

# South Gippsland Planning Scheme Review 2023



Developed in collaboration with  
Redink Planning



Planning and Environment Act 1987  
Planning scheme review pursuant to Section 12B of the Act  
South Gippsland Planning Scheme

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# Contents

<b>Contents</b>	<b>3</b>
<b>Executive summary</b>	<b>5</b>
1.1. Why is the planning scheme being reviewed?	5
1.2. Health check and findings	5
1.3. Top priorities for Council	5
1.4. Consolidated recommendations	6
<b>2. Introduction</b>	<b>12</b>
2.1. Purpose	12
2.2. Methodology	12
<b>3. What's driving change</b>	<b>14</b>
3.1. Population, growth and economy	14
3.2. Climate change and other environmental risks	14
3.3. State government amendments and advice	14
<b>4. Previous review</b>	<b>16</b>
4.1. Previous planning scheme review	16
4.2. Progress since last review	16
4.3. Outstanding work since last review	16
4.4. Findings	16
<b>5. Audit and assessment of current scheme</b>	<b>17</b>
5.1. Methodology	17
5.2. MPS findings	17
5.3. PPF	18
5.4. Zones	20
5.5. Overlays	21
5.6. Particular provisions	26
5.7. General provisions	27
5.8. Operational provisions	27
5.9. Conclusion	28
<b>6. Planning scheme performance</b>	<b>30</b>
6.1. Planning permit activity	30
6.2. Planning Panel Victoria	33
6.3. VCAT	35
<b>7. Stakeholder engagement</b>	<b>40</b>
7.1. Council officer survey	40
7.2. Planners' workshop and consultation	40
7.3. Internal staff	41
7.4. Councillors and executive team	41
	3

7.5. Referral agencies	41
7.6. Registered Aboriginal Parties	44
7.7. Summary of issues raised through engagement	44
<b>8. Community consultation outcomes</b>	<b>46</b>
8.1. Who did we hear from?	46
8.2. What we heard:	46
<b>9. New strategic work</b>	<b>49</b>
9.1. Council strategies and documents	49
9.2. Regional projects and documents	52
<b>10. Work underway</b>	<b>54</b>
10.1. Concurrent planning scheme amendments	54
10.2. Strategic planning projects	54
<b>11. Key issues</b>	<b>55</b>
11.1. Planning for the Shire's coastal settlements	55
11.2. Planning for urban character	57
11.3. Planning for the Shire's rural hinterland	58
11.4. Land-side planning for offshore renewables	59
11.5. The future role and function of Nyora	61
11.6. The identification and protection of the Shire's heritage assets	62
11.7. Translation of the rural policy through the PPF translation	63
11.8. Drafting of overlays	64
11.9. Other matters raised through engagement	67
<b>12. Further strategic work</b>	<b>76</b>
<b>Appendix One</b>	<b>78</b>
Engagement outcomes	78
<b>Appendix Two</b>	<b>97</b>
Marked up ordinance with recommendation changes	97
<b>Appendix Three</b>	<b>399</b>
Clause 14 Rural policies: Analysis and track changes	399
<b>Appendix Four</b>	<b>403</b>
Referral authority responses seeking change	403
<b>Appendix Five</b>	<b>425</b>
Environmental Audit Overlay - Council Resolution	425
<b>Appendix Six</b>	<b>432</b>
Consolidated list of further strategic work	432
<b>Appendix Seven</b>	<b>436</b>
Community consultation outcomes and responses from officers	436

## Executive summary

### 1.1. Why is the planning scheme being reviewed?

Council as the planning authority for the South Gippsland planning scheme is required to review its planning scheme every four years under Section 12(B) of the Planning and Environment Act 1987.

Council last undertook a comprehensive review of the planning scheme in 2018. The findings of this review were received by the Minister for Planning; however, a planning scheme amendment was not prepared to implement the recommendations of the review.

Recently the planning scheme was restructured to insert a new Municipal Planning Strategy and local Planning Policies to replace the former Local Policy Planning Framework. This was done via amendment C127sgip and was a policy neutral amendment undertaken by the State government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as Appendix 1 to this report.

### 1.2. Health check and findings

South Gippsland Shire's planning scheme is mature and the organisation is well aware of the significant challenges that face the municipality as the impacts of climate change become more pronounced, and the population continues to grow sharply as a result of regional migration that has occurred since COVID-19.

This growth has perhaps been a bit unexpected and one of the key findings of this review is that the resourcing of the statutory planning function should be reviewed considering the findings that permit applications have increased significantly (by 30%) and processing times have dramatically increased.

### 1.3. Top priorities for Council

The three most significant planning challenges facing the municipality relate to coastal planning, rural planning and managing the growth of Nyora as it transitions to a higher order township.

There is a lot of work to do relating to coastal planning. Many of the planning controls in place across coastal areas, particularly the Environment Significance Overlays and the Design and Development Overlays, are not specific enough. They do not clearly articulate the preferred outcomes for each area and they do not provide enough guidance for applicants and decision makers.

The Shire's rural policy requires further work to recognise and protect the landscape and visual amenity of the rural hinterland, while providing adequate guidance for decision makers in relation to conflicting planning considerations.

Nyora has and is experiencing significant demand for growth. At present there is inadequate policy direction and associated controls to recognise opportunities for influencing land use development outcomes. The future role and function of Nyora in the overall settlement hierarchy is not defined and further work is required to plan for its future growth and development.

## 1.4. Consolidated recommendations

This section of the report outlines the recommendations and next steps for this planning scheme review. Recommendations are grouped as follows:

- Planning scheme recommendations (Recommendation 1)
- Further strategic work recommendations (Recommendations 2 – 20)
- Process improvement recommendations (Recommendations 21 – 22)
- Advocacy recommendations (Recommendations 23– 26)
- Minister for Planning recommendation (Recommendations 27 – 28)

### 1.4.1. Planning scheme amendment

These recommendations relate to the planning scheme amendment that should be progressed to implement the findings of this review relating to administrative matters or to incorporated Council or State adopted strategic planning work into the scheme.

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the Ministerial Direction on the Form and Content of Planning Schemes. These are purely administrative matters and do not change the policy intent of the scheme.

There are several factual changes that should be made to the Municipal Planning Strategy to bring it up to date with the most recent ABS and economic data, and the Council Plan.

Opportunity has been taken to make several other changes to the planning scheme to reflect Council practice including refining DDO3, DDO4, DDO5 and DDO6 to better comply with the Ministerial Direction on the Form and Content as well as reflect the intent of the controls.

Rural policy and strategic framework plans moved and deleted in the PPF translation is recommended for reintroduction into the ordinance.

The planning permit audit and consultation with referral authorities and Council staff identified some permit triggers to be removed as generating unnecessary permit applications that related to matters that Council is not concerned about from a planning perspective. Removal of these permit triggers should reduce the number of planning permits dealt with by Council. This represents a reduction in workload which will enable resources to be directed to other planning priorities.

An audit of local and regional strategies and policies that have been completed since the last planning scheme review has inserted new policy, as relevant. The working documents that were used to do the analysis have been provided to Council.

These changes are marked up on the supporting Ordinance (See Appendix Two).

Within the Ordinance, the reason for each change is included in orange text in brackets like this: [\[source code\]](#). This reason will take the reader back to the correct page of the parent document or the correct provision in the planning scheme as appropriate and enable changes to be understood in their original context. If the words **NEW** is at the start of the source code, it means that this is new, strategically justified policy to be included in the scheme and will require a full amendment.

#### **Recommendation:**

It is recommended that Council:

1. **Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix Two to:**

- a) Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review in Chapter 5.
- b) Include changes requested by referral agencies as part of the planning scheme review engagement.
- c) Include policy in the planning scheme to implement the:
  - Council Plan 2022 – 2026.
  - South Gippsland Community Vision 2040.
  - South Gippsland Economic Development Strategy 2021 – 2031.
  - South Gippsland Environmental Sustainability Framework 2021.
  - South Gippsland Social and Affordable Housing Strategy 2022.
  - South Gippsland Visitor Economy Strategy 2021 – 2031.
  - Gippsland Regional Plan 2020 – 2025.
- d) Reinstate policies that were lost through the PPF translation process for rural planning, localities and strategic framework plans
- e) Update planning provisions to rectify strategically justified anomalies identified by Council.
- f) Change the designation of Nyora from ‘Small town’ to ‘Emerging district centre’ and update the description of Nyora’s future role at Clause 02.03-1 (Settlement).
- g) Include policy at Clause 13.02-1L (Bushfire Planning) to improve the safety of development.
- h) Delete the words ‘non-residential zones’ from the heading of ESO3, as the control relates to both residential and non-residential areas.
- i) Reduce the design objectives for DDO 3 Sandy Point, DDO 4 Waratah Bay, DDO 5 Venus Bay, DDO6 Tarwin Lower and relocate buildings and work requirements.
- j) Remove the subdivision permit trigger from DDO8 – DDO11 as it is not necessary to consider subdivision under the control.
- k) Move referral requirements to Clause 66.04s rather than being distributed through the ordinance.
- l) Include an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of this review.

#### **1.4.2. Further strategic work**

Appendix Three of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at Appendix Two. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

#### **Recommendations:**

It is recommended that Council prioritise the following strategic planning work over the next four years:

- 2. Apply planning controls that address land use risk and climate change in coastal areas, including townships, as part of the Coastal Strategy. This may result in an update to the Housing and Settlement Strategy.**
- 3. Review controls on residentially zoned land and, where necessary, undertake character assessments to inform new planning controls to manage development, considering the full suite of residential zones. This should include:**
  - a) Guidance about development on laneways, particularly in Korumburra and Leongatha relating to infill subdivision and development proposals.**
  - b) Review of the existing ESOs and DDOs to ensure they are achieving what is expected from them, are applied at the right scale, have the correct permit triggers in them and sufficient detail to better aid applicant and decision makers.**
  - c) Clearer urban design guidance to assist with balancing the tension between competing objectives and outcomes for the siting and design of buildings and works.**
- 4. Prepare a Rural Landscapes Assessment and review the Rural Land Use Strategy 2011 to assess whether planning controls are protecting inland and rural hinterlands and transport routes from inappropriate development. This should address identification and protection of significant landscapes, preservation of agricultural land, and guidance for achieving development outcomes in keeping with scope of agricultural use. This should include:**
  - Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protection of local values with input from the community.**
  - Review ESO1 Areas of Natural Significance and prepare a detailed statement of significance and reduce the objectives to one. This may require splitting the existing ESO1 into more fine grained ESOs to address the specific issues of environmental significance or consider the benefits of translating to the SLP.**
  - Review whether the S173 Agreement requirements detailed in the South Gippsland Rural Strategy 2011 can be incorporated into the planning scheme and if not, undertake further strategic work to identify other controls to address dwelling density in rural areas.**
  - Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protect local values, with input via community consultation.**
  - Finalise and implement Council's current review of planning permit triggers in the Shires rural areas.**
- 5. Plan Nyora's growth and infrastructure to accommodate the expected growth in the area and transition it successfully to a higher order town in South Gippsland Shire. This will require a minor review of the Housing and Settlement Strategy, implementation of the Nyora Development Strategy 2016 and may include urban character and flood risk controls.**
- 6. Facilitate the development of a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the Department of Transport on key transport infrastructure issues.**
- 7. Prepare the industrial strategy land use to ensure a sufficient, appropriately located supply of industrial land, particularly considering the impacts of off shore energy generation, and the changing needs of the agricultural industry**



8. **Update the 2004 South Gippsland Heritage Study as necessary and to apply the Heritage Overlay to all heritage places and precincts of local heritage significance.**
9. **Implement the 'Flood & Drainage Study for Foster and Surrounding Catchments – July 2019' in partnership with the West Gippsland Catchment Management Authority**
10. **Convert ESO5 Areas susceptible to erosion into the Erosion Management Overlay.**

It is recommended that Council note the following strategic planning work that has been identified as part of this review:

11. **Apply the Environmental Audit Overlay to known sites of land contamination in accordance with previous Council initiative.**
12. **Convert ESO4 Sewer Treatment Plants and Environs and ESO8 Manufacture of Milk Products Amenity to the Buffer Area Overlay (BAO).**
13. **Update Clause 15.01-1L-02 (Signage) to provide clearer guidance in relation to the specific outcomes that are sought be achieved in relation to signage within the Shire, to provide clarity for the community and to help Council to refuse inappropriate proposals.**
14. **Various drafting changes to SUZ4 and SUZ7, ESO 2, ESO7 Coastal settlements and the Parking Overlay.**
15. **Develop an offset framework to enable appropriate relocation or replacement of habitat of the Giant Gippsland Earthworm resulting from planning decision and determine whether the impacts of hydrology changes on colonies and habitat should be undertaken as part of the assessment process to strengthen 42.01 ESO9 Giant Gippsland Earthworm and Habitat Protection**
16. **Notify parties that strategic justification is required to facilitate the rezoning of land for future expansion of the Mirboo North Town Centre.**

#### **1.4.3. Process improvements**

These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

The recommendations relate to improvements that could be made to the processes associated with collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to Council, the State government or referral agencies.

#### **Recommendations:**

It is recommended that Council:

17. **Review the resourcing of the statutory planning function to ensure that adequate resources and systems are available to deal with the significant increase in planning permit applications over the last four years (30% increase), and address the steadily declining performance of the Council in meeting statutory processing timeframes for planning permit applications (target reduction is from 99 days to the statutory 60 days).**
18. **Improve the documentation about the Restructure Plans available on Council's website and work with local real estate agents to support better understanding of the implications of the Restructure Overlay to prospective purchasers of land.**

- 19. Resolve a Memorandum of Understanding between South Gippsland Water and Council to enable South Gippsland Water to be removed as referral authority for unplumbed Domestic Sheds more than 30m from a waterway.**

#### **1.4.4. Advocacy**

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Planning and Environment Act 1987. They are matters that Council may wish to discuss with the State Government to highlight the issue and advocate for change.

#### **Recommendations:**

It is recommended that Council:

- 20. Consult with DELWP to identify whether the Restructure Plans can be included in Clause 2.04 Strategic Framework Plans or a new Clause 11 Settlement policy to make them more accessible to the community.**
- 21. Seek advice from DELWP about the appropriate tool to manage Special Water Catchments (ESO2).**
- 22. Undertake consultation with the relevant authorities, with a view to resolving the three Council-identified anomalies that could potentially be resolved prior to initiation of the PSR implementing Amendment. Specifically:**
- **Resolve a Memorandum of Understanding between South Gippsland Water and Council to enable South Gippsland Water to be removed as referral authority for unplumbed Domestic Sheds more than 30m from a waterway.**
  - **Transition Environmental Significance Overlays 4 Sewage Treatment Plants and Environments and ESO8 Manufacture of Milk Products Amenity Buffer to the Buffer Area Overlay.**
  - **Develop an offset framework to enable appropriate relocation or replacement of habitat of the Giant Gippsland Earthworm resulting from planning decision and determine whether the impacts of hydrology changes on colonies and habitat should be undertaken as part of the assessment process to strengthen 42.01 ESO9 Giant Gippsland Earthworm and Habitat Protection.**

#### **1.4.5. Minister for Planning**

South Gippsland Shire Council, with assistance from the Redink Planning has prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act).

In accordance with section 12B(3) of the Act this review identifies opportunities, set out in this report, enhances the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

**Recommendation:**

- 23. That South Gippsland Shire endorse this draft for community consultation prior to finalisation.**
- 24. Once finalised, that South Gippsland Shire Council accept this Planning Scheme Review and forward to the Minister for Planning as evidence South Gippsland Shire Council, as the planning authority for South Gippsland Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.**

## 2. Introduction

### 2.1. Purpose

Council as the planning authority for the South Gippsland planning scheme is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (The Act).

The scope of a planning scheme review is established under Section 12(B) and planning scheme reviews should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- Aligning the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- Align Council's policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

Council last undertook a comprehensive review of the planning scheme in 2018.

Recently the planning scheme was restructured to insert a new Municipal Planning Strategy and Local Planning Policies into the Planning Policy Framework to replace the former Local Policy Planning Framework. This was done via amendment C127sgip and was gazetted as a policy neutral amendment undertaken by the State government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as Appendix Two to this report. A comprehensive list of all the Further Strategic Work that has been identified through this review is included at Appendix Three for Council to prioritise.

### 2.2. Methodology

A six-stage methodology has been developed to undertake planning scheme reviews as shown in Figure 1.

The methodology is supported by the 'Good Practice Guide to Planning Scheme Reviews' and templates that have been developed to assist with each stage of the process.

Redink Planning has been engaged to conduct stages 1 – 6 for South Gippsland Shire Council.

Figure 1: Planning scheme review methodology



The timing for the project is:

Stage	Timing
Initiate	September 2022
Analyse	September / October 2022
Engage	November 2022
Report	December 2022
Consult	February – April 2023
Implement	May 2023 (target)

This planning scheme review has been prepared in consideration to the following directions and guidance provided by DELWP.

**Ministerial directions:**

- Ministerial Direction on the Form and Content of Planning Schemes.
- Ministerial Direction No. 11 Strategic Assessment of Amendments.

**Planning practice notes and advice:**

- A Practitioners' Guide to Victorian Planning Schemes.
- PPN – 46 Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.

## 3. What's driving change

### 3.1. Population, growth and economy

The Shire had an estimated resident population of 30,577 persons in 2021 (ABS, 2022), which is forecast to increase to 33,930 persons in 2036 (VIF, 2016). There were 17,114 dwellings in 2021 which is forecast to increase to 19,330 dwellings by 2036 (VIF, 2016). This means the Shire will need to accommodate an additional 2,216 dwellings over the next fifteen years.

Leongatha is the largest town in the Shire, and its further urban growth and development as the Shire's principal regional centre is actively supported. Additional urban growth and development is directed by policy to Korumburra (large district centre), Foster and Mirboo North (district towns). Limited growth and development are supported in the Shires small towns, villages, hamlets and localities which is consistent with established character and responsive to constraints.

A new growth centre at Nyora has emerged since the last planning scheme review, and is discussed further in the report.

South Gippsland supports 11,157 jobs and has an annual economic output of \$4.1 billion (Remplan 2022). The Shire contains some of the most productive agricultural areas in Victoria and agriculture and its associated processing and service industries underpin the Shire's economy. Tourism is becoming a significant employer and generator of economic activity within the Shire.

### 3.2. Climate change and other environmental risks

Reduced agricultural production, decreased and more erratic environmental flows in waterways and wetlands, increased risk of bushfire and decreased water security are all significant risks for the Shire as a result of the expected impacts of climate change.

South Gippsland's extensive coastline adds to the challenges it will face in managing climate risk. Climate modelling suggests that South Gippsland will be less impacted by rainfall variability than northern parts of the State. This will place additional pressure on South Gippsland's agricultural land to provide food and fibre for the State. The coastal impacts of climate change (erosion, inundation) are already evident in the Shire, and projected impacts now form a relevant and consequential consideration before VCAT.

### 3.3. State government amendments and advice

The Victorian Planning Scheme is constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioners Guide and new planning practice notes.

The way in which the South Gippsland Planning Scheme should respond at a local level to these changes to the Victorian Planning Provision and how they should be applied has been considered in this review.

Since the last planning scheme review in 2018, several VC and GC amendments have introduced new policy into the Victoria Planning Provisions and the South Gippsland Planning Scheme. There is opportunity for South Gippsland to utilise some of the new controls that are now available.

#### Buffers

Within the South Gippsland planning scheme, there are two Environmental Significance Overlay schedules (ESO) that perform a buffer function. These are Schedule 4 Sewage Treatment Plants and its Environs and ESO8 Manufacture of Milk Products Amenity Buffer. Each provides a 'buffer' function designed to alert and protect surrounding properties from the impact of the uses.

The Buffer Area Overlay (BAO) was introduced by VC175 and Planning Practice Note 92 and in time these overlays should be translated into the Buffer Area Overlay (BAO). This is not a high priority matter, as the ESOs in their current form do the same task, however it is something that should be added to the further strategic work program.

### **Managing residential character**

VC169 introduced a new way to utilise the schedules to the residential zones and other tools to manage housing growth and neighbourhood character.

Advice from DELWP outlined in PPN90 Planning for housing and PPN91 Using the residential zones indicates that the preferred approach from managing built form in residential areas is the use of the schedules to the residential zones.

Design and Development Overlays are used to manage the form of development in numerous coastal settlements (Venus Bay, Sandy Bay, etc.). This is something that Council should consider as it prepares the Coastal Strategy currently underway, and as implementation revises planning controls that apply to residentially zoned land.

### **Finding**

- A. Review existing controls and, where necessary, undertake character assessments to inform new planning controls to manage development, particularly in residentially zoned areas.**
- B. Convert ESO4 Sewer Treatment Plants and Environs and ESO8 Manufacture of Milk Products Amenity to the Buffer Area Overlay (BAO).**

## **4. Previous review**

### **4.1. Previous planning scheme review**

The South Gippsland Planning Scheme was last reviewed in-house by Council in 2018, and the review was adopted by Council at its meeting on 27 June 2018. The review focused on the operation of the planning function at Council more than the operation of the planning scheme, and as a result most of the recommendations related to process improvements rather than changes required to the ordinance and further strategic work. The review found Council had made good progress towards implementing the recommendations of the previous Planning Scheme Review (in 2014).

### **4.2. Progress since last review**

#### **4.2.1. Completed projects**

Projects that have been completed since the last review are:

- The layout and content of planning information on Council's web site was refined to be more user-friendly including:
  - A business section in the online planning application information.
  - A planning enquiry email link.
- A Design and Siting guide for development of a dwelling in coastal settlements was prepared and supported by changes to State Policy, however this will likely be reviewed as part of the Coastal Strategy.
- A resource upgrade of Pathways planning modules to support processing of planning applications.
- A request to the State Government to develop a policy or Practice Note for guiding public notice request decisions.
- A review of the alignment of Freedom of Information requirements.

#### **4.2.2. Projects underway**

- Continue to implement practices to reduce the number of applications requiring Further Information Requests.

### **4.3. Outstanding work since last review**

- Consider additional resourcing for planning enforcement duties so that proactive auditing of planning permit conditions, especially for bushfire risk reduction, can be undertaken.

### **4.4. Findings**

Council has completed or commenced most tasks recommended for implementation as part of the previous 2018 planning scheme review, noting they relate to improvement to the operation of the planning service rather than the planning scheme. The outstanding task that was recommended by the previous review is on ongoing and important operational issue, rather than a task that needs to form part of Council's strategic work program.



## 5. Audit and assessment of current scheme

### 5.1. Methodology

An audit of each local provision and schedule in the planning scheme has been undertaken. This audit has compared the drafting and application of each provision against the Ministerial Direction on the Form and Content of Planning Schemes, *a Practitioners' Guide to Victorian Planning Schemes* (Version 1.5, April 2022) and relevant planning practice notes.

Each provision has also been assessed with consideration to the work it is doing in achieving the strategic objectives that are set out in the State, regional and local planning provisions.

The detailed outcomes of the audit have been provided to Council officers for future reference as a separate document to this report.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme amendment based on the findings in this report and are included in the marked-up Ordinance at Appendix Two. Others require further strategic work to justify the change and are listed as findings.

#### Action column meanings:

Complies	This means that policy or schedule is correctly constructed and does not require amending as a result of the audit (recommendations in other parts of this review might indicate a change is required).
PSR Policy neutral amendment	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. The change is of no policy consequence and can be made through a 20(4) amendment subject to the Minister's authorisation. A 20(4) amendment does not require public notification or review by a Planning Panel.
PSR Full amendment	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. The change may or does have policy consequence and should be made through a full planning scheme amendment process that provides for public notification and review by a Planning Panel.
PSR Further strategic work	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. It is beyond the scope of what can be achieved through the planning scheme review, as strategic justification is required to make the change, and Council is yet to do this work OR the change is complex and requires a separate piece of work to understand the ramifications on other parts of the scheme.

### 5.2. MPS findings

As well as the assessment outlined above, the MPS was cross-referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies and local schedules in the MPS. This important to show a strategic link between the MPS and all of controls that have been applied in the scheme to achieve the vision and strategic directions of Council, and was not undertaken as part of the PPF translation.

Clause no. and name	Change	Action
02.01 Context	Make minor amendments to the Context (02.01) to include First Nations recognition and updated economic and population data.	Policy neutral amendment
02.03-6 Housing	Introduce a new heading (Housing) to comply with MD.	Policy neutral amendment

### 5.3. PPF

All the Local PPF policies that are included in the planning scheme are included in the table below, and a notation about whether they are satisfactory or require changing because of this audit. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
11.01-1L-01 Settlement	Delete first strategy (duplication of 11.01-1S) Move second strategy to 15.01-3L (Subdivision) Move third strategy to 16.01-1L (Housing) Re-number all subsequent Clauses	Policy neutral amendment
11.01-1L-04 Korumburra	Amend 1 strategy to commence with a PG approved verb.	Policy neutral amendment
11.01-1L-03 Southern Leongatha Growth Area		Complies
11.01-1L-04 Korumburra		Complies
11.01-1L-05 Korumburra town centre		Complies
11.01-1L-06 District towns – Foster and Mirboo North	Include policy application to clearly identify the area and group of discretions to which the policy applies, in accordance with PG. Amend 2 strategies to commence with a PG approved verb.	Policy neutral amendment
11.01-1L-07 Small towns – Fish Creek, Loch, Meeniyah, Nyora, Poowong, Toora	Amend first Toora strategy to use simplified, plain English. Correct spelling of 'Davis Street' (not David) Nyora in Nyora local policy	Policy neutral amendment
11.01-1L-08 Villages – Koonwarra, Welshpool		Complies
11.01-1L-09 Coastal villages, Port Welshpool, Sandy Point, Tarwin Lower, Venus Bay,	Amend last dot point of 4 <sup>th</sup> strategy so it is a strategy in its own right.	PSR full amendment
	Amend 1 strategy to commence with a PG approved verb.	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	Action
Walkerville, Waratah Bay and Yanakie	Delete reference to expansion area in Estate 2 in Venus Bay (anomaly).	Policy neutral amendment
11.01-1L-10 Hamlets. – Bena, Buffalo, Dumbalk, Jumbunna, Kongwak, Mirboo, Port Franklin, Ruby, Stony Creek		Complies
12.01-1L Biodiversity		Complies
12.05-2L-01 Coastal and hinterland landscapes		Complies
12.05-2L-02 Significant landscape character areas	Amend 5 strategies to commence with a PG approved verb.	Policy neutral amendment
14.01-1L-01 Rural dwellings	Re-introduce strategies removed from through the PPF translation as planners rely on the policy for decision making.	Policy neutral amendment
14.01-1L-02 Second and subsequent dwellings in rural areas	Re-introduce strategies inadvertently omitted through the PPF translation.	Policy neutral amendment
14.01-1L-03 Rural dwellings on lots with remnant native vegetation	Re-introduce strategies inadvertently omitted through the PPF translation.	Policy neutral amendment
14.01-1L-04 Land use and dwellings in the Rural Activity Zone	Re-introduce strategies inadvertently omitted through the PPF translation.	Policy neutral amendment
14.01-1L-05 Subdivision in the Farming and Rural Activity Zone	Re-introduce strategies inadvertently omitted through the PPF translation.	Policy neutral amendment
14.01-2L Marine industry and farm forestry		Complies
15.01-1L-01 Urban Design	Amend first strategy to make clearer use of plain English. Amend 1 strategy to commence with a PG approved verb.	Policy neutral amendment
15.01-1L-02 Signs		Complies
15.01-2L-01 Building design – residential	Include policy application to clearly identify the area and group of discretions to which the policy applies, in accordance with PG.	Policy neutral amendment
15.01-2L-02 – Industrial development design	Amend 2 strategies to commence with a PG approved verb.	Policy neutral amendment
15.01-3L Subdivision design – South Gippsland	Include second strategy from 11.01-1L-01 (Settlement) as a subdivision strategy	Policy neutral amendment
15.01-6L Open farmed landscapes		Complies

Clause no. and name	Changes required (if relevant)	Action
15.03-1L Heritage		Complies
16.01-1L Housing supply in South Gippsland	Include third strategy from 11.01-1L-01 (Settlement) as a housing strategy	Policy neutral amendment
17.01-1L Diversified economy – South Gippsland	Amend 1 strategy to commence with a PG approved verb.	Policy neutral amendment
17.02-1L Commercial, office and retail uses		Complies
17.03-1L Industrial land supply		Complies
18.02-4L Road system	Delete first strategy (duplication of 18.01-1S & 18.02-4S),	Policy neutral amendment
18.02-5L Freight	Move second and third strategies to new 18.02-6L (Ports).	Policy neutral amendment
18.02-7L Leongatha Aerodrome/Airport		Complies
18.02-6L Ports	Include second and third strategies from 18.02-5L (Freight) as port-specific strategies.	Policy neutral amendment
19.02-1L Health facilities		Complies
19.02-2L Education facilities		Complies
19.02-4L Community facilities		Complies

#### 5.4. Zones

All the zone schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
32.03s1 Low Density Residential Zone	Include Schedule number against planning scheme map reference to comply with MD	Policy neutral amendment
32.04s1 Mixed Use Zone	Include Schedule number in Schedule name and against planning scheme map reference to comply with MD	Policy neutral amendment
32.05s1 Township Zone	Include Schedule number against planning scheme map reference to comply with MD	Policy neutral amendment
32.08s1 General Residential Zone		Complies
33.01s1 Industrial 1 Zone		Complies
33.03s3 Industrial 3 Zone		Complies

Clause no. and name	Changes required (if relevant)	Action
34.01s1 Commercial 1 Zone		Complies
35.03s1 Rural Living Zone	Create 3 separate schedules for 3 separate minimum subdivision areas to comply with MD	Policy neutral amendment
35.06s1 Rural Conservation Zone	Include Schedule number against planning scheme map reference to comply with MD	Policy neutral amendment
35.07s1 Farming Zone	Include Schedule number against planning scheme map reference to comply with MD	Policy neutral amendment
35.08s1 Rural Activity Zone	Include Schedule number against planning scheme map reference to comply with MD	Policy neutral amendment
36.01s Public Use Zone		Complies
36.02s Public Park and Recreation Zone		Complies
36.03s Public Conservation and Resource Zone		Complies
37.01s1 Special Use Zone	Amend drafting / wording of buildings and works permit exemption to comply with MD	Policy neutral amendment
37.01s2 Special Use Zone	Table of uses incorrectly constructed	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
37.01s3 Special Use Zone	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
37.01s4 Special Use Zone	Table of uses incorrectly constructed	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
37.01s5 Special Use Zone	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
37.01s6 Special Use Zone	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
37.01s7 Special Use Zone	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
37.01s8 Special Use Zone	Capitalize name of Schedule to comply with MD drafting requirements	Policy neutral amendment

## 5.5. Overlays

All the overlay schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
42.01s1 Environmental Significance Overlay - Areas of natural significance	Schedule contains 5 disparate objectives, MD only allows one.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
42.01s2 Environmental Significance Overlay - Special water supply catchment areas	Schedule contains 8 disparate objectives, MD only allows 1.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
	Delete referral requirements, move to 66.04	Policy neutral amendment
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment
42.01s3 Environmental Significance Overlay - Coastal settlements – non-residential zones	Schedule contains 4 disparate objectives, MD only allows 1.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
	Delete referral requirements, move to 66.04	Policy neutral amendment
42.01s4 Environmental Significance Overlay - Sewerage treatment plant and environs	ESO is not the appropriate VPP tool, translate into Buffer Area Overlay (BAO)	Further strategic work
	Merge 2 objectives into 1 to comply with MD	Policy neutral amendment
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
42.01s5 Environmental Significance Overlay - Areas susceptible to erosion	Merge 2 objectives into 1 to comply with MD	Policy neutral amendment
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
42.01s7 Environmental Significance Overlay - Coastal Settlements	Schedule contains 4 disparate objectives, MD only allows 1.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
42.01s8 Environmental Significance Overlay - Manufacture of milk products amenity buffer	ESO is not the appropriate VPP tool, translated into Buffer Area Overlay (BAO)	Further strategic work
	Schedule contains 4 disparate objectives, MD only allows 1.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
	Delete referral requirements, move to 66.04	Policy neutral amendment
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
	Amend wording of permit requirement to clarify all listed buildings and works are exempt; as drafted current wording requires all dot points to be met to achieve the exemption.	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	Action
42.01s9 Environmental Significance Overlay - Giant Gippsland Earthworm and Habitat Protection	Include Background Document at 72.08	Policy neutral amendment
42.03s1 Significant Landscape Overlay - Venus Bay Peninsula and Anderson Inlet	Schedule contains 12 disparate objectives, MD only allows 5.	Further strategic work
	Amend drafting / wording of decision guidelines to comply with MD drafting requirements.	Policy neutral amendment
42.03s2 Significant Landscape Overlay - Cape Liptrap To Waratah Bay	Schedule contains 18 disparate objectives, MD only allows 5.	Further strategic work
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment
42.03s3 Significant Landscape Overlay - Corner Inlet Amphitheatre	Schedule contains 14 disparate objectives, MD only allows 5.	Further strategic work
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment
43.01s Heritage Overlay		Complies
43.02s1 Design and Development Overlay - Township Approach	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
43.02s2 Design and Development Overlay - Burchell Lane Industrial Precinct		Complies
43.02s3 Design and Development Overlay - Sandy Point	Schedule contains 15 disparate objectives, MD only allows 5.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment
43.02s4 Design and Development Overlay - Waratah Bay	Schedule contains 23 disparate objectives, MD only allows 5.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment
43.02s5 Design and Development Overlay - Venus Bay	Schedule contains 22 disparate objectives, MD only allows 5.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	Action
43.02s6 Design and Development Overlay - Tarwin Lower	Schedule contains 24 disparate objectives, MD only allows 5.	Further strategic work
	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
	Delete background documents (not as per MD format, already listed at 72.08)	Policy neutral amendment
43.02s7 Design and Development Overlay - Korumburra Industrial Area Highway Precinct	Amend drafting / wording of various provisions to comply with MD drafting requirements.	Policy neutral amendment
43.02s8 Design and Development Overlay - Emergency Medical Services Helicopter Flightpath Area: Leongatha Hospital (Inner Area)	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
	Delete referral requirements (already specified at 66.04)	Policy neutral amendment
	Delete "Planning permits will be assessed against..." requirement.	Policy neutral amendment
43.02s9 Design and Development Overlay - Emergency Medical Services Helicopter Flightpath Area: Leongatha Hospital (Outer Area)	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
	Delete referral requirements (already specified at 66.04)	Policy neutral amendment
	Delete "Planning permits will be assessed against..." requirement.	Policy neutral amendment
43.02s10 Design and Development Overlay - Emergency Medical Services Helicopter Flightpath Area: Foster Hospital (Inner Area)	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
	Delete referral requirements (already specified at 66.04)	Policy neutral amendment
	Delete "Planning permits will be assessed against..." requirement.	Policy neutral amendment
43.02s11 Design and Development Overlay - Emergency Medical Services Helicopter Flightpath Area: Foster Hospital (Outer Area)	Amend drafting / wording of various provisions to comply with MD drafting requirements	Policy neutral amendment
	Delete referral requirements (already specified at 66.04)	Policy neutral amendment
	Delete "Planning permits will be assessed against..." requirement.	Policy neutral amendment
43.02s12 Design and Development Overlay - Nyora Town Centre	Delete references to former Clause 21.15 (duplicates non-existent provisions, contrary to PG)	Policy neutral amendment
	Delete MD guidance text	Policy neutral amendment
	Move application requirements currently at 2.0 (buildings and works) to 5.0 (application requirements)	Policy neutral amendment
43.02s13 Design and Development Overlay - Mirboo North Town Centre	Delete references to former Clause 21.14 (duplicates non-existent provisions, contrary to PG)	Policy neutral amendment
43.04s1 Development Plan Overlay - Korumburra Entrance Node		Complies



Clause no. and name	Changes required (if relevant)	Action
43.04s2 Development Plan Overlay - Waratah Bay		Complies
43.04s3 Development Plan Overlay - Murray Goulburn Leongatha Factory	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
43.04s4 Development Plan Overlay - Low Density Residential Zone Development Plan – Simons Lane	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
43.04s5 Development Plan Overlay - Nyora Residential Development Transition Area	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
43.04s6 Development Plan Overlay - Korumburra Residential Growth Areas	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
43.04s7 Development Plan Overlay - Jumbunna Road Residential Area	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
43.04s8 Development Plan Overlay - Residential Growth Area (North West Korumburra)	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
43.04s9 Development Plan Overlay - Western Leongatha Residential Growth Area		Complies
43.04s10 Development Plan Overlay - Nyora Urban Residential Growth Area (South of Glovers Road)	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
43.04s11 Development Plan Overlay - Berrys Creek Road Residential Development Area	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
44.01s1 Erosion Management Overlay	Add Schedule number to comply with MD	Policy neutral amendment
	Move application requirements currently under permit requirements to 4.0 Application requirements	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	Action
44.04s Land Subject to Inundation Overlay	Add Schedule number to comply with MD	Policy neutral amendment
	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
	Delete background documents – already listed at 72.08	Policy neutral amendment
44.06s1 Bushfire Management Overlay - Venus Bay, Walkerville Bal-29 Areas	Delete MD guidance text	Policy neutral amendment
	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
44.06s2 Bushfire Management Overlay - Foster, Meeniyah, Mirboo North/Baromi, Port Welshpool, Tarwin Lower, Venus Bay, Walkerville Bal-12.5 Areas	Amend drafting / wording to comply with MD drafting requirements	Policy neutral amendment
44.07s1 Strategic Extractive Resource Areas		Complies
44.07s2 Protecting extractive industries		Complies
45.01s1 Public Acquisition Overlay		Complies
45.02s2 Airport Environs Overlay		Complies
45.05s1 Restructure Overlay		Complies
45.09s1 Parking Overlay	Section 3.0 not in accordance with MD drafting requirements	Further strategic work
	Amend drafting / wording of various sections to comply with MD drafting requirements	Policy neutral amendment

## 5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
51.01s Specific sites and inclusions	Applied. No changes required	Complies
52.02s Easements, restrictions and reserves	Applied. No changes required	Complies
52.05s Signs	Applied. No changes required	Complies
52.16s Native vegetation precinct plan	Applied. No changes required	Complies

Clause no. and name	Is it applied? Changes required (if relevant)	Action
52.17s Native vegetation	Applied. No changes required	Complies
52.27s Licenced premises	Applied. No changes required	Complies
52.28s Gaming	Applied. No changes required	Complies
52.32s Wind energy facility	Applied. No changes required	Complies
52.33 Post boxes and drystone walls	Applied. No changes required	Complies
53.01s Public open space contributions and subdivision.	Applied. No changes required	Complies
53.06s Live music entertainment venues	Applied. No changes required	Complies
53.15s Statement of underlying provisions	Applied. No changes required	Complies
59.15s Local VicSmart applications	Applied. No changes required	Complies
Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications	Applied. No changes required	Complies

## 5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
66.04s Referral of permit applications under local provisions.	Applied Amend to ensure the referral under ESO2 includes the "unless..." text as specified in the ESO Schedule	Policy neutral amendment
66.06s Notice of permit applications under local provisions	Applied No changes required	Complies

## 5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction on the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
72.01s Responsible authority for this planning scheme	Applied No changes required	Complies
72.01s What area is covered by this planning scheme?	Applied No changes required	Complies

Clause no. and name	Changes required (if relevant)	Action
72.03s What does this planning scheme consist of?	Applied No changes required	Complies
72.04s Documents incorporated into this planning scheme.	Applied No changes required	Complies
72.05s When did this planning scheme begin?	Applied No changes required	Complies
72.08s Background documents	Applied Add <i>Giant Gippsland Earthworm Environmental Significance Overlays Reference Document</i> (September 2015), listed as a background document to Clause 42.01s9	Policy neutral amendment
74.01s Application of zones, overlays and provisions	Applied No changes required	Complies
74.02s Further strategic work	Changes will be applied as a result of this review.	Full amendment

## 5.9. Conclusion

The audit of the planning scheme has found that the local provisions are performing well. For the most part, the audit only identified minor compliance issues when assessed against the Ministerial Direction on the Form and Content of Planning Schemes, the Practitioners Guide to Victorian Planning Schemes and relevant Practice Notes.

