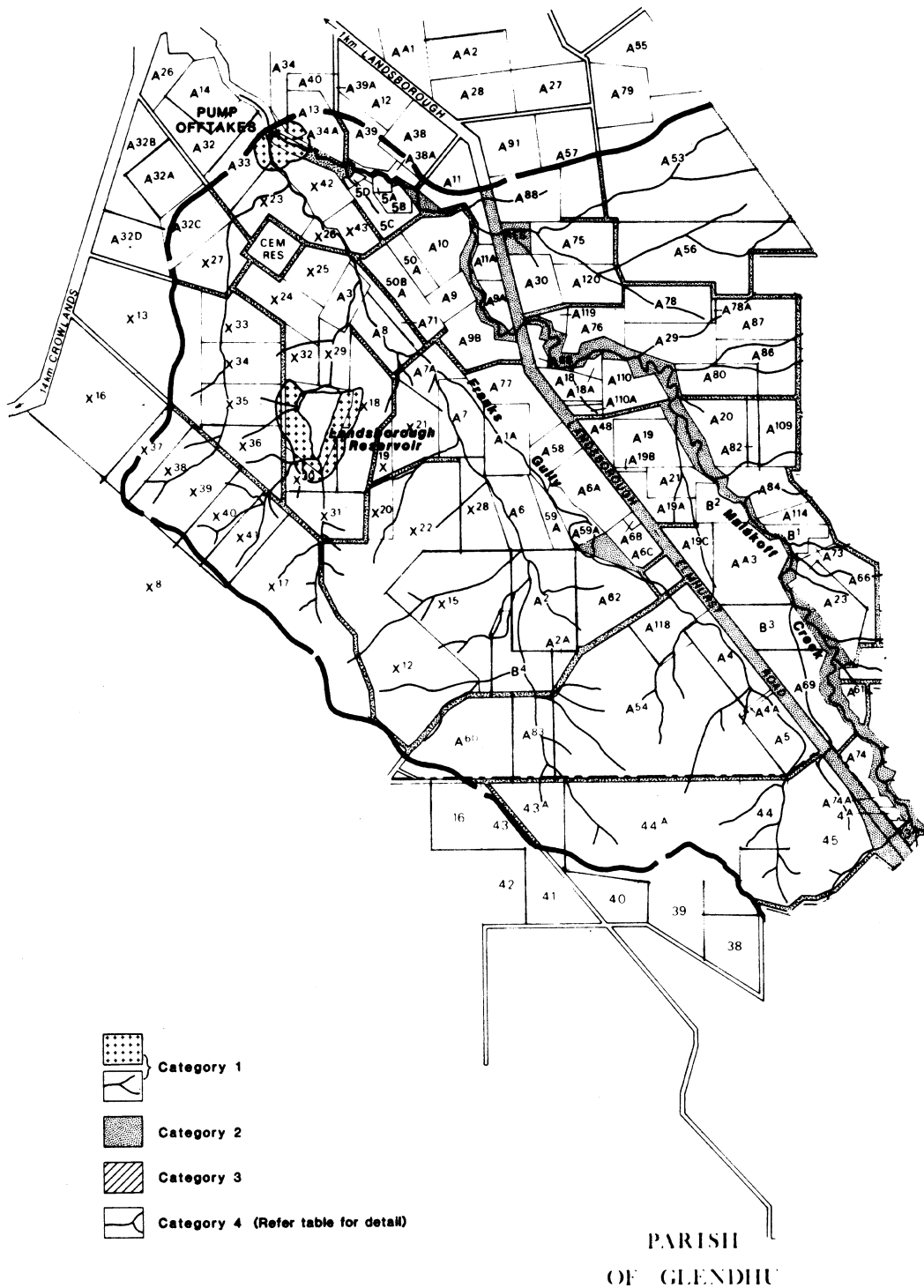


## **PART 2**

### **LAND USE DETERMINATION**






**FIGURE 3 - LAND USE DETERMINATION - PLAN**

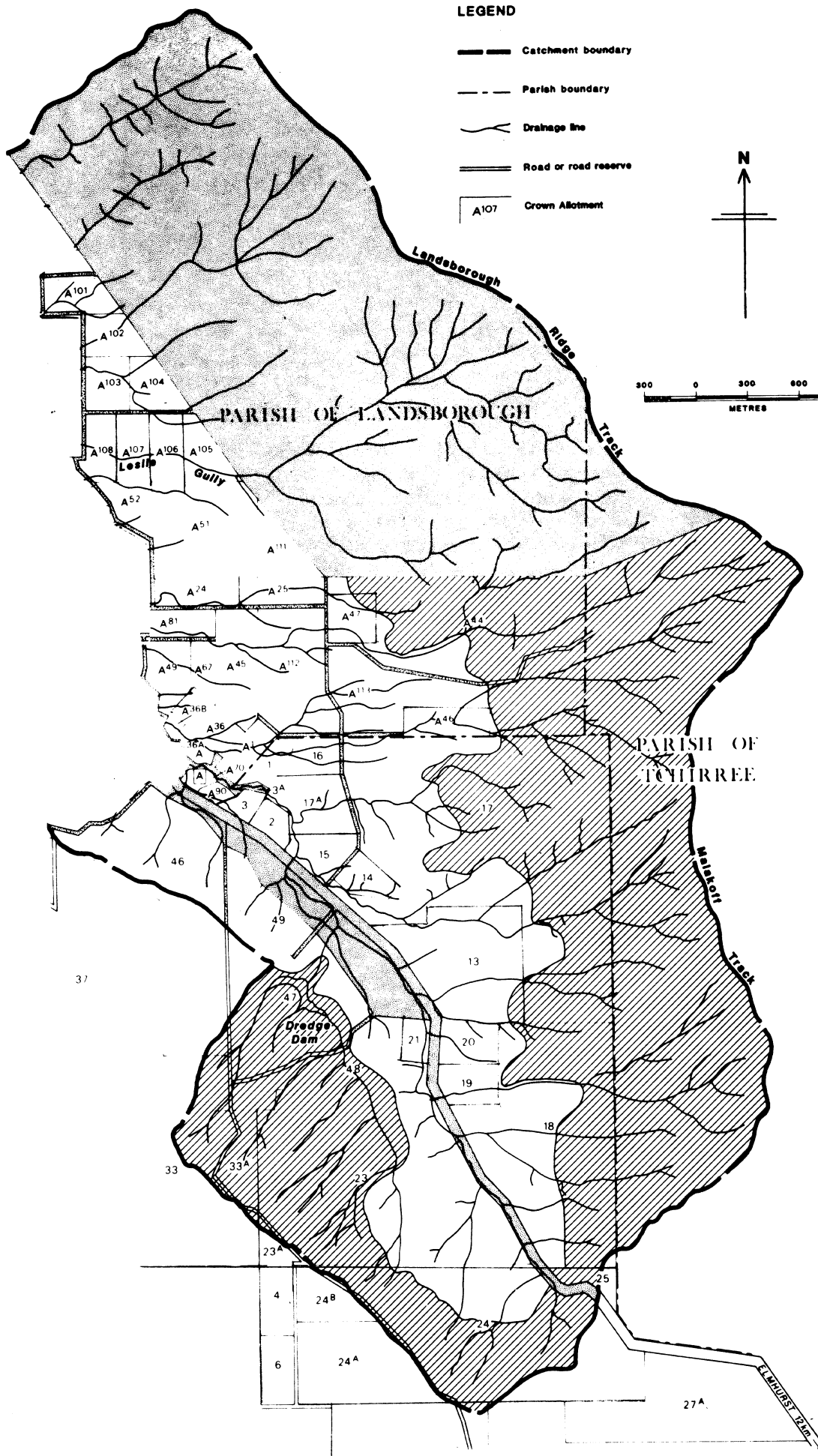
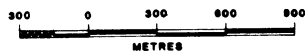


LANDSBOROUGH (MALAKOFF CREEK)  
WATER SUPPLY CATCHMENT

PLAN No. S-969 A

**LEGEND**

-  Catchment boundary
-  Parish boundary
-  Drainage line
-  Road or road reserve
-  Crown Allotment



## **7. EXPLANATION OF THE LAND USE DETERMINATION**

### **7.1 Land Use Determination Categories**

**Category 1.** Land in this category constitutes the protective buffer strip around the Reservoir and pump offtakes, and along creeks and drainage lines where disturbance of soils and vegetation is to be kept to a minimum for protection of water quality.

**Category 2.** This category covers the areas of public land set aside, following consideration by the LCC, as the Landsborough Flora and Fauna Reserve and the Landsborough Historic Reserve, and the public land areas that make up road reserves and stream frontages.

**Category 3.** This covers the remaining public land and also the limited areas of steep hills in freehold land. Ideally, in the long term these should be planted back to forest cover to reduce erosion and salting problems. Where landholders wish to retain cleared hills, the SCA will encourage chisel-seeding to establish deep-rooted pasture species on trafficable land, or aerial seeding of steeper hills, in combination with careful grazing management.

**Category 4** This category covers most of the freehold land in the catchment, where grazing is recognised as the most suitable use. Periodic cropping of the flatter areas will still be acceptable.

**Category 5** Land in this category lies between the edge of the Category 1 buffer strip and a distance of 100 m from the creeks and drainage lines. With the exception of residential use the uses and provisions of Category 4 apply to Category 5 i.e. grazing with periodic cropping. Cultivation must not extend into the protective buffer: 20 m from drainage lines, Category 1.

**Notes:** Residential use or effluent disposal systems are excluded from Categories 1, 3 or 5. The intent of the LUD is to complement the Malakoff Creek Catchment Development Policy in excluding new houses or effluent disposal systems from categories 1, 3 and 5.

Some houses already exist within these land use categories. In these instances the SCA may specify conditions which require improvements to access track siting and effluent disposal systems.

### **7.2 Other uses**

Land uses which may be carried out on land in the catchment, but which are not considered to be amongst the 'most suitable' land uses, are listed along with appropriate provisions under other uses'.

Residential use is one of particular concern. However, provided the siting of residences and the provision for effluent disposal or associated works are in accordance with the Malakoff Creek Development Policy, as adopted by the Shire of Avoca in 1980 (see Appendix III) minimal effect on the water supply is likely to occur.

Some of these 'other uses' may be carried out on land in more than one category as shown in the LUD Table.

### **7.3 The General Provisions**

Under the provisions of the IDO proposals for house siting, subdivision, road or track construction, recreation development, or extractive industries will be considered and assessed by CF1 and comments forwarded to the Shire of Avoca.

