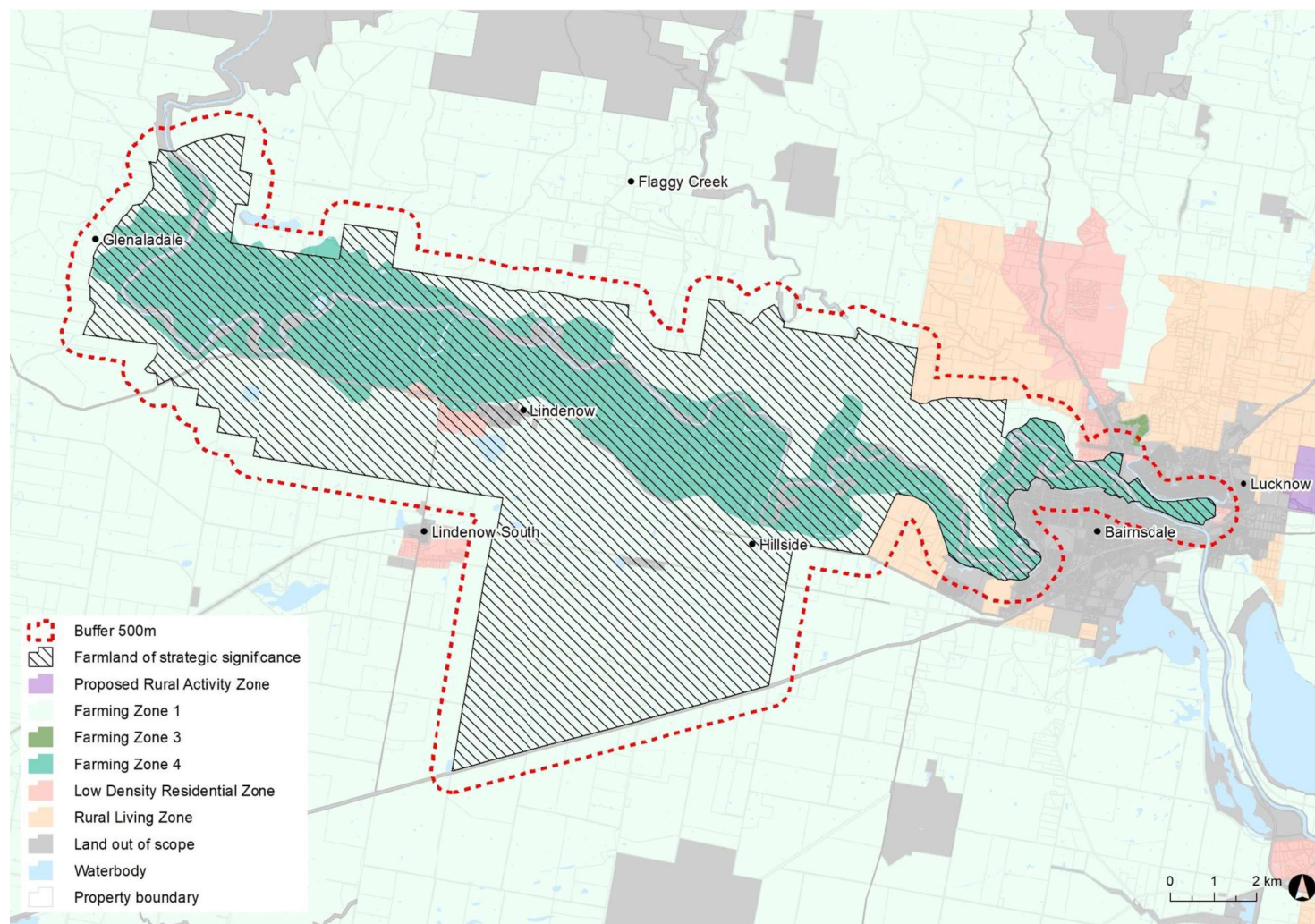




Figure 19: Farmland of strategic significance - Tambo Valley

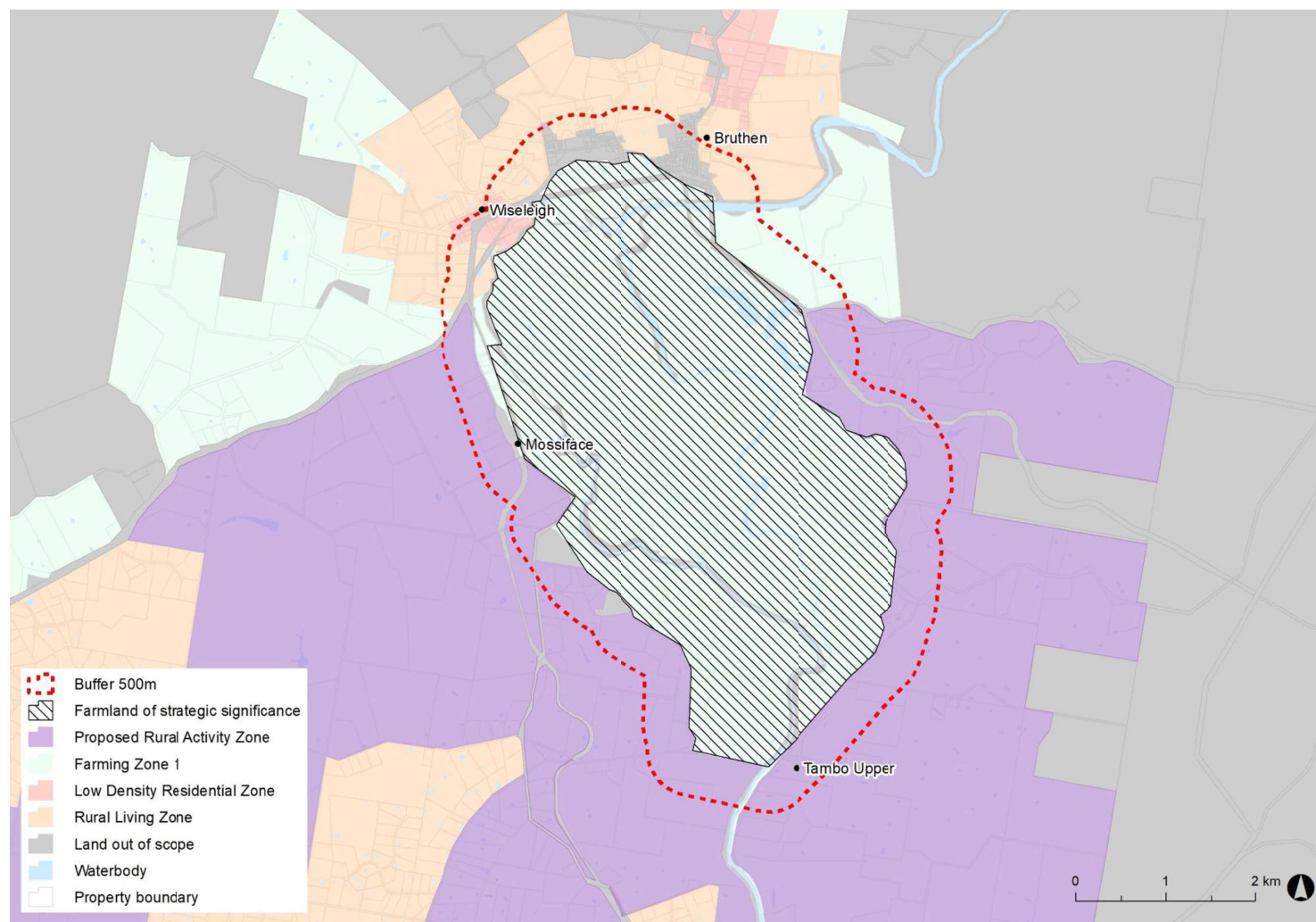
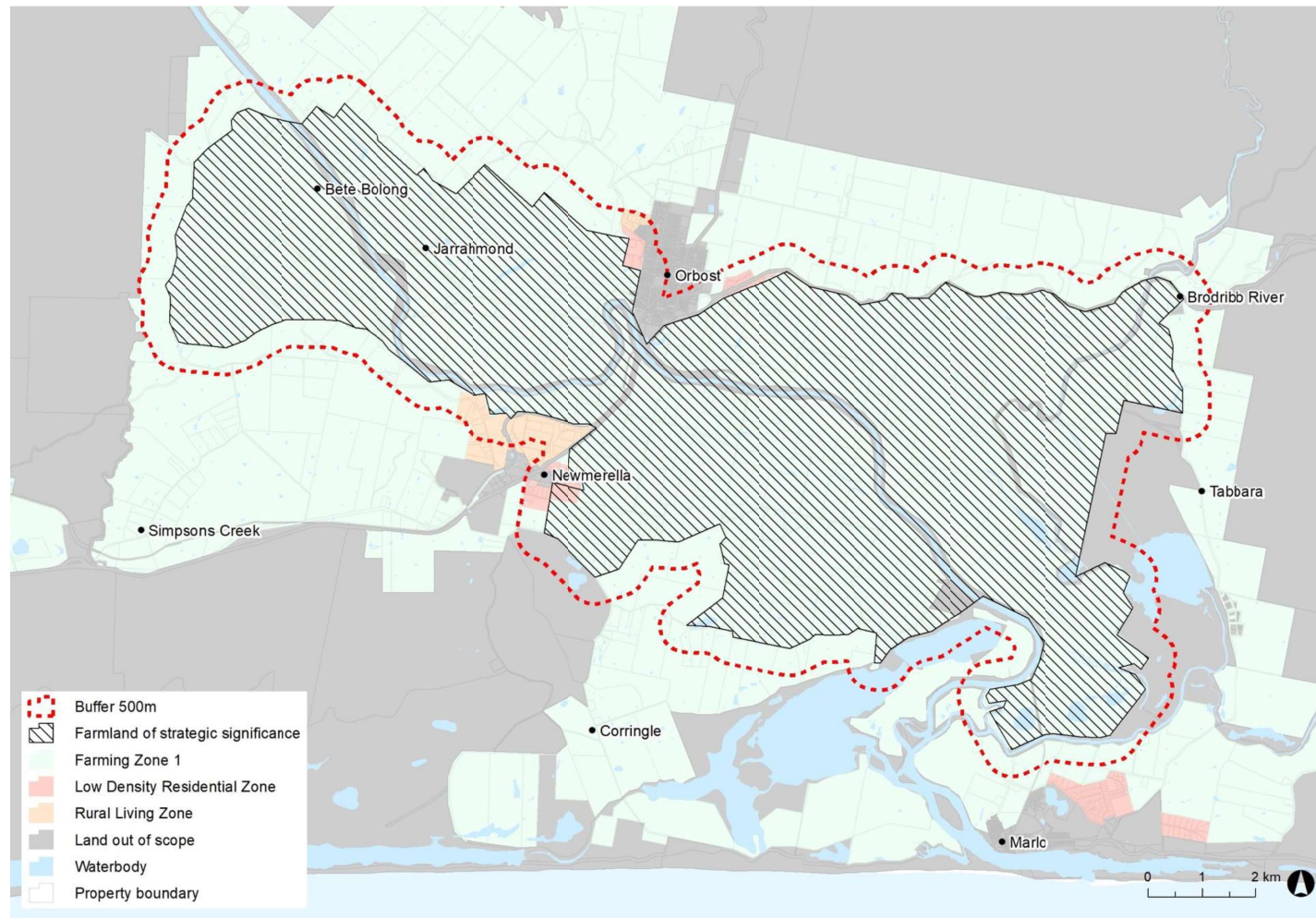


Figure 20: Farmland of strategic significance - Snowy River Valley



## MINIMUM LOT SIZE

The Farming Zone currently applies to most rural land in the Shire and will be retained where agriculture is the predominant land use now and into the future. The legacy of the minimum lot size schedules and planning decisions has resulted in varying agricultural prospects. The Farming Zone schedules will therefore be tailored to respond to the current and future agricultural prospects.

This review found that Council approves most planning permits for dwellings in Farming Zone Schedule 1. To minimise further fragmentation of productive agricultural and forestry land, there is a need to achieve a cultural change in the expectation that a dwelling may be constructed on every rural lot. Agricultural businesses are generally increasing in physical size and business scale. This, along with a trend in farm amalgamation, means that there will be limited circumstances when a new dwelling is genuinely required to undertake an agricultural enterprise.

A range of lot sizes in a variety of locations are available in the Farming Zone that may accommodate smaller scale farming activities. Where a planning permit for a dwelling is required, this will be assessed on its merits based on whether the dwelling is genuinely required to support the agricultural activity.

### Farming Zone Schedule 1 - Commercial broad acre agriculture

Agriculture in Farming Zone Schedule 1 comprises mainly broadacre agriculture such as livestock grazing and cropping. Analysis of farm businesses found that commercial broad acre enterprises are considerably larger than 100ha, comprise multiple lots and there is a clear trend towards increasing scale. With regard to minimum lot size for subdivision and dwelling the following will be key considerations:

- Further subdivision will be rarely required given the large supply of lots at a range of sizes.
- Lots should be maintained in sizes suited to broad acre agriculture and creation of small lots will be strongly discouraged.
- Provide for subdivision, subject to meeting decision guidelines, of a small number of very large lots (>500ha) that due to their size are less attractive for sale or transfer between farm businesses.
- Given that most commercial broad acre holdings comprise multiple lots, construction of a dwelling on every lot can no longer be expected and the nexus between subdivision and dwellings will be broken. This will be achieved by specifying different lot size minima for subdivision and dwellings.

The current minimum lot size for subdivision is 40ha and this will be retained.

To ensure Council has the opportunity to test whether a dwelling is genuinely required for an agricultural purpose, to break the nexus between subdivision and dwellings and respond to trends in farm scale and intensification, the minimum lot size below which a permit is required for a dwelling will be increased to 80ha. This does not mean that dwellings are prohibited on lots under 80 ha. A planning permit will be required and tested against Farming Zone guidelines and local policy to ensure that the dwelling is genuinely required to carry out an agricultural enterprise.

### Farming Zone Schedule 2

Land use in Farming Zone Schedule 2 to the west of Bairnsdale comprises a mix of commercial farms and hobby farms. The proximity of Bairnsdale makes the area attractive for rural lifestyle purposes. The area is adjacent to the Mitchell River and there is evidence of horticultural development occurring within the Farming Zone Schedule 2. While more undulating than the river flats, there is suitable land that could be developed for horticulture. The land ownership analysis shows that most land is held in multi-lot tenements over 100ha in size.

To provide for the ongoing use of established commercial agriculture, to retain the opportunity for expansion of horticulture and to maximize the efficient development of Rural Living Zone and Low Density Residential Zone estates, it is recommended that the Farming Zone Schedule 2 land to the west of Bairnsdale be included in the Farming Zone Schedule 1. Given the large supply of lots at a range of sizes, further subdivision will be rarely required. A strong position should be taken to avoid creation of additional lots through dwelling excisions.

Land in the Farming Zone Schedule 2 to the east of Bairnsdale is recommended to be included in the Rural Activity Zone (see Strategic Direction 2: Rural Tourism for further discussion).

### Farming Zone Schedule 3

Farming Zone Schedule 3 was introduced to hold the configuration of lots around Lakes Entrance (Figure 21). The land is nominated in the Lakes Entrance Strategy Plan of the East Gippsland Planning Scheme as having potential for future growth, though topography and vegetation retention may constrain residential development yield. Farming Zone Schedule 3 also applies to around 11 lots east of Wy Yung. (Figure 22). The lots vary in size between 10ha and 30 ha and some lots have a dwelling. It appears that holding the configuration of lots is also the purpose of the Farming Zone Schedule 3 in Wy Yung. It is recommended that the Farming Zone Schedule 3 be retained to maintain this position.



Figure 21: Farming Zone Schedule 3 Lakes Entrance

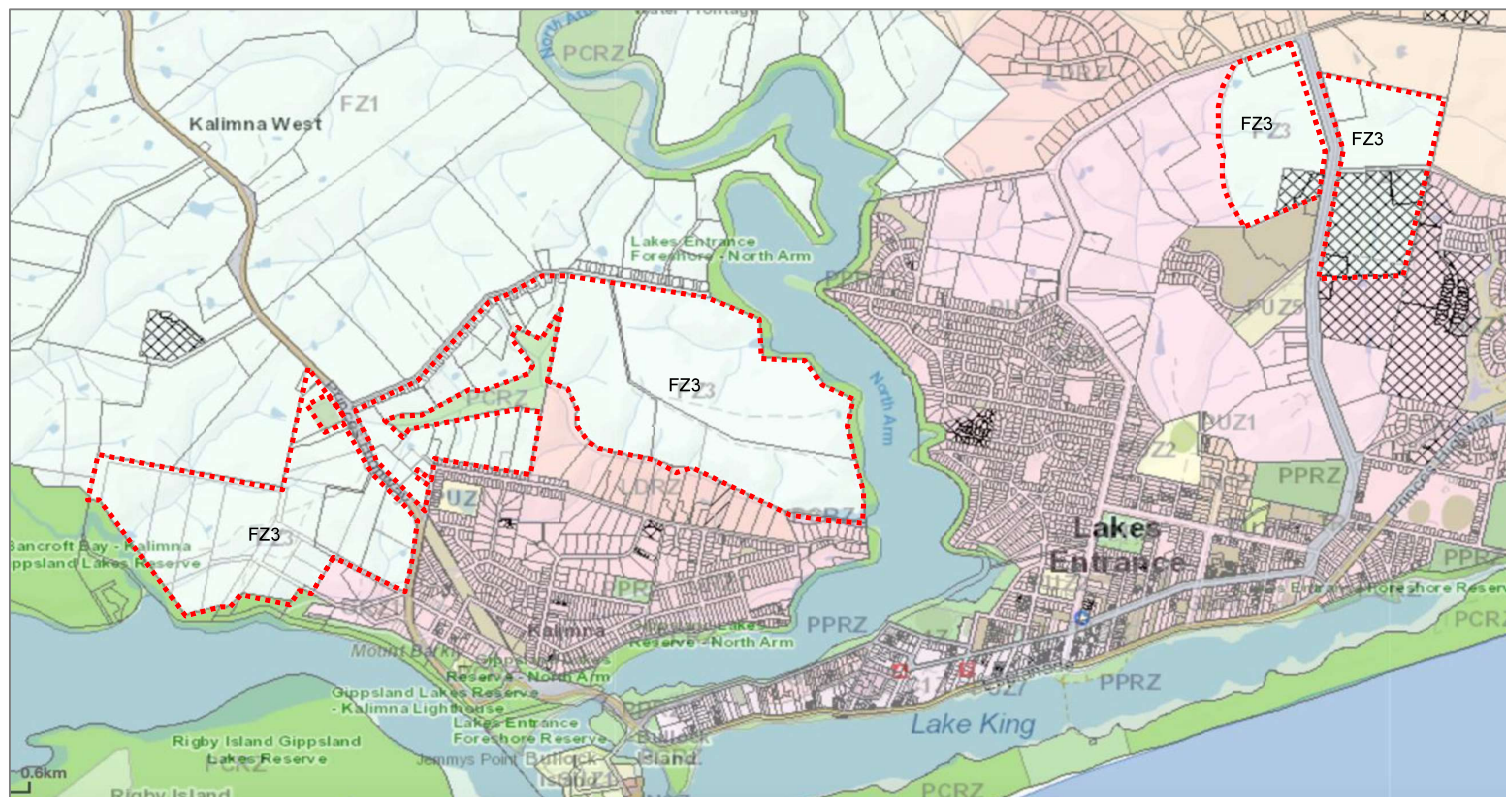
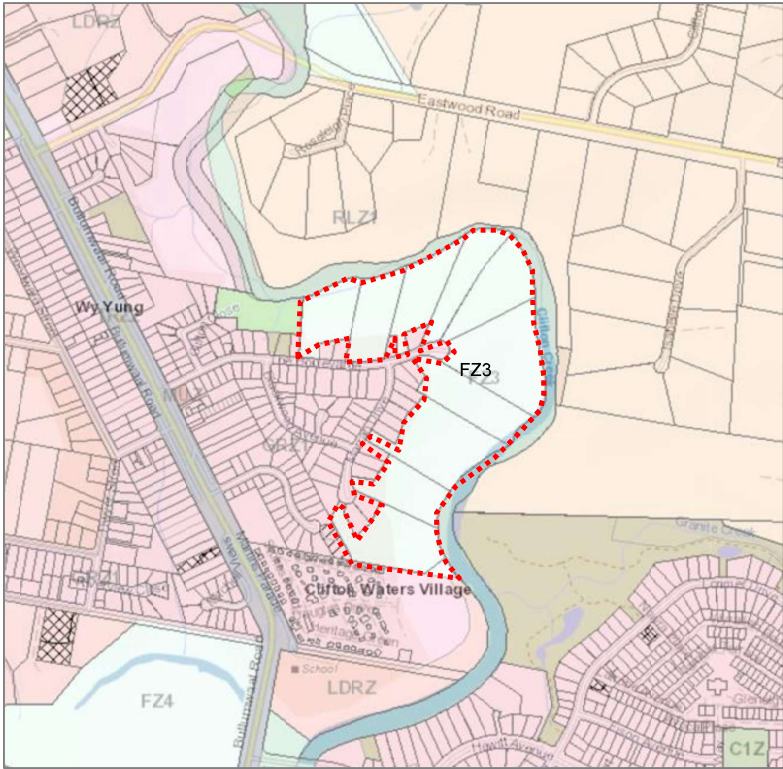


Figure 22: Farming Zone 3 Wy Yung



**Farming Zone Schedule 4 - Commercial horticulture**

Whilst heavily subdivided with many small lots, there has been little dwelling development in the highly productive Lindenow Valley, zoned Farming Zone Schedule 4. It is critical that this position be retained to support the horticultural industry and ensure that the highly productive soils of the river valley are retained for agriculture. Analysis of horticultural business in East Gippsland found that most are over 50ha in size, with many between 100ha and 500ha in size and comprise multiple lots. There is a trend in horticulture towards increasing scale, intensification of the production system and vertical integration such that further dwelling development increases risk of land use conflict and constrains legitimate agricultural operations. It is therefore recommended that the lot size triggers for subdivision and dwellings be increased, to align with the scale of agricultural enterprises and to protect farmland of strategic significance. With regard minimum lot size for subdivision and dwelling the following are key considerations:

- Further subdivision will be rarely required given the large supply of lots at a range of sizes, particularly small lots sizes, and will be strongly discouraged.
- Given the limited extent of land suited to horticulture and farmland of strategic significance and the intensive nature of the production systems and risk of off-site impacts, dwellings will be strongly discouraged and a limited range of ancillary development for first stage processing of farm produce will be supported.

The current minimum lot size for subdivision is 1ha. Given the scale of horticultural enterprises, efficiencies of long row lengths for mechanical activities such as planting, harvesting and irrigation, it is recommended that the minimum lot size for subdivision be increased to 10ha.

The current minimum lot size below which a planning permit is required for a dwelling is 10ha. To ensure Council has the opportunity to ensure that dwellings are genuinely required for an agricultural purpose and to break the nexus between subdivision and dwellings, the minimum lot size below which a permit is required for a dwelling will be increased to 40ha.

Table 4 summarises the current and proposed minimum lot size for each schedule to the Farming Zone.

Table 4: Current and proposed Farming Zone lot size schedules

FZ SCHEDULE	MINIMUM AREA FOR WHICH A PERMIT IS NOT REQUIRED FOR A DWELLING		MINIMUM LOT SIZE SUBDIVISION	
	Current	Proposed	Current	Proposed
FZ1	40	80	40	40
FZ2 west of Bairnsdale rezoned to FZ1	30	80	30	40
FZ3	15	15	15	15
FZ4	10	40	1	10

## FOOD AND FIBRE OBJECTIVES, STRATEGIES AND ACTIONS

### OBJECTIVES

Support growth of food and fibre production across all agricultural activities, processing and manufacturing, that adds value to primary production by protecting productive farmland and farmland of strategic significance.

### STRATEGIES

Facilitate innovation and adoption of new technology in the agricultural sector and adaptation to a changing climate.

Discourage uses and development, including dwellings, which are not directly related to agriculture, that may have an adverse impact on agricultural operations or introduce conflict with agriculture.

Provide rural infrastructure that specifically supports the agricultural sector and adds value to primary produce.

Identify and respond to significant fragmentation of rural land.

### ACTIONS

Include the RLUS as a reference document to the East Gippsland Planning Scheme.

Update the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) with relevant recommendations from this RLUS.

Retain the Farming Zone Schedules 1, 3 and 4 where they currently apply.

Apply Farming Zone Schedule 1 to land currently zoned Farming Zone Schedule 2, west of Bairnsdale, to protect productive agricultural land on the periphery of the Lindenow Valley.

Introduce local planning policy to guide development of land within 500m of farmland for strategic significance to minimise the risk of land use conflict.

Update the ESO2 – High Quality Agricultural Land and extend the scope of this control to cover farmland of strategic significance identified in the Lindenow Valley, Tambo River and Snowy River areas.

Undertake a 5 year review of the RLUS including the extent of existing farmland of strategic significance and emergence of new areas of farmland of strategic significance.

Introduce additional guidance for assessment of planning permits for subdivision, dwelling excisions, dwellings, rural workers accommodation and other discretionary uses in the Farming Zone including:

- Assessing planning permits for subdivision, including dwelling excisions, dwellings and rural workers accommodation in the Farming Zone based on demonstration of benefits to agricultural productivity, productive capacity and the scale of farming in East Gippsland and consideration of farmland of strategic significance.
- Limiting encroachment of non-agricultural or incompatible land uses which may conflict with agriculture.
- Require applicants to prepare a Farm Management Plan that responds to the Farming Zone decision guidelines and local policy.

Appendix 3 contains draft policy guidelines in relation to dwelling and subdivision in rural areas and information that could be provided in Farm Management Plans.

## Strategic Direction 2: Rural Tourism

### TOURISM IN EAST GIPPSLAND

East Gippsland has long been a destination for family holidays with the Gippsland Lakes, Lakes Entrance, Metung, Paynesville, and Mallacoota popular destinations. In 2019, 1.4million people visited the Shire equating to 2.5million visitor nights and expenditure of \$321million<sup>22</sup>. In 2018, the East Gippsland, tourism output was estimated at \$215 million, or 4.1% of total output. The largest sub-sector of East Gippsland economy is Accommodation & Food Services with tourist expenditure supporting \$116 million<sup>23</sup>.

The State and local government strategic direction for rural tourism focuses on promoting nature-based tourism and experiences, accommodation including high-end eco-tourism developments such as wilderness lodges and 'glamping' sites and indigenous culture tourism offering experiences linked to the region's significant cultural heritage. The Gippsland Regional Growth Plan identified Strategic Tourism Investment Areas. In East Gippsland this includes the Alps, Gippsland Lakes and the Croajingolong National Park.

Most visitors to East Gippsland are self-drive visitors who are heading to destinations within East Gippsland such as the Gippsland Lakes, the coast and the high plains or passing through on the scenic route between Melbourne and Sydney. Rural towns such as Buchan, Omeo, Swifts Creek, Cann River are ideally situated on tourist routes and provide an attractive base for exploring attractions associated with the Shire's history, agriculture and environment. There is opportunity for further rural based tourism development including:

- Increased accommodation in the rural areas to take advantage of the natural settings such as farm stays and self-contained accommodation.
- Agri-food outlets such as farm produce, wineries and cellar door.
- Boutique produce opportunities including paddock to plate experiences, cooking and food growing schools.
- Experiences associated with cultural heritage, environment and art clusters.

<sup>22</sup> <https://www.tra.gov.au/Regional/local-government-area-profiles> accessed 29.7.2022

The RLUS will support rural tourism by promoting uses and experiences that build on established tourism and agricultural strengths and providing guidance on the type and scale of tourism uses suited to the Shire's rural areas and preferred locations.

### ISSUES AND OPPORTUNITIES

#### NEW RURAL TOURISM

Rural tourism in East Gippsland is currently confined to the opportunities afforded by the Farming Zone. As discussed under Strategic Direction 1, the Farming Zone will be applied to areas where food and fibre production will be the primary land use. Policy guidance will assist in assessing permit applications for discretionary tourism uses that are ancillary or in conjunction with an agricultural use such as bed and breakfast, host farms and group accommodation.

There is clear potential for larger developments such as residential hotel, camping and caravan park and restaurant, that may introduce conflict with agriculture. Subject to meeting local policy requirements, large scale tourism developments will be provided through the rezoning of land to an alternative zone such as the Special Use Zone. The Planning Practice Note: Applying the rural zones (2013) states that in the Rural Activity Zone:

*“if a planning authority is keen to facilitate the establishment of larger scale tourism uses or a more diverse mix of tourism and recreation uses, the Rural Activity Zone may be a more appropriate zone to apply.”*

The preferred approach is for proponent-led planning scheme amendments which enable proponents to choose locations suited to the proposed development and the tourism market they are seeking to attract.

The RLUS will therefore recommend policy guidance and requirements for assessment of large scale 'one-off' tourism developments within the rural areas as part of a strategic rezoning proposal.

<sup>23</sup>

<https://app.remplan.com.au/eastgippsland/economy/tourism/output?state=wpvvhfz3oQIAXLIFWm4e0hNw8McZiHqnt72q2rHP5G5mHPH3bhwH9UeDLE77wa> accessed 29.7.2022



## RURAL ACTIVITY ZONE – TWIN RIVERS AND BRUTHEN RURAL HINTERLAND

In the Twin Rivers region between Swan Reach, Nicholson and Bruthen, land use is predominantly hobby farming with dwelling development in some areas occurring at a density more akin to a rural living zone. This area has also experienced an increase in rural tourism development and rural activities such as farm stays, B&Bs and wineries. The area is in close proximity of Bairnsdale and key touring routes. The extent of land fragmentation and tourism development, and potential for further tourism development, suggests that an alternative zone, such as the RAZ is warranted.

The benefit of the RAZ for this area is the opportunity to prepare objectives and schedules to the zone that respond directly to the land use and particular issues and opportunities of each area, which is not afforded by the Farming Zone.

The RAZ will not be applied to an area of commercial agriculture on the Nicholson and Tambo River flats, identified as farmland of strategic significance where flood risk has acted to minimise encroachment of dwellings.

See Appendix 2 for detailed analysis.

It is recommended that additional policy guidance be included in the planning scheme for assessment of planning permits for subdivision, dwellings and other discretionary uses in the RAZ. Further subdivision, including dwelling excisions, within the proposed RAZ should be strongly discouraged to prevent further fragmentation.

Applications for new dwellings in the proposed Rural Activity Zones will be required to demonstrate how they will support agriculture, including both commercial and sub-commercial farms and tourism particularly agri-tourism and nature-based tourism. It is also recommended that policy clearly identify Section 2 uses considered unsuitable for the proposed Rural Activity Zone.

The boundaries of the proposed RAZ will need to take into consideration directions for future growth recommended by structure plans as well as the findings of the Housing and Settlement Strategy.

## TOURISM OBJECTIVES, STRATEGIES AND ACTIONS

### Objective

Encourage agri-tourism and nature-based tourism opportunities in appropriate locations across the Shire.

### Strategies

Encourage tourism development that leverages environmental, landscape and cultural values.

Encourage agri-tourism building on the Shire's strengths in agriculture.

Allow for low impact tourist-based land uses (including tourist accommodation) which are of an appropriate scale and nature, and do not impact the ordinary operation of agriculture or other rural industry.

Avoid tourism development that may have an adverse impact on environmental values, landscape qualities and farmland of strategic significance.

Discourage further fragmentation of land due to further subdivision, including dwelling excisions, within the proposed RAZ.

### Actions

Update the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) with relevant recommendations from this RLUS.

Introduce additional guidance for assessment of planning permits for tourism uses in the Farming Zone including:

- Provide for low impact farm-stay/agri-tourism developments in suitable areas, particularly areas of prevailing natural beauty or cultural values.
- Support the diversification of traditional forms of agriculture in appropriate locations, to incorporate tourism and recreation development, where synergies with agriculture can be demonstrated.
- Ensure tourism related developments and land use are supported by or are self-sufficient in services, particularly with respect to water supply, effluent disposal and transport infrastructure.
- Ensure tourism related developments and land uses do not have an adverse impact on agriculture or introduce conflict with agriculture.

Introduce policy guidance for large scale tourism development in rural areas including:

- Only consider large scale tourism development if:
  - The proposed tourism enterprise is of regional significance and requires a rural location.
  - The development will significantly contribute to the tourism economy of the region.
  - The site is strategically located with respect to tourist routes, tourist attractions and other infrastructure.

- The site has access to all relevant servicing infrastructure and the development will meet all costs for infrastructure provision to the site.
- The development will not contribute to the urbanisation of the area.
- The land use is compatible with the use of adjoining and surrounding land for agriculture or forestry and complementary to the rural setting.
- If deemed necessary, consider the application of an alternative zone to facilitate large scale tourism development.

Introduce policy guidance in the planning scheme for assessment of planning permits for subdivision, dwellings and other discretionary uses in the RAZ including:

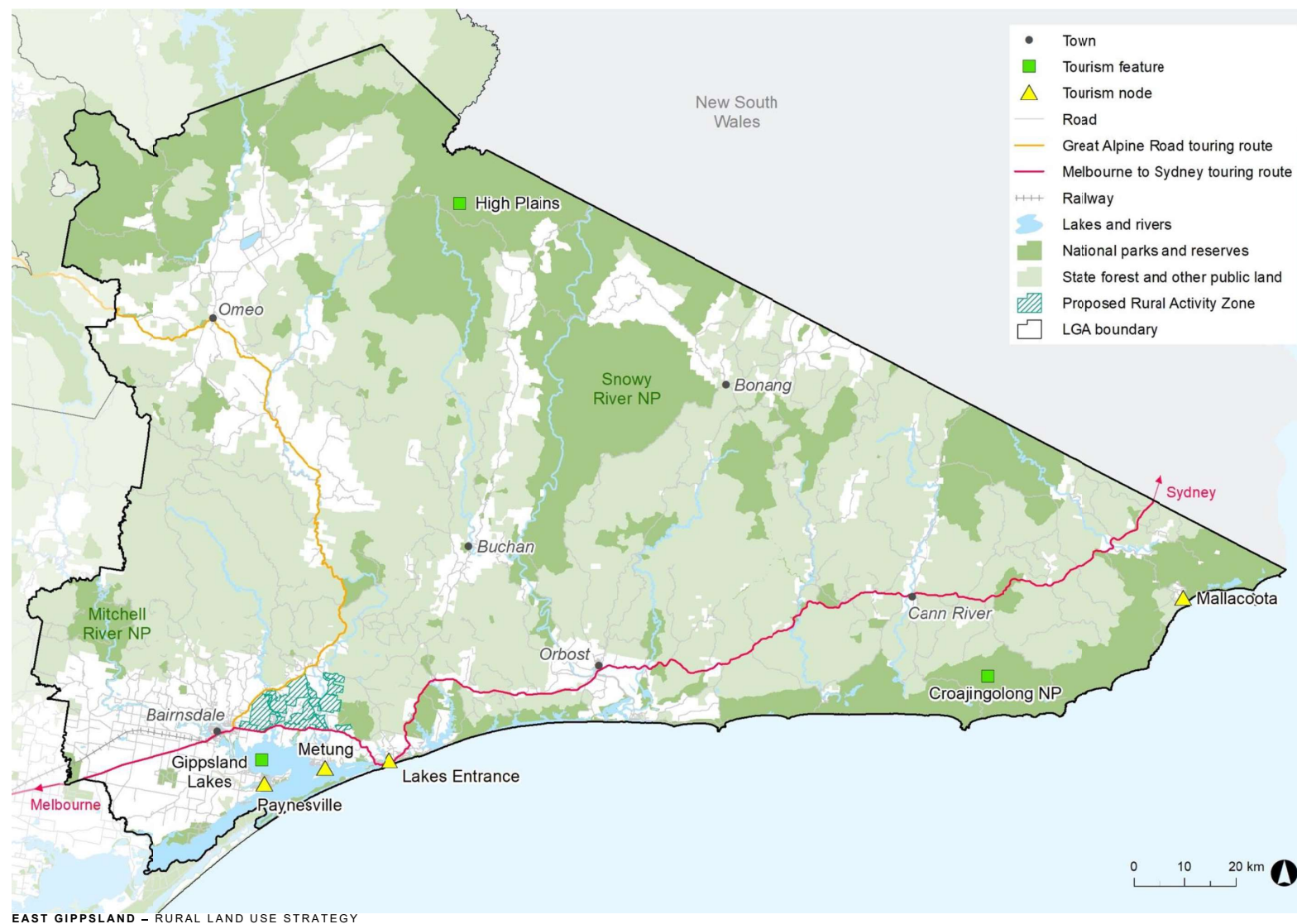
- A requirement for applications for new dwellings to demonstrate how they will support agriculture, including both commercial and sub-commercial farms and tourism, particularly agri-tourism and nature-based tourism.

Introduce policy guidance that clearly identifies and strongly discourages any Section 2 uses considered unsuitable for the proposed Rural Activity Zone e.g. camping and caravan parks, and hotels.

Consider the directions for future growth recommended by structure plans as well as the findings of the Housing and Settlement Strategy when determining the boundaries of the proposed RAZ.

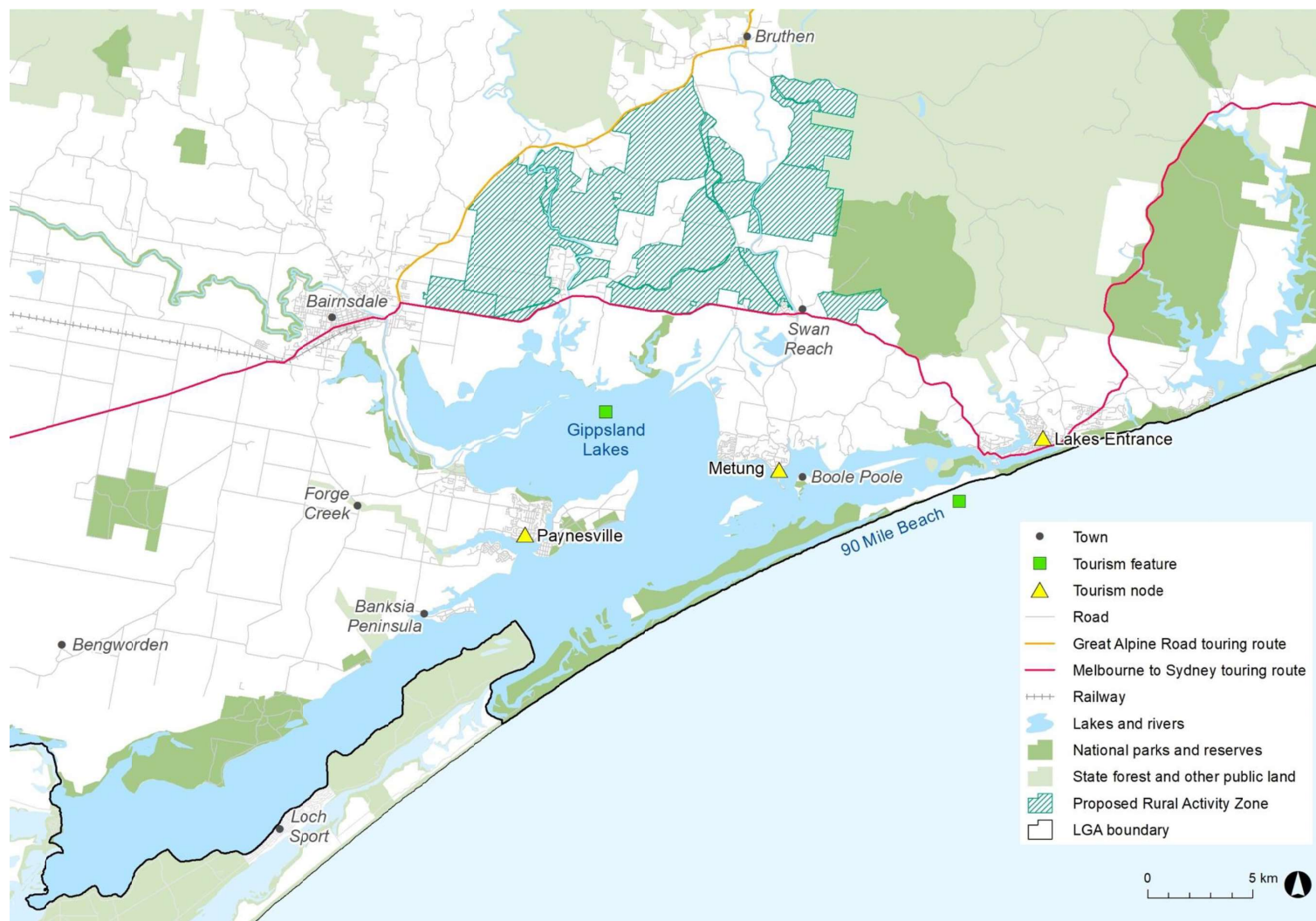
Apply the RAZ to the Twin Rivers and Bruthen rural hinterland to provide for the current mix of uses (agriculture, rural lifestyle and hobby farming, rural based tourism), protection of environmental values and further development of rural based tourism (Figure 24).

Figure 23: Tourism assets



47

Figure 24: Proposed Rural Activity Zone Twin Towns



# Strategic Direction 3: Rural Industries

## RURAL INDUSTRIES IN EAST GIPPSLAND

East Gippsland’s strengths and competitive advantages in food and fibre production also provide the opportunity to attract service industries, manufacturing and processing businesses. Value adding to primary production has the potential to generate local employment both on farm and across the value chain.

Mining and renewable energy provide opportunities for employment and diversification of the local economy. Extractive industries are important sources of affordable construction and road base material. A number of work authorities for extractive industries (quarries) have been issued in East Gippsland and mineral exploration licences have also been granted (Figure 25). Mining development has the potential to grow the local economy, providing new employment opportunities and revitalise some areas of East Gippsland.

Between Bairnsdale, Eagle Point and Paynesville, land uses include a number of active quarries and a landfill. It is important that the operation of these assets is not compromised by encroachment of sensitive uses through inappropriate development such as dwellings.

Council is also exploring long-term renewable energy solutions for the Shire, such as community-owned renewable energy or community energy. The Star of the South is a major off-shore renewable energy project, in Gippsland, which while outside the Shire, is an example of large-scale renewable energy initiatives. Renewable energy has the potential to provide local businesses and communities with a more affordable, reliable and sustainable energy supply as well as increase local employment.

The native timber industry has been an integral part of the history and identity of many East Gippsland communities. In remote areas of the Shire it has often been one of the largest sources of employment. The Victorian Forestry Plan, and its commitment to phase out native timber harvesting on public land from 2030, has implications for businesses and communities in East Gippsland. In response Council has developed a position paper which advocates that the practice of clear-fell native timber harvesting be replaced as soon as practical with a new approach to silviculture (utilising thinning

and select harvest) that maintains or improves forest health and reduces vulnerability to the impacts of bushfire, while also providing sawlogs for timber processing and supports the use of forest resources by a range of other forest users, including tourism and recreation<sup>24</sup>. The cessation of native timber harvesting on public land has now been brought forward to the end of 2023 by the Victorian Government.

## ISSUES AND OPPORTUNITIES

Rural industries such as mining, forestry and quarrying can generate impacts (ground and air vibration, dust, noise etc.) and changes to the environment and landscape. State Government is largely responsible for assessment of potential environmental impacts or effects of new mining, extractive industry and renewable energy facilities through an Environment Effects Statement (EES) process.

The Department of Jobs, Precincts and Regions administers approval of Work Plans for a mineral exploration licence or extractive industry under the *Mineral Resources (Sustainable Development) Act 1990*. Extractive industries also require a planning permit which is assessed by local government. Preparation of a Work Plan requires consideration of any relevant planning controls and impacts arising from mining activities on sensitive receptors, such as the environment, cultural heritage and amenity required under various Federal and State legislation.

In 2019, the Minister for Planning was made the responsible authority for all new permit applications for a wind energy facility, and for power lines and substations required to connect the facility to the electricity network. The Policy and Planning Guidelines for Development of Wind Energy Facilities <sup>25</sup> set out criteria for assessment of planning permits including consideration of siting and landscape impacts. With regard landscape the Guidelines note:

*Relevant local strategic studies may also be referenced in the PPF, and significant landscapes may be recognised in overlays, such as the Environmental Significance Overlay, Vegetation Protection Overlay or the Significant Landscape Overlay.*

<sup>24</sup> Position Paper – Native Timber Harvesting in East Gippsland (2022)

<sup>25</sup> Department of Environment, Land, Water & Planning (2018) Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria



*To help guide appropriate site selection, design and layout of individual wind turbines, consideration should be given to the significance of the landscape as described in relevant planning scheme objectives, including relevant overlays and strategic studies referenced in the planning scheme.*

Encroachment by sensitive receptors such as dwellings, can lead to land use conflict with established rural industry or sterilisation of areas with development potential. Recent amendments to the Victoria Planning Provisions now require planning permits for dwellings and other sensitive uses within 500m of extractive industry and 1km of a wind energy facility.

The East Gippsland Planning Scheme should seek to balance the economic and social benefits arising from new rural industries with the protection of agriculture, significant landscapes and environmental values and the amenity of rural areas. This will require a number of enhancements to the East Gippsland Planning Scheme including:

- Acknowledgement of the importance of agriculture, forestry, rural tourism, mining and extractive industries and renewable energy generation to the East Gippsland economy, employment and growth prospects.
- Identification of key rural assets, including farmland of strategic significance, irrigation assets, significant landscapes, environmental values and tourism assets that should be considered in the assessment of proposed mining, renewable energy or other rural industry developments.

## RURAL INDUSTRY OBJECTIVES, STRATEGIES AND ACTIONS

### OBJECTIVE

Encourage sustainable development of rural industries.

### STRATEGIES

Encourage food and fibre processing and manufacturing that has the potential to generate local employment both on farm and across the value chain.

Encourage rural industries that leverage strengths in renewable energy generation and extractive industries.

Discourage uses and development that may have an adverse impact on the legitimate operation of rural industries.

Ensure adequate buffer distances are identified and maintained between rural industries and urban development and sensitive uses.

Avoid development that may compromise the operation of important community assets such as landfills, waste transfers stations, wastewater treatment plants and quarries.

### ACTIONS

Update the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) with relevant recommendations from this RLUS.

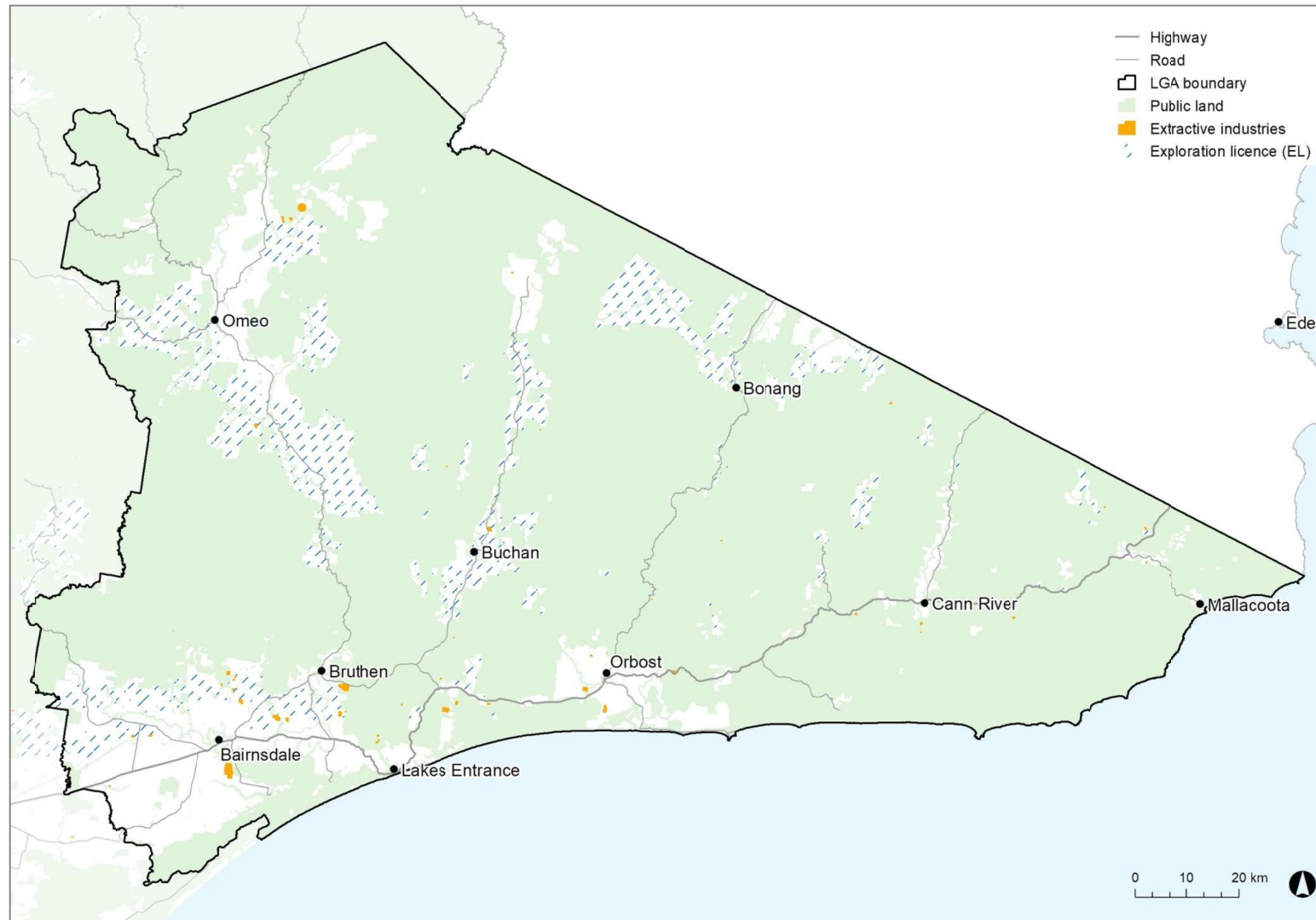
Encourage high quality, low volume native timber harvesting that supports communities and protects the multiple uses and biodiversity of forests.

Encourage food and fibre service industries, manufacturing, and processing businesses in appropriate locations.

Discourage development of rural industries including extractive industries, that may have negative impacts on farmland of strategic significance, irrigation assets, significant landscapes, environmental values and tourism assets.

In collaboration with relevant agencies, consider application of the Buffer Area Overlay to community assets such as landfills, waste transfers stations, wastewater treatment plants and quarries.

Figure 25: Rural industries



EAST GIPPSLAND – RURAL LAND USE STRATEGY

51



## Strategic Direction 4: Environment, Landscape, Catchments and Natural Hazards

East Gippsland is host to significant environmental assets that make an important contribution to the economy and liveability of the Shire and its attractiveness for tourism.

### ENVIRONMENT AND LANDSCAPE

East Gippsland's environmental values include:

- Ramsar listed wetlands: Gippsland Lakes and its fringing wetlands
- Wetlands listed in the Directory of Important Wetlands: Lake King wetlands, Lake Victoria Wetlands, Lindenow Wildlife Sanctuary, Macleod Morass, Tambo River and Lake Bunga
- The lower reaches of major tributary river systems.
- Heritage listed Mitchell River
- Critically endangered ecological communities listed under the *Environment Protection and Biodiversity Conservation Act 1999*:
  - Red Gum Grassy Woodland and Associated Native Grassland
  - Littoral Rainforest and Coastal Vine Thickets ecological communities.

There are a number of fauna species in the Shire with significant conservation status<sup>26</sup>. Critically endangered and endangered terrestrial and aquatic species are listed in Table 5.

Principal threats to these values include degraded water quality from stormwater runoff and erosion, clearing and grazing of riparian vegetation, disturbance of acid sulfate soils and changes to stream flows. Climate change is also projected to have a significant impact on environmental values. Sea level rise and storm surge will eventually lead to inundation of estuarine wetlands and increased frequency and intensity of flood events will increase soil erosion on the floodplains and reduced water quality. Freshwater wetlands upstream of estuaries will become disproportionately important over the coming decades as the sea level rises.

<sup>26</sup> [https://www.swifft.net.au/cb\\_pages/threatened\\_fauna\\_east\\_gippsland\\_shire.php](https://www.swifft.net.au/cb_pages/threatened_fauna_east_gippsland_shire.php)

Table 5: Fauna conservation status

Critically endangered	Endangered
Brush-tailed Rock-wallaby	Eastern Horseshoe Bat
Common Bent-wing Bat	Eastern Wallaroo
Leadbeater's Possum	Long-footed Potoroo
Mountain Pygmy-possum	New Holland Mouse
Bluenose Cod	Smoky Mouse
East Gippsland Galaxias	Southern Brown Bandicoot
Empire Gudgeon	Spot-tailed Quoll
McGowalls Galaxias	Australian Grayling
Roundsnout Galaxias	Coxs Gudgeon
Alpine She-oak Skink	Dwarf Galaxias
Alpine Tree Frog	Freshwater Catfish
Diamond Python	Macquarie Perch
Eastern She-oak Skink	Murray Cod
Giant Burrowing Frog	Murray River Rainbowfish
Large Brown Tree Frog	Alpine Bog Skink
Leathery Turtle	Alpine Water Skink
Martin's Toadlet	Glossy Grass Skink
Southern Barred Frog	Southern Toadlet
	Swamp Skink
	Tree Goanna (Lace Monitor)
	Tussock Skink

East Gippsland offers a diverse range of rural landscapes from The High Country to coastal areas and the Gippsland Lakes. Many of these areas are classified by the National Trust as landscapes of special or regional significance and require recognition and protection.

The *Coastal Spaces Landscape Assessment Study*<sup>27</sup> provides a comprehensive understanding of the Shire's more significant landscape values. The study policy recommendations have been in the East Gippsland Planning Scheme for over a decade and are strongly supported for providing control over some of the most sensitive landscape areas in the Shire, especially the Ninety Mile Beach, Gippsland Lakes and rivers and coastal settlements. No further landscape protection measures are proposed at this time.

## BUSHFIRE

Challenges exist in the Gippsland region given the number of high bushfire hazard areas that intersect with settlements as well as areas experiencing rural residential and tourism expansion. Regional and localised planning considers bushfire risk in detail, with the assistance of planning tools such as the Bushfire Management Overlay, Regional Bushfire Planning Assessments and Bushfire Prone Areas, as well as input from key stakeholders such as the Country Fire Authority/

Future planning for rural residential development will need to consider the potential for changes in landscape bushfire risk. Changes to landscape can occur over time with the introduction of land uses permitted by planning schemes.

Fire risk can be reduced by preparing fire breaks, managing grass levels, good weed and stock management. Property planning is also important to provide safe and easy access (e.g. good road condition and wide gates) for fires trucks and emergency vehicles as well as adequate water supply for fire-fighting.

Climate change will increase the frequency and intensity of extreme weather events such as the heatwaves and drought. These changes will increase the bushfire risk to homes, farms and infrastructure in rural areas and should be a consideration in assessment of new uses and development.

The Planning Policy Framework of the East Gippsland Planning Scheme prioritises the protection of human life over all other policy considerations (Clause 13.02-1S Bushfire planning). This will be an important consideration for Council in the assessment of

planning applications for use and development in rural areas, including dwelling development.

Council will also need to consider non-policy responses such as:

- Education and capacity building of rural landholders
- Incentives to encourage optimal fire prevention and land management practices.

## ISSUES AND OPPORTUNITIES

### SIGNIFICANT BIODIVERSITY VALUES

Environmental Significance Overlay Schedule 1 applies to Sites of Biological Significance and maps and lists 94 sites derived from the East Gippsland Sites of Biological Significance Report, (Department of Natural Resources and Environment, 1997). The Background Report identified environmental values not recognised by the planning scheme including:

- Ramsar listed wetlands
- Directory of Important Wetlands
- Heritage rivers
- EPBC listed ecological communities.

Further strategic work is required to provide appropriately scaled mapping as the basis for preparing overlays to identify, protect and enhance these environmental assets.

The Planning Scheme Review made a number of recommendations to improve the performance of the East Gippsland Planning Scheme in relation to environmental values. This includes:

- Clause 12 Environmental and landscape values - update the PPF by including more contemporary 'environmental' material.
- Review the mapping of Environmental Significance Overlay Schedule 1 - Sites of biological significance to address mapping anomalies (the Environmental Significance Overlay extends over public and private land, roads, watercourses and parts of townships) and the overlay schedule to ensure that planning permits are not being triggered unnecessarily.

As an important element of planning, it will be necessary for Council to undertake this environmental mapping review as a key consideration in delivering sound land management and environmental outcomes.

<sup>27</sup> Victorian Government (2006) The Coastal Spaces Landscape Assessment Study: State Overview Report

## BANKSIA PENINSULA

The Banksia Peninsula is an area of high environmental values and in the 1960s, the Barton-Crees Family who owned the land, established a Trust that oversaw subdivision of the land. Any organisation of Christian belief was able to apply for a lease to operate camps for youth to enjoy the environment of the Gippsland Lakes. A number of schools and religious orders have established camps in accordance with the requirements of the Trust. There are also a number of residential properties on the Peninsula.

The East Gippsland Planning Scheme supports this existing role and provides for group accommodation and environmental/outdoor education. The land is currently zoned Rural Conservation Zone. School camps fall within the land use term 'Place of Assembly', which is a prohibited use in the Rural Conservation Zone. This anomaly has arisen because land on Banksia Peninsula was previously zoned Environmental Rural Zone which was translated to the Rural Conservation Zone as part of the introduction of the new rural zones in 2006. This has resulted in administrative issues when operators of the existing camps have made applications to upgrade camp facilities.

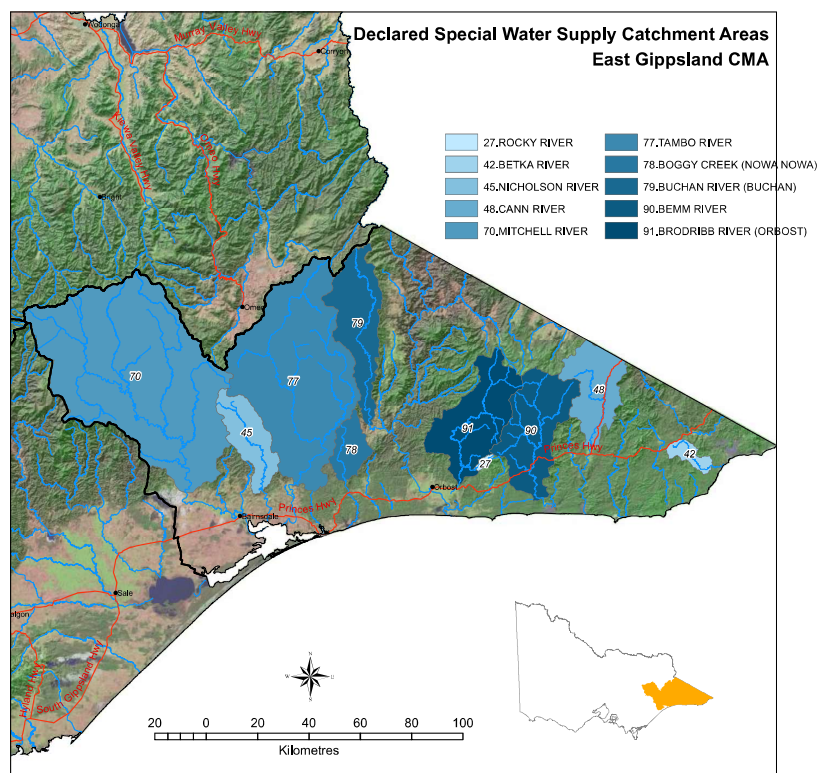
Planning permits for development and upgrade of camp facilities have been assessed under Planning Scheme Clause 63 - Existing Uses, which relates mainly to amenity considerations. The application of an appropriate zone for the Banksia Peninsula has been carefully considered. The existing Rural Conservation Zone is considered to be the most appropriate to protect the environmental values of the Banksia Peninsula. In this context it will be necessary for Council to continue the existing practice for the assessment of planning applications relating to the school camps under Clause 63 – Existing uses.

