

**EAST GIPPSLAND SHIRE – SPECIFIC SITES AND EXEMPTIONS
(REFER CLAUSE 52.03 OF THE EAST GIPPSLAND PLANNING SCHEME)**

**SCHEDULE - STORTH RYES BOAT HARBOUR AND
MARINA DEVELOPMENT, MAY 1999**

This Schedule applies to the Crown Land identified in the Schedule to the *Metung Land Act 1991*.

THE SCHEDULE ALLOWS THE SUBDIVISION USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A BOAT HARBOUR AND MARINA (NOT EXCEEDING 350 WET BERTHS) INCLUDING MOORING FACILITIES, DRY BOAT STORAGE AREA, ADMINISTRATIVE FACILITIES, FUELLING, MAINTENANCE, CHANDLERY, GENERAL SUPPLY STORE, CHARTER SERVICE, MARINE COMMERCIAL CENTRE, BOAT LAUNCHING FACILITIES, CAR AND TRAILER PARK AND ASSOCIATED ADVERTISING SIGNS, LANDSCAPING, ROADS, DRAINS, ACCESS, UTILITY SERVICES, CARPARKING AND LOADING AREAS AND ASSOCIATED DREDGING, BEACH RECLAMATION AND RENOURISHMENT PROGRAMS AND PUBLIC FORESHORE BARBEQUE AND PICNIC FACILITIES.

THE FOLLOWING CONDITIONS APPLY TO THIS SCHEDULE:

General

1. The layout of the boat harbour and marina authorised by this Schedule must be generally in accordance with the concept plan forming part of this Schedule (the "concept plan") to the satisfaction of the Responsible Authority.
2. Prior to the commencement of the subdivision, use and development authorised by this Schedule plans must be submitted to and approved by the Responsible Authority. The development of the boat harbour and marina authorised by this Schedule must be generally in accordance with plans and specifications prepared by a qualified engineer and submitted to and approved by the Responsible Authority. When approved such plans shall constitute the endorsed plans for the purposes of this Schedule.
3. Prior to the approval of the plans for the boat harbour and marina authorised by this Schedule, the Responsible Authority must refer the plans to the Department of Natural Resources and Environment, the Department of Infrastructure and the Environment Protection Authority and must have regard to the comments of those authorities before approving such plans.
4. The endorsed plans may include a development staging plan and must show the location and description of all use and development authorised by this Schedule to the satisfaction of the Responsible Authority and in particular:
 - (a) A description of the proposed buildings and works.

- (b) The general location of landscaped areas, water features and recreation facilities.
 - (c) The nature of utility services to be associated with the development.
 - (d) The parking areas to be set aside for the accommodation of stationary motor vehicles and the loading and unloading of motor vehicles.
 - (e) The location, design, external colour and materials of construction of buildings and works including elevations, heights and contours where appropriate.
 - (f) The details of any proposed subdivision including the staging of subdivisional works within particular development areas or stages.
 - (g) Any other matter which is considered appropriate by the Responsible Authority to satisfy the requirements of this Schedule.
5. No development authorised by this permit shall commence within any individual development area or stage until plans complying with the requirements of this Schedule have been approved and endorsed by the Responsible Authority for that particular development area or stage.
6. The land to which this Schedule applies may be subdivided, used and developed in accordance with the provisions of this Schedule despite any other provisions or controls within this Planning Scheme.

Planning Agreement

7. Prior to the commencement of the use and development authorised by this Schedule, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* (the "planning agreement") to regulate the approved use and development including:
- (a) Controls and guidelines regarding land use activities established pursuant to this Schedule, including road construction, landscaping, carparking provision, buildings, boat harbour and marina and service installation works; and
 - (b) Management and maintenance of common facilities including landscaping of common open space to the satisfaction of the Responsible Authority.

Despite the above requirements of this condition, the use and development authorised by this Schedule may commence without the owner entering into the planning agreement provided that the Responsible Authority is satisfied that the matters which would have been regulated by the planning agreement are adequately addressed in any Crown Lease or similar document or agreement which regulates the use and development of the Crown Land which comprises all or part of the land the subject of this Schedule.

