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[1969]

TOWN AND COUNTRY PLANNING ACT 1961.

*At the Executive Council Chamber, Melbourne, the
fifteenth day of December, 1969.*

PRESENT:

His Excellency the Governor of Victoria.
Mr. Porter | Mr. Hamer.

SHIRE OF FLINDERS PLANNING SCHEME 1962.— DECLARATION OF A SCENIC AREA.

WHEREAS the Council of the Shire of Flinders on the 7th February, 1962 adopted and submitted for approval pursuant to the provisions of the *Town and Country Planning Act 1961*, a Planning Scheme entitled the Shire of Flinders Planning Scheme 1962:

And whereas the Shire of Flinders Planning Scheme 1962 was approved by the Governor in Council on the 5th May, 1965 and notice of the approval of the scheme was published in the *Government Gazette* No. 33 of the 12th May, 1965:

And whereas pursuant to sub-section (1B) of section 42 of the *Town and Country Planning Act 1961* a recommendation has been made by the Town and Country Planning Board that an area which is within the area of the Shire of Flinders Planning Scheme 1962 and is described in the Schedule to this Order is an area which because of the natural conditions pertaining thereto should be preserved in the interests of the people of Victoria:

And whereas in the said area land is being used for the purpose of an extractive industry:

Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof and after consideration of the said recommendation by the said Board, being of the opinion that the natural conditions in the area are of such unusual interest and beauty that the area should be preserved in the interests of the people of Victoria, doth by this Order declare the whole of the area so recommended to be a scenic area:—

SCHEDULE.

The whole of the land described in Appendix "A" hereunder.

Appendix "A".

SCENIC AREA.

Commencing at a point being the north-western angle of Crown allotment 1, section D, Township of Dromana, Parish of Kangerong, County of Mornington; thence southerly by the western boundary of the said Crown allotment and further southerly by the western boundary of Crown allotment 2, section D, to the south-

western angle of lot 2 on Titles Office lodged plan No. 42408; thence easterly by the southern boundary of the said lot 2 and further easterly by the southern boundaries of lots 31, 30, 29, 28, 27, 26, 25 and 24 on Titles Office lodged plan No. 42231 to the western boundary of Tower Hill-road; thence southerly by the last-mentioned road boundary to the south-eastern angle of Crown allotment 3, section D, Township of Dromana; thence easterly by a straight line to the south-western angle of Crown allotment 3, section E; thence further easterly by the southern boundary of the said Crown allotment 3, section E, and a line in continuation thereof to the eastern boundary of Caldwell-road; thence northerly by the last-mentioned road boundary to the south-western angle of lot 33 on Titles Office lodged plan No. 54188; thence easterly by the southern boundaries of the last-mentioned lot and lots 34, 35, 36, 37 and 38 to the south-eastern angle of the last-mentioned lot; thence northerly by the eastern boundary of the said lot 38 to the southern boundary of Cutts-avenue; thence easterly by the southern boundary of Cutts-avenue to the eastern boundary of the said avenue; and thence northerly by that said eastern boundary to the south-western angle of lot 95 on Titles Office lodged plan No. 72118; thence easterly by the southern boundary of the last-mentioned lot and a line in continuation thereof to the south-western angle of lot 96; thence further easterly by the southern boundary of the last-mentioned lot to the south-eastern angle thereof; thence northerly by the eastern boundaries of the said lot 96 and lots 97, 98, 99 and 100 to the north-eastern angle of the last-mentioned lot; thence easterly by the southern boundaries of lots 103, 104 and 105 and a line in continuation thereof to the south-western angle of lot 106; thence further easterly by the southern boundary of the last-mentioned lot to the south-eastern angle thereof, and further easterly by the southern boundary of Recreation Reserve on Titles Office lodged plan No. 67559 to the south-western angle of lot 27 on Titles Office lodged plan No. 53554; thence further easterly by the southern boundaries of the last-mentioned lot and lots 26, 25, 24 and 23 and a line in continuation thereof to the eastern boundary of Crown allotment 5, section 3, Parish of Kangerong; thence northerly by the last-mentioned Crown allotment boundary to the southern boundary of Boundary-road; thence easterly by the last-mentioned road boundary to the north-western angle of Crown allotment 4, section 3; thence southerly by the western boundary of the last-mentioned Crown allotment to the north-western angle of lot 23 on Titles Office lodged plan No. 30379; thence easterly by the northern boundary of the last-mentioned lot, to the north-eastern angle thereof; thence southerly and south-easterly by the eastern boundary of the last-mentioned lot to the south-eastern angle thereof; thence easterly by the southern boundary of lot 30 on Titles Office lodged plan No. 51499 to the south-eastern angle of the last-mentioned lot; thence northerly by the eastern boundary of the said lot 30