The main area for concern arising from the audit relates to the Environmental Significance, Significant Landscape and Design and Development Overlays. Many of these Overlays contain many more objectives than permissible under the Ministerial Direction, and many objectives do not provide a clear understanding of the planning objective(s) being sought by the Overlay but relate more to policy and guidelines to achieve an unclear objective. The statements of significance in the Environmental Significance Overlays and Significant Landscape Overlays do not provide enough direction to help applicants understand what is expected, and planners to make consistent decisions.

Like most planning schemes across the State, the table of use in the Special Use Zone have been incorrectly constructed. Fixing this is beyond the scope of what can be achieved in this review as it is not a simple thing to fix because of the way the uses interact in the nesting tables. More in depth consideration and potential consultation will be required to correct the Special Use Zone table of uses.

### Findings:

Most of the findings of the audit of the planning scheme can be made now as part of the planning scheme amendment for the planning scheme review, and are marked up in Appendix Two.

- C. Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review identified in Chapter 5 and shown on the marked-up ordinance at Appendix Two.**

The following findings of the audit are beyond the scope of this review and have been identified as further strategic work for Council:

- D. Re-draft the table of uses for SUZ4 and SUZ7 to comply with the Ministerial Direction on the Form and Content of Planning Schemes.**

- E. Convert ESO4 and ESO8 to the Buffer Area Overlay (BAO).**
- F. Re-draft ESO1, ESO2, ESO3, ESO4, ESO8, SLO1, SLO2, SLO3, DDO3, DDO4, DDO5, DDO6 to clarify the statement of significance, clarify objectives and comply with the Ministerial Direction and to clearly articulate the planning objective to be achieved under each Overlay.**
- G. Amend Section 3.0 of the Parking Overlay (PO) to comply with the Ministerial Direction on the Form and Content of Planning Schemes.**

## 6. Planning scheme performance

This section contains an analysis of planning permit activity that has taken place during the last four years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and data provided by Council. Council officers have been provided with raw data that has been used for the analysis.

### 6.1. Planning permit activity

#### 6.1.1. Number of permits assessed

##### Evidence

Table 1 shows the number of permit applications received between the 2017/18 financial year and the 2020/21 financial year. The numbers varied, with a low of 409 in 2018/2019 and a high of 558 in the last financial year, with the average permits being received per year at 464.5. In 2020/21 Council received more applications than previous years.

Table 1: PPARs report for permits issued between the 2017/2018 financial year and the 2020/2021 financial year

Permits (including refusals)	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Received	409	457	434	558	567
NOD	25	18	18	34	21
New / Amended Permit	400	360	403	475	503
Refusal	5	16	8	5	3

Source: PPARS

##### Discussion and conclusion

The number of permits being processed by Council has increased significantly between year ending 2020 and year ending 2022. There has been a 30% increase in permit applications during this period.

There has been a general trend across the state in increased permit activity in regional areas which has been attributed to the COVID-19 pandemic and the movement of people away from the city.

Council officers were unable to identify any other particular reason that the number of applications has increased so greatly (such as by the introduction of a new planning control).

Council should monitor the permit activity in the Shire to ensure that adequate resources are allocated to the statutory planning department to process applications, and to identify opportunities for streamlining of planning scheme controls to remove permit applications for low value matters.

#### 6.1.2. Nature of permits assessed

##### Evidence

PPAR's data shows that over the last 4 years the category of permits generating the highest activity has been "one or more new buildings", "Single dwelling" and "Extension to an existing dwelling or

associated structure”. “Subdivision of land” and “Change or extension of use” also generated a significant proportion of permit activity.

Council supplied data for 2020 and 2021 indicates that a significant number of planning permit applications are being triggered by a limited number of existing provisions in the Farming Zone, ESO2, ESO3 and ESO5, the BMO, and by currently specified requirements pertaining to use, setbacks and building areas. Table 2 identifies those Zones and associated triggers which generated 50 or more planning permit applications in one of the last two years. In recording the last 2 years of permit data, Council has also identified and recorded “Themes”; these represent common permit triggers under the various Zone and Overlay provisions.

Table 2: Permit triggers by clause (50 or more) in 2020 and 2021

	<b>35.07-4-FZ Building Works</b>	<b>42.01-2-ESO2 Building Works</b>	<b>42.01-3-ESO3 Building Works</b>	<b>42.01-2-ESO5 Building Works</b>	<b>44.06-2 - BMO Subdivision Building Works</b>
2021	156	65	51	155	109
2020	98	30	21	83	62
Totals	254	95	72	238	171

Source: Council data

Table 3: Permit triggers by permit trigger (50 or more) in 2020 and 2021

	<b>Section 2 Use</b>	<b>Road Zone Setback</b>	<b>Waterway setback</b>	<b>Building Area</b>
2021	65	52	76	126
2020	25	32	41	63
Totals	90	84	117	189

Source: Council data

## Discussion

It is not surprising that a significant proportion of applications dealt with by Council are triggered by the provisions of the Farming Zone, ESO2 (Special Water Supply Catchment Areas), ESO3 (Coastal Settlements – Non-Residential Zones) and ESO5 (Areas Susceptible to Erosion). The controls affect a significant proportion of the Shire’s physical area (for example, approximately 30% of land in the Shire is located within a designated water catchment) and given the nature of land use and development outcomes sought to be achieved by these controls, it is unsurprising that many applications are triggered by them.

Council is currently undertaking review of planning permit triggers in the Shire’s rural areas. The planning permit trigger review will assess both Zones and Overlay triggers that are currently applicable. This review has the potential to result in the removal of redundant and / or unnecessary permit triggers, thereby reducing the quantum of applications relating to the Shire’s rural areas.

Through consultation Council Officers identified that there are existing planning permit triggers under ESO2, ESO3 and ESO5 that do not appear to serve a useful purpose, however the provisions of these Schedules were amongst the most commonly relied upon for decision making. Given the quantum of applications currently being triggered under ESO2, ESO3 and ESO5 and the feedback from Council Officers regarding the efficiency and effectiveness of these provisions as currently drafted, a review of the planning permit triggers under these Overlays is recommended.

## Findings

- H. Finalize and implement Council's current review of planning permit triggers in the Shires rural areas.
- I. Undertake a review of the efficiency and effectiveness of ESO2, ESO3 and ESO5 with a view to removing any redundant and unnecessary permit triggers.

### 6.1.3. Service performance

#### Evidence

Table 4 sets out data against four different indicators for South Gippsland Shire in comparison to the State average for the Large Rural Council grouping.

Table 4: Service performance of South Gippsland Shire against similar Councils

Council	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
<b>Time taken to decide planning applications</b>					
South Gippsland Shire	69 days	72 days	77 days	83 days	99 days
<b>Large rural average</b>	-	<b>70 days</b>	<b>65 days</b>	<b>67 days</b>	<b>78 days</b>
<b>Planning applications decided within required time frames</b>					
South Gippsland Shire	77%	79%	55%	48%	40%
<b>Large rural average</b>	-	<b>78%</b>	<b>78%</b>	<b>73%</b>	<b>69%</b>
<b>Cost of statutory planning service per planning application</b>					
South Gippsland Shire	\$2,229	\$1,773	\$1,748	\$1,385	\$1,442
<b>Large rural average</b>	-	<b>\$2,256</b>	<b>\$2,254</b>	<b>\$1,873</b>	<b>\$1,861</b>
<b>Council planning decisions upheld at VCAT</b>					
South Gippsland Shire	80%	80%	71%	50%	75%
<b>Large rural average</b>	-	<b>50%</b>	<b>60%</b>	<b>51%</b>	<b>61%</b>

Source: Know your Council website.

#### Discussion

Service delivery and permit approval times at South Gippsland have been impacted due to a significant increase in the number of planning applications received compared to the previous year as identified earlier. Key issues for Council are:

- Planning permit processing times are steadily rising and at 99 statutory days are far higher than the required 60 days, and also significantly higher than the average for other large rural shires which is 78 days.
- The number of planning permit applications being processed within required timeframes has steadily dropped to 40%. The average for other large rural shires is 69% and Council should be aiming for 100%.



- The cost to Council to process each application has dropped significantly over four years, and is lower than the average for large rural shires by over \$400 per application and \$800 less per application than neighbouring Bass Coast Shire

South Gippsland explains this, on the Know Your Council website, as due to difficulties in recruiting staff and retaining staff.

Collectively, this data is indicating that Council is underspending on the statutory planning service it delivers and as a result there are negative impacts on the processing of applications within statutory timeframes.

It seems that there are two reasons for this:

- Planning permit application numbers have increased significantly (by 30% over the period) which has increased the workload of the statutory planning unit.
- Staff attraction and retention is creating ongoing staff shortages which is affecting productivity.

These are the core issues that should be addressed. They may be addressed by recruiting more staff (difficult in the current environment), investing in the IT system (Pathways) to automate and streamline the processing of applications and removing unnecessary permit triggers (Council is already doing this project).

### Findings

- J. **Review the resourcing of the statutory planning function to ensure that adequate resources and systems are available to deal with the significant increase in planning permit applications over the last four years (30% increase), and address the steadily declining performance of the Council in meeting statutory processing timeframes for planning permit applications (target reduction is from 99 days to the statutory 60 days).**

#### 6.1.4. Decision making

##### By Council

Based upon Council supplied data, Council has been the decision maker 10 times in the last 4 years, and in each instance, Councilors supported the recommendations of their Officers. This suggests that Council has good systems in place for processing applications, including effective delegations and a sound decision making against the planning scheme.

Delegations appear to be working effectively and are not recommended for review.

##### By VCAT

South Gippsland Shire appears regularly at VCAT, with 24 appearances in the last 4 years, averaging 6 appearances per year (PPARs data).

Council appears at VCAT on average six times per year. This represents less than two percent of applications received and is well below the State average. There is no action recommended on this matter.

#### 6.2. Planning Panel Victoria

### 6.2.1. Summary of planning scheme amendments

Council has undertaken 9 'C' planning scheme amendments since the last planning scheme review. A detailed analysis of these has been provided to Council officers. The ones that went to Panel are summarised below.

**C109sgip, in operation from 20 February 2019:** Updated the Venus Bay local policy, rezoned the Venus Bay Caravan Park, rezoned land to the Low Density Residential Zone and the Township Zone and applied Overlays to manage built form outcomes and to protect vegetation.

**C090sgip, in operation from 19 April 2020:** Implemented the recommendations of the South Gippsland Housing and Settlement Strategy 2013 and applied the Restructure Overlay.

**C116sgip, in operation from 8 July 2020:** Applied the Land Subject to Inundation Overlay to flood prone areas identified by Melbourne Water and the West Gippsland Catchment Management Authority.

**C115sgip, in operation from 12 August 2020:** Implemented the Mirboo North Structure Plan Refresh (2017)

**C124sgip, in operation from 10 August 2022:** Rezoned land at 6A Warralong Court, Leongatha and 15 Old Waratah Road, Fish Creek from public zones to residential zones to reflect their ownership.

### 6.2.2. Policy issues raised at Panels

The issues raised by Panels that have policy implications for the planning scheme were:

- Rural dwellings and rural subdivision policy.
- Commercial land availability in Mirboo North.

The matters are discussed in the following sections.

### 6.2.3. Rural dwellings and rural subdivision policy

#### Evidence

**C090sgip** Implemented the recommendations of the South Gippsland Housing and Settlement Strategy 2013. In its report, the Panel commented upon the suite of policies for to dwellings and subdivision in the rural zones (Clauses 22.05, 22.06 and 22.07).

The Panel had fundamental concerns with those policies due to their lack of consistency with State and other Local planning policies as well as applicable guidance on the drafting of policy.

It was outside the scope of the amendment to address these concerns So the Panel made the following recommendation:

*"13. Council consider undertaking a fulsome review of Clauses 22.05 and 22.06 of the South Gippsland Planning Scheme pertaining to Rural dwellings and Rural subdivision to ensure their consistency with the Planning Policy Framework and established principles (including Planning Practice Notes) relating to the form and scope of a local planning policy".*  
(Amendment C090sgip Panel Report, p39)

#### Discussion

While Council has translated previous planning policy into the new Planning Policy Framework, this occurred without a 'fulsome' review of Clause 22.05 and 22.06. Key elements of these policies remain inconsistent with State and other local policies, notably support for new dwellings on

Farming Zone lots less than 4.1 hectares. In addition to the C90 Panel Report quoted above, this policy inconsistency has been identified via a review of VCAT decisions, where the Tribunal has refused dwellings on lots less than 4.1 hectares.

A review of the policy intent of Clause 22.05 and Clause 22.06 will identify areas of policy inconsistency and make recommendations to achieve improved alignment between state and local policy.

The existing policy relating to dwellings on small Farming Zone lots is not consistent with State policy and could lead to unintentional outcomes for development in rural areas. Based on Council supplied data, there are approximately 3600 lots that are 4.1 hectares or less in the Farming Zone that remain vacant. Development of these could result in a proliferation of dwellings, an increased exposure of residents to environmental risks (notably fire), landscape impacts and potential for amenity conflict between rural lifestyle land uses and commercial agriculture.

A review of the policy is required to consider the impact of these matters and determine whether local policy continues to support local and state values.

### **Recommendation**

- K. Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protect local values.**

### **6.2.4. Commercial land availability in Mirboo North**

#### **Evidence**

**C115sgip** Implemented the Mirboo North Structure Plan Reference (2017). Amongst other matters, the amendment sought to rezone two parcels of land to facilitate the future expansion of the town centre to meet anticipated demand.

The Panel found that insufficient work had been done to strategically justify the proposed rezoning and recommended that this element of the amendment be abandoned.

#### **Recommendation**

- L. Notify Mirboo North Town Centre that any future expansion requires further strategic work.**

### **6.3. VCAT**

#### **6.3.1. VCAT cases reviewed**

Council officers provided the following list of VCAT cases to review.

- Lindsay Holland Pty Ltd v South Gippsland SC [2018] VCAT 1408 (24 September 2018)
- XO Network Pty Ltd v South Gippsland SC [2019] VCAT 1789 (15 November 2019)
- Dunn v South Gippsland SC [2019] VCAT 1130
- Meredith-Aubrey Pty Ltd v South Gippsland SC [2019] VCAT 726
- Lyon v South Gippsland SC [2019] VCAT 821 (3 June 2019)
- Trease v South Gippsland SC [2018] VCAT 1636 (18 October 2018)
- XYZ v South Gippsland SC [2019] VCAT 948
- JSW Brian Pty Ltd v South Gippsland SC [2019] VCAT 1730
- Chapman v South Gippsland SC [2019] VCAT 1831

- Thompson v South Gippsland SC [2021] VCAT 1473
- Rossi v South Gippsland SC [2019] VCAT 964
- Course v South Gippsland SC [2019] VCAT 1824
- Scott v South Gippsland SC [2020] VCAT 1451
- Scott v South Gippsland SC (Corrected) [2022] VCAT 849
- Maugeri v South Gippsland SC [2019] VCAT 1415
- Rowland v South Gippsland SC [2021] VCAT 504
- Thomas v South Gippsland SC [2021] VCAT 729

### 6.3.2. Policy issues raised at VCAT

The issues raised with policy implications at VCAT over the past four years related to:

- Climate change impacts in coastal settlements.
- The Bushfire Management Overlay, vehicular access and seasonal operations.
- Farm management plans.
- Section 173 requirements in rural areas.

These matters are discussed in the following sections.

### 6.3.3. Climate change impacts in coastal settlements

#### Evidence

In *Lindsay Holland Pty Ltd v South Gippsland SC* [2018] VCAT 1408, the Tribunal refused an application for the development of four dwellings within the Venus Bay township that was considered otherwise acceptable in many respects.

The Tribunal refused the application on the basis that public access into and out of Venus Bay (by the Inverloch-Venus Bay Road) would, based on climate change projections, expose future occupants to an unacceptable level of coastal flooding hazard.

The Tribunal noted that that this decision had wider and potentially significant implications for future use and development within Venus Bay, and that Council was (at the time of the decision) progressing strategic work to deal with those implications.

#### Discussion

The refusal of an application that was otherwise acceptable in many respects on the grounds that public access would expose future occupants to an unacceptable level of coastal flooding hazard, is a significant and consequential decision for the Shire's coastal settlements.

This decision has implications for not just Venus Bay but for many of the Shire's coastal settlements, some of which are already susceptible to the coastal impacts of climate change and are serviced by only one public access route.

As is discussed in further detail in this report, Council is currently in the process of developing a Coastal Strategy which will provide strategic direction for the planning of South Gippsland's coastal areas and (amongst other matters) respond to climate change risk.

#### Recommendation

- M. Undertake further strategic work to develop and implement planning policy that provides clear and appropriate direction for future of the Shire's coastal settlements in the context of known climate change impacts.**

#### **6.3.4. The BMO, vehicular access and seasonal operation**

Three recent decisions (XO Network Pty Ltd v South Gippsland SC [2019] VCAT 1789, Dunn v South Gippsland SC [2019] VCAT 1130, Meredith-Aubrey Pty Ltd v South Gippsland SC [2019] VCAT 726) have highlighted issues associated with the provision of secondary vehicular access to the public road network for use and development within the BMO.

In XO Network Pty Ltd v South Gippsland SC [2019] VCAT 1789, the Tribunal refused an application but noted that their findings may have been different if there more than one vehicular access route had been provided to the public road network.

Similarly, in Meredith-Aubrey Pty Ltd v South Gippsland SC [2019] the Tribunal refused the application in part because no alternative vehicle escape routes were identified.

Conversely, in Dunn v South Gippsland SC [2019] the Tribunal supported the proposal in part because a secondary point of vehicular access had been provided to the public road network.

An additional matter raised in XO Network Pty Ltd v South Gippsland SC [2019] VCAT 1789 related to the period of operation of the proposed use (in that case, Group Accommodation). In refusing the application the Tribunal noted that their findings may have been different if the proposal intended to not operate at all during the declared fire danger season.

#### **Discussion**

Since the last planning scheme review Council has spent a considerable amount of time and resources dealing with access issues in areas that are subject to heightened bushfire risk.

Climate change is demonstrably increasing the intensity and frequency of extreme weather events, including bushfire. Within this context and noting Council's obligation to prioritise the protection of human life over all other policy considerations in bushfire affected areas (refer to Clause 71.02-3 – Integrated decision making), encouraging uses in bushfire affected areas to operate outside of the fire danger season is recommended as an appropriate policy response.

Three VCAT cases over the last four years have had to consider the issue of access to and operation of uses in Bushfire Management Overlay areas and the conclusions from VCAT are clear.

- Development should generally not be supported when there is not two access points to the land.
- Uses which are sensitive and not essential in the Bushfire Management Overlay should not be supported to operate during the declared fire season. In some cases, this will mean it is appropriate to refuse a use application.

The policy outlined in the first point is becoming more common throughout the State and represents the position of the CFA on access and egress to sites. While it should ideally be addressed at the State policy level, it is not at this stage.

On the basis of the applications Council has had before it over the last four years, and the clear guidance from VCAT about how they should be dealt with, it is recommended that policy be included in the local Planning Policy Framework to assist applicants and decision makers.

The second point is not really a planning matter. Generally, the times in which a business operates, with the exception of entertainment, liquor licensing, gaming and events is not controlled through planning permits.

#### **Recommendation**

- N. Include policy at Clause 13.02-1L (Bushfire Planning) to 'Design of use and development in areas subjected to heightened bushfire risk provide more than one access route onto the public road network'.**

### **6.3.5. Farm management plans**

Three recent decisions have highlighted that previously it was an application requirement (at Clause 22.05) that a 'whole farm plan' be submitted with an application to construct a dwelling in association with an agricultural activity. This application requirement no longer applies.

In Chapman v South Gippsland SC [2019] VCAT 1831, the Tribunal found that the level and quality of information submitted as part of the application was sufficient to justify a proposed dwelling in association with agricultural activity.

Conversely, in Thompson v South Gippsland SC [2021] VCAT 1473 and in Rossi v South Gippsland SC [2019] VCAT 964, the Tribunal found that the level and quality of the information provided to justify the proposed dwellings in association with the proposed agricultural activity was deficient.

#### **Discussion**

Requiring the submission of a 'whole farm plan' as part of an application to construct a dwelling in association with an agricultural activity typically ensures that the level and quality of information submitted as part of the application is sufficient for Council to properly assess such an application.

The requirement for such an application to be supported by a 'whole farm plan' also establishes a clear expectation that any prospective applicant will need to meaningfully justify the need for a proposed dwelling in association with an agricultural activity. This is an entirely appropriate requirement which provides clarity to applicants and decision makers.

In the translation of the planning scheme to the new PPF policy format, DELWP did not permit the translation of application requirements such as the requirement for a Farm Management Plan in local policy. This appears to be a 'non policy neutral' translation.

See the discussion in Section 10 of this report for recommended action about this matter.

### **6.3.6. Section 173 agreement (S173) requirements in rural areas**

In JSW Brian Pty Ltd v South Gippsland SC [2019] VCAT 1730, Council sought to impose a Condition requiring a S173 to be entered into to ensure that, until such time as the land is rezoned to a residential or rural living zone, the land could not be further subdivided to increase the number of lots and that no further dwellings could be built.

The Tribunal found that the provisions of the Planning Scheme did not require the section 173 agreement, and that while the Rural Strategy 2011 (Background Document) contained policy which imposes a requirement for a section 173, this could not be given any weight as it was not incorporated into the planning scheme.

The Tribunal concluded that it was unnecessary and unreasonable to require a section 173 agreement preventing a future dwelling on the Balance Lot given it is an as of right use under the planning scheme and that any subdivision would be subject to assessment against relevant policy.

#### **Discussion**

Agriculture and its associated processing and service industries underpin the Shire's economy, and the pressure for rural lifestyle properties, the fragmentation of agricultural land, the intrusion of non-agricultural uses as well as the protection of agricultural land and agricultural production are some of the main long term land use trends / challenges facing the municipality.

The South Gippsland Rural Strategy 2011 clearly articulated the intention to utilise a Section 173 Agreement to achieve "no further excisions" and "no more dwellings" outcomes. It is unclear why these requirements were not translated into the Planning Scheme.

These requirements have had a strategically justified basis and would serve a role in helping to protect the Shire's highly productive agricultural land. Consideration would need to be given to how these requirements can and should be best integrated given the evolution of rural policy and drafting requirements since 2011.

### **Findings**

- O. Review whether the S173 Agreement requirements detailed in the South Gippsland Rural Strategy 2011 can be incorporated into the planning scheme and if not, undertake further strategic work to do this.**

## 7. Stakeholder engagement

This section contains a summary and analysis of stakeholder engagement that has informed the Planning Scheme Review.

It includes data collected as part of a Council planner survey, responses from key referral agencies and external stakeholders as well as feedback provided by planning staff, key internal staff and Councillors through a series of Workshops. The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives. The findings of this engagement help refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

Refer to Appendix One for detailed meeting notes and tabulated survey results.

### 7.1. Council officer survey

Council officers were asked to respond to a survey about the South Gippsland Planning Scheme, prior to any analysis documents or findings being shared. The Survey included questions to determine, from an officer perspective, how well the Scheme is performing, controls that need refining or could be removed, applications that are taking more time than they should, and policy gaps.

The substantive issues that Council officers raised have been loosely grouped under the following headings, with full responses available in Appendix One:

- Dwellings, outbuildings & subdivision in the Farming Zone:
- Coastal settlements & climate change Impacts:
- Managing bushfire risk:
- Environment Significance Overlay (drafting and usability):
- Significant Landscape Overlay (drafting and usability):
- Design and Development Overlay (drafting and usability):
- Lack of existing protection for the Shire's heritage assets; and
- The Future growth and development of Nyora.

### 7.2. Planners' workshop and consultation

The feedback from the initial planner survey provided a basis for two workshops with Council Planners, held on 12 October and 9 November 2022. The first workshop expanded on the issues raised in the planners survey and the second, a month later, focused on the broader analysis of the planning scheme provided to the staff prior to the meeting.

In addition, ongoing discussions with the Strategic Planning team identified issues as they arose.

Generally, the matters raised in these discussions echoed the planner survey results and analysis outcomes. However, other matters raised included:

- Parking Overlay in Leongatha that includes a car parking contribution but is generally being waived.
- The drafting and usability of Schedules.
- Land use and development conflict in rural areas, including implementation of current policy for dwellings on small lots.
- Inappropriate development proposals in infill areas, particularly 'night cart laneways'.
- PPF translation omissions (rural policies, 'localities', signs, settlement hierarchy)



- The current extensive list of Planning Scheme anomalies. (This is addressed in Chapter 10).

### **7.3. Internal staff**

Council staff identified as having an interaction with the South Gippsland Planning Scheme, either in an internal referral capacity or as an administrator of its policies, were asked to participate in a workshop on the 3 November 2022 or to provide written feedback.

Generally, the matters raised in these workshop discussions echoed the planner survey results and analysis outcomes. Other items raised included:

- Process improvements – internal referrals earlier in the planning permit assessment process (e.g. Environmental Health, Biodiversity).

### **7.4. Councillors and executive team**

Councillors participated in a two-hour workshop on 26 October 2022. The workshop introduced the planning scheme review and spoke about the objectives of planning in Victoria and included a summary of analysis findings to date.

The Councillors were active and engaged participants in the workshop, and raised several matters that had not previously been highlighted during the previous workshop discussions, including:

- The impact of renewables on the Shire, including population growth expected in Nyora, and the impact of freight.
- State priorities v local priorities.
- Protection of biodiversity and significant landscapes outside of the coast and coastal hinterland.
- Managing expectation and growth in coastal settlements such as Venus Bay.

### **7.5. Referral agencies**

All agencies and authorities listed in Clauses 66.04 and 66.06 were invited to comment upon current arrangements for the referral of permit applications under local provisions. Agencies and authorities were also invited to comment upon any other aspects of the operation of the planning scheme as relevant to their area(s) of responsibility.

The substantive issues that each agency or authority raised are summarised below, with full responses available in Appendix Four:

#### **Gippsland Water**

- Requested that Gippsland Water be added as a Determining Referral Authority at Clause 66.04 for applications within Environmental Significance Overlay Schedule 2 (Special Water Supply Catchment Areas) that fall within the Mirboo North catchment. This requested change is supported.
- Following public consultation on the Planning Scheme Review Draft Report, provided specific comments on the Mirboo North Framework Plan. In particular, the capacity of the existing network and infrastructure to service proposed actions. This Report recommends further strategic work in relation to Mirboo North that will allow for further investigation and comment on this matter.

#### **South Gippsland Water**

- Requested that South Gippsland Water be removed as referral authority for unplumbed Domestic Sheds more than 30m from a waterway. This requested change is supported but requires further strategic work; there needs to be an MOU in place between the authority and Council to affect this change.
- Requested that multi-unit tourist accommodation (glamping tents or cabins, etc.) on a single property be restricted within Environmental Significance Overlay Schedule 2 (Special Water Supply Catchment Areas). While understanding the basis for the request, technically such a restriction cannot be included in the Environmental Significance Overlay Schedule 2 pursuant to the drafting requirements of the Ministerial Direction and the Practitioner's guide.
- Requested that Environmental Significance Overlay Schedule 2 (Special Water Supply Catchment Areas) clearly define the acceptable accreditations/qualifications of a 'suitably qualified person' to produce a Land Capability Assessment. This request is a State Government matter that is beyond the scope of this review.
- Requested a new waterway revegetation requirement be added to Environmental Significance Overlay Schedule 2 (Special Water Supply Catchment Areas). This requested change is supported and the draft ordinance has been amended to reflect this request.
- Requested a new requirement to Environmental Significance Overlay Schedule 2 (Special Water Supply Catchment Areas) for septic systems to be upgraded where works have been undertaken. This change was not supported as it is considered this requirement is adequately covered by the existing application requirements.

#### **Department of Environment, Land, Water and Planning**

DELWP's submission focused on five Environmental Significance Overlays and requested changes to:

- Changing the name of DELWP to the relevant name post-election. This should be done at authorization.
- Deleting referrals from the decision guidelines and inserting them appropriately in Clause 66.04s as recommending referral authorities.
- Deleting referrals where DELWP no longer provides the service (e.g. keeping Land Capability Assessment guidelines up to date, assessing significant landscapes).
- Including a reference document at Clause 72.04 for the Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (September 2015).
- Add further strategic work related to 42.01 ESO9 Giant Gippsland Earthworm and Habitat Protection to: 1) Develop an offset framework to enable appropriate relocation or replacement of habitat of the Giant Gippsland Earthworm resulting from planning decision. 2) determine whether the impacts of hydrology changes on colonies and habitat should be undertaken as part of the assessment process.
- Add further strategic work related to 42.01 ESO7 Coastal settlements to quantify drainage, access and buffer planting on interface requirements between private land and Crown land.

#### **Environment Protection Agency**

- Requested that relevant Environmental Significance Overlays be transitioned to the Buffer Area Overlay. This requested change is supported and is identified as further strategic work
- Requested that current planning permit exemptions detailed in Environmental Significance Overlay Schedule 8 (Manufacture of Milk Products Amenity Buffer) be applied in Environmental Significance Overlay Schedule 4 (Sewerage Treatment Plant and Environs). While the requested change is generally supported, Council needs to review and advise upon this, as there may be reasons unknown to the Redink team why the exemptions would not be appropriate.

#### **Leongatha Aerodrome Users Pty Ltd**

- Requested that the 'Airport Owner' be identified as a Determining Referral Authority at Clause 66.04. In this case the airport owner is a private entity / users association and affording Determining Authority status to such an entity is generally not supported.
- Requested that the Leongatha Aerodrome be rezoned to a Special Use Zone. This request is beyond the scope of this review to address.

#### **West Gippsland Catchment Management Authority**

- Requested that the Coastal Development Application requirements of the Land Subject to Inundation Overlay Schedule be removed as they duplicate PPF provisions. This requested change is supported and the draft ordinance has been amended to reflect this request.
- Provided a further response following the public consultation period supporting the recommendations of the Planning Scheme Review Report.

#### **Department of Transport**

- Requested that the wording of various provisions be changed to reflect the Departments role and the nature of the arterial road network. These requested changes are supported and the draft ordinance has been amended to reflect these requests.
- Requested changes to identify the future preparation of development plans in 3 growth area settings (Leongatha South, Jumbunna Road Precinct, Nyora Township). While the basis for requested change is understood supported, Council needs to review and advise upon this as it is a strategic planning decision and outside the scope of this review.