## WATER SUPPLY CATCHMENTS

A number of water supply catchments in East Gippsland are protected under the *Catchment and Land Protection Act 1994*. These catchments have significant values as a source of water supply, both for stock and domestic use. The land use determination for each catchment sets out to assist in determining the suitability of proposed activities within these catchment areas. Once a catchment is 'Declared', approvals for activities conducted under other statutes and statutory planning schemes must be referred to the responsible land management authority (water authority, catchment management authority or relevant Victorian Government department).

<sup>28</sup> [https://vro.agriculture.vic.gov.au/dpi/vro/egimages.nsf/Images/DWSC/\\$File/EG\\_DSWSCA.pdf](https://vro.agriculture.vic.gov.au/dpi/vro/egimages.nsf/Images/DWSC/$File/EG_DSWSCA.pdf)

Figure 26: Declared water supply catchments, East Gippsland<sup>28</sup>



## ENVIRONMENT OBJECTIVES, STRATEGIES AND ACTIONS

### OBJECTIVES

Recognise, protect and enhance East Gippsland's environmental and landscape values.

Appropriately manage natural hazards in rural areas and prioritise the protection of human life in relation to use and development of rural land.

### STRATEGIES

Protect rural landscapes and ensure that new development complements the established character of rural landscapes.

Encourage use and development to deliver high quality environmental outcomes and contribute to improved habitat and ecological connectivity through good design and on-site environmental improvement.

Discourage use and development that fails to appropriately address natural hazards and the need to protect human life.

Recognise the need for rural industry and rural tourism development, e.g. agricultural structures, tourism development, renewable energy generation facilities, while ensuring that in areas of high landscape value they are sensitively designed and located.

Identify, protect and enhance significant environmental values.

Discourage inappropriate use and development within Proclaimed Water Supply Catchment Areas.

### ACTIONS

Update the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) with relevant recommendations from this RLUS.

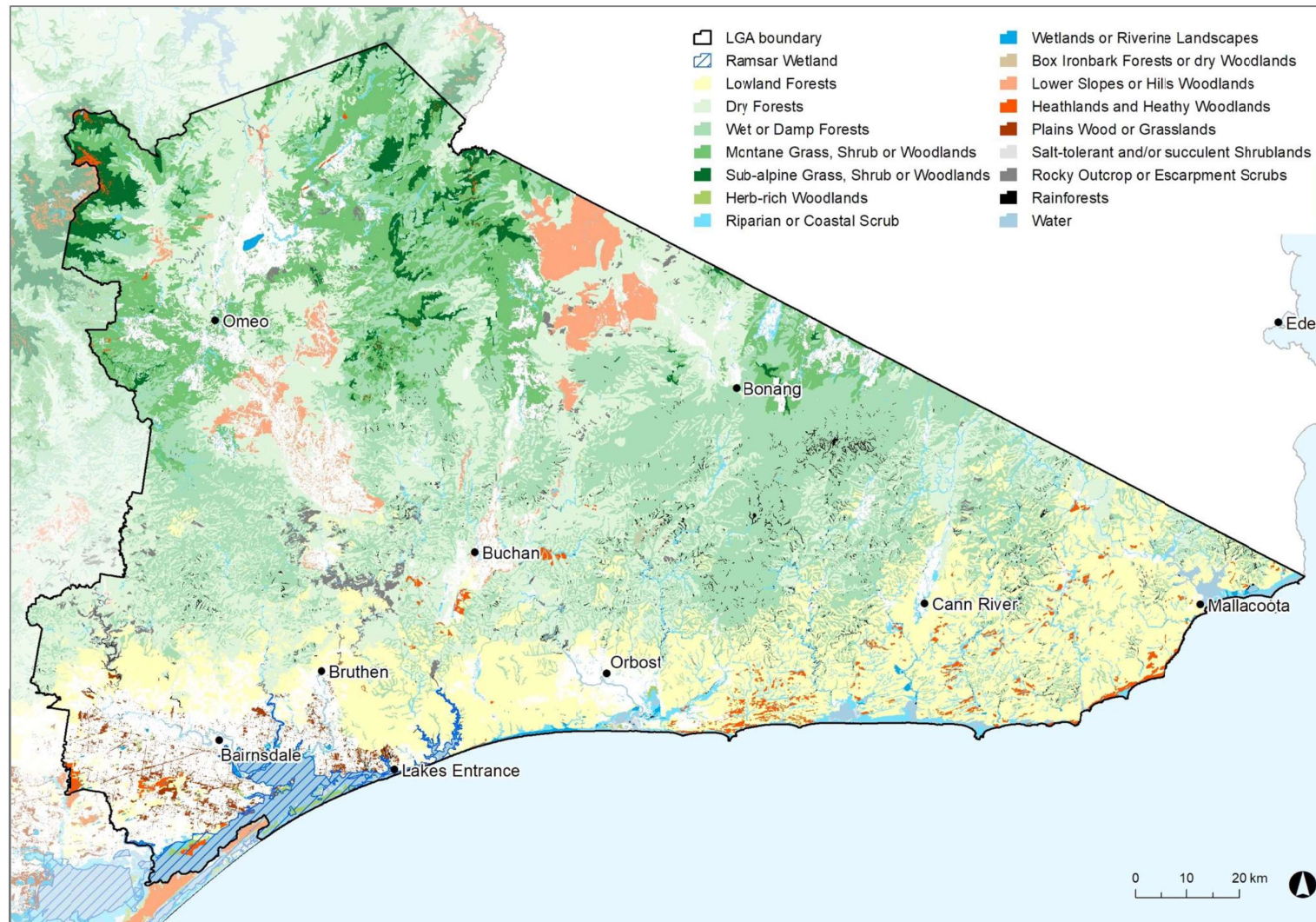
Undertake further strategic work including:

- Advocate to the Victorian Government for assistance to review the mapping of Environmental Significance Overlay Schedule 1 - Sites of biological significance to address mapping anomalies.
- Advocate to East Gippsland Catchment Management Authority, West Gippsland Catchment Management Authority and Victorian Government for assistance to identify and map sites of environmental significance for consideration of inclusion in the Environmental Significance Overlay including:

- Ramsar listed wetlands
- Wetlands listed in the Directory of Important Wetlands
- Heritage rivers
- Listed vegetation
- Habitat of threatened species.



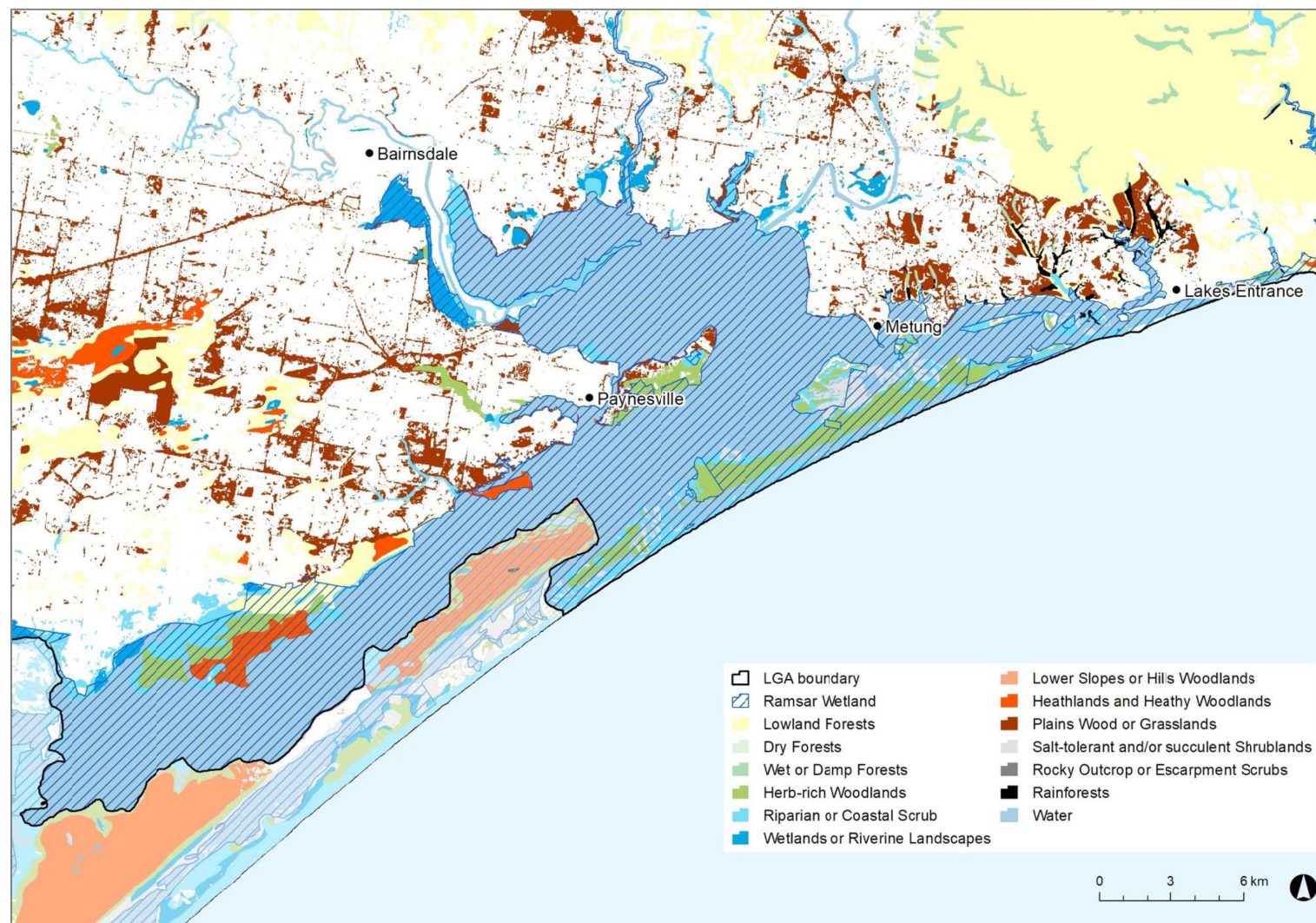
Figure 27 Ecological Vegetation Communities and RAMSAR wetlands



EAST GIPPSLAND – RURAL LAND USE STRATEGY

56

Figure 28: Ecological Vegetation Communities and RAMSAR wetlands



EAST GIPPSLAND – RURAL LAND USE STRATEGY

57



## Strategic Direction 5: Rural housing

Rural strategic planning has only relatively recently emerged as a discipline and requirement to underpin orderly planning of rural land. Historically, rural land was generally used for agricultural activities not suited to an urban settlement and the expectations of rural landholders to subdivide and develop rural land were generally met in the absence of policy. As a result, there is a widespread perception amongst rural landholders that they have a 'right' to subdivide and develop land.

The impacts of an absence of rural policy have begun to become apparent as productive agricultural land has become fragmented, lost from agricultural production and increasingly affected by land use conflict. This has been exacerbated by the increasing scale, intensification and mechanisation of agriculture, emergence of new rural industries such as renewable energy generation and a population of rural landholders that have expectations of a bucolic rural lifestyle.

Attempts to influence landholder expectations, implement state policy and introduce local policies to address rural land use planning issues often elicit anxiety and frustration, as landholders perceive a loss of rights. This is further compounded by the following factors:

- Evidence of residential development on rural land in the Farming Zone provides precedence in the eyes of landholders for further development of this type.
- Land use planning decisions being made on a basis outside of planning consideration including economic or social factors such as farm superannuation or succession planning.
- Contrasting growth forecasts in rural areas with some areas experiencing declining population while other areas are growing. In areas seen to be declining there is pressure to provide dwellings to try and halt the population trend. Areas with significant pressures for growth on the other hand may view further dwelling development as a threat to the agricultural industry.
- Viability of an agricultural enterprise is often the critical issue in the assessment of development and use applications for small rural lots. The opportunity for interpretation of viability creates significant challenges for Council to evaluate planning permits, particularly given the changing nature of farming practices.

This RLUS has recommended that in the future, approval of a planning permits for dwellings in the Farming Zone will be subject to number of tests, including whether the dwelling is genuinely required to support an agricultural activity. Legacies of past

planning decisions are not justification for maintaining inappropriate planning policy or provide precedence for future decisions. Planning policy will also not be used to solve issues that are the domain of business planning and management, including succession planning and farm viability.

Opportunities to reside in a rural area will be provided in areas zoned for Rural Living. Farming Zone dwelling policy will support efficient development and take up of land within the Rural Living Zone. Identification of additional land for Rural Living should be guided by the following strategic principles:

- Contain rural living areas: Focus rural living development within the existing Rural Living Zone where potential exists to manage the supply of rural living opportunities accordingly.
- Agriculture: Protect productive agricultural land and Farmland of Strategic Significance
- Social infrastructure: Locate new rural living development within proximity to existing community facilities and services.
- Viable Rural living areas: Protect residential amenity in the Rural Living Zone.
- Sustainable Towns: Protect the potential for townships to expand.
- Natural Environment: Ensure there is no or limited impact on the natural environment such as biodiversity and habitat; water catchments and water quality.
- Infrastructure Needs: Minimise the costs to Council of providing and maintaining infrastructure such as roads, drainage, waste treatment, etc.
- Tourism and Business: Support the operation and development of tourism and business uses that are compatible with the local environment and existing rural residential amenity.
- Environmental Hazards: Minimise the risk to life and property from environmental hazards such as flooding and fire.

However, there are circumstances, where a dwelling on a small lot in the Farming Zone may be entertained including:

- Small lots within historic subdivisions
- Farming Zone lots within reasonable proximity to rural settlements.



## HISTORIC SUBDIVISIONS

There are small lots in the Farming Zone created by subdivisions approved under former Planning Schemes for the purpose of 'rural-residential' living, without a zoning change to reflect the change of use.

The provisions of the Farming Zone require that a number of decision guidelines be taken into account when considering development proposals including whether the dwelling is reasonably required for the agricultural use of the land. The development of a small e.g. 2 - 4 hectare lot in a rural zone is unlikely to contribute to the ongoing agricultural use of land. Consequently, proposals to use the land for a dwelling need to be considered in a different light, especially if the lot concerned is no longer owned or held as part of a larger rural property.

Policy is required to address the legacy of small lots created by subdivision in the Farming Zone to ensure that the development of existing rural allotments does not prejudice any existing surrounding agricultural activities or the potential for future agricultural activity.

There are also small Crown allotments in the Farming Zone which were created by the Crown, some dating back to the 1800s to facilitate early settlement of the Shire. These allotments are often located in areas without services and development would potentially have significant impacts on agriculture and the orderly take up of residential land. Council frequently receives planning permit applications for dwellings on Crown allotments in the Farming Zone, which are generally refused. It is important that Council continue to hold this position with regard dwellings on Crown allotments.

## RURAL SETTLEMENTS

The geographic circumstances of East Gippsland's rural communities are unique with many rural settlements separated by extensive tracts of National Park land. The distance from Bairnsdale to Mallacoota, the Shire's eastern most settlement is the same distance from Bairnsdale to Melbourne. It is a two to three hour drive from Bairnsdale to reach some settlements such as Benambra and Bendoc. The services offered by rural settlements are limited, but extremely important to the residents and surrounding rural population. Maintaining the population in these settlements is constrained by the lack of supply of suitable housing, very low demand for housing, the high cost of rezoning land and providing reticulated services for residential purposes.

Providing opportunity for residential development in the Farming Zone within some rural settlements may assist with population retention. A rural housing policy will provide some opportunity for residential development in the Farming Zone for rural settlements

that are located more than 50km from the service centres of Bairnsdale, Lakes Entrance and Orbost where it can be demonstrated that the construction of a dwelling will support the long term viability of the settlement

## RURAL HOUSING OBJECTIVES, STRATEGIES AND ACTIONS

### Objective

Support population retention in rural settlements and address legacy subdivisions.

Protect rural areas from inappropriate subdivision and dwelling development.

### STRATEGIES

Discourage uses and development, including subdivision and dwellings which are not directly related to agriculture, that may have an adverse impact on agricultural operations or introduce conflict with agriculture.

Strongly discourage inappropriate development, including dwellings on Crown allotments.

Provide for residential development in the Farming Zone within or within reasonable proximity to rural settlements subject to consideration of hazards, particularly bushfire, environmental constraints and accessibility.

Provide for residential development in the Farming Zone where previous subdivision of land was intended to facilitate the development of a dwelling subject to consideration of hazards, particularly bushfire, environmental constraints and accessibility.

Provide for dwelling development in the Farming Zone that is not associated with agricultural activities where it can be demonstrated that the dwelling will protect and enhance established environmental values.

### ACTIONS

Update the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) with relevant recommendations from this RLUS.

Introduce guidance for assessment of planning permits for dwellings in the Farming Zone around rural settlements.

Introduce guidance for assessment of planning permits for dwellings in the Farming Zone in historic subdivisions.

Introduce guidance for assessment of planning permits for dwellings on land in the Farming Zone with established environmental values.

Appendix 3 contains draft decision guidelines in relation to dwelling and subdivision in rural areas.

## 7. Implementation

The RLUS Strategic Directions will be delivered via changes to the East Gippsland Planning Scheme and further strategic work.

The recommendations to deliver the RLUS are summarised below.

### PLANNING SCHEME CHANGES

Include the RLUS as a reference document to the East Gippsland Planning Scheme.

Include relevant recommendations from the RLUS to update the Municipal Planning Strategy and Planning Policy Framework

### STRATEGIC DIRECTION 1 – FOOD AND FIBRE

Retain the Farming Zone Schedules 1, 3 and 4 where they currently apply.

Apply Farming Zone Schedule 1 to land currently zoned Farming Zone Schedule 2 to protect productive agricultural land on the periphery of the Lindenow Valley.

Introduce local policy to minimise the risk of land use conflict arising from development of land within 500m of farmland for strategic significance.

Update the ESO2 – High Quality Agricultural Land and extend the scope of this control to cover farmland of strategic significance identified in the Tambo River and Snowy River areas.

Undertake a 5 year review of the RLUS including the extent of existing farmland of strategic significance and emergence of new areas of farmland of strategic significance.

Introduce additional guidance for assessment of planning permits for subdivision, dwelling excisions, dwellings, rural workers accommodation and other discretionary uses in the Farming Zone including:

- Assessing planning permits for subdivision, including dwelling excisions, and dwellings and rural workers accommodation in the Farming Zone based on demonstration of benefits to agricultural productivity, productive capacity and the scale of farming in East Gippsland and consideration of farmland of strategic significance.
- Limiting encroachment of non-agricultural or incompatible land uses which may conflict with agriculture.
- Require applicants to prepare a Farm Management Plan that responds to the Farming Zone decision guidelines and local policy.

Appendix 3 contains draft decision guidelines in relation to dwelling and subdivision in rural areas and information on the requirements of Farm Management Plans.

### STRATEGIC DIRECTION 2 – RURAL TOURISM

Introduce additional guidance for assessment of planning permits for tourism uses in the Farming Zone including:

- Provide for low impact farm-stay/agri-tourism developments in suitable areas, particularly areas of prevailing natural beauty or cultural values.
- Support the diversification of traditional forms of agriculture in appropriate locations, to incorporate tourism and recreation development, where synergies with agriculture can be demonstrated.
- Ensure tourism related developments and land use are supported by or are self-sufficient in services, particularly with respect to water supply, effluent disposal and transport infrastructure.
- Ensure tourism related developments and land uses do not have an adverse impact on agriculture or introduce conflict with agriculture

Introduce policy guidance for large scale tourism development in rural areas including:

- Only consider large scale tourism development if:
  - The proposed tourism enterprise is of regional significance and requires a rural location.
  - The development will significantly contribute to the tourism economy of the region.
  - The site is strategically located with respect to tourist routes, tourist attractions and other infrastructure.
  - The site has access to all relevant servicing infrastructure and the development will meet all costs for infrastructure provision to the site.
  - The development will not contribute to the urbanisation of the area.
  - The land use is compatible with the use of adjoining and surrounding land for agriculture or forestry and complimentary to the rural setting.
- If deemed necessary, consider the application of an alternative zone to facilitate large scale tourism development.

Introduce policy guidance in the planning scheme for assessment of planning permits for subdivision, dwellings and other discretionary uses in the RAZ including:

- A requirement for applications for new dwellings to demonstrate how they will support agriculture, including both commercial and sub-commercial farms and tourism particularly agri-tourism and nature-based tourism.

Introduce policy guidance that clearly identifies and strongly discourages any Section 2 uses considered unsuitable for the proposed Rural Activity Zone e.g. camping and caravan parks, and hotels.

Consider the directions for future growth recommended by structure plans as well as the findings of the Housing and Settlement Strategy when determining the boundaries of the proposed RAZ.

Apply the RAZ to:

- The Twin Rivers area to provide for the current mix of uses (agriculture, rural lifestyle and hobby farming, rural based tourism), protection of environmental values and further development of rural based tourism (Figure 24).

### STRATEGIC DIRECTION 3 – RURAL INDUSTRIES

Encourage high quality, low volume native timber harvesting that supports communities and protects the multiple uses and biodiversity of forests. (*Extract from Native Timber Harvesting Position Paper*).

Encourage food and fibre service industries, manufacturing, and processing businesses in appropriate locations.

Discourage development of rural industries including extractive industries, that may have negative impacts on farmland of strategic significance, irrigation assets, significant landscapes, environmental values and tourism assets.

In collaboration with relevant agencies, consider application of the Buffer Area Overlay to community assets such as landfills, waste transfers stations, wastewater treatment plants and quarries

### STRATEGIC DIRECTION 5 – RURAL HOUSING

Introduce guidance for assessment of planning permits for dwellings in the Farming Zone in reasonable proximity to rural settlements.

Introduce guidance for assessment of planning permits for dwellings in the Farming Zone in historic subdivisions.

Introduce guidance for assessment of planning permits for dwellings on land in the Farming Zone with established environmental values.

## FURTHER STRATEGIC WORK

This RLUS identified further strategic work including:

- Advocate to the Victorian Government for support to identify coastal acid sulphate soils.
- Advocate to the Victorian Government for assistance to review the mapping of Environmental Significance Overlay Schedule 1 - Sites of biological significance to address mapping anomalies.
- Advocate to East Gippsland Catchment Management Authority, West Gippsland Catchment Management Authority and Victorian Government for assistance to identify and map sites of environmental significance for consideration of inclusion in the Environmental Significance Overlay including:
  - Ramsar listed wetlands
  - Wetlands listed in the Directory of Important Wetlands
  - Heritage rivers
  - Listed vegetation
  - Habitat of threatened species.

## Appendix 1: Overlays

OVERLAY	PURPOSE
Environmental Significance Overlay Schedule 1 – 94 – Sites of biological significance	Ensure that development occurs so as not to adversely impact upon the environmental values of the site or any other value that may be identified within the overlay area Conserve and enhance the environmental sustainability and ecological integrity of these values.
Environmental Significance Overlay Schedule 95 – High quality agricultural land	Preserve areas of high inherent agricultural productivity and versatility for agricultural production. Ensure that areas of sufficient size for sustainable agricultural production are maintained. Discourage other uses, housing and buildings and works, even if associated with agriculture, which removes prime agricultural land from agricultural production. Allow small lot subdivision for agricultural purposes provided no house entitlement is created.
Environmental Significance Overlay Schedule 96 – Conservation covenanted land	Ensure protection of ecological values on land covered by a conservation covenant. Ensure that development occurs in accordance with the requirements of the conservation covenant.
Vegetation Protection Overlay Schedule 1 – Tambo-Bairnsdale roadside vegetation protection framework Schedule 2 – Raymond Island vegetation protection area Schedule 3 – Nungurner-Metung vegetation protection area Schedule 4 – Mosquito Point vegetation protection area Schedule 5 – Flanagan Island and Fraser Island vegetation protection area Schedule 6 – Outer Barrier vegetation protection area Schedule 7 – Kalimna vegetation protection area Schedule 8 – Mallacoota vegetation protection area	Protect areas of vegetation significance
Significant Landscape Overlay	Identify and conserve significant landscapes

OVERLAY	PURPOSE
<p>Schedule 1 – Ninety Mile Beach and Surrounds</p> <p>Schedule 2 – Gippsland Lakes</p> <p>Schedule 3 – Metung and Lakes Entrance Hills</p> <p>Schedule 4 – Lake Tyers and Surrounds</p> <p>Schedule 5 – Snowy River Estuary and Surrounds</p> <p>Schedule 6 – Mallacoota Inlet and Surrounds</p>	
Design and Development Overlays Schedule 7 – Highway Corridors, Princes Highway and Great Alpine Road	<p>Ensure that development in the Highway corridors in non-urban areas is managed to minimise adverse effects on the safe and efficient flow of traffic along the highways.</p> <p>Prevent linear or ribbon development along the Highway corridors.</p>
Erosion Management Overlay Schedule 1 – Management of geotechnical hazard	Protect areas prone to erosion or other land degradation processes
Salinity Management Overlay	Identify areas subject to groundwater discharge and recharge and prevent damage to buildings and infrastructure
Land Subject to Inundation Overlay	Identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood and ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
Bushfire Management Overlay	Ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire, identify areas where the bushfire hazard warrants bushfire protection measures to be implemented and ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.



## Appendix 2: RAZ Area

### BRUTHEN AND GIPPSLAND LAKES HINTERLAND

#### OVERVIEW

This area is located east of Bairnsdale and includes the rural land surrounding the settlements of Nicholson, Johnsonville, Sarsfield, and Bruthen.

Land use is mixed ranging from commercial agriculture through to extensive rural lifestyle and rural tourism. Zoned rural living and low density residential estates are located on the edges of settlements as well as being interspersed throughout the precinct.

Commercial agriculture is largely confined to flood prone river flats on Tambo and Nicholson Rivers. The main agricultural use of the land is broadacre grazing with some dairy and horticulture (wineries, floriculture and orchards) also represented. Agricultural and nature-based tourism accommodation and hospitality businesses are also found within the precinct.

#### SETTLEMENT, LOT AND PROPERTY SIZES

Between the Great Alpine Road and the Princes Highway, other than on the river flats, the majority of the area is settled. Apart from a few commercial agriculture properties, land use is a mix of hobby farming, rural lifestyle, 'boutique' agriculture, agri-tourism and value adding in the form of 'pick-your-own' and roadside stalls. The proximity of the area to Bairnsdale and appealing rural amenity makes this area attractive for rural lifestyle.

Lot sizes range from 5ha to over 100ha and the mapping of properties shows a mix of property sizes with multi-lot holdings (e.g. around Nicholson) as well as single-lot holdings (e.g. west of Sarsfield). There are a number of zoned rural residential estates including land zoned Rural Living and Low Density Residential.

A large proportion of the planning permits approved for dwellings and subdivision in the Farming Zone have been for land in this area.

#### ENVIRONMENTAL VALUES AND HAZARDS

Environmental values in the precinct include endangered riparian vegetation associated with the Nicholson River and Tambo River as well as wetlands and swamps that are part of the broader Ramsar listed Gippsland Lakes system.

Climate modelling to the year 2070 indicates that land south of the Princes Highway between Lucknow and Johnsonville and the Tambo River flats south of Bruthen and the Nicholson River between Lake King and Sarsfield is at risk from sea level rise and storm surge. Extensive areas of native vegetation are found within and surrounding the precinct in national and state reserves posing significant bushfire hazard.

#### AGRICULTURE

The agricultural capability of land is Class 3 (medium quality) with land identified as Farmland of Strategic Significance south of Bruthen township on the Tambo River. Direct diversion from the Tambo River is used for irrigation between Bruthen and Swan Reach. This area should remain in the Farming Zone.

#### TOURISM

The Gippsland Regional Growth Plan identified land south of the Princes Highway as a Strategic Tourism Investment Area. The outlook over Jones Bay and Lake King makes this a very attractive location for tourism development. However, due to the significant environmental and landscape values, the risks associated with flood and management requirements relating to coastal acid sulfate soils, the area is not considered suitable for large scale or extensive tourism development.

Lakes Entrance, the East Gippsland Rail Trail, Gippsland Lakes Discovery Trail, Great Alpine Road and Sydney to Melbourne Coastal Drive are significant tourism assets. Metung is an identified tourism town providing holiday accommodation, boating and fishing facilities. Swan Reach and Johnsonville on the Princes Highway provide some retail and caravan park facilities. Nungurner is a small hamlet providing boating facilities and some holiday accommodation on Lake King in a bush setting. Nowa Nowa has a burgeoning art community and local nature trails.

There is an opportunity to grow the tourism offer in the precinct by encouraging tourism facilities associated with the agricultural, landscape and environmental values. It therefore recommended that the Rural Activity Zone replace the Farming Zone between the Great Alpine Road and the Princes Highway to provide for the current mix of uses (agriculture, rural lifestyle and hobby farming, rural based tourism), protection of the environmental values and provide for further development of rural based tourism. It is recommended to apply a minimum lot size for subdivision of 30ha.

## Appendix 3 – Draft Policy Guidelines

Implementation of recommendations from the RLUS includes the introduction of policy guidelines for the assessment of planning permit applications for subdivision, dwelling excisions and dwellings in the Farming Zone and Rural Activity Zone.

The policy guidelines provide transparency of how the proposed objectives, strategies and actions will translate into Planning Scheme. These policy guidelines are intended to complement the strategies and actions set out above and reflect Strategic Direction 1: Food and Fibre and Strategic Direction 5: Rural Dwellings.

### Farming Zone

Policy guidelines for land in the Farming Zone could include:

Discourage dwellings and subdivisions including house lot excisions and boundary re-alignments to create small rural lots unless:

- It supports the ongoing protection agricultural landholdings.
- It facilitates a clear improvement in farming efficiency and sustainable land management practices.
- It does not prejudice existing or potential agricultural activities on surrounding land.

Strongly discourage uses and development that would reduce the area of Farmland of Strategic Significance available for agricultural production including: dwellings, rural workers accommodation, second stage processing of food including transport, logistics, storage, refrigeration.

Minimise impacts on existing and potential agricultural operations on nearby land and on the rural landscape through appropriate siting and design.

Support the use and development of land for a dwelling only subject to the preparation of a satisfactory Farm Management Plan.

Support the use and development of land for a dwelling only if any risk from bushfire is reduced to an acceptable level and any bushfire protection measures can be implemented.

Provide for the use and development of land for a dwelling that is not associated with the agricultural use of the land only where either:

- A previous planning permit for subdivision has expressly facilitated the future development of a dwelling, or,

- The land is within reasonable proximity to a settlement that is more than 50km from Bairnsdale, Lakes Entrance or Orbost and it can be demonstrated that the construction of a dwelling will support the long term viability of the settlement and all bushfire and domestic wastewater requirements can be met. or
- The land has established environmental values that would be supported by the development of a dwelling.

Discourage the creation of small rural lots and/or dwelling development:

- In areas of agricultural production.
- Within Proclaimed Water Supply Catchment Areas.
- In environmentally sensitive areas, where there is likely to be an impact on landscape values or significant environmental features such as remnant vegetation, wetlands, coastal reserves and waterways.
- In areas with poor road infrastructure (such as unsealed roads).
- In areas remote from physical and community infrastructure
- On old Crown Allotments
- To address farm succession or farm viability issues.

Ensure that where land is subdivided to excise an existing dwelling, the residual lot is at least the area specified for the land in a schedule to the relevant zone.

Discourage subdivision that is likely to lead to a concentration of small lots and change the use or character of the area.

Encourage good land management practices such as the fencing of waterways, revegetation of degraded areas, enhancement of remnant vegetation, weed control and nutrient management.

Ensure that where land is subdivided, a legal agreement under Section 173 of the Planning and Environment Act 1987 is applied that prevents:

- The construction of a dwelling on a residual lot.
- The further subdivision of any lot created other than for consolidation purposes or in accordance with the minimum lot size for subdivision in the zone.

The policy guidelines will be refined as part of the preparation of the Planning Scheme Amendment to implement the RLUS into the East Gippsland Planning Scheme.

### Rural Activity Zone

The Rural Activity Zone supports the continuation of farming but provides the opportunity for non-farming uses to be considered as well as other non-agricultural objectives such as environmental protection and enhancement and tourism.

The preferred mix of uses in the Rural Activity Zone includes:

- farming, rural industry and associated agribusiness uses
- farming and tourist facilities
- nature-based tourism and recreation facilities.

This may include:

- Accommodation such as farm stays and host farms
- Tourism facilities in association with, or that complement agriculture such as wine tasting and farm gate supplies
- Bed and breakfast
- Paddock to plate experiences.

Uses that will be discouraged in the Rural Activity Zone include:

- Convenience shop
- Dwelling not in association with agriculture or tourism
- Equestrian supplies
- Intensive animal husbandry
- Hotel
- Landscape gardening supplies
- Store
- Tavern
- Trade supplies
- Residential hotel
- Service station.

Policy guidelines for land in the Rural Activity Zone could include:

- Agriculture
  - Demonstrate that a productive agricultural use of the land will be conducted commensurate with the scale of the property.
  - Demonstrate that the site has the capacity to sustain the agricultural use including consideration of land capability, water supply.
  - Whether the proposal is compatible with adjoining and nearby uses.

### ▪ Tourism Use

- Address where possible an identified tourism need that is consistent with relevant local and regional tourism strategies endorsed by Council.
- Demonstrates a strong relationship between the proposed tourism use and development and the region's tourism product strengths or agriculture.

### Design

- Demonstrates that design, siting, use of materials, colours and landscaping minimise the impact on the visual and environmental qualities of the site and the locality.
- Demonstrates that the footprint of the development and the use of setbacks minimises visual impact, particularly from key tourist destinations, viewing points and touring routes.
- Demonstrates that the footprint of the development and the use of setbacks minimises impacts on adjoining agricultural enterprises.

## FARM MANAGEMENT PLANS

To improve decision making and assessment of planning permits for development within the Farming Zone, Council may require that proponents prepare a Farm Management Plan (FMP).

It is not automatically the case that a farmer must live on the land that is being farmed. Farmers must therefore demonstrate why a dwelling is required and whether the dwelling a detrimental impact on adjoining properties. The purpose of the FMP is to provide an appropriate level of information to assist Council whether the development is justified and the potential for the dwelling to have negative impacts.

Information that will assist Council to assess a planning permit for a new dwelling or rural workers accommodation includes:

- A description of the current or proposed farm business including:
  - business goals
  - the enterprises (livestock, cropping, hay making, horticulture etc) including the scale of the enterprise (land area, number or livestock)
  - farm labour, including owner/manager(s), full time and part time employees and seasonal labour
  - Ten year financial projections.

- Property description including:
  - Proposed and existing structures (dwellings, sheds for shearing, machinery etc, livestock yards,
  - Waterways
  - Native vegetation
  - Local road network
  - Dwellings and other development on adjoining properties
  - Location of wind energy or extractive industry facilities within 1km of the property boundary
  - Location of intensive animal husbandry within 1km of the property boundary
- Land capability
- Water supply for stock and cropping
- Risk assessment - Undertake and land use conflict risk assessment to assess:
  - The risk the development will be impacted by surrounding land uses
  - The risk the development will be impact operation of surrounding land uses.
- Provide details on why a dwelling/rural farm worker accommodation required including:
  - Why a 24 hour presence is required
- Explain why the development will not result in the loss or fragmentation of productive agricultural land?
- Will the development be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation?
- Will the development adversely affect the operation and expansion of adjoining and nearby agricultural uses?
- Is there potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
- Is there potential for the development to be adversely affected by an established or proposed wind energy facility?
- Is there potential for development to be adversely affected by an established or proposed extractive industry (e.g. quarry)?
- Is rural workers accommodation necessary having regard to:
  - The nature and scale of the agricultural use.
    - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
  - The duration of the use of the land for rural worker accommodation.

## Glossary

**Zone** - the planning scheme zones land for particular uses, for example, residential, industrial, business or other. The zone describes if a planning permit is required, and the matters that the council must consider before deciding to grant a permit. The zone also contains information relating to land uses, subdivision of land, construction of new buildings and other changes to the land.

**Overlay** – overlays identify land with special feature such as a heritage building, significant vegetation or flood risk. The overlay information will indicate if a planning permit is required for the construction of a building or other changes to the land.

**Farmland of strategic significance** is identified based on an assessment of productive agricultural land that support clusters of enterprises that are part of a locally significant industry.

**Productive agricultural land** is defined in Planning Practice Note 42: Applying the Rural Zones as generally having one or more of the following characteristics:

- Suitable soil type including consideration of soil structure, texture, drainage, topography and fertility
- Suitable climatic conditions such as rainfall, temperature and evaporation
- Suitable agricultural infrastructure, in particular irrigation and drainage systems
- A present pattern of subdivision favourable for sustainable agricultural production.

**Industry clusters** are areas that make a significant economic contribution based on an assessment of:

- Concentrations of enterprises supporting an industry of national or state or regional significance
- Significant public and private sector investment in industry
- Economic scale of primary production and secondary processing, and employment opportunities that these provide.

**Vertical integration** – an arrangement in which the supply chain of a company is integrated and owned by that company. For an agricultural business this may include owning for example the production, storage, processing, freight and logistics and marketing of primary produce.

**Economies of scale** - a proportionate saving in costs gained by an increased level of production. For an agricultural business, productivity needs to increase as inputs costs rise.

**Value chain** – the agricultural value chain describes the full chain of activities and services in the creation of an agricultural commodity from the initial inputs through to the consumer.



This report has been prepared by:

**RM Consulting Group Pty Ltd trading as RMCg**

Level 1 East, 1100-1102 Toorak Road, Camberwell Victoria 3124  
(03) 9882 2670 — rmcg.com.au — ABN 73 613 135 247

Offices in Victoria, Tasmania, ACT and NSW



**Project Number: #1379**

Version	Final/Draft	Date	Author	Director	QA Review	Approved	Issued
1.0	Draft	23.8.2022	S McGuinness	S McGuinness	-	S McGuinness	East Gippsland
2.0	Draft	29.8.2022	S McGuinness	S McGuinness	-	S McGuinness	East Gippsland
3.0	Draft	2.2.2022	S McGuinness	S McGuinness		S McGuinness	East Gippsland
4.0	Draft	4.10.2022	S McGuinness	S McGuinness	B. Gravenor		East Gippsland
5.0	Final draft	2.11.2022	S McGuinness	S McGuinness		S McGuinness	East Gippsland
6.0	Final	15.3.2023	S McGuinness	S McGuinness		S McGuinness	East Gippsland
7.0	Final	21.4.2023	S McGuinness	S McGuinness		S McGuinness	East Gippsland
8.0	Final	5.7.2023	S McGuinness	S McGuinness		S McGuinness	East Gippsland

# RURAL LAND USE STRATEGY

EAST GIPPSLAND SHIRE

## UPDATED BACKGROUND REPORT

*November 2022*



This report has been prepared by:

**RMCG**

Suite 1, 357 Camberwell Road  
CAMBERWELL VIC 3124

P: (03) 9882 2670

E: [rm@rmcg.com.au](mailto:rm@rmcg.com.au)

W: [www.rmcg.com.au](http://www.rmcg.com.au)

ABN: 35 154 629 943

Offices in Bendigo, Melbourne, Torquay, Warragul and Penguin (Tasmania)

**Key Project Contact**

SHELLEY MCGUINNESS

M: 0408 194 993

E: [SHELLEYM@RMCG.COM.AU](mailto:SHELLEYM@RMCG.COM.AU)



**Job Number: 22-E-04**

VERSION	STATUS	DATE	AUTHOR	REVIEW	QA	RELEASE	ISSUED
1.0	DRAFT	1.9.2015	S MCGUINNESS	S MCGUINNESS	H BUCK	S MCGUINNESS	EAST GIPPSLAND
2.0	DRAFT	9.9.2015	S MCGUINNESS	S MCGUINNESS		S MCGUINNESS	EAST GIPPSLAND
3.0	FINAL	10.9.2015	S MCGUINNESS	S MCGUINNESS		S MCGUINNESS	EAST GIPPSLAND
4.0	FINAL	1.12.2021	S MCGUINNESS	S MCGUINNESS		S MCGUINNESS	EAST GIPPSLAND
5.0	Final	27.7.2022	S MCGUINNESS	S MCGUINNESS		S MCGUINNESS	EAST GIPPSLAND

Note: (e) after number of copies indicates electronic distribution

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

<b>EXECUTIVE SUMMARY</b>	<b>i</b>
<b>1 INTRODUCTION</b>	<b>1</b>
OVERVIEW OF PROJECT	1
APPROACH	1
SCOPE	1
THIS REPORT	1
<b>2 EAST GIPPSLAND SHIRE</b>	<b>3</b>
<b>3 POLICY CONTEXT</b>	<b>5</b>
EAST GIPPSLAND PLANNING SCHEME	5
ZONES	6
OVERLAYS	7
PLANNING SCHEME PERFORMANCE	10
STRATEGIC IMPLICATIONS	18
<b>4 STRATEGIC CONTEXT</b>	<b>19</b>
<b>5 AGRICULTURE</b>	<b>21</b>
OVERVIEW	21
LAND USE	22
LIVESTOCK	23
VEGETABLES	26
DAIRY	31
IRRIGATION	32
STRATEGIC IMPLICATIONS	33
<b>6 STRATEGICALLY IMPORTANT AGRICULTURAL LAND</b>	<b>34</b>
OVERVIEW	34
PRODUCTIVE AGRICULTURAL LAND	35
INDUSTRY CLUSTERS	40
STRATEGIC IMPLICATIONS	41
<b>7 TOURISM</b>	<b>42</b>
OVERVIEW	42
KEY LOCATIONS	43
STRATEGIC IMPLICATIONS	44
<b>8 OTHER RURAL LAND USES</b>	<b>46</b>
MINING & EXTRACTIVE INDUSTRIES	46
FORESTRY	46
FISHING	47
STRATEGIC IMPLICATIONS	48
<b>9 ENVIRONMENT AND HERITAGE</b>	<b>49</b>
BIODIVERSITY	49
WATERWAYS	54
LANDSCAPE	56
CULTURAL HERITAGE	56
CLIMATE CHANGE	56
FLOODING	59
BUSHFIRE	59

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

COASTAL ACID SULPHATE SOILS	64
STRATEGIC IMPLICATIONS	65
<b>APPENDIX 1: PLANNING POLICY FRAMEWORK</b>	<b>66</b>
<b>APPENDIX 2: OVERLAYS</b>	<b>81</b>
<b>APPENDIX 3: STRATEGIC CONTEXT</b>	<b>83</b>
AGRICULTURE	83
FORESTRY	84
MINING AND EXTRACTIVE INDUSTRIES	85
RURAL SETTLEMENTS AND HOUSING	86
TOURISM	86
CULTURAL HERITAGE	89
ENVIRONMENT VALUES	89
HAZARDS	90

**ADDENDUM JULY 2023**

The report has been updated to make the following corrections:

- 'Error references' addressed
- 'Totals' in Table 2 corrected
- Traditional Owner referencing on page 56 updated
- Page numbering corrected

## EXECUTIVE SUMMARY

### INTRODUCTION

East Gippsland Shire is preparing a Rural Land Use Strategy (RLUS). The Strategy will be the first of its kind for the Shire and will enable the East Gippsland Planning Scheme to be reviewed and updated to consider and respond to rural land use issues and opportunities. The key deliverable from the project will be a Decision Making Framework that assists Council to determine planning applications and landowners to make optimal use of their rural land. The RLUS will consider use and development of all private land currently within the Farming Zone and Rural Conservation Zone. Land use on public and urban land and land zoned rural living are considered where it impacts upon the use and development of rural land within the scope of the study.

A Background Report was prepared in 2015 documenting the findings of desktop review and mapping of rural land in East Gippsland. The 2015 Background Report was the basis of a range of consultation activities with the East Gippsland community and together informed the preparation of Draft Rural Land Use Strategy. After a period in abeyance and further consultation, Council is looking to progress the RLUS project. This 2022 Background Report updates the 2015 report in the following matters:

- Update of the policy context (Chapter 3)
- Update of the review of East Gippsland agriculture (Chapter 5)
- Update of agricultural land mapping and consideration of more recent climate data (Chapter 6)
- Update climate change considerations (Chapter 9).

The Shire has an abundance of natural and environmental resources: a temperate climate, Australia's largest navigable inland lake system, an extensive coastline and areas of significant natural beauty. These combine to make the Shire an attractive location to live work and visit.

The rural areas of the Shire are important to the East Gippsland economy and a significant component of the Shire's competitive advantages. Agriculture, forestry and fishing, tourism and associated service industries are in the top five sectors of the economy by output and employment. Economic development, capitalising on East Gippsland's competitive advantages, will be important for long term sustainability and growth of the East Gippsland economy.

### POLICY CONTEXT

The key outcome of the preparation of the RLUS will be updates and amendments to the East Gippsland Planning Scheme with respect to rural land use and development, together with a Decision Making Framework to guide applicants and Council in appropriate development of rural land. The current policy context for East Gippsland's rural areas supports economic development based on the Shire's natural resources while ensuring environmental and amenity values are protected and enhanced. There is strong support in state and local policy to:

- Promote primary production including agriculture and forestry
- Protect natural and environmental values and minimise risks associated with natural hazards
- Promote rural industries and rural based tourism in appropriate locations.

Ninety nine percent of private rural land in East Gippsland is in the Farming Zone (FZ). The other zone that applies to rural land is the Rural Conservation Zone. The Rural Activity Zone (RAZ) provides for agriculture and a wider suite of uses that are compatible with agriculture and has been used in other local government areas to primarily provide for tourism in rural settings. The RAZ is yet to be introduced into the East Gippsland Planning Scheme and the RLUS is an opportunity to identify locations and specify uses that may be suited to the application of RAZ.



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Ministerial Amendment (VC 103) in 2013 has made more uses of rural land discretionary in the FZ and RCZ such as accommodation, retail and commercial uses. The RLUS provides an opportunity to consider additional policy guidance for this wider suite of development opportunities to provide clarity for landholders and Council planners. Consideration will need to be given to those types of uses that should be promoted with the FZ and RCZ; those uses that may be considered and allowed with conditions; and those uses that should be discouraged.

There are nearly 6,500 lots in the Farming and Rural Conservation Zone and around 30% of all lots are less than 5ha in size. How these lots are being used currently is yet to be established. Some may be farmed as part of a larger holding or being used for a rural lifestyle, however, given the substantial number this will be an important consideration in assessing future use and development and the need for additional policy guidance for Council.

An analysis of planning permit applications in the FZ found that nearly all applications for subdivision and dwellings were approved over the last six years. However, this Background Report has also found that the number of farm enterprises has been decreasing and farm businesses are increasing in scale. This observed trend in permit applications runs counter to the trend in increased scale in agricultural businesses. Further analysis of the location of subdivision and dwelling development is required to determine if these are for genuine commercial agricultural purposes. Subdivision and dwelling development not associated with agricultural development in the FZ has the potential to negatively impact commercial agriculture by:

- Driving up land prices and facilitating speculation
- Isolating tracts of farmland
- Deterring farmers from investing in their operations as they anticipate the conversion of their land out of commercial agriculture
- Increasing capitalisation of smaller farms making them less attractive purchases for farm expansion.
- Loss of critical mass of commercial farms and farmers to sustain an agricultural industry and value chain
- Increasing land value above productive value and a reduced ability to sustain a standard of living or provide for retirement such that farmers speculate in their land rather than farming it.
- Introducing rural land use conflict as new migrants in an agricultural landscape have an expectation of a benign rural environment.

A potential emerging issue for Councils that has received recent media attention is associated with intensive animal husbandry and intensification of on-farm processing (Blackmore Wagyu farm, Alexandra; Dairy agricultural barn and milk bottling plant, Kernot; Beef fattening enterprise, Echuca). The development of the RLUS provides an opportunity to consider policy to guide development of intensive animal husbandry and other intensive agricultural activities to ensure that they are located appropriately to minimise third party impacts and do not give rise to rural land use conflict.

## STRATEGIC CONTEXT

There are state, regional and local plans and strategies that set out government intentions for the use and management of land. Council will need to demonstrate that they have considered these directions in the amendment of its planning scheme. Strategies and plans relevant to East Gippsland's rural areas include:

National Food Plan	East Gippsland Regional Catchment Strategy
Growing Food and Fibre	Victorian Bushfires Royal Commission and State Government Response
Food to Asia Action Plan	East Gippsland Waterway Strategy
Gippsland Regional Growth Plan	Gippsland Tourism Strategic Direction
Gippsland Food Plan	Gippsland Lakes Ecotourism Plan
East Gippsland Economic Development Strategy	East Gippsland Cycle Tourism Action Plan
Victoria's 2020 Tourism Strategy	

Victoria's Nature Based Tourism Strategy  
Regional Tourism Action Plan

Gunaikurnai Whole-of-Country Plan

The strategic context for East Gippsland as set out in the plans, identifies a number of considerations and directions for the RLUS including:

- There is strong support in state, regional and local strategies to promote primary production and secondary processing and protection of rural land for primary production including introducing planning policy to ensure housing and subdivision is for a primary production purpose
- There is strong support for development of mineral and earth resources that meet relevant regulatory processes.
- There is strong support for development of the nature-based tourism in East Gippsland that builds on the existing tourism product. There is specific support for development associated with the Coastal Wilderness Walk, Croajingalong National Park, Alpine High Country, Gippsland Lakes, tracks and trails and adventure tourism.
- There is strong support for protection of cultural heritage, and environmental values and ensuring that planning minimises impacts from changes to land use and development.
- Planning should seek to minimise the impacts of environmental hazards including bushfire, flood, acid sulphate soils, storm surge and sea level rise as a result of climate change.

## AGRICULTURE

Agriculture plays a significant role in the economy of East Gippsland and has exhibited positive growth over the last decade. Livestock production, horticulture and dairy are the most important sectors. Primary produce from East Gippsland supports a significant local and regional food processing sector. Horticulture is a particularly strong industry that generates significant value from a small footprint and supports a number of local processors. Access to a secure irrigation supply is vital for the horticulture industry. An analysis of the East Gippsland agricultural industries found that the outlook for all industries is positive and a number of trends in agricultural enterprises were noted:

- Increase in the size of farms and business scale such that farms are getting larger and also increasing production per unit area
- Intensification of production - with a small proportion of our farms generating the majority of agricultural output.

To continue to grow and to accommodate these industry trends, the agricultural industry will need access to affordable land in parcel sizes suited to contemporary agricultural management practices and unencumbered by unwanted infrastructure, particularly dwellings. Fragmentation of land identified for commercial agriculture is a significant inhibitor of agricultural industry growth and should be avoided.

Commercial agriculture also requires the flexibility to respond to market and consumer changes, adopt new technology and more intensive production systems and adapt to the impacts of climate change. This flexibility can be promoted by ensuring that commercial agriculture businesses are separated from non-agricultural and sensitive land uses.

Planning policy can support agriculture by:

- Clearly identifying locations where commercial agriculture will be the primary land use and providing supporting policy to prevent fragmentation
- Providing opportunities for rural living and hobby farming in appropriate locations
- Ensuring that there is separation between agriculture and other non-agricultural uses
- Ensuring that there is separation between intensive agricultural industries and sensitive uses.

## FARMLAND OF STRATEGIC SIGNIFICANCE

A review of agricultural land capability has found that the majority of rural land in the Shire can be considered productive agricultural land. There are some areas, including the Lindenow Valley and Snowy River flats that due to the combination of soil types and access to irrigation are considered to be highly productive agricultural land. The Lindenow Valley also supports a vegetable industry cluster that was found to be an industry of State significance. The East Gippsland livestock industry cluster is an industry of regional significance. Further assessment and site inspection is required to confirm the extent of Farmland of Strategic Significance in East Gippsland.

## TOURISM

East Gippsland has a number of established and emerging rural-based tourism assets including the Gippsland Lakes, Lakes Entrance, Mallacoota, Coastal Wilderness Walk, Croajingalong National Park, tracks and trails. Opportunities to grow rural tourism relevant to this study include providing a range of accommodation choices in locations focused on these key tourism assets. This includes consideration of the potential application of the Rural Activity Zone.

## OTHER RURAL LAND USES

Mining, extractive industries, forestry and fishing are regionally important activities providing inputs to the regional economy. Planning can support the operation of existing mining, extractive industry and forestry sites - and the development of new sites - by ensuring separation from sensitive uses. Further evidence on the extent and opportunities for growth of private forestry and support for land based operations for the fishing industry will be sought from industry stakeholders

## ENVIRONMENTAL VALUES AND HAZARDS

East Gippsland has significant environmental values. There is an opportunity to improve recognition and protection of environmental values in the East Gippsland Planning Scheme by:

- Minimising the impacts of significant threats including: grazing of riparian land, degraded water quality, disturbance of acid sulphate soils, disturbance from recreational activities, development and population growth.
- Recognising significant environmental values including Ramsar list wetlands, Directory of Important Wetlands, Heritage rivers and EPBC listed ecological communities.

A number of natural hazards pose threats to communities and environmental values of East Gippsland. Planning policy should recognise the risks posed by climate change, particularly sea level rise, storm surge and an increasing frequency of extreme events including flood and bushfire as well as the impacts of disturbance of coastal acid sulphate soils.

# 1 INTRODUCTION

## OVERVIEW OF PROJECT

East Gippsland Shire is preparing a Rural Land Use Strategy (RLUS). The Strategy will be the first of its kind for the Shire and will enable the East Gippsland Planning Scheme to be reviewed and updated to consider and respond to rural land use issues and opportunities. The RLUS will:

- Provide strategic direction and long term planning for rural land use and development
- Promote appropriate, innovative and sustainable economic development of rural land
- Provide clarity and simplification of the planning processes to guide and enable future development in rural areas for landowners and the broader community
- Provide a decision making tool that assists both East Gippsland Shire to determine planning applications and land owners to make the optimal use of rural land
- Align with and informs other Council strategies, Local and State Planning Policy
- Is dynamic enough to respond to both current and future needs and conditions
- Identifies any necessary changes to statutory instruments required to fulfill the objectives of the plan.

## APPROACH

The RLUS is being prepared in five key steps:

- Preparation of a background report that will document and review the current rural land use circumstances
- Community and stakeholder consultation to gather feedback and comment on the background report
- Preparation of a draft RLUS
- Community and stakeholder consultation on the draft RLUS
- Preparation of a final RLUS.

## SCOPE

The RLUS will consider use and development of all private land currently within the Farming Zone and Rural Conservation Zone (Figure 1). Land use on public and urban land and land zoned rural living are considered where it impacts upon the use and development of rural land within the scope of the study.

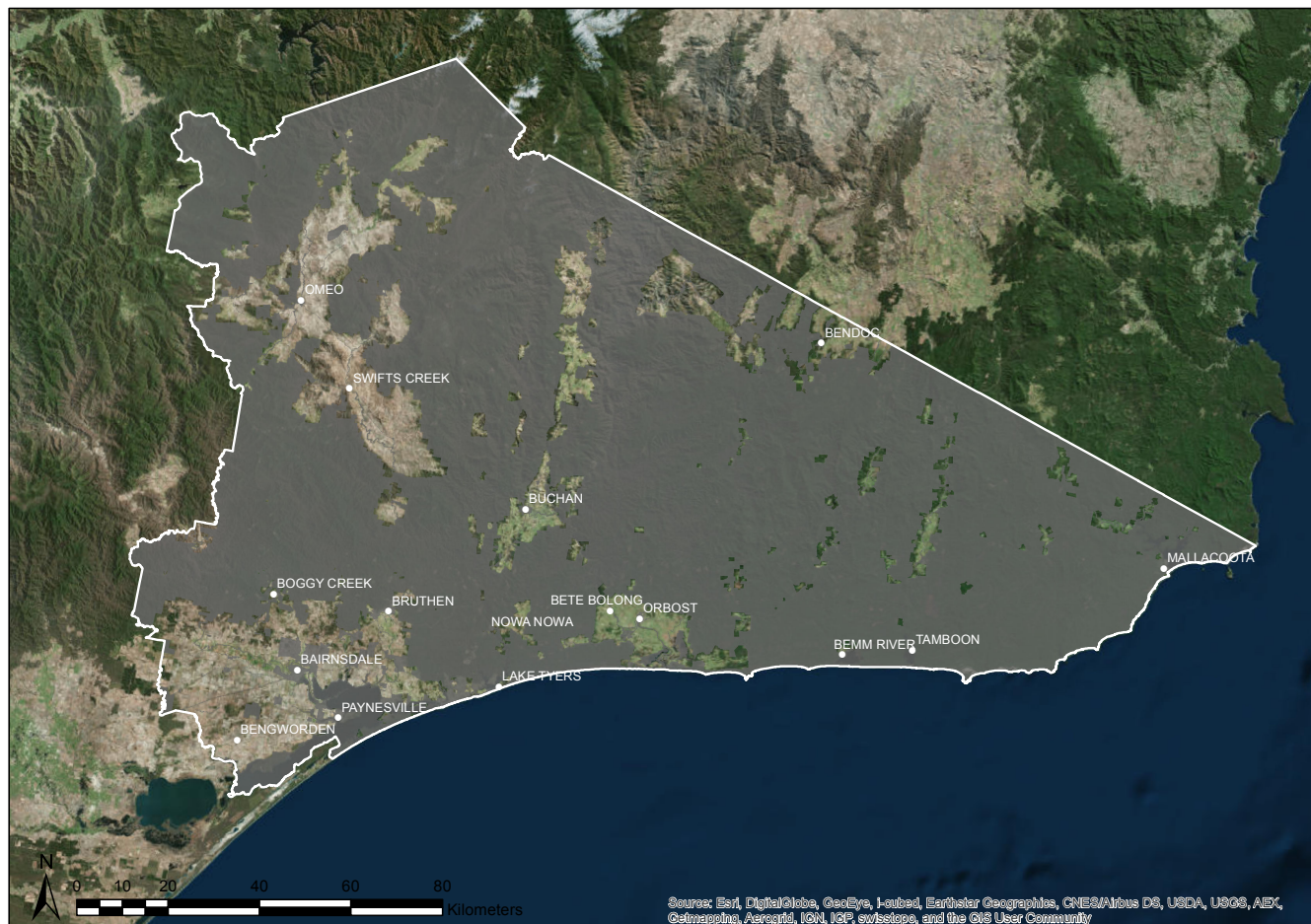
## THIS REPORT

The 2015 Background Report documented the findings of an initial desktop review and mapping of rural land in East Gippsland and formed the basis for extensive community and stakeholder consultation. This 2022 Background Report updates the 2015 report in the following matters:

- Update of the policy context (Chapter 3)
- Update of the review of East Gippsland agriculture (Chapter 5)
- Update of agricultural land mapping and consideration of more recent climate data (Chapter 6)
- Update climate change considerations (Chapter 9).