and a line in continuation thereof to the south-eastern angle of lot 29; thence further northerly by the eastern boundaries of the last-mentioned lot and lots 28, 27, 26 and 25 to the north-eastern angle of the last-mentioned lot; thence easterly by a straight line to the southernmost angle of lot 15 on Titles Office lodged plan No. 51978; thence further easterly by a straight line to the north-western angle of lot 27 on the last-mentioned lodged plan; thence southerly by the western boundaries of the last-mentioned lot and lots 28, 29, 30, 31, 32, 33, 34, 35 and 36 to the south-western angle of the last-mentioned lot; thence easterly by the southern boundary of the said lot 36 and a line in continuation thereof to the western boundary of Toolern-avenue on Titles Office lodged plan No. 13270; thence southerly and south-westerly by the last-mentioned road boundary to the southern end of that boundary; and thence southerly by a straight line to the southern boundary of Jamieson-street; thence easterly by the last-mentioned road boundary to the western boundary of Crown allotment 3B, section 3, Parish of Kangerong; thence northerly by the last-mentioned Crown allotment boundary and further northerly by the western boundary of Crown allotment 3A, section 3, to the south-western angle of lot 17 on Titles Office lodged plan No. 75588; thence easterly by the southern boundaries of the last-mentioned lot and lots 16 and 15 to the south-eastern angle of the last-mentioned lot; thence north-westerly by the eastern boundary of the said lot 15 and a line in continuation thereof to the south-eastern angle of lot 14; thence further north-westerly by the eastern boundaries of the last-mentioned lot and lot 6 and a line in continuation thereof to the south-eastern angle of lot 5; thence northerly by the eastern boundaries of the last-mentioned lot and lot 1 and a line in continuation thereof to the northern boundary of Boundary-road; thence easterly by the last-mentioned road boundary to the south-eastern angle of Crown allotment 9, section 1, Parish of Kangerong; thence further easterly by a straight line to the south-western angle of Crown allotment 4, section 2, Parish of Kangerong; thence further easterly by the southern boundaries of the last-mentioned Crown allotment and Crown allotments 3, 2 and 1 to the south-eastern angle of the last-mentioned Crown allotment; thence northerly by a straight line to the southernmost angle of Crown allotment 28c; thence northerly and north-easterly by the eastern boundary of the last-mentioned Crown allotment to the south-eastern angle of lot 11 on Titles Office lodged plan No. 23596; thence further north-easterly by the eastern boundary of the last-mentioned lot to the easternmost angle thereof; thence north-easterly and northerly by the eastern boundary of lot 10 to the easternmost angle thereof; thence easterly by a straight line to the north-western angle of the Water Supply Reserve; thence easterly by the northern boundary of the said Water Supply Reserve to the north-eastern angle thereof; thence easterly by a straight line to the north-western angle of Crown allotment 20d; thence southerly by the western boundary of the last-mentioned Crown allotment to the northern boundary of Crown allotment 20c; thence easterly by the northern boundary of the last-mentioned Crown allotment to the north-eastern angle thereof; thence southerly by the eastern boundary of the said Crown allotment for a distance of 1,186 links; thence southerly by a straight line to the north-western angle of Crown allotment 20a; thence further southerly by the western boundary of the last-mentioned Crown allotment and a line in continuation thereof to the southern boundary of McIlroy's-road; thence westerly by the last-mentioned road boundary to the north-western angle of Crown allotment 17A; thence southerly by the western boundary of the last-mentioned Crown allotment to the south-western angle thereof; thence westerly by the northern boundary of Crown allotment 12A to the north-western angle thereof; thence south-westerly by a straight line to the northernmost angle of Crown allotment 11A; thence south-westerly by the northern boundary of the last-mentioned Crown allotment to the north-western angle thereof; thence southerly by the western boundaries of the said Crown allotment 11A and Crown allotment 11B and a straight line in continuation thereof to the southern boundary of the Parish of Kangerong; thence generally westerly by the said parish boundary to the north-western angle of Crown allotment 25c, Parish of Wannaeue; thence generally southerly by the western boundary of the last-mentioned Crown allotment to the southern end of that boundary; and thence southerly by a straight line to the westernmost angle of Crown allotment 24d, Parish of Wannaeue; thence further southerly by the western boundary of the last-mentioned Crown allotment to the south-western angle thereof; thence further southerly by a straight line to the north-western angle of Crown allotment 24; thence further southerly by the western boundary of the last-mentioned Crown allotment to a point being the intersection of the said boundary and a line being the prolongation easterly of the northern boundary of Crown allotment 28f; thence westerly by the said