#### **Parks Victoria**

- Requested that a number of Parks Victoria parcels currently identified as being incorrectly zoned are rezoned to reflect their public land reservation purpose. Included a few other anomalies for consideration.
- Requested changes to overlays to exempt Parks Victoria activities from requiring a planning permit and in some instances requested the removal of the entire overlay from the property.
- Requested that for the ESO and SLO local schedules, the removal, destruction or lopping of native vegetation be specifically identified as not requiring a planning permit for Parks Victoria land where it is undertaken by or on behalf of the Parks Victoria in relation to its obligations under relevant legislation.

#### **Findings**

As a result of Engagement with referral agencies make the following changes to the ordinance as shown in Appendix Two:

- P. Update planning provisions to include strategically justified changes identified by the referral agencies as part of the planning scheme review consultation as shown in Appendix Two.**
- **Add Gippsland Water as a Determining Referral Authority at Clause 66.04 for applications within Environmental Significance Overlay Schedule 2 that fall within the Mirboo North catchment.**
  - **Add a new a new waterway revegetation requirement to Environmental Significance Overlay Schedule.**
  - **Delete the Coastal Development Application requirements of the Land Subject to Inundation Overlay Schedule.**

- **Amend the wording of Special Use Zone Schedule 6 and Development Plan Overlay Schedule 9 to refer to 'arterial roads' rather than 'major arterial roads.**
- **Replace reference to VicRoads with the Department of Transport in Development Plan Overlay Schedule 9.**

Introduce the following further strategic work as shown in Appendix Three:

- Q. Resolve a Memorandum of Understanding between South Gippsland Water and Council to enable South Gippsland Water to be removed as referral authority for unplumbed Domestic Sheds more than 30m from a waterway.**
- R. Transition Environmental Significance Overlays 4 Sewage Treatment Plants and Environments and ESO8 Manufacture of Milk Products Amenity Buffer to the Buffer Area Overlay.**
- S. Develop an offset framework to enable appropriate relocation or replacement of habitat of the Giant Gippsland Earthworm resulting from planning decision and determine whether the impacts of hydrology changes on colonies and habitat should be undertaken as part of the assessment process to strengthen 42.01 ESO9 Giant Gippsland Earthworm and Habitat Protection**
- T. Quantify drainage, access and buffer planting on interface requirements between private land and Crown land to strengthen 42.01 ESO7 Coastal settlements.**

## **7.6. Registered Aboriginal Parties**

The Victorian Aboriginal Heritage Act (2006) recognises Traditional Owners as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. At a local level, Registered Aboriginal Parties are the voice of Aboriginal people in the management and protection of Aboriginal cultural heritage in Victoria.

The Registered Aboriginal Party (Gunai Kurnai Land and Waters Aboriginal Corporation) were invited to participate in the planning scheme review.

### **Findings**

- U. Update Clause 02.01 (Context) to include appropriate First Nations recognition.**

## **7.7. Summary of issues raised through engagement**

Table 5 summarises the planning-related issues that were raised during the Stakeholder Engagement phase of the review, and the recommended actions in relation to each:

Table 5: Engagement phase planning related issues and recommended actions

	Officer survey	Planners	Internal staff	Councillors and Executive	Referral Agencies	Other stakeholders
Coastal Settlements and Climate Change Impacts	✓	✓	✓	✓		
Dwellings, Outbuildings and Subdivision in FZ	✓	✓		✓		
Hinterland significant landscapes	✓	✓		✓		
The drafting and usability of local Schedules, specifically the ESO, SLO and DDO.	✓	✓		✓	✓	
Impacts of the developing renewables industry	✓	✓	✓	✓		
PPF Translation issues	✓	✓				
Rural Land Use Policy	✓	✓				
Planning scheme anomalies	✓	✓			✓	
Protection of the Shire's heritage assets	✓	✓				
Future growth and development of Nyora	✓	✓			✓	
Managing bushfire risk	✓	✓				
Parking Overlay in Leongatha	✓	✓				
Use of C1Z land for residential purposes in smaller towns (Foster, Toora)				✓		
Inappropriate development proposals for infill development in areas with night cart laneways	✓		✓			
Impacts of State government proposals on local areas (transmission lines)				✓		
Protecting character in small towns such as Fish Creek and Foster as a point of difference (for tourism attraction, etc.)				✓		
Restructure Overlay – not working as intended and does not cover all areas	✓	✓		✓		

### Findings

- V. Undertake further strategic work to develop a local policy to provide guidance in relation to residential subdivisions on laneways.

## 8. Community consultation outcomes

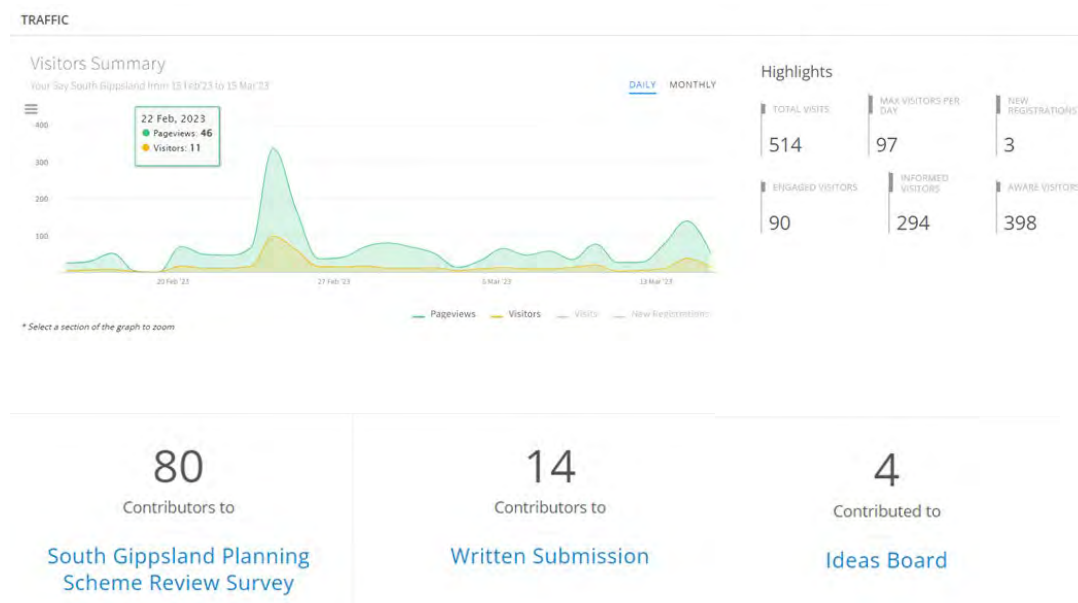
During February and March 2023, a draft of the Planning Scheme review was placed on public exhibition and submissions sought from community members about whether all of the planning issues of importance had been identified, and to seek assistance in prioritizing further strategic work.

Community consultation was undertaken between 15 February and 15 March 2023.

Council used multiple methods to engage with the broader South Gippsland community, including:

- seeking feedback via a Your Say website through the completion of a survey, a submission and/or comment on an Ideas Board
- a media release;
- inclusion on Council's Noticeboard (27 February); and
- a number of Facebook posts.

### 8.1. Who did we hear from?

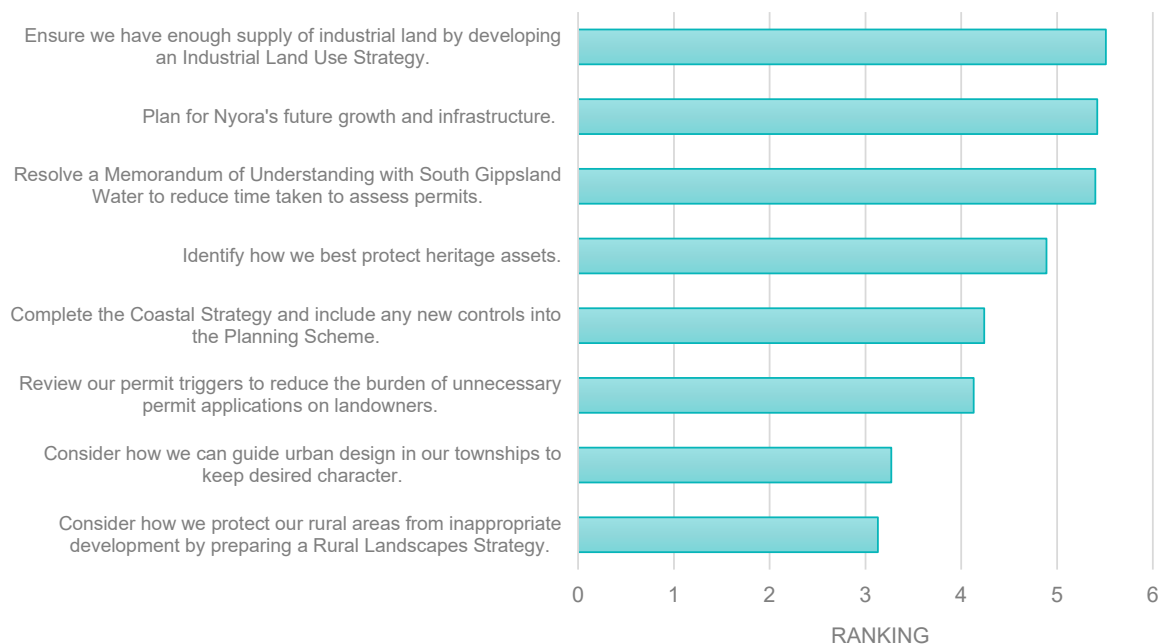


Council received 98 responses during community consultation, across all means of contribution.

### 8.2. What we heard:

Through the survey, Council heard sought feedback on a number of matters related to planning. Submitters were asked to identify the highest priority planning matters in order to help guide Council's Further Strategic Work Program. The planning issues in order of ranking are listed below:

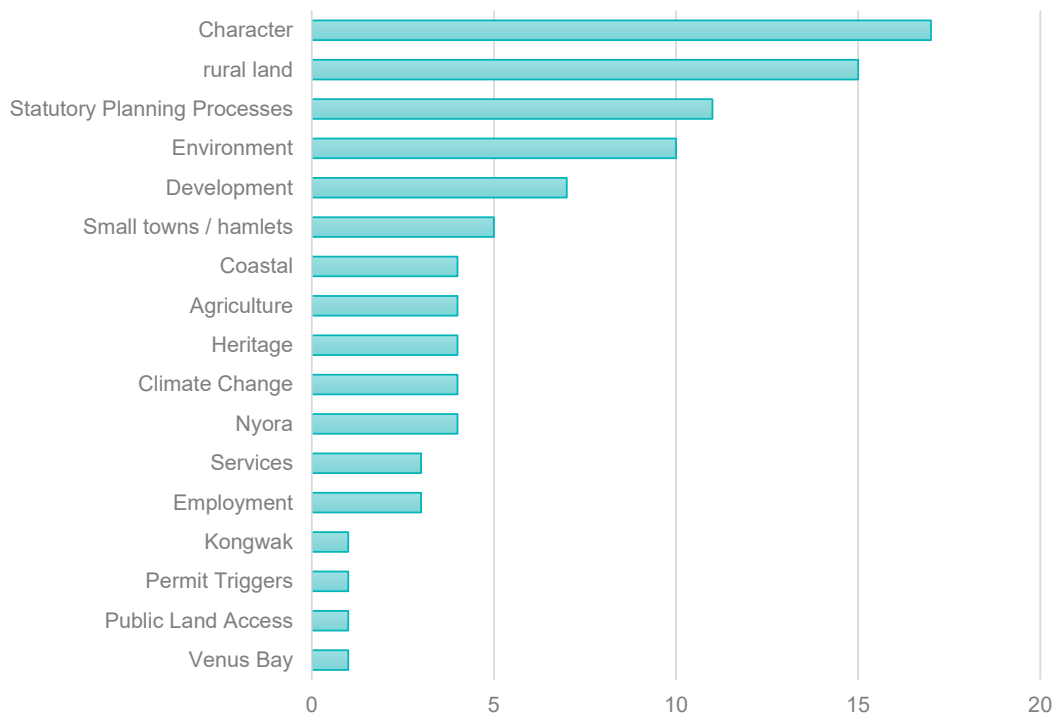
### Further Strategic Work Priorities:



Submitters were asked to explain why they had chosen to prioritise each matter in the way they had. There was a range of reasons for why specific topics had been chosen which were largely personal to the submitted, however some broader issues were identified. The top four of these reflect the issues identified in the Planning Scheme Review Draft, including:

- Character
- Rural land use and design for development in rural landscapes
- Statutory planning processes; and
- Environment

## Reason for prioritising Further Strategic Work:



The survey gave contributors an opportunity to leave a more general comment in relation to the Planning Scheme Review Draft Report, while the community were also given the opportunity to provide a submission outside of the survey process.

The comments Council received were broad ranging and covered:

- planning matters specific to individual experiences
- concerns for certain townships or areas
- matters relating to overarching topics such as character or planning for growth
- matters relating to rural land use planning
- matters not within the specific remit of planning and the Planning Scheme Review, such as roads management, the provision of dog parks and alternative transport/ tourism options (cable car).

Of note, a high proportion of submitters responded with feedback relating to Kongwak. Eight out of the submissions, as well as survey responses, focused on Kongwak. Of these, three did not have any content. Where there was content, in particular, the submitters were concerned with preserving the character and feel of Kongwak as a small hamlet, and the careful consideration of any commercial growth in the town.

Responses were also received from Parks Victoria, West Gippsland Catchment Management Authority and Gippsland Water, which will be included in the external referrals section of the Planning Scheme Review Report.

The feedback identified matters of interest and concern in the community in relation to the operation of the South Gippsland Planning Scheme. This input will help prioritise Further Strategic Work for South Gippsland Shire over the next four years, as part of the outcomes of the Planning Scheme Review Report.



The feedback provided during Consultation and Council officers' responses to each of these themes is outlined in Appendix 6.

## 9. New strategic work

New strategic work that has been adopted by Council and prepared for the South Gippsland Region was reviewed to identify whether any policy should be incorporated into the planning scheme.

The intention of this part of the review process is to incorporate policy that may have been developed by another part of Council (for example, Economic Development, Sustainability, Community Planning etc.) and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as Structure Plans for Activity Centres, or Housing Strategies, which should go through a separate, dedicated planning scheme amendment process.

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme. (For example, the construction of a new wetland).

### 9.1. Council strategies and documents

Council provided twenty documents for review that have been developed since the last review. Each of these documents are adopted positions of Council and have been through a consultation process. There is strategic justification for the policies outlined in these documents.

Each document as reviewed by Redink Planning. It was found that policy outlined in seven of the documents should be bought across to the planning scheme as they relate to matters that applicants and decision makers should be considering in order to achieve the objectives set out in those strategies.

#### Documents reviewed

- South Gippsland Council Plan 2022-2026 (SGSC, 2022)
- South Gippsland Healthy Communities Plan 2021 (SGSC, 2021)
- South Gippsland Community Vision 2040 (SGSC, 2022)
- South Gippsland Integrated Planning Engagement Report 2022 (SGSC, 2022)
- South Gippsland Advocacy Strategy 2022 (SGSC, 2022)
- South Gippsland Economic Development Strategy 2021-2031 (SGSC, 2021)
- South Gippsland Domestic Animal Management Plan 21-22 (SGSC, 2021)
- South Gippsland Arts, Culture & Creative Industries Strategy 2022-2026 (SGSC, 2022)
- South Gippsland Asset Plan 2022/23 – 2031/32 (SGSC, 2022)
- South Gippsland Blueprint for Community and Economic Infrastructure 2021-2036 (SGSC, 2021)
- South Gippsland Community Engagement Strategy 2020-2024 (SGSC, 2020)
- South Gippsland Community Strengthening Strategy 2018-2022 (SGSC, 2018)
- Municipal Domestic Wastewater Management Plan 2022-2026 (SGSC, 2022)
- South Gippsland Environmental Sustainability Framework 2021 (SGSC, 2021)
- South Gippsland Paths and Trails Strategy 2018 (SGSC, 2018)
- South Gippsland Road Management Plan 2022 (SGSC, 2022)
- South Gippsland Social and Affordable Housing Strategy 2022 (Horsnby & Co, 2022)

- South Gippsland Tree Management Plan (SGSC, 2021)
- South Gippsland Visitor Economy Strategy 2021-2031 (SGSC, 2021)
- South Gippsland Waste Management Strategy 2016-2021 (SGSC, 2016)

### 9.1.1. Recommendations

Seven documents had policy implications. A summary of each, and the recommended changes to the planning scheme for each follows. Note that sometimes recommendations repeat as they appear in more than one strategic document.

#### Council Plan 2022-2026

The Council Plan 2022-2026 sets out the strategic directions and priorities of South Gippsland Shire Council for the next four years. To implement Council Plan 2022-2026 in the planning scheme:

- W. **Include policy in the planning scheme to implement the Council Plan 2022 – 2026 as shown on Appendix Two.**
  - **Insert a strategy at Clause 18.02-1L (Walking) to enhance the Shire’s network of trails and footpaths.**
  - **Insert a strategy at Clause 14.01-2L (Sustainable agricultural land use) that supports agriculture, food and fibre production to remain competitive and significant contributors to the local and national economies.**
  - **Insert a new strategy at Clause 17.04-1L (Tourism) to support improved visitor accommodation that encourages tourists to visit and remain longer in the region.**
- X. **Undertake further strategic work identified in the Council Plan 2022-2026 as shown on Appendix Three:**
  - **Prepare a municipal industrial land supply assessment.**
  - **Prepare a Development Plan (including developer contributions) for the South Western precinct of Nyora as part of the Nyora Development Strategy.**
  - **Prepare a Coastal Strategy.**

#### South Gippsland Community Vision 2040 (SGSC, 2022)

The South Gippsland Community Vision 2040 (SGSC, 2022) describes the community’s aspirations for the future of the municipality and is designed to help guide decision making.

To implement the South Gippsland Community Vision 2040 in the planning scheme:

- Y. **Include policy in the planning scheme to implement the South Gippsland Community Vision 2040 as shown on Appendix Two.**
  - **Add a new direction to Clause 02.02 (Vision) that to ensure decision-making supports adaptation to climate change by protecting and enhancing the Shire’s unique natural environment, towns and villages.**
  - **Introduce a new Clause 14.01-2L (Sustainable agricultural land use) that supports agricultural industries that use regenerative land management practices, to ensure the long-term viability of land.**
  - **Introduce a new Clause 16.01-2L (Housing affordability) that promotes development that includes affordable housing.**

#### South Gippsland Integrated Planning Engagement Report 2022 (SGSC, 2022)

The South Gippsland Integrated Planning Engagement Report Provides a summary of the engagement that has gone into Council's suite of Integrated Plans (Community Vision 2040, Council Plan 2022 – 2026, Annual Budget 2022/23 – 2025/26, Rating and Revenue Strategy 2022 – 2026, Domestic Wastewater Management Plan 2022 – 2026, Asset Management Plan 2022/23 – 2031/32, Long Term Financial Plan 2022/23 – 2031/32). It provides details on how many people have engaged at each stage and outline what changes have been made to the Plans as a result of engagement.

To implement the South Gippsland Integrated Planning Engagement Report 2022 in the planning scheme:

- Z. Undertake further strategic work identified in the South Gippsland Integrated Planning Engagement Report 2022 as shown on Appendix Three:**
- **Prepare planning scheme guidelines to protect the character of coastal townships.**
  - **Develop a 'solutions focused' Industrial Land Supply Strategy.**

### **South Gippsland Economic Development Strategy 2021-2031 (SGSC, 2021)**

The South Gippsland Economic Development Strategy 2021-2031 (SGSC, 2021) sets out our economic strategy for the next decade. It contains strategic themes to guide Council's economic planning and secure South Gippsland's future.

To implement the South Gippsland Economic Development Strategy 2021-2031 in the planning scheme:

- AA. Amend Clause 02.03-7 (Diversified economy) to include the over-arching strategic directions for economic development articulated in the South Gippsland Economic Development Strategy 2021-2031 and shown on Appendix Two.**

### **South Gippsland Environmental Sustainability Framework 2021 (2021)**

The South Gippsland Environmental Sustainability Framework 2021 (2021) represent Council's adopted direction in the environmental sustainability realm. To implement the South Gippsland Environmental Sustainability Framework 2021 in the planning scheme:

- BB. Amend Clause 02.03-3 (Environmental risks and amenity) to highlight the vulnerability of key industries including agriculture and tourism to climate change impacts to implement the South Gippsland Environmental Sustainability Framework 2021 and shown in Appendix Two.**

### **South Gippsland Social and Affordable Housing Strategy 2022**

The South Gippsland Social and Affordable Housing Strategy 2022 seeks to facilitate affordable housing outcomes in the South Gippsland Shire. To implement the South Gippsland Social and Affordable Housing Strategy 2022 in the planning scheme:

- CC. Introduce a new Clause 16.01-2L (Housing affordability) to significantly increase access to affordable and social housing to implement the South Gippsland Social and Affordable Housing Strategy 2022.**

### **South Gippsland Visitor Economy Strategy 2021-2031**

The South Gippsland Visitor Economy Strategy 2021-2031 seeks to achieve Council's vision that the Shire is a destination of choice for local and international visitors. To implement the South Gippsland Visitor Economy Strategy 2021-2031 in the planning scheme:

- DD. Amend Clause 02.03-7 (Tourism) to include to include the over-arching strategic directions for tourism articulated by the South Gippsland Visitor Economy Strategy 2021-2031.**

### **Council resolutions and adopted studies**

Council resolved on 25 November 2020 to implement the findings of a Council led audit of potentially contaminated land, see **Appendix Five**. Officers identified known sites of contamination throughout the municipality and gained Council support to seek authorisation to apply the Environmental Audit Overlay (EAO) to land identified.

- EE. Apply the Environmental Audit Overlay (EAO) to known sites of land contamination in accordance with previous Council resolution on 25 November 2020 to implement the findings of Council's audit of potentially contaminated land.**

Council resolved to replace the Environmental Significance Overlay – Schedule 5 (ESO5) with the appropriate planning tool being the Erosion Management Overlay (EMO) at a Council Meeting on 25 May 2016.

The EMO is the preferred VPP tool to manage erosion issues. Its purpose is:

To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

- FF. The EMO is a risk management tool as opposed to the ESO which is more focused on protection of environmental values, and more appropriate to manage this issue. Replace the Environmental Significance Overlay Schedule 5 (Areas susceptible to erosion) with the Erosion Management Overlay and introduce design guidelines for development on steep slopes in accordance with Council resolution 25 May 2016.**

## **9.2. Regional projects and documents**

The regional documents that were reviewed were:

- Gunai Kurnai Whole of Country Plan (Gunai Kurnai Land and Waters Aboriginal Corporation 2015)
- West Gippsland Regional Catchment Management Strategy 2021-2027 (WGCM, 2021)
- Gippsland Regional Plan 2020-2025 (Gippsland Regional Plan Leadership Group, 2020)

### **9.2.1. Documents with policy implications**

#### **Gunai Kurnai Whole of Country Plan**

The Gunai Kurnai Whole of Country Plan aims to bring together and add to the discussions that Gunai Kurnai people have had over the past two decades during their fight for Native Title and paints a picture of how they now are going to move forward.

To show respect for Traditional Owners and their continuing connection to Country, it is recommended that appropriate First Nations recognition be introduced at Clause 02.01 (Context). This action has been recommended for all planning scheme reviews being undertaken by Redink Planning.

- GG. Introduce recognition of the traditional owners of the land at Clause 2.01 Context. In the MPS.**

**Gippsland Regional Plan 2020-2025**

The Gippsland Regional Plan 2020-2025 is a long-term strategic plan that seeks to improve the economic, social, cultural, and environmental outcomes for the Gippsland region and community.

It contains policy in relation to facilitating investment in renewable, clean and community energy that should be incorporated into the planning scheme.

**Recommendations**

- HH. Introduce a strategy at Clause 19.01-2L Renewable energy sources 'Facilitate investment in renewable, clean and community energy' to implement the Gippsland Regional Plan 2020-2025**

## 10. Work underway

### 10.1. Concurrent planning scheme amendments

The following Council (C) amendments are currently underway for the South Gippsland planning scheme.

Amendment number	Common name of the amendment What the amendment does	Stage
C124sgjp	Removal of reserve and rezoning of Council-owned land	Gazettal (12 August 2022)
C126sgjp	Apply Heritage Overlay to Aroyn Homestead, Lang Lang, Poowong Road, Nyora	Gazettal (11 March 2022)
C125sgjp	General amendment and rezoning of 293 Whitelaw Road, Korumburra	Gazettal (8 September 2022)

None of the above planning scheme amendments are anticipated to have implications for the current Planning Scheme review project.

### 10.2. Strategic planning projects

Council is currently substantially underway with the following strategic planning projects.

Project name	What the project is intended to do	Stage
Coastal Strategy	Develop strategies to respond to coastal issues, in particular climate risks	Initiation
Foster Structure Plan Refresh	Identify key strategies for the township and update the Framework Plan	Analysis
Bushfire Planning	Identify key risk areas for Foster and Mirboo North to establish where urban growth can occur and should not occur. Supports Foster Structure Planning Project and further implementation of the Mirboo North Refresh Project (partially implemented by C115sgjp)	Draft Report / consultation with CFA.
Rural areas permit trigger review	Identify redundant planning permit triggers for policy in the Rural Zones and update the planning scheme to remove these	Draft Report

The work that is underway now, particularly the Coastal Strategy and the Rural areas permit trigger review, will resolve some of the issues that have been identified in this planning scheme review. The planning scheme review is not the vehicle to implement this work though, as they do not form resolved positions of Council.

## 11. Key issues

As a result of the Planning Scheme Review, these matters have been identified as the issues that Council needs to focus on over the next four years.

### 11.1. Planning for the Shire's coastal settlements

This review has identified two key and interrelated issues associated with the planning of the Shire's coastal settlements:

- Planning for the coastal impacts of climate change.
- Siting and design of buildings and works in coastal areas.

Council is aware of the issues that impact on the coastal areas which have been exacerbated over recent years as the realities of climate change impact on the foreshore, and population growth to the area is rising sharply. For this reason, a Coastal Strategy is being prepared, and should address many of the issues that have been identified both in this part of the discussion and under 10.7 of this section which addresses overlays.

#### 11.1.1. The coastal impacts of climate change

##### Issue

This review has identified that the impacts of climate change upon the Shire's coastal settlements is one of the main long-term land use planning challenges facing the municipality. At present there is an absence of policy that provides appropriate directions for the future of the Shire's coastal settlements in the context of known climate change impacts.

##### Evidence

VCAT's recent refusal of an application in Venus Bay that was otherwise acceptable in many respects, on the grounds that public access into and out of Venus Bay would expose future occupants to an unacceptable level of coastal flooding hazard, was a significant decision that brought the absence of such policy into sharp relief. This recent VCAT decision has broad implications for the future growth and development of not just Venus Bay but many of the Shire's coastal settlements, some of which are susceptible to the coastal impacts of climate change.

##### Discussion

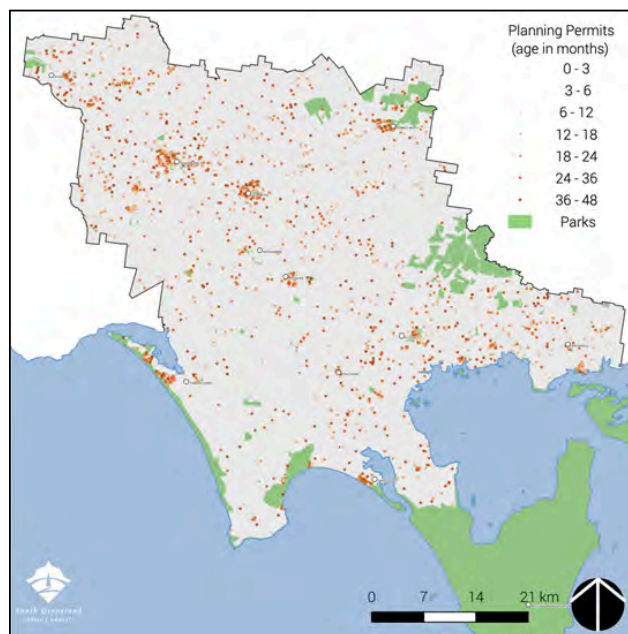
While it is not strictly applicable to each of the Shire's coastal settlements, Planning Practice Note 11 (Applying for a Planning Permit under the Flood Provisions) is instructive when considering the issue of access into and out of settlements impacted by coastal flooding Hazard. Planning Practice Note 11 specifies that development should be refused if (among other matters) it is likely to cause an unacceptable increase in flood risk in situations that rely on low-level access to and from the site.

As is noted in the South Gippsland Coastal Strategy Overview (December 2019):

- Based upon the modelled 1% Average Exceedance Probability (AEP) flood level, there is an immediate risk of road access being cut to Venus Bay, Tarwin Lower, Waratah Bay, Sandy Point and Port Welshpool during current flood events.
- Based upon current modelling of 0.82m sea level rise by 2100, there is an immediate risk of a majority of Port Welshpool and smaller portions of other towns such as Sandy Point, Venus Bay and Tarwin Lower being inundated by flood water during current flood events.

At present the above-mentioned coastal settlements account for approximately 6% of the Shire's population however these localities generate a substantial proportion of planning permit applications within the Shire, as illustrated in a 'hot spot' analysis of the distribution of applications over the last four years (refer to Figure 2).

Figure 2: Hot spot distribution analysis of planning permit applications 2018 - 2022



Source: South Gippsland Shire Council 2022

Council is preparing the South Gippsland Coastal Strategy, which will provide strategic direction for the planning of South Gippsland's coastal areas and, amongst other matters, respond to climate change risk.

Several the Shire's coastal settlements are already at risk from the coastal impacts of climate change, and the above-mentioned VCAT decision raises important and urgent questions about the orderly development of those settlements.

Given the frequency and severity of coastal inundation events are projected to increase over time, it is strongly recommended that one of the outcomes of the South Gippsland Coastal Strategy is the development and implementation of planning policy that provides clear and appropriate direction for the future of the Shire's coastal settlements in the context of known climate change impacts. Supporting further growth and development that would expose additional people and property to climate change risks and associated hazards is not considered to be an appropriate or acceptable planning outcome.

The implications of such a policy could be substantive and may well necessitate significant changes to the Shire's current settlement hierarchy and directions for growth.

## Findings

- II. **Develop and implement planning policy that provides clear and appropriate direction for the future of the Shire's coastal settlements in the context of known climate change impacts.**



### 11.1.2. Siting and design in coastal settlements

#### Issue

This review has identified that significant tension currently exists between competing objectives and outcomes for the siting and design of development in the Shire's coastal settlements. This has led to a lack of clarity regarding the key or preferred siting and design outcomes that are sought within the coastal settlements.

#### Evidence

New dwellings in the coastal settlements were identified through this review as being one of the most common types of applications dealt with by Council, as well as being one of the categories of applications that take the longest time to determine and are regularly the subject of review at VCAT.

The complexity of applications for buildings and works within the Shire's coastal settlements appears to be driven primarily by the range and complexity of Overlays that apply, and in some case the existence of competing objectives between applicable Overlays. For example, Council Officers identified through consultation that tension exists between those provisions of the planning scheme that allow vegetation removal as a bushfire protection measure (i.e., Bushfire Management Overlay, Clause 52.12) and those provisions which seek its retention, specifically in the Shire's coastal settlements (i.e., ESO's & DDO's).

#### Discussion

This review has identified that a number of the Overlays that are applicable to the Shire's coastal settlements are poorly drafted and unclear in relation to the specific matters that they seek to control and the planning outcomes they expect to achieve. Recommendations for improving the drafting of these Overlays are addressed separately in section 10 of this report.

Consultation with Council Officers identified an over-arching lack of clarity and clear guidance for decision-makers regarding the key outcomes that are sought be achieved within the coastal settlements, driven in part by a perceived subjectivity in the current controls and the numerous (and not necessarily positive development precedents) that have previously been set. Within this context, Council Officers identified a need for the planning scheme to include clearer guidance in relation to the specific key outcomes that are sought be achieved within the Shire's coastal settlements, to provide clarity for the community and to help Council to refuse inappropriate proposals.

#### Findings

- JJ. Undertake further strategic work to prepare a new policy (or policies) at Clause 15.01 (Urban design) to articulate how the current tension between competing objectives and outcomes for the siting and design of buildings and works in the Shire's coastal settlements should be appropriately balanced.**

### 11.2. Planning for urban character

#### Issue

Consultation with Council Officers identified a lack of guidance regarding urban design outcomes in development throughout the Shire. Council currently utilises general DDO and ESOs to provide guidance which lacks specific key outcomes to help decision makers and does not respond to current State guidance when implementing urban character controls into the Planning Scheme which

supports implementation of neighbourhood character controls through the schedules to the residential zones and the Neighbourhood Character Overlay. This was a particular issue in coastal areas. It was not raised for the rural townships during the planning scheme review, however the heritage values of Fish Creek and Loch were recognised as being an important contributor to neighbourhood character, and more controls were required.

### Discussion

Council officers have identified that there is insufficient guidance for character issues in township areas and if overlay controls apply, there is little in the way of detail and policy direction to enable decision makers.

This was a particular issue in coastal areas. It was not raised for the rural townships during the planning scheme review, however the heritage values of Fish Creek and Loch were recognised as being an important contributor to neighbourhood character, and more controls were required.

A review of the suite of overlays that apply to township areas will consider the placed based objectives to be achieved, however it is likely additional strategic support is required, particularly in areas experiencing development pressure in the west of the Shire. Further, areas such as Fish Creek and Foster, that rely on their existing character to attract tourism and growth, do not have sufficient support to consider existing and preferred character during the assessment of planning proposals.

### Findings

- KK. Review existing controls and, where necessary, undertake character assessments to inform new planning controls to manage development, particularly in residentially zoned areas. This should include:**
- LL. Protect the heritage elements of Fish Creek and Loch to preserve the character of the townships.**
- MM. Review of the existing ESOs and DDOs to ensure they are achieving what is expected from them, are applied at the right scale, have the correct permit triggers in them and sufficient detail to better aid applicant and decision makers.**
- NN. Prepare clearer urban design guidance to assist with balancing the tension between competing objectives and outcomes for the siting and design of buildings and works.**

## 11.3. Planning for the Shire's rural hinterland

### Issue

Council deals with a very large number of applications within the Shire's rural hinterland and at least some of those applications may be the result of redundant and / or unnecessary permit triggers. The recent PPF translation has significantly weakened the previous directions of Council's suite of rural policies, which poses a risk for these significant areas. Finally, the landscape and visual amenity of the Shire's rural hinterland is highly valued, but this is not currently recognised or protected in the planning scheme.

### Evidence

A significant proportion of all permit applications dealt with by Council relate to the Shire's rural areas. For example, of the 558 total applications received in the 2020/2021 financial year, 156 or 27.95% triggered a permit for buildings and works in the Farming Zone.

Applications relating to the Shire's rural areas also represent a significant proportion of Council's appearances at VCAT; 13 of the 17 key VCAT cases (i.e., 76%) since the previous planning scheme review in 2018 related to matters within the Shire's rural areas.