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 1: SCOPE OF EAST GIPPSLAND SHIRE RURAL LAND USE STRATEGY (SHADED AREAS ARE OUT OF SCOPE)



## 2 EAST GIPPSLAND SHIRE

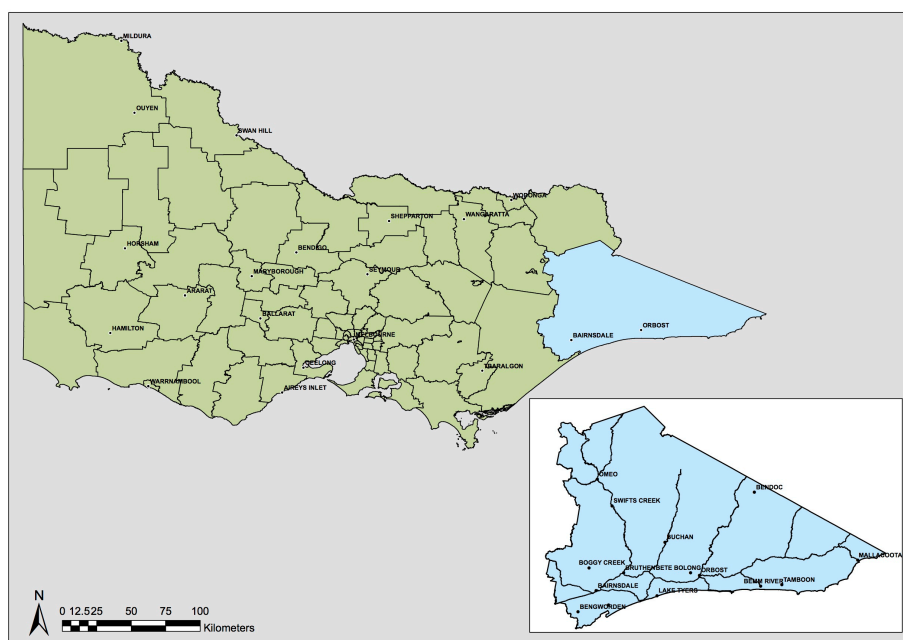
East Gippsland Shire is located in eastern Victoria stretching from Bairnsdale to the NSW border and covers over 21,000 square kilometres. Around 83% of the Shire is public land as National Park, State forest or other Crown land.

The rural areas of the Shire are important to the East Gippsland economy. The top five sectors of the economy by output are manufacturing, construction, agriculture, forestry and fishing, rental, hiring and real estate services and health care and social assistance. The top five sectors by employment are health care and social assistance, retail trade, agriculture, forestry and fishing, accommodation and food services and education and training (Figure 3). The population of East Gippsland was 47,771 people as at 30 June 2021. The population has grown at a rate of between 0.9% and 1.5% per year for the 10 years to 2021. The population is forecast to grow at around 1% and reach 58,000 by 2041 (Figure 4).

The Shire has an abundance of natural and environmental resources including a temperate climate, Australia's largest navigable inland lake system, an extensive coastline and areas of significant natural beauty. These attributes, as well as productive agricultural land, are a significant component of the Shire's competitive advantages and combine to make the Shire an attractive location to live work and visit. Economic development, capitalising on East Gippsland competitive advantages, will be important for long term sustainability and growth of the East Gippsland economy.

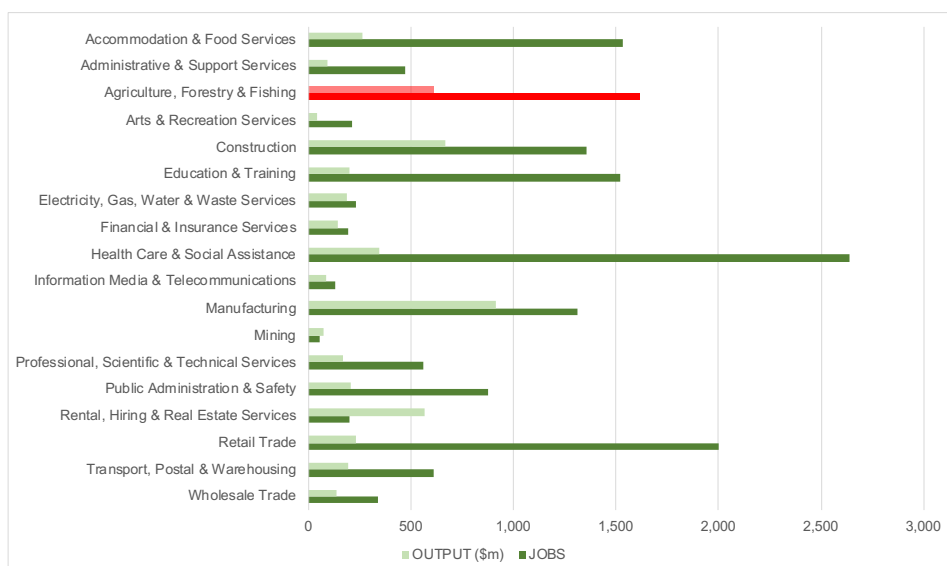
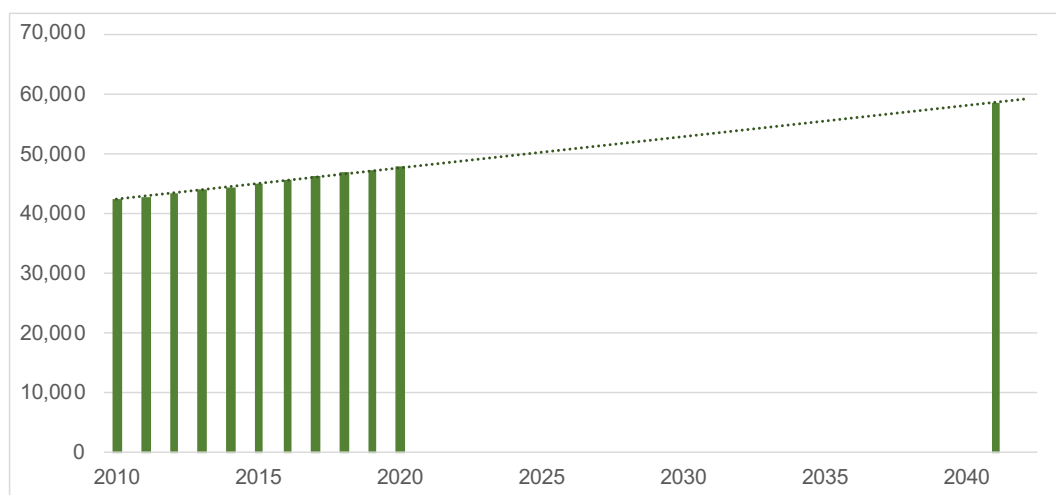
The main service centres include Bairnsdale, Lakes Entrance, Orbost and Omeo. Dispersed towns, such as Buchan, Cann River and Swifts Creek are a unique feature of East Gippsland. These settlements are located in beautiful natural settings but remoteness poses challenges for service delivery and economic development.

FIGURE 2: EAST GIPPSLAND SHIRE





## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 3: KEY ECONOMIC SECTORS<sup>1</sup>FIGURE 4: POPULATION GROWTH – RECENT AND FORECAST<sup>1</sup><sup>1</sup> <http://www.economicprofile.com.au/eastgippsland>

### 3 POLICY CONTEXT

A key outcome of the preparation of the RLUS will be updates and amendments to the East Gippsland Planning Scheme with respect to rural land use and development. This section of the report provides a brief summary of the policy context for rural areas of East Gippsland and reviews the performance of the planning scheme.

#### EAST GIPPSLAND PLANNING SCHEME

The Victoria Planning Schemes comprise two major sections. The Planning Policy Framework (PPF) sets out land use and development objectives and strategies that apply to all private land in the State. The Local Planning Policy Framework (LPPF) is specific to each individual municipality. The LPPF must implement State Policy so preparation of the RLUS will need to be consistent with the PPF. Appendix 1 provides a comprehensive summary of the current policy for rural areas of East Gippsland – addressing each of the following components.

#### STATE PLANNING POLICY FRAMEWORK

State planning objectives relevant to rural land use and development include:

- 11.01-1S Promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- 11.03-4S Plan for sustainable coastal development.
- 12.01-1S Assist the protection and conservation of Victoria's biodiversity.
- 12.02-1S Protect and enhance the marine and coastal environment
- 12.03-1S Protect and enhance river corridors, waterways, lakes and wetlands
- 12.03-1R Minimise the impact of urban growth on high value water body assets such as the Gippsland Lakes and the source rivers.
- 12.05-1S Protect and conserve environmentally sensitive areas
- 12.05-2S Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments
- 13.01-1S Minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning
- 13.02-1S Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life
- 13.03-1S Assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows, the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways and floodplain areas of environmental significance or of importance to river, wetland or coastal health BY
- 14.01-1S Protect the state's agricultural base by preserving productive farmland
- 14.01-2S Encourage sustainable agricultural land use
- 14.02-1S Assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment
- 15.01-6S Ensure development respects valued areas of rural character
- 15.03-2S Ensure the protection and conservation of places of Aboriginal cultural heritage significance

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

17.04-1S Encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination by:

17.04-1R Facilitate tourism in strategic tourism investment areas shown on the Gippsland Regional Growth Plan.

17.04-2S Encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment

19.01-2S Promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met

## LOCAL PLANNING POLICY FRAMEWORK

The community's long-term vision "Unlocking the Future – Long Term Community Vision 2030" identifies the following vision for East Gippsland:

*"East Gippsland Shire Council will work with the community to ensure a sustainable future through liveable and productive communities supported by a healthy environment".*

Delivery of this vision is supported by objectives and strategies for the following themes:

Planning for growth areas	Bushfire	Rural living development – policy guidelines Industry
Coastal settlement	Salinity	Tourism
Biodiversity	Protection of agricultural land	Airports
Landscape	Forestry and timber production	Subregions
Floodplain management	Water quality	Old Crown Townships
Erosion	Rural exploration and extraction	

Preparation of the RLUS will need to consistent with the community's long-term vision.

## ZONES

The Zones (Figure 5) that apply to rural land in East Gippsland Shire include:

- Rural Conservation Zone (RCZ): Aims to protect land with significant environmental, heritage or cultural values. There are three schedules to the RCZ (Table 1).
- Farming Zone (FZ): The main zone for agricultural areas is aimed at encouraging retention of productive agricultural land and discouraging uses that may have adverse impacts on agriculture. This has been applied to the majority of private rural land in East Gippsland. There are four schedules to the FZ (Table 1).

Ninety-eight percent of private rural land is in the FZ1, 1% in FZ2 with the remaining 1% of land covered by the FZ3, FZ4, and RCZ.

The Rural Activity Zone (RAZ) provides for agriculture and a wider suite of uses that are compatible with agriculture and has been used in other local government areas to primarily provide for tourism in rural settings. The RAZ is yet to be introduced into the East Gippsland Planning Scheme. The RLUS is an opportunity to identify locations and specify uses that may be suited to the application of RAZ. This is discussed in further detail in Chapter 7.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 5: RURAL ZONES

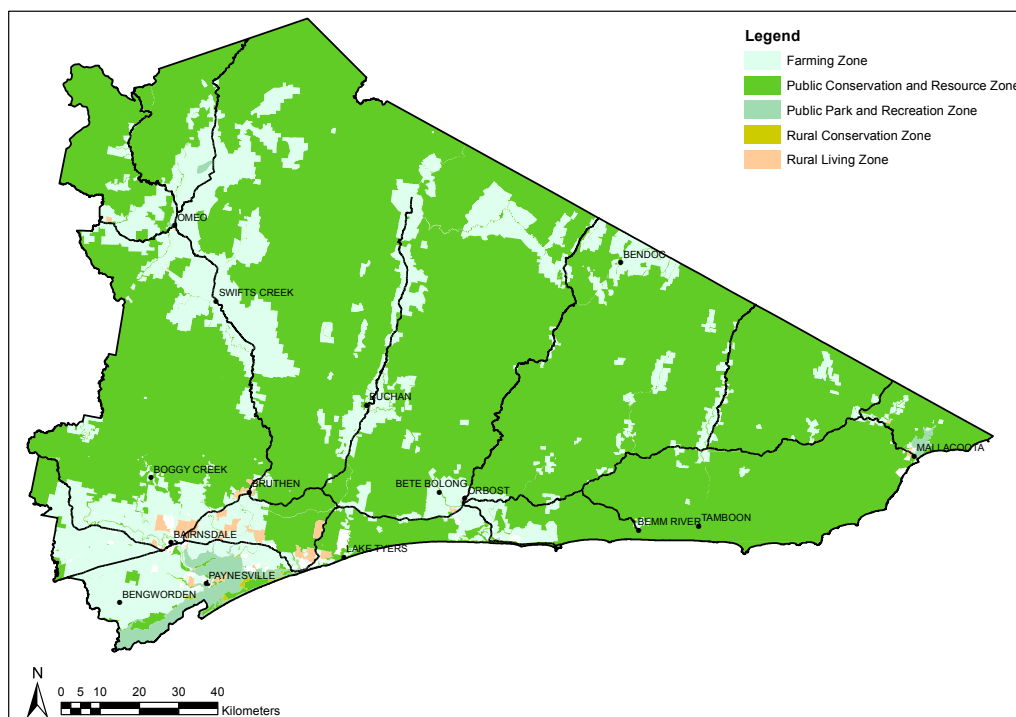


TABLE 1: RURAL ZONE MINIMUM LOT SCHEDULES

Zone	Minimum subdivision area (ha)	Minimum area for which no permit is required for a dwelling (ha)	Maximum area for which no permit is required to use land for timber production (ha)
Rural Conservation Zone (Schedule 1)	10	All dwellings require a permit	NA
Rural Conservation Zone (Schedule 2)	50	All dwellings require a permit	NA
Rural Conservation Zone (Schedule 3)	100	All dwellings require a permit	NA
Farming Zone (Schedule 1)	40	40	100
Farming Zone (Schedule 2)	30	30	100
Farming Zone (Schedule 3)	15	15	100
Farming Zone (Schedule 4)	1	10	100

## OVERLAYS

A number of overlays apply to the rural area of the Shire (Figure 6, Figure 7, Figure 8). A detailed list is provided in APPENDIX 2. Overlays include:

- Environmental Significance Overlay
- Vegetation Protection Overlay
- Significant Landscape Overlay
- Design and Development Overlay
- Erosion Management Overlay
- Salinity Management Overlay
- Land Subject to Inundation Overlay
- Bushfire Management Overlay

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 6: OVERLAYS

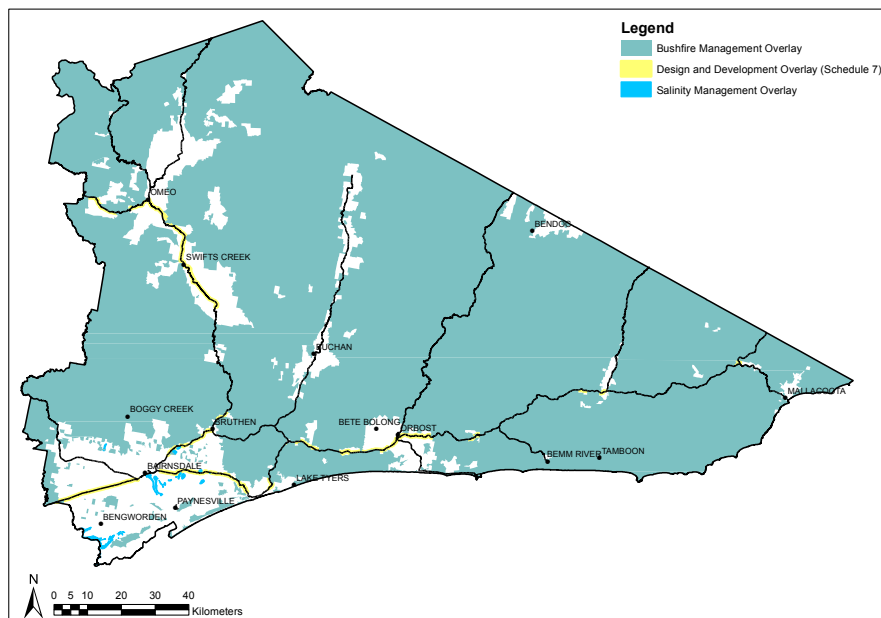
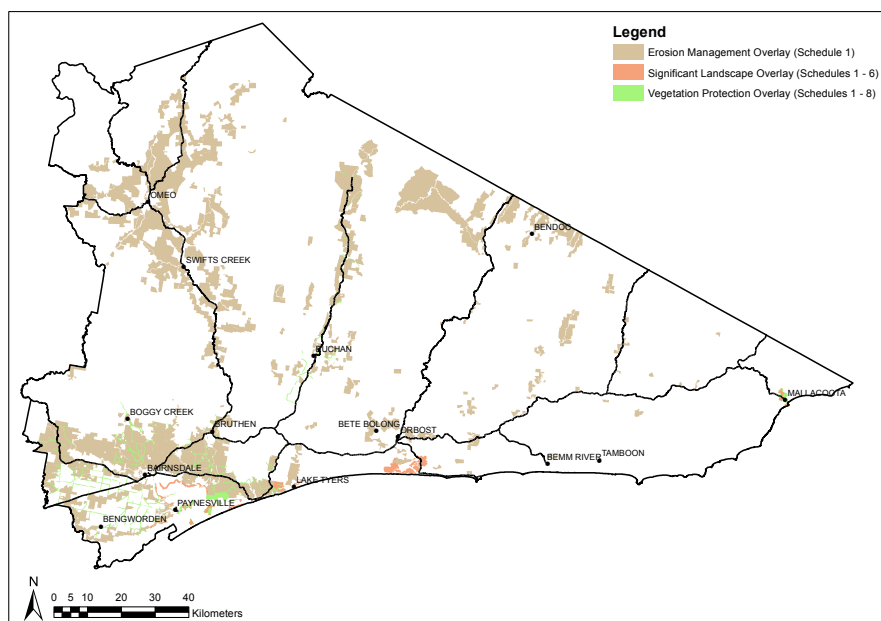
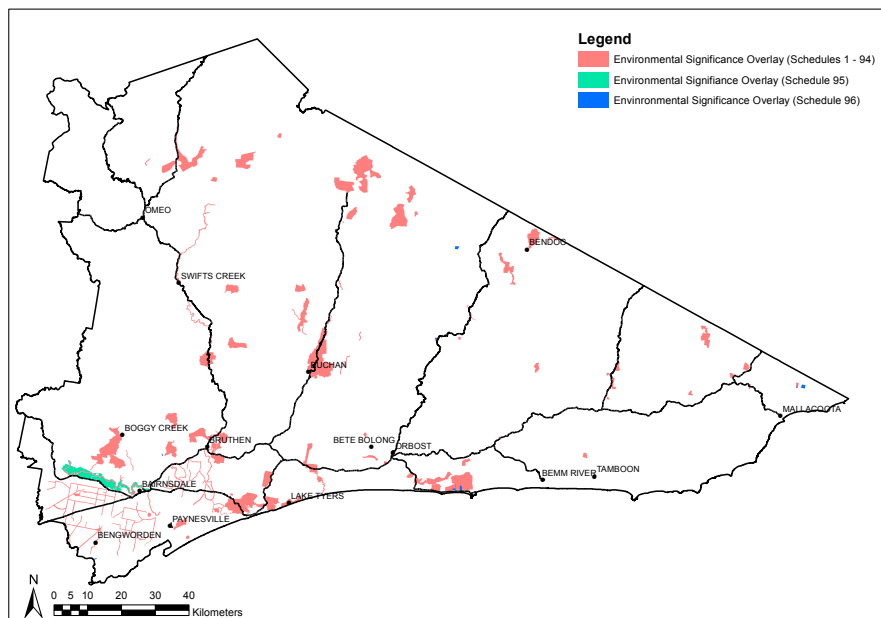


FIGURE 7: OVERLAYS



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 8: OVERLAYS





## PLANNING SCHEME PERFORMANCE

### DIRECT TRANSLATION OF THE RURAL ZONES

A new suite of rural zones was introduced in 2004 by Ministerial Amendment to the Victoria Planning Provisions and by direct translation to the East Gippsland Planning Scheme in 2006. This resulted in application of the Farming Zone to land previously zoned Rural and the Rural Conservation Zone to land previously zoned Environmental Rural. Direct translation means that the new zones were applied without strategic justification or analysis to ensure that the zone objectives and minimum lot size schedules were appropriate to the existing uses, land attributes and promotion of the desired land use outcomes.

The preparation of the RLUS provides an opportunity to test and validate the application of the rural zones and review the minimum lot size schedules in accordance with the Rural Zones Practice Note

### MINISTERIAL AMENDMENT OF THE FARMING ZONE

In September 2013, Amendment VC103 introduced a number of changes to the Farming Zone and Rural Conservation Zone.

#### **Farming Zone**

Changes to the existing FZ include:

- A new purpose statement promoting the retention of employment and population to support existing rural communities
- Reducing the restrictions for alterations and extensions to dwellings and farm buildings
- Removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- Making less uses prohibited and more uses discretionary including some accommodation, retail and commercial uses
- Removing the prohibition on group accommodation, landscape gardening supplies, market, trade supplies, warehouse and primary and secondary schools
- Increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit
- Removing the 'in conjunction' requirement which restricts uses such as group accommodation, residential hotel and restaurant
- Removing other conditions which restrict uses such as group accommodation, place of assembly, store and transfer station
- Removing permit requirements for uses such as primary produce sales, rural industry and rural store.
- Deleting the requirement and long standing test to consider 'whether the dwelling is reasonably required for the agricultural activity conducted on the land.'
- Modifying the purpose of the Farming Zone to reduce the emphasis on dwellings adversely affecting the use of land for agriculture ('particularly dwellings' was changed to 'including dwellings').
- Adding a purpose to 'encourage the retention of employment and population to support rural communities.'
- Removing the restriction on further subdivision following the creation of a lot for an existing dwelling.

Removing the prohibition on some uses and making more uses discretionary provides scope for accommodating farm-related infrastructure such as processing facilities and logistics that may or may not be appropriate depending on the location. In deleting the requirement for an applicant to prove 'whether the dwelling is reasonably required for the agricultural activity conducted on the land' the key remaining decision guideline regarding the nexus between dwellings and agriculture is *'the potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the*

*land for agriculture*'. There is some concern that in the absence of policy, there will be an increase in uses and dwellings not associated with primary production in important agricultural areas of the Shire.

Figure 9 summarises planning permit applications in the FZ and RCZ between 2006 and 2014. Forty two applications were received for non-agricultural uses such as dog kennels, heli-pad, liquor sales, stores, restaurants etc. All of these applications were approved and the permit process ensured that Council and the community were afforded an opportunity to consider the appropriateness of the development in the intended location. Removing permit requirements means that Council and the community are no longer afforded this opportunity.

The RLUS provides an opportunity to consider additional policy guidance for this wider suite of development opportunities to provide clarity for landholders and Council planners. Consideration will need to be given to: those types of uses that should be promoted within the FZ; those uses that may be considered and allowed with conditions; and those uses that would be discouraged.

#### **Rural Conservation Zone**

Changes to the existing RCZ include:

- Reducing the restrictions for alterations and extensions to dwellings and farm buildings
- Removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- Making less uses prohibited and more uses discretionary including some accommodation, retail and commercial uses
- Removing the prohibition on primary and secondary schools
- Increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit
- Removing the 'in conjunction' requirement and other conditions for uses such as group accommodation, residential hotel and restaurant
- Removing other conditions that restrict uses such as freezing and cool storage, group accommodation, residential hotel and restaurant.

The schedule to the RCZ is being amended to remove the ability for councils to limit the number of bedrooms to a residential hotel and number of patrons to a restaurant. The impact of these changes on development in areas zoned RCZ will need to be assessed and consideration given to additional policy guidance.

### **ASSESSMENT OF DWELLING AND SUBDIVISION PERMITS**

A total of 802 planning permit applications were recorded between 2016 and July 2022 for use and developments in the FZ and RCZ. An analysis of planning permit applications in the Farming Zone (Figure 9) found that nearly all applications for subdivision and dwellings were approved over the last six years resulting in an additional 251 dwellings primarily in Farming Zone Schedule 1 (Figure 10) and 56 subdivisions. While some of the dwellings would have been required for agriculture, the high number of dwelling approvals runs counter to a decreasing trend in the number of farm enterprises and increasing farm size. Mapping of planning permits for dwellings (Figure 11) shows 'hot spots' indicating demand around Bairnsdale, along the Great Alpine Way to Omeo and around Buchan and Orbost.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

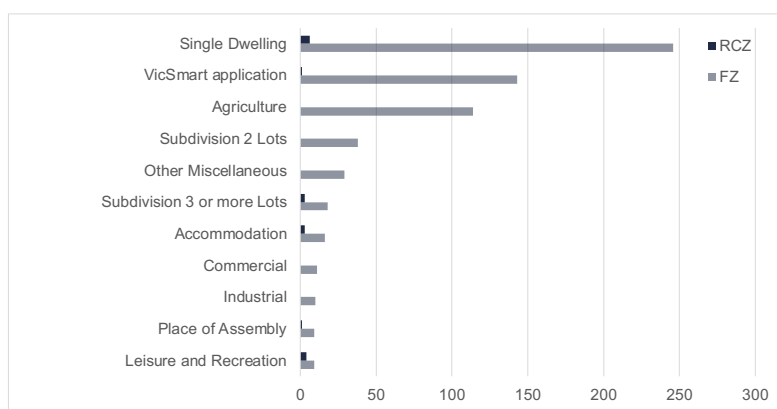
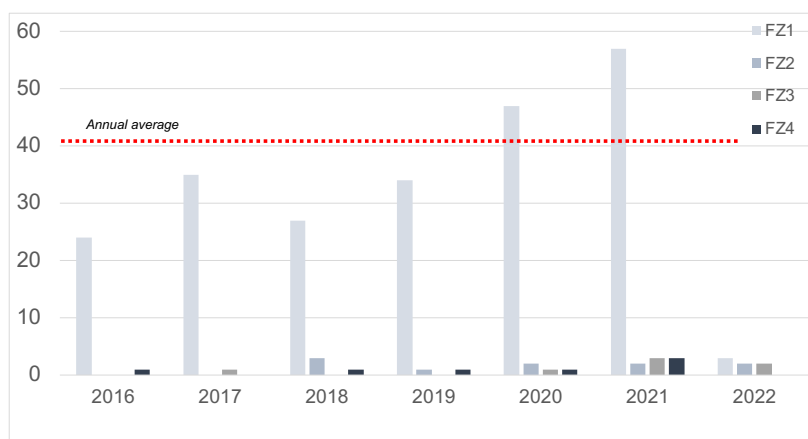
FIGURE 9: APPROVED PLANNING PERMITS 2016-2022<sup>2</sup>

FIGURE 10: PLANNING PERMITS APPROVED FOR DWELLINGS IN THE FARMING ZONE (2016-2022)



<sup>2</sup> Data provided by East Gippsland. Includes permits approved up to February 2022

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 11: APPROVED PLANNING PERMITS FOR DWELLINGS

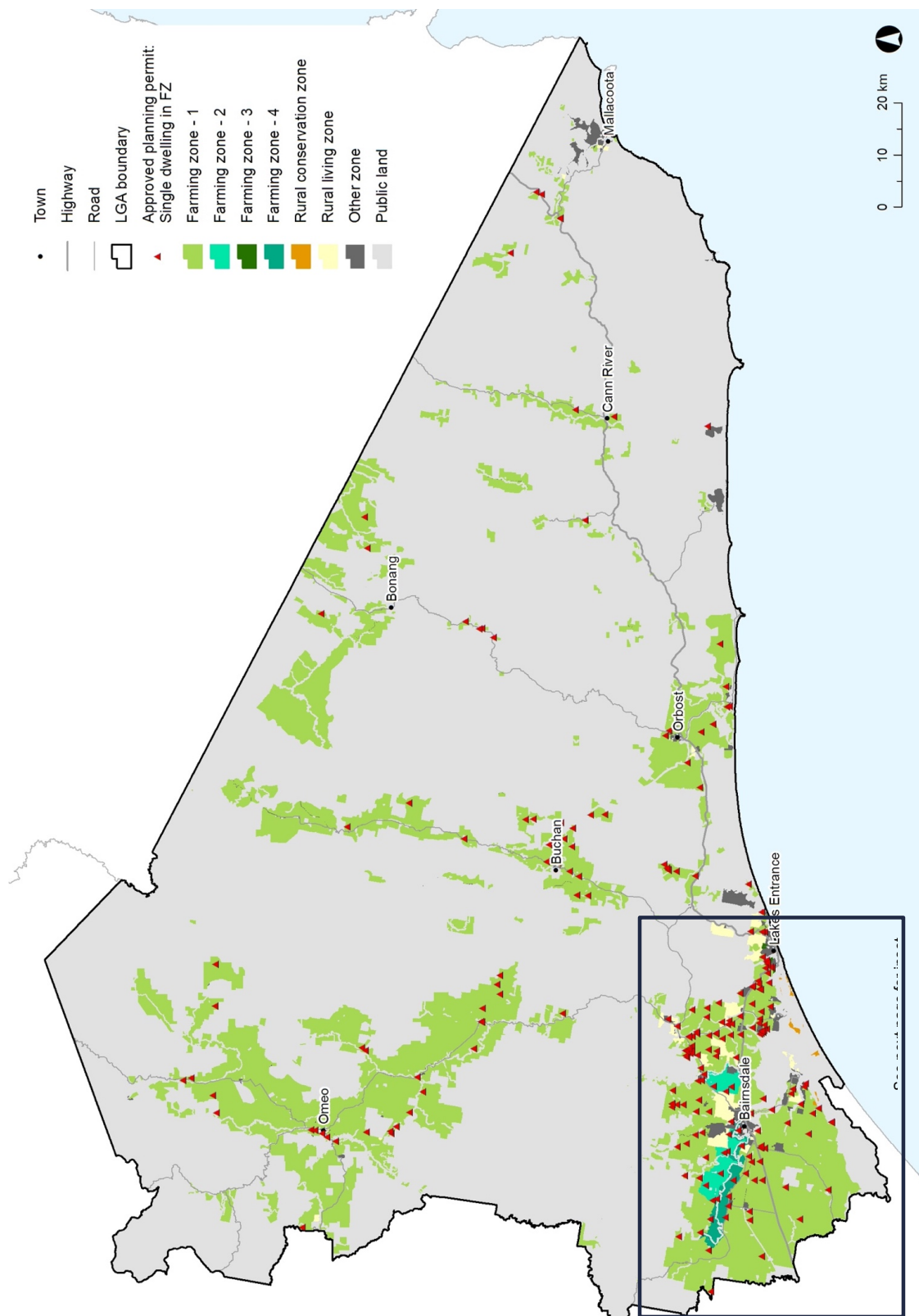
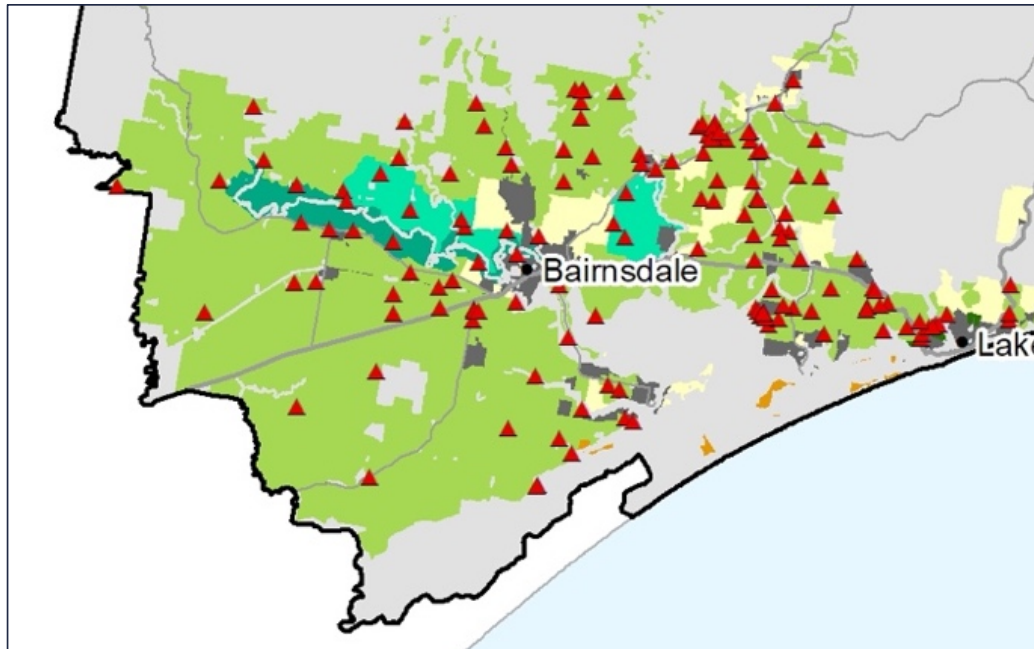


FIGURE 12:: APPROVED PLANNING PERMITS FOR DWELLINGS, INSET ENLARGEMENT



## LOT SIZE ANALYSIS

There are nearly 6,500 lots in the Farming and Rural Conservation Zone and nearly 90% of these are in the FZ Schedule 1 (Table 2). Around 30% of all lots are less than 5ha in size and most of these are in the FZ Schedule 1. There are clusters of small lots (<5ha) scattered across the Shire. Most land in the Tambo Valley and more remote parts of the Shire are held in larger lots (>100ha) (Figure 13).

Nearly 50% of land in FZ and RCZ is in lots less than 40ha, 15% is in lots between 40ha and 100ha and 37% in lots greater than 100ha in size (Figure 14). There is potential for a further 1,728 lots to be created based on the current minimum lot size schedule for subdivision (Table 3) with most of these lots in the FZ1. A planning permit is required for subdivision in the FZ and for a dwelling on a lot that is less than 40ha in the FZ1. In the past 8 years only two subdivision applications have been refused and 229 were approved and only two permit applications for dwellings have been refused and 300 approved.

Chapter 4 of this report found that the number of farm enterprises has been decreasing and farm businesses are increasing in scale. This observed trend in permit applications runs counter to the trend for increased scale in agricultural businesses.

Subdivision and dwelling development not associated with agricultural development in the FZ has the potential to negatively impact commercial agriculture by:

- Driving up land prices and facilitating speculation
- Isolating tracts of farmland
- Deterring farmers from investing in their operations as they anticipate the conversion of their land out of commercial agriculture
- Higher capitalisation of smaller farms making them less attractive purchases for farm expansion.
- Loss of critical mass of commercial farms and farmers to sustain an agricultural industry and value chain

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Increasing land value above productive value and a reduced ability to sustain a standard of living or provide for retirement such that farmers speculate in their land rather than farming it.
- Rural land use conflict as new migrants in an agricultural landscape have an expectation of a benign rural environment.

Further analysis of the location of planning permit activity may provide insights as to whether subdivision and dwellings are genuinely required for agriculture or are being sought for rural lifestyle purposes. Additional analysis, including whether small lots are part of a larger holding and whether a house has been established on the lot, will be required before considering future options for the use and development of small rural lots in the Shire.

TABLE 2: LOT SIZES IN THE FARMING ZONE AND RURAL CONSERVATION ZONE

Size range (ha)	0-5	5-10	10-20	20-40	40-100	100-150	150-200	200-300	>300	TOTAL
FZ1	1,677	466	476	719	1,091	454	251	268	285	5,687
FZ2	79	39	35	72	46	8	1	1		281
FZ3	113	2	1	5	2					123
FZ4	50	29	60	60	30					229
RCZ1	5									5
RCZ2	4			1						5
RCZ3	93	9	6	6	23	2				139
Total	2,021	545	578	863	1,192	464	252	269	285	6,469

TABLE 3: NUMBER OF LOTS MEETING SUBDIVISION THRESHOLD

	Number of lots
FZ1	1,494
FZ2	29
FZ3	3
FZ4	202
RCZ1	0
RCZ2	0
RCZ3	0
Total	1,728



RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 13: LOT SIZE

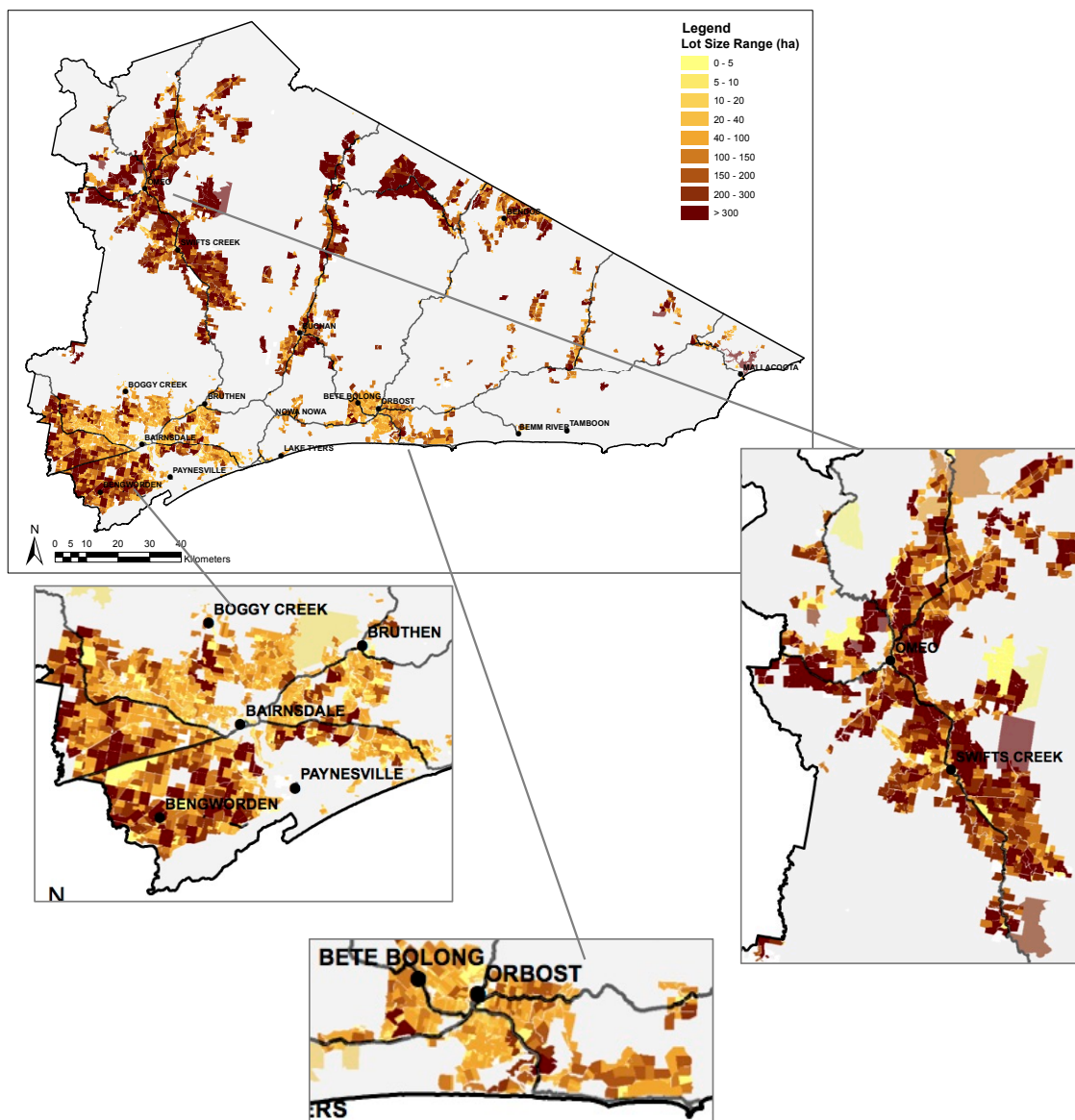
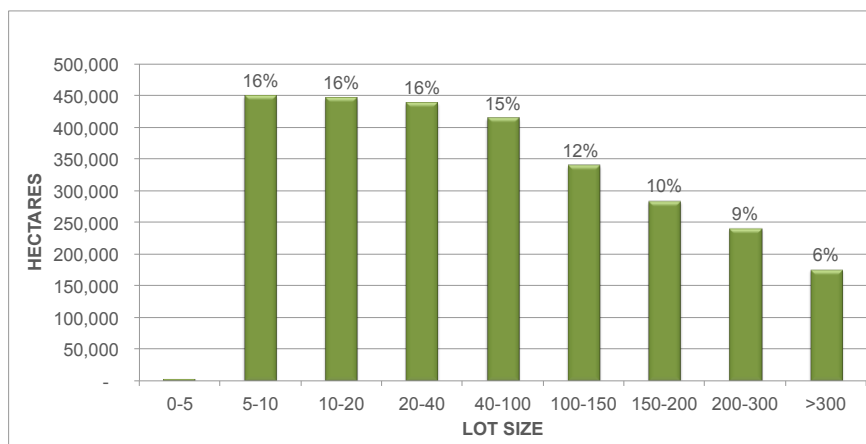


FIGURE 14: TOTAL LAND AREA BY LOT SIZE RANGE



## VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

There have been very few VCAT cases in recent years relevant to rural land. In 2013, a planning permit application for a two lot subdivision of a 40 hectare lot in the Farming Zone was refused by Council and the decision upheld by VCAT. In 2013, a planning permit for use and development of a winery in the Farming Zone was granted by council and the decision was upheld by VCAT. In 2017, council refused an planning cation for a planning permit for construction of two group accommodation dwellings in the Farming Zone. VCAT affirmed the decision of council as the proposal was not consistent with state and local planning policy and inconsistent with the purposes of the Farming Zone.

In 2021, VCAT upheld the decision of council to grant a permit for the use of land for a dwelling on lot less than the minimum subdivision area. Objections to the permit included:

- The absence of a link or relationship between the dwelling and its need to facilitate the successful operation of the proposed agricultural pursuit.
- The farm management plan is simplistic and tokenistic and fails to deliver a compelling argument of how or why the dwelling is needed to achieve the purposed farming outcomes.
- Even if the farm management plan were to be seriously entertained, it would deliver little, if any, agricultural gains - and as such does not support or enhance an ongoing agricultural use of the land.
- The current state of the land is not a true reflection of its productive potential.
- The proposal would exclude the subject site from future consolidation into a nearby operation and thus limit adjoining operations.
- The proposal would facilitate a rural residential outcome which is contrary to the Scheme and therefore warrants refusal.
- The proposal would result in the artificial inflation of agricultural land value both on the subject land and on land within the district.
- The proposal undermines the current and future social and economic security of East Gippsland.

The reasons for upholding council's decision included:

- The land is adjacent to the Lindenow South township in an area where smaller lots are prevalent. The size of the subject land is consistent with the pattern of subdivision close to the town.
- Many of the smaller lots in the FZ near Lindenow South contain dwellings.
- The prevalence of smaller lots and dwellings and the proximity to the town inhibits the potential for the subject land to be consolidated to form a larger farming unit or to be managed as a separate component of a larger farming unit.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- The presence of a dwelling on the subject land will facilitate better land management, noting that improvements to the land such as fencing, improved water supply and weed control are required to bring the land to a productive condition. The Farm Management Plan identifies the primary agricultural purpose is for grazing of sheep, consistent with agricultural activity on surrounding properties.
- There are no objections from the occupants of surrounding properties.

The above reasons were sufficient to distinguish the use of the land for a dwelling in close proximity to the settlement of Lindenow South from the larger scale farming that occurs in the surrounding district.

## INTENSIVE ANIMAL HUSBANDRY

In 2018, animal industries planning reforms were introduced to the VPP to provide further guidance, definitions and planning permit thresholds for low density mobile outdoor pig farms and low density mobile outdoor poultry farms as well as introducing an amended Victorian Code for Broiler Farms.

## STRATEGIC IMPLICATIONS

There is strong support in state and local policy to:

- Promote primary production including agriculture and forestry
- Protect natural and environmental values and minimise risks associated with natural hazards
- Promote rural industries and rural based tourism in appropriate locations.

The current policy context for East Gippsland's rural areas supports economic development based on the Shire's natural resources while ensuring environmental and amenity values are protected and enhanced. The current rural land objectives and strategies set out in the East Gippsland Planning Scheme are consistent with State Policy.

An assessment of the current suite of planning controls found that Council is implementing policy in accordance with the planning scheme. An analysis of planning permit applications in the FZ found that nearly all applications for subdivision and dwellings were approved over the last eight years while the number of farm enterprises has been decreasing and farm businesses are increasing in scale. This observed trend in permit applications runs counter to the trend for increased scale in agricultural businesses. Further analysis of the location of subdivision and dwelling development is required to determine if these are for genuine commercial agricultural purposes.

There are opportunities to improve the performance of the scheme including:

- Clarifying the position with regard to the substantial supply of small lots in the FZ and RCZ, particularly small lots in proximity of townships
- Providing guidance for locating intensive animal husbandry enterprises
- Providing guidance for decision-making particularly in regard to rural dwellings and subdivision.
- Clarifying the position with regard to the range of uses that should be promoted or discouraged in the FZ and RCZ.

## 4 STRATEGIC CONTEXT

In addition to State and Local Planning Policy there are State, regional and local plans and strategies that set out Government intentions for the use and management of land. Council will need to demonstrate that they have considered these directions in the amendment of its planning scheme. Strategies and plans relevant to East Gippsland's rural areas include:

### AGRICULTURE

National Food Plan<sup>3</sup>  
 Growing Food and Fibre<sup>4</sup>  
 Food to Asia Action Plan<sup>5</sup>  
 Gippsland Regional Growth Plan  
 Gippsland Food Plan<sup>6</sup>  
 East Gippsland Economic Development Strategy

### FORESTRY

Gippsland Regional Growth Plan  
 Code of Practice for Timber Production<sup>15</sup>  
 East Gippsland Economic Development Strategy

### RURAL SETTLEMENTS AND HOUSING

Gippsland Regional Growth Plan

### TOURISM

Victoria's 2020 Tourism Strategy<sup>7</sup>  
 Victoria's Nature Based Tourism Strategy<sup>8</sup>  
 Regional Tourism Action Plan<sup>9</sup>  
 Gippsland Tourism Strategic Direction<sup>10</sup>  
 Gippsland Regional Growth Plan<sup>11</sup>  
 Gippsland Lakes Ecotourism Plan<sup>12</sup>  
 East Gippsland Economic Development Strategy<sup>13</sup>  
 East Gippsland Cycle Tourism Action Plan<sup>14</sup>  
 Gunaikurnai Whole-of-Country Plan

### MINING AND EXTRACTIVE INDUSTRIES

Gippsland Regional Growth Plan  
 East Gippsland Economic Development Strategy

### ENVIRONMENT VALUES

East Gippsland Regional Catchment Strategy<sup>16</sup>

### HAZARDS

Victorian Bushfires Royal Commission and State Government Response  
 Gippsland Regional Growth Plan

The strategic context for East Gippsland identifies a number of considerations and directions for the RLUS including:

- There is strong support in state, regional and local strategies to promote primary production and secondary processing and protection of rural land for primary production including introducing planning policy to ensure housing and subdivision is for a primary production purpose See Chapter 5.
- There is strong support for development of mineral and earth resources that meet relevant regulatory processes. See Chapter 8.

<sup>3</sup> Australian Government (Department of Agriculture) (2013). *National Food Plan*. Australian Government, Canberra.

<sup>4</sup> Department of Environment and Primary Industry (2013)

<sup>5</sup> Victorian State Government (2014). *Food to Asia Action Plan*. Victorian State Government, Melbourne.

<sup>6</sup> Gippsland RDA (2014) Gippsland Food Plan

<sup>7</sup> Victorian State Government (2013) Victoria's 2020 Tourism Strategy

<sup>8</sup> Department of Sustainability and Environment, Parks Victoria, Tourism Victoria (2008) Victoria's Nature Based Tourism Strategy

<sup>9</sup> Tourism Victoria (2009) Regional Tourism Action Plan 2009 – 2012

<sup>10</sup> Destination Gippsland (2013) Gippsland Tourism Strategic Direction 2013-2018

<sup>11</sup> State Government (2014) Gippsland Regional Growth Plan

<sup>12</sup> Destination Gippsland (2015) Gippsland Lakes Ecotourism Action Plan

<sup>13</sup> East Gippsland (2014) Economic Development Strategy 2014-2018

<sup>14</sup> East Gippsland Cycle Tourism Action Plan Steering Committee (2012) East Gippsland Cycle Tourism Action Plan

<sup>15</sup> State Government of Victoria (2014) Code of Practice for Timber Production 2014. State Government of Victoria, Melbourne.

<sup>16</sup> East Gippsland Catchment Management Authority (2013) East Gippsland Regional Catchment Strategy 2013-2019

RURAL LAND USE STRATEGY - BACKGROUND REPORT

- There is strong support for development of the nature-based tourism in East Gippsland that builds on the existing tourism product. There is specific support for development associated with the Coastal Wilderness Walk, Croajingalong National Park, Alpine High Country, Gippsland Lakes, tracks and trails and adventure tourism. This is considered in further detail in Chapter 7.
- There is strong support for protection of cultural heritage, and environmental values and ensuring that planning minimises impacts from changes to land use and development.
- Planning should seek to minimise the impacts of environmental hazards including bushfire, flood, acid sulphate soils, storm surge and sea level rise as a result of climate change. See Chapter 9.

A number of state and regional studies are currently underway investigating opportunities to grow intensive agriculture. It will be important to monitor the progress of these studies as the RLUS is developed.

A more detailed review of these strategies and plans is provided in APPENDIX 3.

## 5 AGRICULTURE

### OVERVIEW

The agriculture sector in East Gippsland generates around 12% of the Shire's total economic output and on farm employment comprises around 10% of total employment. In 2016, the gross value of agricultural production (GVAP) was around \$258million up from around \$140million in 2006. East Gippsland GVAP represents 14% of Gippsland GVAP and 3% of Victorian GVAP. Primary production in East Gippsland contributes to significant local food product manufacturing and beverage product manufacturing sector.

Meat (50% of total GVAP), annual horticulture (21%) and milk (14%) are the top three commodity groups in East Gippsland, with wool, crops and pastures and perennial horticulture also represented (Figure 15). The top five commodities by gross value are cattle, milk, sheep meat, wool and sweet corn (Figure 16). The gross value of broccoli, sweet corn and fresh beans comprised 11%, 62% and 42% of State production of these vegetables in 2016 (Figure 16). The total gross value of agriculture showed steady growth between 2000 and 2008, decrease to 2011 and then consistent increase to 2020. The latest increasing trend in gross value reflects a period of buoyant prices for livestock (Figure 17).

FIGURE 15: GROSS VALUE OF COMMODITY GROUPS AND % OF TOTAL GROSS VALUE, 2020<sup>17</sup>

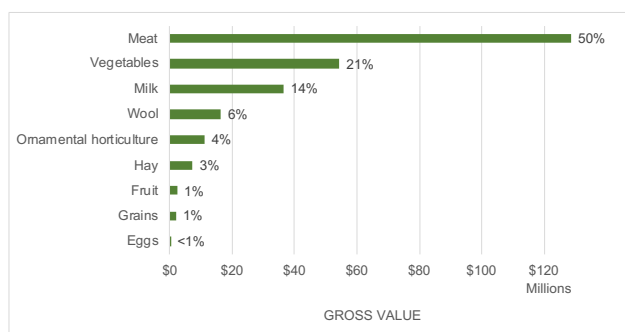
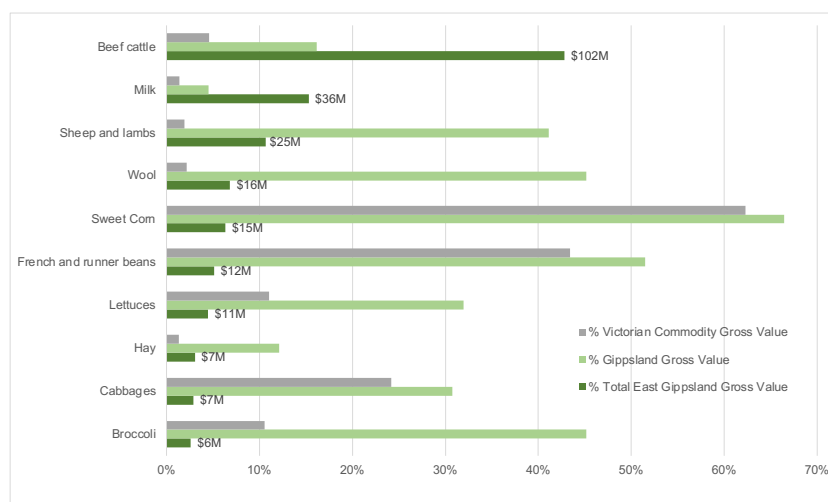
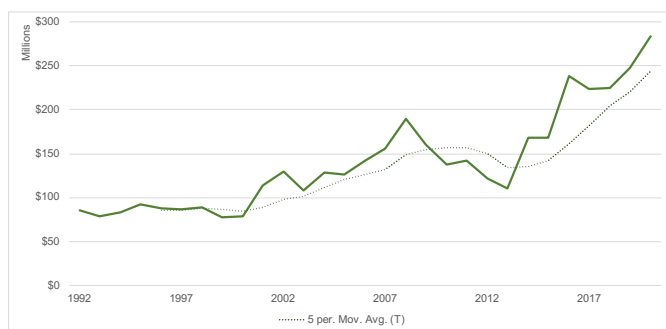


FIGURE 16: TOP 10 COMMODITIES BY GROSS VALUE AND % OF STATE AND GIPPSLAND COMMODITY GROSS VALUE, 2015<sup>17</sup>



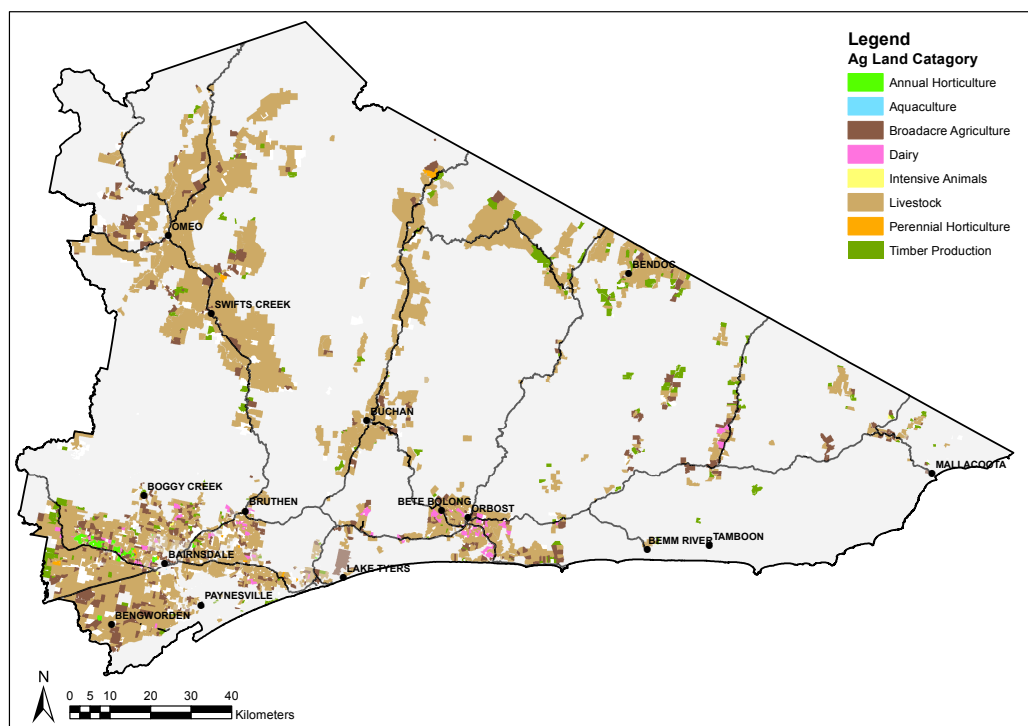
<sup>17</sup> ABS data from 2015 AgCensus supplied by Kynetec

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 17: TREND IN TOTAL GVAP OF TOP TEN COMMODITIES 2015<sup>17</sup>

## LAND USE

Mapping of agricultural land in 2010 (Figure 18) shows that the most widespread agricultural land use is livestock grazing which occupies land across the Shire. Annual horticulture is clustered on the Lindenow flats while dairy occupies land on the Snowy River flats around Orbost and land north of Bairnsdale.

FIGURE 18: AGRICULTURAL LAND USE<sup>18</sup>

<sup>18</sup> Victorian Land Use Information System 2010



## LIVESTOCK

Meat comprised 50% of total East Gippsland GVAP in 2016 with most of this from beef cattle (Figure 19). The gross value of beef cattle showed steady growth between 2000 and 2008 followed by a rapid rise while cattle numbers remained relatively static indicating a period of buoyant meat prices and productivity improvements ( Figure 20). The drop in farm counts in 2010/11 is associated with an increase from \$5,000 to \$40,000 estimated value of agricultural operations of agricultural business included in the census.

While the number of sheep producing properties has shown some reduction, there has been a more marked reduction in sheep numbers and a shift to sheep meat away from wool (Figure 21). Through the 1990s and early 2000s the ratio of gross value of meat to wool was around 40:60 whilst recent figures show that it stands at around 65:35, reflecting the downturn in wool prices and improved lamb prices.

While some meat processing is undertaken locally in Orbost and Sale, most occurs outside the Shire. For example, around 95% of beef cattle for slaughter are processed at meat works in Traralgon, Dandenong and Brooklyn (Melbourne)<sup>19</sup>.