Site Services

8. Goods, packages, waste refuse or other material must be stored and/or left exposed outside any buildings on the land so as not to be visible to the public from roads adjoining the subject land to the satisfaction of the Responsible Authority.
9. All low voltage electricity supply mains must be located underground unless otherwise approved by the Responsible Authority.

10. All telephone services must be located underground unless otherwise approved by the Responsible Authority.
11. All sewerage and other liquid wastes must be disposed via the reticulated Metung sewerage system to the satisfaction of the Responsible Authority.
12. A reticulated domestic water supply must be made available to service the development to the satisfaction of the Responsible Authority.
13. No permanent building constructed on the land must be occupied until it is connected to a reticulated sewerage system to the satisfaction of the Responsible Authority.
14. The stormwater drainage system must be designed and constructed to the satisfaction of the Responsible Authority to prevent discharges which would adversely effect natural wetlands, including Lake King, to the satisfaction of the Responsible Authority. The design and construction of stormwater drainage systems must take into account the need to control soil erosion to the satisfaction of the Responsible Authority. The design and construction of stormwater drainage systems associated with all buildings and works authorised by this Schedule must comply with the following objectives to the satisfaction of the Responsible Authority:
 - (a) The minimisation and control of nuisance flooding and safe passage of less frequent flood events.
 - (b) The control of soil erosion.
 - (c) The control of health and safety aspects of stormwater flows.

Stormwater drainage must be designed and constructed in conformity with the requirements of the Responsible Authority and in accordance with plans and specifications submitted to and approved by the Responsible Authority. . When approved by the Responsible Authority, the stormwater drainage plan shall be endorsed and form part of the endorsed plans under this Schedule.

15. Dredge spoil from the lagoon shown on the concept plan must not be disposed of in Lake King or in any way which would affect water quality in that Lake to the satisfaction of the Responsible Authority.

General Development Conditions

16. Prior to the erection or display of any advertising sign details of the proposed advertising sign must be submitted to and approved by the Responsible Authority.
17. Disturbed surfaces on the land resulting from buildings and works authorised or required by this Schedule must be revegetated or otherwise stabilised to the satisfaction of the Responsible Authority.

Landscaping

18. Within six months of any building works commencing on the land, a landscape plan for each development area or stage (other than the residential development cells as shown on the concept plan) must be prepared by a qualified landscape architect or a person with expert knowledge in the discipline to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the landscape plan shall be endorsed and form part of the endorsed plans under this Schedule. The landscape plan must show species, density of planting, the proportions of various species proposed to be planted to the satisfaction of the Responsible Authority.

19. All trees and shrubs located in the areas covered by the landscape plan must be maintained in good order and condition and any dead or diseased trees or shrubs must be replaced as soon as practicable to the satisfaction of the Responsible Authority. Nothing in this Schedule shall prevent the removal of dead trees or the removal of any vegetation which is or may from time to time be proclaimed as a noxious weed or where the removal of any tree or trees is required by the Country Fire Authority in conditions of emergency to prevent the spread of bushfires.
20. Except with the approval of the Responsible Authority, a bank guarantee for an amount approved by the Responsible Authority having regard to the nature and extent of the landscaping required pursuant to the endorsed plans must be lodged with the Responsible Authority prior to the occupation of any buildings in each development area or stage (other than dwellings located within the residential development cells shown on the concept plan). The bank guarantee must be surrendered to the provider upon the completion of the landscaping works in each development area or stage to the satisfaction of the Responsible Authority.

Roads and Parking

21. The provision for parking of vehicles for each component of the approved use and development must be to the satisfaction of the Responsible Authority. All parking areas must be sealed and constructed to the satisfaction of the Responsible Authority. Prior to the construction of any vehicle parking area plans must be submitted to and approved by the Responsible Authority. When approved by the Responsible Authority, the parking area plan shall be endorsed and form part of the endorsed plans under this Schedule.
22. All internal roads including the major access road shown on the endorsed concept plan must be constructed to a standard of a bitumous surface carriageway between concrete kerb and channels with paved footpaths where considered necessary for safety of pedestrian traffic and with underground pipe drains as are necessary for the proper drainage of the roadways and allotments to the satisfaction of the Responsible Authority. Road widths must vary depending on the traffic volumes which they are intended to carry to the satisfaction of the Responsible Authority.