prolongation to the north-eastern angle of the last-mentioned Crown allotment; thence westerly by the northern boundaries of the said Crown allotment 28f and Crown allotment 28b to the north-western angle of the last-mentioned Crown allotment; thence southerly by the western boundary of the said Crown allotment 28b, being the eastern boundary of Waterfall Gully-road to the north-eastern angle of Crown allotment 28k; thence generally westerly by the southern boundary of the said road to a point being the intersection of the last-mentioned road boundary and a line being the prolongation southerly of the eastern boundary of lot 20 on Titles Office lodged plan No. 54344; thence northerly by the said prolongation to the south-eastern angle of lot 20; thence further northerly by the eastern boundary of the last-mentioned lot to the north-eastern angle thereof; thence westerly by the northern boundaries of the said lot 20 and lots 19, 18, 17, 16, 15, 14, 13 and 12 and a line in continuation thereof to the north-eastern angle of lot 11; thence further westerly by the northern boundaries of the last-mentioned lot and lots 10, 9, 8, 7 and 6 and a line in continuation thereof to the north-eastern angle of lot 5; thence further westerly by the northern boundaries of the last-mentioned lot and lots 4, 3, 2 and 1 to the north-western angle of the last-mentioned lot; thence southerly by the western boundary of the said lot 1 and a line in continuation thereof to the northern boundary of Waterfall Gully-road; thence westerly by the last-mentioned road boundary to the south-western angle of Crown allotment 31f, Parish of Wannaeue; thence northerly by the western boundaries of the last-mentioned Crown allotment and Crown allotment 31e to the southern boundary of Elizabeth-drive on Titles Office lodged plan No. 50907; thence easterly by the last-mentioned road boundary to the north-western angle of lot 1 on the said lodged plan No. 50907; thence southerly by the western boundaries of the last-mentioned lot and lots 2, 3, 4, 5, 6 and 7 to the southernmost angle of the last-mentioned lot; thence south-westerly by the north-western boundary of lot 8 to the westernmost angle thereof; thence south-easterly by the south-western boundaries of the said lot 8 and lots 9, 10 and 11 to the southernmost angle of the last-mentioned lot; thence north-easterly by the south-eastern boundary of the said lot 11 to the westernmost angle of lot 12; thence south-easterly by the south-western boundaries of the last-mentioned lot and lot 13 to the southernmost angle of the last-mentioned lot; thence south-easterly by a straight line to the westernmost angle of lot 114; thence southerly by the western boundary of the last-mentioned lot to the southernmost angle thereof; thence easterly by the southern boundaries of the said lot 114 and lot 115 to the westernmost angle of lot 116; thence easterly by the southern boundaries of the last-mentioned lot and lots 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127 to the southernmost angle of the last-mentioned lot; thence easterly by the southern boundaries of the said lot 127 and lots 128 and 129 to the south-eastern angle of the last-mentioned lot; thence northerly by the eastern boundary of the said lot 129 and a line in continuation thereof to the south-eastern angle of lot 112; thence further northerly by the eastern boundaries of the last-mentioned lot and lot 95 and a line in continuation thereof to the south-eastern angle of lot 94; thence further northerly by the eastern boundaries of the last-mentioned lot and lots 92 and 91 to the south-western angle of lot 1 on Titles Office lodged plan No. 64227; thence easterly and north-easterly by the southern and south-eastern boundaries of the last-mentioned lot to the easternmost angle thereof; thence northerly by the eastern boundaries of the said lot 1 and lot 4 to the north-eastern angle of the last-mentioned lot; thence westerly by the northern boundary of the said lot 4 to the point of intersection of the last-mentioned boundary with the southerly prolongation of the eastern boundary of St. Andrew's-avenue on Titles Office lodged plan No. 55913; thence northerly by the said prolongation to a point being the intersection of the said prolongation and the prolongation westerly of the southern boundary of lot 17 on lodged plan No. 55913; thence easterly by the said prolongation of the said southern boundary and further easterly by the southern boundary of the said lot 17 to the south-eastern angle thereof; thence northerly by the eastern boundaries of the said lot 17 and lots 16, 15, 14, 13, 12, 11, 10, 9 and 8 to the south-eastern angle of lot 18 on Titles Office lodged plan No. 74533; thence further northerly by the eastern boundaries of the last-mentioned lot and lots 19, 20, 21, 22, 23, 24, 25 and a line in continuation thereof to the south-eastern angle of lot 26; thence further northerly by the eastern boundaries of the last-mentioned lot and lots 27, 28, 29 and 30 to the south-western angle of lot 34; thence easterly by the southern boundaries of the last-mentioned lot and lots 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 to the south-eastern angle of the last-mentioned lot; thence northerly by the eastern boundary of the said lot 46 to the southern boundary of Eastbourne-road; thence