FIGURE 19: GROSS VALUE OF LIVESTOCK PRODUCTS, 2015<sup>17</sup>

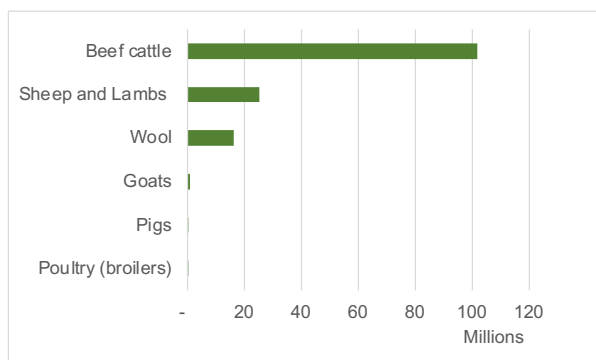
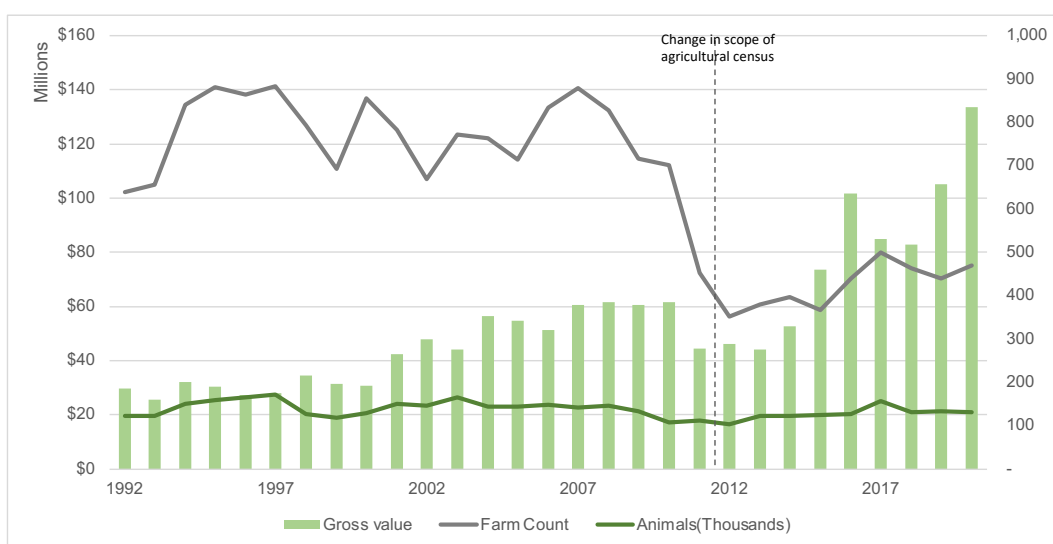
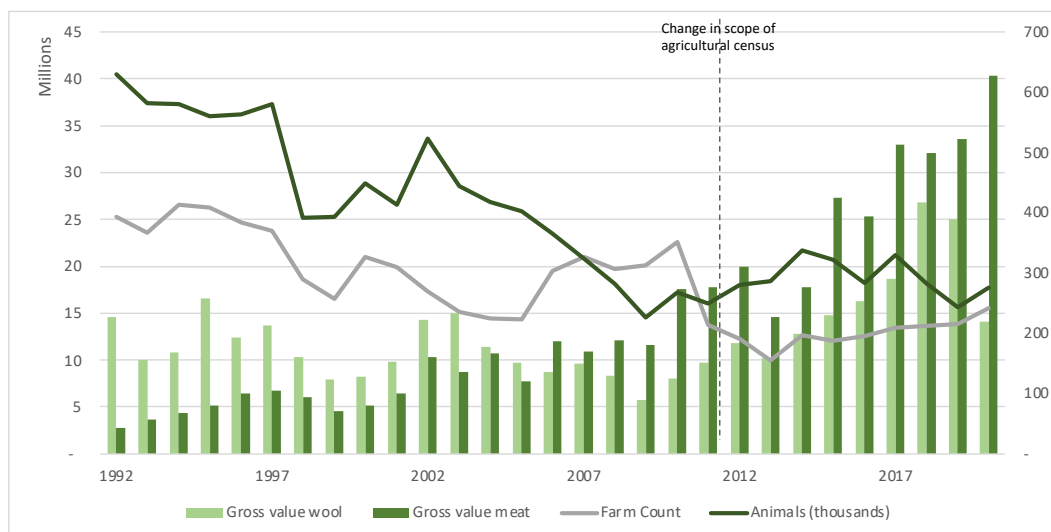


FIGURE 20: TREND IN BEEF CATTLE GROSS VALUE, PROPERTIES AND ANIMAL NUMBERS<sup>17</sup>



<sup>19</sup> RMCG (2015) Pre-feasibility for a new meat processing facility for East Gippsland

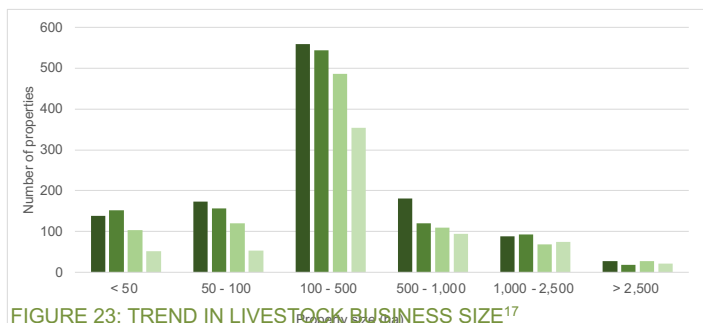
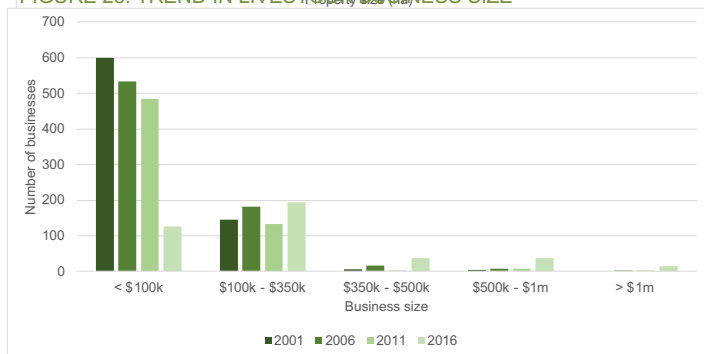
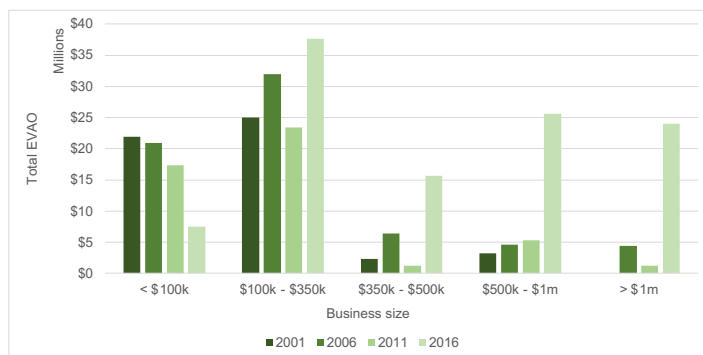
FIGURE 21: TREND IN SHEEP MEAT AND WOOL GROSS VALUE, PROPERTIES AND ANIMAL NUMBERS<sup>17</sup>

## BUSINESS SCALE TRENDS

Most livestock holdings range between 100ha and 500ha (Figure 22) in size and have an annual business turnover of less than \$100K (measured by EVAO – estimated value of agricultural operations) (Figure 23). Most livestock value is generated by smaller-scale business generating less than \$350k per annum (Figure 24). There is a clear trend in increasing business scale (Figure 23). The number of livestock business under 500ha has been reducing while the number of larger properties has remained steady. The total EVAO by business size has increased markedly since 2010, apart from business generating less than \$100,000k per year, which is most likely linked to the change in the agricultural census and business generating less than \$40,000 per year no longer part of the census.

Recent discussion with livestock business in the Shire confirmed that the livestock industry comprises a few very large producers and a large number of small businesses<sup>19</sup>. It is likely that a number of the businesses with less than \$350k turnover will be hobby farms or part time businesses and may also have some form of off-farm income. It is acknowledged that there will be some businesses that are carrying little or no debt and are at a stage in life of the business that means they can comfortably live on a lower turnover. Livestock producers need to manage a feed base that is highly seasonal and this constrains production levels. The large number of smaller-scale and sub-commercial businesses may be masking productivity improvements in the commercial livestock sector as they are not subject to the same economic drivers.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 22: TREND IN LIVESTOCK PROPERTY SIZE<sup>17</sup>FIGURE 23: TREND IN LIVESTOCK BUSINESS SIZE<sup>17</sup>FIGURE 24: TREND IN TOTAL LIVESTOCK EVAO<sup>17</sup>

## FUTURE OUTLOOK

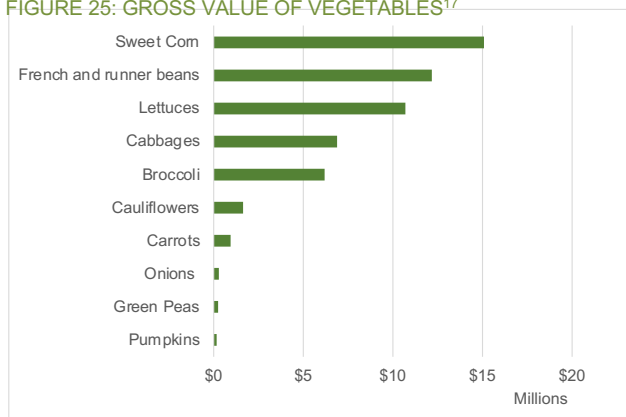
The demand profile for Australian meat remains bright, with high global meat prices continuing to attract an increasing proportion of Australia's annual production. Recent strong demand has resulted in a contraction in the national herd and an expectation that prices will remain buoyant.

The wool industry has undergone significant restructure arising from the dismantling of the wool reserve price scheme. The outlook for wool is positive with demand growing in China and the US. Buoyant lamb prices are likely to see continued turn off of stock and a reduction in the national flock<sup>46</sup>.

## VEGETABLES

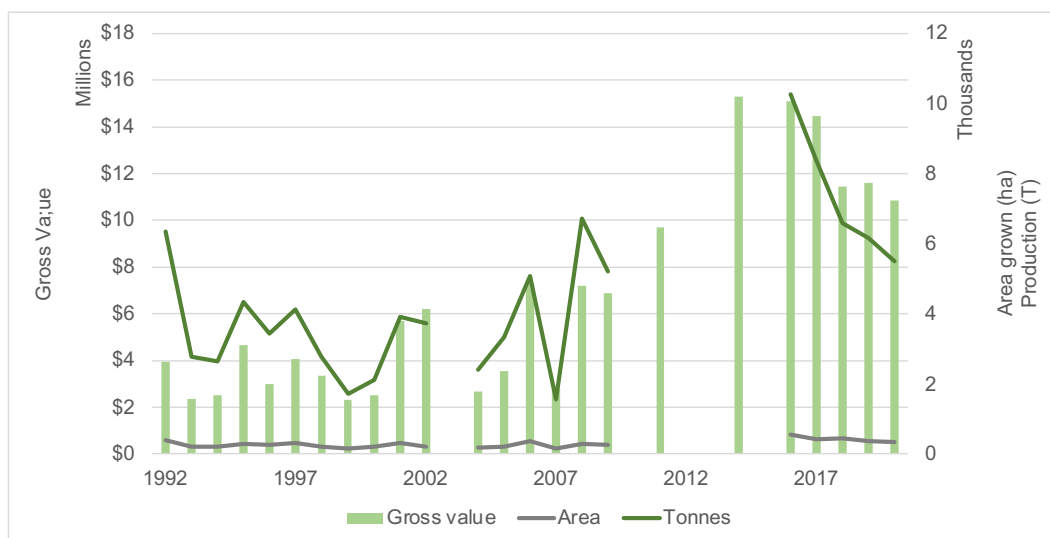
Annual horticulture contributed just over \$54 million or 21% of East Gippsland's GVAP in 2016 from a very small proportion of total rural land. The top three performing crops are sweet corn, beans, and lettuces (Figure 25).

FIGURE 25: GROSS VALUE OF VEGETABLES<sup>17</sup>

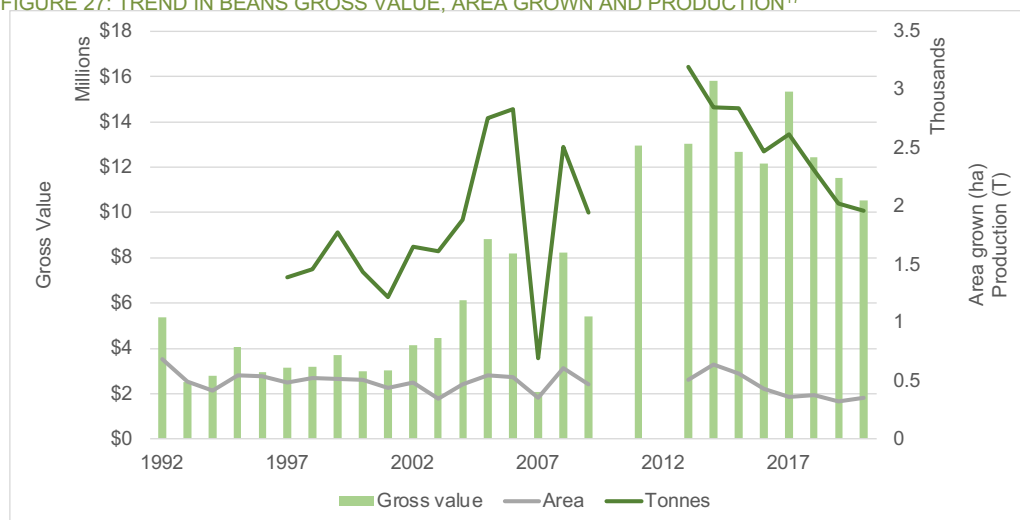


The gross value of sweet corn production has generally increased but is quite variable. The volume produced fluctuated substantially from 1992 to 2010 with area grown relatively static (Figure 26). Since 2010 there has been a reduction in production and the area grown. This could be due to a number of reasons including seasonal variation, insect and disease losses and/or water restrictions impacting on crop productivity.

<sup>46</sup> <http://www.sheepcentral.com/demand-for-australian-wool-forecast-to-push-prices-higher-in-2015-16/>

FIGURE 26: TREND IN SWEET CORN GROSS VALUE, AREA GROWN AND PRODUCTION<sup>17</sup>

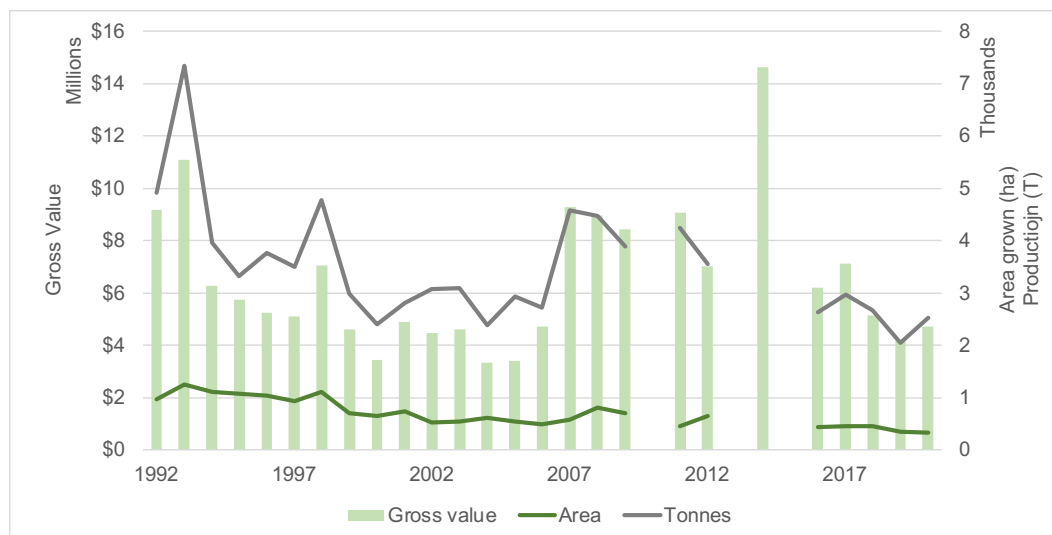
The gross value and volume of beans produced in East Gippsland generally increased from 1992 through to 2013. Years in which the value and volume has markedly decreased (2007 and 2009) also correlating with reduced plantings. Since 2010 there has been a general reduction in production, gross value and area grown. As discussed previously, this could be a reflection of lower market prices and/or high pest pressure resulting in growers choosing to focus on other crops (Figure 27).

FIGURE 27: TREND IN BEANS GROSS VALUE, AREA GROWN AND PRODUCTION<sup>17</sup>

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

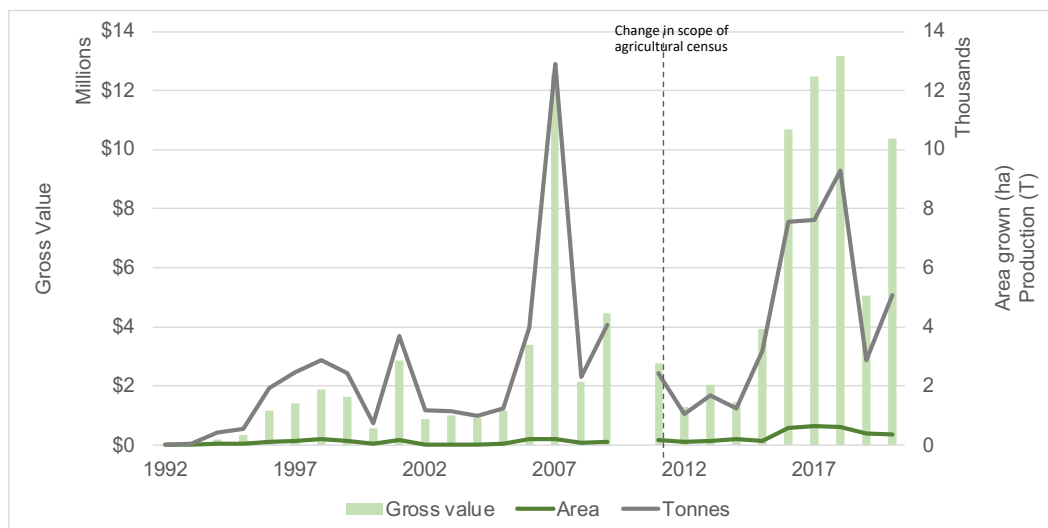
Trends in broccoli production show fluctuations similar to sweet corn and beans. (Figure 28).

FIGURE 28: TREND IN BROCCOLI GROSS VALUE, AREA GROWN AND PRODUCTION<sup>17</sup>



The area sown and production of lettuce has expanded over the last 10 years (Figure 29), most likely reflecting changing demand and prices,

FIGURE 29: TREND IN LETTUCE GROSS VALUE, AREA GROWN AND PRODUCTION<sup>17</sup>



## BUSINESS SCALE TRENDS

Due to the small sample size of the horticultural businesses caution should be used interpreting the business scale trends. The data does indicate a 50% reduction in the number of vegetables producers between 2001 and 2011 with most of this occurring amongst business that were between 50 and 500ha in size (Figure 30) and across nearly all business sizes (Figure 32). Since 2011, the number of vegetable growing businesses has remained steady

The total EVAO by business size category indicates that most (around 90%) of the gross value of vegetables is generated by large scale businesses (Figure 31). The increase in scale and concentration of output are typical of trends occurring throughout agriculture as producers seek economies of scale and address declining terms of trade. Economies of scale will be important for vegetable producers as they invest in water efficient irrigation systems, mechanisation of farm operations and vertically integrated businesses that require consistent product quality and output volumes.

FIGURE 30: TREND IN VEGETABLE PROPERTY SIZES<sup>17</sup>

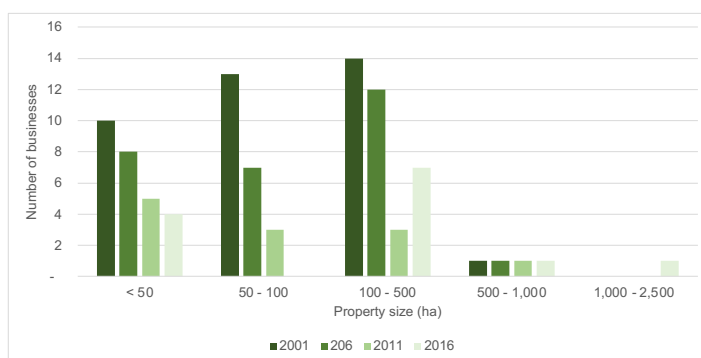


FIGURE 31: TREND IN TOTAL VEGETABLE EVAO<sup>17</sup>

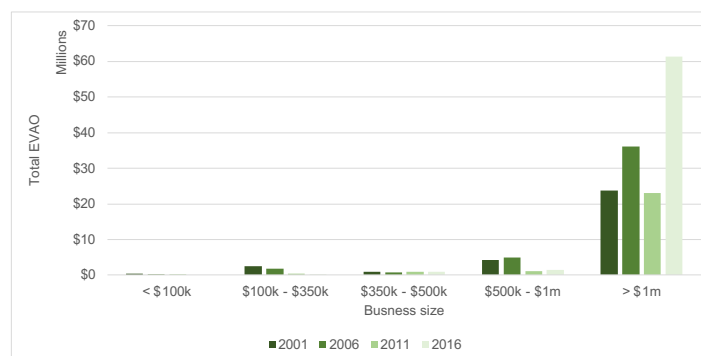
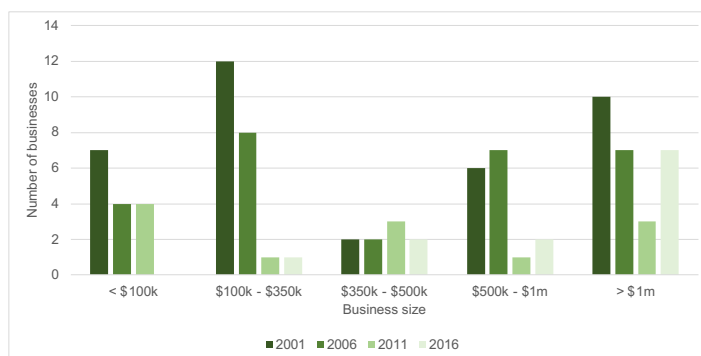




FIGURE 32: TREND IN VEGETABLE BUSINESS SIZE<sup>17</sup>

## FUTURE OUTLOOK

The profitability of vegetable growing is enormously variable, with both high losses and high profits existing between seasons, crop types, markets and enterprises. Large scale enterprises that can spread risk through forward price contracts, whilst multiple regions of production and multiple crop types can lower risks and achieve greater sustainability.

Australian vegetable production is sold mainly in domestic markets. Growers operating in the domestic market face pressure due to the market dominance of the major retailers. The retailers are increasingly looking to foreign suppliers for vegetables in an effort to raise operating margins and supply fresh produce all year round. This puts pressure on farm returns as Australian growers struggle to compete with cheaper imports.

The domestic vegetable market in Australia is renowned for price fluctuation. The low capital requirements for most vegetable production relative to other agricultural operations allows farms to easily enter and exit the industry, which can lead to periods of over-supply and low commodity prices. Similarly adverse climatic conditions resulting in a break in supply in one region will enable growers in other regions to receive premium prices for their produce.

Profitable horticultural production is a finely tuned enterprise that can fall from profit to loss through factors that are often outside grower control. Progressive growers attempt to insure themselves from such eventualities through scale of operation, contractual arrangements, product diversification, low debt levels and high rates of productivity.

Growth in vegetable exports had been stagnant in recent years, hurt by a strong Australian dollar and high input costs. Despite these challenges, vegetable exports to Asian markets have increased substantially, led by a shift in consumer preferences towards quality and safe food products. This trend is likely to continue with the increasing affluence of Asian countries and the recent decline of the Australian dollar enabling Australian produce to be more cost competitive.

Future opportunities for vegetable growers exist in the development of niche vegetable markets either by providing high quality innovative product (pre-cut, pre-packaged convenience products) or through taking advantage of counter seasonal trading opportunities (Japan imports product such as asparagus during their off-season when it can't be grown locally). There are some great export success stories in the vegetable industry, which have been achieved through patience, expenditure, marketing, development of

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

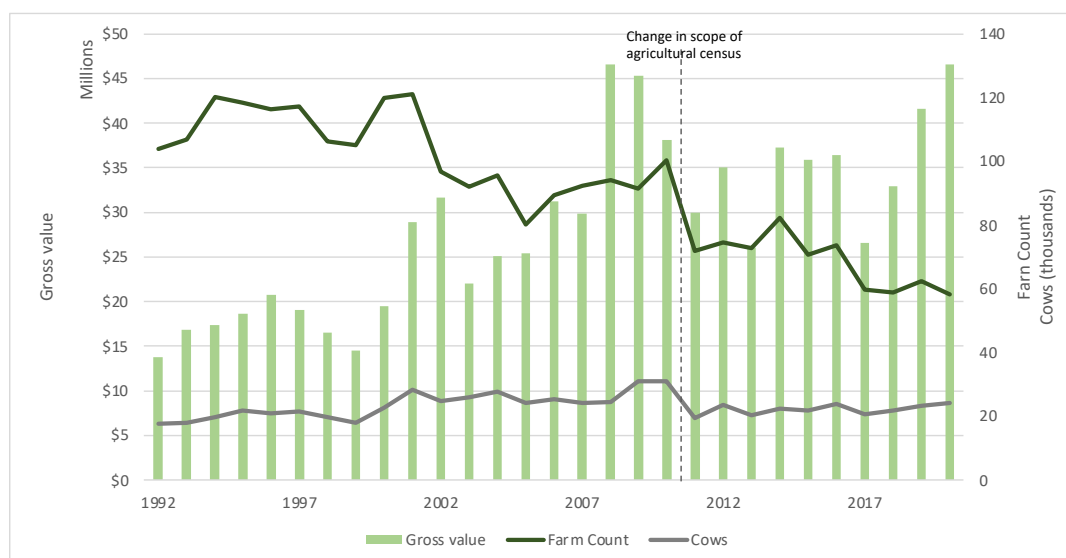
distribution channels and innovative product in response to the demands of the export market. However, these are the minority and not reflective of the industry in general<sup>47</sup>.

## DAIRY

The gross value of milk production was around \$36 million in 2011 and made up 14% of the total value of agricultural output from East Gippsland. Dairy in East Gippsland is part of the wider Gippsland dairy region, which is the biggest agricultural contributor in the region and produces 22% of national milk.

The gross value of milk production increased markedly from the 1990s to 2010 with some drop off in 2012 (Figure 33) followed by another increased to 2020. During the same period the number of dairy properties has continued declined and cow numbers remained relatively static. This suggests some consolidation and increase in scale of individual farm businesses. The industry experienced challenging conditions in 2012/13 with an 11% drop in milk prices, high prices for feed grain and relatively dry conditions depleting fodder reserves.

FIGURE 33: TREND IN MILK GROSS VALUE, PROPERTIES AND ANIMAL NUMBER<sup>17</sup>



## BUSINESS SCALE TRENDS

The East Gippsland dairy industry has remained relatively stable. There has been a trend towards larger properties (500 – 1,000ha) and larger business size (\$350k to \$1million) (Figure 34, Figure 35) and most of the gross value of milk is generated by businesses in these business size categories (Figure 36). This suggests there is investment in the industry and dairy businesses are expanding.

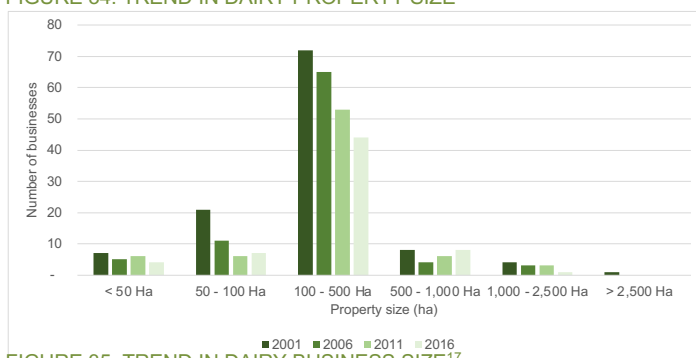
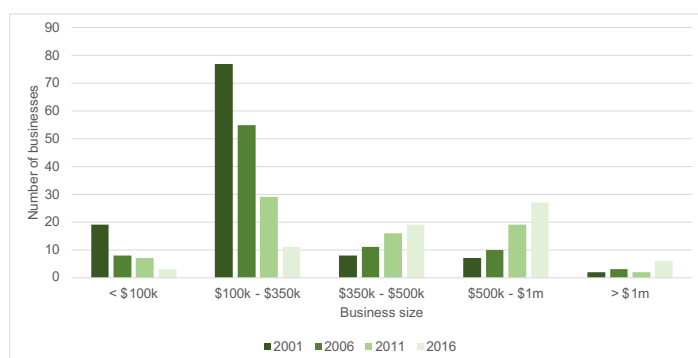
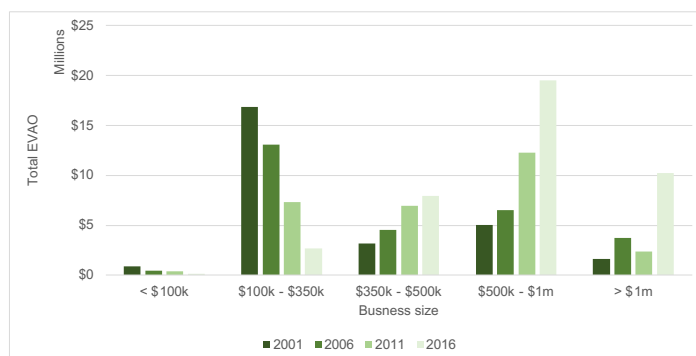
## INDUSTRY OUTLOOK

Currently, the international dairy market, the main destination for Victoria's milk, is unsettled as global supply continues to outweigh demand and uncertainty around Chinese purchase volumes and the global

<sup>47</sup> Refer to pages 8 – 10 of "A discussion paper on industry issues drawn from data collected by ABARES in 2012 from Australian vegetable growing farms" for further detail on the state of the export market for vegetables.  
<http://ausveg.com.au/resources/industry%20issues%20drawn%20from%20data%20collected%20by%20ABARES%20in%202012%20from%20Australian%20vegetable%20growing%20farms.pdf>

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

economic environment. There has however been continued investment in the domestic manufacturing sector, which should provide some confidence to producers. There has been significant investment by the major milk processors in the Gippsland region. This provides a competitive local market for milk producers and confidence for long term investment in production and production improvements.

FIGURE 34: TREND IN DAIRY PROPERTY SIZE<sup>17</sup>FIGURE 35: TREND IN DAIRY BUSINESS SIZE<sup>17</sup>FIGURE 36: TREND IN TOTAL DAIRY EVAO<sup>17</sup>

## IRRIGATION

Around 26,000 ML of water is diverted from the Mitchell, Snowy and Tambo Rivers with a further 9,600 ML of groundwater extracted for irrigation. Irrigation is vital for the horticulture and dairy industries. Water security has been an issue in the Mitchell River. In 2019, the Australian Government invested \$10 million

in the Lindenow Valley Water Security Scheme to assist Lindenow Valley Irrigators construct major on-farm water infrastructure to improve security of supply that enhances their long-term drought resilience.

The Scheme, which was fully subscribed, provided up to 50 per cent, to a maximum of \$2 million, for costs associated with the planning, design and construction of on-farm water storage, bore construction and the installation of water supply pipelines and pumping infrastructure to increase water security and improve resilience to drought.

## STRATEGIC IMPLICATIONS

Agriculture plays a significant role in the economy of East Gippsland and has exhibited positive growth over the last decade. Livestock production, horticulture and dairy are the most important sectors. Primary produce from East Gippsland supports a significant local and regional food processing sector. Horticulture is a particularly strong industry that generates significant value from a small footprint and supports a number of local processors. Access to a secure irrigation supply is vital for the horticulture industry. An analysis of East Gippsland agriculture found that the outlook for all industries is positive and a number of trends in agricultural enterprises were noted:

- Increase in the size of farms and business scale
- Intensification of production with a small proportion of farms generating most of the agricultural output.

To enable the agricultural industry to continue to grow and to accommodate these industry trends, it will need access to affordable land in parcel sizes suited to contemporary agricultural management practices and unencumbered by unwanted infrastructure, particularly dwellings. Fragmentation of land identified for commercial agriculture is a significant inhibitor of agricultural industry growth and should be avoided as it results in:

- Driving up of land prices and facilitates speculation
- Isolating tracts of farmland
- Deterring farmers from investing in their operations as they anticipate the conversion of their land out of commercial agriculture
- Higher capitalisation of smaller farms making them less attractive purchases for farm expansion.
- Loss of critical mass of commercial farms and farmers to sustain an agricultural industry and value chain
- Increasing land value above productive value and a reduced ability to sustain a standard of living or provide for retirement such that farmers speculate in their land rather than farming it.
- Rural land use conflict as new migrants in an agricultural landscape have an expectation of a benign rural environment.

Commercial agriculture also requires the flexibility to respond to market and consumer changes, adopt new technology and more intensive production systems and adapt to the impacts of climate change. This flexibility can be promoted by ensuring that commercial agriculture businesses are separated from non-agricultural and sensitive land uses.

Planning policy can support agriculture by:

- Clearly identifying locations where commercial agriculture will be the primary land use and providing supporting policy to prevent fragmentation
- Providing opportunities for rural living and hobby farming in appropriate locations
- Ensuring that there is separation between agriculture and other non-agricultural uses
- Ensuring that there is separation between intensive agricultural industries and sensitive uses

## 6 STRATEGICALLY IMPORTANT AGRICULTURAL LAND

The Planning Policy Framework at 'Clause 14-01-1S - Protection of agricultural land', sets out the following objectives and strategies:

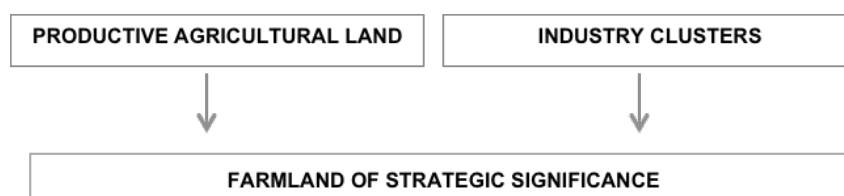
To protect the state's agricultural base by preserving productive farmland by:

- Identifying areas of productive agricultural land, including land for primary production and intensive agriculture.
- Considering state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoiding permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protecting productive farmland that is of strategic significance in the local or regional context.

This section of the report addresses the policy objective and sets out an approach to identify farmland of strategic significance and the findings of an initial analysis of agricultural land.

### OVERVIEW

Preparation of the Gippsland Regional Growth Plan<sup>11</sup> included identification and mapping of Farmland of Strategic Significance (Figure 37). Farmland of Strategic Significance was defined as Prime Productive Agricultural land and / or land within an Industry Cluster as set out in the following diagram.



Prime productive agricultural land was land that was Class 1 or Class 2 agricultural capability, had access to irrigation water and was in an area where the future climate was not likely to have a significant impact on future agricultural production options.

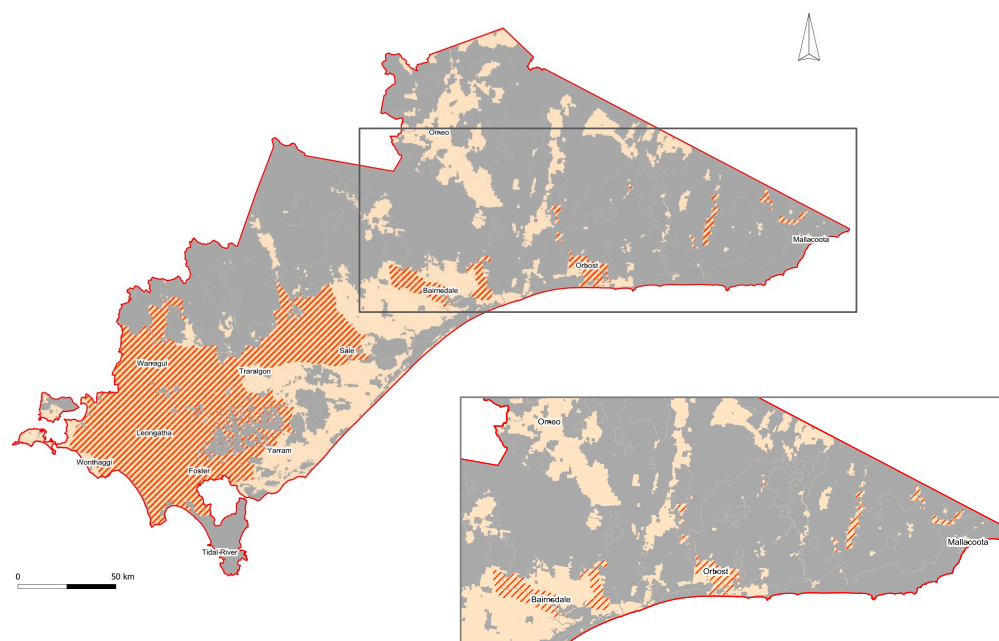
Industry clusters were identified based on an analysis and ranking of areas against the following attributes:

- Concentrations of enterprises supporting an industry of national or state significance
- Significant public and private sector investment in industry
- The economic scale of primary production and secondary processing, and employment opportunities that these provide.

The mapping of Farmland of Strategic Significance for the Regional Strategic Plan is appropriate for regional scale planning and to *guide* local strategic planning. However, other local factors, such as land use, locally important agricultural industries, settlement patterns and fragmentation need to be considered in refining the boundaries for use in the preparation of the RLUS.

The rest of this chapter provides a more detail review of rural land in East Gippsland.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 37: FARMLAND OF STRATEGIC SIGNIFICANCE<sup>48</sup>

## PRODUCTIVE AGRICULTURAL LAND

The approach to identifying productive agricultural land drew on the definition in the Planning Practice Note: Applying the Rural Zones. The Practice Note recommends that Councils seek to protect productive agricultural land for agriculture and prevent unplanned loss due to permanent changes in land use. Productive agricultural land is defined in the Practice Note as generally having one or more of the following characteristics:

- Suitable soil type including consideration of soil structure, texture, drainage, topography, fertility
- Suitable climatic conditions such as rainfall, temperature and evaporation
- Suitable agricultural infrastructure, in particular irrigation and drainage systems
- A present pattern of subdivision favourable for sustainable agricultural production.

## AGRICULTURAL LAND QUALITY AND IRRIGATION

The agricultural quality of land within East Gippsland has been assessed and mapped at 1:250,000 scale by Swan and Volum<sup>49</sup>. The key factors used to determine the agricultural quality were soil types (arability, moisture status, fertility, effective rooting depth, rockiness, erodibility), topography and climate. The agricultural quality of the land was divided into 5 land versatility classes (Table 4).








<sup>48</sup> RMCG (2013) Agriculture and Forestry – Areas of Strategic Significance

<sup>49</sup> Swan, I and Volum, A (1984) Assessment of agricultural quality of land in Gippsland

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

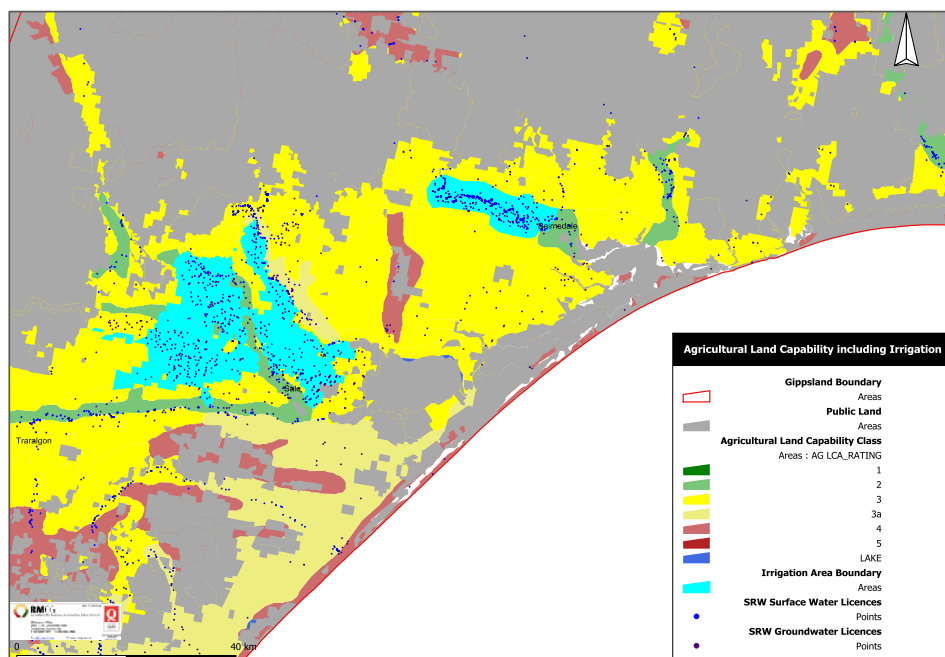
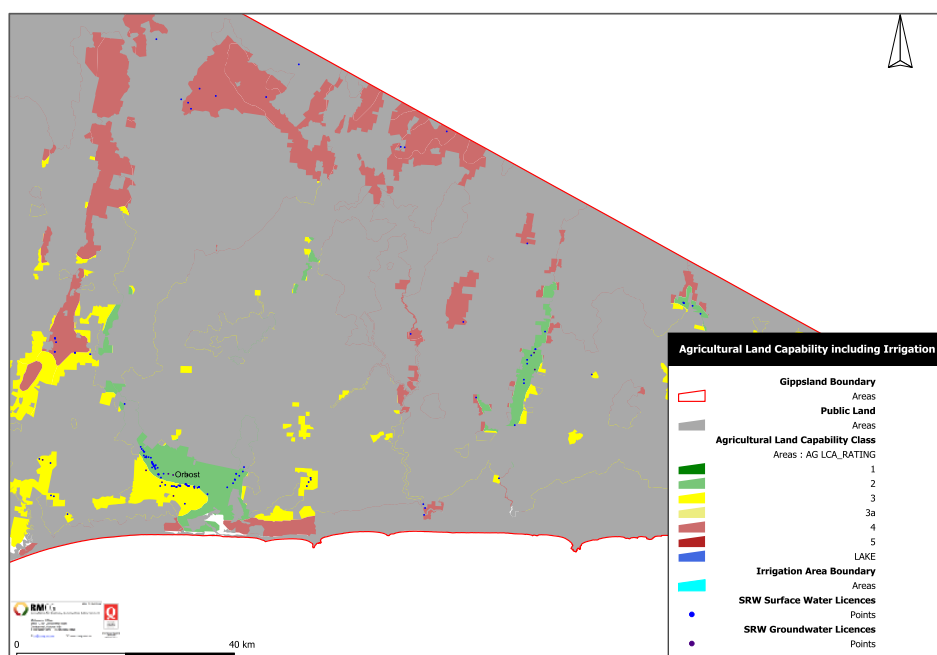
The mapping shows that land in the southern half of the Shire is a mix of Class 2, 3 and 3a. High versatility Class 2 land is found on the river flats around Lindenow, Nicholson and Orbost. In the northern half of the Shire the land is mainly Class 4 and 4a that is suitable mainly for grazing. Irrigation development occurs on the Lindenow Flats, Orbost and lower reaches of the Tambo River around Bruthen. (Figure 38, Figure 39, Figure 40).

TABLE 4: AGRICULTURAL QUALITY CLASSES<sup>49</sup>

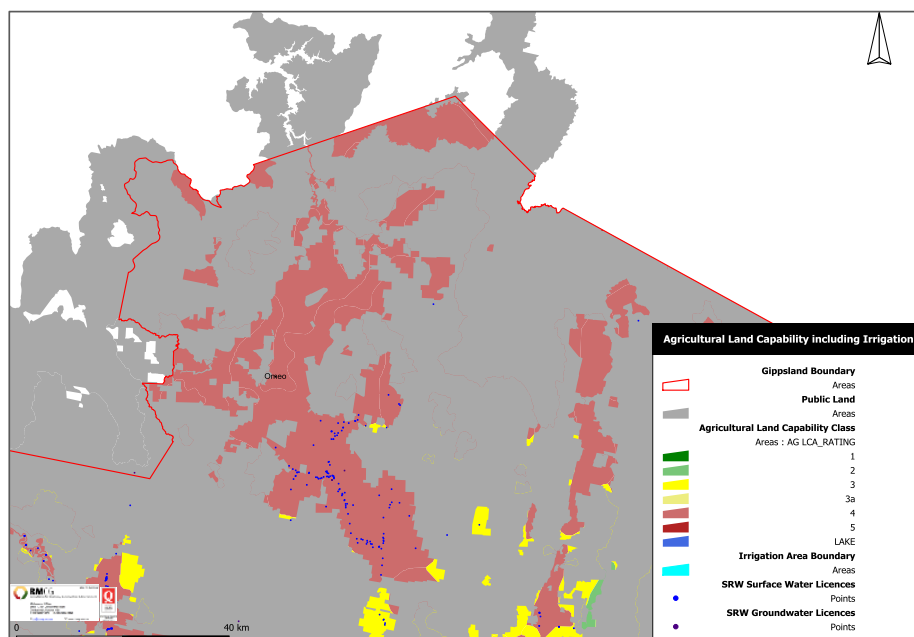
Class 1	The most versatile land with the highest inherent productivity and capable of supporting the majority of agricultural uses	CLASS 1 (Highest Quality)	
Class 2	Highly versatile land but has a lower inherent productivity than Class 1. Is capable of supporting the majority of agricultural uses but will require greater inputs than Class 1 to achieve high production.	CLASS 2	
Class 3 and Class 3a	Limited versatility but very good dairying and grazing land. May be suitable for orchards and extensive area cropping in some locations but generally not suited to intensive uses such as vegetable growing. Class 3a is suitable for more intensive uses providing particular care is taken to prevent soil erosion or supplementary irrigation is available during summer.	CLASS 3	
Class 4 and Class 4a	Land capable of extensive grazing but generally not suited to cropping. Class 4a is suitable for intensive market gardening but supplementary irrigation, high levels of fertilizer and erosion prevention measure may be necessary.	CLASS 3a	
Class 5	Marginal agricultural land due to steep slopes and thin skeletal soils.	CLASS 4	
		CLASS 4a	
		CLASS 5 (Lowest Quality)	



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

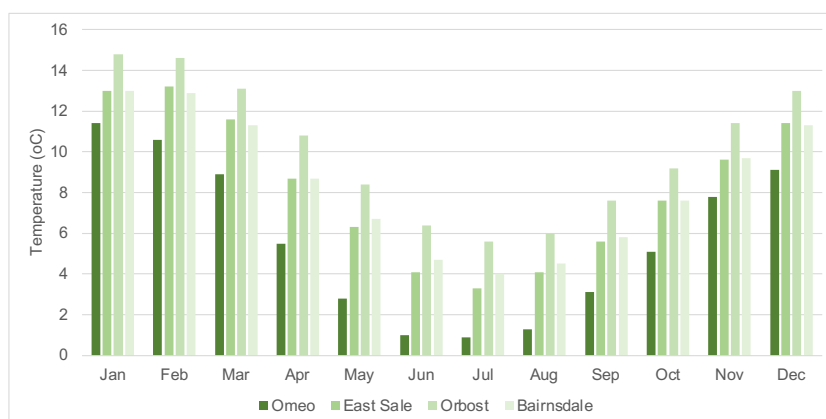
FIGURE 38: AGRICULTURAL CAPABILITY AND IRRIGATION<sup>48</sup>FIGURE 39: AGRICULTURAL CAPABILITY AND IRRIGATION<sup>48</sup>

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 40: AGRICULTURAL LAND CAPABILITY AND IRRIGATION<sup>48</sup>

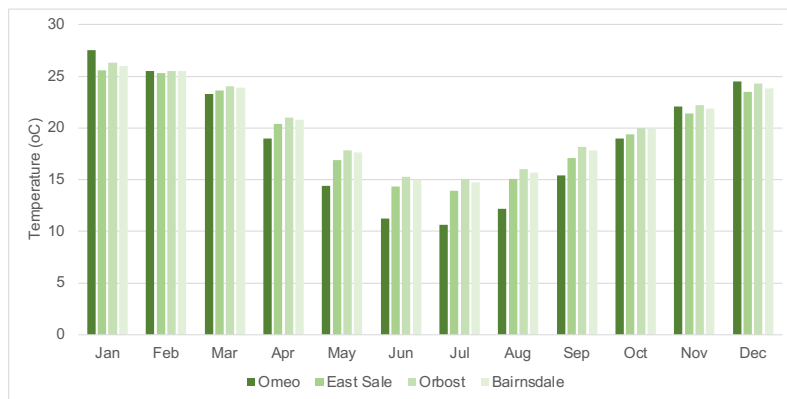
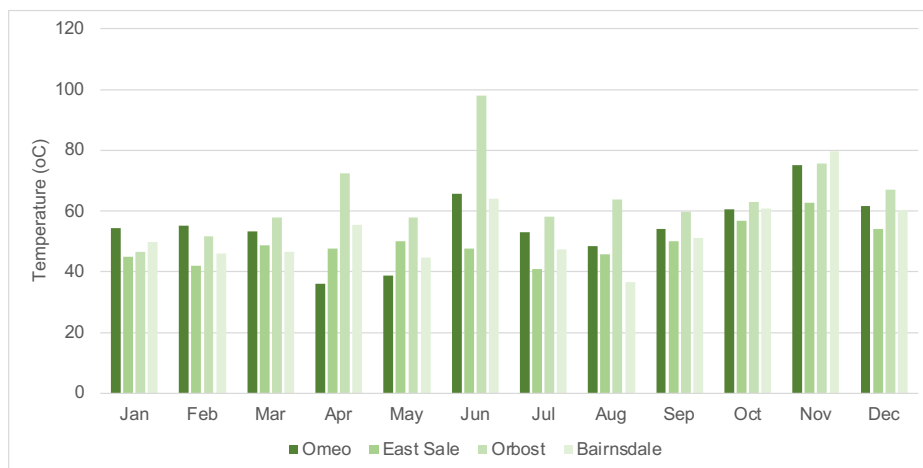
## CLIMATE

The East Gippsland climate varies from a mild temperate climate near the coast to a more alpine climate at high altitudes. As a result the length of the growing season at higher altitudes can be considerably shorter than that near the coast (Figure 41, Figure 42, Figure 43). Rainfall varies from around 500mm near the coast to over 1,200 mm (Figure 43) at higher elevations. Rain shadows caused by the ranges occur in the Mitchell and Tambo River valleys resulting in relatively lower average rainfall. The availability of irrigation water is therefore important in these areas. The climate is suited to growing a variety of agricultural commodities. The mild climate on the plains and near the coast is particularly suitable for a range of commodities, including horticultural commodities.

FIGURE 41: MONTHLY MEAN MINIMUM TEMPERATURE<sup>50</sup>

<sup>50</sup> <http://www.evergraze.com.au/library-content/east-gippsland-climate/>

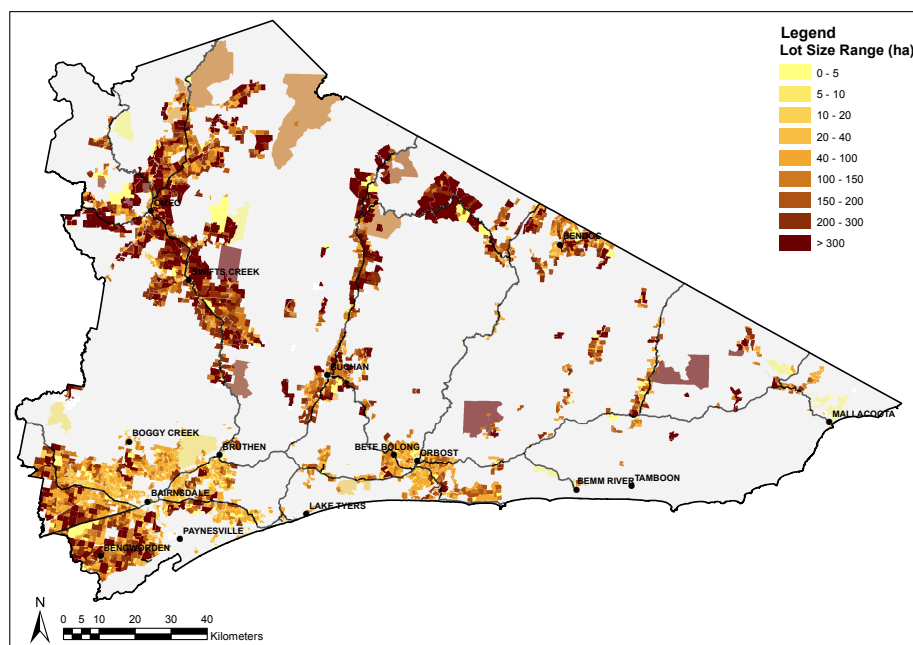
## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 42: MONTHLY MEAN MAXIMUM TEMPERATURE<sup>50</sup>FIGURE 43: MEAN ANNUAL RAINFALL<sup>50</sup>

## LOT SIZE

The analysis of lot sizes across the rural areas of the Shire indicates that there are some areas that have been substantially subdivided (Figure 44). These areas will require further analysis and inspection to determine the levels of development and fragmentation and whether they are still suitable for agriculture or another rural use.

FIGURE 44: LOT SIZES



The majority of rural land in the Shire can be considered productive agricultural land based on the assessment of agricultural quality, climate, access to irrigation and lot sizes. There are some areas, including the Lindenow Valley and Snowy River flats that due to the combination of soil types and access to irrigation are considered to be highly productive agricultural land. There are also areas that due to potential fragmentation, will require further analysis and site inspection to confirm their long term suitability for agriculture.

## INDUSTRY CLUSTERS

Consideration of natural attributes alone does not capture the full range of criteria that gives an area a competitive advantage for agriculture or forestry. Consideration of the economic and social benefits that these industries bring to a region provides for a more balanced comparison with competing uses.

Identification of industry clusters is based on an assessment of:

- Concentrations of enterprises supporting an industry of national or state or regional significance
- Significant public and private sector investment in industry
- Economic scale of primary production and secondary processing, and employment opportunities that these provide.

Areas that ranked highly against these attributes were identified as Industry Clusters.

### Concentration of enterprises

The East Gippsland vegetable industry is of state significance measured by gross value of agriculture and production is focused on the Lindenow flats.

The East Gippsland livestock (meat and wool) industry is of regional significance measured by gross value. Production is undertaken across the rural areas of the Shire.

### Public and private investment in industry

Manufacturing of food products in East Gippsland generates around \$248million annually<sup>51</sup>. Businesses include vertically integrated operations that grow, process, transport and market food products as well as local food manufacturers and processors that use local sourced food as inputs to the production of a range of food products. Examples include Patties Foods, Bonaccord, Bulmers, Busch Organics, Eastern Abattoirs and Vegco. Manufacturing is East Gippsland's largest sector by output at (18.2%) and the top five manufacturing products are: fruit and vegetable products; ships and boats; sawmill products; bakery products and processed seafood.

East Gippsland livestock are purchased and processed locally by Patties and used in the manufacture of a range of meat products. Livestock are also processed by Radfords in Warragul and a number of processors in Melbourne.

### Value of primary production and employment

The vegetable industry and livestock sector employ directly on farm around 300 and 700 respectively. Added to this is a value chain that includes transport and logistics, service and advisory industries and food processing and manufacturing.

### Areas that are significant for the continuity of supply of products to domestic and export markets

Locations suited to vegetable production are limited to those with very-high agricultural capability soil types, access to a secure irrigation supply and proximity to a labour force. The supply of fresh vegetables is critical to maintaining and encouraging investment in the processing sector.

The East Gippsland livestock industry supplies cattle to a range of markets within the region, into Melbourne and interstate.

*Based on this assessment it is concluded that the Lindenow Flats vegetable industry cluster is an industry of State significance and the East Gippsland livestock industry cluster is an industry of regional significance.*

## STRATEGIC IMPLICATIONS

The Gippsland Regional Growth Plan identified land within East Gippsland as Farmland of Strategic Significance. This review of agricultural land has found that the majority of rural land in the Shire can be considered productive agricultural land. There are some areas, including the Lindenow Valley and Snowy River flats that due to the combination of soil types and access to irrigation are considered to be highly productive agricultural land. The Lindenow Valley also supports a vegetable industry cluster that was found to be an industry of State significance. The East Gippsland livestock industry cluster is an industry of regional significance. Further assessment and site inspection is required to confirm the extent of Farmland of Strategic Significance in East Gippsland.

<sup>51</sup> REMPLAN

## 7 TOURISM

### OVERVIEW

The contribution of tourism into the Gippsland economy is significant. The direct tourism output is valued at \$837 million per annum with an additional \$355 million of added benefit. The industry employs over 4,800 across the total Gippsland region. In 2010, the East Gippsland tourism industry attracted 1.1 million visitors contributing \$273million to the regional economy<sup>13</sup>.

East Gippsland is the most visited of Gippsland's LGAs. The key tourism destinations are Lakes Entrance (the most visited destination in Gippsland), Metung, Paynesville, the Great Alpine Road, Mallacoota and Croajingolong National Park. East Gippsland is also a key overnight stopover for visitors travelling along the Sydney Melbourne Coastal Drive (SMCD), which attracts over 140,000 tourers annually. Internationally an estimated 55,000 visitors will include a component or all of SMCD during their stay. The main tourist activities include: eating out in restaurants (49%), general sightseeing (38%) going to the beach (31%), visiting friends and relatives (19%) and fishing (23%).

Caravan parks or commercial camping grounds (26%) are the most popular accommodation type used for nights in the shire. Friends or relatives' property (19%) is the second most popular accommodation used, followed by rented house, apartment, flat or unit (13%).

Compared to other LGAs in Gippsland, East Gippsland had a significant proportion of total visitor nights and overnight visitors (Figure 45) but has fewer daytrip visitors (Figure 46).

FIGURE 45 TOTAL VISITORS AND VISITOR NIGHTS, GIPPSLAND LGA<sup>52</sup>

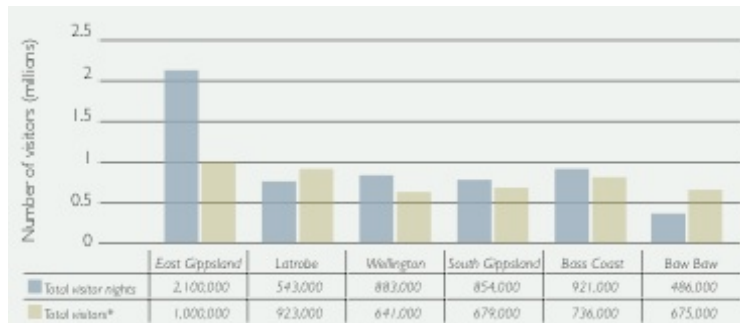
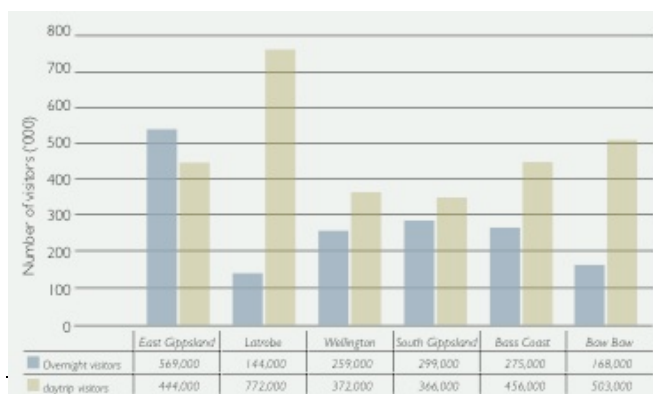


FIGURE 46: TOTAL DAY TRIP AND OVERNIGHT VISITORS<sup>52</sup>



<sup>52</sup> Destination Gippsland (2013) Marketing Gippsland

## KEY LOCATIONS

The Economic Development Strategy and Gippsland Regional Growth Plan (Figure 47, Figure 48) identify a number of locations and tourism assets with potential for growth of rural based tourism including:

- Gippsland Lakes
- Lakes Entrance
- Mallacoota
- Coastal Wilderness Walk
- Croajingalong National Park
- Bancroft Bay Marina (Metung)
- Cycling:
  - East Gippsland Rail trail and Lakes Discovery Trail
  - Nowa Nowa – mountain biking
  - Queen Victoria Ride (Mt Beauty-Bright-Mt Hotham-Omeo-Anglers Rest-Falls Creek).

The Regional Growth Plan sets out the following strategies for rural land tourism use:

- Facilitate increased tourism investment and subsequent employment by supporting sensitively designed, nature-based tourism proposals that complement and are compatible with the region's environment and landscape attractions or are close to identified strategic tourism investment areas
- Encourage tourism development to locate within an existing urban settlement in identified strategic tourism investment areas, except where proposals:
  - Support nature-based tourism or are farm-based
  - Do not include a permanent residential component
  - Avoid or manage natural hazards
  - Are likely to be of regional significance
  - Are high quality and significantly add value to the tourism experience of the area
  - Do not detract from the environmental or landscape values of the area in which they are located.

The Gunaikurnai Land and Waters Aboriginal Corporation have developed a Whole-of-Country<sup>53</sup> plan that sets out seven strategic goals to guide the activities of the corporation. There is an opportunity through the RLUS to support implementation of strategy actions including

- Investigating and pursuing new business opportunities including bushfood and native fauna farming enterprises, seed collection, nursery management and carbon farming.
- Building up Gunaikurnai tourism and cultural awareness enterprises.

The *Gippsland Boating Coastal Action Plan*<sup>54</sup> provides strategic guidance for planning and developing recreational boating facilities in Gippsland. It provides a framework for planning and management of recreational boating and recreational boating facilities (Figure 49) and will be useful input into consideration location for rural based tourism development.

The East Gippsland Economic Development Strategy noted the following opportunities for rural-based tourism:

- Accommodation such as high-end eco-tourism developments such as Cradle Mountain in Tasmania, Wilderness lodges and 'glamping' sites
- Accommodation associated with tracks and trails
- Indigenous culture tourism.