**WIMMERA CATCHMENT  
DETERMINATION OF LAND USE FOR MALAKOFF CREEK (LANDSBOROUGH) WATER SUPPLY CATCHMENT  
PART A: GENERAL PROVISION APPLYING TO ALL CATEGORIES**

1. Proposals for the following activities require assessment by the Authority before activities commence:
2. The Soil Conservation Authority may determine and impose any conditions pursuant to Section 23 (1) (c) and 23 (4) (a) of the *Soil Conservation and Land Utilization Act 1958* with respect to the use or management of all or any land in any Category specifying any action for the purpose of:
- (a) Silting and construction of houses and access tracks;
  - (b) Subdivision of land titles;
  - (c) Road or track construction;
  - (d) Recreation development;
  - (e) Extractive industries;
  - (f) Siting and construction of dams
- (a) Preventing or limiting soil erosion or reclaiming eroded sites;
  - (b) Preserving or improving the quality or yield of water supply.

**PART B: LAND USE CATEGORIES**

LAND USE CATEGORY	LAND AFFECTED	MOST SUITABLE USE	PROVISION OF USE
1	<ul style="list-style-type: none"> <li>(a) Within 100 metres radius upstream of the Malakoff Creek and Franks Gully pump offtakes;</li> <li>(b) Within 100 metres of fully supply level of the Landsborough Reservoir;</li> <li>(c) On the upslope side of an within 100 metres of the water race (future proposal) to Landsborough Reservoir;</li> </ul>	<p>Protection of the water supply offtakes, Landsborough Reservoir, creeks and drainage lines from the effects of soil erosion and pollution.</p> <ul style="list-style-type: none"> <li>1</li> <li>2</li> <li>3</li> </ul>	<ul style="list-style-type: none"> <li>1 No disturbance of soil or vegetation should take place other than the minimum necessary for creation of access or works relating to fire prevention and fire protection.</li> <li>2 Any proposals which may cause disturbance of soil or vegetation must be referred to the Authority for assessment before activities commence.</li> <li>3 In accordance with the Malakoff Creek Catchment Development Policy no houses or effluent disposal systems may be sited on this land.</li> </ul>

LAND USE CATEGORY	LAND AFFECTED	MOST SUITABLE USE	PROVISION OF USE
(d)	Within 20 metres of the banks of all creeks and drainage lines shown on Plant No. S-969A.		<p>4 The Authority may specify conditions which relate to:</p> <p>(a) the exclusion of stock;</p> <p>(b) the location and design of crossings;</p> <p>(c) measures required for the control or prevention of erosion</p>
2	(a) The Landsborough Flora and Fauna Reserve;	Water catchment protection, by the retention of forest cover.	1 Provision of Land Use 1, 2 and 3 in Category 1 apply.
(b)	The Landsborough Historic Reserve;		2 Use of public land is to be in accordance with the appropriate Land Conservation Council Recommendation as approved.
(c)	Public land stream frontage;		
(d)	Road reserves;		
(e)	All other public land not included in the above (a) to (d) or in Categories 1 or 3.		
3	(a) Public land in Pyrenees Range Hardwood Production Area;	Low intensity production of Hardwood and farm timber.	1 All forest operations are to be in accordance with management guidelines approved by the Authority.
(b)	Steep freehold land as shown on plan no. S-969A.		2 No clear felling of timber or cropping may be carried out on this land.
			3 In accordance with the Malakoff Creek Catchment Development Policy, no houses or effluent disposal systems may be sited on this land.
			4 The Authority may specify conditions which relate to:
			(a) measures required for the control or prevention of erosion
			(b) number, type or timing of stock grazing on existing cleared freehold land.

LAND USE CATEGORY	LAND AFFECTED	MOST SUITABLE USE	PROVISION OF USE
4	Freehold land, within the exception of that freehold land in Categories 3 and 5.	Grazing	<p>The Authority may specify conditions which related to:</p> <ul style="list-style-type: none"> <li>(a) number, type or timing of stock grazing;</li> <li>(b) clearing of trees;</li> <li>(c) cultivation rotations for the purposes of pasture establishment or pasture renovation;</li> <li>(d) measures required for the control or prevention of erosion.</li> </ul>
5	Freehold land within 100 metres of creeks and drainage lines shown on Plan No. S-969A, but excluding Category 1 land.	Grazing (non-residential area).	<p>The Authority may specify conditions which relate to:</p> <ul style="list-style-type: none"> <li>(a) number, type and timing of stock grazing;</li> <li>(b) clearing of trees;</li> <li>(c) areas suitable for intensive agricultural uses;</li> <li>(d) cultivation rotations for the purposes of pasture establishment or pasture renovation;</li> <li>(e) measures required for the control or prevention of erosion;</li> <li>(f) improvement to existing domestic effluent disposal systems.</li> </ul>

## PART C: OTHER USES

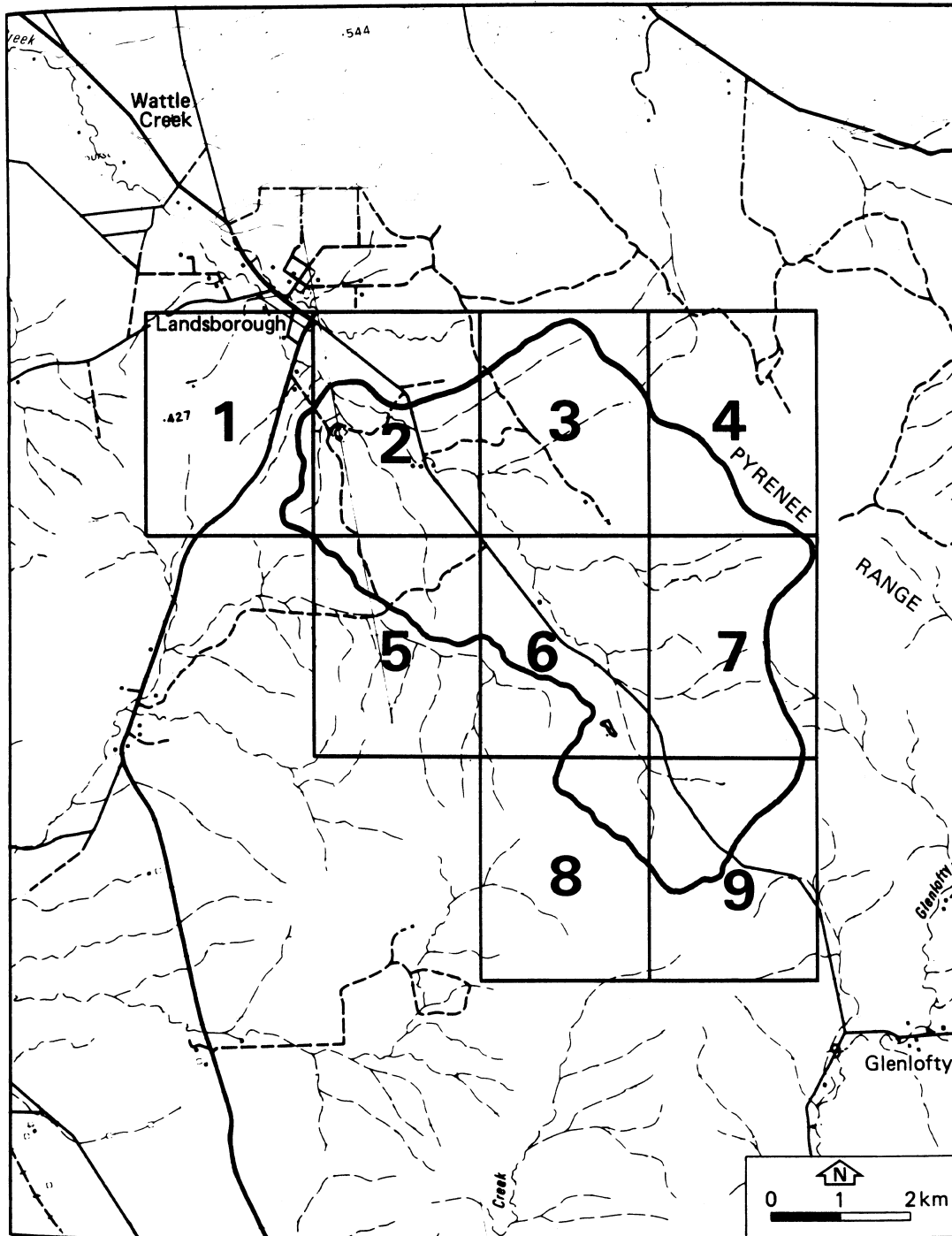
OTHER USES	LAND USES CATEGORIES	PROVISIONS OF USE
Residential use	4	<p>1 Residential use is to be in accordance with the Malakoff Creek Catchment Development Policy.</p> <p>2 Treatment and disposal of domestic effluent must comply with the relevant requirements of the <u>Health Act 1958</u>, the <u>Environment Protection Act 1970</u> and the Shire of Avoca.</p> <p>The Authority may specify conditions which require improvements to:</p> <p>(a) roads and tracks;</p> <p>(b) drainage;</p> <p>(c) embankment stability.</p> <p>The Landsborough Flora and Fauna Reserve, the Pyrenees Range Hardwood Production Area and the Landsborough Historic Reserve may be used for passive recreation.</p> <p>The Authority may specify conditions which relate to:</p> <p>(a) access;</p> <p>(b) the conduct of operations;</p> <p>(c) soil conservation measures required;</p> <p>(d) reclamation.</p>
Roads, tracks, dams	1, 2, 3, 4, 5	
Recreation	2, 3	
Extractive Industries	3, 4, 4	
Mineral production	3	

**Note:** The Land Conservation Council's recommendations referred to in the above determination are contained in the Final Recommendations for the North Central Area published in 1981.