easterly by the last-mentioned road boundary to a point being the intersection of the said road boundary and the prolongation southerly of the eastern boundary of Crown allotment 32E, Parish of Wannaeue, being a Public Park and Recreation Reserve Rs.3569; thence northerly by the said prolongation and the last-mentioned Crown allotment boundary to the north-eastern angle of the said Crown allotment 32E; thence westerly by a straight line to the south-eastern angle of lot 397 on Titles Office lodged plan No. 40098; thence northerly by the eastern boundary of the last-mentioned lot and a line in continuation thereof to the south-eastern angle of lot 398; thence further northerly by the eastern boundaries of the last-mentioned lot and lot 414 and a line in continuation thereof to the south-eastern angle of lot 415; thence further northerly by the eastern boundaries of the last-mentioned lot and lots 416, 417, 418, 419 and 420 and a line in continuation thereof to the southern boundary of lot 145 on Titles Office lodged plan No. 21010; thence easterly by the southern boundaries of the last-mentioned lot and lots 144, 143 and 149 and a line in continuation thereof to the south-western angle of lot 150; thence further easterly by the southern boundaries of the last-mentioned lot and lot 151 and a line in continuation thereof to the south-western angle of lot 353 on Titles Office lodged plan No. 21012; thence further easterly by the southern boundary of the last-mentioned lot to the south-eastern angle thereof; thence northerly by the eastern boundaries of the said lot 353 and lots 352, 351 and 350 to the south-eastern angle of lot 9 on Titles Office lodged plan No. 58216; thence further northerly by the eastern boundaries of the last-mentioned lot and lot 5 to the southernmost angle of lot 343 on Titles Office lodged plan No. 21012; thence further northerly by the eastern boundary of the last-mentioned lot to the easternmost angle thereof; thence north-easterly by a straight line to the southernmost angle of lot 340; thence northerly by the eastern boundary of the last-mentioned lot to the easternmost angle of the said lot being the southern boundary of a road on Titles Office lodged plan No. 21011; thence north-easterly, north-westerly, northerly and north-westerly by the last-mentioned road boundary to the southernmost angle of lot 190 on lodged plan No. 21011; thence north-easterly by the south-eastern boundary of the last-mentioned lot to the easternmost angle thereof; thence northerly by the eastern boundaries of the said lot 190 and lots 189, 188, 187, 186, 185 and 184 to a point being the intersection of the last-mentioned lot boundary and a line being the prolongation north-westerly of the southern boundary of Arthurs-avenue on Titles Office lodged plan No. 57637; thence south-easterly by the said prolongation and generally south-easterly and north-easterly by the last-mentioned road boundary to the southernmost angle of lot 74; thence easterly by the southern boundaries of the last-mentioned lot and lot 70 and a line in continuation thereof to the western boundary of Arthurs Seat Public Park Rs.1496, Township of Dromana, Parish of Kangerong; thence northerly by the last-mentioned boundary to the southern boundary of Palmerston-avenue; thence generally north-easterly by the last-mentioned road boundary to the point of commencement.