### Discussion

Council is currently undertaking review of planning permit triggers in the Shire's rural areas. The planning permit trigger review will assess both Zones and Overlay triggers that are currently applicable. This review has the potential to result in the removal of redundant and / or unnecessary permit triggers, thereby reducing the quantum of applications relating to the Shire's Farming Zone areas.

Through consultation Council Officers identified that the pressure for rural lifestyle properties, the fragmentation of agricultural land, the intrusion of non-agricultural uses as well as the protection of agricultural land and agricultural production are some of the main long-term land use trends and challenges facing the municipality.

Council Officers also identified that applications in the Shire's rural areas often take the longest time to determine due to conflicting planning considerations and more complex assessments. Existing planning scheme provisions pertaining to the Shire's rural areas are relied upon frequently in decision making, however the absence of strong policy directions in relation to dwellings, outbuildings & subdivision in the Shire's rural areas was identified by Officers as a significant policy gap.

Council Officers highlighted through consultation that the recent policy neutral translation of the South Gippsland Planning Scheme undertaken by the State Government (Amendment C127sgip, gazetted 2 March 2022) resulted in the loss of some previous content that has significantly weakened the previous directions of Council's suite of rural policies.

Similarly, an analysis of recently VCAT cases noted that a previous application requirement (at Clause 22.05) for the submission of a 'whole farm plan' in conjunction with an application to construct a dwelling in association with an agricultural activity had been omitted.

Finally, through consultation Councillors, Council's Executive Management and Council Officers have all emphasised that the Shire's attractive and highly valued rural hinterland areas are not currently afforded any protection (i.e., through significant landscape overlays and/or associated policies) and this was identified as a current and significant policy gap.

### Findings

To address the key issues facing the Shire's rural hinterland areas identified through this review, it is recommended that Council:

- OO. Re-instate important rural policies that were lost through the PPF translation process. Refer to Appendix Six for an assessment of Council-identified potential reinstatements and the Redink teams' recommendations, which have been included in the draft track-changes ordinance.**
- PP. Finalize and implement Council's current review of planning permit triggers in the rural areas.**
- QQ. Undertake further strategic work to identify and protect important landscapes within the Shire's rural hinterland.**

### 11.4. Land-side planning for offshore renewables

**Issue**

Victoria's rapidly emerging offshore wind energy industry poses both an opportunity and a challenge for the Shire.

**Evidence**

In October 2022, the Victorian Government released the "Offshore Wind Implementation Statement 1", which outlines the Government's plans for the establishment of an offshore wind industry in Victoria. The Government has set ambitious targets for offshore wind generation of at least 2 gigawatts (GW) by 2032, 4 GW by 2035 and 9 GW by 2040.

The "Offshore Wind Implementation Statement 1" notes that Port of Hastings is likely to be the preferred Victorian port to support offshore wind construction. However, the scale of the proposed Victorian offshore wind industry and its proximity means that the Shire will certainly be impacted by, and have opportunity to benefit from, the establishment of the offshore wind industry. Indeed, the "Offshore Wind Implementation Statement 1" identifies that:

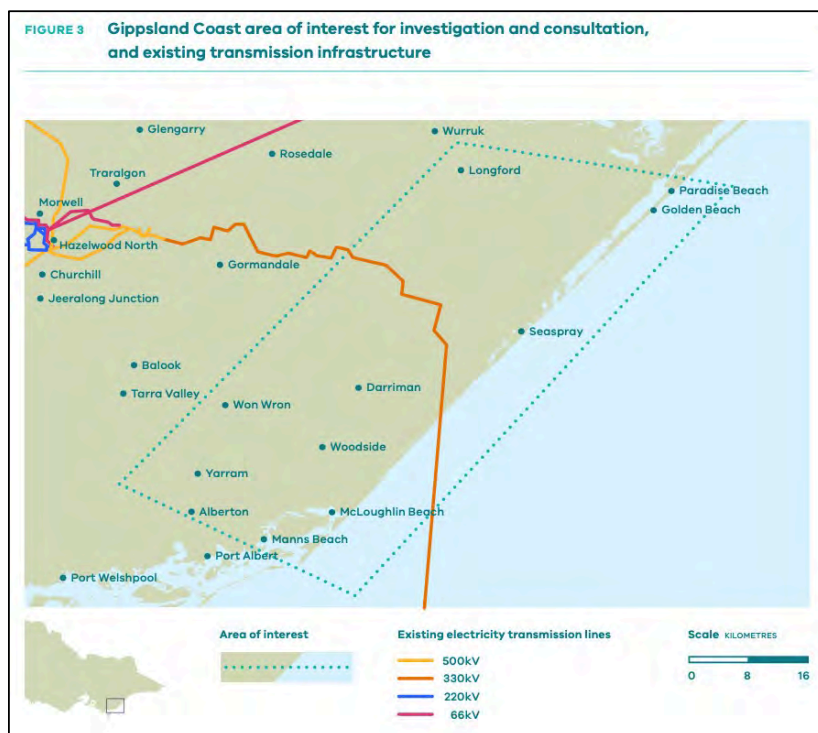
*Many commercial ports in Victoria can benefit from the establishment of the offshore wind sector, including for operations and maintenance services that will be required once the offshore wind sector is established.*

*Many Victorian ports could accommodate the smaller crew transfer vessels and larger service operations vessels for these activities, with proximity to offshore wind developments a primary consideration. local ports and communities are well situated to benefit economically from ongoing support activities. We encourage all ports to consider how their facilities can support the establishment of the offshore wind sector. (p18)*

**Discussion**

While falling outside of the State Government's currently defined "Area of Interest" for transmissions infrastructure (Figure 3), no preferred routes for the requisite infrastructure have yet been defined, with VicGrid and AEMO anticipated to work with stakeholders through 2023 to investigate options. It is not unreasonable to assume that potential routes through the Shire will be explored through that process.

Figure 3: Offshore wind industry transmissions infrastructure areas of interest



**Source:** Offshore Wind Implementation Statement 1, Government of Victoria, October 2022

Through consultation Council has identified that Barry Beach and Nyora are likely to be the main localities within the Shire that will be best placed to support the rapidly emerging offshore wind energy industry, with Nyora potentially supporting the redevelopment of the Port of Hastings and Barry Beach potentially supporting post-construction operations and maintenance services.

The “*Offshore Wind Implementation Statement 1*” articulates the State Government’s intention to introduce an enabling reforms package to facilitate the development of the offshore wind industry in 2023, with the first power from offshore wind anticipated to be generated in 2028. The State Government is moving extremely fast with this significant project, and Council will need to also move rapidly and (as far as possible) engage actively to ensure the Shire maximises the benefits from, and minimises the potential impacts of, the offshore wind industry.

## Findings

In this context it is recommended that Council:

- RR. Undertake further strategic work to review and update the applicable policy settings for Barry Beach and Nyora (and other settlements and sites as appropriate) to ensure the Shire is best placed to maximise the benefits to the Shire from the establishment of the offshore wind industry.**
- SS. Undertake further strategic work to identify high-value landscapes within the rural hinterland, to enable Council to actively and constructively participate in the process to define preferred routes for requisite transmissions infrastructure.**

## 11.5. The future role and function of Nyora

### Issue

Nyora is currently identified as a “small town” in the settlement hierarchy at Clause 02.03-1 (Settlement), however through consultation this review has identified that Nyora has the potential to become Council’s largest township.

### Evidence

Council Officers, Internal Staff and Councillors all highlighted that Nyora has and is experiencing significant demand for growth. As discussed previously, the rapid growth in renewables and its locational advantages in relation to Ports is likely to further feed this demand. In recognition, Council is currently undertaking a Structure Plan, however Council officers recognise that some opportunities for influencing land use development outcomes have already been missed.

### Discussion

The planning scheme as currently drafted does not reflect this potential for Nyora to grow and develop into the municipalities’ largest township and does not provide policy direction and associated controls that would support and facilitate such a level of growth.

It is recommended that Council undertake further strategic work to define the future role and function of Nyora in the overall settlement hierarchy, and plan for its future growth and development. This may include the preparation of development contributions plans to ensure the timely delivery of necessary supporting infrastructure. Development contributions planning will need to be undertaken in partnership with the Department of Transport and Planning (transport team).

### Findings

- TT. Change the designation of Nyora from ‘Small town’ to ‘Emerging district centre’ and update the description of Nyora’s future role at Clause 02.03-1 (Settlement) as shown in Appendix Two.**
- UU. Prepare a structure plan and urban design framework to guide the future development of Nyora, including a development contributions plan.**
- VV. Prepare a new Clause 11.01-1L policy to separate Nyora from the small townships policy.**

## 11.6. The identification and protection of the Shire’s heritage assets

### Issue

Through consultation, this review has identified that a lack of adequate identification and protection of the Shire’s important heritage assets is a current and significant policy gap.

### Evidence

The South Gippsland Heritage Study (David Helms, 2004) is a listed Background Document at Clause 72.08. The study assessed over 1,200 place of potential heritage significance throughout the Shire and identified:

- 8 places of State heritage significance
- 335 places of Level 1 local heritage significance
- 12 heritage precincts of Level 1 local heritage significance

- 205 places of Level 2 local heritage significance
- 660 places of Level 3 local heritage significance

Amongst other matters, the 2004 Heritage Study recommended the application of the Heritage Overlay (HO) to all places and precincts that were identified as being of Level 1 local heritage significance.

Council has advised that to date, the Heritage Overlay (HO) has been applied to about 100 of the 374 (i.e., approximately 26%) places and precincts identified as being of Level 1 local heritage significance.

### **Discussion**

At present, the South Gippsland Planning Scheme provides protection for the Shire's heritage assets through a strategic direction at Clause 02.03-5 (Built environment and heritage) and locally specific policy at Clause 15.03-1L (Heritage). However, this protection is only meaningfully afforded to heritage assets to which the Heritage Overlay (HO) applies; almost three quarters of the Shire's heritage assets (which the 2004 Heritage Study recommended should be included within the Heritage Overlay), are currently not afforded any such protection.

While it could be argued that the strategic direction a Clause 02.03-5 (Built environment and heritage) in combination with the inclusion of the 2004 Heritage Study as Background Document at Clause 72.08 affords some protection to heritage assets listed in the 2004 Heritage Study that are not currently included in the Heritage Overlay, this is not an efficient or effective use of the planning system to protect heritage assets. Further, it is considered highly unlikely that a planner would refuse an application (and that VCAT would uphold such as refusal) on this basis.

### **Findings**

- WW. Update the 2004 South Gippsland Heritage Study as necessary and to apply the Heritage Overlay to all heritage places and precincts of local heritage significance.**

## **11.7. Translation of the rural policy through the PPF translation**

### **Issue**

The recent policy neutral translation of the South Gippsland Planning Scheme undertaken by the State Government (Amendment C127sgip, gazetted 2 March 2022) resulted in the loss of some previous content that has significantly weakened the previous directions of Council's suite of rural policies.

### **Evidence**

Existing planning scheme provisions pertaining to the Shire's rural areas are relied upon frequently in decision making, however the absence of former policy was identified by Officers as a significant policy gap.

Council Officers highlighted through consultation that the recent policy neutral translation of the South Gippsland Planning Scheme undertaken by the State Government (Amendment C127sgip, gazetted 2 March 2022) resulted in the loss of some previous content that has significantly weakened the previous directions of Council's suite of rural policies.

Similarly, an analysis of recently VCAT cases noted that a previous application requirement (at Clause 22.05) for the submission of a 'whole farm plan' in conjunction with an application to construct a dwelling in association with an agricultural activity had been omitted.

### **Discussion**

Council Officers provided the Redink Team with a marked-up version of the current ordinance, identifying potential inadvertent omissions. These have been assessed against the pre-PPF translation ordinance and several genuine, strategically justified omissions have been identified. Given their importance to the operation of Council's suite of rural policies and the extent to which pre-PPF translation they were relied upon in decision making, it is entirely appropriate that these inadvertent omissions be rectified.

In addition, Council raised some minor changes to strengthen rural policy which are supported and included as changes in Appendix Two.

See Appendix Six for detail.

### **Findings**

- XX. Reinstate policy that was omitted through the PPF translation process as shown in Appendix Two.**

## **11.8. Drafting of overlays**

### **11.8.1. Issue**

Inadequacies and inappropriate drafting of various overlays, including the DDOs, SLOs, ESOs are an issue that has emerged repeatedly through the planning scheme review.

Multiple issues have been identified and these will be addressed under the following themes:

- Compliance with the MDFC.
- Lack of detail and policy direction.
- Unnecessary permit triggers.
- Complex application in coastal areas.

Some of these issues can be addressed, but the amount of work required to fix the issues identified is outside the scope of this review process.

### **11.8.2. Discussion**

#### **Coastal areas**

The layering of overlay controls in coastal settlements and the coastline is complex. There are often multiple overlays that apply and planners need balance decisions with little assistance from the words in the ordinance (due to a lack of detail and policy direction, discussed above).

It is recommended that the following occur through the coastal strategy work that is being undertaken.

Review the suite of overlays that apply to coastal areas with consideration to the following matters:

- Convert DDOs to schedules to the residential zones where possible. This relates to DDO3 Sandy Point, DDO4 Waratah Bay, DDO5 Venus Bay and DDO6 Tarwin Lower.



- Review the ESOs that apply to coastal areas and ensure that the statement of significance for each is specific and place based to the environmental objectives to be achieved, and there is only one environmental objective for each. This may require splitting the ESOs up into smaller areas. This relates to ESO1 Areas of natural significance, ESO 3 Coastal settlements – non residential areas and ESO7 Coastal settlements.
- Consider whether outstanding issues in the DDO that cannot be put into the schedules to the residential zones can be consolidated into the ESOs.

### Environment Significance Overlays

The ESO's were reviewed at a broad level. There are a range of drafting issues with the ESOs which are outlined in Table 6: Evaluation of ESOs

Table 6: Evaluation of ESOs

	Statement of environmental significance	Objectives	Summary
ESO 1 Areas of natural significance	Far too generic. Does not describe what is significant and should be preserved.	Contains five objectives. Only one permitted. Objectives too broad. For example, does not specify the identified significant vistas.	Too broad. Should be divided up so that one ESO applies to each of the areas of natural significance, with an appropriate statement and objective.
ESO 2 Special water supply catchment areas	Para one fits better into the MPS and para two fits better in the State PPF. Statement of significance should be reduced to the third paragraph.	Contains eight objectives. Only one permitted.	DELWP have been asked if this is the appropriate tool for Special water supply catchment areas. Answer still not received.  Referrals are inappropriate and have been moved to 66.04s.
ESO 3 Coastal settlements – Non residential zones	Far too generic. Does not describe what is significant and should be preserved.	Contains four objectives. Only one permitted.	Heading should have 'non residential zones' deleted as the control applies to residential areas.  Revisit the Coastal Spaces work to prepare a more specific statement of significance. May require breaking the ESO up into several parts.  <b>ADDRESS THROUGH COASTAL STRATEGY</b>

	<b>Statement of environmental significance</b>	<b>Objectives</b>	<b>Summary</b>
ESO4 Sewage treatment plants and environs	This is fine but a Buffer Area Overlay is a more appropriate tool	Contains two objectives. Five are permitted in the BAO	A Buffer area overlay is more appropriate. <b>TRANSLATE TO BUFFER AREA OVERLAY</b>
ESO5 Areas susceptible to erosion	This should be replaced by the EMO as it is focused on risk. The ESO is not the appropriate tools.		<b>TRANSLATE INTO AN EROSION MANAGEMENT OVERLAY</b>
ESO7 Coastal settlements	Far too generic. Does not describe what is significant and should be preserved.	Contains four objectives. Only one permitted.	Revisit the Coastal Spaces work to prepare a more specific statement of significance. May require breaking the ESO up into several parts to address each settlement separately. <b>ADDRESS THROUGH COASTAL STRATEGY</b>
ESO 8 Manufacture of milk products amenity buffer	The Statement is too long and some fits into the MPS and the State PPF, however Buffer Area Overlay is a more appropriate tool than the ESO.	Contains four objectives. Five are permitted in the BAO	A Buffer area overlay is more appropriate. <b>TRANSLATE TO BUFFER OVERLAY</b>
ESO 9 Giant Gippsland earthworm and habitat protection	Missing. This is required.	Most of this should be in the statement of significance.	<b>REARRANGE THE STATEMENT OF SIGNIFICANCE AND OBJECTIVES TO ACCORD WITH MDFC (see Appendix Two).</b>

### Significant landscape overlays

The Significant Landscape Overlays are well drafted. The statement of significance is detailed and clear, and the objectives provide excellent guidance what needs to occur to ensure the significance of the area is maintained.

Each of the SLOs has more objectives that is permitted under the MDFC, however it is considered that there is little to be gained in reducing the number of objectives as they are so specific, do not duplicate and provide a clear description of what is expected.

So, despite the fact these controls do not align with the MDFC, it is recommended that they remain as is as they are aiding decision making and there is little to be gained by consolidating them.

### Design and development overlays

As outlined above the DDOs that relate to coastal townships (DDO 3 Sandy Point, DDO 4 Waratah Bay, DDO 5 Venus Bay, DDO6 Tarwin Lower) are poorly drafted as they contain many design objectives that would be better located under buildings and works requirements. Each of these has been redrafted in Appendix Two to ensure they conform to the MDFC.

DDO8 – DDO11 relate to helicopter pathways and the control is designed to ensure buildings do not encroach on development.

Subdivision under each of these overlays currently triggers a permit. This permit trigger should be removed as it is not necessary.

Over time, the DDOs should all be reviewed to ensure that unnecessary permit triggers are removed.

### Recommendations

It is recommended that Council:

- YY. Undertake a comprehensive review of the overlay controls that apply to coastal areas, as part of the development of the Coastal Strategy to utilize the schedules to the residential zones where possible, and articulate more specific environmental and design objectives for each area than the current controls contain.
- ZZ. Delete the words 'non residential zones' from the heading of ESO3, as the control relates to both residential and non residential areas.
- AAA. Review ESO1 Areas of natural significance and prepare a detailed statement of significance and reduce the objectives to one. This may require splitting the existing ESO1 into more fine grained ESOs to address the specific issues of environmental significance.
- BBB. Review ESO3 Coastal Settlements – Non residential areas and ESO7 Coastal settlements through the Coastal Strategy to determine where ESOs should apply, to make the statements of significance more specific and reduce the objectives to one per overlay. This may require splitting the existing ESO3 and ESO7 into more fine grained ESOs to address the specific issues of environmental significance.
- CCC. Translate ESO4 Sewage treatment plants and environs and ESO 8 Manufacture of milk products amenity buffer into the Buffer Area Overlay.
- DDD. Translate ESO5 Areas susceptible to erosion into the Erosion Management Overlay.
- EEE. Review ESO2 (subject to advice from DELWP) move paragraph one into the MPS, delete paragraph two and reduce the objectives from eight to one.
- FFF. Seek advice from DELWP about the appropriate tool to manage Special Water Catchments (ESO2).
- GGG. Rearrange the statement of significance and objectives for ESO9 Giant Gippsland earthwork and habitat protection to meet the requirements of the Ministerial Direction on the form and content of planning schemes.
- HHH. Reduce the design objectives for DDO 3 Sandy Point, DDO 4 Waratah Bay, DDO 5 Venus Bay, DDO6 Tarwin Lower and relocate buildings and work requirements as shown in Appendix Two.
- III. Remove the subdivision permit trigger from DDO8 – DDO11 as it is not necessary to consider subdivision under the control as shown in Appendix Two.

### 11.9. Other matters raised through engagement

Through the engagement phase, a number of other matters were raised that require a response. The recommendation for some of these matters is to make minor administrative changes to the planning scheme. Others are noted but no action or change is recommended.

#### **11.9.1. Parking in Leongatha**

##### **Issue**

Council Officers noted that Council currently has a Parking Overlay applicable to Leongatha Central Business District, with an ability to collect in-lieu payments for parking waivers. Council Officers have applied the in-lieu requirements on a number of occasions, and these have ultimately been overturned by Councilors at a Council Meeting.

##### **Evidence**

The parking overlay is put in place to manage car parking in an area where there is an identified need for a precinct rather than on a site-by-site basis. Council has put an overlay in place for the Leongatha Central Business District with the following objectives:

- *To provide for the equitable collection and distribution of financial contributions to contribute towards the construction of shared car parking facilities, but only when a reduction in car parking under Clause 52.06-3 is considered appropriate.*
- *To ensure an appropriate level of parking is provided in the CBD.*
- *To ensure that parking supply is efficiently utilised and best services the land uses.*
- *To achieve an appropriate balance between the supply and demand of car parking spaces while allowing new and intensified use.*

##### **Discussion**

There is no evidence that there is no longer a need to manage car parking in Leongatha. If the overlay is removed, Council officers will lose the ability to properly plan for the provision of car parking over time. It is better to retain the overlay and allow Council to waive requirements as permitted by the control at this time. No change is recommended.

#### **11.9.2. Council-identified anomalies**

##### **Issue**

Council provided the Redink Team with a list of 73 anomalies within the Planning Scheme which, at the time of writing, had not been resolved.

##### **Evidence**

Of those 73 anomalies, the following 8 are factual or policy neutral in nature and can be resolved as part of the Amendment that implements the findings of the current planning scheme review:

Township	Issue	Proposed change	Action
Foster	Lost reference to Foster as preferred location that is safer in translation	Add reference to Foster as a safer alternative to coastal township development.	Previous strategy has been inserted into track changes ordinance at (new) 13.01-1L. Wording of previous strategy amended to comply with PG drafting requirements.
Nyora	Correct spelling of 'Davis Street' (not David) Nyora in Nyora local policy		Changed
Nyora	Application Requirements missing and refers to 21.15	Add as per original c121sgip amendment approval and update wording to reference 11.02 instead of 21.15.	Changed These application requirements were incorrectly located at 2.0 (Buildings and works). Have been moved to 5.0 application requirements. Reference to former clause deleted.
Sandy Point	DDO clause references out of date.	Update clause references	Changed
Sandy Point	typo 02.03. Heading has Sandy Bay	Change heading to Sandy Point	Changed.
Various	Refers to a superseded Council Plan	Updated Clause 21.04-1 to include current Council Plan.	Changed Reference is to currently adopted Council Plan. Year reference to remain as this confirms PS alignment to current / adopted plan.
Venus Bay	Residential Expansion areas anomaly	Policy at Clause 11 states there is expansion area in Estate 2 which is not correct	Changed

The following two Council-identified anomalies have already been resolved and require no further action:

Township	Issue	Proposed change	Action
Nyora	Incorrect reference to Road Zone Category 1 - change to TRZ		None required. This was cleaned up by VC205. No further action required.

Township	Issue	Proposed change	Action
Various	Conflict between ESO7 and BMO. Drafting of ESO7 provision. Clarify that veg removal related to dwelling construction is. Suggested by Senior Planner. On face value, this is worth exploring.	Drafting of ESO7 provision. Clarify that veg removal related to dwelling construction is exempt if required to create defensible space. This can remove conflict with the BMO. This wasn't the intention of the ESO7.	None required  There is no conflict. The provisions in Clause 52.12-5 in regard to native vegetation removal in the BMO override ESO7 provisions.

The remaining 63 Council-identified anomalies either do not have enough basis or are not policy neutral and are beyond the scope of this review to resolve; however, it has been identified that 3 of those anomalies could *potentially* be resolved subject to further discussion and consultation between Council and the relevant authorities:

Township	Issue	Proposed change	Action
Various	Senior Planner suggested that we are getting a lot of permits for large sheds and we are adding little to no value. We should try to make more exemptions.	Add exemption for larger sheds provided storm water and construction techniques are still required.	Further consultation required.  This requires consultation and discussion between Council and the relevant Water Authority to confirm the exact nature of changes required and the agreement of both parties. Possible this can be achieved through the consultation phase and prior to initiation of the PSR implementing Amendment.
Various	Out of date referral provisions in schedules - refer to DELWP needs to be removed. Service no longer provided	Should be fixed but may need to look at how we assess these matters if we don't have DELWP to rely on. Also, add updated referral provision in relation to Marine and Coastal Act.	Further consultation required  This requires consultation and discussion between Council and the Department to confirm the exact nature of changes required and the agreement of both parties. Possible this can be achieved through the consultation phase and prior to initiation of the PSR implementing Amendment.
Various	No permit exemption for buildings and works related to a dwelling	Add exemption to allow an outbuilding related to a dwelling like a	Further consultation required  This requires consultation and discussion between Council and the relevant Water

Township	Issue	Proposed change	Action
	that does not have wastewater impacts.	garage or shed (not associated with agriculture). Senior Planners advise that some permits have been triggered on small lots with no agriculture where garages or shed ancillary to dwellings are proposed. If no sewer or plumbing connections, no planning permit should be required.	Authority to confirm the exact nature of changes required and the agreement of both parties. Possible this can be achieved through the consultation phase and prior to initiation of the PSR implementing Amendment.

### Recommendations

- JJ. Update planning provisions to rectify strategically justified anomalies as shown in Appendix Two.**
- KKK. Undertake consultation with the relevant authorities through the Consultation Phase, with a view to resolving the three Council-identified anomalies that could potentially be resolved prior to initiation of the PSR implementing Amendment.**

### 11.9.3. Flooding controls for Foster

#### Issue

Council adopted the *Flood & Drainage Study for Foster and Surrounding Catchments – July 2019*. There are currently no flood controls for Foster and surrounds in the planning scheme. Implementation of the policy is a key priority, with the support of the West Gippsland Catchment Management Authority.

#### Finding

- LLL. Implement the recommendations of the *Flood & Drainage Study for Foster and Surrounding Catchments – July 2019* in partnership with the West Gippsland Catchment Management Authority.**

### 11.9.4. Signage

#### Issue

Prior to the recent PPF the South Gippsland Planning Scheme contained a discrete policy pertaining to signage at Clause 22.01 (Advertising signs). Post PPF translation, Council's discrete policy for signage is contained at Clause 15.01-1L-02 (Signs).

### **Evidence and discussion**

A high-level comparison of the two policies indicates that current policy as drafted picks up on most of the key directions from the previous policy. No further work in relation to this issue is recommended.

Through consultation, Council officers have indicated that a recent VCAT case (P11596/2021 – 54 Anderson Street, Leongatha – case unpublished) has highlighted a need for Council to strengthen its existing local policy in relation to signage. In its reasoning the Tribunal indicated that Council’s local policy as currently drafted was not sufficient to justify the refusal of a major promotion sign.

### **Recommendation**

**MMM. Update Clause 15.01-1L-02 (Signage) to provide clearer guidance in relation to the specific outcomes that are sought be achieved in relation to signage within the Shire, to provide clarity for the community and to help Council to refuse inappropriate proposals.**

#### **11.9.5. Settlement hierarchy**

##### **Issue**

Prior to the recent PPF translation the South Gippsland Planning Scheme contained a tabulated settlement hierarchy and strategic framework plans at Clause 21.02 (Settlement). Post PPF translation, the strategic framework plans have been placed at Clause 02.04 (Strategic Framework Plans).

##### **Discussion**

The plans remain relevant however they are better located as a local policy in the planning scheme.

The PPF translation located the strategic framework plans at Clause 02.04 in the MPS. After discussion with Council Officers it is recommended that the most appropriate location for this policy is in Clause 11.03-6L.

##### **Recommendation**

**NNN. Re-locate the Strategic Framework Plans from Clause 02.04 of the MPS to Clause 11.03-6L in the planning scheme as shown in Appendix Two.**

#### **11.9.6. ‘Localities’**

##### **Issue**

Prior to the recent PPF translation the South Gippsland Planning Scheme contained a range of land use and development directions for ‘Localities’ (Agnes, Arawata, Darlimurla, Hedley, Kardella, Nerrena, Strzelecki and others), which were set out at Clause 21.19. These directions were not carried across as part of the PPF translation.

##### **Evidence and discussion**

Council Officers provided the Redink Team with the former Clause 21.19 and it is considered that the former land use and development directions for ‘Localities’ remain relevant to decision-making. It is therefore appropriate that these omissions be rectified.



**Recommendation**

**OOO. Re-instate land use and development directions for 'Localities' that were lost through the PPF translation process as shown in Appendix Two.**

**11.9.7. Restructure Overlay****Issue**

There is a high administrative burden associated with the Restructure Overlay, in part because of the way the provision in the planning scheme is structured. This causes confusion for existing and potential property owners as it is hard for them to understand the effect of the controls.

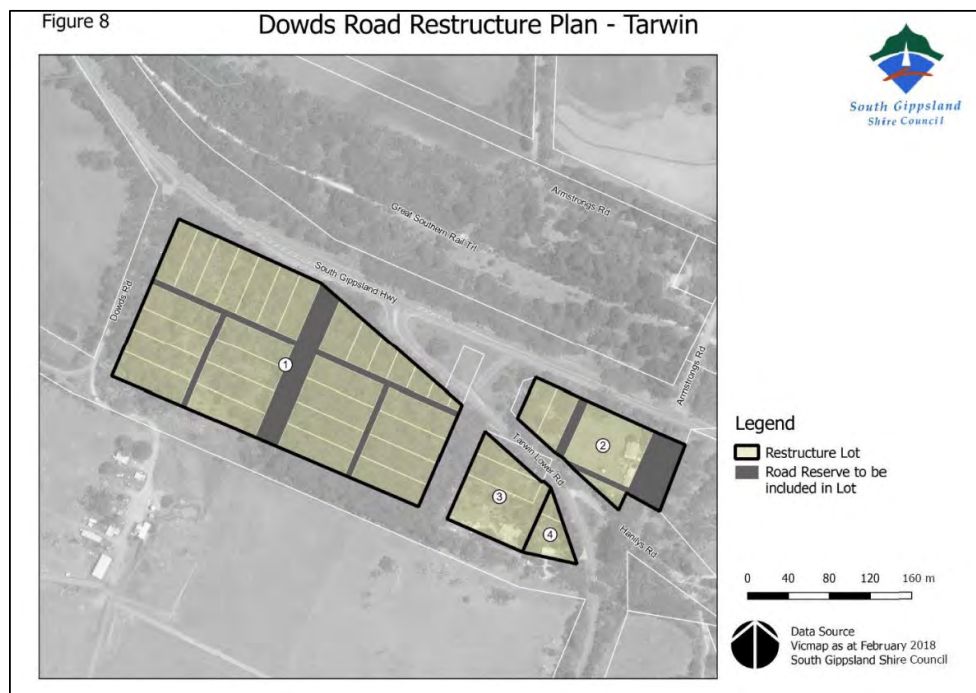
**Evidence and discussion**

The Restructure Overlay has been applied in twenty-one locations across the Shire. The Incorporated Document, listed at Clause 72.04, that underpin the application of the Restructure Overlay is called "Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017" (the Incorporated Document).

The Restructure Overlay triggers a permit to subdivide land and to construct or extend a dwelling or other building. Any permit issued must be in accordance with the Restructure Plan set out in the Incorporated Document. The Incorporated Document is available on Council's website.

Within the Incorporated Document the restructure provisions for the twenty-one locations are set out. Essentially, the Restructure Overlay requires consolidation of small lots to form larger lots that are more appropriate for the carrying capacity of the land. The drafting of the Incorporated Document allows one dwelling per consolidated lot to be built.

One example is provided below to give an idea of the way each Restructure Plan works. In the Dowds Road example, sixteen existing lots are to be consolidated into four new lots.



Council officers explained that a lot of time is spent on enquiries about the Restructure Overlay. Many unconsolidated parcels of land are available for sale on the real estate market, and Council officers spend a great deal of time explaining that a dwelling will not be permitted on the land if the land is not consolidated, and it causes confusion for prospective purchasers who may have a plan to build on and live on the land.

It is unusual for such large areas of land to be covered by the Restructure Overlay, and by virtue of the way the provision is constructed (relying on an Incorporated Document to outline the restructuring requirements rather than having them contained in the more easily accessible and obvious ordinance) is challenging. This is a function of the VPP structure rather than Council's documents and is placing a large administrative burden on Council for no gain, not to mention confusion in the wider community.

Some options to reduce the administrative burden include:

- Including the Restructure Plans and what they mean for potential purchasers in a much more obvious way on Council's website.
- Working with real estate agents to ensure they are informing potential purchasers of the restrictions on the land, and including the restriction when parcels of land are advertised.

DELWP could also be approached to see the twenty-one Restructure Plans could be included in the planning scheme, so that the layout of each subdivision is within the planning scheme ordinance, rather than in a separate document. For example, copies of the Restructure Plans could be included in Clause 2.04 Strategic Framework Plans or a local policy at Clause 11 of the PPF.

#### Recommendations:

- PPP. Improve the documentation about the Restructure Plans available on Council's website and work with local real estate agents to support better understanding of the implications of the Restructure Overlay to prospective purchasers of land.

**QQQ. Consult with DELWP to identify whether the Restructure Plans can be included in Clause 2.04 Strategic Framework Plans or a new Clause 11 Settlement policy to make them more accessible to the community.**

## 12. Further strategic work

Appendix Six of this report outlines the strategic planning work that has been identified through this planning scheme review. It is sourced from the current Clause 74.02, the previous planning scheme review, strategies and policies that have been adopted by Council since the last review and the findings of this review. Fifty-seven pieces of further strategic work have been identified, noting some of them are duplications.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in Appendix Six. Council should review this list and remove any projects that are no longer required.

The list below represents the further strategic work that the consultants in consultation with Council officers believe will have the most positive impact for the South Gippsland community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at Appendix Two. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

These are the highest priorities from a planning perspective to deal with over the next four years.

- 25. Apply planning controls that address land use risk and climate change in coastal areas, including townships, as part of the Coastal Strategy. This may result in an update to the Housing and Settlement Strategy.**
- 26. Review controls on residentially zoned land and, where necessary, undertake character assessments to inform new planning controls to manage development, considering the full suite of residential zones. This should include:**
  - a) Guidance about development on laneways, particularly in Korumburra and Leongatha relating to infill subdivision and development proposals.**
  - b) Review of the existing ESOs and DDOs to ensure they are achieving what is expected from them, are applied at the right scale, have the correct permit triggers in them and sufficient detail to better aid applicant and decision makers.**
  - c) Clearer urban design guidance to assist with balancing the tension between competing objectives and outcomes for the siting and design of buildings and works.**
- 27. Prepare a Rural Landscapes Assessment and review the Rural Land Use Strategy 2011 to assess whether planning controls are protecting inland and rural hinterlands and transport routes from inappropriate development. This should address identification and protection of significant landscapes, preservation of agricultural land, and guidance for achieving development outcomes in keeping with scope of agricultural use. This should include:**
  - Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protection of local values with input from the community.**
  - Review ESO1 Areas of Natural Significance and prepare a detailed statement of significance and reduce the objectives to one. This may require splitting the existing ESO1 into more fine grained ESOs to address the specific issues of environmental significance or consider the benefits of translating to the SLP.**

- Review whether the S173 Agreement requirements detailed in the South Gippsland Rural Strategy 2011 can be incorporated into the planning scheme and if not, undertake further strategic work to identify other controls to address dwelling density in rural areas.
  - Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protect local values, with input via community consultation.
  - Finalise and implement Council's current review of planning permit triggers in the Shires rural areas.
28. Plan Nyora's growth and infrastructure to accommodate the expected growth in the area and transition it successfully to a higher order town in South Gippsland Shire. This will require a minor review of the Housing and Settlement Strategy, implementation of the Nyora Development Strategy 2016 and may include urban character and flood risk controls.
  29. Facilitate the development of a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the Department of Transport on key transport infrastructure issues.
  30. Prepare the industrial strategy land use to ensure a sufficient, appropriately located supply of industrial land, particularly considering the impacts of off shore energy generation, and the changing needs of the agricultural industry
  31. Update the 2004 South Gippsland Heritage Study as necessary and to apply the Heritage Overlay to all heritage places and precincts of local heritage significance.
  32. Implement the 'Flood & Drainage Study for Foster and Surrounding Catchments – July 2019' in partnership with the West Gippsland Catchment Management Authority
  33. Convert ESO5 Areas susceptible to erosion into the Erosion Management Overlay.