<sup>53</sup> Gunaikurnai Land and Waters Aboriginal Corporation (2015) Whole-of-Country

<sup>54</sup> Gippsland Coastal Board (2013) Gippsland Boating Coastal Action Plan 2013

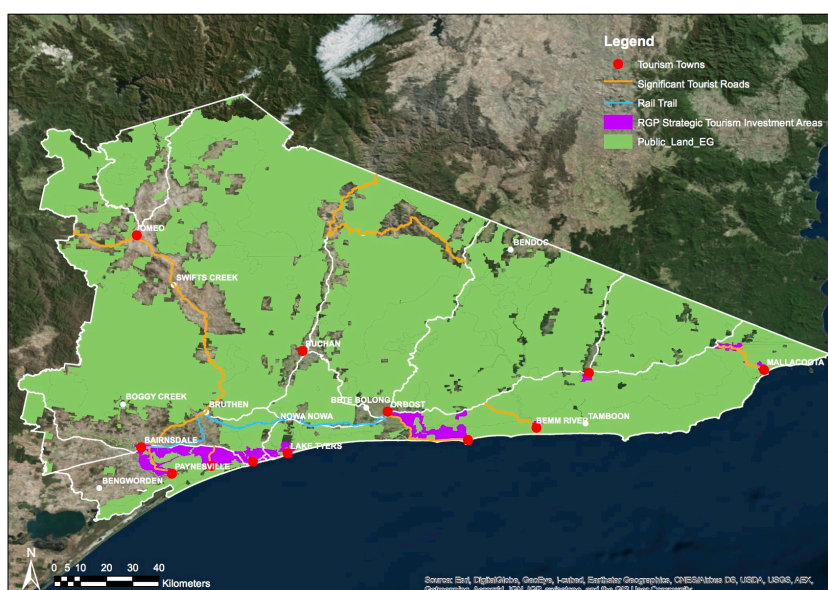


## RURAL LAND USE STRATEGY - BACKGROUND REPORT

## STRATEGIC IMPLICATIONS

East Gippsland has a number of established and emerging rural-based tourism assets including the Gippsland Lakes, Lakes Entrance, Mallacoota, Coastal Wilderness Walk, Croajingalong National Park, tracks and trails. Opportunities to grow rural tourism relevant to this study include supporting cultural heritage tourism and providing a range of accommodation choices in locations focused around these key tourism assets and consideration of application of the Rural Activity Zone.

FIGURE 47: TOURISM TOWNS, SIGNIFICANT TOURIST ROADS, RAIL TRAIL, REGIONAL GROWTH PLAN STRATEGIC TOURISM INVESTMENT AREAS<sup>55</sup>



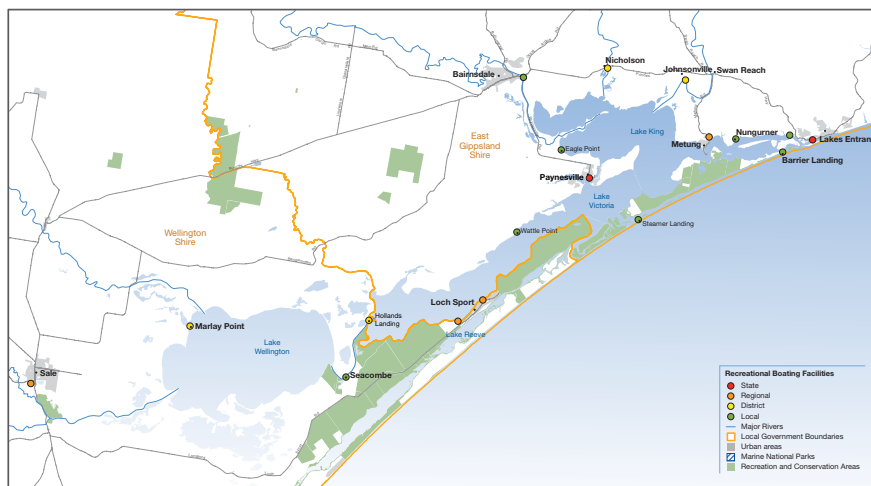
<sup>55</sup> RMCG (2013) Tourism Areas of Strategic Significance

RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 48: WALKING AND CYCLING TRAILS



FIGURE 49: RECREATIONAL BOATING FACILITIES<sup>54</sup>



## 8 OTHER RURAL LAND USES

### MINING & EXTRACTIVE INDUSTRIES

The *Mineral Resources (Sustainable Development) Act 1990* (MR(SD)A) provides the legislative framework for the development and regulation of:

- The mineral exploration and mining industry, including gold, coal, and mineral sands
- Extractive industries (quarries) for the extraction of stone resources including gravel, sand, soil, building stone and clay (but does not include fine clay, kaolin or salt).

The MR(SD)A addresses licensing and approvals, and other issues including compensation, rehabilitation and royalties for extractive industries, mineral exploration and development activities. A series of Regulations and guidelines also apply to mineral exploration and development activities. The East Gippsland Planning Scheme sets out guidelines for assessment of permit applications to undertake a mining or extractive industry.

The Stockman Project is an existing mine development north east of Omeo extracting copper, zinc, lead, silver and gold. Other mining developments are currently being investigated near Nowa Nowa and Orbost and over 20 exploration and mining licences have been issued. There are also several active quarry businesses within the Shire

The East Gippsland Economic Development Strategy<sup>13</sup> details the following actions for East Gippsland Shire with regard to mining:

- Maximise the opportunities in the mining industry for local businesses and the community and implement the recommendations from the 'Economic Opportunities in Mining' study
- Continue strong relationships developed with key mining investors, and use Memoranda of Understanding to maximise environmental, social and economic outcomes, including community benefits, commitment to local employment and positive legacy projects
- Work with the mining sector to support appropriate mining activities and act as the point of contact for potential future mining investors, engage with local contractors to communicate the opportunities mining projects will provide and support any Environmental Effect Statement processes managed by state Government.

Planning policy can support mining and extractive industries by ensuring separation from sensitive uses such as residential development.

### FORESTRY

VicForests is the Victorian State-owned business responsible for the sustainable harvest, regrowing and commercial sale of timber from Victoria's public forests. Around 3,000 hectares of native forest is harvested in Victoria each year to produce high quality furniture, flooring and other building materials as well as quality writing and office paper.

There are two forest management areas that fall within the municipality: Tambo and East Gippsland (Figure 50) and there are 568,000 and 409,000 hectares of State Forest available for timber production with in each area respectively.

There has been a significant decline in the amount of harvesting in Victoria's forests in recent years (Figure 51). A recent announcement made as part of the release of VicForests' Resource Outlook will lock in lower levels of harvest as a direct result of the impact of large scale bushfires on areas of forest available for timber production.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

In 2009, native forestry deriving from the East Gippsland Forest Management Area (FMA) was worth \$150 million annually and businesses using resources from the FMA were found to have brought \$22 million worth of expenditure into the town of Bairnsdale, \$21 million into Orbost, \$14 million into Cann River. Some of these communities are highly dependent on forestry and are vulnerable to changes in the industry. For example Cann River and Bruthen were dependent on forestry for 42% and 21% of all employment in 2009.

It is understood that plantation forestry on private land is undertaken in the Shire. Data on the extent of plantation development on private land was not available for this report, but will be further explored with timber industry stakeholders.

FIGURE 50: FOREST MANAGEMENT AREAS IN EASTERN VICTORIA<sup>56</sup>

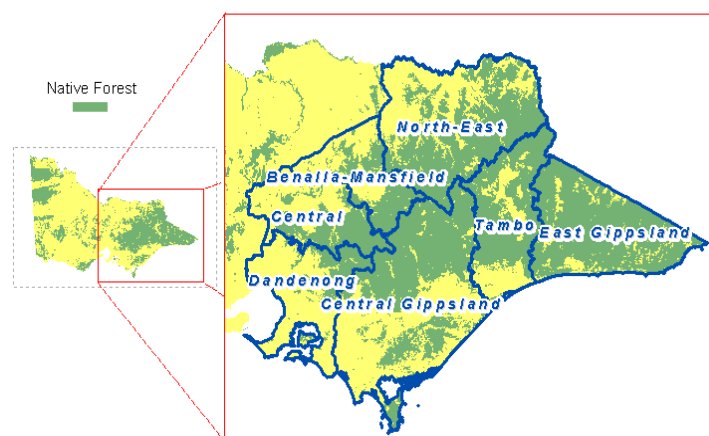
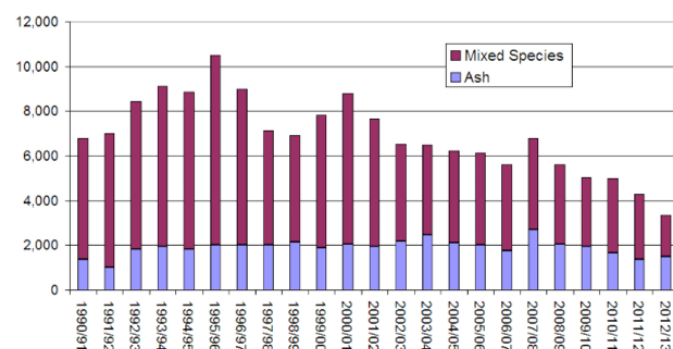


FIGURE 51: TREND IN AREA (HECTARES) OF NATIVE FOREST HARVEST<sup>57</sup>



## FISHING

Lakes Entrance is home to one of Australia's largest fishing fleets, which lands around \$30 million of sustainably caught fresh seafood each year. The industry is estimated to contribute \$200 million annually to the Victorian economy.<sup>13</sup> The Lakes Entrance Fisherman's Cooperative (LEFCOL) is a major supplier of fresh and packaged fish for domestic and international markets handling over 4.5 million kilograms of fish each year. Mallacoota is renowned for its significant abalone industry. Whilst these industries depend on

<sup>56</sup> VicForest (2014) VicForests' 2014 Area Statement

<sup>57</sup> <http://www.vicforests.com.au/harvest-levels> accessed 6.8.2015

off-shore harvesting, there may be opportunities for the RLUS to support the land-based operations of these industries - such as packaging and processing.

## STRATEGIC IMPLICATIONS

Mining, extractive industries, forestry and fishing are regionally important industries providing inputs to the regional economy. Planning can support operation of existing mining, extractive industry and forestry sites and development of new sites by ensuring separation from sensitive uses. Further evidence on the extent and opportunities for growth of private forestry and support for land based operations for the fishing industry will be sought from industry stakeholders

## 9 ENVIRONMENT AND HERITAGE

### BIODIVERSITY

The *East Gippsland Regional Catchment Strategy*<sup>58</sup> provides an integrated planning framework for managing land, water and biodiversity in the East Gippsland region. The Strategy provides an assessment of values and threat and sets out actions for four landscape areas:

- Gippsland Lakes and Hinterland
- Gippsland Lakes Upper Catchment
- East Coast
- Far East Catchments.

The Regional Catchment Strategy recommended actions relevant to this study include:

- Improve integration between NRM agencies and local government and planning within and among regions
- Improve consideration and knowledge of natural values, high value agricultural productive land and potential acid sulfate soils in local government planning, to ensure that development occurs in appropriate nodes.

The *Draft Gippsland Lakes Ramsar Site Management Plan*<sup>59</sup> establishes the framework for the maintenance of ecological character and recommends that local government explicitly consider impacts to visual amenity of the landscape when assessing planning applications adjacent to the site.

Clause 21.04 of the East Gippsland Planning Scheme acknowledges Council's custodial role in relation to protection of natural values and provides local content to support Clause 12 of the State Planning Policy Framework. With regard to the values considered here it sets out the following strategies:

#### Biodiversity

1. To maintain, conserve and enhance the biodiversity of East Gippsland.
  - Encourage owners to undertake land care and revegetation programs, restore degraded river frontages and wetlands, protect urban waterways and implement soil conservation measures by incorporating best practice.
2. To recognise, protect and maintain environmental, cultural and aesthetic values within East Gippsland.
  - Protect and where possible enhance sites of significance for their ecological, biophysical, geomorphological/geological, cultural, Aboriginal, aesthetic and archaeological values, with particular attention to coastal wetlands identified under the Ramsar Convention.
  - Direct development away from major wetlands and rehabilitate urban waterways to protect and enhance sensitive ecosystems.

The current suite of Environmental Significance Overlays has been applied to locations with specific flora and fauna values. A number of environmental values are not recognised by the planning scheme including:

- Ramsar listed wetlands
- Directory of Important Wetlands
- Heritage rivers

<sup>58</sup> East Gippsland Catchment Management Authority (2013) East Gippsland Regional Catchment Strategy 2013 - 2019

<sup>59</sup> East Gippsland Catchment Management Authority (2015) Draft Gippsland Lakes Ramsar Site Management Plan

- EPBC listed ecological communities.

There is an opportunity through the preparation of the RLUS to recognise significant values, including high value agricultural productive land and ensure that their protection is considered in future land use planning and development decisions. The RLUS can also ensure that coastal acid sulphate soils are considered in future planning decisions.

A summary of the major values, threats and recommendations relevant to the preparation for the RLUS is provided here.

## GIPPSLAND LAKES AND HINTERLAND

### Values

Ramsar listed wetlands: Gippsland Lakes and its fringing wetlands

Directory of Important Wetlands: Lake King wetlands, Lake Victoria Wetlands, Lindenow Wildlife Sanctuary, Macleod Morass, Tambo River and Lake Bunga

The lower reaches of major tributary river systems.

Heritage listed Mitchell River

EPBC listed critically endangered ecological communities:

- Red Gum Grassy Woodland and Associated Native Grassland
- Littoral Rainforest and Coastal Vine Thickets ecological communities.

### Threats

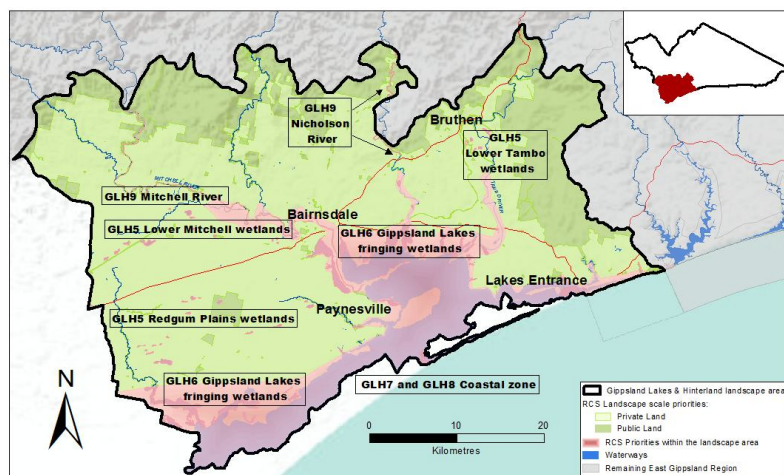
Principal threats:

- Invasive plants and animals (particularly to threatened species and ecological communities)
- Increasing salinity in estuaries and wetlands
- Degraded water quality
- The effects of grazing stock on riparian and wetland vegetation
- More variable freshwater inflows and their effect on vegetation communities (wetlands) and significant fauna
- Soil compaction, salinity and erosion
- Acid sulfate soils
- Disturbance from recreational activities
- Loss of native vegetation remnants
- Development and population growth
- Coastal erosion.

Emerging threats:

- Effects of climate change on sea level rise
- Reductions in freshwater flows
- Inappropriate fire regimes
- Spread and increasing populations of invasive animals (particularly deer)
- Continued change in salinity levels in the Gippsland Lakes and its effect on ecological communities, particularly in wetland and estuarine environment



FIGURE 52: GIPPSLAND LAKES AND HINTERLAND PRIORITY AREAS<sup>58</sup>

## GIPPSLAND LAKES UPPER CATCHMENT

### Values

Directory of Important Wetlands: Nunniong Plateau peatlands, Wongungarra River, Wonnangatta River

EPBC listed critically endangered ecological communities:

- White Box –Yellow Box – Blakely’s Red Gum Grassy Woodland
- Derived Native Grassland.

EPBC listed endangered ecological communities:

- Alpine Sphagnum Bogs and Associated Fens
- Silurian Limestone Pomaderris Shrubland of the South East Corner and Australian Alps Bioregion
- Victorian Heritage Rivers Mitchell and Wonnangatta rivers

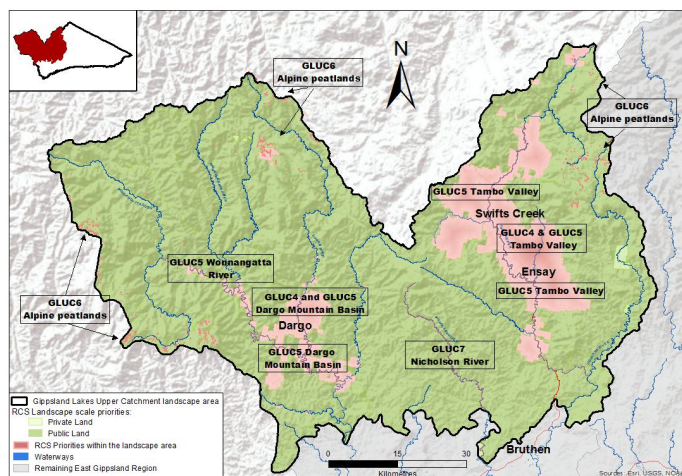
### Threats

Principal threats:

- Soil erosion
- Inappropriate fire regimes
- Cleared riparian zones
- Invasive plants and animals – particularly predators (dogs, foxes) and hard hooved grazers (horses, deer, cattle, pigs and goats)
- Soil acidity and compaction.

Priority emerging threats:

- Emergence of new pest plant and animal species

FIGURE 53: GIPPSLAND LAKES UPPER CATCHMENT PRIORITY AREAS<sup>58</sup>

## EAST COAST

### Values

Ramsar listed wetland: Lake Tyers (as part of the Gippsland Lakes Ramsar site)

Directory of Important Wetlands: Lake Tyers, Lower Snowy River Wetlands System, Ewings Marsh (Morass), Mallacoota Inlet Wetlands, Sydenham Inlet Wetlands, Tamboon Inlet Wetlands, Genoa River, Benedore River, Thurra River

Victorian Heritage River: Bemm River, Snowy River

EPBC listed critically endangered ecological communities:

- Littoral Rainforest and Coastal Vine Thickets.

### Threats

Principal threats:

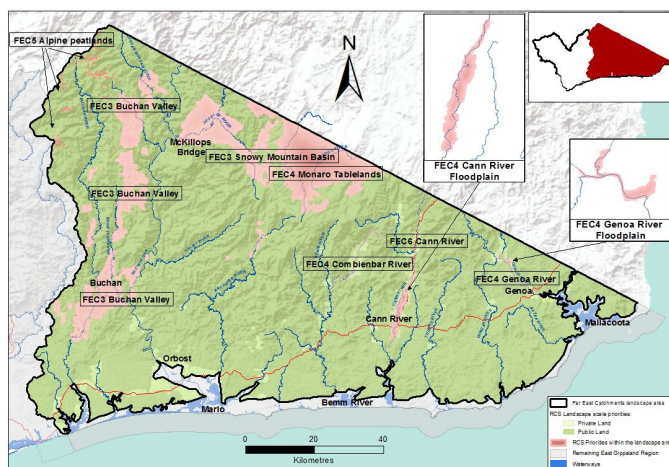
- Invasive plants and animals
- Elevated sediment levels in the Cann and Genoa rivers
- Altered flow regime and increasing salinity in the Lower Snowy River
- Inappropriate fire regimes Disturbance from recreational activities
- Coastal erosion
- Introduction of marine pests.

Priority emerging threats:

- Introduction and establishment of new pest plant and animal species
- Effects of climate change on sea level rise
- Coastal development and uncontrolled access to the coast
- Acid sulfate soils
- Accelerated coastal erosion on susceptible ecological communities.



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

FIGURE 55: FAR EAST CATCHMENTS PRIORITY AREAS<sup>58</sup>

## WATERWAYS

The *East Gippsland Waterway Strategy*<sup>60</sup> provides a framework for the management of the region's waterways that includes the Ramsar listed Gippsland Lakes and Lake Tyers wetland system, Heritage Rivers (Mitchell, Wonnangatta, Bemm, Goolengook, Arte, Errinundra, Snowy River, Suggan Buggan, Berrima and Upper Buchan River) the nationally significant Snowy River estuary and Sydenham Inlet (Figure 56). There are also numerous important coastal, plains and sub-alpine wetlands.

The main threats to waterway values that apply to the whole of East Gippsland are:

- Invasive plants, including new and emerging plants
- Spread and increasing populations of invasive animals
- Potential effects of climate change on flow regimes, water temperatures, aquatic and riparian vegetation and the frequency and severity of bushfire.

Within the cleared areas of the region, the main threats to waterway values are:

- Degraded habitats caused by loss of native vegetation remnants and clearing of riparian zones
- Reduction in water quality and increase in salinity – due to factors such as stock access, floods, bushfires
- Altered physical form due to erosion and sedimentation, including the effects of past mining activities.

In the alpine peatlands – bushfire, pest plants, pest animal grazing

In the wetlands of the plains – clearing, drainage, pest plants, water extraction (surface and groundwater), grazing (livestock and pest animals).

In the coastal wetlands – sea level rise, clearing, drainage, coastal development, pest plants, grazing (livestock and pest animals).

Additional threats specific to estuaries include:

- Changed river flow regimes

<sup>60</sup> East Gippsland Catchment Management Authority (2014) East Gippsland Waterway Strategy 2014-2022

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

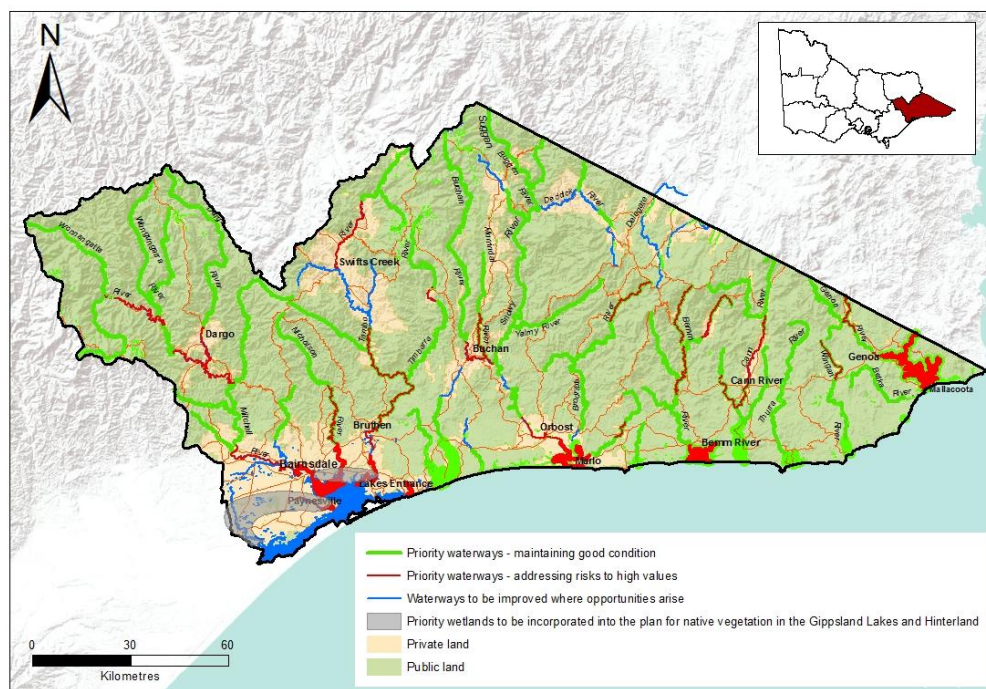
- Inappropriate estuary mouth openings
- Sea level rise
- Coastal development.

Management actions relevant to this study include:

- Ensuring appropriate access is available to the public
- Hydraulic connection between waterways and significant floodplain wetlands is maintained or improved
- Improvement in the extent, structure and diversity of vegetation in priority wetlands improved and connection to a riparian corridor or remnant vegetation where appropriate
- Livestock grazing restricted in cleared sections of priority reaches
- Improvement in the extent, structure and diversity of vegetation on riparian corridors improved within cleared sections of selected priority reaches leading to improvements in in-stream habitat and bank stability.

Preparation of the RLUS provides an opportunity to support protection of waterways by ensuring land use and development is setback from riparian areas, estuarine and coastal areas and minimises the risk of impacting water quality.

FIGURE 56: EAST GIPPSLAND PRIORITY WATERWAYS\*<sup>60</sup>



\* Note more detailed mapping of individual catchments is provided in the Strategy



## LANDSCAPE

The *Coastal Spaces Landscape Assessment Study*<sup>61</sup> and *Coastal Spaces Landscape Assessment Study East Gippsland Municipal Reference Document*<sup>62</sup> identify and set out recommendations for recognising and protecting significant landscapes. The East Gippsland Planning Scheme has responded to the recommendations and includes objectives and strategies at Clause 21.04 and Significant Landscape Overlays.

Clause 21.04 acknowledges Council's custodial role in relation to protection of landscapes and provide local content to support Clause 12 of the State Planning Policy Framework. There are six schedules to the Significant Landscape Overlay:

- Schedule 1 – Ninety Mile Beach and Surrounds
- Schedule 2 – Gippsland Lakes
- Schedule 3 – Metung and Lakes Entrance Hills
- Schedule 4 – Lake Tyers and Surrounds
- Schedule 5 – Snowy River Estuary and Surrounds
- Schedule 6 – Mallacoota Inlet and Surrounds.

No further landscape protection measures are proposed at this point in time.

## CULTURAL HERITAGE

The Gunaikurnai Land and Waters Aboriginal Corporation have developed a Whole-of-Country<sup>53</sup> plan that sets out seven strategic goals to guide the activities of the corporation as it seeks to support the Gippsland Indigenous community to stand proud and strong, have strong connections to culture and Country, where businesses and relationships are based on solid foundations and be self-sufficient and highly respected. The Gunaikurnai, Monero and Bidawel people are the traditional owners of East Gippsland. There is an opportunity through the RLUS to support implementation of strategy actions including drawing on interpretation materials and fact sheets as well as:

- Ensuring future developments are sited away from culturally sensitive areas
- Investigating and pursuing new business opportunities including bushfood and native fauna farming enterprises, seed collection, nursery management and carbon farming
- Building up Gunaikurnai tourism and cultural awareness enterprises.

## CLIMATE CHANGE

Climate variability is a significant feature of the East Gippsland research from CSIRO<sup>63</sup>, indicate that the future climate in East Gippsland is likely to have the following characteristics:

- Temperature - Average daily minimum and maximum temperatures are predicted to increase, with an increase in the temperature reached on the hottest days and increase in the frequency of hot days and duration of warm spells.
- Rainfall - Decline in average annual rainfall particularly autumn-winter and spring rainfall, with potentially an increase in summer rainfall. Tendency for heavier rainfall interspersed by longer dry periods, with some extremely dry and wet years, with natural variability continuing to be a major driver of rainfall.

<sup>61</sup> Victorian Government (2006) The Coastal Spaces Landscape Assessment Study: State Overview Report

<sup>62</sup> Victorian Government (2006) The Coastal Spaces Landscape Assessment Study: Municipal Reference Document

<sup>63</sup> <https://www.nrmclimate.vic.gov.au/regional-cma-information/322/> accessed 18.12.2021

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Intensity of rainfall and time in drought - Intensity of heavy rainfall events is predicted to increase, with timing and magnitude driven by natural variability. A decline in the number, but an increase in the intensity of east coast lows, impacting on average rainfall and heavy rain events. Time spent in drought is predicted to increase in line with changes to average rainfall, and the frequency and duration of extreme droughts will increase.
- Wind - Little change in annual average wind speed, but higher wind speeds during the cooler months (July to October) and lower wind speeds during the warmer months (November to May).
- Relative Humidity - Decrease in relative humidity across all seasons, with a tendency for decreases in humidity to coincide with areas of rainfall decline, leading to reduced effective water availability through lower moisture inputs and higher rates of evapotranspiration.
- Fire - More frequent and intense fires are projected as a result of increased temperature and reduced relative humidity.
- Sea level - Continued increase in sea levels and more frequent sea level extremes, including storm surge, is projected.

For the rural areas of East Gippsland this will mean:

- Increased frequency and intensity of bushfires, droughts and flood events
- Reduced irrigation allocations
- Increased heat stress on dairy cattle
- Inadequate chilling from fruit trees
- Reduced risk of winter frosts damage to crops
- There may also be changes in weeds and pests.

The *Climate Change Adaptation and Mitigation Plan*<sup>64</sup> identifies options to address the potential impacts and opportunities from climate change, based on an understanding of CSIRO climate projections for 2050 with a focus on freehold land. The actions relevant to this study include:

- Implement projects in partnership with landholders to retain native vegetation, establish riparian buffers and manage wetlands
- Support policy and programs to address spread of new and emerging invasive plants, animals and other pathogens
- Explore land use planning mechanisms to protect high value agricultural land and provide opportunities for enterprise change
- Plan and implement projects that provide for transition and migration of ecosystems due to sea level rise and associated increased salinity and foreshore erosion.

The RLUS can respond to the forecast impacts of climate change by:

- Facilitating adaptation actions that may be required by agriculture such as horticultural crop protection measures, shedding for livestock as well as the flexibility to change or adapt enterprises as the climate changes.
- Ensuring rural housing takes into consideration the increased risk of extreme events such as bushfire, flooding, sea-level rise and storm surge.

## SEA LEVEL RISE AND STORM SURGE

Global sea levels are projected to rise by 0.18 to 0.59 m by 2095<sup>65</sup>. Sea level rise combined with increased storm events and storm surges will result in damaging waves, flooding, erosion and damage to infrastructure and ecosystems. The Future Coasts Program has released the Victorian Coastal Inundation

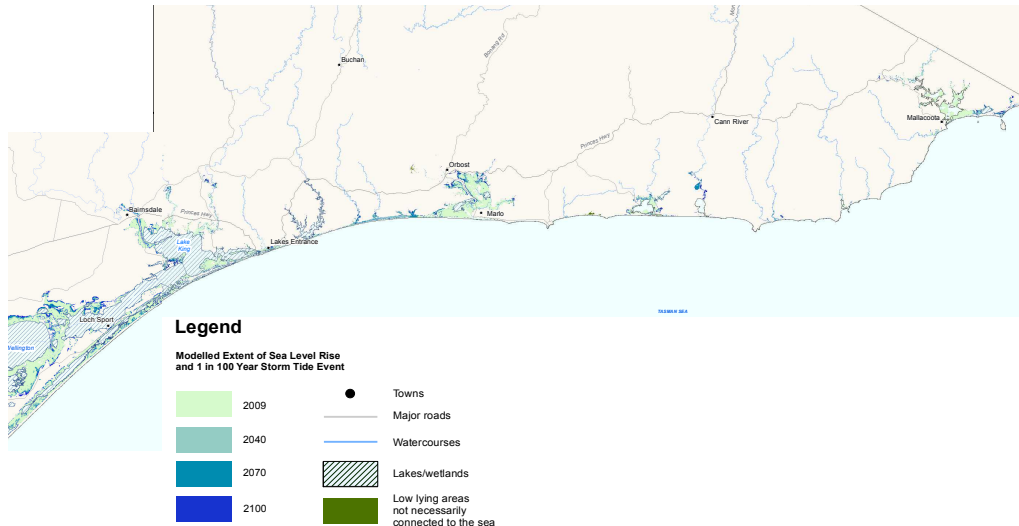
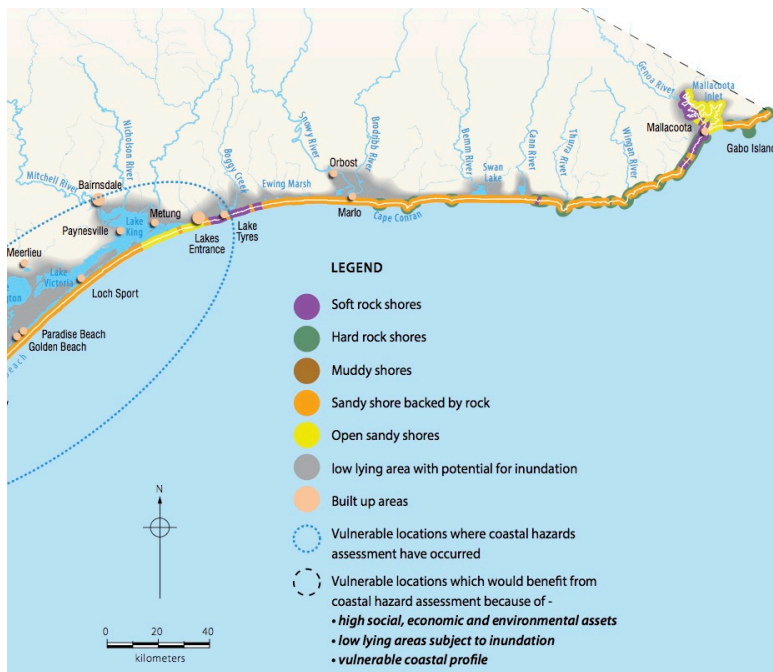
<sup>64</sup> East Gippsland Catchment Management Authority. East Gippsland Climate Change Mitigation and Adaptation Plan.

<sup>65</sup> [http://www.climatechange.vic.gov.au/\\_data/assets/pdf\\_file/0003/73119/EastGippsland\\_WEB.pdf](http://www.climatechange.vic.gov.au/_data/assets/pdf_file/0003/73119/EastGippsland_WEB.pdf) accessed 13.8.2015



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Dataset which provides mapping of areas forecast to be impacted by sea level rise and storm surge under four different time scales. The mapping is intended for use at a regional scale for strategic planning and risk management. Areas at risk in east Gippsland are shown in Figure 57. Preparation of RLUS recommendations should take into consideration of sea level rise and storm surge risk. The Draft Regional Coastal Plan<sup>66</sup> has identified areas of coastal instability and areas for further coastal hazard investigation that should be considered in the preparation of the RLUS (Figure 58).

FIGURE 57: MODELLED EXTENT OF SEA LEVEL RISE AND 1 IN 100 YEAR STORM TIDE EVENT<sup>65</sup>FIGURE 58: COASTAL INSTABILITY AND AREAS FOR FURTHER COASTAL HAZARD INVESTIGATION<sup>66</sup>

<sup>66</sup> Gippsland Coastal Board (2015) Draft Gippsland Coastal Plan

## FLOODING

Flooding is a relatively common occurrence in East Gippsland as river flows are not managed by in-stream storages and interplay with the Gippsland Lakes system and tidal influences in river estuaries. Land Subject to Inundation and Floodway mapping in the East Gippsland Planning Scheme identifies land subject to flooding based on the 1 in 100 year Average Recurrent Interval.

## BUSHFIRE

Following the 2009 Victorian Bushfires Royal Commission Report and the State Government Response, Amendment VC 83 introduced a suite of bushfire planning provisions into all Victorian Planning Schemes, including:

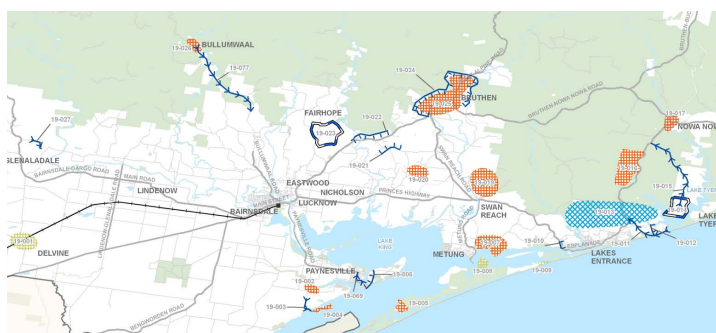
- The State Planning Policy Framework (SPPF) (clause 13.05 – Bushfire)
- The Local Planning Policy Framework (Municipal Strategic Statement (MSS) and local planning policy where relevant)
- The Bushfire Management Overlay (BMO) (clause 44.06)
- Bushfire protection: planning requirements (clause 52.47)
- Bushfire protection: exemptions (clause 52.48), native vegetation (clauses 52.16 and 52.17) and overlays that seek to manage vegetation.

The Bushfire Management Overlay was introduced into the East Gippsland Planning Scheme in 2010.

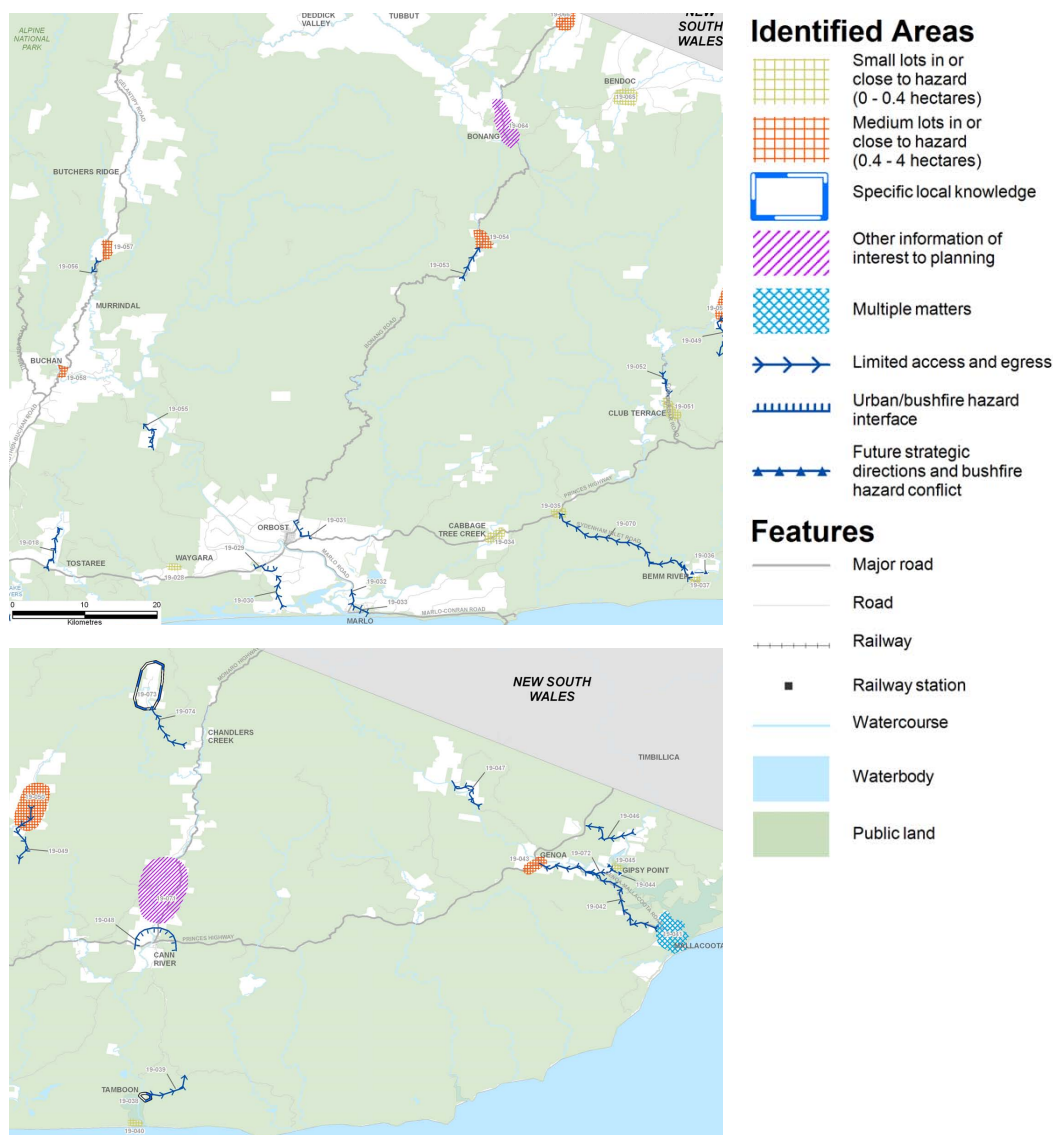
The Regional Bushfire Planning Assessment<sup>67</sup> provides extra information about areas (referred to as 'identified areas') where a range of land use planning matters intersect with a bushfire hazard to influence the level of risk to life and property from bushfire. The report recommends that the information be addressed as part of strategic land use and settlement planning at the regional, municipal and local levels. A number of Identified Areas were recorded in East Gippsland (Figure 59) and these should be considered when making recommendations for change to rural land use and development as part of preparation of the RLUS. A list of the locations and associated bushfire hazard issues are set out in Table 5.

The preparation of RLUS recommendations should take into consideration bushfire hazard.

FIGURE 59: RBPA IDENTIFIED AREAS IN EAST GIPPSLAND<sup>67</sup>



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

TABLE 5: LOCATIONS AND DESCRIPTION OF THE BUSHFIRE HAZARD<sup>67</sup>

Location	Description
Fernbank	Cluster of small residential lots interfacing with a bushfire hazard. The settlement is located in scattered and dense vegetation.
West of Newlands Arm	Cluster of medium size lots in a low density residential zone adjacent to bushfire hazard
Banksia Peninsula	Single constructed road servicing a cluster of rural residential lots on the Banksia Peninsula

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Location	Description
Banksia Peninsula	Cluster of medium size rural-residential lots on the Banksia Peninsula. The settlement interfaces coastal vegetation and is surrounded by vegetation of high to very high conservation significance.
Ocean Grange	Cluster of undeveloped medium size and larger lots in a rural conservation zone, Access to the lots appears limited, Area is surrounded by vegetation of high to very high conservation significance.
Raymond Island	Urban development located in Raymond Island is concentrated in the south-west peninsula. Lots interface with both coastal and inland vegetation, with access to the island limited to a pontoon.
North east of Metung / Nungurner	Cluster of medium size rural-residential lots interacting with a bushfire hazard. Settlement interfaces with coastal vegetation and contains vegetation throughout.
Boole Poole	Small cluster of rural-residential lots on the coastline of Boole Poole. Settlement is located in vegetation of high to very high conservation significance and has limited access and egress options due to its location.
Coastal Island, south of Rigby Island	Cluster of small lots located on the coastal foreshore of Rigby Island. The settlement is located in vegetation of high to very high conservation significance and has limited access and egress.
Kalimna	Western boundary of Kalimna interfaces with bushfire hazard.
Lake Tyers	Single access road to the settlement of Lake Tyers.
Lake Tyers	Eastern boundary of Lakes Tyers interfaces with bushfire hazard.
North of Lakes Entrance (between Kalimna West and Lake Tyers)	Multiple bushfire planning considerations including: <ul style="list-style-type: none"> <li>Cluster of medium size rural-residential lots interfacing with a bushfire hazard. The settlement interfaces with an inland river and state park to the north.</li> <li>Settlements east of Palmers Road interface with a bushfire hazard</li> <li>Northern boundary of Toorloo Arm interfaces with a bushfire hazard</li> <li>Single access to settlements north of Lake Tyers in a bushfire hazard</li> <li>Planning scheme provides for expansion of the Toorloo Arm into the interface of a bushfire hazard.</li> </ul>
Lake Tyers	Lake Tyers Aboriginal Reserve, settlement in proximity to a bushfire hazard.
Lake Tyers	Single access to Lake Tyers Aboriginal Reserve.
Toorloo Arm	Cluster of medium size rural-residential lots north of Toorloo Arm, adjacent to state park, comprising vegetation of high to very high conservation significance.
Nowa Nowa	Cluster of medium size rural-residential lots surrounded by state park comprising vegetation of high to very high conservation significance.
Tostaree to Wairewa	Single access road servicing a cluster of dwellings interfacing with a bushfire hazard.
North of Swan Reach	Cluster of medium size rural-residential lots adjacent to state park, comprising vegetation of high to very high conservation significance.
Nicholson	Cluster of medium sized rural-residential lots with dispersed development set in patches of bushfire hazard to the east and west.
South of Sarsfield	Southern boundary of the settlement south of Sarsfield interfacing with a bushfire hazard.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Location	Description
West of Sarsfield	Lots of varying sizes located in bushfire hazard and varying levels of vegetation. Specific local conditions apply driving the designation of this area as being susceptible to bushfire.
Bruthen and Wiseleigh	Township boundary of Wiseleigh and Bruthen interfacing with bushfire hazard.
Bruthen	Cluster of lots with varying sizes but generally consisting of semi-rural subdivisions with lots in excess of four hectares. Rural-residential lots in and around the townships of Wiseleigh and Bruthen, interfacing with state park to the north.
Bullumwaal	Cluster of medium residential lots in the township of Bullumwaal, in state forest comprising vegetation of high to very high conservation significance.
Iguana Creek	Rural dwellings located on large lots serviced by single access road.
Waygara	Small lots located in proximity to bushfire hazard area. The lots appear to exist in a subdivision which is not serviced and undeveloped.
Newmerella	Southern boundary of Newmerella inclusive of low density residential land interfaces with a bushfire hazard.
Corringle	Single access road through bushfire hazard area servicing scattered dwellings in a coastal environment.
Orbost	Eastern boundary of Orbost interfaces with bushfire hazard.
Marlo	Single access road servicing the township of Marlo.
Marlo	North-eastern boundary of Marlo interfaces with a bushfire hazard.
Cabbage Tree Creek	Cluster of small lots in the township of Cabbage Tree Creek, surrounded by vegetation of high to very high conservation significance in a bushfire hazard area. The wider area includes Farming Zone land containing scattered residential development.
Manorina	Cluster of small lots directly surrounded by state park in a bushfire hazard area.
Bemm River	Planning scheme provides for the extension of Bemm River township to the north.
Bemm River	Cluster of small lots in a bushfire hazard area. The township interfaces with state park and interfaces with coastal vegetation along the Sydenham Inlet.
Tamboon	Cluster of lots used for residential purposes on land interfacing with the Tamboon Inlet and surrounded by state park, comprising vegetation of high to very high conservation significance.
Tamboon	Single access road through state park to the settlement of Tamboon.
South of Tamboon	Cluster of small lots surrounded by state park, located to the south of Tamboon on the southern side of the Tamboon Inlet.
Mallacotta	Multiple bushfire planning considerations including: <ul style="list-style-type: none"> <li>• Clusters of small residential lots</li> <li>• Clusters of medium size rural-residential lots</li> <li>• Settlements interfacing with state park and coastal vegetation in a bushfire hazard area</li> <li>• Access issues out of the Mallacoota township.</li> </ul>
Genoa	Clustering of medium size rural-residential lots located in and around the Genoa area. Rural lots interface with state park to the south.
Gypsy Point	Planning scheme provides for extension of the Gypsy Point township to the west into an area of bushfire hazard.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Location	Description
Gypsy Point	Cluster of small lots in the township of Gypsy Point, interfacing with inland rivers and surrounded by state park, comprising vegetation of high to very high conservation significance.
Genoa/Wallag aragh	Dispersed dwellings serviced by single access road to the west of Wallagaraugh in and around densely vegetated riparian environments.
Wangarabell	Single access road servicing dispersed dwellings in the area of Wangarabell.
Cann River	Township boundary of Cann River interfaces with a bushfire hazard.
Combienbar	Single access road to the township, providing access to a cluster of rural dwellings.
Combienbar	Cluster of medium size rural-residential lots, both developed and undeveloped in a state park, comprising vegetation of high to very high conservation significance.
South of Club Terrace	Cluster of small lots located to the south of Club Terrace surrounded by state park. The settlement is surrounded by vegetation of high to very high conservation significance.
Club Terrace	Single access road servicing dwellings located at Club Terrace and lots located further north surrounded by state park. Area contains vegetation of high to very high conservation significance.
Goongerah	Single access road providing access to dwellings located at Goongerah.
Goongerah	Cluster of developed and undeveloped medium lots and large rural lots in the settlement of Goongerah in a bushfire hazard. The settlement interfaces with state park.
Bete Bolong North	Single access road providing access to dispersed development on lots north of Bete Bolong North.
W Tree	Access road servicing a cluster of dwellings in Buchan.
W Tree	Cluster of medium rural-residential lots in a high bushfire hazard area. The settlement surrounded by state park.
Buchan	Cluster of medium size rural-residential lots in Buchan, in a high fire hazard area. The settlement interfaces state park to the west, comprising vegetation of high to very high conservation significance.
Cobungra	Cluster of medium size rural-residential lots in Cobungra in a bushfire hazard area. The western interface of the township interfaces with state park, comprising vegetation of high to very high conservation significance.
Omeo	Western boundary of Omeo interfaces with a bushfire hazard.
Cassilis	Cluster of medium rural-residential lots in Cassilis in a bushfire hazard area. To the west the township interfaces with state park, comprising vegetation of high to very high conservation significance.
Swifts Creek	Cluster of medium size rural-residential lots and small rural lots in a bushfire hazard area. Scattered vegetation is located throughout with the settlement interfacing with state park to the south.
Nunniong	Cluster of medium size rural-residential lots in Nunniong in a bushfire hazard area. State forest comprising vegetation of high to very high conservation significance interfaces to the north and south of the settlement.
Bonang	Cluster of dwellings located on large farming zone lots surrounded by bushfire hazard. Private land appears to have been modified with dense vegetation located in surrounding state forest.
Bendoc	Cluster of small lots in the township of Bendoc interfacing with a bushfire hazard. The Errinundra National Park interfaces with the settlement.



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Location	Description
Delegate River East	Cluster of dwellings located in a rural area on large farming zone lots. State park interfaces with the settlement.
Glen Wills	Specific local knowledge has identified the presence of small lots in the state park and in a bushfire hazard area. Vegetation in this area is of high to very high conservation significance. Access to the lots appears to be constrained.
Glen Valley	Cluster of medium size rural lots in proximity to state park and in a bushfire hazard area. Lots contain scattered vegetation throughout. Dwellings are generally dispersed and lot sizes in the area are mixed and also include sites in excess of four hectares.
Raymond Island	Raymond Island access is serviced by a pontoon, providing limited access and egress.
Bemm River	Single access constructed road servicing the township of Bemm River.
Noorinbee	Contains a number of constructed dwellings on large lots in the Farming Zone. Several undeveloped lots exist in the Noorinbee area located adjacent to bushfire hazard. Existing lots are generally devoid of vegetation, however, interface with state forest to the east and west of Monaro Hwy. Vegetation in the area is of high to very high conservation significance.
Buldah	Specific local knowledge has identified the presence of large rural lots containing dwellings in Buldah. The lots are generally devoid of vegetation however surrounded by state park.
Buldah	Single access road servicing lots in Bulda.
Anglers Rest	Cluster of large rural lots containing dwellings in a bushfire hazard area. The settlement of Bundara is surrounded by state park and comprises vegetation of high to very high conservation significance.
Angers Rest	Single access road from the settlement at Bundara to Anglers Rest.
Bullumwaal	Single access road servicing the settlement of Bullumwaal surrounded by state forest comprising vegetation of high to very high conservation significance.
Gipsy Point	Single access road to the settlement of Gipsy Point.

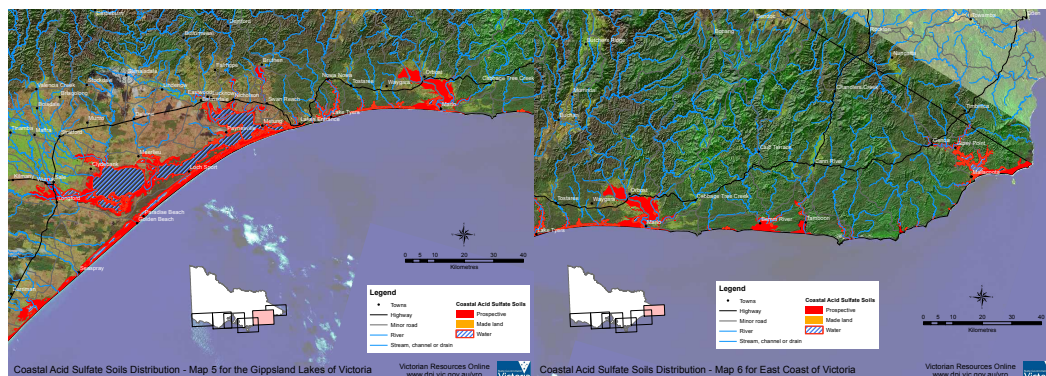
## COASTAL ACID SULPHATE SOILS

Disturbance of acid sulphate soils can result in degradation of lowland environments, including acidification of agricultural soils, corrosion of concrete and steel infrastructure and degradation of estuarine water quality. Mapping of areas with the potential to have coastal acid sulphate soils has been undertaken to indicate to land managers where caution is needed or where further investigation is required prior to any land disturbance. Figure 60 shows the location of land with potential for coastal acid sulphate soils in East Gippsland

State Policy at Clause 13.01-1 Coastal inundation includes a strategy to *Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal), erosion, landslip/landslide, acid sulfate soils, bushfire and geotechnical risk.*

Acid sulphate soils are currently triggered under Clause 56.01-1 Subdivision site and context description for residential subdivision. However, other change to use or development in areas at risk of coastal acid sulphate soils will not trigger an assessment of this risk. There is an opportunity through the RLUS to identify areas at risk of coastal acid sulphate soils and ensure appropriate investigation prior to land disturbance.



FIGURE 60 LAND WITH POTENTIAL FOR COASTAL ACID SULPHATE SOIL<sup>68</sup>

## STRATEGIC IMPLICATIONS

East Gippsland has significant environmental values. There is an opportunity to improve recognition and protection of environmental values in the East Gippsland Planning Scheme by:

- Minimising the impacts of significant threats including: grazing of riparian land, degraded water quality, disturbance of acid sulphate soils, disturbance from recreational activities, development and population growth.
- Recognising significant environmental values including Ramsar list wetlands, Directory of Important Wetlands, Heritage rivers and EPBC listed ecological communities.

There is an opportunity to embrace and promote East Gippsland cultural heritage by supporting implementation of the Gunaikurnai Whole-of-Country.

A number of natural hazards pose threats to communities and environmental values of East Gippsland. Planning policy should recognise the risks posed by climate change, particularly sea level rise, storm surge and an increasing frequency of extreme events including flood and bushfire as well as the impacts of disturbance of coastal acid sulphate soils.

<sup>68</sup> <https://www.data.vic.gov.au/data/dataset/coastal-acid-sulphate-soils>

## APPENDIX 1: PLANNING POLICY FRAMEWORK

### STATE PLANNING POLICY FRAMEWORK

There are a number of State planning objectives and policies that apply to rural land. Objectives relevant to this study are summarised here.

#### 11.01-1S Settlement

Promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements by:

- Ensuring regions and their settlements are planned in accordance with their relevant regional growth plan
- Creating and reinforcing settlement boundaries
- Delivering networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
  - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments
  - Developing settlements that will support resilient communities and their ability to adapt and change.
  - Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level
  - Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes
- Consider as relevant the Gippsland Regional Growth Plan.

#### 11.03-4S Coastal settlement

Plan for sustainable coastal development by:

- Identifying a clear settlement boundaries around coastal settlements protecting rural landscapes and areas between settlements for non-urban use
- Minimising linear urban sprawl along the coastal edge and ribbon development in rural landscapes.
- Protecting areas between settlements for non-urban use.
- Limiting development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

#### 12.01-1S Protection of biodiversity

Assist the protection and conservation of Victoria's biodiversity.

- Avoiding impacts of land use and development on important areas of biodiversity.

#### 12.02-1S Protection of the marine and coastal environment

Protect and enhance the marine and coastal environment by:

- Avoiding disturbance of coastal acid sulfate soils.
- Protecting and enhancing natural features, landscapes, seascapes and public visual corridors.

#### 12.03-1S River corridors, waterways, lakes and wetlands

Protect and enhance river corridors, waterways, lakes and wetlands by:

- Protecting the environmental, cultural and landscape values of all water bodies and wetlands.
- Ensuring development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.

- Ensuring development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
- Facilitating growth in established settlements where water and wastewater can be managed.

#### **12.03-1R High value water body assets - Gippsland Strategy**

Minimise the impact of urban growth on high value water body assets such as the Gippsland Lakes and the source rivers.

#### **12.05-1S Environmentally sensitive areas**

Protect and conserve environmentally sensitive areas by:

- Protecting environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values including the Gippsland Lakes and its foreshore, the coastal areas and their foreshores and Alpine areas

#### **12.05-2S Landscapes**

Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments by:

- Ensuring significant landscape areas such as forests, the bays and coastlines are protected. Ensure development does not detract from the natural qualities of significant landscape areas.
- Improving the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
- Recognising the natural landscape for its aesthetic value and as a fully functioning system. Ensure important natural features are protected and enhanced.

#### **13.01-1S Natural hazards and climate change**

Minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning by:

Considering the risks associated with climate change in planning and management decision making processes.

- Identifying at risk areas using the best available data and climate change science.
- Directing population growth and development to low risk locations.
- Ensuring planning controls allow for risk mitigation or risk adaptation strategies to be implemented.
- Siting and designing development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.

#### **13.02-1S Bushfire planning**

Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life by:

- Giving priority to the protection of human life
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

#### **13.03-1S Floodplain management**

Assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows, the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways and floodplain areas of environmental significance or of importance to river, wetland or coastal health BY

- Avoiding intensifying the impact of flooding through inappropriately located use and development.

#### **14.01-1S Protection of agricultural land**

Protect the state's agricultural base by preserving productive farmland by:

- Identifying areas of productive agricultural land, including land for primary production and intensive agriculture.
- Considering state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoiding permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protecting productive farmland that is of strategic significance in the local or regional context. Protect productive agricultural land from unplanned loss due to permanent changes in land use. Prevent inappropriately dispersed urban activities in rural areas.
- Protecting strategically important agricultural and primary production land from incompatible uses. Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.

#### **14.01-2S Sustainable agricultural land use**

Encourage sustainable agricultural land use by:

- Ensuring agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Supporting the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Supporting adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encouraging diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assisting genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Supporting agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitating ongoing productivity and investment in high value agriculture.
- Facilitating the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensuring that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

#### **14.02-1S Catchment planning and management**

Assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment by:

Retaining natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

Ensuring that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

#### **15.01-6S Design for rural areas**

Ensure development respects valued areas of rural character by:

- Ensuring that the siting, scale and appearance of development protects and enhances rural character.
- Protecting the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Siting and designing development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

#### **15.03-2S Aboriginal cultural heritage**

Ensure the protection and conservation of places of Aboriginal cultural heritage significance by:

- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

#### **17.04-1S Facilitating tourism**

Encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination by:

- Encouraging the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- Seeking to ensure that tourism facilities have access to suitable transport.
- Promoting tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Creating innovative tourism experiences.
- Encouraging investment that meets demand and supports growth in tourism.

#### **17.04-1R Tourism - Gippsland Strategies**

- Facilitate tourism in strategic tourism investment areas shown on the Gippsland Regional Growth Plan.
- Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.
- Support nature-based tourism proposals that complement and are compatible with the region's environment and landscape attractions or are close to identified strategic tourism investment areas.

#### **17.04-2S Coastal and maritime tourism and recreation**

Encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment by:

- Supporting safe and sustainable recreation and tourism development including ecotourism, tourism and major maritime events that:
  - Responds to identified demand.
  - Minimises impact on environmental and cultural values.
  - Minimises impact on other users.
  - Minimises direct and cumulative impacts.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Maintains public safety.
- Responds to the carrying capacity of the site.
- Minimises exposure to coastal hazard risks and risks posed by climate change.
- Ensuring a diverse range of accommodation options and coastal experiences are provided for and maintained.
- Ensuring sites and facilities are accessible to all.
- Ensuring tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.
- Ensuring development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.