## 8. LAND USE DETERMINATION

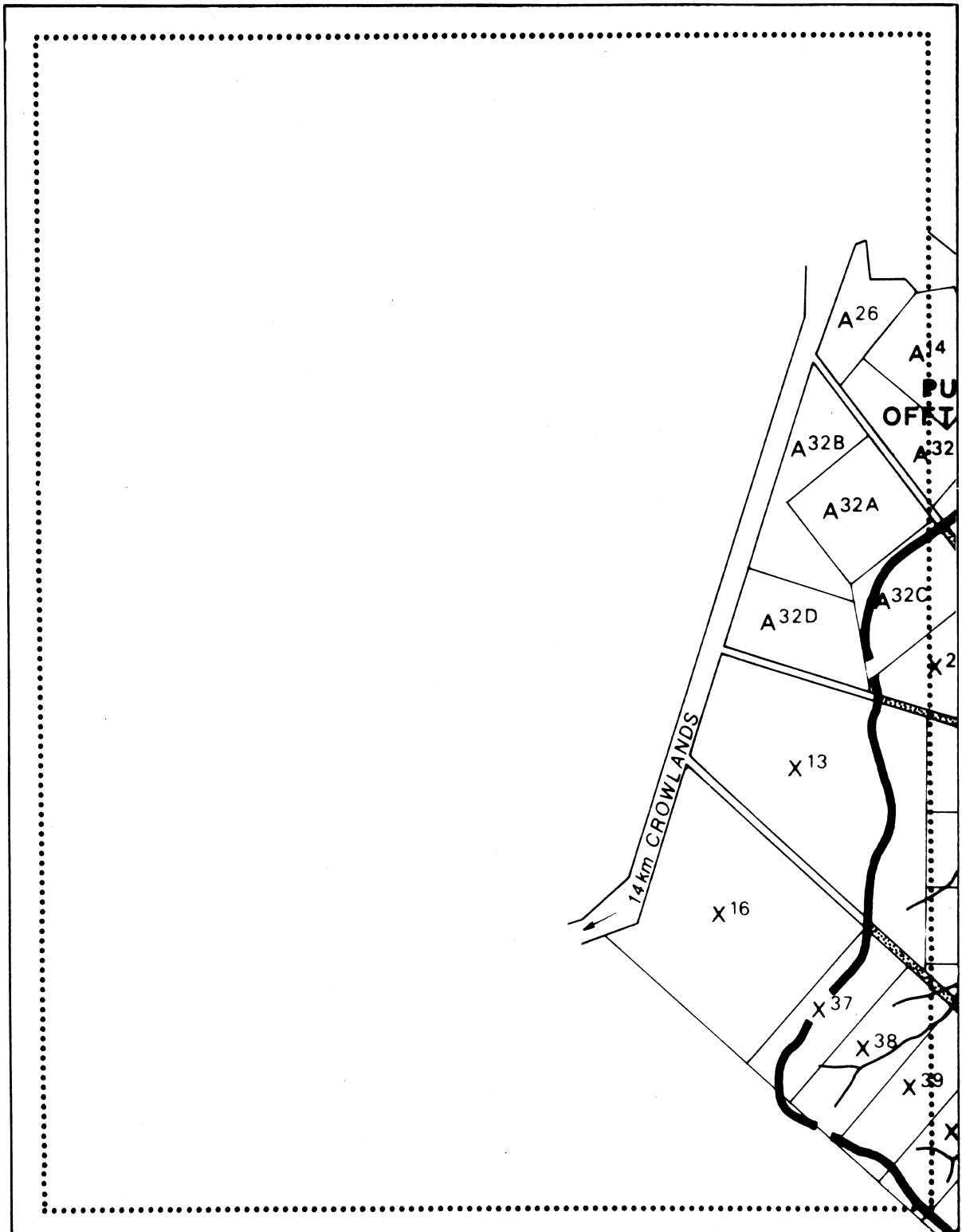
### KEY TO MAPS



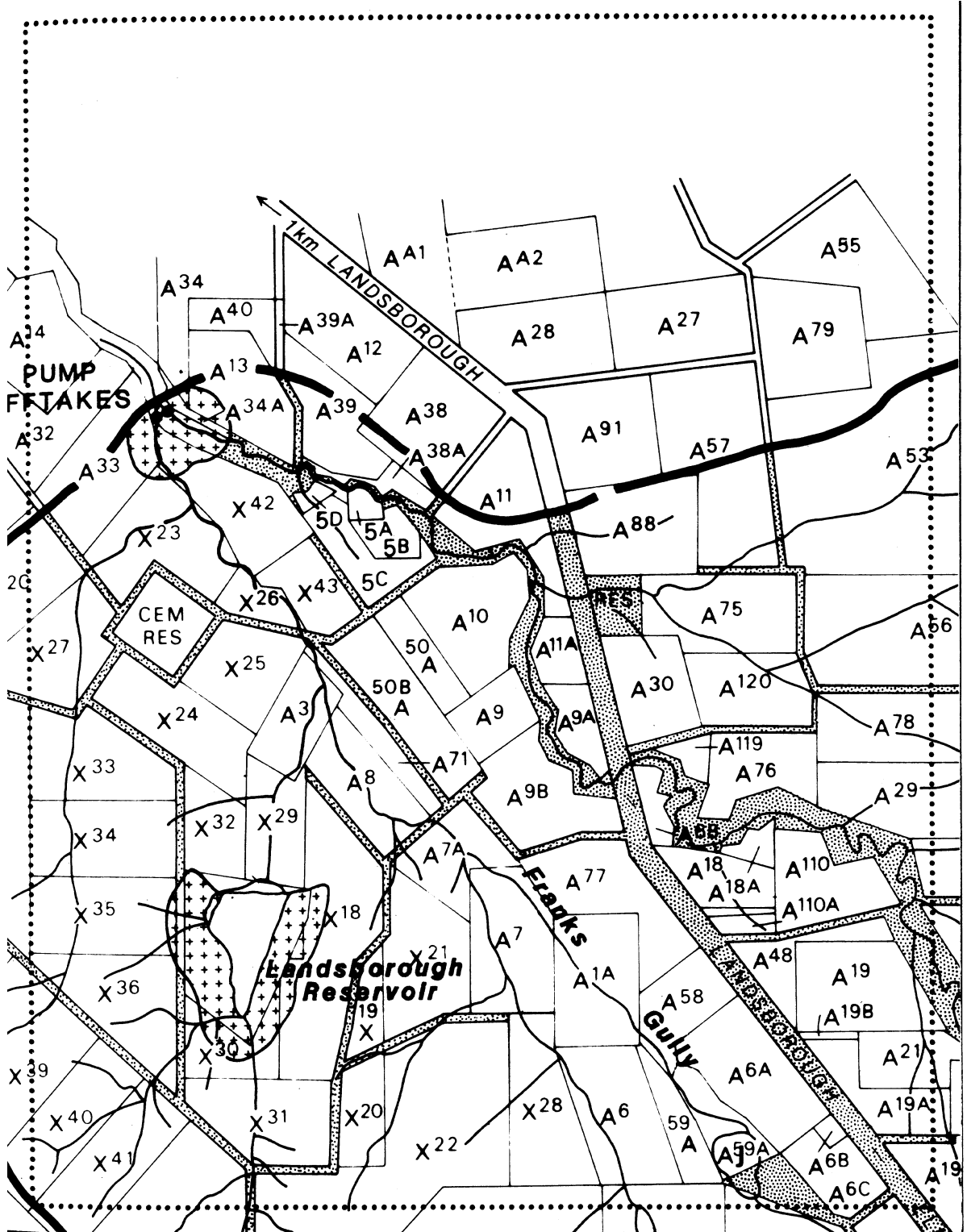
MALAKOFF CREEK (LANDSBOROUGH) WATER SUPPLY CATCHMENT

### LAND USE DETERMINATION

### KEY TO MAPS

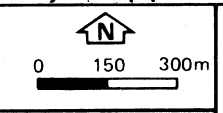


<p>LAND USE DETERMINATION MALAKOFF CREEK (LANDSBOROUGH) WATER SUPPLY CATCHMENT</p>		<p><b>S-969A</b> <b>SHEET 1</b></p>		<p>0 150 300m</p>	<p>KEY TO ADJOINING MAPS</p> <table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> </tr> <tr> <td></td> <td>5</td> <td>6</td> <td>7</td> </tr> <tr> <td></td> <td></td> <td>8</td> <td>9</td> </tr> </table>	1	2	3	4		5	6	7			8	9
1	2	3	4														
	5	6	7														
		8	9														
<p>Catchment boundary </p> <p>Parish boundary </p> <p>Drainage lines </p> <p>Road or road reserve </p> <p>Overlap boundary </p> <p>Crown allotment </p>	<p>LAND USE CATEGORIES</p> <table border="0"> <tr> <td></td> <td>Category 1</td> <td></td> <td>Category 3</td> </tr> <tr> <td></td> <td>Category 2</td> <td></td> <td>Category 4</td> </tr> </table>					Category 1		Category 3		Category 2		Category 4					
	Category 1		Category 3														
	Category 2		Category 4														
<p>Note: Category 5 not mapped</p>																	