Buildings

23. No building on the land, except houses built over water, shall exceed 6 metres in height when measured from mean ground level to the eaves or two storeys in height, whichever is the lesser to the satisfaction of the Responsible Authority. No roof of any building constructed on the land must have a pitch greater than 45° to the satisfaction of the Responsible Authority.
24. For the purposes of this Schedule, mean ground level means one half of the sum of the highest and lowest levels established along the line representing natural ground level (whether or not so occurring) to the extreme outer surface of a wall of a building module measured from outer wall to outer wall.
25. The marine commercial centre authorised by this Schedule must not exceed 600m² of gross leasable floor area.
26. The use of the licensed premises authorised by this Schedule must comply with the following requirements:
 - (a) The permissible noise levels emanating from mechanical equipment must comply with the requirements of State Environment Protection Policy N1 Control of

Noise from industrial, commercial and trade premises within the Melbourne Metropolitan area to the satisfaction of the Responsible Authority.

(b) The permissible noise levels emanating from musical equipment must comply with the requirements of State Environment Protection Policy N2 Control of Entertainment Noise to the satisfaction of the Responsible Authority.

27. The construction of the buildings and works authorised by this Schedule must be undertaken in accordance with the development guidelines forming part of this Schedule to the satisfaction of the Responsible Authority.

Commencement/Completion

28. The development and use authorised by this Schedule must be commenced within 15 years of the approval date and the development must be completed within 15 years of the date of commencement of works. The Responsible Authority may extend either of the periods referred to in this condition if a request is made in writing before the expiry date or within three months afterwards.

Subdivision

29. Any subdivision of land to which this Schedule applies must be in accordance with the subdivision layout shown on the endorsed plans under this Schedule. The subdivision may provide for the staged subdivision of the land to the satisfaction of the Responsible Authority. The Responsible Authority must refer any proposed subdivision to any relevant subdivision referral authority listed in this Planning Scheme prior to the endorsement of any subdivision plan by the Responsible Authority. The proposed subdivision must be to the satisfaction of any relevant subdivision referral authority, the East Gippsland Shire Council and the Responsible Authority. Endorsement of any subdivision of the land on an endorsed plan pursuant to this Schedule is evidence that the proposed subdivision complies with the provisions of this Planning Scheme for the purposes of the *Subdivision Act 1988*.

30. The Responsible Authority must not approve any subdivision pursuant to this Schedule which shows vehicular access to the development authorised by this Schedule via Beach Road.

DEVELOPMENT GUIDELINES

(1) General

The Guidelines contained in this Clause establish the principles which govern the design, construction and operation of approved elements of the approved use and development.

The general objectives are as follows:

- a) To make provision for a range of tourist and residential accommodation, recreation and water based facilities and commercial activities.
- b) To ensure that the scale, intensity, bulk and character of any development compliments the natural system or landscape value of the land.
- c) To increase the capacity of the area for tourism and related commercial development in a sensitive manner that recognises the village character of Metung.
- d) To promote the retention or re-establishment of those physical and landscape features of the land that contribute to its appearance and character and provides a sense of identity.
- e) To encourage public access to foreshores through provision of a network of public open space.
- f) To ensure that adequate services are provided consistent with the level of development.