**19.01-2S Renewable energy**

Promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met by:

- Facilitating renewable energy development in appropriate locations.
- Protecting energy infrastructure against competing and incompatible uses.
- Developing appropriate infrastructure to meet community demand for energy services.
- Setting aside suitable land for future energy infrastructure.
- Considering the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.
- Recognising that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.

**LOCAL PLANNING POLICY FRAMEWORK**

Key elements of the LPPF relevant to use and development of rural land are summarised here.

**CLAUSE 21.02-1: KEY ISSUES AND INFLUENCES**

The impact of expanding settlements on preservation of landscape amenity.

Managing the biodiversity and natural assets of the region in an environmentally sustainable manner.

Managing fire and fire risk.

Effects of climate change, in particular, the issue of sea level rise, storm surges and coastal erosion.

Water quality of lakes and rivers, especially excessive nutrient levels.

The threat of European carp to the Gippsland lakes and tributary rivers.

Control of environmental weeds and pest animals, on both private and public land.

Inappropriate subdivision of rural land.

Land degradation and tree decline in some rural areas.

Slow economic growth.

High unemployment rate, especially for young people.

A narrow economic base.

The need to extend the range and quality of tourism facilities.

Lack of investment.

Relatively low educational achievement, partly as a result of difficulty of accessing tertiary education.

Maintenance and extension of community services, cultural and recreation facilities.

#### **CLAUSE 21.02-2: VISION**

The community's long-term vision "Unlocking the Future – Long Term Community Vision 2030" identifies the following vision for East Gippsland:

*"East Gippsland Shire Council will work with the community to ensure a sustainable future through liveable and productive communities supported by a healthy environment".*

This vision is supported with four principles:

- Liveability - Strong and vibrant communities create healthy, productive and fulfilling places to live.
- Sustainability - Proactive leadership and strategic partnerships protect and enhance our quality environment.
- Productivity - Investment and visitation develop a sustainable and prosperous economy.
- Governance - Strong leadership and prudent management of democratic and legislative requirements deliver good governance outcomes.

#### **CLAUSE 21.03-1: PLANNING FOR GROWTH AREAS**

Strategy 1.6 - Protect the separation between settlements by preserving intervening areas of predominantly rural or natural landscapes.

Strategy 1.7 - Encourage infill or incremental development of existing towns in preference to dispersed development.

#### **CLAUSE 21.03-2: COASTAL SETTLEMENT**

Strategy 1.1 - Plan and manage public and private land on and adjacent to the coast to provide for a range of activities at suitable locations and for public access to foreshore, lake and estuary recreation areas.

Strategy 1.2 - Ensure that privately owned coastal areas are planned and developed in sympathy with the values of adjoining or nearby Crown land.

Strategy 1.3 - Encourage developers to restore foreshore values on Crown land.

Strategy 1.4 - Protect foreshore and lakeshore reserves and river frontages accessible for recreational use from encroachment by private development.

Strategy 1.5 - Encourage developers of tourist and other commercially oriented coastal developments or enterprises to recognise, and minimise impacts on, sensitive coastal ecosystems and processes by incorporating best practice management principles.

Strategy 1.6 - Direct major developments in coastal areas to the 'activity nodes' defined in part 4 of the Victorian Coastal Strategy (2008) and:

- Provide a broad range of recreation activities and access for large numbers of people; and
- Provide access roads/ tracks/ paths, car and boat trailer parking, boat ramps, jetties, toilet blocks, caravan parks, kiosks and other services in activity nodes.

Strategy 1.7 - Ensure developers of adjacent land provide public access to foreshore Crown land at designated locations, through a network of access roads, tracks, boardwalks and paths.

Strategy 1.8 - Take into account the effects of anticipated climate change, including increased storm events and sea-level rise, in coastal planning.

Strategy 1.11 - Direct Lakes-based holiday development to fully serviced urban areas and keep small lot rural development to a minimum.

Strategy 1.12 - Strongly discourage small-lot subdivision along river frontages and lakes.

#### **CLAUSE 21.04-1: BIODIVERSITY**



Strategy 1.1 - Encourage owners to undertake land care and revegetation programs, restore degraded river frontages and wetlands, protect urban waterways and implement soil conservation measures by incorporating best practice.

Strategy 2.1 - Protect and where possible enhance sites of significance for their ecological, biophysical, geomorphological/geological, cultural, Aboriginal, aesthetic and archaeological values, with particular attention to coastal wetlands identified under the Ramsar Convention.

Strategy 2.2 - Direct development away from major wetlands and rehabilitate urban waterways to protect and enhance sensitive ecosystems.

#### **CLAUSE 21.04-2: LANDSCAPE**

Strategy 1.1 - Ensure that development in significant landscape areas is designed and implemented in a way that is sympathetic to character of the area and preserves its aesthetic values.

Strategy 1.2 Protect:

- Areas of high landscape sensitivity, including visually prominent ridgelines, areas adjacent to the coastline or lake shorelines and remnant vegetation in generally cleared areas.
- Landscapes with high aesthetic or cultural values as identified by the National Trust of Australia (Victoria).
- Views from significant lookout points.
- Scenic roads, including those referenced in the Forest Management Plan, East Gippsland Forest Management Area, the Forest Management Plan for Gippsland, the East Gippsland Forest Management Zoning and the Gippsland Lakes Strategy.
- Attractive landscapes and important vistas, through development and application of siting and design guidelines for coastal townships, recreation activity centres and other areas of high landscape quality.

Strategy 1.3 - Protect and, where possible, enhance the visual and environmental qualities of coastal, lakeshore and river-frontage areas.

#### **CLAUSE 21.05-1 FLOODPLAIN MANAGEMENT**

Strategy 1.1 - Minimise development on flood prone land to reduce the likelihood of impeding or redirecting floodwaters, and to protect against future claims for compensation for flood damage.

Strategy 1.2 - Ensure that the areas covered by the Land Subject to Inundation Overlay in this Planning Scheme are planned and managed in a way which reduces the vulnerability of uses to flooding and prevents inappropriate works and developments.

#### **CLAUSE 21.05-2: EROSION**

Strategy 1.3 - Minimise the impact of development in areas subject to high erosion hazard.

#### **CLAUSE 21.05-3: BUSHFIRE**

Strategy 1.1 - Minimise the vulnerability of people and property to bushfire.

Strategy 1.2 - Improve fire prevention and hazard management by:

- Ensure that land identified as being in an area of high fire hazard is covered by the Bushfire Management Overlay.

#### **CLAUSE 21.05-4: SALINITY**

Strategy 1.1 - Manage development in areas subject to saline water tables to minimise risks of land salinisation as a result of works.

#### **CLAUSE 21.06-1: PROTECTION OF AGRICULTURAL LAND**

Strategy 1.1 - Avoid subdivision outside areas defined as being suitable for rural residential development to the lot sizes shown in the Schedule to the Farming Zone.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Strategy 1.2 - Discourage subdivision for smaller lots in agricultural areas except where the subdivision will facilitate more effective use of the land for agricultural or related purposes. Conditions may be applied to subdivisions prohibiting or limiting development of dwellings.

Strategy 1.3 - Encourage landowners in the Farming Zone to restructure their enterprises to increase flexibility and productivity.

Strategy 1.4 - Encourage proponents of subdivisions in rural areas to adopt cluster housing arrangements where the balance of the land is under unified management for agricultural, pastoral or conservation purposes.

Strategy 1.5 - Support appropriate tourist-related or other economic development in non-urban areas, where this is consistent with maintaining the generally rural character of the area and with environmental protection.

Strategy 2.1 - Protect high quality agricultural land from fragmentation and from development which may reduce its productive potential.

#### **CLAUSE 21.06-2: FORESTRY AND TIMBER PRODUCTION**

Strategy 1.1 - Require planning permits for all plantations over 100 hectares, including where new plantations plus adjoining previously-established plantations together total 100 hectares or more.

#### **CLAUSE 21.06-3: WATER QUALITY**

Strategy 1.9 - Discourage subdivision and intensive farming activities in water supply catchments, especially in the lower areas of water supply catchments near take off points.

Strategy 1.10 - Discourage rural dwellings where wastewater needs to be treated and retained on site; and where the watertable is within 1.0 metre of the surface or on land subject to flooding.

#### **CLAUSE 21.06-4: RURAL EXPLORATION AND EXTRACTION**

Strategy 1.1 - Identify areas of importance as resources for future extractive industries and ensure they are not sterilised by inappropriate development, including of adjoining land.

Strategy 1.2 - Encourage development of the copper and other mineral resources at Benambra through positive planning, including protection of prospective areas from inappropriate development.

#### **CLAUSE 21.08-2: RURAL LIVING DEVELOPMENT – POLICY GUIDELINES**

Request rural dwelling proposals to provide the following information as appropriate:

- A Land Capability Assessment conducted in accordance with Section 4.5 of the Code of Practice Onsite Wastewater Management Environment Protection Authority Publication 891.2 (or as amended).
- Assess applications for rural dwellings against the following criteria:
  - Rural dwellings on land adjoining Crown land should be sited to allow buffer and protection zones as by the Country Fire Authority to minimise impacts on environmental and other values of public land; and
  - An application for a second or subsequent dwelling on a single lot should demonstrate the dwelling is required for the purposes of activities to be carried out on the subject land. Such dwellings should be sited in a way that is capable of providing legal access to each dwelling and should generally not have access from zoned Road.

When deciding on applications for rural dwellings consider, as appropriate: in making its decision on applications to construct dwellings not related to farming or other productive use of the relevant land, Council will consider the distance of the proposed dwelling from the community centre and whether the development is likely to place unreasonable demands on services.

Request small lot subdivision proposals to provide the following information as appropriate:

- A whole farm management plan for each relevant lot, showing:

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- The proposed range of uses;
- Any native vegetation on the lots which is proposed to be cleared as a consequence of the development;
- How the development and use of the land will address any constraints or special values identified;
- How the agricultural use of the land will be managed to minimise impacts on dwellings or potential dwellings on adjoining lots.

Assess applications for small lot excisions against the following criteria:

- Applications that excise existing dwellings should have a minimum of 2 hectares that contains the dwelling;
- Dwellings excised must be in a habitable condition; and
- Where applications to excise an existing dwelling would leave a balance area which is smaller than the minimum lot size for the zone, consolidation of the balance of the lot with an adjoining lot or lots should occur.

When deciding on applications for lots smaller than the minimum consider, as appropriate:

- The availability of undeveloped lots of the proposed size range in the relevant area and any need for additional smaller lots as a consequence of new or innovative agricultural or pastoral development, or proposed tourism enterprises or rural service businesses;
- The ability of the land to be developed without adverse impacts on areas with special values or the likelihood of increasing the risks of degradation in areas with development constraints, including:
  - ☐ Land covered by a Bushfire Management Overlay;
  - ☐ Land covered by an Environmental Significance Overlay or otherwise having high environmental values;
  - ☐ Water catchments for urban / domestic supply or aquifer recharge areas
  - ☐ Areas of high landscape quality or adjoining scenic roads
  - ☐ Areas covered by the Land Subject to Inundation Overlay, or otherwise subject to flood risk; and
  - ☐ Land covered by an Erosion Management Overlay or otherwise subject to high erosion risk.
- The appropriate separation between the lots and:
  - Prime or high quality agricultural land;
  - ☐ High bushfire risk;
  - ☐ Urban waterways
  - ☐ High environmental significance; and
  - ☐ Foreshores, lakes and river frontages.

#### CLAUSE 21.09-2: INDUSTRY

Strategy 2.1 - Ensure that high quality agricultural land (identified through land capability mapping and other studies) is protected from inappropriate subdivision or development.

Strategy 2.2 - Support the development of alternative agricultural and horticultural crops and pastoral industries to include organic farming.

Strategy 2.3 - Support value-adding and primary produce/ resource processing industries.

Strategy 2.6 - Support new investment in timber processing and value adding.

Strategy 2.8 - Encourage exploration for and development of mineral resources.

Strategy 2.9 - Identify areas of importance as resources for future extractive industries and ensure they are not sterilised by inappropriate development, including of adjoining land.

Strategy 2.10 - Encourage development of tourist-oriented facilities or small scale retail outlets in association with horticultural or pastoral activities, such as vineyards.

**CLAUSE 21.09-3: TOURISM**

Strategy 1.1 - Encourage development of new accommodation and camping facilities on appropriate sites adjacent to Errinundra and Snowy River National Parks.

Strategy 1.2 - Encourage nature based tourism.

Strategy 1.3 - Encourage the tourism potential of public land - including National Parks and reserves - in the region and facilitate appropriate access to a wide range of natural attractions for visitors.

Strategy 1.6 - Encourage development of a range of types and scales of tourist accommodation options in the region, including 'bed and breakfast', self-contained units or cottages, farm stay accommodation.

Strategy 1.7 - Encourage development of year-round attractions.

Strategy 1.8 - Encourage the tourist operators to design facilities and services to meet the needs of people with a disability.

Strategy 1.9 - Encourage tourist facilities to be designed in keeping with the quality of the landscape and environment and the character the particular locality.

Strategy 1.10 - Support new 'freestanding' tourist resorts or developments, at a variety of scales, on undeveloped land that is environmentally and aesthetically capable of supporting development and able to be serviced appropriately.

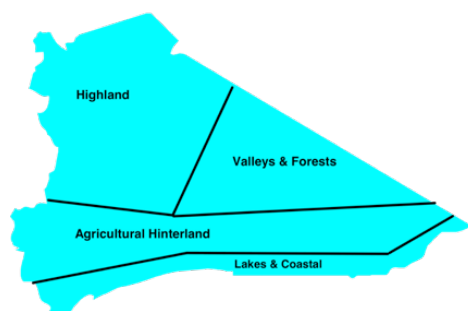
Strategy 1.11 - Avoid a major component of private residential (especially where this involves subdivision of land for detached dwellings) in tourist developments outside existing urban areas.

**CLAUSE 21.10-3: AIRPORTS**

Strategy 1.1 - Ensure the airports expansion potential is not constrained by inappropriate uses of adjoining land.

**CLAUSE 21.12-1: SUBREGIONS**

East Gippsland, for planning purposes, has been divided into four relatively homogeneous economic and geographic areas, as shown in the following diagram.



Strategies relevant to the RLUS are summarised here:

**CLAUSE 21.12-2: LAKES AND COASTAL**

- Assessing and prioritising the response to climate change impacts to ensure that the risks associated with sea level rise and storm surge are properly considered in future strategic planning and the assessment of development proposals in vulnerable areas
- Protecting landscapes and natural values, particularly in coastal/lakes areas
- Encouraging population growth and development in fully serviced residential land in the major towns

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

Strategy plans have been prepared for a number of townships within the sub-region that identify settlement boundaries and future development areas to 2020. Towns with a strategy plan include: Bairnsdale, Eagle Point, Paynesville, Newlands Arm, Raymond Island, Metung, Nungurner, Tambo Bluff, Lakes Entrance, Lake Tyers, Lake Tyers Aboriginal Trust, Marlo, Bemm River, Mallacoota, Gypsy Point and Genoa.

Strategies relevant to the RLUS associated with rural towns and localities without a strategy plan are summarised here:

- Rural/coastal localities, Lake Victoria area:
  - The tourist development potential of the area around Wattle Point will be reviewed to provide additional opportunities for low-key development, whilst protecting the character and environment of the area and safeguarding against vulnerability to wildfire.
  - Limited development of existing lots at Goon Nure will continue to be permitted in accordance with policies established by the Shire of Bairnsdale. Further small lot subdivision will be discouraged.
- Raymond Island
  - Encourage the use of indigenous planting on private land.
  - Consider the development of low impact, small scale and environmentally friendly tourist accommodation in appropriate locations.
- Ocean Grange and Barrier
  - Freehold land on the Barrier has been zoned Rural Conservation in recognition of its high environmental values and unsuitability for normal rural use. A Significant Vegetation overlay also applies to the area.
  - 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.
- Nicholson River
  - The river corridor will be protected from development that might impact adversely on its environmental values.
- Johnsonville and Swan Reach
  - 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
- Mosquito Point
  - The 'rural-residential' style development east of the main settlement is zoned Rural Conservation, in recognition of its high environmental values and lack of suitability for normal rural uses.
  - Further development will be strictly limited. 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 will not be affected adversely. Any further subdivision will be subject to the ability of the land to absorb wastes, protection of native vegetation, and minimal impact on adjoining public land.
- Nowa Nowa
  - Encourage value-adding in timber industry, on or adjacent to sites occupied by existing timber enterprises.
  - Encourage development of tourist facilities, subject to appropriate servicing being provided by the developer.
- Tamboon/Tamboon South
  - These settlements have been zoned Farming or Rural Conservation in the Planning Scheme, to indicate that there is to be no intensification of development. New dwellings within the settlements will be approved only if lots are capable of retaining all wastes on site and development of more than one dwelling per lot will be strongly discouraged.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- No extension of settlements will be approved.
- Genoa
  - In the rural area, retention of large lot sizes will be encouraged, but opportunities exist for appropriate small scale tourist or commercial uses in association with rural activities.

**CLAUSE 21.12-3: AGRICULTURAL HINTERLAND**

Protecting high quality agricultural land.

Protecting water quality and quantity, particularly in water catchments used for domestic supply.

Preparing or upgrading flood and fire management strategies.

Providing opportunities to add value to both agricultural land and produce and timber products.

In the longer term, extending land capability studies in order to identify areas where demand for rural residential style living can be met in a way that supports the local economy and community, but reduces impacts on the environment and minimises fragmentation of agricultural and pastoral land.

Providing assistance to regional towns to maintain their sustainability.

- Rural localities in Bairnsdale district
  - Bengworden – potential for agricultural intensification
  - Clifton Creek and Woodglen – encourage small scale tourism development in rural areas
- Lindenow and district
  - Lindenow and Lindenow South townships are appropriate locations for processing of vegetable and dairy products.
  - High value agricultural land will be protected from inappropriate development. The Mitchell River flats are zoned Farming, with a small minimum lot size for subdivision, in order to facilitate restructuring of holdings for agricultural purposes. Development of dwellings will generally require a permit, to minimise the impact of non-agricultural uses on valuable land and the operations being carried out on it.
  - The floodplain of the Mitchell is covered by a Land Subject to Inundation overlay and an Environmental Significance overlay recognising its value as high quality agricultural land.
  - Consolidation of the town of Lindenow within existing boundaries will be encouraged, using infill development. The current vacant sites should accommodate the anticipated population growth for the next 15 years.
- Bruthen
  - Increasing tourism role, particularly crafts & small- scale tourist accommodation.
  - Bruthen and its surrounds are of high cultural landscape significance - the area is currently being assessed by the National Trust of Australia (Victoria) and these values will be taken into account in planning. There are also a number of buildings and places of potential heritage significance in and around Bruthen.
- Tambo Upper
  - Encourage small scale tourist developments in rural areas.
- Buchan / W-Tree
  - The potential for retreat-style and nature-based tourism in the areas surrounding Buchan will be recognised, together with opportunities for complementary commercial development within the existing town boundaries.
  - Nature-based and adventure tourism will be encouraged, combined with increased information highlighting the natural attributes of the area.
  - Scenic roads and areas of high landscape significance will be protected.

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Areas at W-Tree and Gelantipy were formerly zoned 'Rural C' under the Tambo Planning to facilitate the development of co-operatives. No similar zone exists in the Victoria Planning Provisions, so these areas have been zoned Farming. However, subdivision of these properties will only be permitted if an appropriate standard of road access and other services - including retention of treated sewage on-site - can be provided to all new lots to be created.
- Orbost
  - Promote Snowy River as a major tourist icon for East Gippsland.
  - Appropriate location for major natural resource processing industry.
  - Appropriate location for industries value-adding industries to primary produce of region.
  - Hub for nature based tourism - coast, rivers, forests.
- Cann River
  - Appropriate location for new value-adding timber processing industry.
  - Enhance role as base for nature-based tourism.
  - Potential for small-scale value- adding to dairy produce.
- Noorinbee
  - Encourage small scale tourist developments in rural areas.
  - Potential for small-scale value- adding to dairy produce.

**CLAUSE 21.12-4: HIGHLAND**

Protecting the unique natural and cultural environment of the sub-region.

Protecting water quality and quantity, particularly in water catchments used for domestic supply.

Enhancing the tourism opportunities of the sub-region through nature-based tourism, its rich cultural heritage and proximity to the snow field.

Exploring agricultural opportunities that may lead to improved economic viability.

In the longer term, identifying areas where demand for rural residential style living can be met in a way that supports the local economy and community, but reduces environmental impacts and minimises fragmentation of agricultural land.

Freehold rural land in this region is the subject of a (1999) study investigating land capability and environmental constraints, as well as identifying new land use options that could provide a sustainable future for the area and its communities. Amendments to the Planning Scheme may be necessary in future to reflect the outcomes of this study.

- Omeo
  - Demands for development along the Great Alpine Road between Omeo and Dinner Plain will be managed to provide a range of attractive environments for tourism or permanent living, whilst preventing ribbon development and adverse effects on the environment or landscape of the area.
  - Preservation and enhancement of the significant cultural heritage of the Omeo and its environs will be encouraged through identification and documentation of heritage places and application of appropriate planning controls.
  - Land use and development in the catchments of Lake Hume and Lake Dartmouth will be managed to protect the quality of water flowing into these storages.
- Cassilis Valley
  - Further investigation is required to determine the environmental/ land use capability of the Cassilis Valley, but the area will generally be planned for relatively low density rural development, including nature-based or rural-related tourism.
  - The old Crown townships of Cassilis and Tongio West will be restructured to substantially reduce the potential development density.



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Rural land in the remainder of the valley will be planned to ensure that potential dwelling densities are substantially reduced from those that would exist if all Crown allotments were allowed to be developed.
- Swifts Creek
  - Rural land will generally be planned to retain large parcels of land for pastoral uses, but a range of small-scale tourist enterprises may be permitted in appropriate locations.
  - Reopening of the mill and development of further value-adding to timber products will be encouraged, subject to maintenance of appropriate buffer distances for air and noise emissions between the mill site and sensitive uses such as the schools and residences.
- Ensay / Ensay South
  - Enhance tourism role, based on Great Alpine Rd and opportunities for 'farm stay' and similar accommodation.

**CLAUSE 21.12-5: VALLEYS AND FORESTS**

Ensuring a balanced approach to the protection of the natural environment and the utilisation of timber resources.

Ensuring appropriate sites are available for nature-based tourism development to complement opportunities in the parks.

Upgrading fire prevention and management strategies.

Exploring agricultural opportunities that may lead to improved economic viability.

- Gelantipy/Suggan Buggan/Wulgulmerang
  - Encourage further nature-based tourist developments in rural areas of Gelantipy.
  - To achieve this the 'Snowy River Road' and the Gelantipy-McKillops Bridge-Bonang Road will both be recognised as routes of major scenic, tourist and historic value.
- Goongerah
  - Encourage small scale tourist developments in rural areas.
- Tubbut
  - Encourage small scale tourist developments in rural areas of Tubbut.
- Bonang
  - Develop potential as a base for nature-based tourism.
  - Develop agricultural potential.
- Delegate River
  - Develop nature-based tourism potential.
- Bendoc
  - Encourage value-adding in timber industry.
  - Develop potential as a base for nature-based tourism.

**CLAUSE 21.12-6 OLD CROWN TOWNSHIPS – BENGWORDEN, HINNOMUNJIE, TONGIO MUNJIE, WAYGARA, MANORINA, TABBARA**

- These settlements have been zoned Farming or Rural Conservation in the Planning Scheme, to indicate that they should continue to be used for broad area rural purposes.
- No residential or other urban development will be approved unless specific studies find the area to be suitable. Consolidation of lots may be required as a condition of any permits granted.

**OTHER RELEVANT CLAUSES**

A number of clauses at Clause 52 – Particular Provisions provide further guidance on assessment of planning permit applications for rural uses including Wind Energy Facilities, Timber Production on Crown and private land, Cattle feedlots and Broiler farms.

RURAL LAND USE STRATEGY - BACKGROUND REPORT

Clause 52.08 Earth and Energy Resources Industry has the following objectives:

- Encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.
- Ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.
- Ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

Generally a permit is required to use and develop land for earth and energy resources including mining and extractive industries unless the proposal complies with the *Mineral Resources (Sustainable Development) Act 1990*.

Clause 52.09 Stone Extraction and Extractive Industry Interest Areas has the following objectives.

- Ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.
- Ensure that excavated areas can be appropriately rehabilitated.
- Ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.

A permit is required to use and develop land for earth and energy resources including mining and extractive industries unless the proposal complies with the *Mineral Resources (Sustainable Development) Act 1990*.

## APPENDIX 2: OVERLAYS

- Environmental Significance Overlay
  - Schedule 1 – 94 – Sites of biological significance
    - Ensure that development occurs so as not to adversely impact upon the environmental values of the site or any other value that may be identified within the overlay area.
    - Conserve and enhance the environmental sustainability and ecological integrity of these values.
  - Schedule 95 – High quality agricultural land
    - Preserve areas of high inherent agricultural productivity and versatility for agricultural production.
    - Ensure that areas of sufficient size for sustainable agricultural production are maintained.
    - Discourage other uses, housing and buildings and works, even if associated with agriculture, which removes prime agricultural land from agricultural production.
    - Allow small lot subdivision for agricultural purposes provided no house entitlement is created.
  - Schedule 96 – Conservation covenanted land
    - Ensure protection of ecological values on land covered by a conservation covenant.
    - Ensure that development occurs in accordance with the requirements of the conservation covenant.
- Vegetation Protection Overlay – protect areas of vegetation significance
  - Schedule 1 – Tambo-Bairnsdale roadside vegetation protection framework
  - Schedule 2 – Raymond Island vegetation protection area
  - Schedule 3 – Nungurner-Metung vegetation protection area
  - Schedule 4 – Mosquito Point vegetation protection area
  - Schedule 5 – Flanagan Island and Fraser Island vegetation protection area
  - Schedule 6 – Outer Barrier vegetation protection area
  - Schedule 7 – Kalimna vegetation protection area
  - Schedule 8 – Mallacoota vegetation protection area
- Significant Landscape Overlay – to identify and conserve significant landscapes
  - Schedule 1 – Ninety Mile Beach and Surrounds
  - Schedule 2 – Gippsland Lakes
  - Schedule 3 – Metung and Lakes Entrance Hills
  - Schedule 4 – Lake Tyers and Surrounds
  - Schedule 5 – Snowy River Estuary and Surrounds
  - Schedule 6 – Mallacoota Inlet and Surrounds
- Design and Development Overlays
  - Schedule 7 – Highway Corridors, Princes Highway and Great Alpine Road:
    - Ensure that development in the Highway corridors in non-urban areas is managed to minimise adverse effects on the safe and efficient flow of traffic along the highways.
    - Prevent linear or ribbon development along the Highway corridors.
- Erosion Management Overlay – protect areas prone to erosion or other land degradation processes
  - Schedule 1 – Management of geotechnical hazard
- Salinity Management Overlay – identify areas subject to groundwater discharge and recharge and prevent damage to buildings and infrastructure

### RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Land Subject to Inundation Overlay - identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood and ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- Bushfire Management Overlay - ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire, identify areas where the bushfire hazard warrants bushfire protection measures to be implemented and ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

## APPENDIX 3: STRATEGIC CONTEXT

### AGRICULTURE

#### National Food Plan<sup>69</sup>

The National Food Plan sets out key goals to grow the domestic food industry and increase the value of food exports through trade reform and international market development, investment in research and development, industry infrastructure and the workforce, and adoption of sustainable management practices. The Plan demonstrates a strong commitment to growing the food industry and encouraging investment in primary production and food processing.

Of relevance to the RLUS is the goal, 'Improve the demonstration of sustainability and the understanding of our natural resources', and the pathway action 'Invest in programs and surveys that support the collection, analysis and distribution of data and information on land use, soil, ground cover, weeds, pest animals, land management practices and the motivations of resource users'.

#### Growing Food and Fibre<sup>70</sup>

Growing Food and Fibre is a four-year Victorian Government investment program aimed at increasing the productivity and profitability of the State's key food and fibre sectors. Of particular relevance to this strategy is investment in the dairy industry (\$14.3 million), grains industry (\$10.6 million) and lamb and beef industry (\$8.9 million).

#### Food to Asia Action Plan<sup>71</sup>

The Food to Asia Action Plan identifies opportunities to increase the competitiveness and profitability of Victoria's food sector to meet the growing demand in Asia for premium food and fibre products. The Action Plan identifies seven key areas where the Victorian Government will work with industry to maximise the opportunities created by the growing Asian demand including:

- Improved access to Asian markets
- New markets for premium products
- The right workforce to supply Asia
- More efficient movement of products to Asian markets
- Better targeted R&D, extension and innovation
- Streamlined regulation and reduced red tape
- Increased capital investment.

#### Gippsland Regional Growth Plan

The Gippsland Regional Growth Plan sets out the following strategies for agriculture:

- Support the implementation of state policy by protecting the identified areas of strategic significance (agriculture and forestry) and irrigation assets to help grow Gippsland and the state as an important food bowl for Australia and Asia
- Ensure rural housing and subdivision is for an agricultural or forestry purpose, and critically assess other proposals for non-agricultural uses within the areas of strategic significance (agriculture and forestry) for their comparative economic, social and environmental benefits
- When considering development applications, recognise the importance that preservation and management of productive agricultural and forestry land make to the rural character of Gippsland

<sup>69</sup> Australian Government (Department of Agriculture) (2013). *National Food Plan*. Australian Government, Canberra.

<sup>70</sup> Department of Environment and Primary Industry (2013)

<sup>71</sup> Victorian State Government (2014). *Food to Asia Action Plan*. Victorian State Government, Melbourne.

- Strengthen and improve decision making in identified areas of strategic significance (agriculture and forestry) by supporting councils to secure expert agribusiness assistance to research and assess planning applications for development, such as subdivision, and to build a common knowledge base and approach for subsequent assessments across Gippsland
- Encourage the development of suitable production and processing plants that add value to local agricultural, forestry and fishery products
- Support greater utilisation of agricultural and forestry residues, including for use in biofuel and bioenergy production
- Strengthen Gippsland's fishing industry by maintaining ports and enabling development of fishing operations at Lakes Entrance, Mallacoota, Port Welshpool, San Remo, Port Franklin and Port Albert.

#### **Gippsland Food Plan<sup>72</sup>**

The Gippsland Food Plan outlines four main priorities and lists recommendations to expand the Gippsland food system. The four priorities are:

- Promoting growth and attracting investment
- Enabling infrastructure and logistics
- Innovation and adaption to change
- Advocacy and policy development.

Recommendations relevant to the RLUS include:

- Protection of agricultural land from inappropriate development
- Flexibility in land use planning to accommodate innovative enterprises
- Promote information from "Gippsland Agribusiness Adaption to Change" models
- Protection of land and soil resources and access to water
- Harmonise local government regulations and processes.

#### **East Gippsland Economic Development Strategy 2014 – 2018**

The East Gippsland Economic Development Strategy includes the following actions relevant to agriculture:

- Continued development of the seafood industry value adding processes, workforce development and seafood branding (e.g. Wild Catch) and promotion of the provenance of locally caught seafood. Increase availability of locally caught seafood at retail level.
- Investigate opportunities to improve profitability and value adding within the, agri-food and seafood sector, including the meat, fishing, dairy and horticulture sectors.
- Develop opportunities for closer links between seafood and agri-food, particularly in cold storage, value adding, distribution and marketing.
- Create, promote and market local provenance, in support of the agribusiness and tourism industries and the health benefits, incorporating "fresh, clean and green branding" and in alignment with the East Gippsland Food brand.
- Implement relevant initiatives that are aligned to the objectives of the Gippsland Food Plan.
- Explore and advocate for enhanced water security for the growing horticulture and food processing sector (consistent with the Gippsland Regional Sustainable Water Strategy)

## **FORESTRY**

#### **Gippsland Regional Growth Plan**

The Gippsland Regional Growth Plan sets out the following strategies for forestry:

---

<sup>72</sup> Gippsland RDA (2014) Gippsland Food Plan

- Support the implementation of state policy by protecting the identified areas of strategic significance (agriculture and forestry) and irrigation assets to help grow Gippsland and the state as an important food bowl for Australia and Asia
- Ensure rural housing and subdivision is for an agricultural or forestry purpose, and critically assess other proposals for non-agricultural uses within the areas of strategic significance (agriculture and forestry) for their comparative economic, social and environmental benefits
- When considering development applications, recognise the importance that preservation and management of productive agricultural and forestry land make to the rural character of Gippsland
- Strengthen and improve decision making in identified areas of strategic significance (agriculture and forestry) by supporting councils to secure expert agribusiness assistance to research and assess planning applications for development, such as subdivision, and to build a common knowledge base and approach for subsequent assessments across Gippsland
- Encourage the development of suitable production and processing plants that add value to local agricultural, forestry and fishery products
- Support greater utilisation of agricultural and forestry residues, including for use in biofuel and bioenergy production.

#### **Code of Practice for Timber Production 2014<sup>73</sup>**

The code applies to the planning and conducting of all commercial timber harvesting operations on public and private land in Victoria. The code does not apply to domestic firewood collection or production, agroforestry, windbreaks, revegetation for salinity or erosion control or other amenity plantings, or to the occasional felling of trees for local uses. Small plantations and woodlots of five hectares or less (total area existing or proposed on contiguous land which is in the same ownership) are also exempt from the code, as are plantings established for non-commercial purposes.

Compliance with the code on private land and leased Crown land is specified in Clause 14.01-3 of the Victoria Planning Provisions (VPP) and all planning schemes. Clause 52.18 specifies the provisions relating to timber production and the code is an incorporated document, which must be considered.

Local government is responsible for ensuring compliance with the planning system. The code must be complied with to the satisfaction of the responsible authority (usually local government), whether or not a permit is required.

#### **East Gippsland Economic Development Strategy 2014 – 2018**

The East Gippsland Economic Development Strategy includes the following actions relevant to forestry:

- Implement local timber industry initiatives in East Gippsland including:
  - Strategies for value adding to niche timbers and furniture products and
  - Industry upgrades in technology
- Investigate opportunities for a bioenergy or biofuel plant in East Gippsland to maximise use of mill waste and supplementary residual forest resource or other local waste.

## **MINING AND EXTRACTIVE INDUSTRIES**

### **Gippsland Regional Growth Plan**

The Gippsland Regional Growth Plan sets out the following strategies for resource industries:

- Support the development of mineral and other earth resources where proposals meet the requirements of the relevant environmental and regulatory processes

---

<sup>73</sup> State Government of Victoria (2014) Code of Practice for Timber Production 2014. State Government of Victoria, Melbourne.



## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Identify, manage and facilitate access to natural resources where appropriate, including sand and stone, minerals, timber and renewable energy potential.

**East Gippsland Economic Development Strategy 2014 – 2018**

The East Gippsland Economic Development Strategy includes the following actions relevant to extractive industries:

- Maximise the opportunities in the mining industry for local businesses and the community and implement the recommendations from the Economic Opportunities in Mining study.

## RURAL SETTLEMENTS AND HOUSING

The Gippsland Regional Growth Plan sets out future directions for settlement in Gippsland. Directions for towns in East Gippsland are summarised in Table 6. Urban Design Frameworks have been prepared for Mallacoota, Marlo, Metung, Nungurner and Paynesville that include recommendations for rezoning of rural land to Rural Living or Low Density Residential subject to future demand.

TABLE 6: DIRECTIONS FOR EAST GIPPSLAND SETTLEMENTS

	Settlement	Growth descriptor	Strategy
Bairnsdale	Regional centre	Promote growth	Encourage and facilitate opportunities for major scale development in areas identified for significant growth
Paynesville Lakes Entrance	Town	Support growth	Support proposals for medium scale growth consistent with local plans
Orbost	Town	Sustainable change	Support small-scale residential, commercial and industrial
Mallacoota	Small town	Sustainable change	Support small-scale residential, commercial and industrial

## TOURISM

**Victoria's 2020 Tourism Strategy<sup>74</sup>**

The Strategy provides a long term framework to increase the economic and social contribution of tourism to the State. Strategies relevant to this RLUS include:

- Introduce and expand the Regional Tourism Partnership Program. Initially this will bring together the Regional Marketing, Tourism Excellence, Digital Excellence and Regional Tourism Board Support programs.
- Meet current and future consumer demand of high yielding consumers for spa and wellbeing, food and wine, nature based and art and cultural experiences.
- Develop and roll out an intrastate campaign over an extended period (5-6 years) that aims to attract Melburnians to regional destinations across the State, with a focus on regions beyond Melbourne surrounds.

**Victoria's Nature Based Tourism Strategy 2008-2012<sup>75</sup>**

The Strategy seeks to promote nature based tourism and identifies Gippsland as a priority campaign region:

- Wild East Gippsland Walk with demountable accommodation
- East Gippsland nature-based tourism accommodation and activity hubs
- Croajingolong National Parks interpretive centres with a tourism/customer service approach

<sup>74</sup> Victorian State Government (2013) Victoria's 2020 Tourism Strategy

<sup>75</sup> Department of Sustainability and Environment, Parks Victoria, Tourism Victoria (2008) Victoria's Nature Based Tourism Strategy

- Gippsland Hinterland all-wheel drive touring route
- Gippsland lakes boating infrastructure.

#### **Regional Tourism Action Plan 2009 – 2012<sup>76</sup>**

The action plan sets out the following priorities for Gippsland relevant to this study:

- Blue water access at Bastion Point and nature-based accommodation in identified sites in the region
- Gippsland Lakes boating infrastructure – upgrading of boating facilities at selected locations on Victoria's largest inland waterway. Key initiatives would include further development of key sites and tie-up points, particularly towards the western end of the Lakes with appropriate supporting infrastructure, accommodation and services
- High priority nature-based tourism product opportunities associated with long distance trails such as Wild Walks including eco-cabins in Crown land locations
- Accommodation integrated with conference and meeting facilities
- Work with the region to realise the Sydney–Melbourne Coastal Drive as a nationally significant touring route.

#### **Gippsland Tourism Strategic Direction 2013-2018<sup>77</sup>**

The Strategic Direction includes an action to develop a Gippsland Tourism Infrastructure Plan. East Gippsland priority projects include: Coastal Wilderness Walk, Croajingolong National Park, East Gippsland and Bancroft Bay Marina Metung and the Slip Road Marine Precinct Redevelopment Paynesville.

#### **Gippsland Regional Growth Plan<sup>78</sup>**

The Gippsland Regional Growth Plan sets out the following strategies for tourism:

- Strengthen tourism in the identified strategic tourism investment areas of: Phillip Island, Bunurong Coast, Wilsons Promontory National Park, Tarra-Bulga National Park, Mount Baw Baw and the Australian Alps, Gippsland Lakes, and Croajingolong National Park, including the Coastal Wilderness Walk, through improvements and developments that enhance the visitor experience, are conducive to tourism development in the area, appropriately respond to natural hazards, and do not undermine the environmental and cultural heritage assets and values of the area
- Facilitate increased tourism investment and subsequent employment by supporting sensitively designed, nature-based tourism proposals that complement and are compatible with the region's environment and landscape attractions or are close to identified strategic tourism investment areas
- Encourage tourism development to locate within an existing urban settlement in identified strategic tourism investment areas, except where proposals:
  - Support nature-based tourism or are farm-based
  - Do not include a permanent residential component
  - Avoid or manage natural hazards
  - Are likely to be of regional significance
  - Are high quality and significantly add value to the tourism experience of the area
  - Do not detract from the environmental or landscape values of the area in which they are located.

#### **Gippsland Lakes Ecotourism Plan<sup>79</sup>**

The Ecotourism Plan sets out the following actions relevant to this strategy:

- Develop and promote the Gippsland Lakes Trail

<sup>76</sup> Tourism Victoria (2009) Regional Tourism Action Plan 2009 – 2012

<sup>77</sup> Destination Gippsland (2013) Gippsland Tourism Strategic Direction 2013-2018

<sup>78</sup> State Government (2014) Gippsland Regional Growth Plan

<sup>79</sup> Destination Gippsland (2015) Gippsland Lakes Ecotourism Action Plan

## RURAL LAND USE STRATEGY - BACKGROUND REPORT

- Support the development of complementary tourism experiences (e.g. food and wine, arts and culture, accommodation etc.).

**East Gippsland Economic Development Strategy 2014 – 2018<sup>80</sup>**

The East Gippsland Economic Development Strategy includes the following actions relevant to tourism in the Shire's rural areas:

- Implement and support actions and strategic directions within the East Gippsland Cycle Tourism Action Plan 2012 – 2017
- Investigate the need for, and pursue identified opportunities in the following niche tourism sectors:
  - Boating & kayaking
  - Aboriginal tourism
  - Adventure tourism
- Deliver the actions detailed in the Gippsland Lakes Ecotourism Plan
- Support a regional and place-based approach to further opportunities in the existing iconic East Gippsland tourism regions e.g. Alpine High County, Coastal Wilderness, Snowy River, Gippsland Lakes and Local Destination Action Plans
- Support projects to develop opportunities for East Gippsland's key tourism strengths including:
  - Fishing
  - Touring/sightseeing/4WD
  - Beaches
  - Bushwalking
  - Boating/sailing/kayaking & other water activities
  - Arts/culture/heritage
  - Food & wine
  - Hunting
  - Motor sport
- Prioritise and deliver key infrastructure around the Gippsland Lakes to improve the quality of the tourism experience
- Implement and support actions and strategic directions relating to tourism infrastructure and priority projects for example tracks and trails, signage, visitor amenity, water based interests, food and wine trails, e.g. the Coastal Wilderness Walk.
- Support the proposed Destination Gippsland tourism action plans including industry development programs. Investigate opportunities to roll out the Destination Gippsland plans in the identified regions Alpine High County, Coastal Wilderness, Snowy River, Gippsland Lakes.

**East Gippsland Cycle Tourism Action Plan 2012-2017<sup>81</sup>**

The East Gippsland Cycle Tourism Action Plan (Action Plan) sets out a short to medium term approach to capitalise on the opportunities to grow the cycle tourism sector. The plan notes that the lack of accommodation along or close to the East Gippsland Rail Trail is inhibiting utilisation of the trail for cycling tourism.

East Gippsland has also developed a Trails Strategy<sup>82</sup> that sets out a process for planning trails and strategic guidelines.

---

<sup>80</sup> East Gippsland (2014) Economic Development Strategy 2014-2018

<sup>81</sup> East Gippsland Cycle Tourism Action Plan Steering Committee (2012) East Gippsland Cycle Tourism Action Plan

<sup>82</sup> East Gippsland (2012) Trails Strategy Parts 1 & 2

## CULTURAL HERITAGE

The *Aboriginal Heritage Act 2006* requires the preparation of a Cultural Heritage Management Plan for high impact activities in an area of cultural heritage sensitivity, as defined by the Aboriginal Heritage Regulations, 2007.

High impact activities are prescribed in the Aboriginal Heritage Regulations 2007 and include developments with the potential to cause significant changes in land use. An area of cultural heritage sensitivity (other than a registered place or cave) is no longer regarded as sensitive if all of it has been subject to past significant ground disturbance.

Significant ground disturbance is defined as disturbance of the ground or waterway by machinery in the course of grading, excavating, digging, dredging or deep ripping (to a depth of 60cm or more). Ploughing, other than deep ripping, is not considered significant ground disturbance for the purposes of the Regulations.

## ENVIRONMENT VALUES

### **East Gippsland Regional Catchment Strategy 2013-2019<sup>83</sup>**

The Regional Catchment Strategy provides an integrated planning framework for managing land, water and biodiversity in the region, in line with the requirements of the Catchment and Land Protection Act 1994.

Specific actions for local government in the Gippsland Lakes and Hinterland and East Coast Landscape areas include:

- Improve integration between NRM agencies and local government and planning within and among regions
- Improve consideration and knowledge of natural values, high value agricultural productive land and potential acid sulfate soils in local government planning, to ensure that development occurs in appropriate nodes.

Discussion of specific assets and threats are discussed in Section 9.

### **Gippsland Regional Growth Plan**

The Gippsland Regional Growth Plan sets out the following strategies for protection of environmental values:

- Avoid urban growth impacts in areas with high value environmental and cultural heritage assets such as significant vegetation, waterways, marine areas, significant landscapes and Aboriginal cultural heritage and historic heritage places
- Plan strategically to reduce the impact of urban growth on the use and security of water resources and minimise risks to the environment
- Plan strategically to reduce the impact of urban growth on high value coastal and waterway assets such as the Gippsland Lakes, Corner Inlet, Anderson Inlet, Mallacoota Inlet and their source rivers
- Support initiatives to enable the establishment, protection and reconnection of ecosystems through large-scale native vegetation corridor projects
- Apply planning tools, such as the Significant Landscape Overlay, Environmental Significance Overlay and Heritage Overlay, to protect significant inland and coastal landscapes and cultural heritage assets. The endorsed regional catchment strategies can assist to inform this process

---

<sup>83</sup> East Gippsland Catchment Management Authority (2013) East Gippsland Regional Catchment Strategy 2013-2019

- Provide for the sensitive adaptive reuse of historic heritage places, where appropriate, and appropriate infill development in heritage streetscapes to enable historic heritage assets to be conserved and celebrated
- Support the preparation of a sustainable development plan for the Gippsland Lakes and foreshore to identify appropriate development around the lakes.

## HAZARDS

### Victorian Bushfires Royal Commission and State Government Response

Following the 2009 Victorian Bushfires Royal Commission Report and the State Government Response, Amendment VC 83 introduced a suite of bushfire planning provisions into all Victorian Planning Schemes, including:

- The State Planning Policy Framework (SPPF) (clause 13.05 – Bushfire)
- The Local Planning Policy Framework (Municipal Strategic Statement (MSS) and local planning policy where relevant)
- The Bushfire Management Overlay (BMO) (clause 44.06)
- Bushfire protection: planning requirements (clause 52.47)
- Bushfire protection: exemptions (clause 52.48), native vegetation (clauses 52.16 and 52.17) and overlays which seek to manage vegetation.

The Bushfire Management Overlay was introduced into the East Gippsland Planning Scheme in 2010.

### Gippsland Regional Growth Plan

The Gippsland Regional Growth Plan sets out the following strategies for minimising the impacts of environmental hazards:

- Direct urban growth away from areas of high risk from bushfire, flood, acid sulfate soils and coastal inundation and adopt a precautionary approach
- Direct development to locations of lower bushfire risk
- Carefully consider development in locations where there is significant bushfire risk that cannot be avoided
- Avoid development in locations of extreme bushfire risk
- Avoid development in areas where planned bushfire protection measures may be incompatible with other environmental objectives
- Consistently incorporate information on environmental assets and natural hazards into planning schemes by updating the relevant overlays when necessary to reflect new understanding and to recognise high value environmental assets and priority landscapes identified in regional catchment strategies
- Monitor, assess and act on the potential impacts of climate change and collaborate with other agencies and research institutions to inform adaptation strategies including future land use planning
- Support regional and local climate change mitigation strategies that reduce greenhouse gas emissions, including development of renewable energy, technology investments to improve energy efficiency and optimal use of natural carbon sinks or geological reservoirs
- Ensure regional and local planning responds to opportunities for innovation and industry development arising from climate change and initiatives to reduce greenhouse gas emissions, for example by facilitating land use change that supports sustainable industry alternatives
- Support initiatives to undertake adaptation planning for climate change impacts in coastal areas and towns and implement through relevant changes to planning schemes.

Identification and discussion of specific hazards is provided in Section 9.

RURAL LAND USE STRATEGY - BACKGROUND REPORT



# Engagement Report

## Rural Land Use Strategy

**Public Consultation Period 16 November 2022 – 3 February 2023**

April 2023





## Table of Contents

<b>1. Introduction</b>	<b>3</b>
<b>2. Background</b>	<b>3</b>
2.1 Overview of the Rural Land Use Strategy	3
2.2 Project Status	3
<b>3. Engagement Design Overview</b>	<b>4</b>
3.1 Policy Methodology	4
3.2 Engagement Design	5
3.3 Timeline and Activities	5
<b>4. Survey Feedback Summary</b>	<b>6</b>
4.1 Reach	6
4.2 Survey Summary	7
4.3 Question 1/10 – Postcode/Locality Name	7
4.4 Question 2 – Interest in the RLUS	8
4.5 Question 3 – Vision Statement for Rural East Gippsland	9
4.6 Question 4 – Description and identification of Key Issues & Drivers	10
4.7 Question 5 – Dwelling Development & Subdivision	11
4.8 Question 6 – Strategic Direction 1: Food & Fibre	12
4.9 Question 7 – Strategic Direction 2: Rural Tourism	12
4.10 Question 8 – Rural Activity Zone	14
4.11 Question 9 – Strategic Direction 3: Rural Industries	15
4.12 Question 11 – Strategic Direction 4: Environment, Landscape, Catchments & Natural Hazards	16
4.13 Question 12 – Strategic Direction 5: Rural Housing	17
4.14 Question 13 – Further comments	17
<b>5. Written Submission Feedback Summary</b>	<b>20</b>
5.1 Submission Summary & Themes	20
5.2 Agency and Advisory Committee Feedback	26
<b>6. Overall Feedback Summary</b>	<b>28</b>
<b>7. Response to feedback in preparation of the final Strategy</b>	<b>30</b>
<b>8. Appendix 1</b>	<b>40</b>

## 1. Introduction

This document summarises the feedback provided by community members and agencies regarding the draft Rural Land Use Strategy (RLUS). The draft RLUS was open to community consultation over 16 November 2022 – 3 February 2023. In total 29 responses were received to a survey available online (and via hardcopy on request) and 25 written submissions were received from community members/businesses. Two agencies provided comment.

- Section 4 presents the survey results. This section is a detailed summary which can be relied upon as a sole point of information about the survey results.
- Section 5 summarises written submission including Agency feedback. This section is focussed on identifying Themes, Components and shared sentiment across the submissions.
- Section 6 provides an overall summary of the feedback received and identifiable outcomes of the feedback.
- Section 7 summarises how feedback has been incorporated into the final Rural Land Use Strategy.

The RLUS is linked to the Housing and Settlement Strategy (HSS) for which a discussion paper was available for feedback over the same consultation period. Written submissions often responded to both, and some specific survey feedback was better responded to under the HSS as a policy direction. These elements have been noted and cross-referenced where relevant throughout this document.

## 2. Background

### 2.1 Overview of the Rural Land Use Strategy

The Rural Land Use Strategy (RLUS) creates a planning vision and framework that seeks to support agriculture and rural industries, promote opportunities in rural tourism and protect important environmental, cultural and landscape values.

The strategy will:

- Identify and protect agricultural land
- Direct residential development to towns and settlements
- Support rural tourism and rural industries in appropriate locations
- Recognise the need to support population retention in remote settlements
- Protect our natural environment and manage risks from natural hazards

The draft RLUS is linked to the Housing and Settlement Strategy (HSS) which has undergone a separate engagement during the same time period. The draft RLUS does not address the potential rezoning of rural land for residential purposes as this is addressed in the HSS.

### 2.2 Project Status

The project has been delivered in stages to enable community and key stakeholders the opportunity to influence the development of policy.

This engagement was the final round of public consultation which consisted of a draft version of the RLUS being released for public comment.

The draft RLUS was released for consultation concurrently with the HSS Discussion Paper document. The two documents were presented separately for consultation with independent surveys for each document. However, their linked roles were described and the public was directed to the HSS discussion paper strategy from the RLUS page, and vice versa.

Media and notices regarding both consultation opportunities were combined. The consultation was open from 16 November 2022 – 3 February 2023, with the online survey closing on the 9 February 2023. This approach was taken both because of the obvious policy linkages between the two strategies and as recognition of the engagement fatigue in the East Gippsland community following years of bushfire and covid-19 pandemic recovery communications.

This engagement summary document pertains to the final stage of feedback gathered through the consultation on the RLUS.

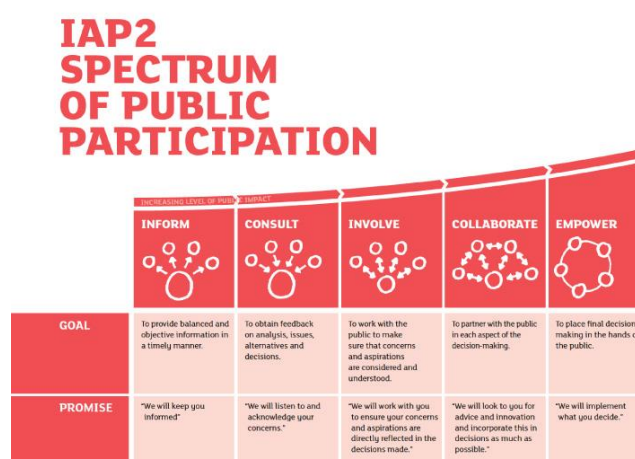
This feedback will inform the developed of the final RLUS which is planned to be presented for Council endorsement in May 2023.

### 3. Engagement Design Overview

#### 3.1 Policy Methodology

Councils *Community Engagement Policy* applies the International Association of Public Participation's (IAP2) "Public Participation Spectrum" which establishes five levels of engagement. Each level is defined by the following classifications:

- **Inform:** *to provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.*
- **Consult:** *to obtain public feedback an analysis, alternatives and/or decision.*
- **Collaborate:** *To partner with the public in each aspect of the decision including the development of alternatives as the identification of the preferred solution.*
- **Involve:** *to work directly with the public throughout the process to ensure the public issues and concerns are consistently understood and considered.*
- **Empower:** *To place the final decision making in the hands of the public.*



### 3.2 Engagement Design

As described at item 2.2, Stage 2 consultation of the RLUS (the final public touchpoint for this strategy) was run concurrently with Stage 1 (first public touchpoint) consultation for the HSS, as the two strategies are linked from a policy perspective.

The engagement consisted of an online survey and the opportunity to provide a written submission. The online survey was hosted on Council's YourSay page which hosts documents for review, Frequently Asked Questions (FAQs) and information sheets.

This information was also made available through Council Service Centres in hardcopy format.

The survey included 12 questions which collected the following information:

- 1) Residential location
- 2) Respondent interest in the RLUS
- 3) Support of the Vision Statement
- 4) Support of description and identification of issues and drivers identified
- 5) Support for policy direction around dwelling development and subdivision only where it supports farming activities
- 6) Support for Strategic Direction 1: Food & Fibre
- 7) Support for Strategic Direction 2: Rural Tourism
- 8) Support for proposed areas of Rural Activity Zone (RAZ) rezoning
- 9) Support for Strategic Direction 3: Rural Industries
- 10) Support for Strategic Direction 4: Environment, Landscape, Catchments and Natural Hazards
- 11) Support for Rural Direction 5: Rural Housing
- 12) Further comments or feedback (open comment)

This approach establishes a "Consult" level of public consultation within the IAP2 Spectrum.

### 3.3 Timeline and Activities

The survey was open from 16 November 2022 – 3 February 2023 (advertised close date being 3 February 2023). The communication channels, activities and timeframes used to inform stakeholders of the consultation opportunity are provided in Appendix 1.

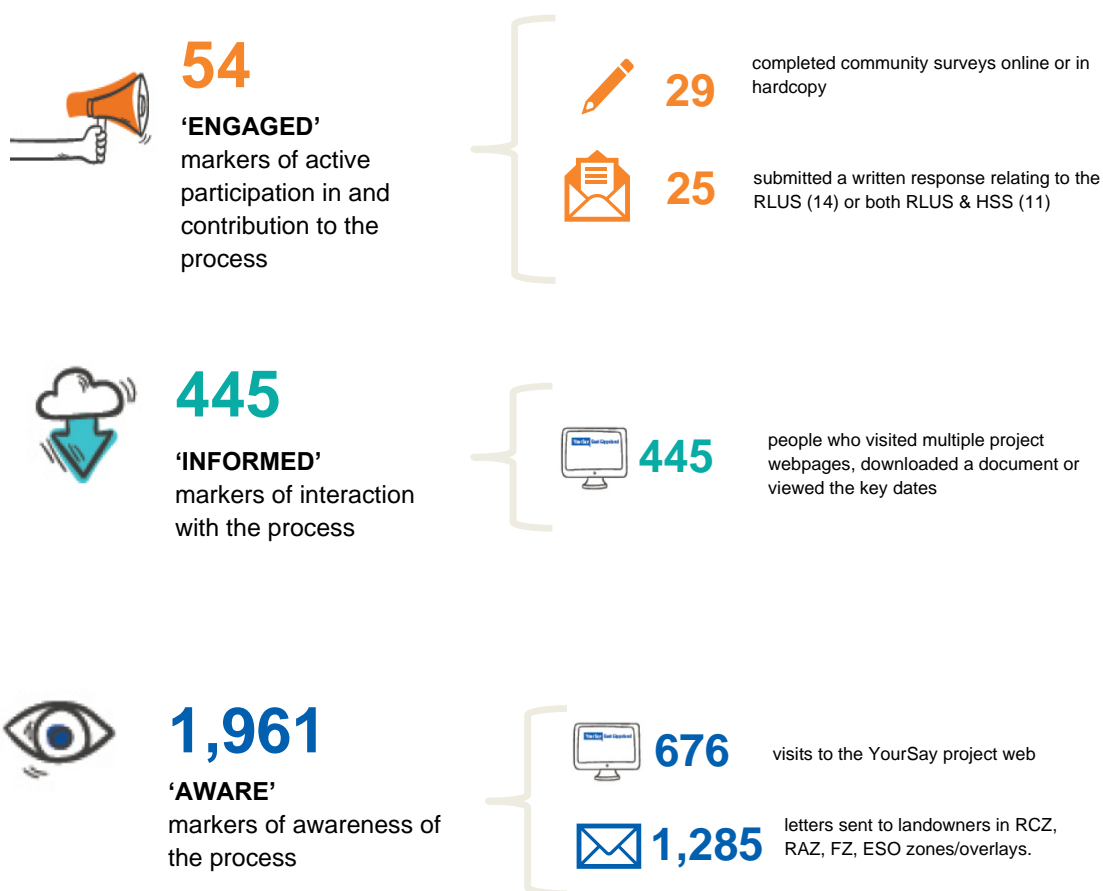
## 4. Survey Feedback Summary

### 4.1 Reach

This page summarises and measures the success of the communication channels and engagement methods.

**East Gippsland Population (2021): 48,453 people**

Due to the linked nature of the RLUS and HSS documents, a number of both written submissions and survey responses provided feedback covering both the RLUS and the HSS.



## 4.2 Survey Summary

29 responses were received from 29 survey contributors. A contributor may be the same person completing the survey multiple times, or two or more people completing the survey from the same computer and browser, which YourSay will read as a single contributor. For this reason, all individual contributions have been included despite some responses being similar enough to indicate a repeat response. This is a small weakness in the data that must be accepted when collecting anonymous responses. There is no indication enough duplicate responses were received to impact the overall position of the feedback outcomes.

## 4.3 Question 1 and 10 – Postcode/Locality Name

Respondents were asked to provide their residential location.