And the Honorable Rupert James Hamer, Her Majesty's Minister for Local Government for the State of Victoria shall give the necessary directions herein accordingly.

J. ROSSITER,
Clerk of the Executive Council.

TOWN AND COUNTRY PLANNING ACT 1961.

At the Executive Council Chamber, Melbourne, the
fifteenth day of December, 1969.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Porter

Mr. Hamer.

REVOCATION IN PART OF THE SHIRE OF FLINDERS PLANNING SCHEME 1962—REVOCATION No. 2, 1969.

WHEREAS it is provided under the *Town and Country Planning Act 1961* that the Governor in Council, upon application of the Town and Country Planning Board or the responsible authority or of any other person or body of persons appearing to him to be interested, may revoke the whole or any part of any planning scheme if he thinks that, under the special circumstances of the case it should be so revoked:

And whereas it is provided under the *Town and Country Planning Act 1961*, that the Governor in Council may by the notice of revocation thereof prohibit the use or development of any land to which the revoked scheme or part related except with the consent of the responsible authority which prepared the scheme until such time as a further interim development order is made and any such prohibition shall be deemed to be an interim development order:

Now therefore, His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council acting upon the application of Mr. David Dorey Browne being the Vice-President of the Peninsula Conservation League and having determined that under the special circumstances of the case the under-mentioned part of the Shire of Flinders Planning Scheme 1962 should be revoked hereby revokes that part of the said Planning Scheme comprised within the scenic area within the municipal district of The President Councillors and Ratepayers of the Shire of Flinders this day declared by His Excellency the Governor in Council to be a scenic area under the *Town and Country Planning Act 1961*, s. 42 (1b).

His Excellency the Governor in Council hereby prohibits the use or development of any land to which that part of the Shire of Flinders Planning Scheme hereby revoked related except with the consent of the responsible authority until such time as notice of approval of a further planning scheme affecting that land is published in the *Government Gazette* and hereby prevents the use of any part of that land in the said scenic area that is not being actually and directly used for or in connexion with an extractive industry from being used after the coming into operation of this prohibition for or in connexion with an extractive industry notwithstanding that other parts of that land contiguous to or in the same ownership or occupation were being lawfully so used before that time.

And the Honorable Rupert James Hamer, Her Majesty's Minister for Local Government for the State of Victoria shall give the necessary directions herein accordingly.

J. ROSSITER,
Clerk of the Executive Council.