(2) Landscape Guidelines

- a) The objectives of landscape works on the subject land shall be to:
 - i) create and maintain a high quality environment;
 - ii) minimise the visual impact of roads, car parking and buildings;
 - iii) minimise erosion and fire hazards;
 - iv) ensure the use and development is visually contained within the site to ensure privacy for residents and patrons.
- b) The design and routing of roads shall be dictated by the terrain and the development layout and roads shall be aligned to minimise cut and fill.
- c) Car parks shall be extensively landscaped to minimise visual intrusion. Car parks shall be constructed and located having regard to the terrain of the subject land. Landscape treatment shall include perimeter screening by large shrubs, heavily planted intermediate garden beds and canopy trees to provide shade and wind protection.
- d) The siting and design of all major buildings shall ensure that their scale, form and materials are compatible with their surroundings.
- e) Landscaping around major buildings shall include:

- i) planting to screen undesirable views and wind;
- ii) planting to provide shade and shelter;
- iii) planting to enhance the setting of these buildings, particularly from important view points;
- iv) provision of paved areas for seating; and
- v) provision of a paved pedestrian system.

(3) Guidelines for Houses and Flats

a) The construction of houses and flats shall conform to the following:

- i) Buildings should be designed and developed to minimise visual impact as well as erosion and fire risks.
 - ii) Buildings should be designed with sloping roofs which generally repeat the prevailing ground slope. Floor plans, changes of level and entry points should be designed to be in sympathy with ground slopes;
 - iii) Buildings should use window fenestration and/or set backs to "break up" the building elevation. Patterns of light and shade should be used to reduce scale of building;
 - iv) Pergolas, decks and shading devices may be used to soften the interface between buildings and surrounding vegetation;
 - v) Split level buildings should be encouraged on sloping land to reduce the height of the building.
- b) Materials to be used in the construction of buildings shall be appropriate to a high quality development and reflect the colour and texture of the coastal setting. Selection of material should take account of colour, texture, durability and weathering characteristics.
- c) Carports, garages and outbuildings shall be built in the style and materials of the dwelling or flat or alternatively shall be painted in colours having the same characteristics as those in the preceding paragraph.

(4) Guidelines for Resort Hotel/Motel Buildings and Lakeside Commercial Centre

The Resort Hotel/Motel and Lakeside Commercial Centre shall be designed and constructed to complement the general scale and character of the local landscape and proximity to Lake King.

- a) All major buildings shall relate in character to each other and to the complex as a whole.
- b) The selection of natural materials, colour and texture shall have regard to the colours and textures present in the landscape.

- c) The profile of the buildings shall follow the topography of the immediate site where practical.