It is recommended that Council note the following strategic planning work that has been identified as part of this review:

34. Apply the Environmental Audit Overlay to known sites of land contamination in accordance with previous Council initiative.
35. Convert ESO4 Sewer Treatment Plants and Environs and ESO8 Manufacture of Milk Products Amenity to the Buffer Area Overlay (BAO).
36. Update Clause 15.01-1L-02 (Signage) to provide clearer guidance in relation to the specific outcomes that are sought be achieved in relation to signage within the Shire, to provide clarity for the community and to help Council to refuse inappropriate proposals.
37. Various drafting changes to SUZ4 and SUZ7, ESO 2, ESO7 Coastal settlements and the Parking Overlay.
38. Develop an offset framework to enable appropriate relocation or replacement of habitat of the Giant Gippsland Earthworm resulting from planning decision and determine whether the impacts of hydrology changes on colonies and habitat should be undertaken as part of the assessment process to strengthen 42.01 ESO9 Giant Gippsland Earthworm and Habitat Protection
39. Notify parties that strategic justification is required to facilitate the rezoning of land for future expansion of the Mirboo North Town Centre.

## Appendix One

### Engagement outcomes

#### Council and Executive - meetings

Overview of what was discussed	Main issues raised	Preliminary comments/ Discussion
Coastal strategy	Conflict between development and biodiversity	Township character study is required as an action for the coastal strategy (more character work, rezonings, township zone to neighbourhood character zone (plus industrial, commercial etc)
Houses in the FZ	Protection of agricultural land	Identify what was lost as a result of PPF and also broader advocacy work in FZ at State level.
Heritage	Restoration and protection of areas of significance	Implement the heritage work that was updated in 2020.
Sheds in the FZ	Sheds often transform into accommodation – need guidance/correlation regarding the size of the 'shed' in relation to land use (and size)	A justification for the size of the shed is required. The size and use of the shed must be commensurate with the agricultural use of the land.
Leongatha PO	Looking at removing the PO in Leongatha – no money has been collected despite being Introduced in 2014. Council should implement it as it is in the scheme.	Undertake car parking study to review application of PO/ tailor to more specific circumstances.
Settlement Planning	Issues of character in established towns such as Dumbalk, Foster, Fish Creek	Township character study required to inform better use of controls (Schedules and Overlays)
	Planning for growth in Nyora (infrastructure). Nyora to support growth in renewables (Port of Hastings)	Infrastructure Plan Include areas of LDRZ/ RLZ in settlement planning as sewer capacity increases
	Development and siting in coastal settlements, particularly Venus Bay	Coastal Strategy to identify high level issues and tension between development in areas with significant biodiversity and identified risks to life
Significant Landscape Recognition	Areas of biodiversity not significantly recognised - Strzelecki Ranges and the rural hinterland	

Further strategic work	<ul style="list-style-type: none"> <li>Stalled projects</li> <li>Contaminated land</li> <li>Industrial uses in the Farming Zone</li> </ul> Significant trees.	Re-list as FSW
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### Statutory and Strategic Planners – meetings and workshops

#### Survey

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
<b>Dwellings, Outbuildings &amp; Subdivision in FZ</b>	<ul style="list-style-type: none"> <li>The PPF translation was identified as having significantly weakened previous policy / directions in relation to dwellings, outbuildings &amp; subdivision in FZ, which were previously relied upon heavily in decision-making.</li> <li>While existing provisions pertaining to these issues are currently relied upon frequently in decision making, the absence of strong policy / directions in relation to dwellings, outbuildings &amp; subdivision in FZ was identified as a significant policy gap.</li> <li>Dwellings, Outbuildings &amp; Subdivision in FZ are some of the most common application types received.</li> <li>FZ queries were identified as being one of the most common counter, email or phone enquiries dealt with.</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>	<p>Yes</p> <p>VCAT analysis</p>	<p>Ken and Chris have been in communication about this. New policy far weaker. All the key words have disappeared. (The musts and the strongly discourage). Probably not having such a bit impact on applications.</p> <p>We need to ensure that the policy guidelines are linked to the MPS or a strategy in the PPF. This component has disappeared. (Esp for lots less than 4.1ha).</p> <p>What if the application is associated with another use (e.g. winery, rural industry, tourism).</p> <p>Subdivision policy is confusing when it relates to excisions where there is a remnant parcel of</p>

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<ul style="list-style-type: none"> <li>○ Pressure for rural lifestyle properties, the fragmentation of agricultural land, intrusion of non-agricultural uses, protection of agricultural land and agricultural production were identified as being some of the main long term land use trends / challenges for the municipality.</li> <li>○ Rural applications generally were identified as being a class of application which take the longest time to determine due to conflicting planning considerations and more complex assessments.</li> <li>○ Controlling dwellings in the FZ was identified as a type of application that provides the greatest benefit because the Shire is dominated by agriculture and controlling the proliferation of dwellings reduces agricultural conflict, maintains agricultural land in agricultural production, and avoids the introduction of rural residential lifestyle.</li> <li>○ FZ subdivision applications were identified as having long lasting impacts.</li> <li>○ Applications in the FZ were identified as being a class of</li> </ul>			<p>land more than 40ha to support the application of a S173.</p> <p>Guidance around location of rural dwellings on FZ land. (proliferation of dwellings). Exceptions to the rule – there is a bit of a conflict. Bit of leeway for the exception of the rule would be good.</p> <p>Review outbuildings in the FZ. Dwellings on land under 40ha, ancillary outbuilding and dwelling are granted as one. Often people want to build the shed first so then it becomes an agricultural shed. This is partly driven by the delay in building materials. Creating an unnecessary workload for planners.</p> <p>Lack of correlation between the size of the sheds and the agricultural use of the land. Size of shed should be able to be considered in relation to use.</p>



Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<p>application appearing regularly before VCAT.</p> <ul style="list-style-type: none"> <li>○ Outbuildings in the FZ were identified as being one of the easiest classes of application to process.</li> <li>○ The FZ currently applies to areas that were identified as possibly being more appropriately zoned RAZ or RCZ.</li> </ul>			
<b>Coastal Settlements &amp; Climate Change Impacts</b>	<ul style="list-style-type: none"> <li>○ The impacts of climate change upon coastal settlements was identified as one of the main long term challenges facing the municipality.</li> <li>○ New dwellings in the coastal settlements were identified as one of the most common types of applications received.</li> <li>○ Dwelling applications in coastal settlements were identified as being a class of application taking the longest time to determine.</li> <li>○ Dwellings in coastal settlements were identified as being a class of application regularly appearing before VCAT.</li> <li>○ Dwellings in coastal areas were identified as one of the most</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>	<p>Yes</p> <p>VCAT analysis</p>	<p>The length of time to approve is driven by environmental complexities (BMO, LSIO).</p> <p>DDO triggers are in place too. (Acting as an SLO).</p> <p>DDO and BMO conflict. ESO7 then requires a permit for veg that needs to be removed from the BMO.</p> <p>Clearer design guidance is required to help say 'No' once people are applying for a permit. E.g. what does muted and no reflective mean? What colour dwelling do you want depending on the background (veg, or sky). There is a lot of</p>

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<p>common counter, email or phone enquires dealt with.</p> <ul style="list-style-type: none"> <li>o It was identified that there is an absence of effective policy that provides appropriate direction for the growth and development of coastal settlements in the context of known climate change impacts.</li> </ul>			<p>subjectivity here, and the precedent issue.</p> <p>There are also a lot of objections to deal with some of which are not linked to the triggers (Rescode issues).</p> <p>Venus Bay is unsewered, and there are also a lot of bores, so ensuring appropriate setbacks is important.</p> <p>Developments are not prohibited, however expansion into unsewered areas are discouraged. There is a policy gap here.</p> <p>Definition of views – public / private – what views are trying to be protected?</p> <p>There is not a referral to the CMA for single dwellings on a lot.</p> <p>CMA look at formalising the referrals to the CMA.</p> <p>Coastal strategy underway at the moment. May not go so far as to look at design issues. May focus exclusively on risk management.</p>

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
				<p>Some neighbourhood character / housing work is probably required.</p> <p>Lots of precedents have been set in the coastal areas and it is hard to argue why something is not appropriate if the neighbours have had it referred previously.</p> <p>Community has shifted – moved from holiday homes to residences.</p>
<b>BMO</b>	<ul style="list-style-type: none"> <li>o Bushfire in the context of a changing climate was identified as one of the main long term challenges facing the municipality.</li> <li>o The BMO was identified as being one of the most common planning permit triggers.</li> <li>o Applications that have BMO triggers and appropriately address environmental constraints were identified as being one of the most beneficial classes of applications.</li> <li>o Applications dealing with bushfire mitigation issues were identified as one of the classes of applications taking the longest time to determine.</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>	<p>Yes</p> <p>VCAT analysis</p>	

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<ul style="list-style-type: none"> <li>o Local policy “<i>pushing people closer to the roads</i>” was identified as a potential new local policy that would make decision-making easier.</li> <li>o The CFA have advised Council that they won’t comment on Clause 13.02 unless specifically asked to. Question raised regarding whether this should be a formal referral.</li> </ul>			
<b>ESO’s</b>	<ul style="list-style-type: none"> <li>o The ESO Schedules were generally identified as being poorly drafted, not useful for decision making or redundant.</li> <li>o Triggers under ESO2, ESO3 and ESO5 were identified as not appearing to serve a useful purpose, and the provisions of these Schedules were amongst the most commonly relied upon for decision making.</li> <li>o Dwellings &amp; dwelling extensions under the ESO’s were identified as one of the most common type of applications received.</li> <li>o ESO5 floor area trigger was identified as one of the most common permit triggers and also one of the easiest class of permits to process.</li> <li>o Applications under ESO2 (Special Water Supply</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>		

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<p>Catchment Areas) were identified as a class of applications providing the greatest benefit.</p> <ul style="list-style-type: none"> <li>○ ESO3 applying to residential land when it is supposed to apply to non-residential zones was identified as a trigger causing unnecessary delays to decision making.</li> <li>○ Existing triggers under ESO5 were identified as potentially being more appropriate as VicSmart provisions.</li> <li>○ DEWLP was identified as an informal referral under the ESO Schedules that should be listed in 66.04 or 66.06.</li> </ul>			
<b>SLO's</b>	<ul style="list-style-type: none"> <li>○ Applications that protect rural landscape significance were identified as being one of the classes of applications providing the greatest benefit. However, the absence of any SLO's in Council's hinterland areas was identified as a current and significant policy gap ("<i>too many high landscape value inland areas are under protected</i>").</li> <li>○ SLO permit triggers requiring a building to be constructed of muted and non-reflective tones was identified as not appearing</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>		

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<p>to serve a useful purpose, as there is no clear guidance on what muted and non-reflective tones actually constitutes. Such triggers were also identified as causing unnecessary delays to decision making for this reason.</p>			
<p><b>DDO's</b></p>	<ul style="list-style-type: none"> <li>o Dwellings &amp; dwelling extensions under the DDO's were identified as one of the most common type of applications received.</li> <li>o DDO provisions were identified as being some of the most relied upon provisions for in decision making, and triggers under the DDO's were identified as one of the most common groups of permit triggers.</li> <li>o All DDO Schedules generally, and DDO1 specifically, were identified as being poorly drafted, not useful for decision making or redundant.</li> <li>o DDO permit triggers requiring a building to be constructed of muted and non-reflective tones was identified as not appearing to serve a useful purpose, as there is no clear guidance on what muted and non-reflective tones actually constitutes. Such</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>		

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<p>triggers were also identified as causing unnecessary delays to decision making for this reason.</p> <ul style="list-style-type: none"> <li>○ Dwellings in coastal settlements only triggered by DDO's (not under the Zone) were identified as a class of application taking the longest time to determine. No exemption from advertising requirements apply and often objections relate to Rescode matters that cannot be considered under the Overlays.</li> <li>○ DDO triggers were identified as regularly appearing before VCAT.</li> <li>○ It was suggested that Walkerville should have a DDO, like the other coastal towns.</li> </ul>			
<b>HO</b>	<ul style="list-style-type: none"> <li>○ The protection of the Shire's heritage assets as identified as a current and significant policy gap ("<i>Lack of HO's on heritage places is a big policy gap</i>" "<i>we are the third worst in the state for HO application</i>").</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>		
<b>Nyora</b>	<ul style="list-style-type: none"> <li>○ Nyora was identified as having the potential to become Council's largest township.</li> </ul>	<p><b>PSR</b></p> <p><b>FSW</b></p>		

Issue	Feedback from planners	Commentary	Has this been raised elsewhere (e.g. Audit of planning scheme, planning permit data)	Action to take
	<ul style="list-style-type: none"> <li>○ Concern was raised that the planning scheme as currently drafted is not ready for this.</li> <li>○ Existing policy and applicable controls for Nyora (specifically DDO's) were identified as not easy to find and not working well in conjunction with each other.</li> <li>○ The Nyora Development Strategy proposed changes to residential controls that have not yet been implemented.</li> <li>○ Flood studies for Nyora have been completed but not implemented.</li> <li>○ Urban infrastructure provision is considered to be a major issue for Nyora and it was suggested that a DCPO or similar is required.</li> </ul>			

## Meeting One

Overview of what was discussed	Main issues raised	Draft of recommended changes to the ordinance
Dwellings, outbuildings, and subdivision in FZ'	The PPF translation has significantly weakened previous policy – strong language has been replaced by softer wording, would like to see policy strengthened/restored	Identify what was lost as a result of PPF and also broader advocacy work in FZ at State level. Council undertaking a current review of planning permit triggers with RPH that may assist in removing unnecessary applications



	Sheds often transform into accommodation – need guidance/correlation regarding the size of the ‘shed’ in relation to land use (and size)	A justification for the size of the shed is required. The size and use of the shed must be commensurate with the agricultural use of the land.
Coastal settlements and climate change impacts <b>Identified as a ‘big rock’</b>	There are connections and conflicts between the BMO, DDO, and ESO7	Discussed with Planners to clarify issue and consider the head provision of ESO allows for exemptions consistent with BMO DDO example prepared for review
	There are numerous objections linked to Rescode issues	Coastal Strategy may influence application of Zoning schedules and overlays.
	Unsewered and bore water require separation	
	Many precedents have been set in coastal areas, which applicants are taking advantage of	See above
	It’s difficult to assess subjective requirements with existing precedents	See above

▪ Meeting Two

Overview of what was discussed	Main issues raised	Draft of recommended changes to the ordinance
PPF translation	Further discussion regarding dwellings in the FZ and what’s been lost through the PPF translation	
Impacts of rapidly expanding renewables industry	Finding areas to site these industries (including during construction phases) Impact on agricultural land Significant ecological, biodiversity, environmental, cultural and heritage impacts/conflicts on IN1Z, INDZ1, and FZ zoned land	Industrial Strategy underway
ESOs	Require further review ESO content should be in a SLO Remove requirement for a Whole Farm Plan Include an Endorsed range of colours, materials, finishes, and reflectivity in the PPF (in preference to Overlays)	Prepare draft ordinance to discuss and extrapolate more broadly.
DDOs	Require further review Carefully consider future application of the PO	Prepare draft ordinance to discuss and extrapolate more broadly

Residential subdivisions on laneways	Numerous recent applications have identified gaps & a lack of consistency in how Council deals with residential subdivisions on laneways.	Undertake further strategic work to develop a local policy to provide guidance in relation to residential subdivisions on laneways.
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#### Internal Referral Officers - meetings, workshops, and written feedback

Overview of what was discussed	Main issues raised	Draft of recommended changes to the ordinance
Housing in Rural areas (FZ)	Protection of agricultural land Referrals for buildings within 20m of a road reserve serve no purpose	Permit trigger project with RPH.
Laneway development	Mounting pressure to allow development on laneways, but issues regarding access, safety, pedestrian hazards, character, and surrounding impacts, etc. Inadequate controls	Prepare 'character' study to allow for DDO in these areas
Development vs biodiversity conflicts	Lack of clear objectives and conflicting policies (Biodiversity/BMO/guidelines) to guide whether development should occur in sensitive areas Roadside vegetation at risk due to adjacent property development over/into drip zones	Local policy  Part of process improvement where applications properly referred prior to decision making (to allow for consideration of trees/ Environmental Health up front)
Impacts of rapidly expanding renewables industry	Finding areas to site these industries (including during construction phases) Impact on agricultural land Significant ecological, biodiversity, environmental, cultural and heritage impacts/conflicts on IN1Z, INDZ1, and FZ zoned land	Coastal Strategy/ Industrial Land Use Strategy/ significant Landscape Study
Affordable housing	Lack of appropriate, affordable housing contributing to a shortage of key permanent and seasonal workers (of all professions)	
FZ conflicts	Increasing problem of aggregation of land by fewer owners for larger businesses conflicting with the development of small value adding enterprises such as local abattoirs	Update to Rural Land Use Strategy but also acknowledgement of issue at state level.

Overview of what was discussed	Main issues raised	Draft of recommended changes to the ordinance
Commercial 1 Zone	Permit requirements for parking are prohibitive for business development (particularly existing businesses hoping to expand) Toora C1Z converted to housing, but now more commercial is being sought	Update to Parking Overlay via Parking Study. Consider parking requirements triggered by new, more intensive uses
Subdivision controls	Applicants proposing large developments on unsuitable lots (insufficient wastewater capability, character, vegetation protection exclusion zone, etc) Old and inappropriate subdivisions purchased with the expectation of developing	Review referrals policies, particularly EH, biodiversity and Building Restructure Overlay in some areas that were missed

Internal referral Officers were invited to provide written feedback, but none was received.

#### External Stakeholder feedback

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Table 1: Referral Agents that provided feedback and requested a change:				
Referral Agent	Permit trigger	Changes requested	Strategic justification (or administrative change)	Draft of recommended changes to the ordinance (including c166.04s and 66.06s inclusions)
<b>Clause 66.04 External Referral Authorities (no clause 66.06 Referral Authorities were identified in I3):</b>				
Gippsland Water	Clause 1.0 of Schedule 1 to Clause 66.04	Add the Central Gippsland Region Water Corporation (Gippsland Water) to Clause 1.0 of Schedule 1 to Clause 66.04 (but only applicable for the Mirboo North catchment, as this is the only catchment managed by Gippsland Water within an ESO2 in South Gippsland)	None provided	Agree to requested change. Draft ordinance amended to reflect.

<b>Table 1: Referral Agents that provided feedback and requested a change:</b>				
<b>Referral Agent</b>	<b>Permit trigger</b>	<b>Changes requested</b>	<b>Strategic justification (or administrative change)</b>	<b>Draft of recommended changes to the ordinance (including cl66.04s and 66.06s inclusions)</b>
South Gippsland Water	Clauses 3.0 and 5.0 of Schedule 2 to Clause 42.01 (ESO) Clause 4.0 of Schedule 5 of Clause 37.01 (SUZ)	Remove SGW as referral authority for unplumbed Domestic Sheds more than 30m from a waterway	SGW do not place specific conditions on permit applications of this nature	Support this change but requires further strategic work; there needs to be an MOU in place between the authority and Council.
		Restrict multi-unit tourist accommodation (glamping tents or cabins, etc) on a single property	Over loading and consequential risk when systems fail	In accordance with MD and PG requirements, the ESO Schedule cannot include the requested restriction. It is for the authority to assess such applications and approve / reject as appropriate.
		Clearly define the acceptable accreditations/qualifications of a 'suitably qualified person' to produce an LCA	There is no formal accreditation or consensus to define a 'suitably qualified person'	This is a State Government matter beyond the scope of this review.
		Add requirement to revegetate waterways where works have been undertaken	None provided	Agree to change. Appropriate to include as a new application requirement.
		Add requirement to upgrade septic systems where works have been undertaken	None provided	No change required. This is already covered by the existing application requirements.
DELWP	Clause 5.0 of Schedules 1, 3, 5, 7, and 9 to Clause 42.01 (ESO)	Numerous changes requested.		All changes agreed. See Appendix Two for changes that have been made and Appendix 4 for detailed assessment. Some further work added.

Table 1: Referral Agents that provided feedback and requested a change:				
Referral Agent	Permit trigger	Changes requested	Strategic justification (or administrative change)	Draft of recommended changes to the ordinance (including cl66.04s and 66.06s inclusions)
Environment Protection Agency	Clause 5.0 of Schedule 4 to Clause 42.01 (ESO) Clauses 3.0 and 5.0 of Schedule 8 of Clause 42.01 (ESO)	Transition relevant ESO's to the BAO (including ESO4 and ESO8)	The BAO is the fit for purpose planning tool used for the management of buffers and can be used to identify areas where there is the potential for offsite impacts on safety and human health or significant offsite impacts on amenity. In applying the BAO, particular criteria must be met, and certain information must be provided. PPN92 contains guidance and sets out steps to be taken when considering the application.	Agree to requested change. This is identified as further strategic work
		Apply the exemptions from ESO8 to ESO4	ESO8 contains some logical exemptions from permit requirements (such as office and retail land use). As such, Council may wish to consider including similar exemptions in the ESO4.	Council to advise. We support this on first reading.
Leongatha Aerodrome Users Pty Ltd	Schedule 2 to Clause 45.02 (AEO)	Identify the 'Airport Owner' as a Determining Referral Authority	Many justifications provided, refer to 17/10/22 email submission	Council to advise. Airport owners is a private associated and affording the status of a determining authority is not generally supported.
		Rezone the airfield to Special Use Zone	Special Use Zoning better reflects current and future uses (including commercial, industrial and residential uses)	Council to advise. This is beyond the scope of this review and if it was supported by Council, would be further strategic work.

<b>Table 1: Referral Agents that provided feedback and requested a change:</b>				
<b>Referral Agent</b>	<b>Permit trigger</b>	<b>Changes requested</b>	<b>Strategic justification (or administrative change)</b>	<b>Draft of recommended changes to the ordinance (including cl66.04s and 66.06s inclusions)</b>
West Gippsland Catchment Management Authority	Clause 4.0 of Schedule 1 to Clause 44.04 (LSIO)	Remove Coastal Development Application requirements from Clause 4.0 of Schedule 1 to Clause 44.04 (LSIO)	These requirements are now adequately addressed by policy introduced at Clause 13.01-2S (Coastal Inundation and Erosion) of the Planning Policy Framework	Agree to this change. Draft ordinance amended to reflect.
Department of Transport (Transport for Victoria)	Clause 2.0 of Schedule 6 to Clause 37.01 (SUZ)	Delete the word 'major' from 'major arterial road' reference (Application requirements, dot-point 5)		Agree to this change. Draft ordinance amended to reflect.
	Clause 3.0 of Schedule 9 to Clause 43.04 (DPO)	Amend the final paragraph of Clause 3.0 to read, 'Planning permit applications for each residential subdivision stage must consider the views of DoT regarding the potential impact of additional traffic movements on the arterial road network'.	Update VicRoads reference to DoT. Delete the word 'major' from 'major arterial road' reference	Agree to this change. Draft ordinance amended to reflect.
		Make reference in the PS that Development Planning Overlays will be developed to cover growth areas: <ul style="list-style-type: none"> <li>• Leongatha South Precinct</li> <li>• Jumbunna Road Precinct</li> <li>• Nyora Township</li> </ul>	To provide a clear indication that Council intends to undertake work around important growth areas in the municipality	Council to advise.  This is a strategic planning decision and outside the scope of this review.
<b>Registered Aboriginal Parties:</b>				
	None specified			
<b>Other stakeholders:</b>				
	None specified			

**Table 2: Referral Agents that provided feedback, but didn't request a change:**

Referral Agent	Permit trigger	Comments made	Response
Referral Agents either provided feedback requesting changes (Table 1), or did not respond (Table 3)			

**Table 3: Referral Agents that were invited to provide comment, but did not respond:**

Referral Agent	Permit trigger	Comment
<b>External Referral Authorities</b>		
Department of Health and Human Services	Clause 5.0 of Schedules 8, 9, 10, and 11 of Clause 43.02 (DDO)	
Country Fire Authority	Clause 3.0 of Schedule 4 to Clause 43.04 (DPO) Clause 11.0 of Schedules 1 and 2 of Clause 44.06 (BMO) Clause 3.0 of Schedule 4 of Clause 43.04 (DPO)	
Melbourne Water Corporation	Clause 4.0 of Schedule 1 to Clause 44.04 (LSIO)	
Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990	Clause 7.0 of Schedules 1 and 2 of Clause 44.07 (SRO)	
<b>Registered Aboriginal Parties</b>		
First Peoples State Relations	02.03 Strategic Directions 15.03-2S Land developments within culturally sensitive areas.	
Gunaikurnai Land and Waters Aboriginal Corporation	02.03 Strategic Directions 15.03-2S Land developments within culturally sensitive areas.	
Bunurong Land Council Aboriginal Corporation	02.03 Strategic Directions 15.03-2S Land developments within culturally sensitive areas.	

<b>Table 3: Referral Agents that were invited to provide comment, but did not respond:</b>		
<b>Referral Agent</b>	<b>Permit trigger</b>	<b>Comment</b>
<b>Other stakeholders:</b>		
VicTrack	Land along Rail Trail	
Parks Victoria	Interfaces with public land, particularly the Cape Liptrap Coastal and Marine Park. Clause 12.05-2L-01 & 12.05-2L-02	
Gippsland Ports	Areas in Port Welshpool and Port Franklin	



## **Appendix Two**

### **Marked up ordinance with recommendation changes**

See separate document

SOUTH GIPPSLAND PLANNING SCHEME  
DOWNLOADED 13/10/2022

## Appendix 2: Marked up ordinance for planning scheme amendment

### South Gippsland Planning Scheme

#### How to read this document

This document shows all the changes recommended to the planning scheme as a result of the Planning Scheme Review.

Additions and deletions are shown as ‘track changes’.

Changes generally have a source code to explain where the policy has come from or where it has gone. [\[Source codes look like this\]](#).

Where the policy is new, the source code includes NEW in front of it, like this. [\[NEW Gumnut Council Plan, page 6\]](#)

If a change requires an explanation, it has a reason code against it. [\[Reason codes look like this\]](#)

The list of documents that have been referred to in the ordinance, and the abbreviations used, is in the table below.

#### Abbreviations for documents used in this document

Document name	Source code
<i>Council Plan 2022-2026 (SGSC, 2022)</i>	SGCP
South Gippsland Healthy Communities Plan (SGSC, 2021)	SGHCP
South Gippsland Community Vision 2040 (SGSC, 2022)	SGCV
South Gippsland Integrated Planning Engagement Report (SGSC, 2022)	SGIPER
South Gippsland Advocacy Strategy 2022 (SGSC, 2022)	SGAS
South Gippsland Economic Development Strategy 2021-2031 (SGSC, 2021)	SGEDC
South Gippsland Domestic Animal Management Plan 21-22 (SGSC, 2021)	SGDAMP
South Gippsland Arts, Culture & Creative Industries Strategy (2022-2026)	SGACCIS
South Gippsland Asset Plan 2022/23 – 2031/32 (2022)	SGAP
South Gippsland Blueprint for Community and Economic Infrastructure 2021-2036 (SGSC, 2021)	SGBCEI
South Gippsland Community Engagement Strategy 2020-2024 (SGSC, 2020)	SGCES
South Gippsland Community Strengthening Strategy 2018-2022 (SGSC, 2018)	SGCSS
Municipal Domestic Wastewater Management Plan 2022-2026 (SGSC, 2022)	MDWMP
South Gippsland Environmental Sustainability Framework 2021 (SGSC, 2021)	SGESF
South Gippsland Paths and Trails Strategy 2018 (SGSC, 2018)	SGPTS
South Gippsland Road Management Plan 2022 (SGSC, 2022)	SGRMP
South Gippsland Social and Affordable Housing Strategy 2022 (Horsnby & Co, 2022)	SGSAHS

SOUTH GIPPSLAND PLANNING SCHEME  
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South Gippsland Tree Management Plan (SGSC, 2021)	SGTMP
South Gippsland Visitor Economy Strategy 2021-2031 (SGSC, 2021)	SGVES
South Gippsland Waste Management Strategy 2016-2021 (SGSC, 2016)	SGWMS
Gunai Kurnai Whole of Country Plan (Gunaikurnai Land and Waters Aboriginal Corporation 2015)	GKWCP
West Gippsland Regional Catchment Management Strategy 21-27 (WGCM, 2021)	WGRCMS
Gippsland Regional Plan 2020-2025 (Gippsland Regional Plan Leadership Group 2020)	GRP

### Glossary

<b>PPF</b>	<p>The new Planning Policy Framework (PPF) was introduced into the Victoria Planning Provisions (VPP) and all Victorian planning schemes through the gazettal of amendment VC148 on 31 July 2018.</p> <p>The PPF improves the operation of planning policy in Victoria and better aligns state and local policy. It is based on a three-tier structure that integrates state, regional and local policy. <a href="https://www.planning.vic.gov.au/policy-and-strategy/smart-planning-program/planning-policy-framework">https://www.planning.vic.gov.au/policy-and-strategy/smart-planning-program/planning-policy-framework</a></p>
<b>PG approved verb</b>	<p>A Practitioner's Guide to Victoria's Planning Schemes approved Verb. The PG was introduced when the Planning Policy Framework (PPF) transitioned to the new format planning scheme. The PG gives us a list of verbs and expressions we can and can't use in planning schemes. For example, we can say 'Discourage' but we can't say 'Strongly Discourage'. We can say 'Should Not' but can't say 'Must Not'. <a href="https://www.planning.vic.gov.au/_data/assets/pdf_file/0030/571377/A-Practitioners-Guide-to-Victorian-Planning-Schemes-V_1.5.pdf">https://www.planning.vic.gov.au/_data/assets/pdf_file/0030/571377/A-Practitioners-Guide-to-Victorian-Planning-Schemes-V_1.5.pdf</a></p>
<b>The Act</b>	<i>The Planning and Environment Act 1987</i>
<b>MPS</b>	Municipal Planning Strategy. The MPS outlines the planning outcomes the municipality seeks to achieve that will be implemented by the policies and requirements of the planning scheme. This is the local content in the planning scheme. The PPF and the MPS together form the strategic foundation of the scheme.
<b>PPN</b>	Planning Practice Note which provides ongoing advice about the operation of the Victoria Planning Provisions (VPP) and planning schemes as well as a range of planning processes and topics. They may be updated from time to time. <a href="https://www.planning.vic.gov.au/resource-library/planning-practice-notes">https://www.planning.vic.gov.au/resource-library/planning-practice-notes</a>
<b>VPP</b>	Victoria Planning Provisions. The VPP sets standardised planning scheme provisions that are designed to implement the six principles for planning schemes in Victoria
<b>LPPF</b>	Local Planning Policy Framework. This sets a local strategic policy context for a municipality.
<b>MD</b>	Ministerial Direction on the Form and Content of Planning Schemes. The Minister for Planning issues directions to planning authorities about the preparation of planning schemes and amendments to planning schemes. Planning authorities must comply with the Ministerial Direction on the Form and Content of Planning Schemes, issued under Section 7(5) of the Planning and Environment Act 1987. The direction applies to planning scheme layout and required information - including amendments to those planning schemes - and should be read together with the Victoria Planning Provisions. Planning authorities must consider all Ministerial directions when preparing a planning scheme or an amendment to a planning scheme. <a href="https://www.planning.vic.gov.au/guide-home/the-role-of-the-minister">https://www.planning.vic.gov.au/guide-home/the-role-of-the-minister</a>

**02 MUNICIPAL PLANNING STRATEGY**

C127sgjp 03/03/2022

**02.01 CONTEXT**

C127sgjp 03/03/2022

South Gippsland Shire is a large rural municipality containing a population of approximately 30,000 people dispersed across 26 settlements and 41 localities.

[The Gunaikurnai, Bunurong and Boonwurrung people are the traditional inhabitants and owners of the South Gippsland Shire region.](#) [GKWCP, p8; AIATSIS website, Map of Indigenous Australia]

[The Shire has an estimated resident population of 30,577 persons \[ABS census, 2021\], which is forecast to increase to 33,930 persons in 2036. \[VIF 2019\] \[to include the most up to date demographic data\]](#)

Leongatha is the largest town and the municipal centre. The municipality is largely bounded by the Strzelecki Ranges in the north and the coast in the south. The north-western area of the Shire is located approximately 100 kilometres south east of Melbourne, and the south-east border is approximately 20 kilometres from Yarram.

Primary industries, especially agriculture, combined with associated value-adding and food processing are the Shire's main economic driver. The dairy industry is significant in this sector. Impacts of climate change over time will place added significance on the Shire's agricultural land resources, which are predicted to benefit from comparatively secure annual rainfall.

[South Gippsland supports 11,157 jobs and has an annual economic output of \\$4.1B. The Agriculture, Forestry and Fishing industry sector makes the greatest contribution to economic output in the region and is also the largest employer.](#) [REMPPLAN 2022] [to include the most up to date economic data]

Tourism is based on the natural and coastal environments (including Wilsons Promontory National Park, Corner Inlet, Shallow Inlet and Nooramunga Marine and Coastal Parks and Cape Liptrap Coastal Park), landscapes, and food and arts culture.

**02.02 VISION**

C127sgjp 03/03/2022

The South Gippsland Shire Council's vision in the Council Plan 2020-2024 relating to land use and development is:

- *To establish the Shire as a thriving and diverse local economy that builds on our region's natural advantages.*
- *To provide the community with services and infrastructure that enhance liveability and environmental sustainability for current and future generations.*

Strategic objectives to be balanced in support of the vision include:

- To build a sustainable and growing economy that attracts and supports businesses, broadens and strengthens industry sectors, creates sustainable employment and establishes the Shire as a 'food bowl' that feeds the State and beyond.
- To work together with surrounding councils to support regional growth and prosperity.
- To develop plans that will balance and use the natural values of the environment, improve the Shire's liveability and build on the benefits of our proximity to Melbourne.
- To enhance liveability and environmental sustainability for current and future generations.
- To engage the community in developing significant strategic plans and continued involvement in decision making.
- [To sustainably adapt to protect and enhance our unique natural environment, towns and villages.](#) [NEW SGCV, p8] [to implement adopted Council policy]

**02.03 STRATEGIC DIRECTIONS**

C127sgjp 03/03/2022

**02.03-1 SETTLEMENT**

C127sgjp 03/03/2022

Settlements in the Shire are highly dispersed, with Leongatha, Korumburra, Mirboo North and Foster containing the majority of the permanent population. Housing growth is mostly occurring in settlements near the South Gippsland Highway particularly Leongatha, Korumburra and Nyora. The growth is based on access to local employment and in metropolitan Melbourne, Wonthaggi and the Latrobe Valley combined with the relatively low property prices and the high amenity value of the settlements. Demand for holiday house growth is also expected to continue, mainly in the west of the Shire and in coastal settlements.