### Results:

Table 1 - Question 1 Results

Number of responses	Place/s
1	Bairnsdale, Banksia Peninsula, Bruthen, Cassilis, Eastwood, Flaggy Creek, Glenaladale, Hillside, Kyneton, Lakes Entrance, Lake Tyers Beach, Mallacoota, Marlo, Nicholson, Noorinbee, Nowa Nowa, Sarsfield, Wiseleigh, W Tree
2	Eagle Point, Lindenow South, Orbost, Paynesville, Swan Reach

### Outcome/s:

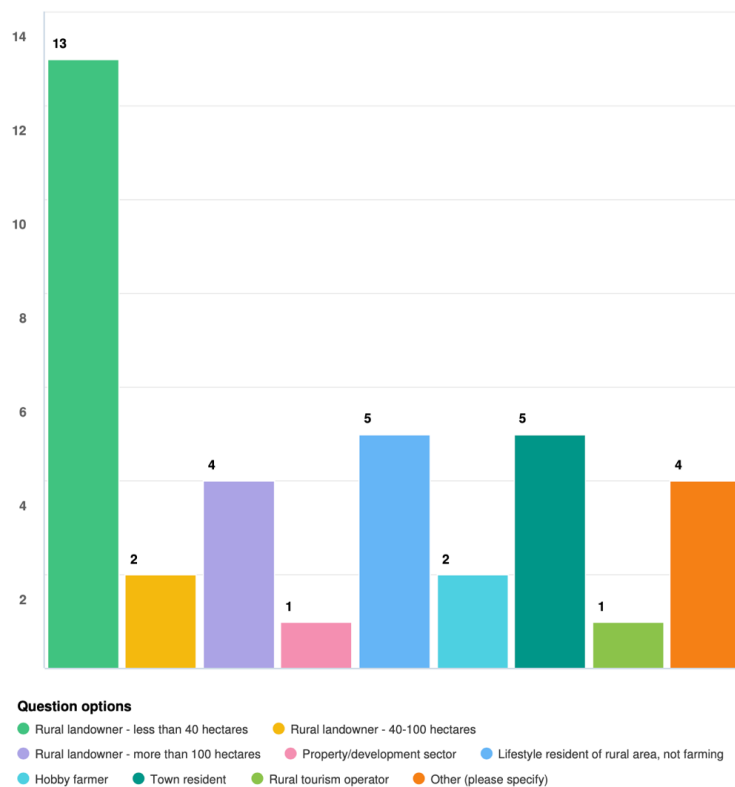
- Responses were received from a broad cross-section of localities, indicating the messaging about the consultation opportunity was widely accessible.
- Low numbers of respondents, and low numbers of responses per area are indicative of the somewhat specialised subject matter. This is not unexpected, with rural landholders and growth areas better presented in the feedback.

#### 4.4 Question 2 – Interest in the RLUS

Respondents were asked to describe their interest in the Rural Land Use Strategy.

##### Results:

Table 2 - Question 2 Results



##### Outcome/s:

- Strong representation of rural landowners with less than 40 acres of land. Representation of larger land owners and other interest groups.

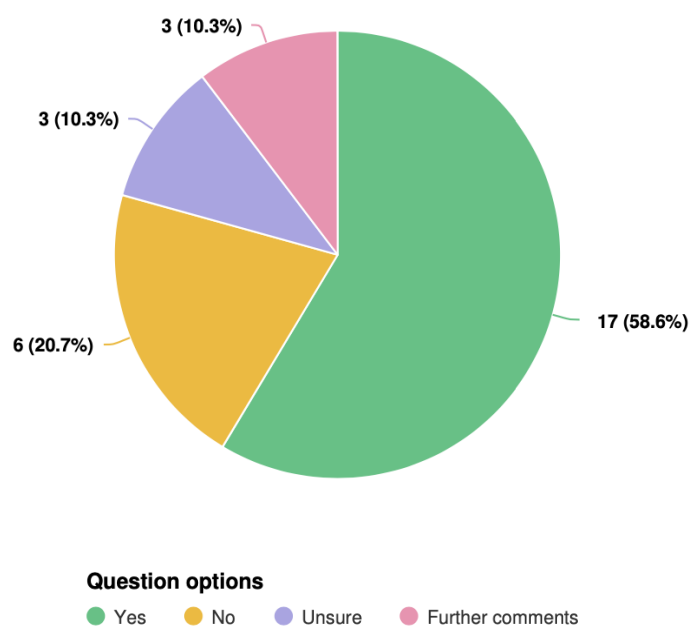


#### 4.5 Question 3 – Vision Statement for Rural East Gippsland

Respondents were asked if they agreed with the following vision statement for rural areas of East Gippsland: *“East Gippsland’s rural land is integral to the economy, identity and social fabric of the Shire. A unique mix of natural resources, wilderness, lakes and coast supports diverse rural industries, unparalleled rural lifestyle and visitor destinations and experiences.”*

##### Results:

Figure 3 - Question 3 Results



##### Outcome/s:

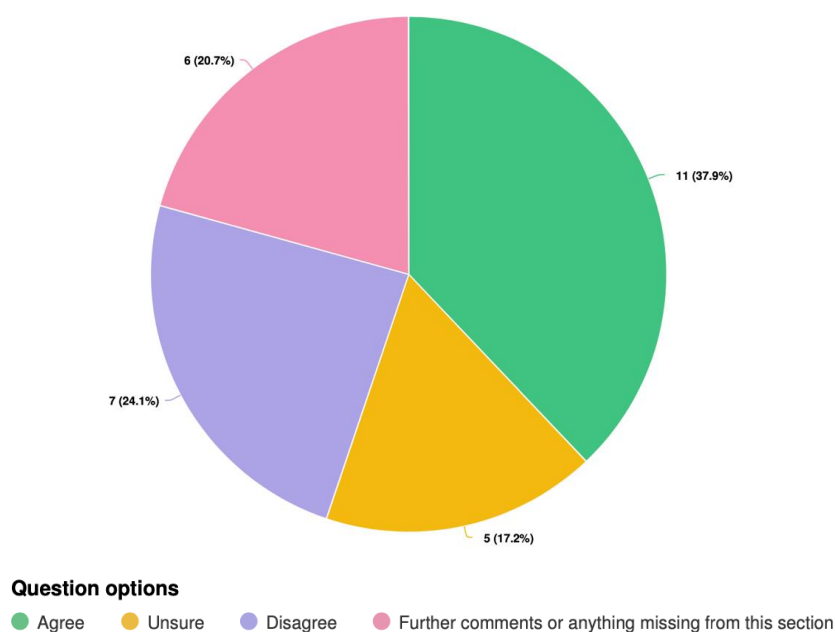
- Over half of respondents agreed with the vision statement proposed, one-fifth did not.
- Three further comments were received. These comments included one expressing a desire for more flexibility around land-parcels that do not support farming agriculture or tourism, and two comments expressing a desire for the protection of environmental values to take precedence over economic outcomes in the wording of the vision.

## 4.6 Question 4 – Description and identification of Key Issues & Drivers

Respondents were asked if they agreed with the key issues and drivers of rural land use in East Gippsland, as identified in section 3 of the strategy.

### Results:

Figure 4 - Question 4 Results



### Outcome/s:

- 37.9% agreed with the key issues and drivers as identified, 24.1% disagreed, a large component were unsure. Endorsement was not apparent based on survey results. Likely that those who disagreed are unlikely to support the plan and move into the “agree category”, and commentary from “unsure” respondents does not provide sufficient clarity to identify what prevents them from agreeing with the issues and drivers.
- Six further comments were received. Three commenters identified the need for supply of rural living opportunities. Three commenters identified environmental protection in their responses, which included disagreeing that mineral resources and native timber harvesting should be permitted economic activities in East Gippsland, and wanting to see the identified environmental assets recognised in the Planning Scheme.
  - One of these commenters wanted to see DELWP SLR ST 2100 layer maps reflected on the LSIO (Land Subject to Inundation Overlay) to ensure climate change responses were accurately reflected. They also suggested higher resolution CASS maps were needed to comply with Clause 12.02-1S.

#### 4.7 Question 5 – Dwelling Development & Subdivision

Respondents were asked if, to protect rural land, they supported the proposed policy to allow dwelling development and subdivision only where it supports farming activities.

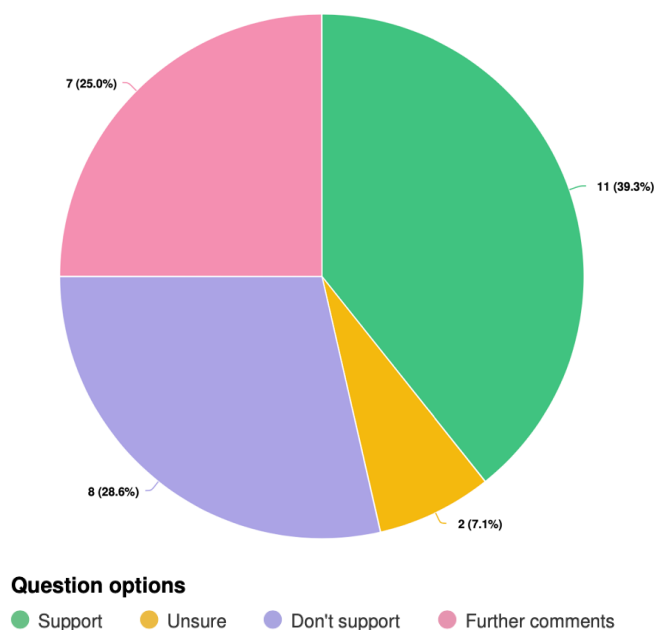


Figure 5 - Question 5 Results

##### Outcome/s:

- 39.3% supported the proposal to only allow dwelling development and subdivision only where it supports farming activities, 28.6% did not support the proposal, few were unsure. Taking into account the general sentiment of the comments provided, a majority do support the proposed policy.
- Six relevant further comments were received. Four comments appreciated the need to protect farming land but felt the statement was too broad/restrictive – between the comments the need for flexibility in areas perceived to already have fragmented, smaller titles/ownership (specifically 'Precinct 3') and in areas that supported rural communities or where the dwelling did not detract from commercial production were identified.
- One comment wanted the approach to be extended to protection of native vegetation and wilderness areas, with another identifying that they did not feel suburban developments on Bairnsdale's edge were in keeping with the policy direction.

#### 4.8 Question 6 – Strategic Direction 1: Food & Fibre

Respondents were asked if they supported Strategic Direction 1: Food and Fibre.

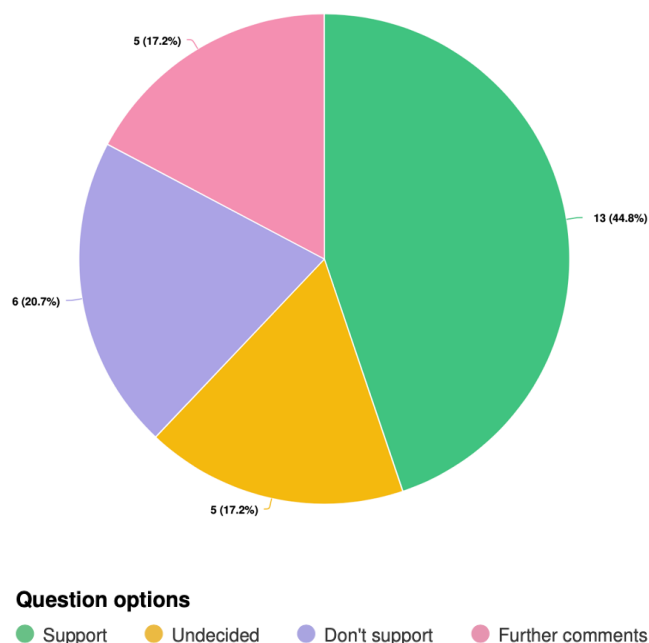


Figure 6 - Question 6 Results

##### Outcome/s:

- 44.8% indicated they supported strategic direction 1, while 20.7% did not, an almost equal number were undecided. Taking into account the general sentiment of the comments provided, a majority do support the proposed strategic direction.
- Four relevant further comments were made. Comments were generally supportive, with one commenter specifically clarifying that they supported the direction provided areas of beef farming activities were not impinged. One commenter raised concerns about the wording related to succession planning on page 32, noting that if they cannot secure planning permission for a second dwelling on their property, their farm succession plan would be rendered inoperable. Another commenter wanted controls identified to ensure agricultural uses protect and enhance land, noting that healthy land should be the first priority.

#### 4.9 Question 7 – Strategic Direction 2: Rural Tourism

Respondents were asked if they supported Strategic Direction 2: Rural Tourism.

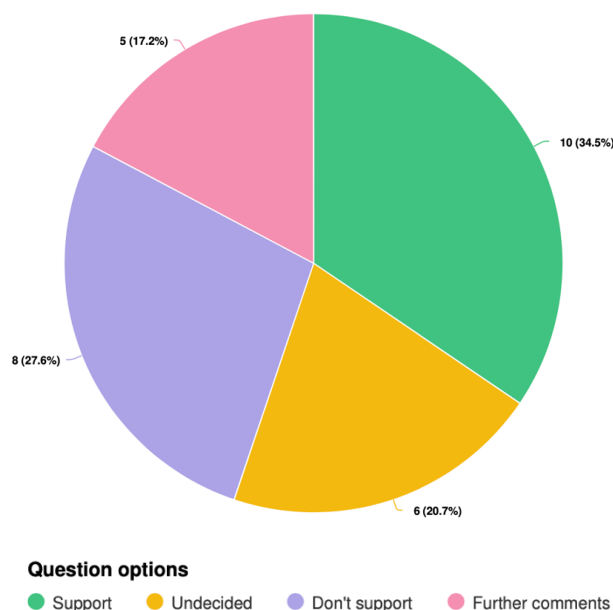


Figure 7 - Question 7 Results

**Outcome/s:**

- 34.5% indicated they supported strategic direction 2, while 27.6% did not, over 20% were undecided. Taking into account the general sentiment of the comments provided, general support for the strategic direction is apparent. Sufficient further commentary from respondents was not provided to indicate what changes could be made to create stronger endorsement.
- Five further comments were made. The comments were generally supportive. One commenter identified the need to support key tourist transport links (Orbost/Marlo/Cape Conran bike paths) as part of the direction, another wanted clarification as to why camping and caravan parks are not considered suitable in the RAZ area. Two comments highlighted the importance of land management and environmental protection both to attract rural tourism and prevent adverse effects from it.

#### 4.10 Question 8 – Rural Activity Zone

Respondents were asked if they agreed with the areas proposed to be rezoned to Rural Activity Zone (RAZ).

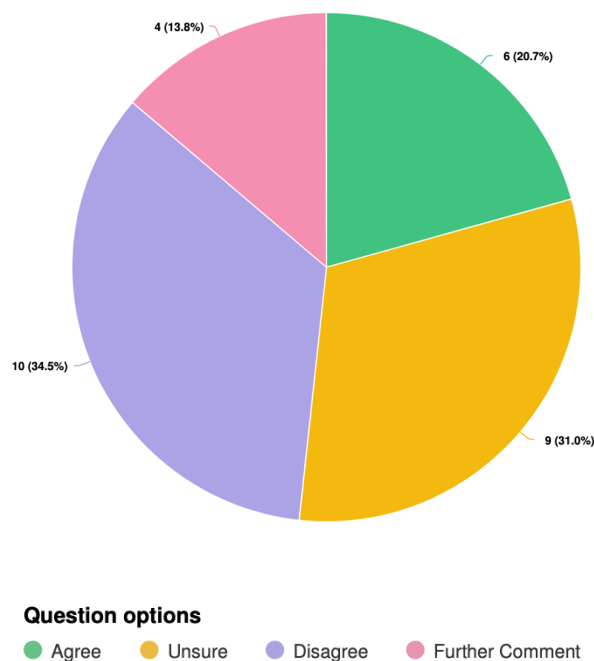


Figure 8 - Question 8 Results

##### Outcome/s:

- 20.7% of respondents agreed, 34.5% of respondents disagreed and another 31% were undecided, indicating there is not broad support for the RAZ as proposed.
- Four further comments were received. Two comments were concerned about the impact on valuable food production areas, one specifically identifying the areas around Eagle Point and Paynesville, and wanting to see some farming zone retained in those proposed areas. Another commenter was concerned rezoning would not create the agritourism industries as intended but instead lead to more lifestyle properties instead. The ongoing comment around flexibility on land not fitting the requirements of farming or tourism was re-entered.

#### 4.11 Question 9 – Strategic Direction 3: Rural Industries

Respondents were asked if they supported Strategic Direction 3: Rural Industries.

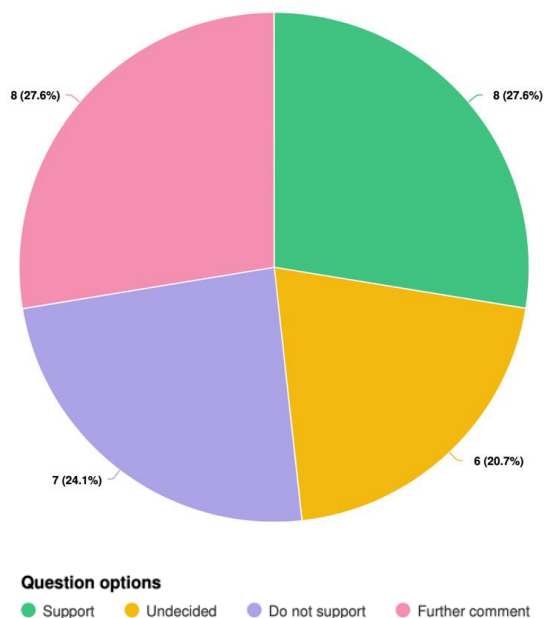


Figure 9 - Question 9 Results

##### Outcome/s:

- Roughly equal numbers were supportive (27.6%) and unsupportive (24.1%), with a strong component of undecided (20.7%) of strategic direction 3. Strong endorsement is not present but neither was strong opposition.
- Seven relevant further comments were received. Four comments raised environmental implications – protection of the environment and climate change response, mining not being supported, not bundling extractive industries with food production. A further two comments were supportive of the balanced approach to mining and forestry. One commenter was opposed as they felt any change from Farm Zone opened the doors to land speculation and fragmentation into small lots. They felt the existing farm plan approval process present in the FZ planning approval process was appropriate and should remain.



#### 4.12 Question 11 – Strategic Direction 4: Environment, Landscape, Catchments and Natural Hazards

Respondents were asked if they supported Strategic Direction 4: Environment, Landscape, Catchments and Natural Hazards.

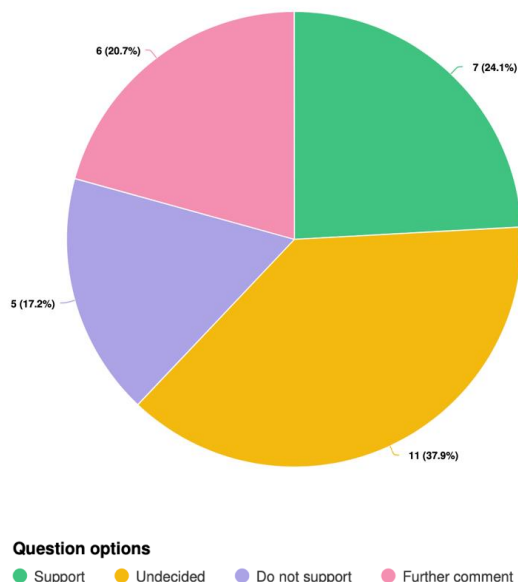


Figure 11 - Question 11 Results

##### Outcome/s:

- 24.1% were supportive, 17.4% were not supportive, a majority were undecided (37.9%) about strategic direction 4. Strong endorsement was not present but neither was strong opposition.
- Five relevant further comments were received and the overall feedback was supportive. All pertained to the need to increase or ensure environmental protections were a priority. Two commenters were concerned the statements were too broad to be useful.
  - One commenter identified that a Marine and Coastal Strategy Direction was needed – noting that in accordance with the adaptation pathway approach, Council was strongly encouraged to adopt adaptation planning strategies, for which seven encouraged actions were outlined. This commenter also wanted stronger support for farmers to remove their stock from waterways to improve lake and river quality, feeling this could be a win-win situation if done well.
  - One commenter was strongly opposed to Banksia Peninsula area being rezoned due to the ecological impacts of land fragmentation and did not want to see the current zoning in the area watered down.

#### 4.13 Question 12 – Strategic Direction 5: Rural Housing

Respondents were asked if they supported Strategic Direction 5: Rural Housing.

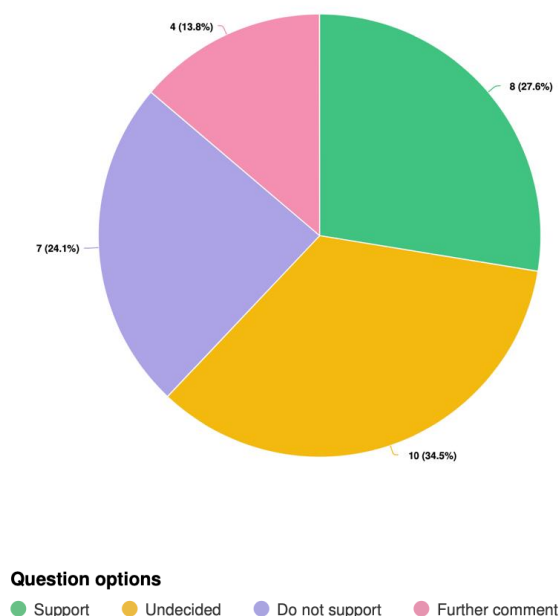


Figure 12 - Question 12 Results

##### Outcome/s:

- 27.6% were supportive, 24.1% did not support Strategic Direction 5. A large component, 34.5%, were undecided. Strong endorsement was not present but neither was strong opposition.
- Four further comments were received. Two related to the negative impacts on farm succession planning which were not supportive. One wanted to see more housing 5-10 acres to facilitate lifestyle property options and one felt the direction was overly simplistic.

#### 4.14 Question 13 – Further comments

Respondents were provided the opportunity to provide further comments not otherwise collected in the survey.

23 comments were received (detail not for public dissemination to protect respondent privacy). The comments were sorted into Themes, the number of times the Theme was applied to a comment are counted, as are the number of times each Component or type of Commentary was mentioned. Multiple Themes could be applied to each comment, and multiple Components/Commentary could be included in each comment, so totals will not match. This however provides an indication of the degree of particular sentiments in the community. A range of comments in the HSS discussion paper survey feedback related directly to the RLUS and have been identified in that report and imported into this document for analysis and response.

Table 3 - Question 13 Results

Theme Applied	Comments Applied To	Included Topics/Commentary	Times Raised
Further Subdivision	8	<ul style="list-style-type: none"> <li>Support prevention of further subdivision, protection of agricultural land</li> <li>Already subdivided areas should be exempt/grandfathered</li> <li>Sees a risk of corruption</li> <li>Concern that council does not have the means/skills to monitor, evaluate farm/business plans and therefore there is a risk to using them to allow further subdivision in FZ1</li> <li>Respondent believes their land (which appears to be FSS on the map) falls well outside the definition of Farmland of Strategic Significance, and their property should not be included in the FSS</li> </ul>	2  1  1  1  1
Environmental Protection	5	<ul style="list-style-type: none"> <li>Seeks exclusion of mining</li> <li>Protection of biodiversity and remnant habitat should be as important as protecting farmland, underpin the plan</li> <li>Not supportive of Banksia Peninsula rezoning – removal of the conservation zone in an area of environmental significance. Supportive of school camps and needed facility upgrades (but not footprint expansion), as this use is congruous with native habitat.</li> <li>Land exclusions – spatial model limited by quality and quantity of data               <ul style="list-style-type: none"> <li>LSIO does not include all land subject to coastal inundation (discrepancies between coastal LSIO and Victorian Coastal Inundation SLR layers with projected sea level rise of 82cm. Precautionary principal should apply (acknowledges issue is being addressed and is glad about this)</li> <li>Environmental buffers too narrowly defined in the analysis. Should be more widely applied to meet conservation and community safety goals.</li> <li>Climate change mitigation buffers represent an excellent opportunity to protect and enhance Ramsar wetlands for future generations, whilst simultaneously reducing coastal hazard risks to persons and property.</li> <li>ESO &amp; SLO</li> <li>areas of significance are missed</li> <li>lack comprehensive coverage of true range of areas with environmental and landscape significance, are therefore inadequate for land exclusion analysis.</li> <li>Inconsistent/inappropriate application in areas of High Conservation Value compromises results of analysis</li> </ul> </li> </ul>	3 2  1   1
Legacy Conditions	4	<ul style="list-style-type: none"> <li>Small blocks and limitations on housing development in areas of non-residential/township zoning, where agricultural use is not supportable without being amalgamated into an adjoining larger property holding</li> </ul>	6

Theme Applied	Comments Applied To	Included Topics/Commentary	Times Raised
		<ul style="list-style-type: none"> <li>Current zones not accurately reflect land use (Farm Zones backing onto residential areas (i.e Tamhaven Estate Swan Reach) are an example of the vision or ideal plan for the area not being accurate or representing land owner needs/wants)</li> <li>Devaluation of land under 80ha if the plan goes through and houses cannot be built/lots can't be subdivided. Properties already subdivided should be exempt from the change if it goes through.</li> </ul>	1  1
Farm Management	3	<ul style="list-style-type: none"> <li>Succession planning and the role of additional dwellings to let older generations age on farm, whilst facilitating younger generations to take over farm business activities (including subdivision of house onto own title)</li> <li>Housing in farming zone should only be refused by council if it can demonstrate the house will be detrimental to commercial scale farming (the reverse of the onus in the current situation)</li> </ul>	2  1
Further Consultation	3	<ul style="list-style-type: none"> <li>Information and length of documents is overwhelming, not fair on average people to expect engagement with.</li> <li>Insufficient evidence of consultation with traditional owners</li> <li>Insufficient presence and availability of council in remote areas (eg. W Tree) to allow opportunity for community input</li> </ul>	1  1  1
Rights	3	<ul style="list-style-type: none"> <li>Recognise role of agritourism/nature-based tourism in areas already fragmented</li> <li>Issue of regulation around short-stay accommodation (eg. Airbnb) – risk that landowners will build additional dwellings using family/worker accommodation to use for short-stay accommodation. Related to lack of compliance.</li> </ul>	2  1
RLUS Issues (brought over from HSS survey)	5	<ul style="list-style-type: none"> <li>Preserve ability for small titles in rural areas to provide choice for people seeking lifestyle living opportunities (small livestock keeping – ponies, etc)</li> <li>Protect food bowls</li> </ul>	5  1

**Outcome/s:**

- Similar issues raised throughout survey. Three main themes:
  - Further Subdivision / Legacy Conditions (also strongly identified in the HSS commentary imported into the analysis) - while there was overall support to limit subdivision and dwelling development in farming areas, there was a strong cohort that identified the already fragmented nature of land ownership in some localities. There was more support for the policy direction if these existing areas were 'grandfathered'.
  - Environmental Protection – In addition to more specific feedback around data, maps and Banksia Peninsula, as the second most raised theme, protection of environmental values was clearly important to respondents.

## 5. Written Submission Feedback Summary

### 5.1 Submission Summary and Themes

Due to the linked nature of the RLUS and HSS documents, 11 written submissions provided feedback covering both the RLUS and the HSS. A further 13 submissions specific to the RLUS were received.

Specific written submissions have been considered in detail, however, are not included in this report to protect respondent privacy. Where a submission applied to both the relevant feedback has been included for analysis and response in the relevant report.

The below summarises each submission by themes only. More detailed responses to submissions are provided against each of these themes at Section 7.

**Table 4 - Written Submission Summary and Theme Groups**

Submission Number	Theme/s Applied	Summary of submission
1	<ul style="list-style-type: none"> <li>Further Subdivision</li> <li>Environmental Protection</li> <li>Economic Development Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Not supportive of the policy direction</li> <li>Need to encourage the growth and economic well-being of outlying towns/communities</li> <li>Importance of East Gippsland as a thoroughfare and current lack of facilities to service travellers</li> <li>Growth directed to areas around Bairnsdale appear to be stifling options for growth in other areas</li> <li>Lack of focus on areas beyond the Paynesville, Bairnsdale, Lakes Entrance area</li> <li>Restriction of housing outside rural and remote township boundaries to being agriculture or tourism related.</li> <li>People in remote areas are denied the opportunities to experience rural living on some acreage that those around Bairnsdale take for granted – discrimination between “favoured” and other areas.</li> <li>Overlooks the fact that many businesses in rural areas (including some modern approaches to commercial agriculture) do not need large land areas</li> <li>Fails to acknowledge or value the community plans</li> </ul>
2	<ul style="list-style-type: none"> <li>Economic Development Opportunities</li> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Concerns with impact on Tourism Opportunity Plan for Buchan, Gelantipy and Districts, need to support development of ecotourism</li> <li>Support to identify suitable land for subdivision around Buchan, currently constrained by environmental hazards</li> </ul>
3	<ul style="list-style-type: none"> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Not supportive of strategy, based on the impact of growth in the LaTrobe Valley</li> <li>Impacts on farmers should be avoided</li> </ul>
4	<ul style="list-style-type: none"> <li>Data</li> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Impact of strategies on personal circumstances</li> <li>Proposed RAZ conflicts with HSS data, does not support RAZ rezoning as it restricts dwelling development, FZ3 or RLZ better aligns with surrounding area (Nicholson Area)</li> <li>Existing lifestyle allotment development area in Nicholson along Olivers Lane Rd and east of Nicholson-Sarsfield Rd shows the conversion of the area to ‘rural lifestyle’</li> </ul>

Submission Number	Theme/s Applied	Summary of submission
5	<ul style="list-style-type: none"> <li>Legacy Conditions</li> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Impact of strategies on personal circumstances, including subdivision</li> <li>Smaller allotments are in keeping with the surrounding area and house development would not impact farming practices or existing vegetation</li> </ul>
6	<ul style="list-style-type: none"> <li>Further Subdivision</li> <li>Legacy Conditions</li> </ul>	<ul style="list-style-type: none"> <li>RLZ does not allow assessment of individual land parcels, landlocked land should be available for subdivision</li> </ul>
7	<ul style="list-style-type: none"> <li>Economic Development Opportunities</li> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Support to identify suitable land for subdivision around Buchan to allow for township growth to support population retention and worker accommodation to support employment</li> </ul>
8	<ul style="list-style-type: none"> <li>Data</li> </ul>	<ul style="list-style-type: none"> <li>Not supportive of the policy direction</li> <li>Research of poor quality, corruption within local government</li> </ul>
9	<ul style="list-style-type: none"> <li>Environmental Protection</li> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Existing issues with services and infrastructure not meeting need</li> <li>Impact on environment</li> <li>More people will create more problems</li> <li>Supports policy intention of the RLUS to protect agricultural land</li> </ul>
10	<ul style="list-style-type: none"> <li>Economic Development Opportunities</li> <li>Further Subdivision</li> <li>Legacy Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Size of land should form part of RLUS Farm Zoned land</li> <li>There are FZ1 and LRDZ landowners that are not recognised by Council as using the land for the purpose of farm production</li> <li>Issue of land banking</li> <li>Transport Gaps, especially in Lindenow</li> </ul>
11	<ul style="list-style-type: none"> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Impact of strategies on personal circumstances</li> </ul>
20	<ul style="list-style-type: none"> <li>Economic Development Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Restricts farming communities' options and is geared towards keeping land cheaper to allow expansion of the larger properties</li> <li>Actively prevents innovation and more intensive forms of agriculture.</li> <li>Appears to be based on the premise that the cost of land is based on its level of productivity, and that conventional agricultural production can pay for farming expansion</li> <li>The majority of highly productive livestock operations also incorporate off-farm income, in which part-time work is undertaken, or partners work off-farm</li> <li>The need for intergenerational provision on farms is ignored</li> <li>Not supportive of the strategy</li> </ul>
21	<ul style="list-style-type: none"> <li>Economic Development Opportunities</li> <li>Legacy Conditions</li> </ul>	<ul style="list-style-type: none"> <li>Population growth required for the survival and regeneration of rural communities. Support of new housing required as a result.</li> <li>Economic and social viability of rural communities is negatively impacted by policy direction - link to community plan and Tourism Opportunity Plan.</li> <li>Farming is important to the Errinundra to Snowy district economy, but the district is not a principal economic agricultural producer contributor, as identified in the RLUS.</li> <li>Planning decisions about zoning in the district should recognise key RLUS findings such as the role of retaining employment and population, policy guidance on types and scale of tourism uses to be promoted in the Farming Zone</li> </ul>

Submission Number	Theme/s Applied	Summary of submission
22	<ul style="list-style-type: none"> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Supports objectives of the proposed ESO (FSS), disagrees with impact of strategy on personal circumstances</li> <li>Suggests use of contour mapping to assist with inclusion or exclusion of properties in the ESO</li> </ul>
23	<ul style="list-style-type: none"> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Not supportive of the strategy, as it hampers progress</li> <li>Wants to see a progressive approach to encouraging younger, higher earning demographic</li> <li>Focus should be on establishing a plan for self-sufficient, thriving regional hub</li> </ul>
24	<ul style="list-style-type: none"> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Impact of strategy on personal circumstances</li> </ul>
25	<ul style="list-style-type: none"> <li>Farm Management</li> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Supports the policy direction</li> <li>Proposals for subdivisions and development should be assessed on merit, with allowances for second dwelling</li> <li>Plans to age-on-farm and needs to bring in younger person onto farm (provide accommodation) as part of succession plan – time and expense of planning approvals process a hinderance</li> </ul>
26	<ul style="list-style-type: none"> <li>Further Subdivision</li> <li>Economic Development Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Impact of strategy on personal circumstances</li> <li>Mitchell, Tambo, Snowy, Brodribb, Bemm, Cann, Marlo, Cape Conran, Pearl Point, Errinundra, Rail Trail, McKillops Bridge, Buchan caves important recreation areas with tourism potential are omitted from the Rural Tourism section</li> </ul>
27	<ul style="list-style-type: none"> <li>Further Subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Supportive of the policy direction</li> <li>Concerned about potential rate rises due to RAZ</li> <li>Impact of strategy on personal circumstances</li> </ul>
28	<ul style="list-style-type: none"> <li>Further Consultation</li> <li>Data</li> <li>Economic Development Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Not supportive of strategy</li> <li>More community engagement needed and a wider demographic of rural landholders</li> <li>There are tensions between RLUS and other council strategies</li> <li>RLUS is biased towards industrial agriculture, FSS is flawed</li> <li>Data is not current</li> <li>Principles are valid, vision statement is hollow</li> </ul>
29	<ul style="list-style-type: none"> <li>Economic Development Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Agribusiness has potential for extraordinary opportunities for East Gippsland, in the Asean markets</li> <li>Big opportunities for co-investment</li> <li>Development/Growth is expected and a plan needed</li> </ul>
30	<ul style="list-style-type: none"> <li>Further Subdivision</li> <li>Economic Development Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>RLUS Vision and Principles reflect a balanced approach to the future of our rural areas and are supported. We believe that they could be strengthened by highlighting the fact that food and fibre production is critical to our entire community – not just the farming/rural community.</li> <li>Support the identification of Farmland of Strategic Significance (FSS) and the associated 500m buffer around these areas. The FSS designation is critical to create certainty for ongoing investment in primary production and associated processing/manufacturing industries.</li> <li>Recommend that the areas identified as being within the FSS be further investigated in relation to the following:</li> <li>Small agricultural clusters located across the Shire. This includes horticultural activities in locations such as Wairewa.</li> </ul>



Submission Number	Theme/s Applied	Summary of submission
		<ul style="list-style-type: none"> <li>• Expansion of the Lindenow Flats FSS where irrigation from the Mitchell River is facilitating the expansion of horticulture activities to the south, towards the Princes Highway.</li> <li>• Clarify the differentiation between FSS land and other land within the Farming Zone.</li> <li>• Proposed policy direction for use, development, and subdivision of land in the Farming Zone is supported.</li> <li>• Whilst prioritising the protection of rural land for commercial farming activities, the draft RLUS strikes an appropriate balance to the question of diversity.</li> <li>• Policy direction for the Farming Zone as set out in the RLUS is recommended to be adopted, decision making by Council should be consistently applied in accordance with RLUS</li> <li>• Support preparation of clear guidelines for the community and decision makers in relation to key issues such as when a dwelling is justified to support an agricultural activity, including clarity around preparation of Farm Management Plans</li> <li>• Recommended that Council review land currently within the Rural Living Zone that is affected by Section 173 Legal Agreements that prevent further subdivision. It is considered that this may offer the opportunity to increase the supply of land for rural residential purposes without further encroaching into productive farmland.</li> <li>• The use of the Rural Activity Zone (RAZ) is supported in principle. It is important that the purpose of each of the RAZ areas is clearly highlighted in a policy statement to be included in the proposed schedule(s) to the RAZ. This should include the protection of existing uses and clarity regarding future use and development opportunities within each area.</li> <li>• Recommended that the proposed location of the RAZ be further investigated in the Paynesville Hinterland area. The application of the RAZ in this location should ensure that existing large farm enterprises are protected and that the operation of the waste transfer station and gravel quarry are not compromised.</li> </ul>
33	<ul style="list-style-type: none"> <li>○ HSS</li> <li>○ Legacy Conditions</li> <li>○ Economic Development Opportunities</li> <li>○ Farm Management</li> <li>○ Further Subdivision</li> <li>○</li> </ul>	<ul style="list-style-type: none"> <li>• Supportive of policy direction but believe improvements can be made, time should be taken to get it right</li> <li>• Undefined/ambiguous terms used consistently within the document will harm RLUS in assessment of proposals. <ul style="list-style-type: none"> <li>○ Productive Agricultural Land</li> <li>○ Viable Rural Living Areas, need to address RLZ better</li> <li>○ Appropriate Locations – characteristics need defining</li> </ul> </li> <li>• Need to undertake RLUS and HSS concurrently</li> <li>• Removal of 'as of right' entitlement in Farming Zone under 80ha change will penalise recent purchasers, undermine their financial situation and security</li> <li>• Lack of direction about how the RLUS intends to give consideration to previous subdivisions, although indicated</li> <li>• Preservation of legacy entitlements recommended</li> <li>• Crown Allotment statement overly simplistic and penalises owners who have not restructured or subdivided since alienation from the Crown</li> </ul>

Submission Number	Theme/s Applied	Summary of submission
		<ul style="list-style-type: none"> <li>• Challenge rural landscape protection strategy as no clear position of preferred character of varied rural landscapes exists – makes strategy vague and unenforceable</li> <li>• Concern that page 33 (six attributes shared by commercial scale agricultural enterprises) may be applied as a 'test' on proposed developments, impeding genuine proposals, start-up enterprises penalised</li> <li>• Need to support small-scale and boutique agricultural enterprises</li> <li>• Proposal decision guidelines at Appendix 3 of the RLUS should be expanded to include clear expectations for the level of information required as part of a Farm Management Plan (or similar) to support cases where a dwelling is considered by owner as required for agricultural activity</li> <li>• Banksia Peninsula Conservation Zone change it not justified, current zoning sufficient</li> <li>• Recommend Council review current Farming Zone areas and identify which would be more appropriate as Rural Conservation Zone (but acknowledges this is not in scope for RLUS)</li> <li>• Commend Council for identifying land that should not be in Farming Zone but not supportive of RAZ. Query need to limit dwelling excisions and subdivision on land already lost to agriculture as described in the plan.</li> <li>• Different options for rezoning of the area encouraged, additionally other areas which are dominated by hobby farming or rural lifestyle activities should be recognised</li> <li>• Identification of areas already lost to commercial farming should have policy formulated to guide decision making and avoid 'tests' for dwelling or subdivision</li> <li>• RLUS silent on restructure of existing titles. Should be considered where genuine benefit can be demonstrated, propose enhancement of Clause 14.01-1L-01 regarding cluster housing where management of land is unified for agricultural purposes</li> <li>• Buffer to FFS supported however it should be a mapped buffer to remove ambiguity, with an overlay applied to trigger approval for development in the buffer zone – examples and options given</li> <li>• Large scale tourism development wording on page 41 should be reviewed as it is too far reaching and limits off-grid/sustainable developments</li> <li>• Test for significance of tourism developments that will contribute to the tourism economy of the region is no defined, subjectivity needs to be removed</li> <li>• Suggest review of ESO should be expanded to include mapping and ordinances of each Schedule to reduce permit triggers on land which does not display the environmental characteristics the overlay seeks to preserve</li> <li>• Preservation of the ability for Council to consider individual proposals on merit and exercise discretion where appropriately justified should be maintained</li> </ul>

Submission Number	Theme/s Applied	Summary of submission
34	<ul style="list-style-type: none"> <li>o Further Subdivision</li> <li>o Economic Development Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Impact of strategy on specific land holding, in the proposed RAZ area</li> <li>• Subject land identified as key tourism opportunity in Eagle Point, with a desire from landowners that this be specifically referenced within the RLUS</li> </ul>
36	<ul style="list-style-type: none"> <li>o Economic Development Opportunities</li> <li>o Legacy Conditions</li> <li>o Data</li> <li>o Further Subdivision</li> <li>o HSS feedback</li> </ul>	<ul style="list-style-type: none"> <li>• Land review to ascertain viability and sustainability in agricultural context seen as inadequate.</li> <li>• RLUS does not give strategic direction of growth of towns, needs to be undertaken in conjunction with HSS.</li> <li>• 'Sunset clause' protection of landowners questioned.</li> <li>• Implications on land values, rates and private borrowing capacities through banks.</li> <li>• Objective should be to protect significant areas and increase with landowner consent. It is not practical to include areas of land that will never be suitable for productive farming.</li> </ul>

Table 5 – Written Submission Theme Numbers

Further Subdivision (21)	Data (4)	Farm Management (2)
Economic Development Opportunities (13)	Environmental Protection (2)	Further Consultation (1)
Legacy Conditions (5)		HSS feedback (2)

**Outcome/s:**

- A wide range of detailed written submissions were received, with the complex nature of combined HSS & RLUS feedback being provided together making it hard to fully distinguish individual strategy feedback. Comments raised through written submissions supported the existing Themes raised through the survey in further detail.
- Two new themes arose through the written submissions. The first quickly becoming the second-most common area of comment, was around the Economic Development Opportunities. Overwhelmingly, responses under this theme wanted to see the nature-based tourism potential in East Gippsland supported and provided for, particularly in more remote areas of the Shire.
- The quality and use of data to justify the changes proposed in the draft Strategy was questioned by some submissions.
- The general support for protection of agricultural land that arose in the survey persisted, with strong opposition from those affected by changes to their personal situation. The impacts on farm succession plans, and perceived push toward commercial farming at the expense of smaller farming operations was a criticism of the draft Strategy. There were concerns that innovation and potential offered by smaller, boutique agricultural operations would be significantly limited by the Strategy.

## 5.2 Agency and Advisory Committee Feedback

The below summarises submissions only.

Table 6 – Agency Feedback

Agency	Comment
Agriculture Victoria	<ul style="list-style-type: none"> <li>○ Agree with the use of the term “productive agriculture” and the cultural change in the expectation that a dwelling may be constructed on every rural lot.</li> <li>○ Realisation of the vision relies on strong, clear, concise and prescriptive local policy within Clause 14.</li> <li>○ Support use of direct language in policy where dwelling development will not be supported.</li> <li>○ P2. Strategic Direction 3 - Suggest inclusion of small scale abattoir within rural industry Farming Zone exemptions to facilitate small scale on-farm processing in association with animal production – PrimeSafe approvals/regulation.</li> <li>○ P.3 Strategic Direction 5 - Preference to encourage consolidation of historically inappropriate subdivisions into surrounding agriculturally productive land.</li> <li>○ Strategic Direction 5 - Suggest policy discouraging dwellings on small lots in support of low input level agriculture such as grazing animal production (GAP).</li> <li>○ P.4 Implementation Strategic Direction 1 - “High Quality Agricultural Land” Note that soil based assessment in isolation does not factor that many agricultural production systems are not soil dependant, and can be considered productive and sustainable given appropriate buffers to the environment (waterways) and amenity (sensitive uses). Suggest revert to 'productive agricultural land' as establishing 'quality' threshold has the potential to provide an argument for land considered 'low' or 'moderate' to be relegated to uses other than and in conflict with agriculture.</li> <li>○ P5 Implementation Strategic Direction 3 - Suggest addition of need to facilitate value adding on-farm for food and fibre processing along with farm gate sales.</li> <li>○ P5 Zones - Schedule 2, 3 &amp; 4 may be considered more appropriate for land zoned Rural Living Zone, and facilitate dwelling approvals resulting in land use conflict.</li> <li>○ P6 Planning Scheme Review - A more recent review of VCAT decisions across the state may be warranted given comments as to productive land and dwellings in the Farming Zone, with refusals upheld based on notional agricultural use as a basis for a dwelling.</li> <li>○ Support simplification of existing rural zones at clause 14</li> <li>○ P17 wording – Supportive.</li> <li>○ P22 – Rural Industries (value adding to primary production to generate local employment) - a lack of policy support regards facilitation and regulatory burden, particularly at a small scale. If value adding as part of agricultural production, consideration should be given to reducing planning regulation where another authority has a regulatory role, e.g. PrimeSafe.</li> <li>○ P31 – “Commercial Agriculture” – may need definition</li> <li>○ P32 – “Intensive Animal Husbandry” – replace with “Intensive animal production”</li> <li>○ P 32 – “Feedlot” - note a feedlot will operate regardless of soil quality and or land capability, given appropriate buffers to sensitive uses and any environmental constraints including location relative to surface and groundwater. Broiler farms, egg layer farms and piggeries are also intensive by definition but are not currently nested under Intensive animal production</li> </ul>

Agency	Comment
	<ul style="list-style-type: none"> <li>○ P33 – Farm Dwelling Justification - Suggest that these points may constitute the basis of a business/farm management plan to be endorsed and form part of any approved planning permit. This can be strengthened through a local policy requirement. This can also be the basis of any secondary use such as a dwelling, with a binding provision that if the primary use as per the approved B/FMP ceases then the secondary use ceases.</li> <li>○ P34 Minimum Lot Size - suggested Farming Zone Schedules 2, 3 &amp; 4 appear contrary to achieve aim regarding minimising further fragmentation and achieving cultural expectation change</li> <li>○ P35 - Agree with proposed increase to minimum lot size below which a permit is needed for a dwelling (80ha)</li> <li>○ P35 – Farming Zone Schedule 3 - further strategic work may be required to differentiate between FZ and RLZ land.</li> <li>○ Table 4 – agree with proposed but requires robust conditioning around discretionary Section 2 uses, particularly dwellings</li> <li>○ P38 – Farm Management Plan contents need prescribed requirements.</li> <li>○ P47 – Actions – add “facilitation of value adding on-farm, including processing and farm gate sales”</li> <li>○ P55 – “Small lots within historic subdivisions” – this is contrary to examples of recent amendments with rural council's local policy across the state seeking to consolidate historical subdivisions back into adjacent productive agricultural land.</li> <li>○ P57 – FMP - Suggestion that this be a binding agreement on the continued use of the land.</li> <li>○ P61 – Class 3 (medium quality) - potential for soil-based assessment to down play importance of the land for intensive type or non-soil based ag (Glasshouse, etc)</li> </ul>
East Gippsland Catchment Management Authority (EGCMA)	<ul style="list-style-type: none"> <li>○ Figure 16 does not accurately reflect inundation risk.</li> <li>○ Supports settlement roles as described</li> <li>○ Future RLZ subdivision should better protect natural assets including waterways. Preference for waterways to be contained within Council Reserves.</li> <li>○ Supportive of infill development where it is compatible with flood hazards. Intensification of development in flood prone areas around the Gippsland Lakes is not supported.</li> <li>○ Low-density/Greenfield development supported where compatible with flood hazard and needs to consider and appropriately manage waterway health.</li> </ul>
East Gippsland Shire Council Agricultural Sector Advisory Committee (ASAC)	<ul style="list-style-type: none"> <li>○ The RLUS Vision and Principles reflect a balanced approach to the future of our rural areas and are supported.</li> <li>○ Leveraging agricultural advantages will require a whole of community effort to understand the importance of protecting our rural assets to create economic, environmental and social opportunities.</li> <li>○ Support the identification of Farmland of Strategic Significance (FSS) and the associated 500m buffer around these areas. The FSS designation is critical to create certainty for ongoing investment in primary production and associated processing/manufacturing industries.</li> <li>○ Further investigation of FSS is required in relation to emerging agricultural clusters and expansion of existing FSS in the Lindenow Valley.</li> <li>○ All land within the Farming Zone is productive and should be protected from inappropriate land use and development, including rural residential subdivision and development.</li> </ul>

Agency	Comment
	<ul style="list-style-type: none"> <li>○ The policy direction for the Farming Zone as set out in the RLUS is recommended to be adopted. Further detail is required in relation to the preparation of Farm Management Plans.</li> <li>○ RAZ is supported in principle, but further investigation is required in the Paynesville hinterland area to protect farming activities.</li> </ul>

**Outcome/s:**

- Supportive of the policy direction.

## 6. Overall Feedback Summary

29 contributions were received from 29 survey contributors, 24 written submissions were received and two agency responses. A written response was also provided by Council's Agricultural Sector Advisory Committee.

15 themes were identified from the feedback:

**Table 7 – Combined Survey and Written Submission Theme Numbers**

Tier 1 - High	Tier 2 - Medium	Tier 3 - Low
Further subdivision (29)	Environmental Protection (7)	Data (4)
	Farm Management (5)	Rights (3)
Economic Development Opportunities (13)	Legacy Conditions (5)	HSS feedback (2)*
	Further Consultation (4)	

(Number) in brackets is the total number of individual survey comments/written submissions which were categorised under the theme.

\* Feedback better captured for action and response in the HSS feedback summary report.

- There was sufficient majority support for the proposed vision statement for rural areas of East Gippsland for the statement to be carried forward into the final Strategy.
- Feedback around the Key Issues & Opportunities indicated overall agreement that the issues and drivers were relevant and sufficient, with commentary provided around the specifics of each.
- The limited availability of rural living opportunities proposed in the draft Strategy presented itself as a key issue for many submitters and is a key reason that some written submitters and survey respondents felt they could not support aspects of the plan, or the plan overall.
- Overall, support for the policy intention to protect agricultural land is present. However, there is tension for many who provided feedback about where and how this is proposed to happen.
- Overall, Strategic Direction 1 – Food and Fibre has a sufficient level of support to proceed with some clarifications to the final Strategy. Sufficient support for Strategic Direction 2: Rural Tourism was also present, with some clarifications needed to increase support.

- The Rural Activity Zone (RAZ) was contentious and likely affected responses to Direction 2. Overall, comments indicated that the benefit and purpose of the RAZ was not well communicated in the draft RLUS – many respondents felt it would not sufficiently protect valuable food protection areas while others felt it was unlikely to lead to the tourism and other outcomes targeted. Some feedback indicated other zones were better suited.
- Strategic Direction 3 – Rural Industries was not specifically opposed nor strongly supported. Commentary either indicated concerns around environmental protections or the perceived lack of support for smaller agricultural activities and tourism operators, in favour of commercial-scale farming.
- Strategic Direction 4 - Environment, Landscape, Catchments & Natural Hazards was not specifically opposed nor strongly supported. Rezoning of the Banksia Peninsula, when raised, was not supported. Overall, the feedback received pointed towards a desire for better prioritisation of the direction and strengthening of the provisions for environmental protection.
- Strategic Direction 5: Rural Housing was not specifically opposed nor strongly supported. The impacts on farm succession planning options was a key factor, as were the availability of rural living opportunities and treatment of legacy conditions. Overall feedback indicates the balance between protecting agricultural land and supporting housing development/choice remained a tension to be better balanced.



## 7. Response to feedback in preparation of the final Strategy

Submission	Key Issues Raised	How RLUS Responds
1	<ul style="list-style-type: none"> <li>Encouraging the growth and economic well-being of any of the outlying towns or communities.</li> <li>Importance of East Gippsland as a thoroughfare and current lack of facilities to service travellers.</li> <li>The strategies deny people in remote areas the opportunities to experience rural living on some acreage that those around Bairnsdale take for granted. They also overlook the fact that many businesses in rural areas (including some modern approaches to commercial agriculture) do not need massive amounts of land.</li> <li>The strategies restrict housing outside rural and remote township boundaries to being agriculture or tourism related.</li> </ul>	<ul style="list-style-type: none"> <li>Areas identified within the Rural Activity Zone (RAZ) have been updated and policy approach to support rural tourism has been clarified in the RAZ and Farming Zone (FZ).</li> <li>The RLUS directs rural residential opportunities to the Rural Living Zone (RLZ), which is consistent with State Government policy direction. RLZ land is available in a range of locations in proximity to towns and settlements across East Gippsland.</li> <li>Whilst the use and development of dwellings not associated with agriculture in the Farming Zone is strongly discouraged, the RLUS introduces a flexible approach to the assessment of dwellings in the Farming Zone. This applies to rural settlements and remote districts that are in excess of 50km from a service centre (Bairnsdale, Lakes Entrance or Orbost) where it can be demonstrated that the construction of a dwelling will support the long term viability of the settlement.</li> </ul>
2	<ul style="list-style-type: none"> <li>Concerns with the impact of RLUS on Tourism Opportunity Plan for Buchan, Gelantipy and Districts.</li> <li>Housing for workers.</li> <li>Opportunities for ecotourism.</li> <li>Subdivision, lots constrained by environmental hazards.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS has been updated to clarify the policy approach to support rural tourism Farming Zone (FZ). Guidelines will also be prepared to inform the assessment of subdivision and dwellings in the FZ.</li> <li>Whilst the use and development of dwellings not associated with agriculture in the Farming Zone is strongly discouraged, the RLUS introduces a flexible approach to the assessment of dwellings in the Farming</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
		Zone. This applies to rural settlements and remote districts that are in excess of 50km from a service centre (Bairnsdale, Lakes Entrance or Orbost) where it can be demonstrated that the construction of a dwelling will support the long term viability of the settlement.
3	<ul style="list-style-type: none"> <li>Does not support the strategy based on impact of a Rural Strategy on farmers in the Latrobe Valley region.</li> <li>Does not want anything that impacts farmers.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS is intended to protect productive farm land and associated farming activities.</li> </ul>
4	<ul style="list-style-type: none"> <li>Does not support rezoning to RAZ between Bairnsdale and Swan Reach as it restricts dwelling development. Considered that FZ3 or RLZ better aligns with surrounding area.</li> <li>West of Nicholson River along Olivers and Lanes Rd and east of Nicholson Sarsfield Rd are rural lifestyle allotments.</li> <li>Proposed RAZ conflicts with HSS data</li> </ul>	<ul style="list-style-type: none"> <li>The proposed RAZ takes into account the historic fragmentation of rural land between Bairnsdale and Swan Reach and acknowledges the extent of rural residential homes in this area. The benefit of the RAZ for this area is that it allows the opportunity to respond directly to the land use and particular issues and opportunities of the area, which is not afforded by the Farming Zone. This includes agri-tourism and nature based tourism in conjunction with smaller scale farming activities.</li> <li>Policy guidance will be introduced into the Planning Scheme for the assessment of dwelling development in the RAZ.</li> <li>Further fragmentation of land via subdivision, including dwelling excisions, within the proposed RAZ will be discouraged.</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
5	<ul style="list-style-type: none"> <li>Considers individual property to be rural residential not farming.</li> <li>RLUS impact of the ability to subdivide, affecting personal and financial circumstances.</li> <li>Smaller allotments are in keeping with the surrounding area and would not impact farming practices or existing vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS does not affect landowners who have an existing dwelling on a small lot in the Farming Zone. In this scenario, the land can continue to be used for rural residential purposes.</li> <li>The strategic policy direction in the RLUS seeks to protect productive farmland in the Farming Zone for agricultural purposes. This is achieved by discouraging uses and development, including dwellings, which are not directly related to agriculture, that may have an adverse impact on agricultural operations or introduce conflict with agriculture.</li> <li>It is important that this policy direction is not compromised by the use and development of land within the Farming zone for rural residential purposes.</li> </ul>
6	<ul style="list-style-type: none"> <li>RLZ does not allow assessment of individual parcels of land for further subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>Policy direction regarding the future use and development of land in the RLZ is addressed in the Draft Housing and Settlement Strategy (HSS). The Draft HSS recommends that, when further RLZ is required, a review of the minimum lot sizes in the existing RLZ be undertaken to increase supply. This may allow the future subdivision of land in the existing RLZ, subject to environmental constraints and hazards (e.g. bushfire risk).</li> </ul>
7	<ul style="list-style-type: none"> <li>Request for further investigation of areas to potentially rezone in Buchan to support population retention and employment.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS has been updated to clarify the policy approach to support rural tourism Farming Zone (FZ). Guidelines will also be prepared to inform the assessment of subdivision and dwellings in the FZ.</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
		<ul style="list-style-type: none"> <li>Whilst the use and development of dwellings not associated with agriculture in the Farming Zone is strongly discouraged, the RLUS introduces a flexible approach to the assessment of dwellings in the Farming Zone. This applies to rural settlements and remote districts that are in excess of 50km from a service centre (Bairnsdale, Lakes Entrance or Orbost) where it can be demonstrated that the construction of a dwelling will support the long term viability of the settlement.</li> </ul>
8	<ul style="list-style-type: none"> <li>Statement of objection to the RLUS based on poor quality research and corruption in local government</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS has been prepared with the benefit of detailed research as set out in the RLUS Background Report.</li> <li>The development of RLUS has been undertaken in a transparent manner, including three rounds of stakeholder and community consultation undertaken in October 2015, July 2021 and November 2022.</li> </ul>
9	<ul style="list-style-type: none"> <li>Support for the protection of rural land for farming purposes.</li> <li>Concerns regarding the impact of contaminated stormwater runoff from rural land on sensitive water assets, including the Gippsland Lakes.</li> </ul>	<ul style="list-style-type: none"> <li>Support for the Strategy noted.</li> <li>The RLUS discourages inappropriate land use and development impacting Proclaimed Water Supply Catchment areas.</li> </ul>
10	<ul style="list-style-type: none"> <li>Requests that the zoning of Farm Zoned land be based on size of the land.</li> <li>Seeks to have land rezoned from FZ to Low Density Residential Zone (LDRZ).</li> </ul>	<ul style="list-style-type: none"> <li>The strategic policy direction in the RLUS seeks to protect productive farmland in the Farming Zone for agricultural purposes. This is achieved by discouraging uses and development, including dwellings, which are not directly related to agriculture, that may have an</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
	<ul style="list-style-type: none"> <li>Supports rezoning of rural land to support the growth of Lindenow.</li> </ul>	<p>adverse impact on agricultural operations or introduce conflict with agriculture.</p> <ul style="list-style-type: none"> <li>It is important that this policy direction is not compromised by the use and development of land within the Farming zone for rural residential purposes.</li> <li>Rural land surrounding Lindenow is included within the proposed Farmland of Strategic Significance (FSS) and requires protection to support horticultural activities in this area.</li> <li>Land supply for LDRZ and RLZ is addressed via the Housing and Settlement Strategy.</li> </ul>
11	<ul style="list-style-type: none"> <li>Seeks to subdivide personal property in the RLZ.</li> </ul>	<ul style="list-style-type: none"> <li>Policy direction regarding the future use and development of land in the RLZ is addressed in the Draft Housing and Settlement Strategy (HSS). The Draft HSS recommends that, when further RLZ is required, a review of the minimum lot sizes in the existing RLZ be undertaken to increase supply. This may allow the future subdivision of land in the existing RLZ, subject to environmental constraints and hazards (e.g. bushfire risk).</li> </ul>
12	<ul style="list-style-type: none"> <li>RLUS restricts farming communities' options and is geared towards keeping land cheaper to allow expansion of the larger properties.</li> <li>The RLUS actively prevents innovation and more intensive forms of agriculture.</li> </ul>	<ul style="list-style-type: none"> <li>Whilst the use and development of dwellings not associated with agriculture in the Farming Zone is strongly discouraged, the RLUS introduces a flexible approach to the assessment of dwellings in the Farming Zone. This applies to rural settlements and remote districts that are in excess of 50km from a service centre (Bairnsdale, Lakes Entrance or Orbost) where it can be</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
	<ul style="list-style-type: none"> <li>The majority of highly productive livestock operations also incorporate off-farm income, in which part-time work is undertaken, or partners work off-farm.</li> <li>The need for intergenerational provision on farms is ignored.</li> </ul>	<p>demonstrated that the construction of a dwelling will support the long term viability of the settlement.</p> <ul style="list-style-type: none"> <li>The RLUS allows flexibility for consideration of dwelling development to allow succession planning where it supports the ongoing productivity of a farm.</li> <li>The RLUS promotes innovation and new technology in the agricultural sector. This includes more intensive forms of agriculture in appropriate locations. This policy direction is also supported by discouraging sensitive land uses, including dwellings, in the Farming Zone.</li> </ul>
13	<ul style="list-style-type: none"> <li>Seeks to support eco-tourism.</li> <li>Population growth is required for self supporting communities and the survival and regeneration of rural communities.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS has been updated to clarify the policy approach to support rural tourism Farming Zone (FZ). Guidelines will also be prepared to inform the assessment of subdivision and dwellings in the FZ.</li> <li>Whilst the use and development of dwellings not associated with agriculture in the Farming Zone is strongly discouraged, the RLUS introduces a flexible approach to the assessment of dwellings in the Farming Zone. This applies to rural settlements and remote districts that are in excess of 50km from a service centre (Bairnsdale, Lakes Entrance or Orbost) where it can be demonstrated that the construction of a dwelling will support the long term viability of the settlement.</li> </ul>
14	<ul style="list-style-type: none"> <li>Supports objectives of the proposed FSS but does not believe a specific property fits the application criteria.</li> <li>Suggests contour mapping to assist with inclusion or exclusion of properties in ESO</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS includes more detail mapping of the proposed FSS. This mapping will be reviewed and updated to include consideration of contours as part of the future implementation via a Planning Scheme Amendment.</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
15	<ul style="list-style-type: none"> <li>Yarra Valley, Mornington Peninsula and Macedon Ranges similar lifestyle offered by East Gippsland; however, East Gippsland provides a unique opportunity in lower cost housing.</li> <li>The RLUS should be establishing a plan for a self-sufficient, thriving regional hub with a progressive approach to encourage a younger, higher earning demographic.</li> <li>Does not support the RLUS as it hampers progress of the region.</li> <li>Seeks rezoning of FZ land to facilitate subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS focuses on the protection of rural land for agricultural production and directs residential development towards established towns and settlements. This is key to providing long term economic prosperity, as identified in the East Gippsland Economic Development Strategy (2022-2032).</li> <li>Opportunities for Rural Living and Low Density Residential Zoned land are addressed via the HSS.</li> <li>RLUS seeks to provide a balanced approach to the use and development of land in rural areas including the identification of a RAZ to support agriculture, agri tourism and nature based tourism.</li> <li>Policy guidance will be introduced into the Planning Scheme for the assessment of dwelling development in the FZ and RAZ.</li> </ul>
16	<ul style="list-style-type: none"> <li>A specific property fits the criteria for the application of FSS.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS includes more detail mapping of the proposed FSS. This mapping will be reviewed and updated to include consideration of contours as part of the future implementation via a Planning Scheme Amendment.</li> </ul>
17	<ul style="list-style-type: none"> <li>Seeks consideration of a second dwelling on a property in the FZ based on specific personal circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>Whilst the use and development of dwellings, including second dwellings, not associated with agriculture in the Farming Zone is strongly discouraged, the RLUS offers a flexible approach to the assessment of dwellings in certain circumstances.</li> </ul>



Submission	Key Issues Raised	How RLUS Responds
18	<ul style="list-style-type: none"> <li>Acknowledges the objectives of the proposed FSS but does not believe a specific property fits the application criteria.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS includes more detail mapping of the proposed FSS. This mapping will be reviewed and updated to include consideration of contours as part of the future implementation via a Planning Scheme Amendment.</li> </ul>
19	<ul style="list-style-type: none"> <li>Supports the principle of RLUS to protect farming land for farming purposes.</li> <li>Need to balance protection of agriculture with high quality rural lifestyle opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>In principle support for the RLUS noted.</li> <li>Policy direction regarding the future use and development of land in the RLZ is addressed in the Draft Housing and Settlement Strategy (HSS).</li> </ul>
20	<ul style="list-style-type: none"> <li>Does not support current RLUS based on need for more community engagement across a wider demographic of rural landholders.</li> <li>Considers that the RLUS mismatches with other Council strategies and is biased towards industrial agriculture.</li> <li>The Vision statements are hollow, however, the Principles are valid.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS has been prepared using detailed analysis of data and consultation with the community on three occasions.</li> <li>The RLUS takes into account the policy direction set out in a range of other Council Strategies including the Council Plan, Economic Development Strategy and Environmental Sustainability Strategy.</li> </ul>
21	<ul style="list-style-type: none"> <li>Highlights opportunities for agribusiness in the Asean markets</li> <li>Opportunities for co- investment are significant in manufacturing, new irrigation developments etc)</li> </ul>	<ul style="list-style-type: none"> <li>Comments are noted and reflected in the RLUS.</li> </ul>
22	<ul style="list-style-type: none"> <li>Support the majority of strategic directions within the RLUS.</li> </ul>	<ul style="list-style-type: none"> <li>Support for strategic directions noted. The decision to undertaken work regarding RLZ as part of HSS is considered appropriate.</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
	<ul style="list-style-type: none"> <li>• Seeking clarification on several terms used within the RLUS.</li> <li>• Prefers that RLZ is addressed via the RLUS as opposed to the HSS.</li> <li>• Concerned for landowners who have purchased land with a view to developing a dwelling. Request to 'honour' the as of right use for a dwelling for lots between 40ha and 80ha in the FZ.</li> <li>• Concerned regarding the protection of rural landscapes, where landscape character is not defined.</li> <li>• More information required regarding Farm Management Plans.</li> <li>• Retain Banksia Peninsula in the Rural Conservation Zone.</li> <li>• Not convinced by the proposed RAZ.</li> <li>• Advice requested regarding the restructure of titles.</li> <li>• Requested mapping of the buffer for the proposed FSS.</li> <li>• Review of Environmental Significance Overlay Schedule 1 required.</li> </ul>	<ul style="list-style-type: none"> <li>• The RLUS provides a glossary of relevant terms at page 69.</li> <li>• It is not considered that proposed changes to planning policy remove the 'rights' of landowners. The increase in minimum lot size in the Farming Zone where a planning permit is not required for use of the land for a dwelling from 40ha to 80ha does not mean that dwellings are prohibited on lots under 80ha. A planning permit will be required and tested against Farming Zone guidelines and local planning policy to ensure that the dwelling is genuinely required to carry out an agricultural activity. This approach is consistent with State government policy and ensures that the purpose of the Farming Zone as set out in the East Gippsland Planning Scheme to provide for the use of land for agriculture is appropriately implemented.</li> <li>• Policy direction on rural landscapes is considered appropriate given the importance of the rural landscape for East Gippsland.</li> <li>• More detail has been provided in the RLUS regarding Farm management Plans (page 67).</li> <li>• Banksia Peninsula will be retained in the Rural Conservation Zone.</li> <li>• RAZ has been reviewed, some proposed areas removed and the purpose of RAZ has been clarified.</li> <li>• The RLUS is considered to provide clear direction on the subdivision of land in rural areas and when subdivision may be justified.</li> <li>• FSS buffer areas have been mapped.</li> </ul>

Submission	Key Issues Raised	How RLUS Responds
		<ul style="list-style-type: none"> <li>The RLUS contains an action to advocate for DELWP assistance to review Environmental Significance Overlay Schedule 1.</li> </ul>
23 and 24	<ul style="list-style-type: none"> <li>Feedback on an existing recreation activity in the proposed Bairnsdale to Paynesville RAZ precinct.</li> <li>Seeking acknowledgement of potential for future residential development potential.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed Bairnsdale to Paynesville RAZ precinct has been removed and will remain in the Farming Zone.</li> <li>Future residential development potential is addressed within the Eagle Point Structure Plan (2019).</li> </ul>
25	<ul style="list-style-type: none"> <li>RLUS has not adequately reviewed the capacity of rural land to inform viability and sustainability of agricultural activities on a case by case basis.</li> <li>Implications on land values and private borrowing capacities through banks.</li> <li>Objective should be to protect significant agricultural areas and not include areas of land that will never be suitable for productive farming.</li> </ul>	<ul style="list-style-type: none"> <li>The RLUS is informed by a detailed assessment of rural areas, including an assessment of soil type and productivity. It is not feasible to undertake this on a case by case basis.</li> <li>The RLUS has found that all land in the Farming Zone has the potential to be productive and should be protected from inappropriate subdivision, uses and development that are not required for agricultural purposes. It is considered that this will offer greater certainty for future investment in commercial farming activities.</li> <li>Areas of strategic agricultural significance have been identified within the Farmland of Strategic Significance.</li> </ul>

## 8. Appendix 1

This section documents each communications activity and working group session undertaken as part of the Discussion Paper consultation process.