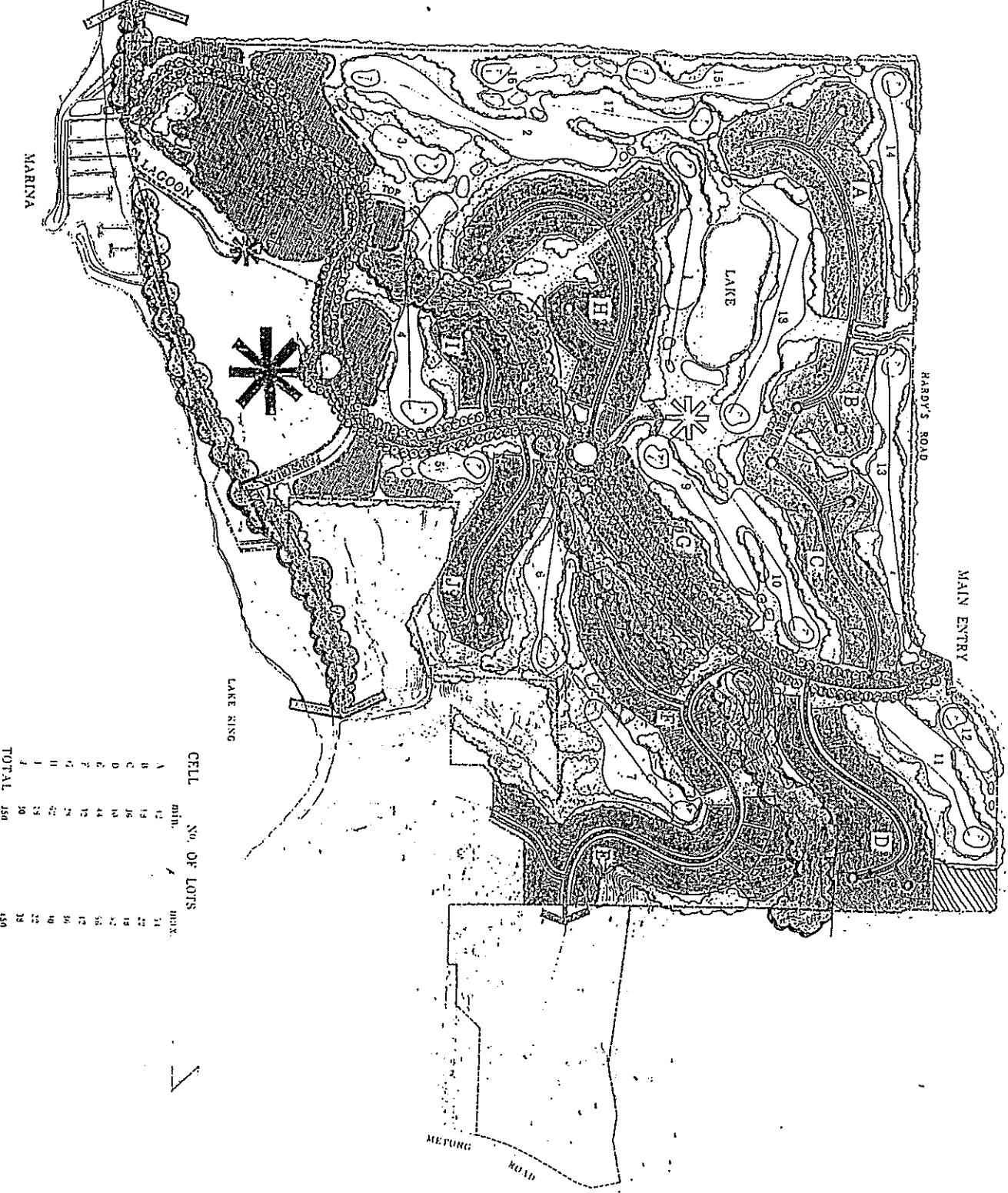
(5) Guidelines for Marina and Harbour

The design of the Marina and Harbour layout shall have regard to the New South Wales Public Works "Marina Guidelines", November, 1987.

(6) Erosion Control Guidelines

Erosion control practices during construction shall have regard to the following objectives:

- a) the minimisation of exposed areas;
- b) the minimisation of the time soil is exposed during construction;
- c) the control of surface drainage;
- d) the breaking up of drainage paths to trap eroded soil before it affects downstream areas;
- e) the programming of development to minimise disturbed areas particularly on steep slopes to allow rapid protection of disturbed areas through revegetation, mulching or paving;
- f) the location of the plantings and size of soil stockpiles prior to commencing construction;
- g) the establishment of vehicle tracks and drainage lines at the commencement of construction.



CELL	min.	No. OF LOTS	max.
A	12	1	51
B	13	1	22
C	16	1	22
D	18	1	12
E	44	1	12
F	12	1	12
G	24	1	16
H	22	1	10
I	13	1	22
J	50	1	28
TOTAL	150		150

LEGEND

- RESIDENTIAL DEVELOPMENT CELLS
- RESIDENTIAL - MEDIUM DENSITY
- HOTEL SITE
- GOLF COURSE CLUB HOUSE
- COMMERCIAL CENTRE
- SERVICE CENTRE
- PRIMARY ROAD
- SECONDARY ROAD
- RIDGE PLANTING - RECREATION CORRIDOR
- ROAD PLANTING
- OPEN SPACE
- FAIRWAY
- GREETINGS TITLE BOUNDARY
- VICTORIAN PROPERTIES TITLE BOUNDARY

DEVELOPMENT CONCEPT

STORTH - RYESS

E.F.S.

TRACT CONSULTANTS:
LANDSCAPE ARCHITECTS & PLANNERS

SCALE 0 50 100 300
DATE MARCH 1983

FIGURE 5A