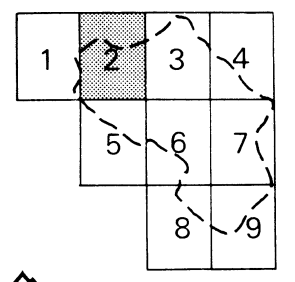


LAND USE DETERMINATION  
MALAKOFF CREEK  
(LANDSBOROUGH)  
WATER SUPPLY CATCHMENT

**S-969A**  
**SHEET 2**



KEY TO ADJOINING MAPS

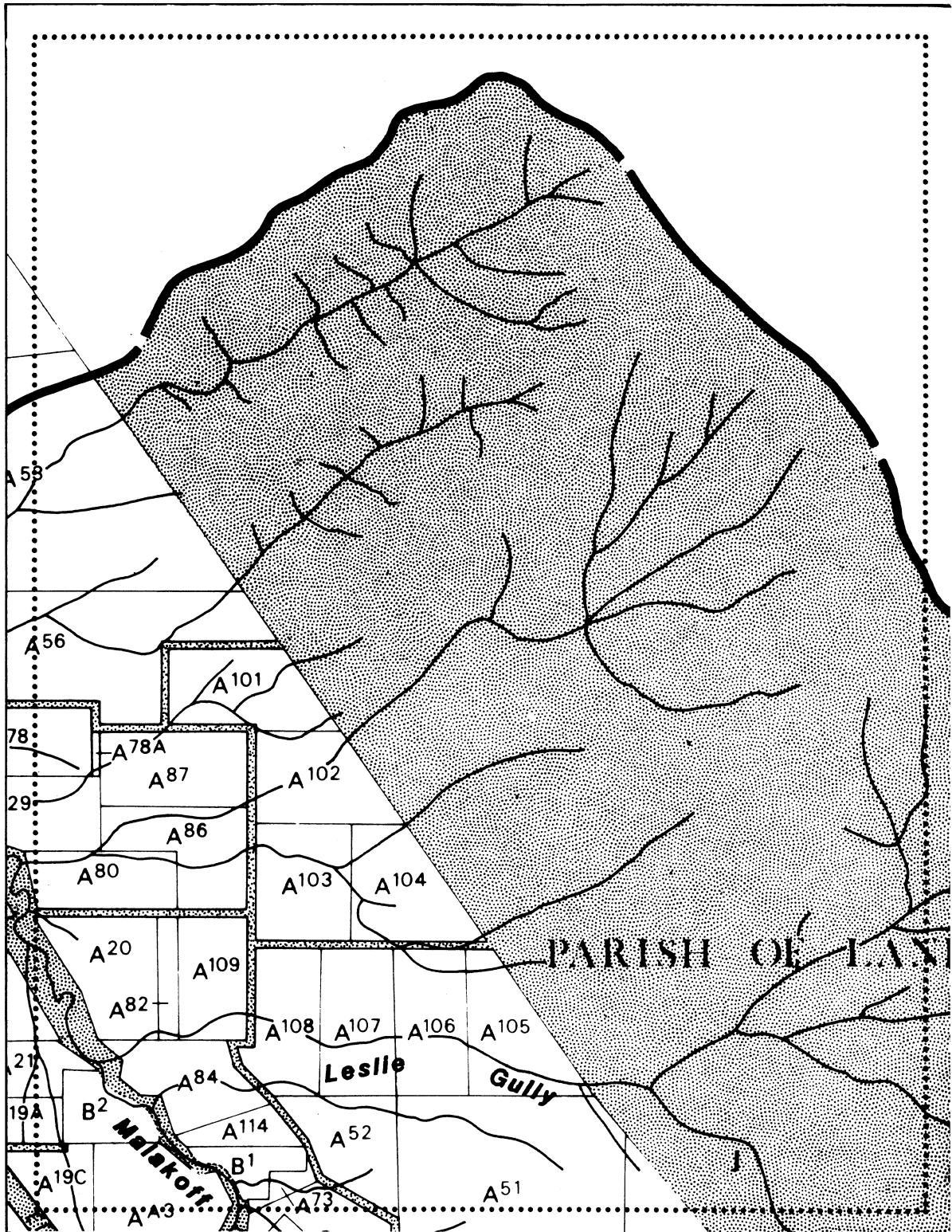


- Catchment boundary
- Parish boundary
- Drainage lines
- Road or road reserve
- Overlap boundary
- Crown allotment

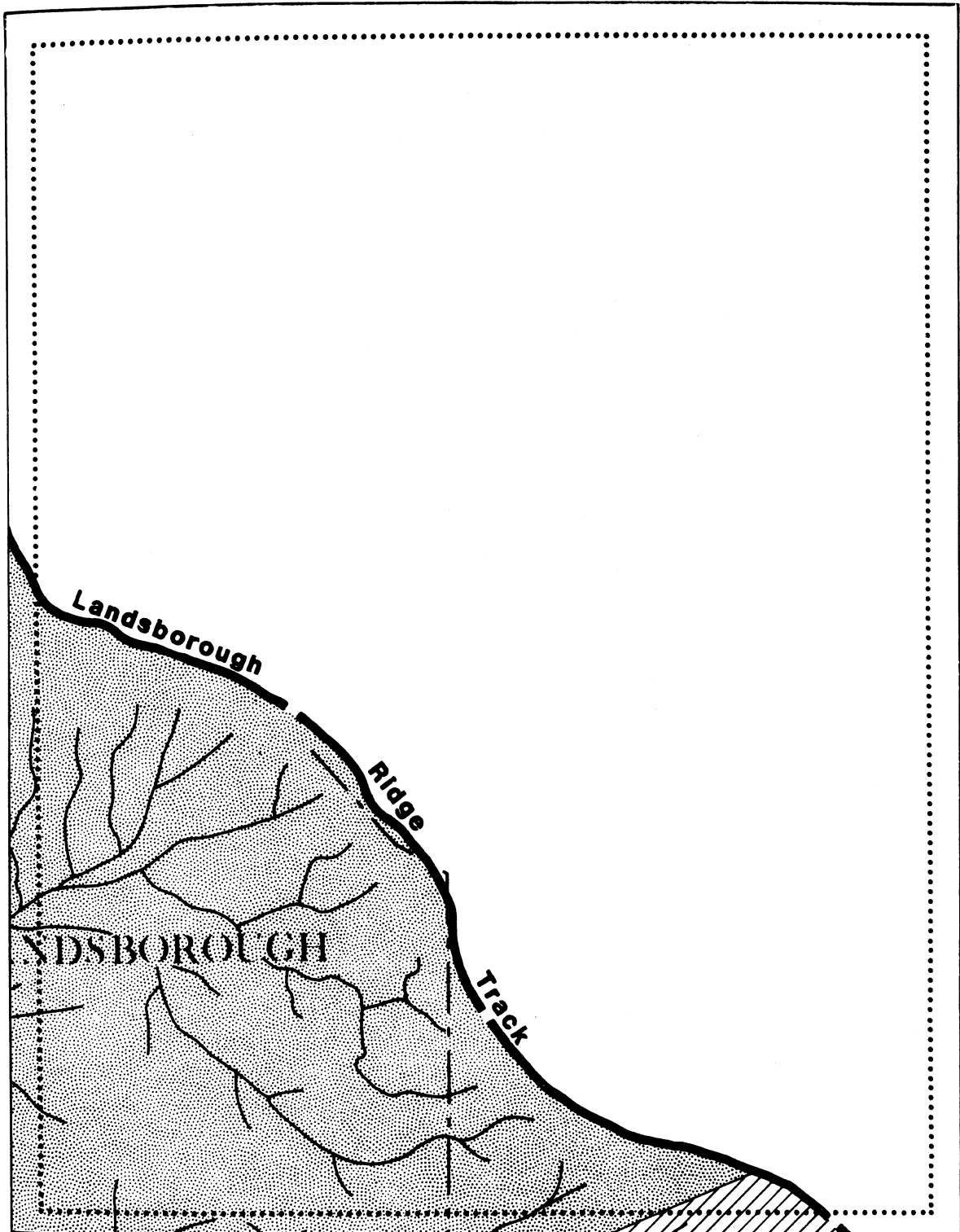
- LAND USE CATEGORIES**
- Category 1
  - Category 3
  - Category 2
  - Category 4