Engagement Tool	Total No.	Date	Success measures
<b>Have Your Say Shire ad</b>	2	Lakes Post / Snowy River Mail/Bairnsdale Advertiser (Wednesdays) 16 November 2022 23 November 2022	Circulation: <ul style="list-style-type: none"> <li>Snowy River Mail/Lakes Post: 3,531</li> <li>Advertiser: 6,450</li> </ul>
<b>Media releases</b>	2	14 December 2022 11 January 2023	Distributed to media channels - Circulation: <ul style="list-style-type: none"> <li>Snowy River Mail/Lakes Post: 3,531</li> <li>Advertiser: 6,450</li> </ul> Published on council's media page
<b>Meetings and communication with key stakeholders (Internal)</b>		Steering Committee meetings In addition to various meetings, email updates and communications, and phone conversations.	
<b>Meetings with Community Groups</b>	1	15 December 2022 - ASAC 25 January 2023 – Buchan	

Engagement Tool	Total No.	Date	Success measures
<b>@eastgippsshire Facebook</b> as at 12 February 2023	7	<b>Facebook Posts:</b> 18 November 2022 (24 likes, 19 comments, 18 shares) 24 November 2022 (8 likes, 6 comments, 7 shares) 22 December 2022 (14 likes, 5 shares, 14 comments) 9 January 2023 (2 shares) 18 January 2023 (3 like, 2 share, 1 comment) 25 January 2023 (18 likes, 26 shares, 40 comments) 1 February 2023 (3 likes)  <i>Facebook comments have been read and responded to where appropriate by the Council communications team. All themes raised have been confirmed to have been captured in the formal submission, and prompts to make formal submissions were made to commenters with detailed feedback.</i>	<ul style="list-style-type: none"> <li>Facebook Page Follows: 8.6K</li> </ul>
<b>Letters to landholders and resulting calls/contact</b>	1285	Various dates between November 2022 and February 2023	<ul style="list-style-type: none"> <li>Letters sent to landowners in RCZ, RAZ, FZ, ESO zones/overlays.</li> <li>14 calls/contact received as a result.</li> </ul>
<b>Hardcopy displays</b>		Hardcopies were available on request via the Strategic Planning Team	<ul style="list-style-type: none"> <li>Difficult to measure reach or success with hard copy engagement tools</li> </ul>
<b>Your Say East Gippsland web page</b> (Source: Your Say Report)	1	Live from 16 November 2022 (ongoing at time of writing)	<ul style="list-style-type: none"> <li>1040 total page visits</li> </ul>
<b>ABC Gippsland Radio – Country Hour</b>	1	Recorded 1 December 2022 and subsequently aired	



## 4 Councillor and Delegate Reports

## 5 Officer Reports

### 5.1 Assets and Environment

#### 5.1.1 Draft Environmental Sustainability Action Plan 2022-26

Authorised by General Manager Assets and Environment

---

#### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

#### Executive Summary

The final Draft Environmental Sustainability Action Plan 2022-26 (the Action Plan), provided as **Attachment 1**, has been prepared to support the implementation of the Environmental Sustainability Strategy 2022-32 (the Strategy).

The actions listed represent priorities the organisation will undertake over the four-year period and are aligned to the goals and targets set out within the Strategy and other Council strategic plans.

Following Council's adoption of the Strategy in June 2022, the organisation has progressed or completed a range of actions that will form the basis of an Annual Report. The Action Plan has therefore been prepared with 2022/23 financial year being year one of delivery.

The Action Plan is now provided to Council for formal noting.

#### Officer Recommendation

##### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. notes the draft Environmental Sustainability Action Plan 2022-2026.***

#### Background

The Strategy is Council's key environmental policy document, guiding work across Council and the broader community to achieve objectives in response to climate change; preservation of biodiversity; land and water management; and achievement of natural resource efficiency.

The Action Plan represents the priorities that Council will either lead or work in partnership with various stakeholders and our community to improve sustainability outcomes.

The Action Plan has been prepared for a four-year period, 2022-26, with the next version to be developed after the first scheduled review of the Strategy in 2025/26. By separating the action plans into four-year periods, it allows Council to re-prioritise or redirect actions to new or developing circumstances over time.

The Action Plan also identifies which actions can be implemented within current resourcing and which actions will require additional resources and/or external funding.

The actions identified will form the basis of the Environmental Sustainability Annual Report that will be developed at the end of each financial year. Key actions are also referenced in the Council Plan Action Plan and reported on through the quarterly status reports on the Council Plan.

## **Legislation**

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*, Part 2 Section 9(2)(c): Overarching Governance Principles and Supporting Principles.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Council is also obligated to comply with a range of Federal and State legislation in relation to natural environmental management, protection of biodiversity and climate change adaptation and mitigation. The Action Plan is considered to respond to all relevant legislation.

## **Collaborative procurement**

Not required.

## **Council Plan**

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 3: 3.1 Council works to reduce its own and the communities carbon emissions while supporting the community to mitigate the impact of a changing climate on the environment, safety, health, and lifestyles.

Strategic Objective 3: 3.2 Sustainable land use practices are used to manage Council land to protect biodiversity and to provide education and incentives to support the management of private land.

Strategic Objective 3: 3.3 Natural values on key Council managed land are managed and enhanced.

Strategic Objective 3: 3.4 Environmentally and financially sustainable practices reduce waste going to landfill.



## **Council Policy**

The Strategy operates as one of three key strategies/plans supporting the Council Plan. The others being the Economic Development Strategy and the Municipal Public Health and Wellbeing Plan.

## **Options**

For Council consideration.

1. Proceed with noting of the Action Plan as attached (Officer's recommendation); or
2. Request further changes to the Action Plan, with Councillors to provide specific advice about the changes requested.

## **Resourcing**

### *Financial*

The financial implications of this report have been considered and identified in relation to the implementation of the Action Plan and how it is planned to be financially resourced. Each action has been noted if it will be delivered within existing resources, requires additional budget allocation or potential grant opportunities are needed to proceed.

The details of the resourcing rating in the Action Plan.

*Within existing resources* – the action will be able to be delivered within the current budget and human resources.

*Requires additional budget allocation* – A future budget bid or budget variation will be required to contribute resources to delivering the action.

*Potential grant opportunities to expand further* – additional funding opportunities will be sought to deliver this action on a larger / broader scale.

The resourcing of the Action Plan will be considered annually through the preparation of the organisation's Annual Budget. Where additional resourcing is required, a business case for specific projects is to be prepared, as required as part of Council's preparation of annual budgets. Additional resourcing may also reference support from external agencies and partners.

### *Plant and equipment*

The plant and equipment implications have been considered and there are no additional plant and equipment requirements as a result of this report.

### *Human Resources*

The human resource implications of this report have been considered and identified in relation to the implementation of this report.

## *Risk*

The risk implications have been considered and there are no additional risk implications as a result of noting this report.

## **Economic**

The report presented has been developed in alignment with the Economic Development Strategy and associated action plan, with the economic implications of the report having been assessed.

The Strategy and the Action Plan were developed to align with economic development outcomes. Three of the overarching goals from the Strategy focus on community participating in the climate response, supporting sustainable economic growth, and growing the circular economy.

## **Social**

The report presented has been developed in alignment with the Municipal Public Health and Wellbeing Plan, with the social and community implications of the Action Plan having been assessed and there are positive outcomes from implementing the Action Plan.

## *Gender Impact Statement*

This report has considered the *Gender Equality Act 2020* in its preparation. The Action Plan has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

The environmental implications of this report have been assessed and there is expected to be positive outcomes resulting from the expected outcomes of delivering the Action Plan.

## *Climate change*

This report has been prepared and aligned with a range of Climate Change function/categories.

## **Engagement**

The Strategy was presented for community for feedback in 2022. There were over 55 respondents to the survey and detailed written submissions from individuals and community groups representing 150 members. An outcome of the engagement was that the community ranked their priorities that informed the development of the goals and the order of importance.

The issues raised were categorised into the themes of:

- the urgency to act on climate change;
- the biodiversity crisis given the bushfires of 2019-20 (combined with Australia's very high extinction rate) and the need for strong land-use planning; and
- the opportunities for co-benefits when the lens of sustainability is applied – such as improved health and wellbeing outcomes, more prosperous businesses, safer communities, and a healthy natural environment.

This engagement data from the development of the Strategy has been used to inform the development of the Action Plan.

### **Attachments**

1. Draft Environmental Sustainability Action Plan 2022-26 [5.1.1.1 - 27 pages]

**DRAFT ENVIRONMENTAL SUSTAINABILITY  
ACTION PLAN 2022-26**



## Contents

Acknowledgement of Country .....	3
Environmental Sustainability Strategy 2022-32 .....	4
Action Plan 2022-26.....	5
Council's Strategic Planning Framework.....	5
Alignment with broader strategy and policies .....	6
Advocacy .....	6
Goal 1: Conservation of the natural environment/ biodiversity .....	7
Goal 2: Sustainable management of natural resources .....	10
Goal 3: Community participation in the climate response .....	13
Goal 4: Respect and alignment with the rights of Traditional Owner Groups .....	15
Goal 5: Environmental sustainability supports sustainable economic growth and new job opportunities.....	17
Goal 6: Growth in the circular economy.....	19
Goal 7: Community resilience to respond to increasing climate risk and natural disasters .....	22
Monitoring and communicating our progress.....	25
Timelines .....	25
Glossary.....	26



**Cover image** – The solar project at the Bairnsdale Aquatic and Recreation Centre





### Acknowledgement of Country

East Gippsland Shire Council acknowledges the traditional custodians of this land, the Gunaikurnai, Monero and Bidawel people and their enduring relationship with country.

Council aspires to strengthen our partnerships and supports Aboriginal participation in management processes for land and natural resources. We recognise Australia's rich cultural heritage and aim to encourage integrated decision making now and in the future.

## Environmental Sustainability Strategy 2022-32

### Our aspirations drive the focus:

“By 2032, sustainable behaviour and decision making will be embedded into all aspects of how East Gippslanders live and work. East Gippsland’s natural environment will be enhanced, connected and resilient, and East Gippsland will be recognised as a leader in regional climate change mitigation and adaptation.”

### Over the next ten years, we are committed to:



» Managing and mitigating the impact of climate change.



» Achieving sustainable resource management.



» Facilitating living and working within the capacity of the local environment.

### Our goals over the next ten years are:

1. Conservation of the natural environment and biodiversity.
2. Sustainable management of natural resources (includes climate mitigation).
3. Community participation in the climate response.
4. Respect and alignment with the rights of the Traditional Owner Groups.
5. Environmental sustainability supports sustainable economic growth and new job opportunities.
6. Growth in the circular economy.
7. Community resilience to respond to increasing climate risk and natural disasters.

### Community Engagement

The draft Environmental Sustainability Strategy was taken to the community for feedback in 2022. There were over 55 respondents to the survey and detailed written submissions from individuals and community groups representing 150 members. An outcome of the engagement was for the community to rank the goals in order of importance, which has informed the order of the goals listed above.

The issues raised were categorised into the themes of; the urgency to act on climate change; the biodiversity crisis given the bushfires of 2019-20 (combined with Australia’s very high extinction rate) and the need for strong land-use planning; and the opportunities for co-benefits when the lens of sustainability is applied – such as improved health and wellbeing outcomes, more prosperous businesses, safer communities and a healthy natural environment.



### Action Plan 2022-26

The four-year action plan has been developed to support the achievement of the goals and targets set out by the Environmental Sustainability Strategy 2022-32.

The actions included under each Goal represent the priorities that East Gippsland Shire Council will either lead or work in partnership with various stakeholders and our community to improve sustainability outcomes.

Progress in delivering on each of the actions will be reported to both the Council and the community periodically.

Major monitoring and development of 'State of the Environment' reporting will also be undertaken every four years - with the first of these due by 2026.

### Council's Strategic Planning Framework

East Gippsland Shire Council has three key strategies themed around the triple bottom line principles of sustainable development:

- Environmental Sustainability Strategy 2022-2032 – 10-year horizon
- Economic Development Strategy – 10-year horizon
- Municipal Public Health and Wellbeing Plan – 4-year horizon

These strategies are community-facing and set Council's strategic direction for a diverse range of services and support the work of external agencies and our community.

The interdependence between these three strategies is recognised as they are important tools for delivering the Community Vision:



While there may be some similarities between the goals of these three strategies, the actions and measures will be tailored to the sustainable development theme addressed by each. These strategies have been developed to ensure they complement each other.



### Alignment with broader strategy and policies

Whilst the Action Plan has been developed to integrate with other Council strategies, it is also informed by global, national and state conventions, legislation, strategies and policies. This includes, but not limited to, the United Nations Sustainable Development Goals, the Paris Agreement, the Intergovernmental Panel on Climate Change assessment reports, and the Gippsland Alliance for Climate Change (GACA) Strategic and Action Plan 2023-24.

GACA was established in 2022 as a Greenhouse Alliance that represents Gippsland Councils to work together to support regional climate action. The GACA Strategic and Action Plan 2023-24 lists priority areas that they will work with member councils to undertake, which includes;

- Climate risk mapping
- Electric vehicle fleet transition plan
- Environmental Sustainable Design for Council buildings
- Decarbonisation and gas removal in council buildings
- Emissions monitoring
- Communications and training

### Advocacy

Council's Advocacy Strategy provides a prioritised set of initiatives to focus our efforts on delivering the community's priorities.

Advocacy and partnership priorities are based on the adopted decisions of Council. These decisions include the strategic objectives in the 2021-25 Council Plan, Annual Budget, other strategic documents and partnerships, and items identified and resolved at Council meetings.

#### Council's advocacy priorities for 2022-23<sup>1</sup>:

- |   |  |
|---|--|
|  Long-term bushfire recovery and community resilience    |  Climate change mitigation                                  |
|  Weed and pest management                                |  Gippsland Lakes health audit                               |
|  Strategic firebreaks and roadside vegetation management |  Develop natural resource management strategic partnerships |
|  Coastal risk management                                 |  Biodiversity preservation                                  |

<sup>1</sup> For further information on our advocacy priorities and what Council is seeking, visit the Advocacy page on our website – [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)

## Goal 1: Conservation of the natural environment/ biodiversity

### Partnering business units

- Assets and Projects
- Community Facilities and Open Space
- Emergency Management
- Governance
- Planning
- Regulatory Services
- Sustainability and Waste Minimisation

### External agencies

- East Gippsland Conservation Management Network (EGCMN)
- Department of Energy, Environment and Climate Action (DEECA)
- Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)
- Local Landcare and other volunteer groups
- Local Catchment Management Authorities
- Other Traditional Owner Groups
- Parks Victoria
- Trust for Nature

### Related strategies and plans

- East Gippsland Planning Scheme
- Encroachment Policy
- Draft East Gippsland: Housing and Settlement Strategy
- Roadside Vegetation Strategy
- Rural Land Use Strategy
- Urban Tree Management Procedure

### How will we achieve this goal?

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
1.1 Conduct a gap analysis of existing datasets to understand key habitat areas and biodiversity values on Council and private land (AAP)	Community Facilities and Open Space		X			Within existing resources
1.2 Develop management plans to protect key habitat areas and other biodiversity values on Council land (AAP)	Community Facilities and Open Space		X	X		Within existing resources
1.3 Continue to manage fire affected Council land to protect biodiversity and ensure public safety (AAP)	Community Facilities and Open Space Emergency Management	X	X	X	X	Within existing resources

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

7

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
1.4 Review and update planning overlays with a lens to preserving and connecting important habitat and natural environment values ( <i>RLUS</i> )	Planning		X	X	X	Requires additional budget allocation and /or grant funding
1.5 Develop an Encroachment Policy and supporting processes to protect and preserve the open space values of Council land	Regulatory Services Governance Community Facilities and Open Space	X	X			Within existing resources
1.6 Audit and assess instances of permitted and illegal native vegetation removal on Council and private land to inform future actions, including taking any relevant enforcement action	Planning Regulatory Services	X	X	X	X	Within existing resources
1.7 Work with partner agencies to ensure compliance of approved Vegetation Management Plans, Landscape Plans and native vegetation offsets	Planning Community Facilities and Open Space	X	X	X	X	Within existing resources
1.8 Pursue opportunities with partners to promote and support preservation of local biodiversity values	Community Facilities and Open Space Assets and Projects Sustainability and Waste Minimisation		X	X	X	Within existing resources
1.9 Develop and provide regular natural environment training for field officers	Community Facilities and Open Space	X	X	X	X	Within existing resources
1.10 Develop the first State of Environment review	Community Facilities and Open Space Sustainability and Waste Minimisation		X			Within existing resources

8

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
1.11 Ensure project developments with a land-use impact undertake an environmental analysis prior to planning	Assets and Projects Community Facilities and Open Space		X	X	X	Within existing resources
1.12 Undertake community education to promote the need to protect the natural environment and actions community members can undertake to support this (AAP)	Community Facilities and Open Space Sustainability and Waste Minimisation	X	X	X	X	Within existing resources
1.13 Update the Roadside Vegetation Strategy	Community Facilities and Open Space Works		X	X	X	Requires additional budget allocation
1.14 Recognise and protect important habitat, biodiversity and climate risks during the preparation of the Municipal Planning Strategy and review planning controls	Planning	X	X	X		Within existing resources
1.15 Expand annual revegetation programs to support biodiversity, liveability and contribute to the offsetting of Council emissions	Community Facilities and Open Space		X	X	X	Requires additional budget allocation
1.16 Work with relevant land managers to provide litter collection services and infrastructure across rest areas, parks, bushland reserves and informal camping areas	Sustainability and Waste Minimisation		X	X		Within existing resources, with potential grant opportunities to expand further
1.17 Work with key stakeholders to develop and deliver education programs, initiatives and targeted enforcement investigation to better address illegal rubbish dumping and littering (WMAP)	Regulatory Services Sustainability and Waste Minimisation		X	X	X	Requires additional budget allocation

9

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

## Goal 2: Sustainable management of natural resources

### Partnering business units

- Assets and Projects
- Community Facilities and Open Space
- Council Enterprises
- Planning
- Sustainability and Waste Minimisation
- Works

### External agencies

- DEECA
- East Gippsland Water
- Gippsland Climate Change Network (GCCN)
- Local Landcare and other volunteer groups
- Local Catchment Management Authority
- Sustainability Victoria

### Related strategies and plans

- East Gippsland Planning Scheme
- Integrated Water Management Plan

### How will we achieve this goal?

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
2.1 Continue to implement sustainable water practices, including implementation of Integrated Water Management (IWM) and application of water sensitive urban design principles, within new urban development and existing drainage assets (AAP)	Planning Assets and Projects Community Facilities and Open Space Sustainability and Waste Minimisation Works	X	X	X	X	Within existing resources, with potential grant opportunities to expand further
2.2 Complete the Bairnsdale Alternative Water Project (AAP)	Assets and Projects Community Facilities and Open Space Council Enterprises Sustainability and Waste Minimisation Works	X	X	X		Within existing resources

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

10

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
2.3 Audit organisational greenhouse gas emissions to establish forecast benchmarks for electricity, gas and fossil fuels	Sustainability and Waste Minimisation	X	X			Within existing resources
2.4 Deliver key projects and programs to reduce Council's greenhouse gas emissions	Sustainability and Waste Minimisation	X	X	X	X	Requires additional budget allocation and /or grant funding
2.5 Develop and enact a transition plan for Council's vehicle fleet to electric vehicles	Assets and Projects Sustainability and Waste Minimisation	X	X	X	X	Requires additional budget allocation
2.6 Incorporate Environmentally Sustainable Design (ESD) principles when upgrading or developing new Council assets	Assets and Projects Sustainability and Waste Minimisation		X	X	X	Requires additional budget allocation / impacts final cost
2.7 Proactively manage trees and native vegetation assets across East Gippsland Shire Council's urban areas, open spaces and bushland settings	Community Facilities and Open Space	X	X	X	X	Within existing resources, with potential grant opportunities or additional budget to expand further
2.8 Review land use planning policy to facilitate high-quality, sustainable housing sub-division and development which incorporate Environmentally Sustainable Design principles (EDS)	Planning		X	X	X	Within existing resources
2.9 Explore feasibility of using geothermal technology in West Bairnsdale	Sustainability and Waste Minimisation	X	X	X		Within existing resources

11

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
2.10 Deliver projects that provide active transport opportunities	Assets and Projects Community Facilities and Open Space	X	X	X	X	Within existing resources, with potential grant opportunities to expand further
2.11 Undertake audits to identify opportunities to reduce energy, water and waste across Council facilities	Sustainability and Waste Minimisation		X	X	X	Within existing resources, with potential grant opportunities to expand further
2.12 Expand the installation and ongoing maintenance of gross pollutant traps or equivalent systems to reduce littering and prevent it entering waterways from existing and new urban stormwater systems	Works Sustainability and Waste Minimisation		X	X	X	Within existing resources, with potential grant opportunities to expand further

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan



### Goal 3: Community participation in the climate response

#### Partnering business units

- Assets and Projects
- Economic Development
- Governance
- Sustainability and Waste Minimisation

#### External agencies

- Business Victoria
- Cities Power Partnership
- Gippsland Alliance for Climate Action (GACA)
- Sustainability Victoria
- Tertiary and further education providers

#### Related strategies and plans

- Economic Development Strategy
- Municipal Public Health and Wellbeing Plan

#### How will we achieve this goal?

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
3.1 Develop a net zero emissions plan to achieve our 2032 emissions target	Sustainability and Waste Minimisation	X	X			Within existing resources
3.2 Coordinate the installation of public electric vehicle charging infrastructure across East Gippsland, by installing Council owned stations and assisting third parties to install their own	Sustainability and Waste Minimisation Assets and Projects	X	X	X	X	Within existing resources, with potential grant opportunities to expand further
3.3 Establish a community greenhouse gas emission profile and support actions to reduce emissions	Sustainability and Waste Minimisation		X	X	X	Within existing resources
3.4 Coordinate and support community events that support people and community to take leadership on sustainability and reducing greenhouse gas emissions	Sustainability and Waste Minimisation	X	X	X	X	Within existing resources / requires additional budget allocation to expand

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

13

3.5 Update and distribute community information packages on sustainability initiatives (Smart Living Booklet)	Sustainability and Waste Minimisation		X	X	X	Within existing resources
3.6 Work with the alliance of Gippsland Council (GACA) in delivering priority actions of the Strategic and Action Plan 2023-24	Sustainability and Waste Minimisation	X	X			Within existing resources
3.7 Develop and deliver business support programs and information packages, such as the Better Business Guide	Economic Development Sustainability and Waste Minimisation			X	X	Within existing resources / requires additional budget allocation to expand
3.8 Explore opportunities to provide support for community and businesses to reduce reliance on gas	Sustainability and Waste Minimisation		X	X	X	Within existing resources / requires additional budget allocation to expand
3.9 Support business (including agriculture sector) to optimise opportunities to benefit from renewable energy transition and circular economy opportunities (EDS)	Economic Development Sustainability and Waste Minimisation	X	X	X	X	Within existing resources / requires additional budget allocation to expand
3.10 Support Council's contractors to reduce their emissions and achieve savings	Sustainability and Waste Minimisation Assets and Projects Governance	X	X	X	X	Within existing resources
3.11 Support programs that incentivise farming practices which reduce greenhouse gas emissions and enable participation in carbon markets, whilst improving productivity (EDS)	Economic Development Sustainability and Waste Minimisation	X	X	X	X	Within existing resources / requires additional budget allocation to expand

14

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

## Goal 4: Respect and alignment with the rights of Traditional Owner Groups

### Partnering business units

- Assets and Projects
- Community Engagement and Resilience
- Community Facilities and Open Space
- Council Enterprises
- Emergency Management
- Planning
- Sustainability and Waste Minimisation
- Works

### External agencies

- GLaWAC
- Other Traditional Owner Groups

### Related strategies and plans

- Aboriginal Cultural Framework (in development)
- Gunaikurnai Native Title Agreement (External)

### How will we achieve this goal?

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
4.1 Collaborate with Traditional Owners to support environmental and sustainable initiatives and outcomes	Community Facilities and Open Space Assets and Projects Community Engagement and Resilience Emergency Management Sustainability and Waste Minimisation	X	X	X	X	Within existing resources
4.2 Engage with Traditional Owners to ensure the impacts of climate change are identified and addressed through the delivery of joint projects and programs	Community Engagement and Resilience Sustainability and Waste Minimisation		X	X	X	Within existing resources

15

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
4.3 Include Aboriginal communities in Council decision-making processes around natural resource management, land-use and preservation of biodiversity	Assets and Projects Community Engagement and Resilience Community Facilities and Open Space Planning Works	X	X	X	X	Within existing resources
4.4 Engage with Aboriginal communities in Council operations to: <ul style="list-style-type: none"> <li>• Access traditional land management knowledge to help build awareness and capacity across Council and the community;</li> <li>• Improve the way Council interact with Aboriginal communities on sustainability outcomes; and</li> <li>• Celebrate natural environment cultural values through delivery of arts, events and festivals</li> </ul>	Community Engagement and Resilience Assets and Projects Community Facilities and Open Space Council Enterprises Broader Organisation	X	X	X	X	Within existing resources

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

## Goal 5: Environmental sustainability supports sustainable economic growth and new job opportunities

### Partnering business units

- Assets and Projects
- Community Facilities and Open Space
- Economic Development
- Finance
- Governance
- Sustainability and Waste Minimisation
- Planning

### External agencies

- Local business and tourism associations
- DEECA
- Department of Jobs, Skills, Industry and Regions
- Destination Gippsland
- GLaWAC
- Latrobe Valley Authority
- Parks Victoria
- Tertiary and further education providers
- Other Traditional Owner Groups

### Related strategies and plans

- East Gippsland Economic Development Strategy 2022-32
- East Gippsland Events Growth Action Plan
- Rural Land Use Strategy

### How will we achieve this goal?

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
5.1 Develop the Rural Land Use Strategy to support sustainable agricultural land use and investment ( <i>EDS</i> )	Planning	X				Within existing resources
5.2 Support organisations to adopt and adhere to Environmental Social Governance (ESG) principles	Economic Development Sustainability and Waste Minimisation	X	X	X	X	Within existing resources
5.3 Integrate Sustainable Events (from ISO 20121) into the planning and delivery of local events ( <i>EGEGAP</i> )	Economic Development	X	X	X	X	Within existing resources

*AAP* – Annual Action Plan 2022-23; *EDS* – Economic Development Strategy; *RLUS* – Rural Land Use Strategy; *EGEGAP* – East Gippsland Events Growth Action Plan; *MPHWBP* – Municipal Public Health and Wellbeing Plan; *AMP* – Asset Management Plan; *WMAP* – Waste Management Action Plan

17

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
5.4 Advocate for funding of programs and initiatives that create jobs and support climate resilience ( <i>EDS</i> )	Economic Development Sustainability and Waste Minimisation	X	X	X	X	Within existing resources
5.5 Review Council's procurement policies to further elevate support of businesses with demonstrated environmental sustainability credentials ( <i>EDS</i> )	Governance Assets and Projects Sustainability and Waste Minimisation	X	X			Within existing resources
5.6 Expand and promote access to an Environmental Upgrade Financing Scheme (Better Building Finance) and leverage for local employment ( <i>EDS</i> )	Economic Development Finance Sustainability and Waste Minimisation		X	X	X	Within existing resources
5.7 Achieve and maintain Global Eco Destination Certification and grow the number of Eco-accredited operators across the region ( <i>EDS</i> )	Economic Development	X	X			Within existing resources, with potential grant opportunities to expand further
5.8 Consider opportunities to build tourism experiences within Council planning, asset creation and operations ( <i>EDS</i> )	Economic Development Assets and Projects Community Facilities and Open Space		X			Within existing resources
5.9 Represent Council and community interests in the advancement of off-shore renewable energy	Economic Development	X	X	X	X	Within existing resources
5.10 Support business transition toward greater resilience and adoption of environmentally sustainable initiatives, practices and fostering of the circular economy ( <i>AAP</i> )	Economic Development Sustainability and Waste Minimisation	X	X	X	X	Within existing resources

18

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

## Goal 6: Growth in the circular economy

### Partnering business units

- Assets and Projects
- Economic Development
- Sustainability and Waste Minimisation
- Works

### External agencies

- Bairnsdale Recycling Enterprise Inc
- Environment Protection Authority
- Sustainability Victoria
- Tambo Waste and other waste contractors

### Related strategies and plans

- Economic Development Strategy 2022-32
- Waste Management Action Plan 2022-32

### How will we achieve this goal?

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
6.1 Develop circular economies in East Gippsland by supporting and influencing local businesses to increase their use of recycled raw materials ( <i>WMAP</i> )	Sustainability and Waste Minimisation Economic Development	X	X	X	X	Within existing resources, with potential grant opportunities to expand further
6.2 Develop and implement waste education programs and events to focus on key areas of waste reduction, increase re-use and recycling and reduce litter across East Gippsland Shire ( <i>AAP</i> / <i>WMAP</i> )	Sustainability and Waste Minimisation	X	X	X	X	Within existing resources, with potential grant opportunities to expand further
6.3 Design and construct the Bairnsdale Recycling Centre at the Bairnsdale Landfill	Sustainability and Waste Minimisation Assets and Projects	X	X			Within existing resources
6.4 Support community and not-for-profit groups to deliver programs that support reusing items, including the Repair Café at the HUB Bairnsdale and 'Tip Shop' at the Bairnsdale Regional Landfill	Sustainability and Waste Minimisation	X	X	X	X	Within existing resources, with potential grant opportunities to expand further

19

*AAP* – Annual Action Plan 2022-23; *EDS* – Economic Development Strategy; *RLUS* – Rural Land Use Strategy; *EGEGAP* – East Gippsland Events Growth Action Plan; *MPHWBP* – Municipal Public Health and Wellbeing Plan; *AMP* – Asset Management Plan; *WMAP* – Waste Management Action Plan

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
6.5 Deliver initiatives and projects to reduce Council's generated waste ( <i>WMAP</i> )	Sustainability and Waste Minimisation		X	X	X	Within existing resources
6.6 Support the establishment of a local solar panel recycling program	Sustainability and Waste Minimisation		X	X		Within existing resources, with potential grant opportunities to expand further
6.7 Increase the use of recycled materials in Council's infrastructure and maintenance program, including roads, pavements and other construction products ( <i>AAP</i> )	Assets and Projects Sustainability and Waste Minimisation Works	X	X	X	X	Requires additional budget allocation / impacts final cost
6.8 Embed requirements for the utilisation of recycled materials in Council policies and practices and support reuse initiatives by businesses and the broader community	Economic Development Sustainability and Waste Minimisation	X	X	X	X	Within existing resources
6.9 Develop Food Organics and Garden Organics (FOGO) waste infrastructure to support repurposing and recycling ( <i>WMAP</i> )	Sustainability and Waste Minimisation	X	X	X	X	Requires additional budget allocation and /or grant funding
6.10 Complete a transition plan and service modelling to guide the provision of future waste management, recycling services and education programs in accordance with Recycling Victoria Policy regulations	Sustainability and Waste Minimisation		X	X		Within existing resources, with potential grant opportunities to expand further
6.11 Reduce and report landfill greenhouse gas emissions	Sustainability and Waste Minimisation	X	X	X	X	Within existing resources

20

*AAP* – Annual Action Plan 2022-23; *EDS* – Economic Development Strategy; *RLUS* – Rural Land Use Strategy; *EGEGAP* – East Gippsland Events Growth Action Plan; *MPHWBP* – Municipal Public Health and Wellbeing Plan; *AMP* – Asset Management Plan; *WMAP* – Waste Management Action Plan



Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
6.12 Support the roll out of Victoria's Container Deposit Scheme and ban on single use plastics across Council facilities, community and local business	Sustainability and Waste Minimisation		X	X		Within existing resources

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

## Goal 7: Community resilience to respond to increasing climate risk and natural disasters

### Partnering business units

- Assets and Projects
- Community Engagement and Resilience
- Economic Development
- Emergency Management
- Governance
- Planning
- Sustainability and Waste Minimisation

### External agencies

- Commonwealth Scientific and Industrial Research Organisation (CSIRO)
- Country Fire Authority (CFA)
- DEECA
- Local Catchment Management Authorities
- Parks Victoria
- Regional Roads Victoria
- SP Ausnet

### Related strategies and plans

- East Gippsland Planning Scheme
- Economic Development Strategy
- Municipal Emergency Management Plan
- Municipal Public Health and Wellbeing Plan 2022-25

### How will we achieve this goal?

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
7.1 Strengthen municipal emergency planning arrangements to improve community resilience and preparedness (AAP)	Emergency Management	X	X	X	X	Within existing resources, with potential grant opportunities to expand further
7.2 Provide the latest reliable climate modelling for East Gippsland (using CSIRO data) to inform local agencies and the community	Sustainability and Waste Minimisation			X	X	Requires additional budget allocation, with potential grant opportunities to expand further
7.3 Work with community to ensure they have the knowledge, understanding and resources required to ensure their long-term self-reliance	Emergency Management	X	X	X	X	Within existing resources

22

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
7.4 Support the establishment of local community energy generation to improve resilience of communities vulnerable to power outages and natural disasters	Emergency Management Assets and Projects Sustainability and Waste Minimisation	X	X	X	X	Requires additional budget allocation and /or grant funding
7.5 Work with industry sectors and businesses to ensure better natural disaster preparedness (EDS)	Economic Development Emergency Management Planning Sustainability and Waste Minimisation	X	X	X	X	Within existing resources with potential grant opportunities to expand further
7.6 Increase awareness within Council, it's partners and community of the risks of climate change to health and wellbeing (MPHWBP)	Community Engagement and Resilience		X	X	X	Within existing resources
7.7 Improve resilience of Council and community assets through asset management planning that incorporates the impacts of climate change (AMP)	Assets and Projects		X	X	X	Within existing resources
7.8 Implement a detailed climate risk analysis to identify the likely impact of extreme weather and climate events on Council's infrastructure assets, and the ability to provide community services	Sustainability and Waste Minimisation Assets and Projects Emergency Management Governance	X	X	X		Within existing resources with potential grant opportunities to expand further
7.9 Engage with local agencies and other stakeholders to identify and mitigate risks to assets and critical infrastructure due to the impacts of climate change	Sustainability and Waste Minimisation Emergency Management			X	X	Within existing resources

23

**AAP** – Annual Action Plan 2022-23; **EDS** – Economic Development Strategy; **RLUS** – Rural Land Use Strategy; **EGEGAP** – East Gippsland Events Growth Action Plan; **MPHWBP** – Municipal Public Health and Wellbeing Plan; **AMP** – Asset Management Plan; **WMAP** – Waste Management Action Plan

Action	Unit(s) responsible	Years planned				Resourcing
		22-23	23-24	24-25	25-26	
7.10 Ensure the Lakes Entrance Northern Growth Area development project applies sustainable development and urban storm water management principles	Planning Assets and Projects Sustainability and Waste Minimisation Works	X	X	X	X	Requires additional budget allocation and /or grant funding
7.11 Install battery storage and generators at selected Council facilities to safeguard emergency response capabilities	Community Facilities and Open Space Assets and Projects	X	X	X		Requires additional budget allocation and /or grant funding
7.12 Work with community to build on their Local Incident Management Plans and prepare Community Emergency Management Plans to reduce the risk and impact of natural hazards on highest disaster risk communities	Emergency Management	X	X	X	X	Within existing resources
7.13 Develop an Urban Canopy Strategy to reduce heat impacts and support habitat connections	Assets and Projects Planning			X	X	Requires additional budget allocation

### Monitoring and communicating our progress

As a Council, it's important that we can measure and report on the impact and effectiveness of our work, with the Action Plan demonstrating how we are working towards the achievement of the goals outlined by the strategy.

Reporting on the progress of the action plan is an essential component of providing the community an opportunity to see the progress being made and that the strategy is being implemented effectively.

Council will report annually on the delivery of actions and highlight key projects and achievements. The report will be published following the end of each financial year through the Council website and social media channels. Providing the community with reports is essential to ensure that progress is transparent and that other stakeholders are kept informed and engaged.

As projects and services commence and meet milestones, Council will provide accessible information to the community about progress and outcomes.

### Timelines

The Environmental Sustainability Strategy specifies the timeline to undertake reviews of the strategy, develop updated action plans and develop the 'State of the Environment' reviews.

By committing to the delivery of a 10-year strategy, it is essential that Council undertake regular reviews of priorities and that they continue to meet community expectations. Reviewing the strategy also allows Council to reprioritise or pivot the strategy to adapt to new or developing circumstances.

Key dates:

**2024** - Major monitoring and development of the first 'State of the Environment' review.

**2026** – First review of the strategy and development of second action plan.

**2027** – Second State of the Environment review

**2030** – Final review of the strategy and development of action plan.

## Glossary

Terms	Definitions
Bairnsdale Alternative Water Project	The project to manage water usage and efficiency at the East Gippsland Livestock Exchange and Bairnsdale City Oval.
Biodiversity	Biodiversity is the variety of life forms on earth - the plants, animals, fungi and microorganisms, their genes, and the terrestrial, marine and freshwater ecosystems of which they are a part. This diversity exists at different scales: regional diversity, ecosystem diversity, species diversity and genetic diversity. High levels of biodiversity are considered desirable
Circular economy	A circular economy is based on the principle of eliminating waste and pollution by keeping products and materials in use. In a circular economy, natural resources are kept in circulation to create new economic opportunities and employment. It helps conserve natural resources and reduces emissions and waste
Climate change	A change in global and regional climate patterns that can be attributed to increased levels of greenhouse gases leading to global warming and more extreme weather
DEECA	Department of Department of Energy, Environment and Climate Action
Encroachment	An unauthorised occupation, development or use of Council-owned Land or Council-managed Land for private benefit.
Environment	The surroundings or conditions in which a person, animal or plants lives and operates
ESD	Environmentally Sustainable Design (ESD) involves designing the built environment to comply with the principles of sustainability.
ESG	The Environmental Social Governance Principles (ESG) framework operates in accordance with the belief an organisations long-term survival and their ability to generate profits require accounting for the impact their decisions and actions have on the environment, society as a whole and their own workforce.
Greenhouse gases	A gas that contributes to climate change through absorbing heat radiation from the sun. Carbon dioxide, methane, water vapour and nitrous oxide are examples of greenhouse gases
Habitat	A habitat is an environment that provides all the conditions necessary for a species to survive
ISO 20121	A management system standard that has been designed to help organisations in the events industry improve the sustainability of their event related activities, products and services
IWM	Integrated Water Management. A collaborative approach to water planning and management that brings together organisations with an interest in all aspects of the water cycle
Resilience	The ability of a species or environment to respond and bounce back from disruptive or extreme events
Recycle	Converting what would otherwise be waste into a reusable product
Reuse and repair	Diverting items that would otherwise become landfill into other uses
Sustainability	Focus on meeting the needs of the present without compromising the ability of future generations to meet their needs
WSUD	Water Sensitive Urban Design. Managing urban water movements by mimicking the natural water cycle

## Contact us

Residents' Information Line: 1300 555 886  
Contact Centre: (03) 5153 9500  
National Relay Service: 133 677

East Gippsland Shire Council, PO Box 1618  
Bairnsdale 3875 Australia

Web [eastgippsland.vic.gov.au](http://eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
Fax (03) 5153 9576

### In person

Bairnsdale: 273 Main Street  
Lakes Entrance: 18 Mechanics Street  
Mallacoota: 70 Maurice Avenue  
Omeo: 179 Day Avenue  
Orbost: 1 Ruskin Street  
Paynesville: 55 The Esplanade

### Outreach Centres

Bendoc Outreach Centre - 18 Dowling Street  
Buchan Resource Centre - 6 Centre Road  
Cann River Community Centre - Princes Highway

## 5.1.2 CON2023 1531 Cleaning and Minor Maintenance of Public Toilets, Barbeques and Slop Hoppers

Authorised by General Manager Assets and Environment

---

### Confidentiality Notice

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

### Executive Summary

This contract replaces the existing contract 'CON2016 122 Cleaning and Minor Maintenance of East Gippsland Shire Council's Public Toilets, Barbeques and Slop Hoppers', which expires 31 July 2023.

The purpose of this procurement is to secure a contract with a suitably qualified and experienced contractor to undertake the provision of cleaning services in various locations in East Gippsland. The services include inspection, cleaning, and minor maintenance of nominated public toilets, barbeques, structures, slop hoppers/sewage disposal units.

This report is to award contract CON2023 1531 Cleaning and Minor Maintenance of Public Toilets, Barbeques, and Slop Hoppers for a period of 5 years with 1 extension option for 24 months at Council's discretion. The contract is a lump sum contract subject to rise and fall. The Tender Evaluation Panel (TEP) Report and recommendations for this contract is provided as **Confidential Attachment 1**.

### Officer Recommendation

#### *That Council:*

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. accepts the tender submitted by \_\_\_\_\_ for CON2023 1531 Cleaning and Minor Maintenance of Public Toilets, Barbeques, and Slop Hoppers for the contract amount of \$ \_\_\_\_\_ exclusive of GST;**
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed;**
- 4. delegates the power to the Chief Executive Officer to exercise the one extension option of up to twenty-four months inclusive of annual CPI adjustment; and**
- 5. resolves that Confidential Attachment 1 and all discussions regarding this attachment remain confidential.**



## **Background**

On 5 July 2016, 'CON2016 122 Cleaning and Minor Maintenance of East Gippsland Shire Council's Public Toilets, Barbeques and Slop Hoppers' was awarded by Council for an initial five (5) year term commencing 1 August 2016 and expiring on 31 July 2021. The contract had an extension option which ends on 31 July 2023 with no further extensions.

The purpose of this contract is to inspect, clean and carry out minor maintenance of nominated public toilets, barbeques, structures, and slop hoppers / sewage disposal units within the East Gippsland Shire.

## **Legislation**

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

## **Collaborative procurement**

Pursuant of section 109(2) of the *Local Government Act 2020*, contract CON2023 1531 Cleaning and Minor Maintenance of Public Toilets, Barbeques and Slop Hoppers has not been prepared in collaboration with other agencies.

## **Council Plan**

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

## **Council Policy**

This report has been prepared in accordance with Council's Procurement Policy.

## Options

Tenders received have been assessed by a TEP. The TEP Report (**Confidential Attachment 1**) details the assessment of options for the selection of a contractor for the project.

The Chief Executive Officer has the option to award a contract in accordance with the TEP's recommendation, or to not proceed with the procurement.

## Resourcing

### *Financial*

Council has allocated funding for this contract as part of its operational budget including consumer price index increases and minor contract variations.

### *Plant and equipment*

All plant and equipment requirements will be provided in accordance with the proposed contract.

### *Human Resources*

The contract is managed by officers in Council's Capital Projects and Plant Unit.

### *Risk*

The contractor is required to carry out all activities as specified in the specification to a satisfactory standard throughout the term of the contract.

## Economic

The tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

The contract engages local employees to undertake the work, providing economic benefits to many local communities across East Gippsland.

## Social

The contract has health and wellbeing implications for users of Council's public spaces and is therefore an important service provided for our community and visitors.

### *Gender Impact Statement*

The *Gender Equality Act* 2020 was considered in the preparation of contract CON2023 1531 Cleaning and Minor Maintenance of Public Toilets, Barbeques and Slop Hoppers. Contract CON2023 1531 Cleaning and Minor Maintenance of Public Toilets, Barbeques and Slop Hoppers has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

A 5% weighting has been used in the evaluation of the tenders regarding environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

### *Climate change*

This report has been prepared and aligned with the following Climate Change function/category:

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

## **Engagement**

Not applicable.

## **Attachments**

1. CONFIDENTIAL - Tender Evaluation Panel Report [5.1.2.1 - 14 pages]
2. CONFIDENTIAL - Probity Review Report [5.1.2.2 - 2 pages]

## 5.2 Business Excellence

### 5.2.1 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

---

#### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

#### Executive Summary

Council's Chief Executive Officer is responsible for ensuring that the decisions of the Council are implemented without undue delay.

This report provides the status for outstanding Council resolutions up to 31 March 2023, from the previous report tabled on 2 May 2023 (**Attachment 1**) and resolutions from 1 April 2023 – 30 June 2023 (not including resolutions that are for noting only) (**Attachment 2**).

#### Officer Recommendation

***That Council receives and notes this report and all attachments pertaining to this report.***

#### Background

The primary role of the Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Council must perform its role in accordance with the Overarching Governance Principles as set out in section 9 of the *Local Government Act 2020*, in which one of the principles states:

*'...the transparency of Council decisions, actions and information is to be ensured'*.

The reporting of Council resolutions is a vital measure of Council's performance and provides the information it needs to demonstrate transparency and Council's accountability to the community.

For the period of 1 April 2023 – 30 June 2023, there were 24 open Council resolutions (not including resolutions for noting only) in the reporting period, of which 20 have been completed and four (4) are in progress. There were six (6) closed Council resolutions (not including resolutions for noting only), of which five (5) have been completed and one (1) is in progress.

#### Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020* section 9(i) and section 58.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

### **Council Plan**

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

### **Council Policy**

This report is consistent with the Governance Rules and the Community Engagement Policy.

### **Options**

There are no alternate approaches for Council on this reporting requirement.

### **Resourcing**

#### *Financial*

There are no financial implications associated with this Report.

#### *Plant and equipment*

There are no plant and equipment requirements with this Report.

#### *Human Resources*

There are no resource issues with this Report.

#### *Risk*

The risks of this proposal have been considered and once the Resolution Register is published, there may be questions or negative responses from the community. This will be managed in accordance with Council's Complaints Management Policy.

### **Economic**

There are no economic implications stemming from this Report.

## **Social**

This Report is assessed as having no direct social impact.

### *Gender Impact Statement*

This Report is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020* and has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

There are no environmental implications stemming from this Report.

### *Climate change*

This Report is assessed as having no direct impact on climate change.

## **Engagement**

Internal engagement has been undertaken to garner the updates on the progress of resolutions. The register will be made available on Council's website, consistent with the Community Engagement Policy.

## **Attachments**

1. Update on Outstanding Council Resolutions up to 31 March 2023 [5.2.1.1 - 1 page]
2. Council Resolutions 1 April to 30 June 2023 [5.2.1.2 - 2 pages]

## Update on Outstanding Council Meeting resolutions – up to 31 March 2023

Meeting Date	Item No.	Report Title	Directorate	Status
28 February 2023	5.1.1	CON2023 1503 - Supply of Plant and Equipment for Emergency Response and Recovery Works	Assets and Environment	In progress
28 February 2023	5.1.2	CON2023 1478 Heritage Listed Hinnomunjie Timber Truss Bridge - Structural Stabilisation	Assets and Environment	In progress
21 March 2023	5.2.3	CON2023 1541 Lucknow Recreation Reserve Gymnasium Access Road Construction	Assets and Environment	Completed
<b>Closed Council</b> Meeting 21 March 2023	7.1	CON2022 1453 WORLD Pavilion Construction Package 3	Assets and Environment	Completed
<b>Closed Council</b> Meeting 21 March 2023	7.2	CON2023 1475 Newmerella Roadside Rest Area	Assets and Environment	Completed

## Open Council Meeting resolutions – 1 April 2023 – 30 June 2023

Meeting Date	Item No.	Report Title	Directorate	Status
11 April 2023	1.7.1.1	Construction of Stairs Christmas Street, Metung	Business Excellence	Completed
11 April 2023	5.1.1	598-610 Main Street and 29 Greene Street Bairnsdale 488/2022/P	Place and Community	Completed
11 April 2023	5.1.2	East Gippsland Agriculture Sector Advisory Committee - Submission to the Rural Land Use Strategy	Place and Community	Completed
11 April 2023	5.2.1	Cann River Waste Transfer Station Planning Permit Application (Gauge Track) Withdrawal	Assets and Environment	Completed
11 April 2023	5.2.2	Nicholson Street Bairnsdale - Response to Notice of Motion	Assets and Environment	Completed
11 April 2023	5.2.3	CON2023 1547 Lindenow South Footpath Connection and Bus Shelter Upgrades	Assets and Environment	Completed
11 April 2023	5.2.4	CON2023 1555 Jemmy's Point Stage 2 - Rotary Park Construction Works	Assets and Environment	Completed
11 April 2023	5.2.5	CON2019 1352 Provision of Arboriculture - General Tree Services - contract extension	Assets and Environment	Completed
11 April 2023	5.2.6	CON2023 1539 Supply and Delivery of Granular Pavement Materials	Assets and Environment	Completed
2 May 2023	1.7.7.1	Cease Construction of Fence, Raymond Island	Business Excellence	Completed
2 May 2023	5.1.1	Petition - Construct Stairs at Christmas Street Reserve Metung	Assets and Environment	Completed
2 May 2023	5.1.3	CON2023 1549 Community Facilities Emergency Power Project	Assets and Environment	Completed
2 May 2023	5.1.4	CON2023 1499 Shaving Point Boat Ramp Reconstruction, Metung	Assets and Environment	Completed
2 May 2023	5.2.1	Advertise Draft Council Budget 2023/24	Business Excellence	Completed
2 May 2023	5.2.2	Advertise Draft 10 Year Financial Plan 2023/24 to 2032/33 and Draft Four-Year Revenue and Rating Plan 2023/24 to 2026/27	Business Excellence	Completed
23 May 2023	5.1.2	CON2023 1570R Cann River Roadside Rest Area – Station and Central Street and Baum Street, Cann River	Assets and Environment	Completed
23 May 2023	5.2.1	Planning Application 19/2023/P -25A Wellington Street Paynesville- Buildings and works for two dwellings and two-lot subdivision including common property	Place and Community	Completed
6 June 2023	5.1.1	Draft Rural Land Use Strategy	Place and Community	Completed
6 June 2023	5.1.2	Draft Municipal Public Health and Wellbeing Plan 2021-2025 - Well Placed for Wellbeing	Place and Community	Completed
27 June 2023	5.1.1	Adoption of Council Budget 2023/24	Business Excellence	Completed
27 June 2023	5.1.3	Instruments of Appointment and Authorisation (Planning and Environment Act 1987)	Business Excellence	In progress
27 June 2023	5.2.1	Petition - Fence Along Fourth Avenue Raymond Island	Assets and Environment	In progress
27 June 2023	5.2.2	CON2023 1521 Cann River Skate Park	Assets and Environment	In progress
27 June 2023	5.2.3	CON2023 1561R Construction of Wetlands – Crooke Street, East Bairnsdale	Assets and Environment	In progress



**Closed Council Meeting Resolutions – 1 April 2023 – 30 June 2023**

Meeting Date	Item No.	Report Title	Directorate	Status
11 April 2023	7.1	Agriculture Sector Advisory Committee	Place and Community	In progress
11 April 2023	7.2	Sustainability Initiative	Assets and Environment	Completed
11 April 2023	7.3	Personnel Matter	Office of the CEO	Completed
23 May 2023	7.1	Draft Council Managed Caravan Park Policy	Assets and Environment	Completed
23 May 2023	7.2	CON2023 1505 Electronic Document and Records Management Solution	Business Excellence	Completed
27 June 2023	7.1	Council Insurances	Business Excellence	Completed

## **6 Urgent Business**

## **7 Confidential Business**

Nil

## **8 Close of Meeting**