The Shire includes fully serviced, partly serviced and un-serviced settlements. Provision of necessary infrastructure is critical to being able to support housing growth.

Council seeks to:

- Direct growth to settlements in accordance with their role and function as set out in the South Gippsland settlement hierarchy outlined in this clause.
- Support the provision of reticulated water, sewerage and drainage improvements to settlements to protect community health and environmental values and to support population growth.

**Settlement hierarchy**

The roles and functions of the settlements have been summarised below.

**Principal centre – Leongatha**

Leongatha is the municipal centre of the Shire, supporting a large and growing population. It provides access to various levels of education, health, recreation and cultural opportunities and is connected to essential utility services and public transport. Leongatha is a centre of state significance for the dairy milk processing and beef industries. Leongatha's future will depend on consolidating and growing its commercial sector, promoting residential development, and defining and building upon Leongatha's broader role within the greater West Gippsland region.

Council seeks to:

- Promote Leongatha as the principal regional service centre in the Shire.
- Support housing growth, the provision of higher level community services and economic development.
- Maintain the Town Centre as the hub for retail and service uses.

**Large district centre – Korumburra**

Korumburra is the second largest town in the municipality and a key retail and commercial service provider to the smaller towns and communities in the Shire's western region. Dairy milk processing is a key contributor to the township's economic and employment growth. Korumburra is becoming increasingly accessible to metropolitan Melbourne and this helps underpin population and economic growth that will contribute to securing the town's future.

Council seeks to:

- Promote Korumburra as a Large District Centre offering significant industrial, retail, service, residential and tourism functions in the Shire.
- Provide sufficient residential land to provide for sequential and staged residential development at a range of densities within existing infrastructure networks, to accommodate future township growth.
- Maintain the Town Centre as the compact retail and service hub of the town.

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### **Emerging district centre – Nyora**

Nyora is the closest South Gippsland Shire town to metropolitan Melbourne- Nyora offers a desirable lifestyle location due to its rural character and proximity to major urban centres and the Port of Hastings, and is experiencing accelerating population growth. Significant land is zoned for urban growth in Nyora and it is emerging as the principal development front in South Gippsland. Planning for the town and new residential areas needs to accommodate new infrastructure and commercial and community services that support the community's social and employment needs whilst respecting the town's rural character.

### **District towns – Foster and Mirboo North**

District towns are key retail and service centre for a rural hinterland containing a localised range of retail, education, health and recreation opportunities.

Foster is the principal town in the eastern half of the Shire. Foster's proximity to Wilsons Promontory has promoted the town to a leading role in the region's growing tourism industry. Foster is also well situated to benefit from the economic activity likely to be generated from the continuing development of port related activities around Corner Inlet. With its pristine environment and open farmed landscapes, Foster is an attractive location for retirement living and 'lifestyle change' residential growth.

Mirboo North is the principal township in the north of the municipality. Its local economy is supported by the servicing of the surrounding agricultural activities and rural population. Tourism is an increasingly important economic contributor and a basis upon which future growth may be promoted. It is important that growth complements the existing character of the township and ensures adequate protection from and management of bushfire hazards.

Council seeks to:

- Promote District towns as service centres for the local community and surrounding rural areas.
- Consolidate Foster's role as the key commercial and community service provider to the eastern region of the municipality.
- Promote Mirboo North as a sustainable community and the principal town in the north of the Shire.
- Protect and enhance the distinctive village atmosphere and picturesque location within the Strzelecki Ranges in Mirboo North.

### **Small towns – Fish Creek, Loch, Meeniyán, ~~Nyora~~, Poowong and Toora**

The small towns provide limited services to their rural hinterlands and rely on nearby larger towns to provide higher level services. They are desirable lifestyle locations with unique character set in picturesque locations.

Fish Creek is an attractive small town with a distinctively artistic and heritage character. The absence of reticulated sewerage means Fish Creek has limited potential for urban expansion. Some parts of the town are also subject to inundation.

Loch township has a moderate growth opportunity that should be supported, provided the essential compact 'village' character can be maintained. The heritage character and design of the built form provides a critical component to the overall image and identity of the township, and underpins both its tourism role and village atmosphere.

Meeniyán provides retail, community and trades services to its residents and the smaller settlements in the surrounding district. Located at an important junction on the main route to Wilsons Promontory, Meeniyán's tourism role as 'Gateway to the Prom' is boosted by its arts, culture and food attractions.

~~Nyora is the closest South Gippsland Shire town to metropolitan Melbourne. Nyora is seen as a desirable lifestyle location due to its rural character and proximity to major urban centres and is experiencing accelerating population growth. Planning for the town and new residential areas needs to accommodate new infrastructure and commercial and community services that support the community's social and employment needs whilst respecting the town's rural character.~~

Poowong is located on a narrow ridgeline with panoramic views over the surrounding rural hills. Its role as a service township for the surrounding agricultural communities will continue. The town can support a limited level of population growth.

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Toora is located between the foot of the Strzelecki Ranges and the coastal plain, with views across Corner Inlet. The commercial hub and majority of the town development is located off the South Gippsland Highway, contributing to the township's appeal. Numerous buildings in the main street have heritage value and the town has an attractive entry point to the Great Southern Rail Trail.

Council seeks to:

- Support compact growth and development that respect existing character and landscape values, while also providing safe and attractive residential environments.
- Facilitate staged residential growth and land release so that the provision of physical, retail, commercial and community infrastructure occurs concurrently to development, strengthening the towns' roles in providing essential services to growing populations.
- Conserve and enhance heritage places for their contribution to the overall character of the towns.
- Strengthen the economic future of the towns, including in relation to tourism, employment and industry as relevant.

#### **Villages – Koonwarra and Welshpool**

The villages comprise small settlements on urban zoned land with some retail, education and recreation facilities that service the village population and local rural catchment. Nearby larger towns provide the higher order, essential services.

Koonwarra has a distinct character focussing on environmental awareness, sustainability and boutique gourmet food.

Welshpool provides limited retail, educational, community and public transport services for local residents and the rural hinterland including the nearby coastal village of Port Welshpool.

Council seeks to:

- Provide an attractive and safe residential environment and strengthen the economic future of Koonwarra and Welshpool within the village settlement boundaries.

#### **Coastal Villages – Port Welshpool, Sandy BayPoint [Council-identified anomaly], Tarwin Lower, Venus Bay, Walkerville, Waratah Bay and Yanakie**

In addition to supplying a limited range of services and facilities to residents, Coastal Villages service holiday populations as well as significant retiree and partially absentee residents. The character of the Coastal Villages combined with their environmentally significant surrounds and landscapes, affords them a charming attractiveness.

Port Welshpool provides facilities for commercial and recreation fishing, and holiday visitors. Largely surrounded by Crown land, the settlement is within the Corner Inlet Amphitheatre Significant Landscape, adjacent to the Corner Inlet Ramsar wetlands and is affected by bushfire risk and inundation associated with sea level rise.

Walkerville is a Coastal Village adjoining and surrounded by the Cape Liptrap Coastal Park: The town has a mix of holiday and permanent residents. Absence of reticulated water or sewer are a development restriction.

Council seeks to:

- Contain growth within settlement boundaries to protect the environmental, landscape and agricultural values between and surrounding the settlements.
- Balance growth and development with the associated impacts on vegetation, soil stability and water quality and the risks of climate change.
- Provide an attractive and safe residential environment and strengthen the economic future of each coastal village.

#### **Hamlets – Bena, Buffalo, Dumbalk, Jumbunna, Kongwak, Mirboo, Port Franklin, Ruby and Stony Creek**

The Hamlets are characterised by a cluster of housing on urban or small rural allotments with limited infrastructure and community services, and often no, or highly limited, retail services. Some Hamlets have potential for small-scale tourism associated with local agricultural products, markets, the rail trail, rural landscapes and natural environments.

Bena is a rural residential hilltop Hamlet located on the former railway line with limited recreation and community facilities.

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Buffalo is a former railway Hamlet adjacent to the Great Southern Rail Trail with recreation and limited community facilities. Much of the town is susceptible to bushfire risk.

Located in a dairying area and relatively close to larger settlements, Dumbalk is a residential Hamlet that is serviced by a limited range of commercial and community facilities.

Historically a coal mining and railway settlement, Jumbunna is now a quiet Hamlet with Victorian-era character. Issues with potential contamination and location of shafts associated with the settlement's mining history is a constraint on development.

Kongwak is located in a foothills dairying area, with part of the town susceptible to bushfire risk. It has relatively good community, recreation and tourist-attracting facilities including an historic former butter factory.

Mirboo is a low density settlement located in a valley of the Strzelecki Ranges with the Tarwin River winding along its north and east boundaries. It has limited community facilities.

Port Franklin is a residential fishing and port Hamlet located adjacent to the Corner Inlet Ramsar wetlands and the Corner Inlet Marine and Coastal Park. Coastal climate change and susceptibility to inundation affect the fringes of the Hamlet.

Ruby is a former railway Hamlet with a small cluster of community facilities and rural residential houses in a rural zoning. It has access to services at Leongatha and Korumburra.

Stony Creek is a former railway Hamlet with numerous Victorian-era buildings adjacent to the Great Southern Rail Trail. Parts of the town are susceptible to bushfire risk.

Council seeks to:

- Contain growth within the settlement boundary of each Hamlet to protect agricultural, landscape and environmental values and to reduce risks associated with environmental hazards.
- Provide an attractive and safe residential environment in each hamlet.

**Localities – Agnes, Arawata, Darlimurla, Hedley, Kardella, Nerrena, Strzelecki and others**

Scattered across the Shire, the localities comprise clusters of housing located in rural areas on small rural allotments. They have minimal to no infrastructure or community facilities and are relatively isolated from higher level settlements. Some of the localities are affected by susceptibility to erosion, bushfire or inundation. Some localities have potential for small-scale tourism associated with local agricultural products, rail trails, rural landscapes and natural environments.

Council seeks to:

- Contain growth within settlement boundaries to protect agricultural, environmental and landscape values, and to reduce risks associated with environmental hazards.
- Support small-scale tourism businesses that complement the natural environment, agricultural and landscape values of the region or are associated with proximity of the Great Southern Rail Trail.



**02.03-2 ENVIRONMENTAL AND LANDSCAPE VALUES**

C127sgjp 03/03/2022

**Biodiversity**

Since European Settlement, there has been a steady decline in biodiversity in Australia. South Gippsland Shire has mirrored this trend with only approximately 15 per cent of the native vegetation that existed prior to 1750 remaining (excluding Wilsons Promontory Bioregion). Much of the Shire's remaining native biodiversity is now found on private property and roadsides. The protection, enhancement and linking of remnant vegetation and animal species on private and public land is an important issue facing the community.

Council seeks to:

- Protect sites of biological significance including on roadsides and private property.

**Coastal and hinterland landscapes**

Specific landscapes within the Shire have been determined to have either state or regional significance. These are the landscapes of Venus Bay Peninsula and Anderson Inlet, Venus Bay Dunes, Cape Liptrap and Waratah Bay, Corner Inlet Amphitheatre, Bunurong Coast and Hinterland, Tarwin Floodplain, and Welshpool Hills and Mount Hoddle.

Council seeks to:

- Retain undeveloped breaks between settlements by focussing further development within existing township boundaries and avoiding ribbon development, particularly along the coastal strip and key touring routes.
- Ensure coastal development including at the edge of settlements responds to the landscape setting and character.
- Maintain locally significant views and vistas that contribute to the character of the coast and coastal hinterland region.

**02.03-3 ENVIRONMENTAL RISKS AND AMENITY**

C127sgjp 03/03/2022

**Climate change**

The effects of climate change on the local environment are starting to appear and will continue into the future. The potential flow-on effects from changing climatic conditions include reduced agricultural production, decreased and more erratic environmental flows in waterways and wetlands, increased risk of bushfire, and decreased water security for settlements and activities. Direct impacts of climate change are also likely to include an increase in storm surges, increased and altered patterns of erosion of beach and dune systems, undercutting of cliffs, increased peak flows in coastal rivers and estuaries and damage to coastal infrastructure (piers, jetties, breakwaters and seawalls). [Climate modelling suggests that South Gippsland will be less impacted by rainfall variability than northern parts of the State which will place additional pressure on agricultural land to provide food and fibre for the State.](#) [Factual data that reflects likely changes]

[South Gippsland relies on key industries such as agriculture and tourism which are particularly vulnerable to climate change impacts. Extreme weather events, disrupted rainfall patterns and seasonality, sea level rise and coastal inundation are all dangerous and disruptive to these industries \[NEW SGESF, p9\] \[to implement adopted Council policy\]](#)

Council seeks to:

- Apply the precautionary principle when considering the intensification of development in coastal areas.

**02.03-4 NATURAL RESOURCE MANAGEMENT**

C127sgjp 03/03/2022

**Agriculture**

South Gippsland Shire contains some of the most productive agricultural areas in Victoria and provides a substantial proportion of Victoria's milk as well as beef, prime lamb and vegetables. Agriculture and its associated processing and service industry underpin the Shire's economy. With issues of climate change and water scarcity at hand, there is likely to be increasing demand for the Shire's high quality

agricultural land from producers in less fertile areas. Existing farming activities in the Shire will need to have the capacity to grow and expand and will require access to affordable land unencumbered by unwanted infrastructure. [Use regenerative and sustainable land management practices will be essential to ensure long term viability of agricultural land. \[NEW SGCP, p17\] \[to implement adopted Council policy\]](#)

Considerable opportunities exist to add value to primary produce and to diversify the base income of the rural sector and improve employment opportunities. The region's competitive strengths of rich agricultural soils, high rainfall and proximity to Melbourne should be promoted to attract new industries complementary to the region's lifestyle.

Council seeks to maintain a viable and sustainable agricultural industry as the cornerstone to the Shire's economy and its future wellbeing by:

- Protecting high quality agricultural land for primary production.
- Supporting diverse and sustainable agriculture industries, including promoting the region as a premium 'green' products food bowl.
- Facilitate the provision of essential services to support agricultural production.
- Facilitate industries in rural areas that specifically support the agricultural sector and add value to primary produce.
- Promote agricultural land management that includes sustainable integration of economic and environmental needs.
- Support the development of the marine and farm forestry industries.

#### **Rural dwellings**

The settlement and subdivision history of the Shire has left a legacy of small lots scattered amongst larger farming lots. These lots are often isolated, or in strips along road sides and surrounded by agricultural uses. Multi-lot farms (tenements) are the most common structure of land tenure in the Shire, with commercially viable production areas being formed by the aggregation of smaller lots.

The Shire's significant environmental and landscape assets make the area attractive for rural residential lifestyles. The northern and western areas of the Shire are particularly popular for rural living. There is a significant level of ad hoc rural lifestyle development already in the rural areas of the Shire. The conversion of agricultural land into rural residential land use activities results in a net loss to agriculture due to permanent land use changes. There is also a need to avoid landscape and servicing issues arising from the development of dwellings not reasonably connected to agricultural activities.

Council seeks to:

- Avoid the development of dwellings on rural land that may prejudice existing agricultural activities on surrounding land.
- Maintain agricultural land in agricultural use for the cost-effective production of food and raw materials.
- Maintain cost-effective servicing of towns and communities across the Shire by avoiding the impacts of a dispersed population base.

#### **Rural subdivision**

The rural areas of South Gippsland have experienced a high level of land fragmentation, arising from both historical settlement patterns and less stringent planning policies under earlier planning schemes. Left unchecked, further fragmentation through land subdivision could have considerable implications for the supply of affordable agricultural lots, agricultural production, landscape and the servicing of populations in outlying areas.

As South Gippsland already has a considerable supply of a range of lot sizes, further subdivision for genuine agricultural reasons will rarely be necessary.

Council seeks to:

- Limit the further fragmentation of rural land by subdivision.
- Ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- Encourage the consolidation of rural lots.

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- Encourage the restructuring of old and inappropriate subdivisions including old Crown Townships.
- Limit the cumulative impact of house lot excisions, including serial small lot subdivisions.

#### **Land and catchment management**

Land and water degradation issues facing the Shire include soil erosion, pest plants and animals, water quality and salinity. It is important to ensure that the Shire's natural resources are protected for the benefit of current and future generations.

Developments in floodplains must be appropriately managed to minimise the risk and cost to both private landowner and the broader community.

Council seeks to:

- Apply integrated catchment management principles when managing the Shire's land and water resources.
- Limit changes in land use that lead to a decline in the quality of land and water resources.
- Improve water quality and quantity in aquatic and riparian ecosystems, including streams, rivers, lakes, bays and their adjacent side channels, floodplains, wetlands and the Shire's declared catchments.

#### **Extractive industry**

South Gippsland Shire is well placed to strengthen and build upon its existing resources, assets and infrastructure to create new and diverse economic development opportunities in relation to extractive industry.

Council seeks to:

- Protect the area identified in the Lang Lang to Grantville Regional Sand Extraction Strategy in the north west of the Shire for its significant regional sand resource.
- Support sand extraction, quarrying and mining activities that do not have significant adverse impacts on the environment.
- Ensure the rehabilitation of mines and extractive industry sites at the completion of their use.

### **02.03-5 BUILT ENVIRONMENT AND HERITAGE**

[C127sgjp](#) 03/03/2022

The protection of settlement character and landscape and environmental values through the design and siting of development is necessary to maintain the Shire's desirability as a place to live, work and visit.

Council seeks to:

- Promote sympathetically designed and located development that complements the built form character, environmental, topographical and landscape values of its location.

#### **Signs**

Signs are required for information and service provision respectively for residents, businesses and visitors. Sensitivity is required in design and location of these necessary structures so they do not detract from the Shire's built and natural environments.

Council seeks to:

- Encourage signs that will enhance the visual amenity of the built and natural environment and minimise detrimental impacts on the landscape and road safety.

#### **Industrial development design**

There is a need to improve the appearance and overall amenity of industrial areas to make these areas more attractive to new industries seeking to establish within the Shire.

Council seeks to:

- Encourage industrial development that is safe, functional, attractive and does not detract from surrounding amenity.

**Environmentally sustainable design**

All development should be encouraged to incorporate energy efficient principles in their design and to be resilient to the impacts of climate change. This will promote the development of sustainable and resilient communities throughout the Shire.

Council seeks to:

- Encourage the use of passive and active energy efficient systems in development.

**Heritage**

The Shire contains a rich and diverse natural and built heritage. Apart from the important cultural and social values of heritage places, they provide significant economic benefits by enhancing the appeal of the Shire as a place to live, work and visit.

Council seeks to:

- Protect heritage places from development that would diminish their significance.
- Retain, use, manage and develop heritage places in a way that conserves or reveals their heritage significance and their contribution to the identity, culture and history of the municipality.

**02.03-6****HOUSING**

The Shire contains a range of housing types that contribute to the lifestyle opportunities and attractiveness of the region as a place to live. For the long-term sustainability of the region, it is important that opportunities are provided to accommodate the changing lifestyles and housing needs of the population. Currently, there is a lack of innovative and creative medium density housing development within the Shire and opportunities exist to encourage this type of development.

Council seeks to:

- Accommodate housing growth that is sustainable and sympathetic to:
  - The hierarchy and existing character of the Shire's settlements.
  - The availability and capacity of infrastructure and commercial, community and transport services.
  - Significant environmental features and landscapes.
  - Continuation of commercial agriculture in rural areas.
- Encourage diversity in dwelling type, size, adaptability and accessibility to provide greater choice and affordability to suit a range of needs.

**02.03-7****ECONOMIC DEVELOPMENT**

[C127sgjp](#) 03/03/2022

**Diversified economy**

Value adding manufacturing and processing plays an important part in the future economic growth opportunities in the Shire. The lower operational costs for businesses and the unique lifestyle that the Shire offers should be promoted to attract new employment opportunities and population growth.

Council seeks to build a sustainable and growing economy that: [\[NEW SGEDC,p23\]](#) [\[to implement adopted Council policy\]](#)

- Attracts and supports businesses. [\[NEW SGEDC,p23\]](#) [\[to implement adopted Council policy\]](#)
- Broadens, builds upon and strengthens existing industry sectors. [\[NEW SGEDC,p23\]](#) [\[to implement adopted Council policy\]](#)
- Utilises the natural environment and improves liveability in the Shire. [\[NEW SGEDC,p23\]](#) [\[to implement adopted Council policy\]](#)
- Builds on the benefits of the Shires' proximity to Melbourne. [\[NEW SGEDC,p23\]](#) [\[to implement adopted Council policy\]](#)
- Creates and sustains local employment opportunities. [\[NEW SGEDC,p23\]](#) [\[to implement adopted Council policy\]](#)
- Establishes the Shire as a food hub that feeds the State and beyond. [\[NEW SGEDC,p23\]](#) [\[to implement adopted Council policy\]](#)

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- [Delivers services to support the growth of the local and regional economy. \[NEW SGEDC,p23\] \[to implement adopted Council policy\]](#)
- [Supports regional growth and prosperity. \[NEW SGEDC,p23\] \[to implement adopted Council policy\]](#)

Council seeks to:

- ~~Attract and develop value adding opportunities to diversify the industry base and maximise industrial employment opportunities.~~
- ~~Locate service industries in towns where they support the local population and provide employment opportunities.~~
- Encourage major economic development opportunities associated with the use of deep water port facilities at Barry Beach.

### Tourism

Tourism is fast becoming a significant employer and generator of economic activity within the Shire. The region boasts Wilsons Promontory National Park and borders Phillip Island. The Shire's rural landscapes, spectacular coastal areas and numerous historically and culturally significant sites are major tourist attractions. The South Gippsland region provides a diverse range of recreational and tourism-related experiences such as festivals, Coal Creek Community Park and Museum, Grand Ridge Road scenic drive, the Great Southern Rail Trail and the Grand Ridge Rail Trail, boutique food and beverage outlets and the Nyora Speedway. Growth opportunities exist in eco-tourism while agricultural and farming activities can service the industry through the development of agri-tourism.

Council seeks to:

- [Encourage greater investment in the accommodation sector to support longer visitor stays and greater spend in the region. \[NEW SGVES,p30\] \[to implement adopted Council policy\]](#)
- [Diversify the Shire's visitor products and experiences to encourage new and existing markets to visit, stay and spend. \[NEW SGVES,p30\] \[to implement adopted Council policy\]](#)
- Protect the Shire's heritage assets, coastline, rural landscapes and agricultural produce for their tourism value.
- Encourage the development of eco-tourism and agri-tourism, building on the Shire's natural assets and agricultural land use.
- Encourage tourism use and development in association with the Great Southern Rail Trail and the Grand Ridge Rail Trail.

### 02.03-8 TRANSPORT

C127sgjp 03/03/2022

Many of the roads within the Shire are facing increased usage by large transport vehicles associated with agriculture, timber haulage and other industries. The ongoing development of freight transport opportunities is required for the future economic prosperity of the Shire.

Additional public transport facilities and sustainable transport options are needed to improve accessibility for the resident population, visitors and the wider community.

The Leongatha aerodrome is the only commercially operated airfield within the Shire, and the area surrounding the aerodrome needs to be protected to ensure that incompatible development does not restrict its future expansion.

Council seeks to:

- Facilitate interconnected pedestrian, bicycle and bridle paths throughout the Shire.
- Maintain a safe and efficient road network across the Shire.
- Support the development of the region as a strategic base for freight transport and logistics.
- Ensure that any future expansion of the Leongatha aerodrome is not prejudiced by the encroachment of incompatible land use and development.

**02.03-9 INFRASTRUCTURE**[C127sgjp](#) 03/03/2022**Infrastructure design and provision**

The design, management and delivery of infrastructure are key issues for Council. The Infrastructure Design Manual (IDM) includes guidelines for the design and construction of infrastructure within the municipality. The IDM complements the objectives and standards of Clause 56 for residential subdivision applications.

Council seeks to:

- Ensure a consistent approach to the planning, design and construction of infrastructure.

**Alternative energy**

The use of renewable energy sources such as solar and wind power is a small, yet significant, method by which the community can address the global issue of climate change.

Council seeks to:

- Encourage the use of alternative energy sources in a way that does not detrimentally affect the surrounding environment.

**Community infrastructure**

Due to the widespread distribution of the Shire's population, effective planning is needed to allow the community equitable access to a range of recreation, education and health services and facilities.

Council seeks to:

- Facilitate a range of services and facilities including recreation, education and health services that meet the needs of the community.

**Drainage and waste management**

The location and management of waste disposal facilities as well as the provision of reticulated water and sewerage services and stormwater drainage improvements are necessary to minimise impacts on the environment and accommodate future population growth.

Council seeks to:

- Facilitate the provision of efficient and effective wastewater management systems to all towns within the Shire.
- Support the implementation of stormwater drainage that minimise impacts on the environment.
- Locate, design and manage waste disposal facilities to minimise amenity impacts.

**Telecommunications infrastructure**

The Federal Government has undertaken to provide broadband telecommunication access to 90 per cent of the Australian population through the installation of optical fibre cables and a mix of other technologies. Optical fibre in particular provides increased data carrying capacity and will allow for faster access to multimedia services, larger data files and new telecommunication tools.

Providing underground conduit infrastructure for optical fibre cables in new subdivisions before the completion of development is efficient and cost effective.

Council seeks to:

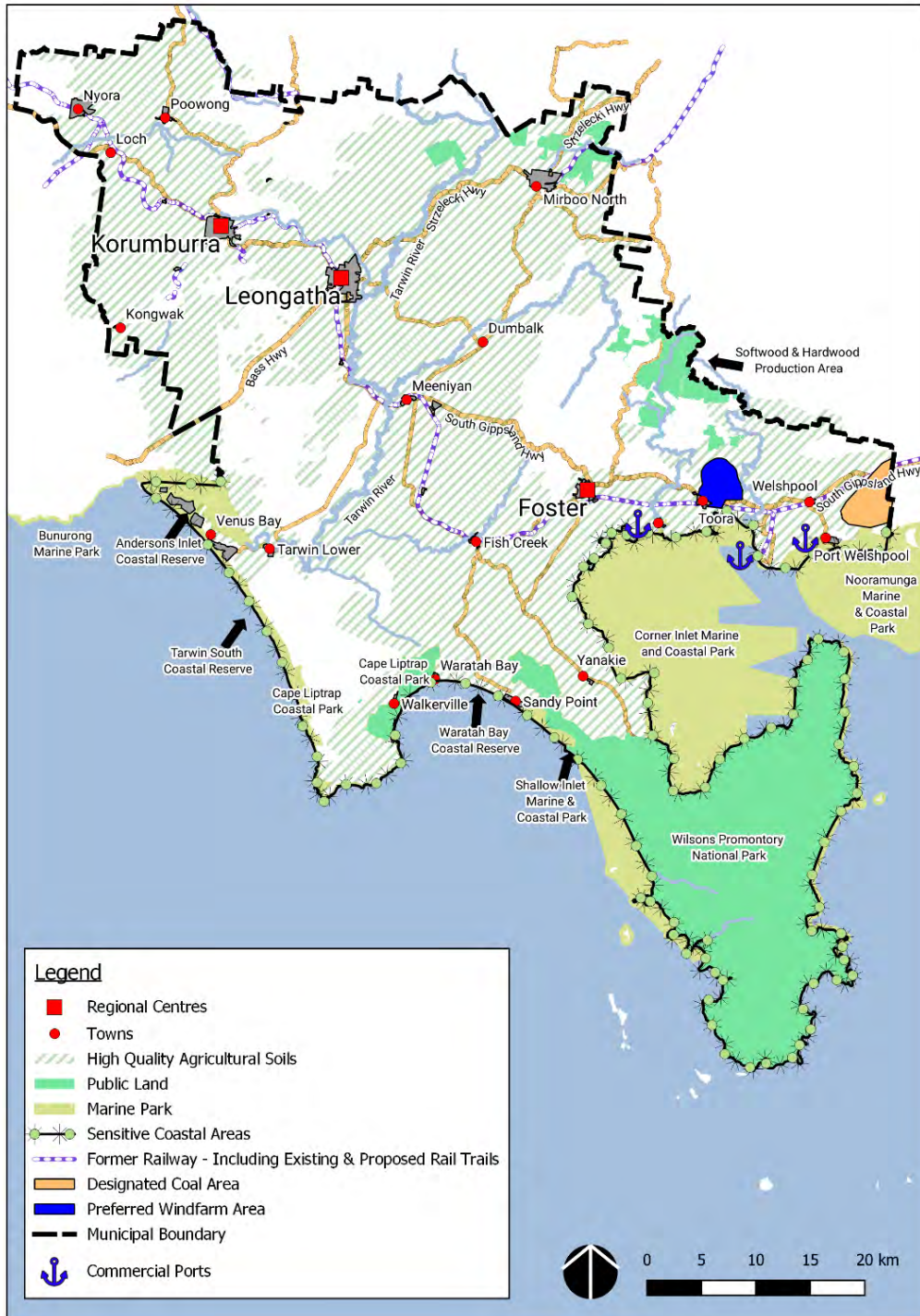
- Facilitate the provision of underground conduit infrastructure ready to meet the needs of communities.

**02.04 STRATEGIC FRAMEWORK PLANS**

C127sgjp 03/03/2022

The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

**South Gippsland Shire Council framework plan**



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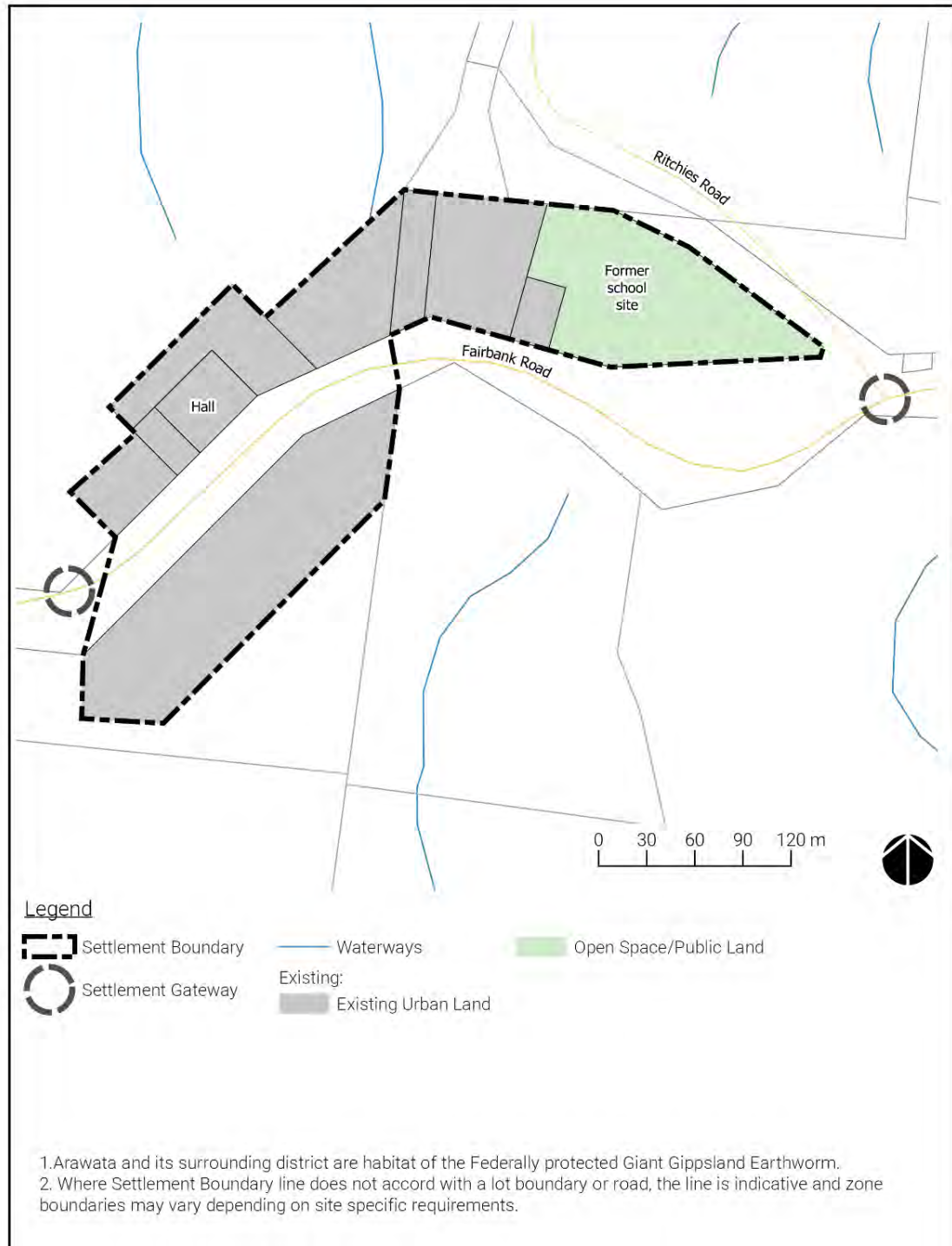
~~Agnes framework plan~~ [moved to 11.01-1L-10 Localities] [more appropriate as settlement-specific plan]





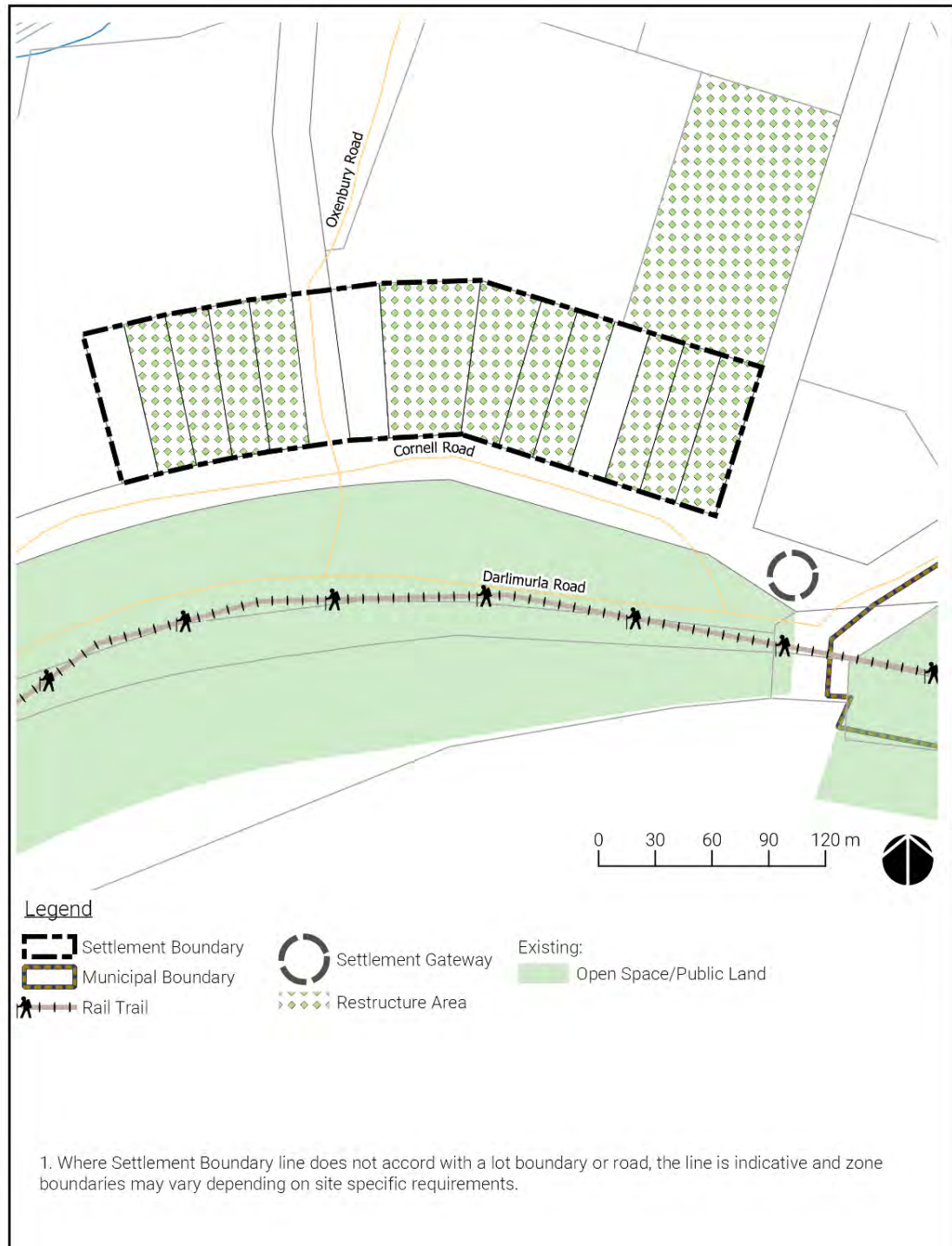
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~~Arawata framework plan~~ [moved to 11.01-1L-10 Localities] [more appropriate as settlement-specific plan]