Note: Category 5 not mapped

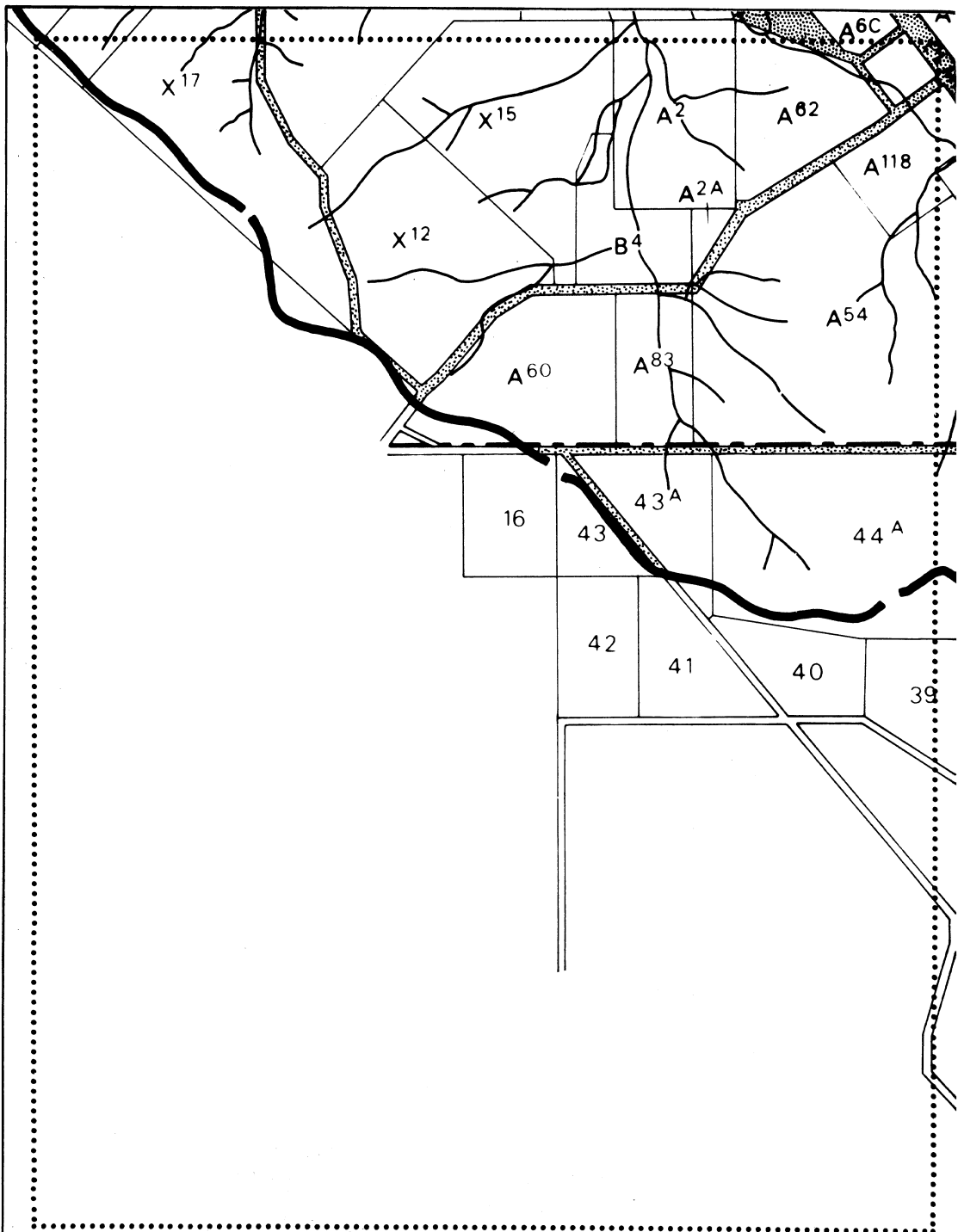




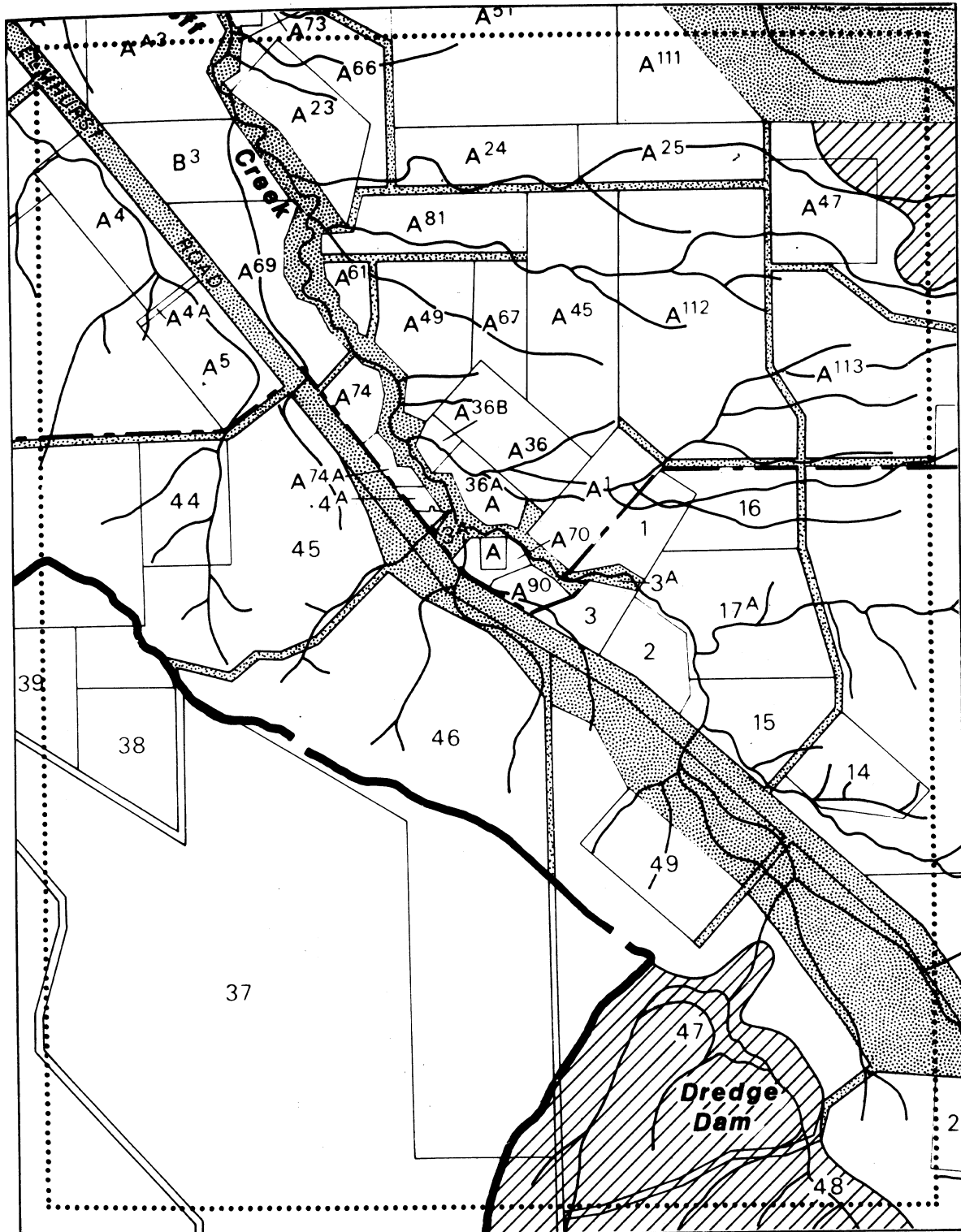
LAND USE DETERMINATION MALAKOFF CREEK (LANDSBOROUGH) WATER SUPPLY CATCHMENT		<b>S-969A</b> <b>SHEET 3</b>		KEY TO ADJOINING MAPS 						
Catchment boundary	Parish boundary	Drainage lines	Road or road reserve	Overlap boundary	Crown allotment	<b>LAND USE CATEGORIES</b> Category 1	Category 2	Category 3	Category 4	Note: Category 5 not mapped



<b>LAND USE DETERMINATION MALAKOFF CREEK (LANDSBOROUGH) WATER SUPPLY CATCHMENT</b>		<b>S-969A SHEET 4</b>			<b>KEY TO ADJOINING MAPS</b> 
Catchment boundary	Parish boundary	Drainage lines	Road or road reserve	Overlap boundary	Crown allotment
<b>LAND USE CATEGORIES</b>			Category 1	Category 2	Category 3
			Category 4	Note: Category 5 not mapped	

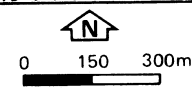


<b>LAND USE DETERMINATION MALAKOFF CREEK (LANDSBOROUGH) WATER SUPPLY CATCHMENT</b>		<b>S-969A SHEET 5</b>				<b>KEY TO ADJOINING MAPS</b>	
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<b>Parish boundary</b>		Category 2		Category 4			
<b>Drainage lines</b>		<b>Note: Category 5 not mapped</b>					
<b>Road or road reserve</b>							
<b>Overlap boundary</b>							
<b>Crown allotment</b>							

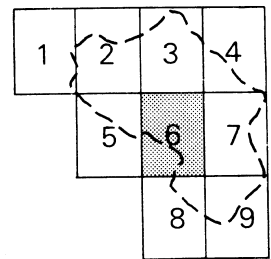


LAND USE DETERMINATION  
MALAKOFF CREEK  
(LANDSBOROUGH)  
WATER SUPPLY CATCHMENT

**S-969A**  
**SHEET 6**



KEY TO ADJOINING MAPS

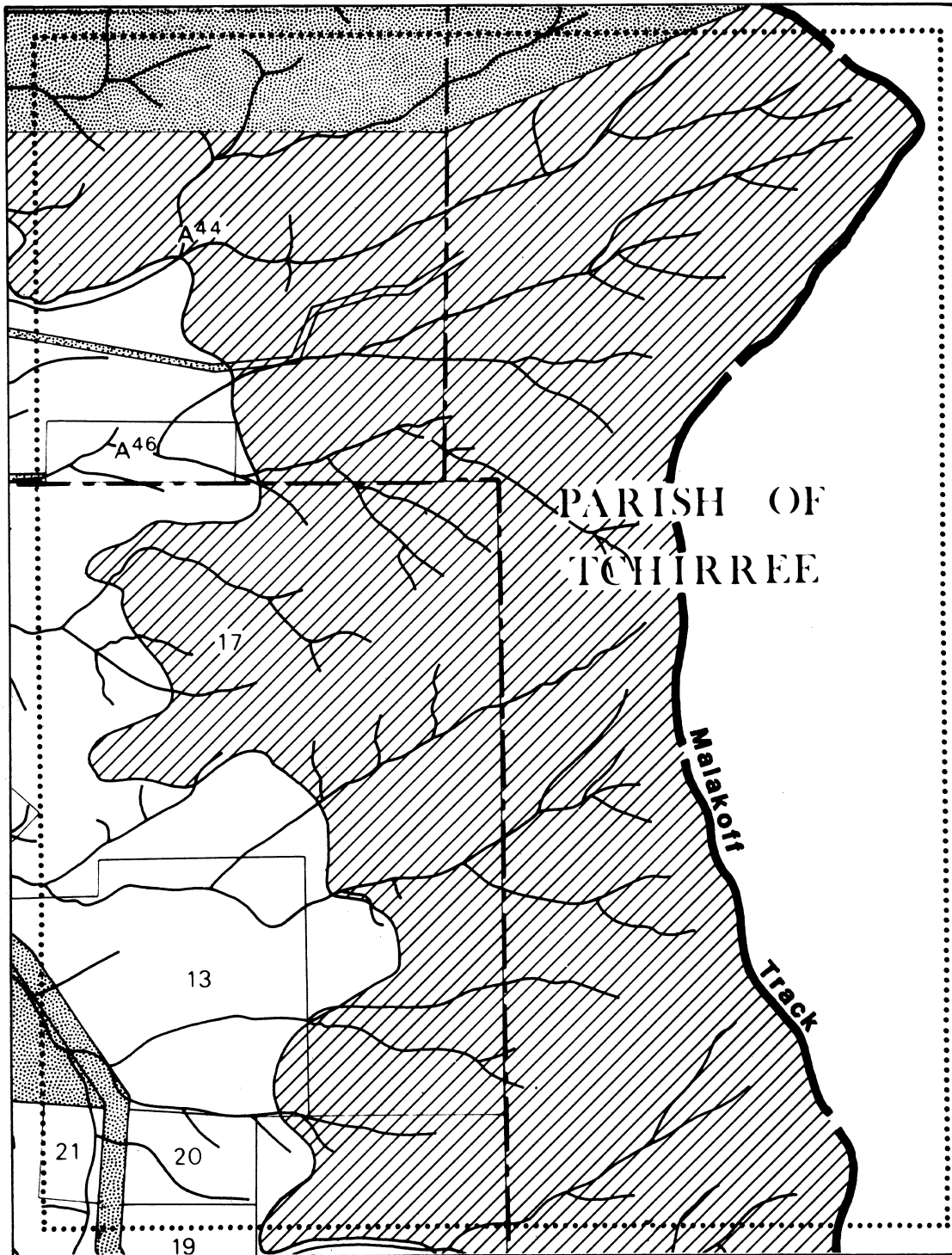


- Catchment boundary
- Parish boundary
- Drainage lines
- Road or road reserve
- Overlap boundary
- Crown allotment

