Who is the planning authority?

This amendment has been prepared by the East Gippsland Shire Council, who is the planning authority for this amendment. The Amendment has been made at the request of Lakes Entrance Bowls Club Incorporated.

Land affected by the Amendment

The Amendment applies to the Lakes Entrance Bowls Club located at 35 Rowe Street, Lakes Entrance and formally described as Crown Allotment 46D, Township of Lakes Entrance, Parish of Colquhoun.

What the amendment does

The Amendment rezones land at 35 Rowe Street Lakes Entrance from Public Park & Recreation Zone to Commercial 1 Zone. The Amendment will:

- Rezone land at 35 Rowe Street, Lakes Entrance from Public Park & Recreation Zone to Commercial 1 Zone.
- Amend Planning Scheme Map No 55
Strategic assessment of the Amendment

Why is the Amendment required?

East Gippsland Planning Scheme Amendment C147 intends to rezone land located at 35 Rowe Street, Lakes Entrance from Public Park & Recreation Zone to Commercial 1 Zone.

The purpose of the rezoning is to ensure that the zone is aligned with the ongoing use of the land as a Bowling Club. The rezoning of the land will also provide consistency across the site as currently the Bowling Club complex is zoned Public Park & Recreation Zone and the associated car park is zoned Commercial 1 Zone.

Historically, a Bowling Club was established on the site in the 1950’s when the ‘Forests and Lands’ department loaned the land to the Lakes Entrance Bowls Club on behalf of the Crown. In the early 1990’s, the Department of Natural Resources & Environment announced that some Crown assets were to be sold and the Lakes Entrance Bowls Club were offered the ‘loaned’ land for purchase from the Crown. After a few years of negotiations, the land was purchased for $85,000 from the Crown and an agreement was entered into to covenant that the land would only be used for the purposes of a “Bowls Club and Social Activities associated therewith”.

Despite the land no longer being in possession of the Crown, the underlying zone of Public Park & Recreation Zone was not reviewed. Furthermore, the use of the land as a Bowling Club which over time has added a restaurant (Tavern) and gaming component (Gaming Premises) was and is not consistent with the purpose of the Public Park & Recreation Zone. Given that the use of the land is tied to the land into perpetuity, it seems reasonable to rezone the land to a more appropriate zone that is consistent with the use and the surrounding zone pattern.

A review of the adjoining zones shows that the land is abutted by General Residential Zone to the east and Commercial 1 Zone to the south. The car park associated with the Bowling Club is located to the south of the main building and is zoned Commercial 1 Zone. Given the abutting zones, the zoning of the car park and the uses occurring on the land, it is considered reasonable to apply the Commercial 1 Zone to the subject land. The application of the General Residential Zone was considered inappropriate given that the use of ‘Gaming Premises’ is prohibited in this zone.

Whilst the existing legal agreement ties the Bowling Club use to the subject land irrespective of the zoning, the application of the Commercial 1 Zone will be more consistent with the use of the site and provide the Bowling Club with greater certainty in terms of financing, insurance and ongoing operations.

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

The amendment provides for the fair, orderly, economic and sustainable use and development of land.

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

As a result of the rezoning, there will be no effects on:

- air, land or water quality
- buffers or threshold distances
- the health of ecological systems and the biodiversity they support
- natural resources including energy, water, land, flora and minerals
- travel patterns for shopping, employment and social and leisure activities
- the range of goods and services in the immediate and surrounding areas
- the attractiveness and physical condition of the immediate and surrounding areas
- the attractiveness, amenity and safety of the public realm
• the achievement of high quality urban design and architecture.
• transport movement, services and infrastructure, including public transport
• community infrastructure in the immediate and surrounding areas
• public infrastructure in the immediate and surrounding areas

This is due to the use being established and bound to the land by way of a legal agreement registered on title which will not alter as a result of the rezoning.

As a result of the rezoning, there will be positive effects on:
• the economic well-being of the community
• future public and private sector investment in the immediate and surrounding areas
• employment in the area
• the opportunities for expansion, improvement or redevelopment

This is because the application of the Commercial 1 Zone will give commercial confidence to the Bowling Club, future investors and lending institutions to facilitate the ongoing viability of the club which serves community, social and employment functions within Lakes Entrance. Furthermore, future improvements can be planned for and financed to ensure that the Club and its facilities remain attractive and well utilised.

**Does the Amendment address relevant bushfire risk?**

The amendment is administrative in nature and does not increase or materially change the bushfire risk. It is also noted that the land is not affected by the Bushfire Management Overlay and therefore the views of the relevant fire authority have not been sought in formulating the amendment.

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

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes (section 7(5) of the Act). All of the information required by the direction has been provided.

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

The amendment is consistent with Clause 11.10-1 which seeks a diversified economy for Gippsland as the amendment will facilitate the ongoing support and viability of the Bowling Club which provides a social, community and economical function within Lakes Entrance. For the same reasons, the amendment is consistent with Clause 17 Economic Development.

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

The amendment supports the MSS by achieving objective 5 for Lakes Entrance which is to “promote recreational and tourism focused uses within the town’. The amendment does not propose to change the MSS nor introduce or amend local planning policy.

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

The amendment seeks to rezone the subject land using the most appropriate zone available that is consistent with the current and ongoing use of the land.
How does the Amendment address the views of any relevant agency?

Preliminary discussions with the regional planning office of the Department of Environment, Land, Water and Planning indicated general support for this amendment.

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

The amendment will not have a significant impact on the transport system and therefore the requirements of the Transport Integration Act 2010 are not considered to be relevant to this amendment.

Resource and administrative costs

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

Given that the use is established and is enshrined within a legal agreement registered on title, the change in zone will have no impact on resource and administrative costs as no planning applications are anticipated to be lodged because of the amendment.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places from 11 April until 11 May 2018:

- Bairnsdale Corporate Centre, 273 Main Street Bairnsdale
- Bairnsdale Service Centre, 24 Service Street Bairnsdale
- Bairnsdale Business Centre, 34 Pyke Street Bairnsdale
- Lakes Entrance Service Centre, 18 Mechanics Street Lakes Entrance

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 5pm on 11 May 2018.

A submission must be sent to:
Manager Strategic Planning
East Gippsland Shire Council
PO Box 1618
Bairnsdale Vic 3875

Or

Attention: Manager Strategic Planning
feedback@egipps.vic.gov.au

Panel hearing dates

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

- directions hearing: Week commencing 13 August 2018
- panel hearing: Week commencing 10 September 2018
### ATTACHMENT A - Mapping reference table

<table>
<thead>
<tr>
<th>Location</th>
<th>Land /Area Affected</th>
<th>Mapping Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Entrance</td>
<td>35 Rowe Street</td>
<td>East Gippsland C147 001znMap55 Exhibition</td>
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</tbody>
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