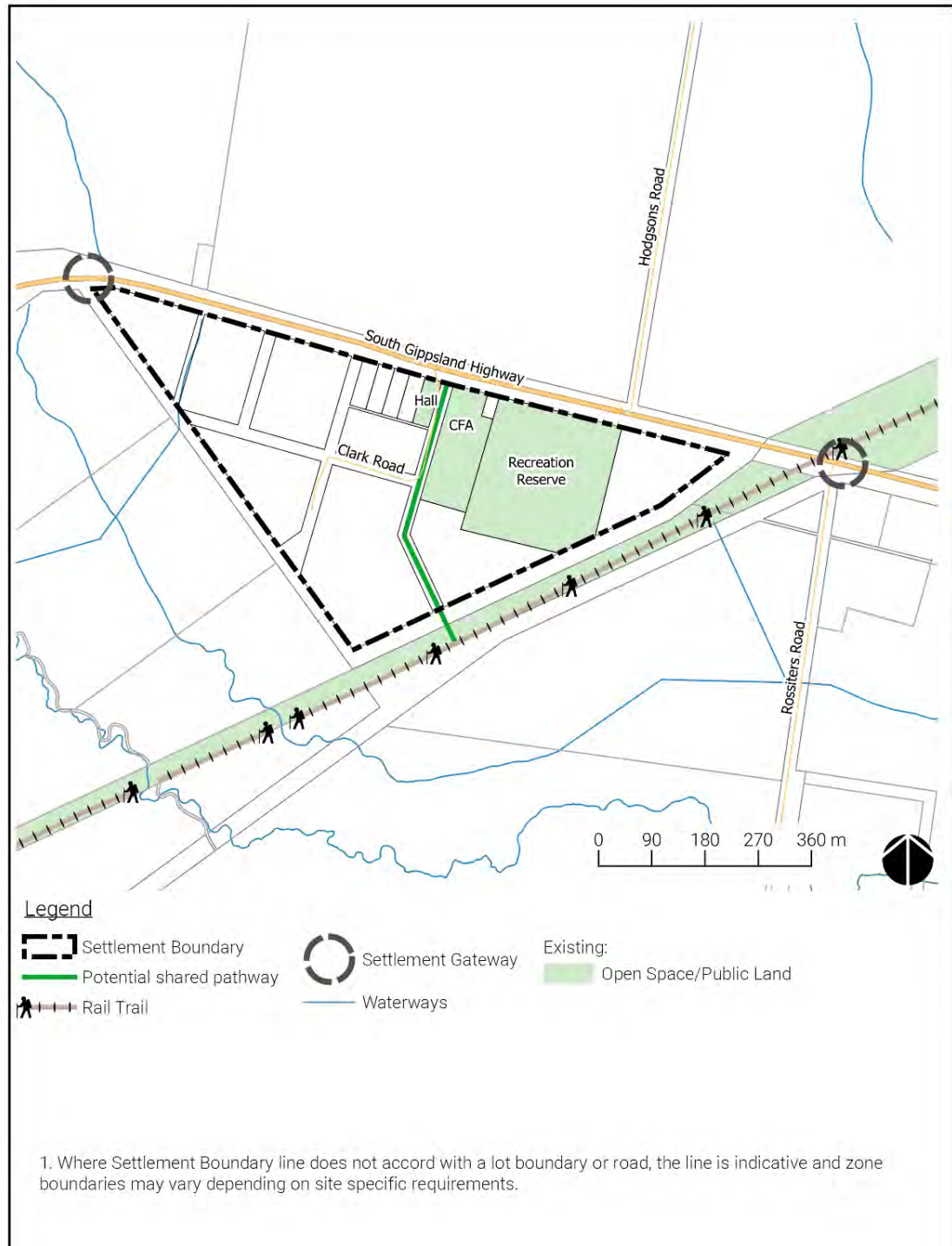
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~~Darlimurla framework plan~~ [moved to 11.01-1L-10 Localities] [more appropriate as settlement-specific plan]



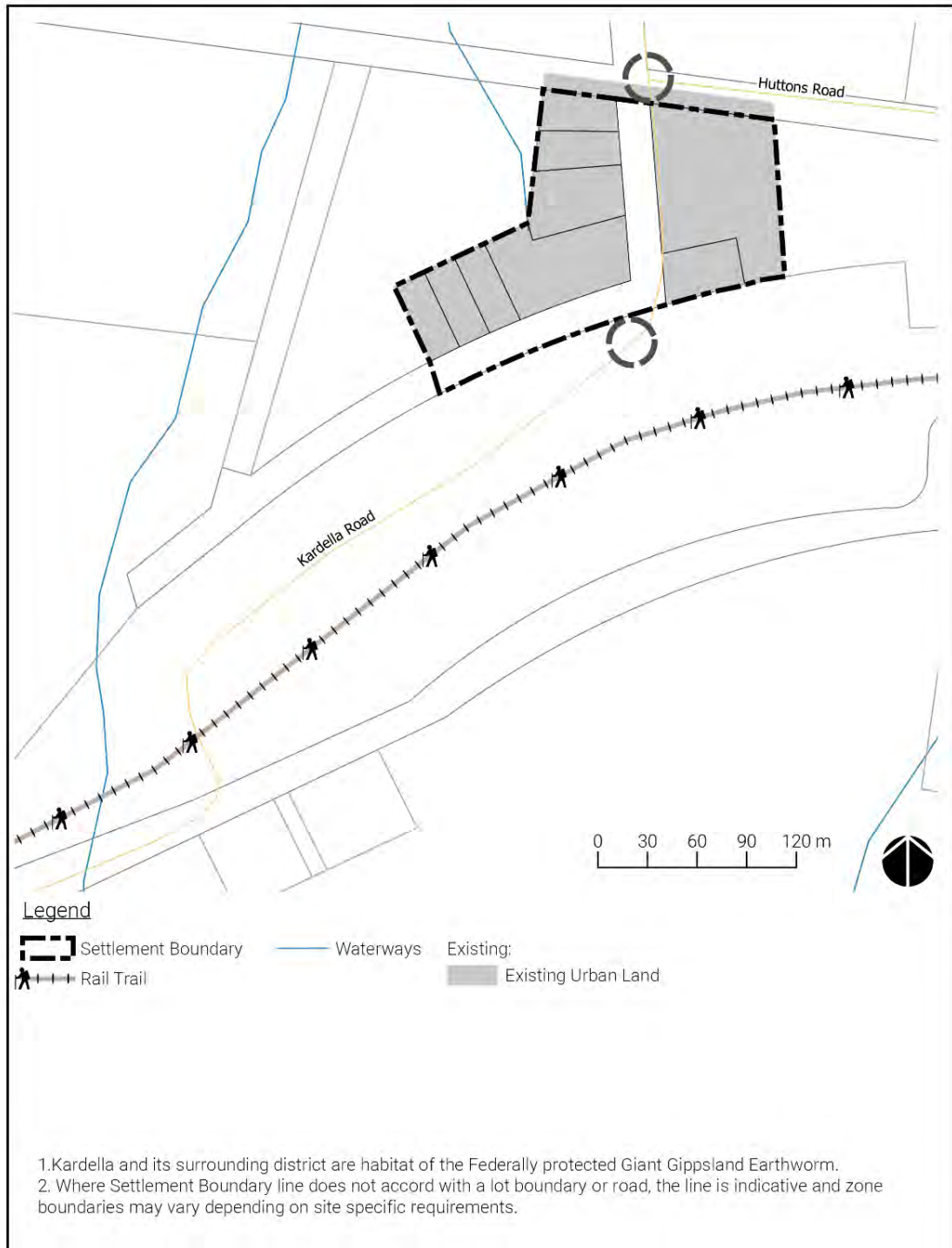
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~~Hedley framework plan~~ [moved to 11.01-11-10 Localities] [more appropriate as settlement-specific plan]



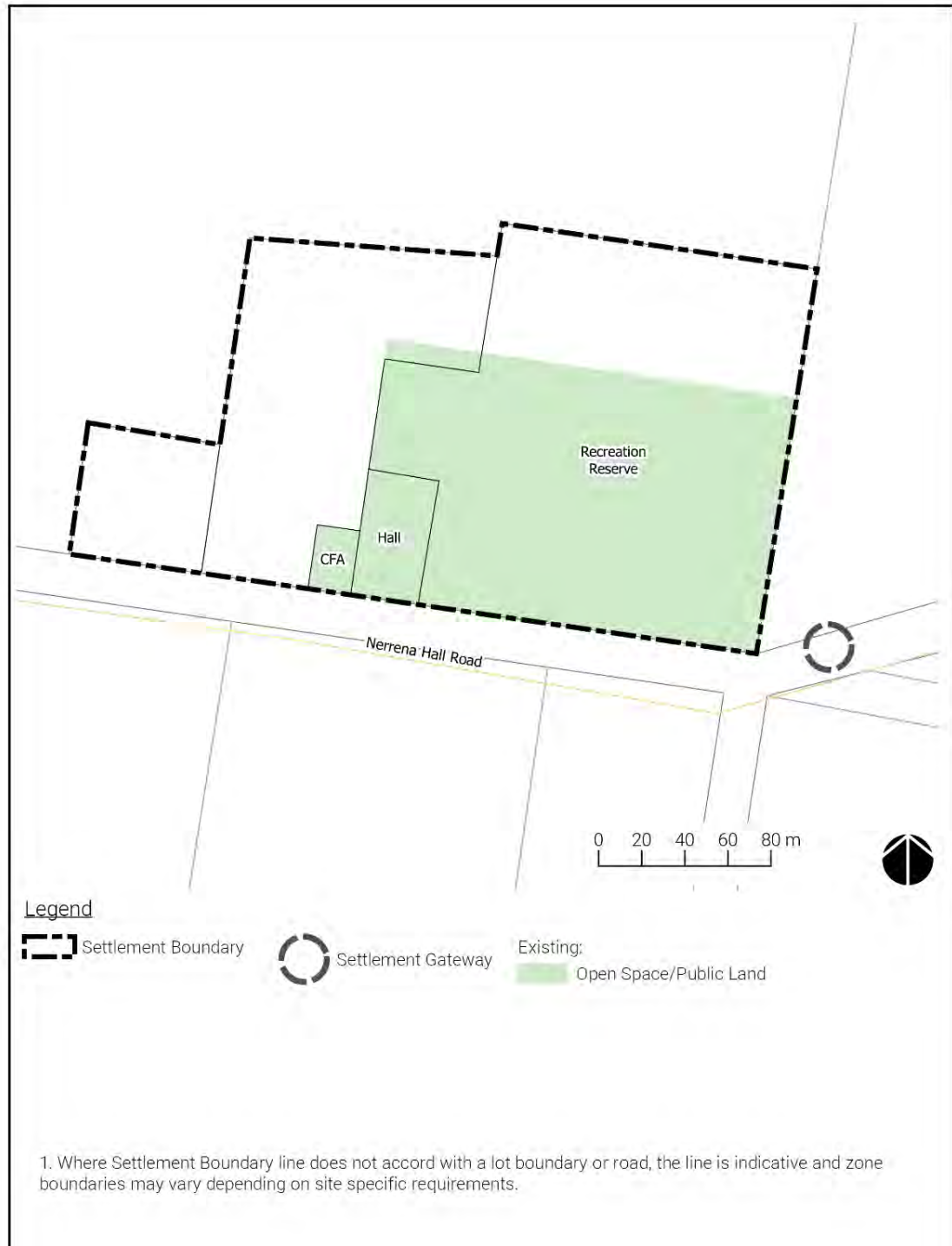
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~~Kardella framework plan~~ [moved to 11.01-11-10 Localities] [more appropriate as settlement-specific plan]



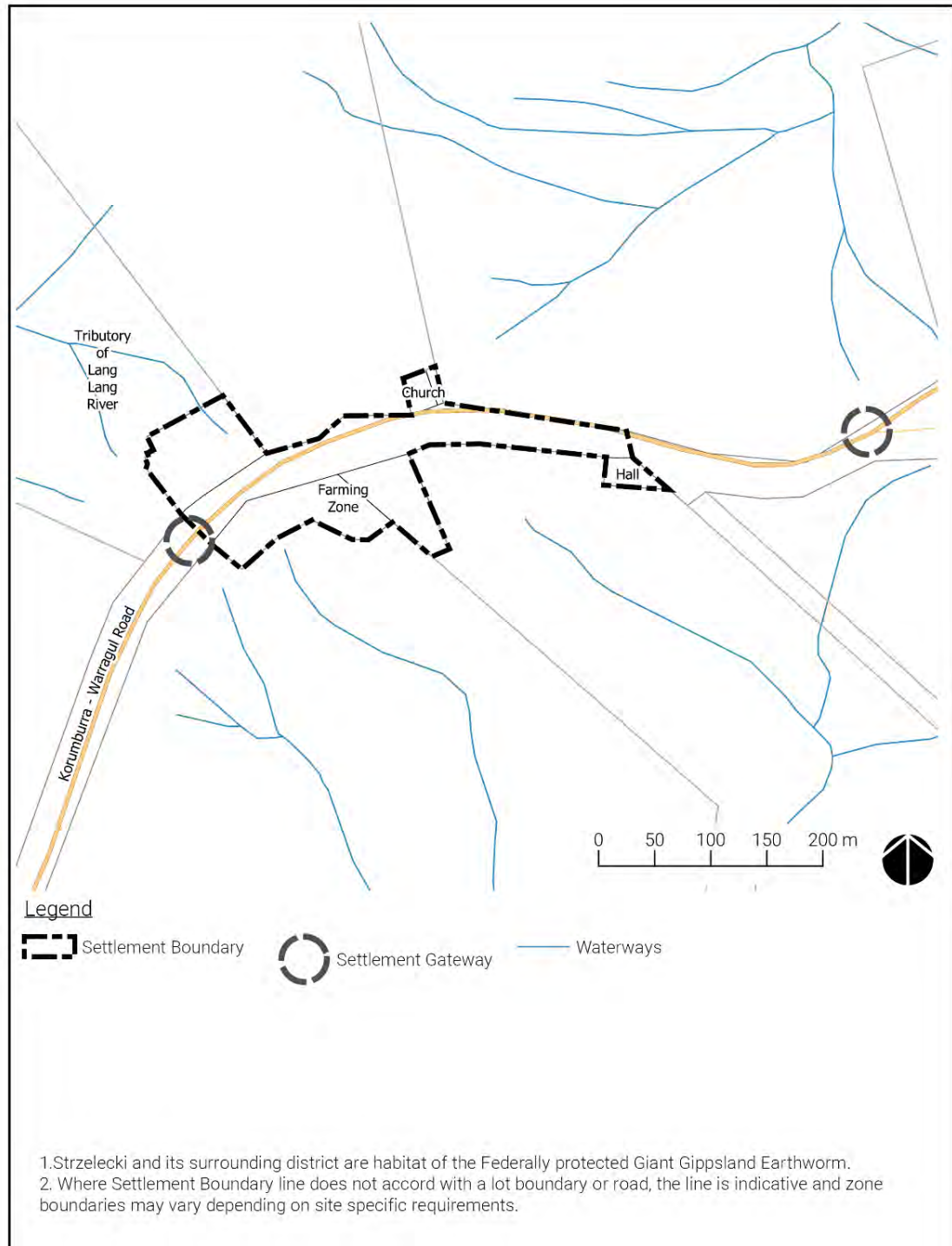
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~~Nerrena framework plan~~ [moved to 11.01-1L-10 Localities] [more appropriate as settlement-specific plan]



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~~Strzelecki framework plan~~ [moved to 11.01-11-10 Localities] [more appropriate as settlement-specific plan]



~~11.01-1L-01 SETTLEMENT~~~~C127sgjp 03/03/2022~~~~Strategies~~~~Encourage consolidated residential development adjacent to central activity districts of settlements to achieve a more efficient use of urban infrastructure, community facilities and transport services. [Duplicates 11.01.1S]~~~~Restructure old and inappropriate subdivisions to:~~

- ~~• Create a more sustainable density of development.~~
- ~~• Limit new dwellings on vacant lots.~~
- ~~• Consolidate lots not suitable for the development of dwellings.~~
- ~~• Preserve the rural landscape. [moved to 15.01-3L] [More appropriate as a subdivision strategy]~~

~~Discourage the development of dwellings on small lots in old Crown township areas except where either:~~

- ~~• The land is zoned Township Zone or Rural Living Zone.~~
- ~~• The development is in accordance with the relevant Restructure Plan in the Schedule to Clause 45.05. [Moved to 16.01-1L] [more appropriate as a housing strategy]~~

~~11.01-1L-012 LEONGATHA – SOUTH GIPPSLAND~~~~C127sgjp 03/03/2022~~~~Policy application~~~~This policy applies to the land identified on the Leongatha framework plan and the Leongatha Town Centre framework plan that forms part of this Clause.~~~~Settlement strategies~~~~Promote higher density residential development and retirement living close to the Town Centre.  
Support residential and highway frontage commercial development in the Southern Leongatha Growth Area.~~~~Settlement policy guidelines~~~~Consider as relevant:~~

- ~~▪ Encouraging the rezoning of areas identified in the Leongatha framework plan to maintain a 15 year residential land supply.~~
- ~~▪ Locating higher density residential development and retirement living within a 400 metre radius of the existing commercially zoned land in the Town Centre.~~
- ~~▪ Encouraging the preparation of development plans for new residential estates that:
 
  - ~~· Establish integration with existing residential areas and infrastructure.~~
  - ~~· Provide pedestrian and cyclist connectivity to the Town Centre and key community features.~~
  - ~~· Protect the environmental values of the land.~~~~

~~Economic strategies~~~~Discourage the development of retail uses outside of the Town Centre where such uses may detract from the principal role of the Town Centre.~~~~Maintain a compact Town Centre that reduces the need for car usage, with all key features and major retail activities within comfortable walking distance of the intersection of Bair Street and McCartin Street.~~~~Ensure that adequate land is available to accommodate new retail, social, community, commercial and entertainment facilities within the Town Centre.~~~~Provide adequate areas of commercial and industrial land in suitable locations with good access to infrastructure.~~

SOUTH GIPPSLAND PLANNING SCHEME  
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Promote the establishment of a bulky goods retail precinct on the western side of the South Gippsland Highway, and commercial use precinct for uses not appropriate to a Town Centre location on the eastern side of the Highway, at the southern entry to the township.

Focus industrial development within existing industrial areas, encouraging the development of vacant or underutilised land.

Promote the expansion of industrial uses into the land north and west of the golf course recreation reserve while integrating the potential for heavy vehicle connectivity to the South Gippsland Highway.

**Infrastructure strategies**

Provide strong pedestrian and cycling connectivity to the Town Centre and community assets including schools and sport and recreation facilities.

Locate and design new development and road traffic improvements so they do not compromise the longer-term potential return of rail services to Melbourne.

**Policy document**

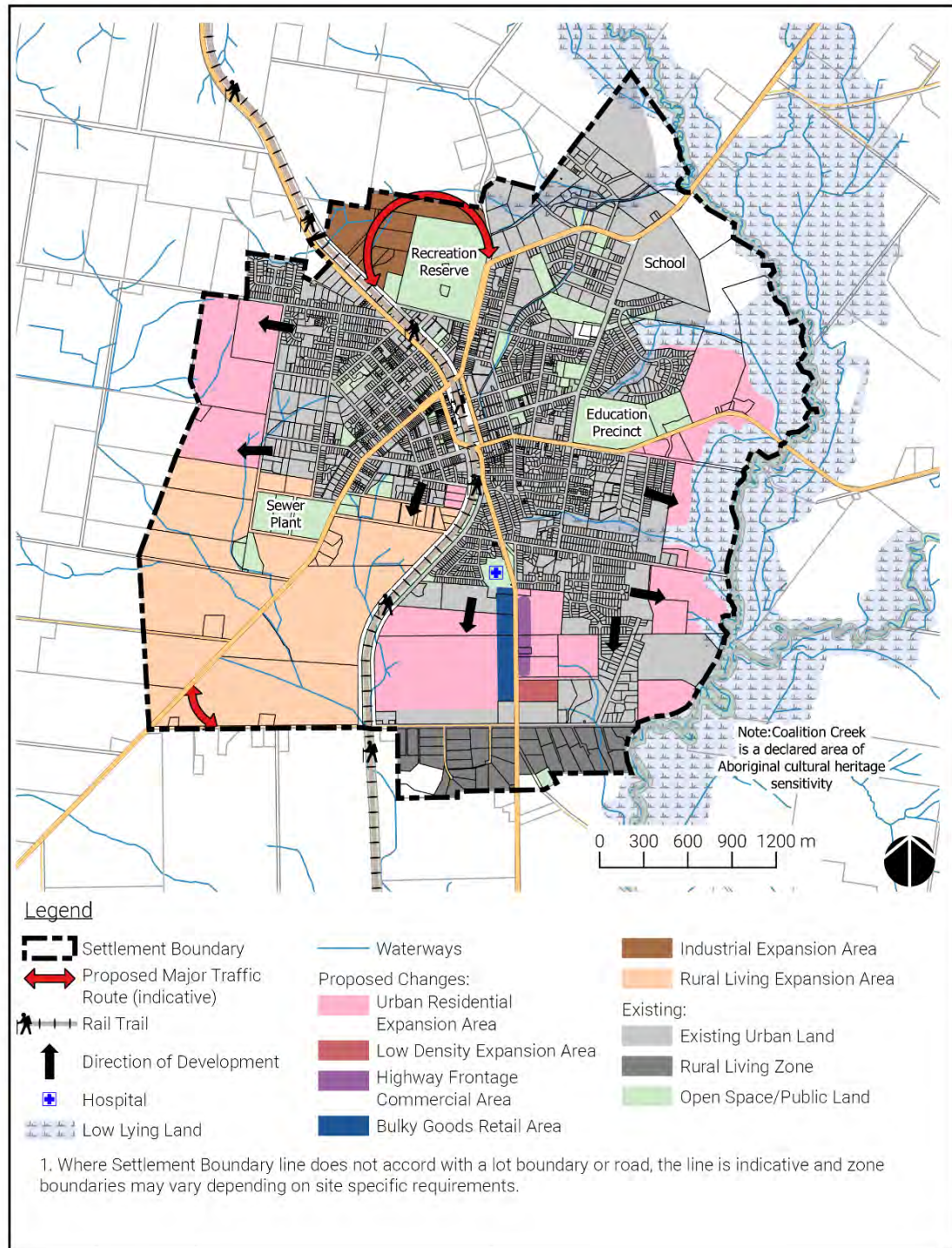
Consider as relevant:

- *Leongatha Structure Plan* (South Gippsland Shire Council, 2008)



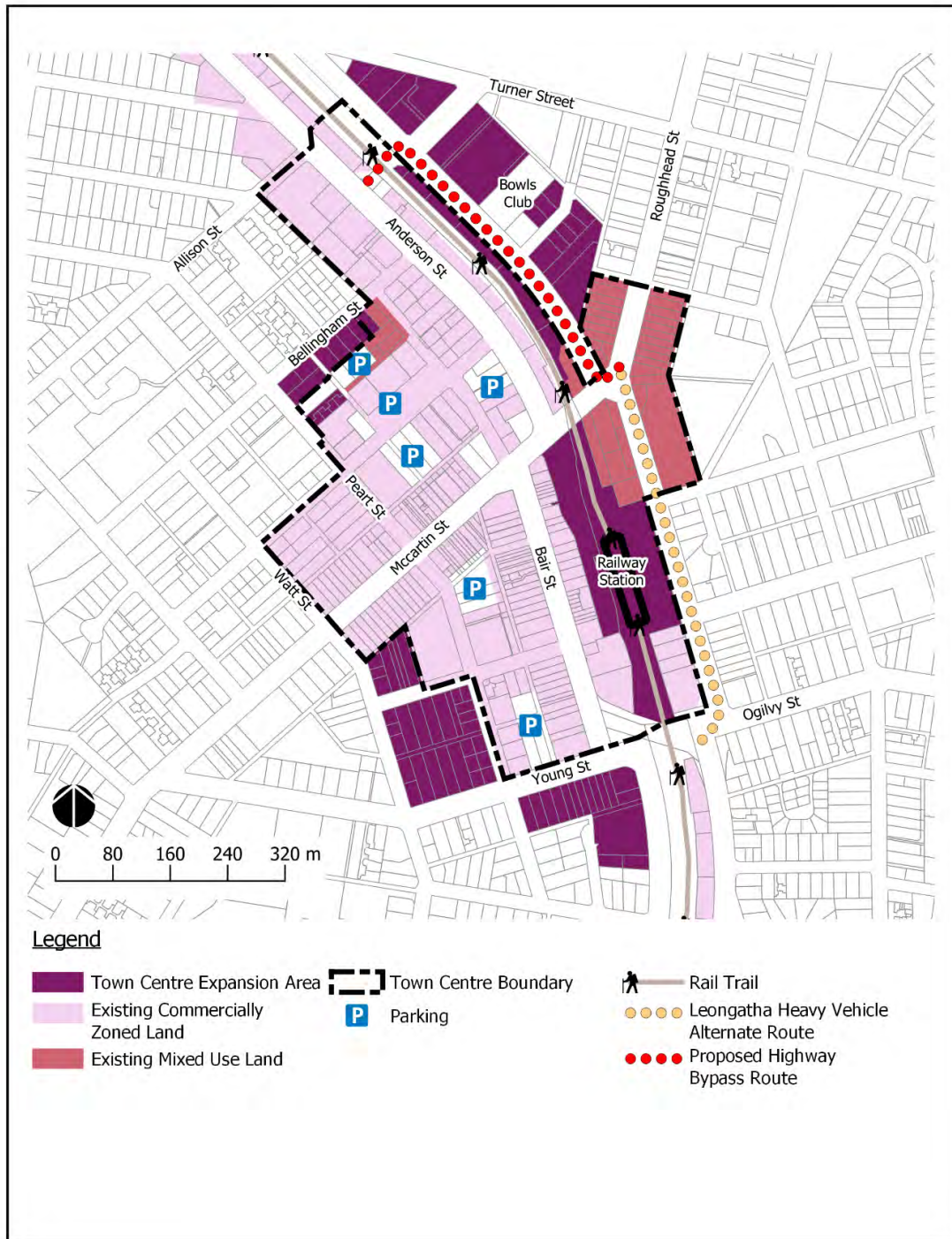
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**Leongatha framework plan**



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**Leongatha Town Centre framework plan**



**11.01-1L-023 SOUTHERN LEONGATHA GROWTH AREA – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to the land identified on the Leongatha framework plan ~~that forms part of this Clause~~ [Clause 11.01-1L-01 Leongatha](#).

**Bulky goods retail area strategies**

Direct large floor-plate developments/uses defined as Restricted retail premises to the Bulky Goods Area.

Discourage commercial or community uses that may weaken the primacy of the Town Centre.

Discourage uses, such as industrial uses, that may detrimentally affect the amenity of surrounding sensitive land uses.

**Bulky goods retail area policy guidelines**

Consider as relevant:

- Discouraging the following uses:
  - Accommodation (except Hotel and Motel).
  - Food and drink premises.
  - Office.
  - Place of assembly (excluding Conference/Function centre and Place of worship).
  - Retail premises (excluding Restricted retail premises).
  - Warehouse.

**Highway frontage commercial area strategies**

Direct uses that benefit from highway exposure and that are not suited to a Town Centre location to the highway frontage commercial area.

Discourage uses, such as industrial uses, that may detrimentally affect the amenity of surrounding sensitive land uses.

**Highway frontage commercial area policy guidelines**

Consider as relevant:

- Encouraging the following uses in the highway frontage commercial area:
  - Car wash.
  - Conference/Function centre.
  - Emergency services facility.
  - Hotel.
  - Landscape gardening supplies.
  - Motel.
  - Motor vehicle boat or caravan sales.
  - Place of worship.
  - Service station.
  - Trade supplies
  - Veterinary centre.
- Discouraging the following uses in the highway frontage commercial area:
  - Accommodation (excepting Hotel and Motel).
  - Food and drink premises.
  - Office.
  - Place of assembly (excluding Conference/Function centre and Place of worship).
  - Retail premises (excluding Restricted retail premises).
  - Warehouse.

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- Commercial or community uses that may weaken the primacy of the Town Centre.

#### **Urban expansion areas strategies**

Promote the subdivision of land to maximise the efficient use of land across a range of lot sizes.

Promote the staged and sequential rezoning and subdivision of General Residential Zoned land that integrates with the existing road network and infrastructure to the north, and avoids the creation of development that is isolated or has poor connectivity to the north.

Avoid the creation of residential lots in the Coalition Creek flood plain, except where the potential exists for dwellings to be located within lots above the flood level and associated access to and within the lot is above the flood level.

Minimise the number of residential lots with boundaries adjoining the highway frontage commercial uses.

Encourage the creation of wide, landscaped road reserves that create a residential sense of place in residential areas accessed through commercial areas.

#### **Landscape and built form strategies**

Minimise the number of highway entry points through subdivision, building layout and access design that avoids the requirement to create new highway access points.

Design development at the town entry point to include:

- Consistent building setback lines.
- Building layout that considers the long term potential for widening of the highway.
- Ample onsite car parking, without visually dominating front setbacks.
- Building siting and design that makes efficient use of land, including minimising unused areas of land (not including landscaping) to the side and rear of development.

Encourage lots adjoining commercial areas to be of sufficient size and depth to accommodate landscaping to screen and soften the potential visual and amenity impact.

#### **Landscape and built form policy guideline**

Consider as relevant:

- Limiting building height at the town entry point to a maximum of 10 metres above ground level.

#### **Infrastructure strategies**

Locate and design new highway intersection treatments to facilitate development on both sides of the highway.

Create an internal road network that allows for the future requirements of adjoining undeveloped land and the potential for cumulative increased usage over time.

Upgrade road and pathway infrastructure in established areas where necessary to manage additional use.

Avoid locating roads in flood prone areas of the Coalition Creek flood plain.

Create a shared pathway network around the boundaries of the Growth Area and along both sides of the highway.

Avoid the duplication of drainage assets or reliance on overland flows outside of drainage easements and declared waterways.

Encourage the provision of reticulated sewerage assets that allow for the development requirements of surrounding land and avoid asset duplication and the need for incremental asset upgrading.

Create an open space reserve on the flatter sections of the residential area west of the highway.

Provide or reserve a land parcel west of the highway for future community development infrastructure.

Provide continuous linear open space connectivity between the eastern end of Parkside Close and the wetland area adjoining the Boags Road / Tarwin Ridge Boulevard.

Encourage provision of a local park adjoining Coalition Creek.

**Infrastructure policy guidelines**

Consider as relevant:

- The open space reserve west of the highway to have an area of approximately four hectares.
- The reserved land parcel west of the highway for future community development infrastructure to have a minimum area of one hectare.

**11.01-1L-034 KORUMBURRA – SOUTH GIPPSLAND**

[C127sgjp](#) 03/03/2022

**Policy application**

This policy applies to land within the settlement boundary as set out on the Korumburra framework plan [that forms part of this Clause](#).

**Settlement strategies**

[Monitor-Manage](#) [\[To commence with PG approved verb\]](#) the availability and development of residential land and encourage the rezoning of areas identified in the Korumburra framework plan to maintain an estimated 15 year residential land supply.

Promote the development of residential estates that integrate with existing residential areas and infrastructure; provide pedestrian and cyclist connectivity to the Town Centre and key community features; and protect the environmental values of the land, especially the waterways.

Promote higher density residential development and retirement living on land within the inner township residential areas with convenient pedestrian access to the Town Centre.

Focus industrial development within the established industrial areas, and at the site of the former Korumburra Saleyards.

Ensure that development of the former saleyards land responds to the amenity interface with the adjoining showgrounds and residential areas.

Discourage the establishment of sensitive land uses close to the ‘manufacture of milk products’ operations in the Station Street Industrial Area that may preclude the manufacturing operations.

**Economic strategies**

Support Korumburra’s role as a retail and service centre with civic and community functions for its population and nearby small communities.

Discourage retail uses outside of the Korumburra Town Centre Retail Core where such uses may detract from the principal role of the Korumburra Town Centre.

Support tourism developments that promote Korumburra as a tourist destination and plan for the provision of services and features that support highway tourism traffic.

**Landscape and built form strategies**

Promote site responsive residential subdivision design with a mix of lot sizes and configurations that minimise the impact of earthworks.

Conserve the town’s heritage places and streetscapes in recognition of their central role in establishing Korumburra’s rural township character and sense of place.