- LAND USE CATEGORIES
- Category 1
  - Category 3
  - Category 2
  - Category 4

Note: Category 5 not mapped



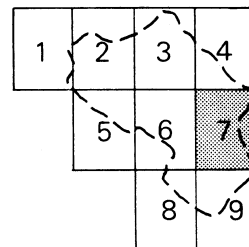


LAND USE DETERMINATION  
MALAKOFF CREEK  
(LANDSBOROUGH)  
WATER SUPPLY CATCHMENT

**S-969A**  
**SHEET 7**



KEY TO ADJOINING MAPS



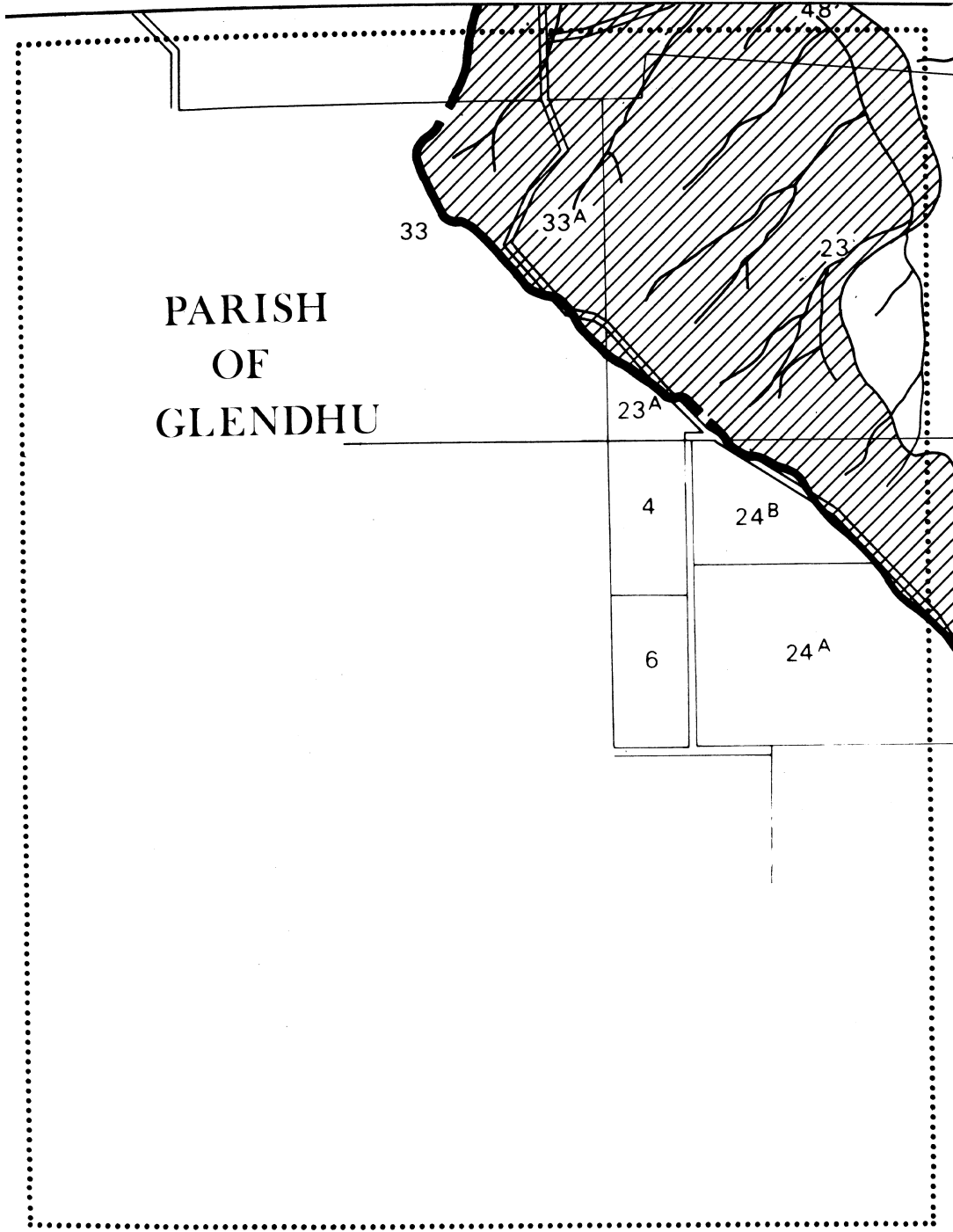
- Catchment boundary
- Parish boundary
- Drainage lines
- Road or road reserve
- Overlap boundary
- Crown allotment

- LAND USE CATEGORIES
- Category 1
  - Category 2
  - Category 3
  - Category 4

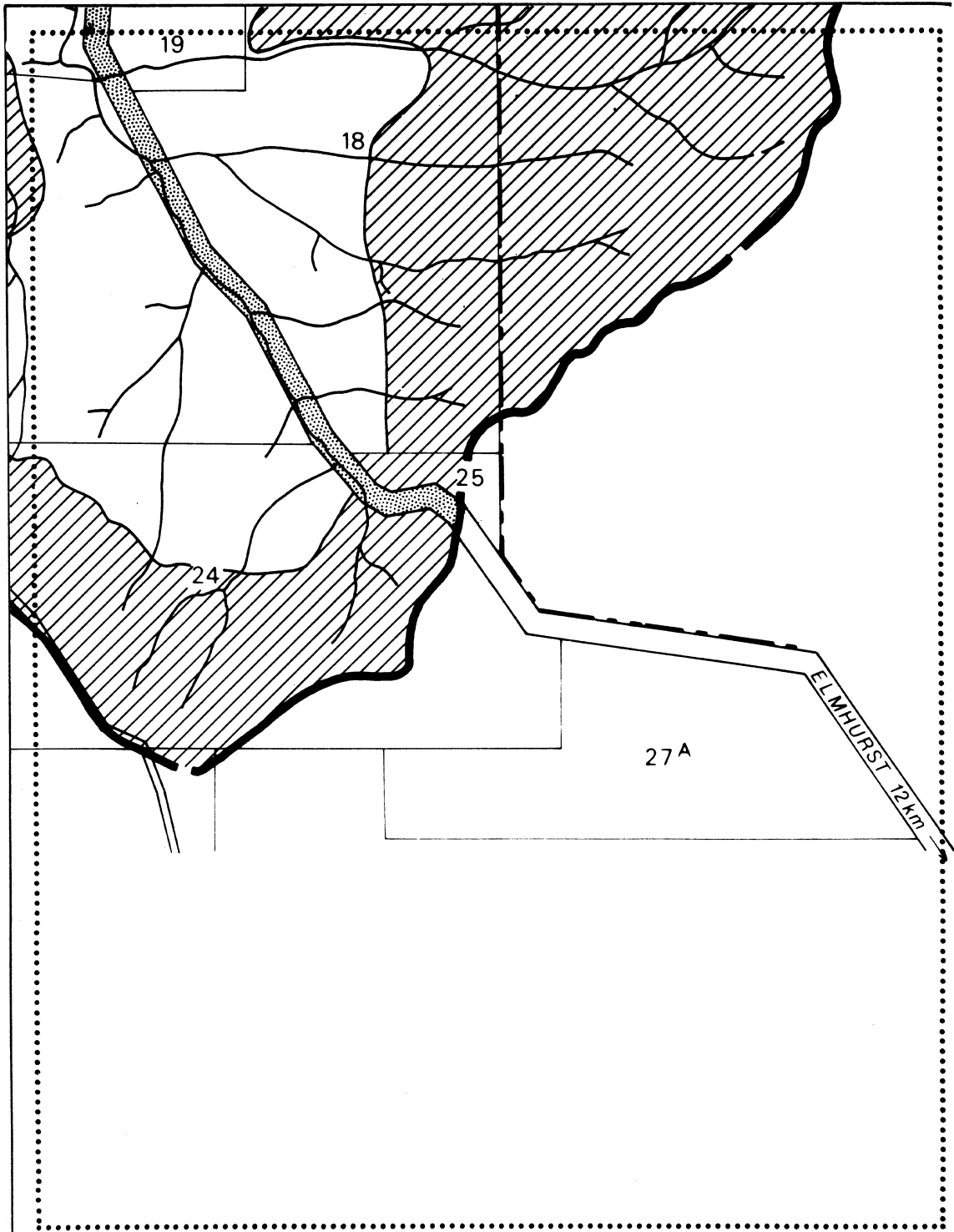
Note: Category 5 not mapped





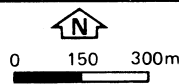


<p>LAND USE DETERMINATION MALAKOFF CREEK (LANDSBOROUGH) WATER SUPPLY CATCHMENT</p>	<p><b>S-969A</b> <b>SHEET 8</b></p>	<p style="text-align: center;">N 0 150 300m</p>	<p>KEY TO ADJOINING MAPS</p>
<p>Catchment boundary </p> <p>Parish boundary </p> <p>Drainage lines </p> <p>Road or road reserve </p> <p>Overlap boundary </p> <p>Crown allotment </p>	<p>LAND USE CATEGORIES</p> <p> Category 1     Category 3</p> <p> Category 2     Category 4</p>		
<p>Note: Category 5 not mapped</p>			

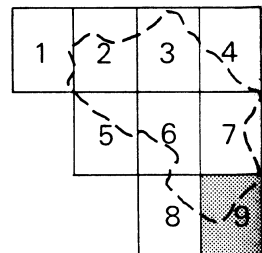


LAND USE DETERMINATION  
MALAKOFF CREEK  
(LANDSBOROUGH)  
WATER SUPPLY CATCHMENT

**S-969A**  
**SHEET 9**



KEY TO ADJOINING MAPS



- Catchment boundary
- Parish boundary
- Drainage lines
- Road or road reserve
- Overlap boundary
- Crown allotment

- LAND USE CATEGORIES
- Category 1
  - Category 2
  - Category 3
  - Category 4

Note: Category 5 not mapped



## **APPENDICES**

## APPENDIX I

Edited extract from "Final Recommendations - North Central Area".

Land Conservation Council, Victoria, February, 1981, relevant to the Malakoff Creek Water Supply Catchment.

### **D. WATER PRODUCTION**

That in the case of the location listed below, (being within a Catchment for which no land use determination has been made) the present tenure and management of public land continue for the time being; and that, once a land use determination has been made, the following areas:

- (i) the storage areas
- (ii) diversion works
- (iii) associated facilities
- (iv) the buffer zones around diversion works and storages, as defined in the land use determination
- (v) any other allotments considered necessary

be used for

- (a) water supply purposes
- (b) other activities permitted by the water supply authority after consultation with the Soil Conservation Authority and the Environment Protection Authority

and that these areas be permanently reserved under section 4 of the *Crown Land (Reserves) Act 1978* for water supply purposes, and be managed by the water supply authority named. D4 Landsborough Reservoir, Landsborough Waterworks Trust.

**Note:** In accordance with (iv) above, these recommendations will also apply to the Malakoff Creek and Franks Gully water supply offtakes.

### **E. HARDWOOD PRODUCTION**

That the area listed be used:

- (a) primarily to produce hardwood timber in a manner having due regard for landscape values as seen from the main roads outside the forest

that

- (b) major secondary uses be to:
  - (i) provide opportunities for open-space recreation and education
  - (ii) conserve native plants and animals, and provide opportunities for the development of wildlife conservation techniques.
  - (iii) produce honey, forage, gravel, sand, and other forest produce as defined in the *Forests Act 1958*.

- (d) water production values be recognised and

- (d) that special values located in portion of the hardwood area listed below be protected (by the creation of a reserve under section 50 of the *Forests Act 1958*) and that the area remain or become reserved forest under the provisions of the *Forests Act 1958* and be managed by the Forests Commission.

## **E6 Pyrenees Range**

in accordance with (d) above, the following value should be protected:

The road along the ridge of the Pyrenees Range should be maintained by the Forests Commission. Some of the farmland surrounding this area is badly affected by salting and gully erosion. It is important, therefore, that the forests and catchments to this, and indeed all such land, are maintained in a healthy condition.

### **H. FLORA AND FAUNA RESERVE**

That the areas described below be used to:

- (a) conserve native plants and animals  
that
- (b) honey production be permitted
- (c) passive recreation such as nature study and picnicking  
be permitted
- (d) fossicking and prospecting be permitted
- (e) grazing be phased out

and that it be permanently reserved under section 4 of the *Crown Land (Reserves) Act 1978* and be managed by the National Parks service.

## **H24 Landsborough**

### **J. HISTORIC RESERVES**

That the area listed below be used to:

- (a) protect specific sites that carry or contain the relics of buildings, equipment, construction works, and artefacts associated with the history of the locality
- (b) provide opportunities for recreation and education associated with the history of the locality (development of recreation facilities would be minimal)  
that
- (c) exploration for the extraction of 'gold', 'minerals' and 'petroleum' - including fossicking and prospecting under a Miner's Right - be permitted
- (d) removal and treatment of material from mine dumps only be permitted in areas agreed to by the Department of Minerals and Energy and the managing authority.
- (e) honey production be permitted
- (f) grazing be permitted at the discretion of the managing authority

and that the area be permanently reserved under section 4 of the *Crown Land (Reserves) Act 1978*, and be managed by the Department of Crown Lands and Survey.

**J8** Landsborough (16ha)

Site of the Malakoff Lead, which was mined from the 1850's till the 1950's by various methods.

**K. PUBLIC LAND WATER FRONTAGE RESERVES**

**K1** That the public land water frontages

- (a) be used to
  - (i) protect adjoining land from erosion by the maintenance of adequate vegetation cover the landscape
  - (ii) maintain the local character and quality of the landscape
  - (M) conserve native flora and fauna
  - (iv) allow access to water and for grazing of stock by adjoining landholders under licence where appropriate.

**L. ROADSIDE CONSERVATION**

**L10** That the following guidelines be applied to unused roads:

1. The clearing of native trees and shrubs other than noxious weeds should continue to be clearly prohibited in the conditions of unused-road licences.
2. A condition permitting public use of licensed unused roads should be written into unused-road licenses where necessary to provide practical access to public land.
3. Unused roads or easements should not be alienated if there is any likelihood that they will have value for future traffic, nature conservation, recreation, or other public use.

**S. UTILITIES AND SURVEY**

**S20** That existing legal use and tenure continue for areas that are at present reserved and used for utility purposes

Cemetery adjacent to Crown Allotment X23, Parish of Landsborough

**W. OTHER RESERVES AND PUBLIC LAND**

**W1** That, for small areas of public land listed below existing legal use and tenure continue

and that

where the land is not reserved for a specific purpose at present, such areas be used in a way that will not preclude their reservation in the future for as-yet unknown public purposes and be managed as if they were uncommitted land.

Camping Reserve adjacent to Crown Allotment A88, Parish of Landsborough

Public land area adjacent to Crown Allotment A62, Parish of Landsborough

## **APPENDIX II**

### ***LAND DEVELOPMENT CONTROL METHODOLOGY***

At the outset of this investigation, there were 158 separate crown allotments in the catchment. On each, a house could have been built given that the Shire of Avoca exercised no planning controls at the time.

Control over this potentially large increase in the number of houses in the catchment is now exercised, primarily through the application of the planning controls prepared as part of the investigation of the catchment. Advice supplied by the Department of Conservation Forests and Lands assists the Shire in the application of the controls and the Land Use Determination (LUD) complements the planning process in this area.

Under the controls described below the maximum number of houses which can now be built in the catchment is 14, in addition to the eight existing houses.

#### **Identified Areas**

The means by which the reduction was achieved was to designate Identified Areas, within which only one house could be built. Each of the Identified Areas aggregated a number of crown allotments, except in those cases where an existing house occupied only a single allotment.

The Identified Areas were derived by a composite procedure involving consideration of catchment protection criteria such as proximity to streams soil and site properties, density planning, accessibility, existing land ownership, existing houses and suitability of the large holdings for subdivision. The investigation ultimately designated 39 Identified Areas for the 1985 hectares (ha) of freehold land in the catchment.

The size of the Identified Areas varies with land type. For example, five Identified Areas in the south of the catchment located on hilly to steep land average 128 ha in size; seven Identified Areas in the centre of the catchment on rolling to hilly land average 75 ha; ten Identified Areas on undulating land average 11 hectares.

There were four existing houses at the start of the investigation, and an increase to 39 within the catchment would be excessive. However 17 of the Identified Areas are contiguous with land outside the catchment and have land suitable for a house site outside the catchment. Any house proposed to be built on such an Identified Area is required to be sited outside the catchment.

The existing pattern of land ownership was a major consideration in defining the Identified Areas. The pattern was not suited to a "maximum density" approach, that is, a ceiling number of houses in the catchment, or by inference, a uniform minimum area requirement for each house. This was because in order to achieve an appropriate level of catchment protection many of the existing small, separately owned lots would not have received approval for a house. Instead existing ownerships were fitted into the Identified Areas, so that for example, a large parcel of land in one ownership may have been divided into one, two or more discrete Identified Areas. Prior ownership also accounts for the irregular outline of the Identified Areas.

#### **Subdivision of large landholdings**

A substantial part of the catchment was contained in thirteen farm holdings. These farms were divided into 28 Identified Areas, giving an average size of 67 ha.

The process of specifying a recommended or preferred subdivision layout for the existing large landholdings took into account the density of allotments in the catchment, which was appropriate overall, as well as considering a suitable density of subdivision for each farm in isolation.

Other criteria used were:

- Identified Area boundaries should follow ridgelines and spurs, and should not follow drainage lines.
- Identified Area boundaries should avoid drainage line crossings;
- each Identified Area must have a suitable House Building Area; and
- each Identified Area must have a suitable alignment for an access track to the house site in particular, and to the lot in general.

## **House Building Areas**

Within each Identified Area wholly within the catchment boundary, building envelopes (House Building Areas) were specified in which approved houses must be built. The House Building Areas range in size from 5 to 10 ha, giving a broad choice of house sites in suitable areas.

The House Building Areas were determined in a similar manner to Identified Areas. Using the criteria given below, no house may be built:

- in the direct catchment to the Landsborough Reservoir or the proposed water race;
- within 100 metres (m) of all drainage lines (Categories 1 and 5)
- on steep or otherwise erodible land (Category 3);

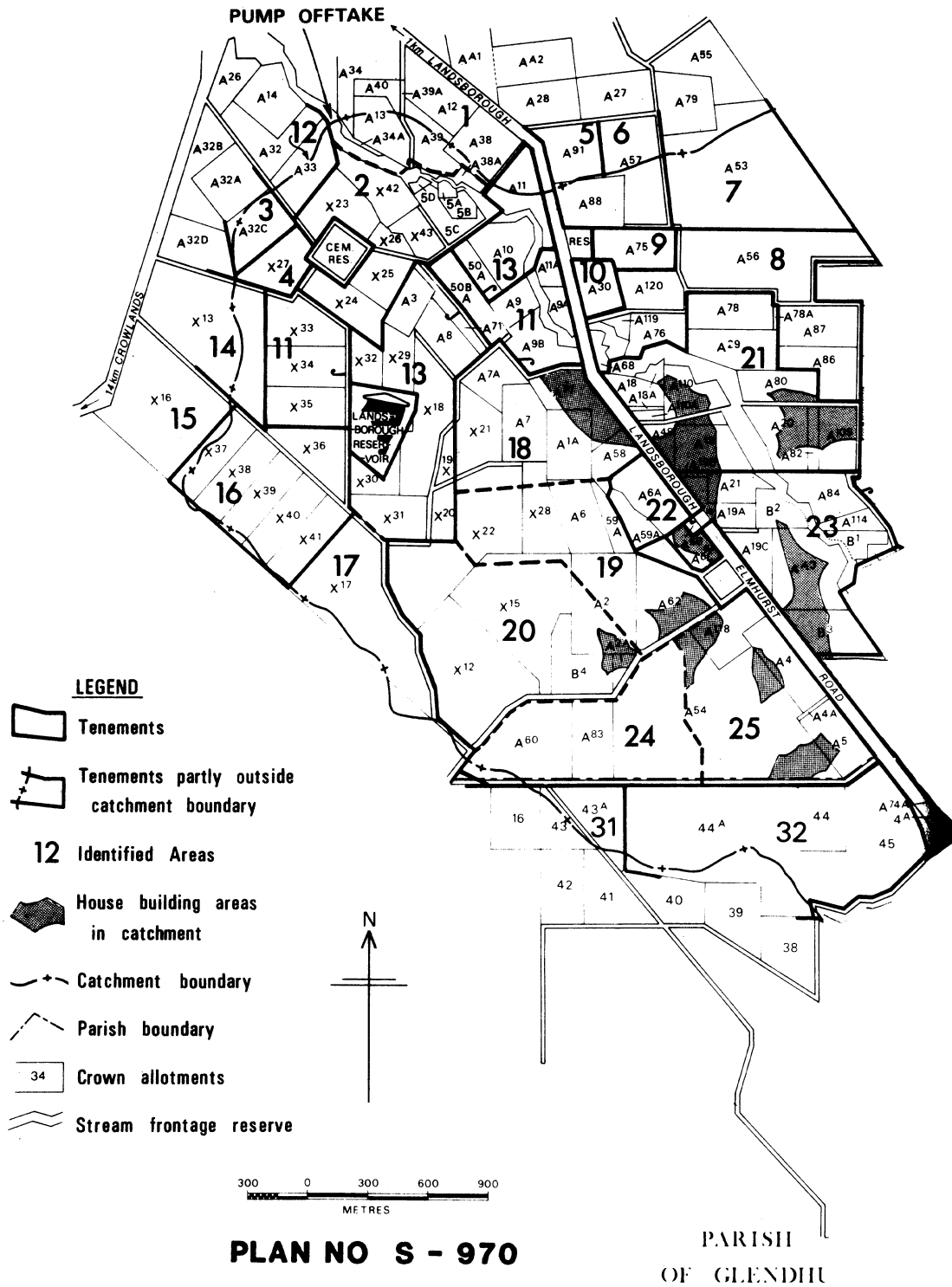
For Identified Areas which are in contiguous ownership with land outside the catchment the House Building Area criteria would be as follows:

- no house is to be built within the catchment.

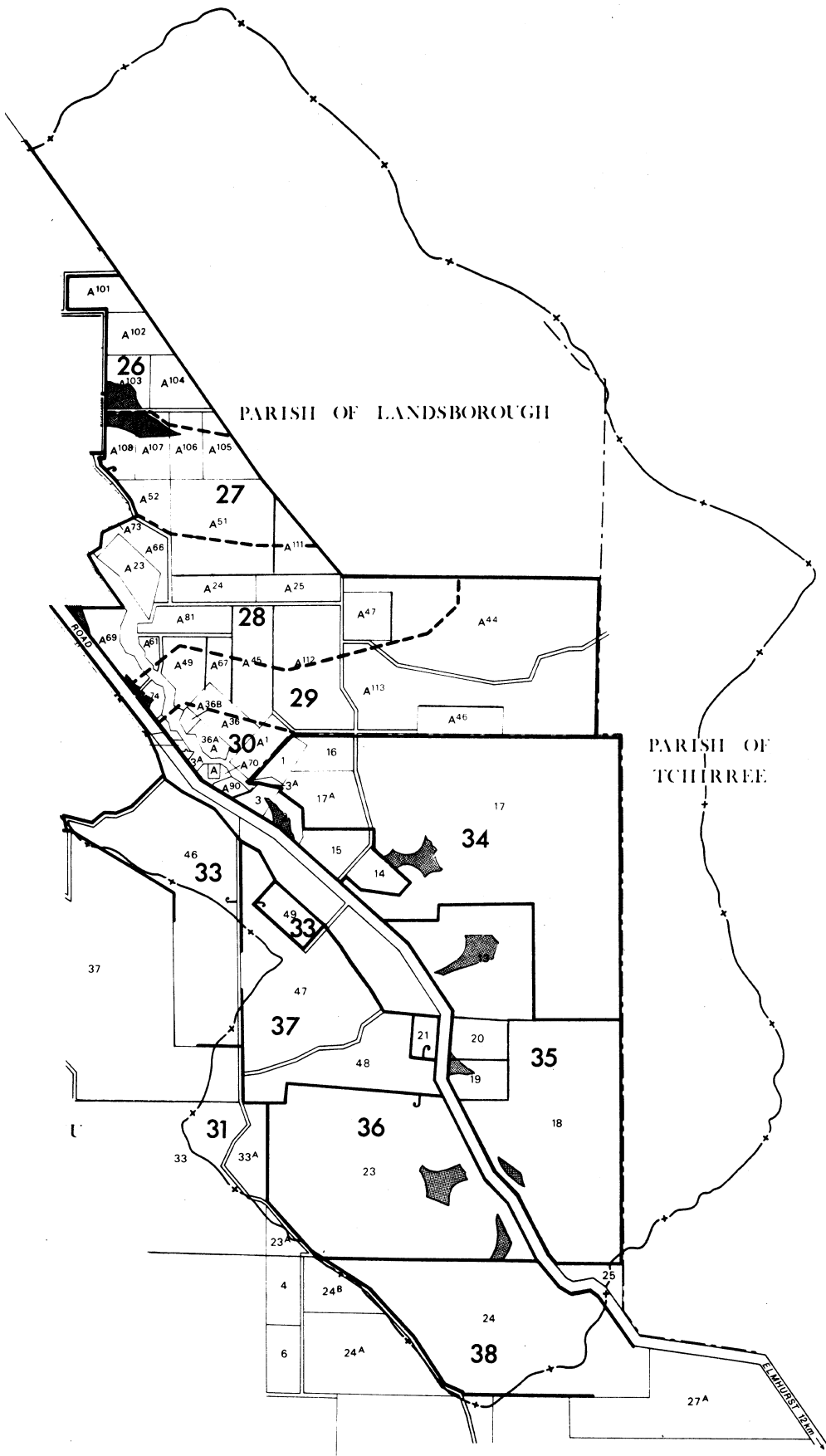
In addition, all house sites must be easily accessible, preferably with only a short length of access track from an existing sealed road, and without crossing drainage lines where possible.



**FIGURE 4 - RESIDENTIAL DEVELOPMENT AREAS PLAN**



LANDSBOROUGH (MALAKOFF CREEK)  
WATER SUPPLY CATCHMENT



## **APPENDIX III**

### ***MALAKOFF CREEK CATCHMENT DEVELOPMENT POLICY***

#### **1. Objectives**

The objectives of this policy are:

- (a) to limit, in a fair way, the number of houses to be constructed in the Malakoff Creek Catchment, which provides domestic water supply for Landsborough and Navarre;
- (b) to retain the present land uses of extensive grazing and broad rotation cropping on suitable land;
- (c) to encourage planting of trees, particularly on steep land.

#### **2. Houses**

- 2.1 Only one house (including a house existing or under construction on 9 July 1980) will be permitted on each of the areas marked on Plan No. S-970 (Figure 4) with a heavy outline, and identified with the large numbers, 1-38 inclusive.
- 2.2 The only exception to point 2.1 is where two or more of the areas identified on the plan are owned by the same person. In this case more than one house may be permitted in one Identified Area, but the number of houses permitted on all land owned by that person will not be allowed to exceed the number of Areas, as shown on the plan. (For example: if one person owns the land made up of Areas 18, 19, 20, 24 and 25, a maximum of five houses may be built on that land, although two of these may be constructed on, say, area 25).
- 2.3 If an application is made for construction of a house on an Area which is partly outside the catchment, a permit will not be granted for construction of the house on that part of the Area within the catchment, unless the part of the Area outside the catchment is not suitable for construction of a house.
- 2.4 A house must be serviced by an 'all wastes' liquid waste septic tank and disposal system to the satisfaction of the Shire Engineer.
- 2.5 A house and the associated waste disposal system must be located in a House Building Area shown shaded on the plan. When considering an application for construction of a house, the Council will consider whether or not the house is in accordance with the Design and Siting Guidelines published by the Ministry for Planning and Environment. Copies of these may be obtained from the Shire Office or from the offices of the Town and Country Planning Board in Bendigo or Melbourne.
- 2.6 A permit will be granted for the replacement of an existing house if:
  - (a) the applicant agrees to demolish the existing house when the new house is ready for occupation, by an agreement with the council,and
  - (b) the new house is located and constructed in accordance with this policy.

### **3. Subdivision**

3.1 The Council will not grant a planning permit for any subdivision, unless:

- (a) a house could be constructed on each allotment in the subdivision, in accordance with Part 2 of this policy, and
- (b) each allotment is easily accessible from roads which are already sealed or already regularly maintained by the Council.

3.2 In considering any application for subdivision, the Council will consider whether or not the design and layout of the subdivision is in accordance with the guidelines of the Soil Conservation Authority (SCA). Copies of these guidelines may be obtained from the Shire Office or from the Ararat or Melbourne Offices of the SCA.

### **4. Trees and bushland**

4.1 Applications for or including clearing of trees or bushland will not be favourably considered by the Council, except in special circumstances.

4.2 Applications for use, development or subdivision of land or for any other activity will be more favourably considered by the Council if the proposal includes an undertaking to plant trees or regenerate bushland in the catchment. In particular, proposals including the reforestation of land identified as 'Steeply sloping' (category 3) on the Land Use Determination (LUD) plan, will be viewed most favourably.

### **5. Roads**

5.1 Generally, the Council will not construct any roads which were not constructed on 9 July 1980.

## APPENDIX IV

Relevant clauses from the Shire of Avoca (Malakoff Catchment) Interim Development Order 1981.

### 6. Effect of Order

- 6.1 Land shall not be used, developed or subdivided except in accordance with this order and any other matter or thing to which the provisions of the Order relate shall not be done or carried out except in accordance with this Order.
- 6.2 Land shall not be subdivided except in accordance with a permit granted by the Responsible Authority.

### 8. Matters to be taken into account

- 8.1 In considering any application for a permit under this Order, the Responsible Authority shall take into account:

The Policy adopted on 19 November 1980 by the Shire of Avoca for the management of the Malakoff Creek Catchment (see Appendix III);

and

- 8.2 The provisions embodied in any Land Use Determination made under the *Soil Conservation and Land Utilisation Act 1958* as amended.

### 9. Classification of uses and developments

Subject to this order, land:

- 9.1 may be used or developed for any of the purposes specified in Column 1 of the Table to this Clause;
- 9.2 may in accordance with a permit granted by the Responsible Authority, be used or developed for any of the purposes specified in Column 2 of the Table to this Clause;
- and
- 9.3 shall not be used or developed for any of the purposes specified in Column 3 of the Table to this Clause.

#### TABLE

COLUMN 1	COLUMN 2	COLUMN 3
Purposes for which land may be used or developed	Purposes for which land may, in accordance with a permit, be used	Purposes for which land may not be used or developed
Farming Home Occupation Works ancillary to the above	Any purpose not specified or included in Column 1 or 3	Cattle Feedlot Piggery Poultry Farm

## **10. Provisions relating to certain uses, developments, etc.**

### 10.2 Dams

Notwithstanding anything in the Order, within the special control area shown delineated on the map:

- (a) A dam shall not be constructed except in accordance with a permit granted by the Responsible Authority;
- (b) A dam having a capacity greater than 1.15 Megalitres (ML) (1500 cu yd) shall not be constructed.

## **11 Area of natural beauty and special significance**

11.1 The whole of the area to which this Order applies is specified as being an area of natural beauty or interest or of importance and an area of special significance.

11.2 Notwithstanding any other provisions of this order:

- (a) the removal, lopping, injuring or wilful destruction of natural vegetation is prohibited, except as provided in paragraph (b), or in accordance with a permit granted by the Responsible Authority.
- (c) a permit is not required for the pruning of any tree for the purpose of its regeneration or ornamental shaping;
- (c) in determining whether or not to grant a permit pursuant to 11.2 (a), the Responsible Authority may consent to the lopping, destruction or removal of trees following an order being given under the *Forests Act 1958*, the *Country Fire Authority Act, 1958*, the *Soil Conservation and Land Utilization Act 1958*, the *Local Government Act 1958*, the *Water Act 1958* and *State Electricity Emission Act 1958* (as amended).

## **12. Exemption for public authorities and municipalities**

Nothing in this Interim Development Order shall be construed as regulating, restricting, restraining or prohibiting normal activities of various servicing authorities, or management of protected forest.