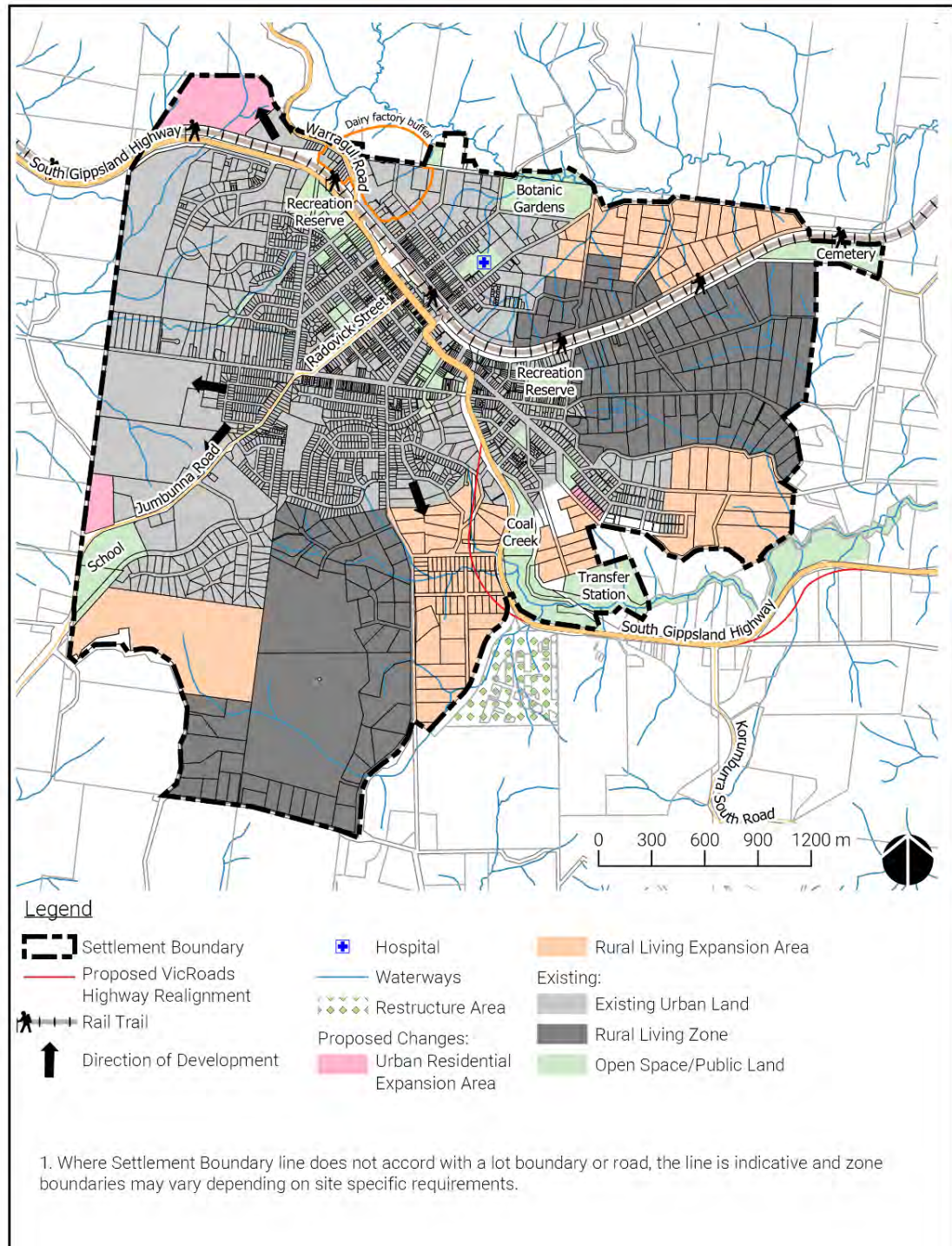
**Infrastructure strategies**

Provide direct and convenient pedestrian and cycling connectivity to the Korumburra Town Centre, key community assets and the schools.

Locate development and road traffic improvements so they do not compromise the longer-term potential return of rail services to Melbourne.

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**Korumburra framework plan**



**11.01-1L-045 KORUMBURRA TOWN CENTRE – SOUTH GIPPSLAND**

C125sgjp 08/09/2022

**Policy application**

This policy applies to land within the Town Centre Boundary on the Korumburra Town Centre framework plan [that forms part of this Clause](#).

**Settlement strategies**

Encourage the long term development of under-used and vacant land identified in the Korumburra Town Centre framework plan as ‘Preferred Commercial Redevelopment Sites’.

**Economic strategies**

Encourage major retail, office and community developments to concentrate in the Korumburra Town Centre Retail Core.

Focus active retail uses on the Korumburra Town Centre’s ‘main streets’, being Commercial Street, Radovick Street and Bridge Street.

Encourage the consolidation of sites in the Korumburra Town Centre Retail Core to accommodate new, large floor space developments.

Support the development of a major retail use such as an additional supermarket on either of the preferred development sites nominated on the Korumburra Town Centre framework plan.

Promote tourism, community and other associated uses and activities at the Korumburra Railway Station Precinct to improve diversity of activities on either side of Commercial Street.

Encourage transition from light industrial to commercial, retail and tourism uses in the Korumburra Town Centre Retail Core.

**Landscape and built form strategies**

Design development within the Town Centre to respect the existing built form character including by:

- Improving and formalising pedestrian connections, particularly between Little Commercial Street and Commercial Street and mid-block pedestrian connections between Little Commercial Street parking areas and Commercial Street.
- Improving the layout and operation of car parking, pedestrian, cycling and mobility scooter facilities.
- Locating and designing signs to respect the sensitivity of heritage places, strategic views and the town’s future desired character as identified in the Korumburra Town Centre framework plan.

Encourage the redevelopment of the existing library site and adjoining sites (south east corner of Commercial and King Streets) for a major retail use such as an additional supermarket, while respecting the town character by:

- Providing a skin of fine-grain speciality retail shops and active pedestrian interfaces to Commercial Street.
- Providing a distinctive and attractively designed landmark statement building and landscape treatments in recognition of the site’s gateway entrance into the Korumburra Town Centre.
- Articulating, screening or treating any blank walls.
- Including co-located community facilities and services, such as a library, meeting spaces and public toilets.

Design infill development to provide active interfaces to the street through maximising windows and entry points.

Support redevelopment of the site on the north-west corner of Bridge and Commercial Streets to a retail use and form that is reflective of its main street corner address and consistent with the town’s character.

Encourage development of two-storey built form on the potential future development sites on the north-east side of Commercial Street, to address the significant change in ground level to allow pedestrian access between the Korumburra Railway Station Precinct and the Korumburra Town Centre.

Maintain views from key vantage points identified as significant outlooks in the Korumburra Town Centre framework plan by:

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- Maintaining a modest two storey traditional built form scale with appropriate roof form designs to ensure the maintenance of distant views to landscape.
- Framing views to attractive features such as the rolling hills beyond the town, providing a visual link to surrounding rural land.
- Retaining and enhancing existing streetscape vegetation.

Maintain and extend streetscape plantings in the Korumburra Town Centre and surrounding area to enhance the town's existing 'boulevard' character.

Encourage the provision of additional public open space in the Korumburra Town Centre, with spaces ranging in size from pocket parks to plazas suitable for accommodating festivals and community events.

#### **Infrastructure strategies**

Encourage development to contribute to streetscape amenity and pedestrian safety throughout the Korumburra Town Centre including through providing outlook to public open spaces and defining pedestrian access areas, particularly in Commercial and Little Commercial Streets.

Design development to support the reconfiguration of Little Commercial Street as a pedestrian, cyclist and mobility-scooter friendly space, which provides safe and convenient linkages to existing and new community and retail facilities.

Facilitate the upgrade of the pedestrian railway underpass and connections between Commercial Street and Station Street.

#### **Infrastructure policy guideline**

Consider as relevant:

- Reducing or waiving the car parking requirement to encourage commercial outcomes, heritage retention, alternative transport use and active frontages.

#### **Korumburra Community Hub strategies**

Direct co-located community services within the Town Centre to the preferred Korumburra Community Hub site.

Design the Korumburra Community Hub to:

- Provide active uses on the ground floor at public interfaces.
- Incorporate links to pedestrian connections between Commercial Street and Little Commercial Street.
- Provide a generous public open space / landscape area along the Little Commercial Street frontage.
- Maintain active through-access to Victoria Street and Boston Place to maximise site frontage and accessibility.

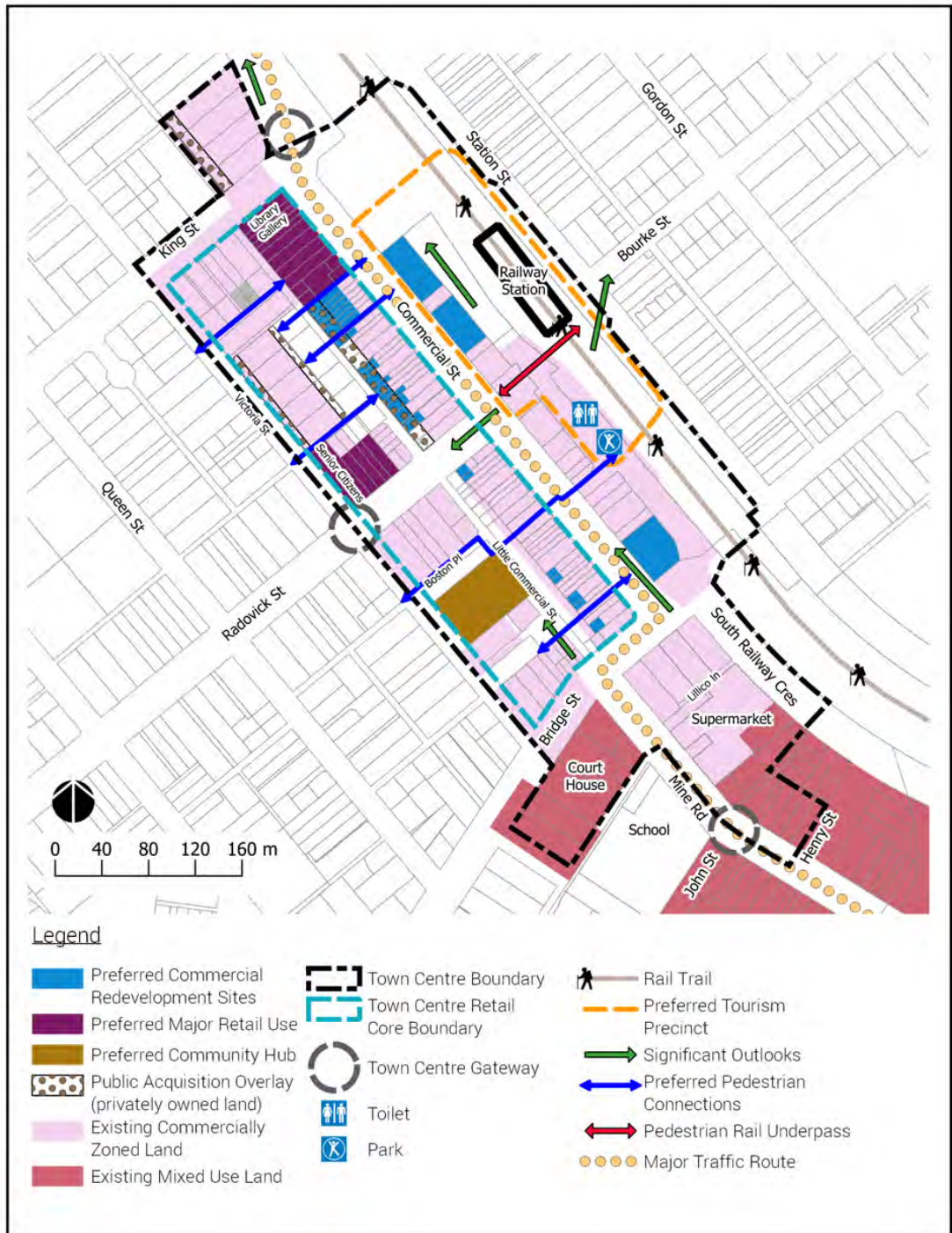
#### **Policy document**

Consider as relevant:

- *Korumburra Town Centre Car Parking Strategy* (GTA Consultants, 2013)



**Korumburra Town Centre strategic framework plan**



**11.01-1L-05 NYORA – SOUTH GIPPSLAND****Policy application**

This policy applies to land within the settlement boundaries and shown as Rural Living Zone expansion area on the Nyora framework plan that forms part of this Clause.

**General strategies**

Discourage any subdivision in the Urban Residential Expansion Areas or Long Term Urban Expansion Areas identified in the Nyora framework plan unless:

- Reticulated sewerage can be provided to the land.
- There is an identified need for additional residential land within the township.
- A comprehensive assessment, feasibility study and costing has been done of required development infrastructure (roads, drainage, etc.) and community infrastructure.
- A Development Contributions Plan Overlay (or similar infrastructure cost recovery method), has been applied to provide equitable financial contribution towards, or the provision of, development and community infrastructure upgrades required to support new urban residential development.
- A Development Plan Overlay and Development Plan has been prepared that provides for the integrated development of the entire land having regard to environmental and landscape constraints and opportunities and the town's existing and preferred rural township character.

**Economic strategies**

Encourage new light industrial activities to locate within the designated industrial area in Watts Road.

Consolidate and develop the Town Centre in the vicinity of Mitchell and Davis Streets as the focus for all business, community and tourist services and facilities.

Discourage residential land use and development, including subdivision, on commercial land apart from minor alterations to existing residential development that do not compromise commercial development in the Town Centre.

Provide for the expansion of the retail, commercial and community activities in the Town Centre that support a growing population and encourage activity at the ground level of buildings.

Ensure subdivision proposals in the Town Centre are only approved in conjunction with an approved planning permit for building development on the land.

Promote the use and development of a supermarket at land in the Town Centre, preferably at the location shown on the Nyora framework plan, to service Nyora and surrounding area as the population grows.

**Landscape and built form strategies**

Protect the natural environmental qualities and landscape values of the Future Residential Areas and the Long Term Residential Areas identified in the Nyora framework plan.

Ensure vegetation continues as the dominant landscape feature.

**Infrastructure strategies**

Create an integrated network of pedestrian and bicycle paths linking features and facilities in and around the township in accordance with the directions of Council's Paths and Trails Strategy 2010 (or as amended) and Melbourne Water's Shared Pathway Guidelines (January 2009) as amended.

Promote residential development that integrates roads, pathways and utility infrastructure with adjoining areas, particularly on land bounded by Hewson St, Davis [Council-identified anomaly] St, Walters St and Lang Lang Poowong Road.

**Town Centre strategies**

Encourage built form in the Nyora Town Centre to:

- Have minimal or no front setbacks in order to reinforce this area as the commercial centre and distinguish it from the surrounding residential areas.
- Provide a sense of human scale and appear low rise.

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- Include the development of footpaths, shared paths, continuous weather protection, active frontages and articulated facades along pedestrian connections.
- Provide for physical and visual linkages to and from the surrounding residential areas and the railway reserve.
- Be softened by landscaping (e.g. views of tree tops behind buildings, planting in small front setbacks).

Encourage fences to be low and open in style to provide for views beyond fencing, specifically for passive surveillance.

Reinforce Mitchell Street's role as the "main street" by encouraging development along to be:

- Built to the front boundaries with weather protection.
- Closely spaced with narrow frontages.

Encourage signs to be:

- Modest in size, scale and boldness (colour and lighting).
- Proportional to the individual business premises (building size, business type, and floor area).
- Integrate with the building.
- Located on building frontages and verandahs, avoiding protrusions above verandahs, roof lines or parapets.

Limit directional signage to supermarket uses.

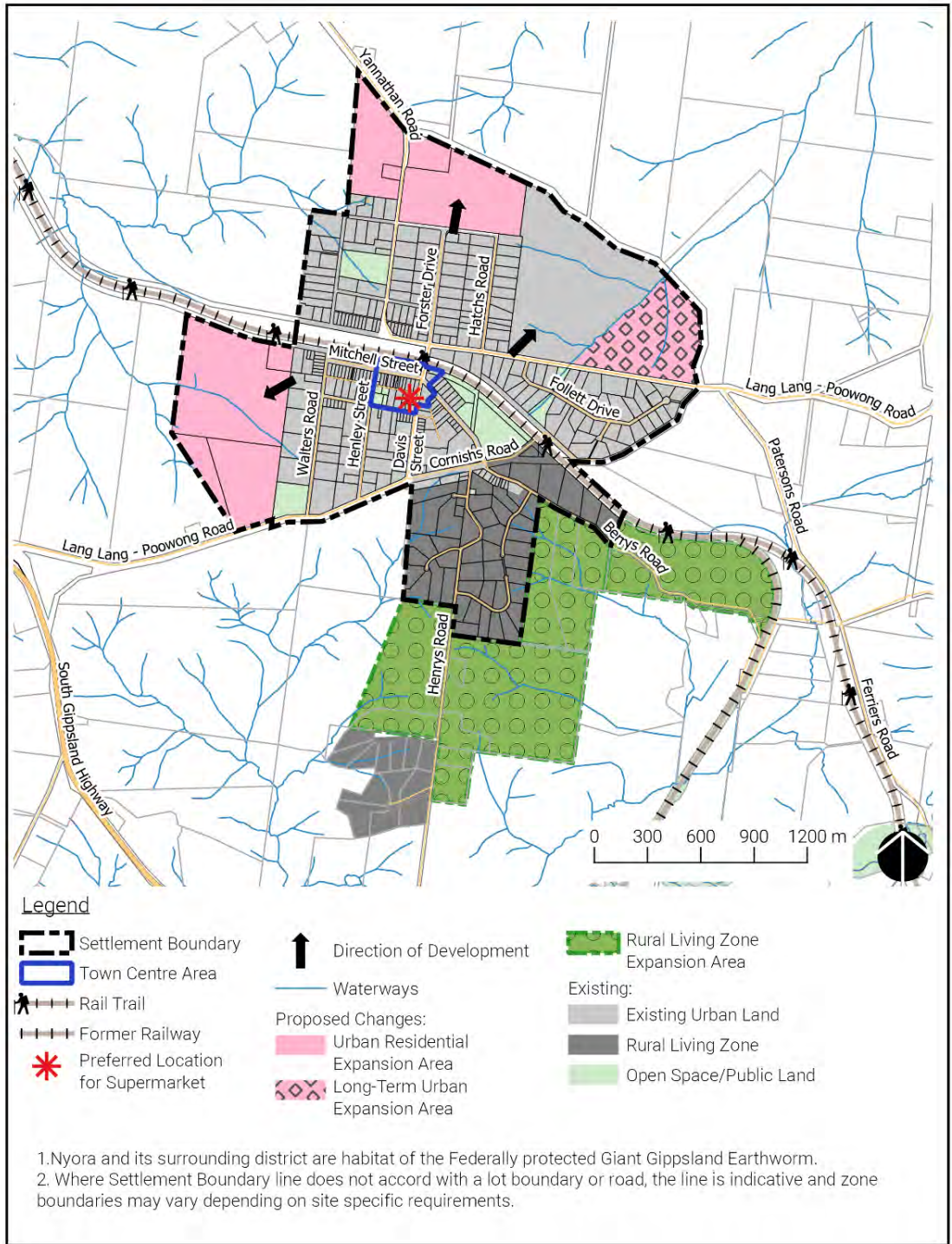
Discourage brightly illuminated signs, Major promotion signs, Reflective signs, Panel signs, High-wall signs and Sky signs.

**Town Centre policy guideline**

Consider as relevant:

- Constructing fences using building materials that reference country styles, such as timber, masonry or corrugated iron.

**Nyora framework plan**



**11.01-1L-06 DISTRICT TOWNS – FOSTER AND MIRBOO NORTH – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

[This policy applies to land within the settlement boundaries on the Foster framework plan and the Mirboo North framework plan that form part of this Clause.](#) [To identify the area and group of discretions to which the policy applies, in accordance with PG]

**General strategies**

~~Contain~~ **Limit** growth **to** within the settlement boundary. [To commence with PG approved verb]

Protect and enhance the compact qualities of the town centre.

Promote medium and higher density residential development and retirement living within a walkable catchment of the town centre.

Promote the staged release of new residential land in a contiguous and integrated manner, providing for a range of densities that decrease with distance from the town centre.

Promote pedestrian and cycle friendly development by providing and linking public open spaces to the town centres including from the nearby rail trails.

**General policy guideline**

Consider as relevant:

- A walkable catchment as having a 400 metre radius.

**Foster strategies**

Promote a range of residential options that respects the small town character and landscape values of Foster.

Discourage low density and rural residential development in areas close to the township unless the land has constraints inappropriate to higher density development.

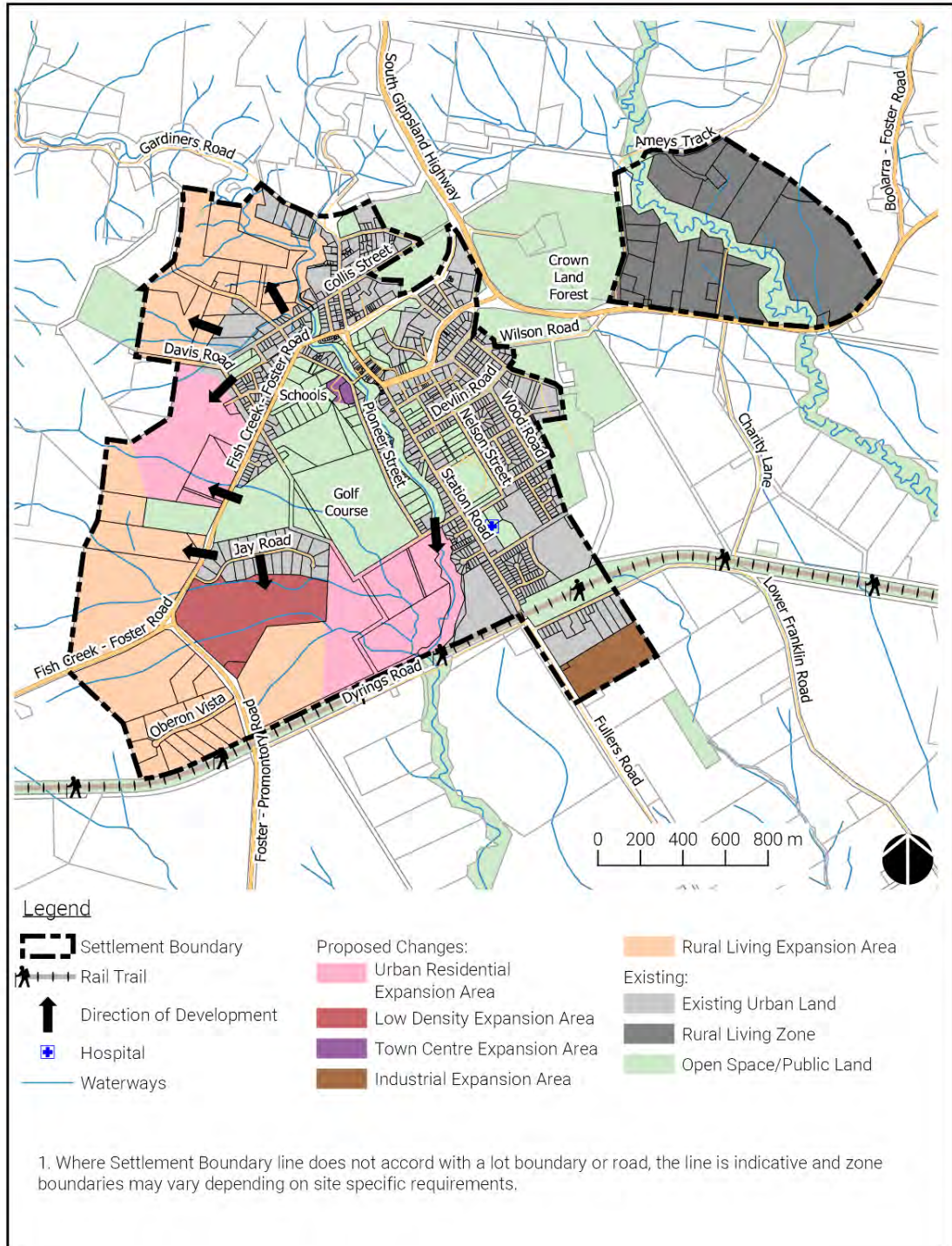
Ensure that subdivision designs respond to the topographic, landscape and environmental constraints of the land.

Support the expansion of the town's commercial centre to contiguous land when demand requires.

Discourage the establishment of uses outside of the town centre that may weaken the primacy of the town centre.

Encourage greater tourism promotion and co-ordination within Foster to build upon the town's role as the gateway to Wilsons Promontory.

**Foster framework plan**



**Mirboo North strategies****Economic strategies**

Retain the main street for retailing and other commercial development.

Discourage shops (except restricted retail) and food and drink premises outside the Commercial 1 Zone.

Discourage land uses other than shops, food and drink premises, offices, place of assembly, community facilities and tourist attractions inside the town centre.

Promote tourism and other economic development that complements the natural environment and landscape values of the region.

**Access strategies**

Avoid subdivision patterns that create closed courts which discourage connection of roads for active pedestrian use.

Prioritise access improvements connecting key attractions, specifically those used by younger and older people.

Encourage the provision of universal access as part of new development, with paths connecting to existing footpath infrastructure.

**Landscape and built form strategies**

~~Outside of the town centre,~~ Encourage low rise and detached residential development [outside of the town centre](#); [to commence with PG approved verb] that is generally responsive to the topography and set in established gardens.

Ensure that the landscape and indigenous vegetation are visually dominant over built form by siting buildings away from native vegetation.

Facilitate a high quality pedestrian environment along the main streets (Ridgway, Peters Street, Brennan Street and Grand Ridge East) encouraging:

- Commercial-style, visually engaging frontages.
- Close spacing of built form.
- Construction to the front property boundary.
- Cantilevered weather protection.

Minimise the visual impact of built form on views from and to the surrounding landscape, particularly public viewing areas and corridors, such as main roads.

Retain vegetation along waterways and natural drainage lines.

**Open space strategies**

Ensure new subdivisions improve pedestrian and cycling linkages to key destinations.

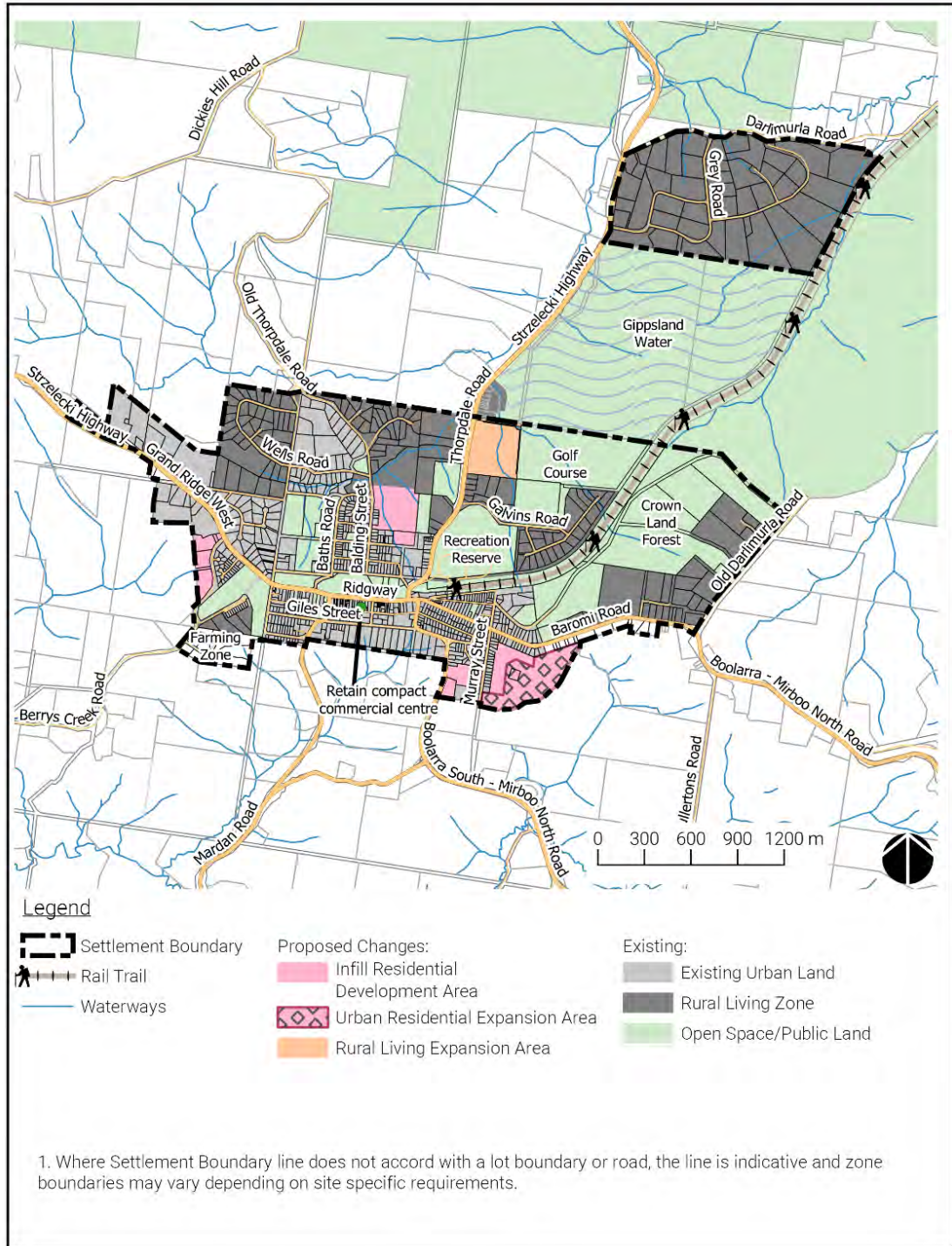
Provide publicly accessible open space within a walkable catchment of residential development.

**Open space policy guideline**

Consider as relevant:

- A walkable catchment as being a 400 metre radius.

**Mirboo North framework plan**





**11.01-1L-07 SMALL TOWNS - FISH CREEK, LOCH, MEENIYAN, NYORA, POOWONG AND TOORA – SOUTH GIPPSLAND** [NYORA NOW STAND ALONE POLICY TO REFLECT IT IS AN EMERGING DISTRICT CENTRE]

C125sgjp 08/09/2022

**Policy application**

This policy applies to the land identified on the Fish Creek, Loch, Meeniyang, Nyora, Poowong and Toora framework plans.

**General strategies**

Ensure new developments are connected to the reticulated sewerage system where available.

Ensure that new growth and development occurs in coordination with the provision of development infrastructure and that development contributes to provision of community services and facilities.

Focus commercial, retail and community services and facilities within the Town Centre and discourage retail development outside of the Town Centre.

Encourage infill development in residentially zoned land adjoining the Town Centre in a coordinated and integrated manner.

Promote medium density residential development near the Town Centre to support retirement living and household downsizing.

Discourage low density and rural residential development close to the Town Centre, unless the land has constraints that make it inappropriate for higher density development.

Retain and provide public open space reserves to promote pedestrian and cycle friendly development with strong linkages to the Town Centre including from the rail trail.

Create an integrated network of shared pedestrian and bicycle paths linking features and facilities in and around the town.

Promote walking and cycling around the township by providing shared walking and cycling paths between residential areas, the Town Centre and services.

Encourage development that is site-responsive, ecologically sustainable and sympathetically designed so as to protect the characteristics of the natural and built environment and the landscape values of the surrounding area.

Promote residential development that complements the small rural township character of the area.

Establish the Town Centres as pedestrian-orientated and cycle friendly urban centres with links to the rail trail where possible.

Encourage the development of small scale tourism services and accommodation that complement the natural environment, agricultural and landscape values of the region and take advantage of proximity to tourist routes and the Great Southern Rail Trail.

Discourage development in areas susceptible to water logging or inundation.

**Fish Creek strategies**

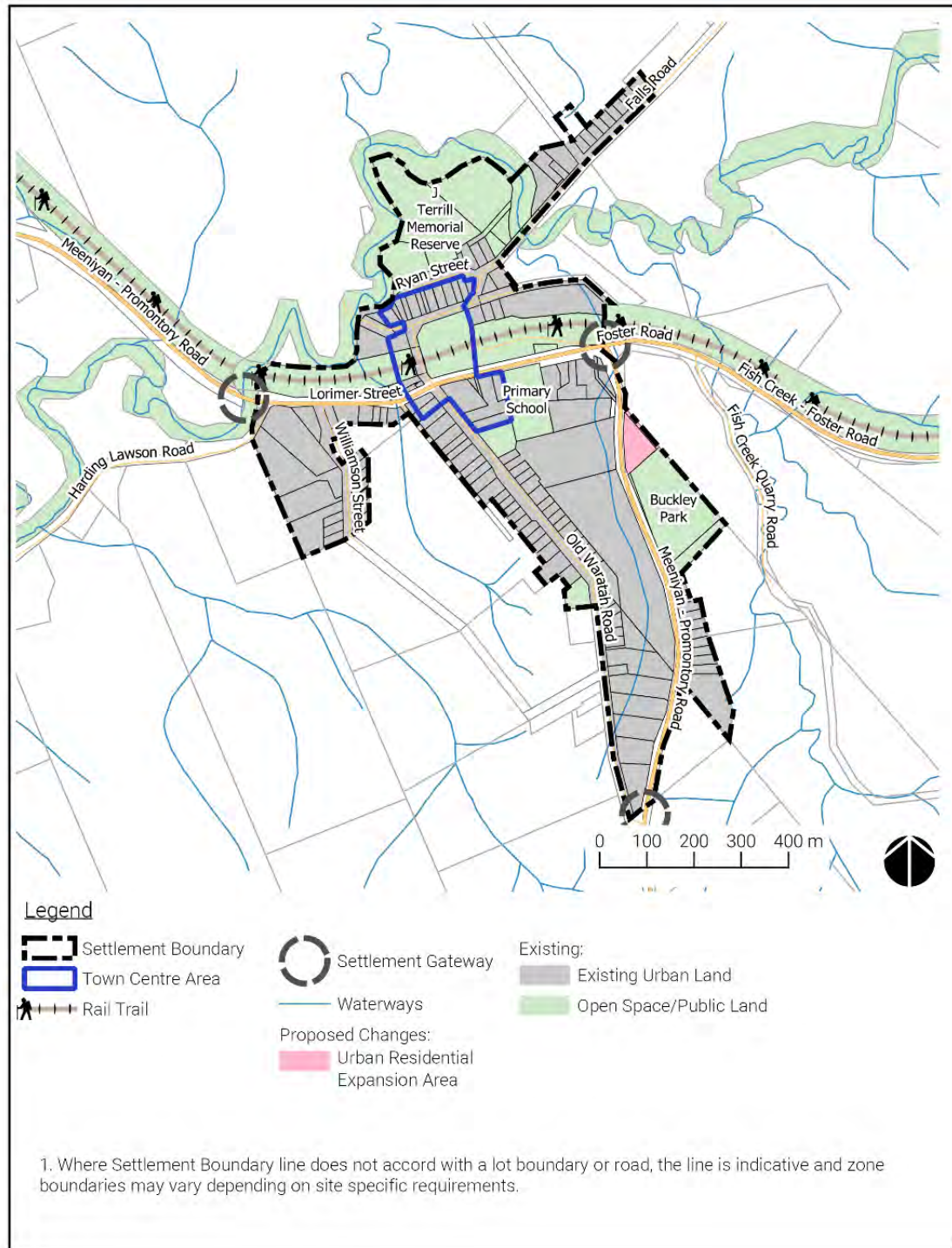
Promote medium density residential development near the commercial hub, where wastewater treatment allows, to support retirement living and smaller household opportunities.

Consolidate and develop the Town Centre on Falls Road, Old Waratah Road and Foster Road as the preferred focus for commercial business, community and tourist services and facilities to residents and the smaller surrounding settlements.

Ensure that new growth, infill and redevelopment is ecologically sustainable, responsive and respectful of the site and Fish Creek's rural character, environmental values, picturesque location and unique identity.

Encourage the development of music, arts, culture and food services.

**Fish Creek framework plan**



**Loch strategies**

Retain the existing heritage character, design and built form of the buildings along Victoria Street and Smith Street (north of Victoria Street) in recognition of their contribution to the overall image of Loch.

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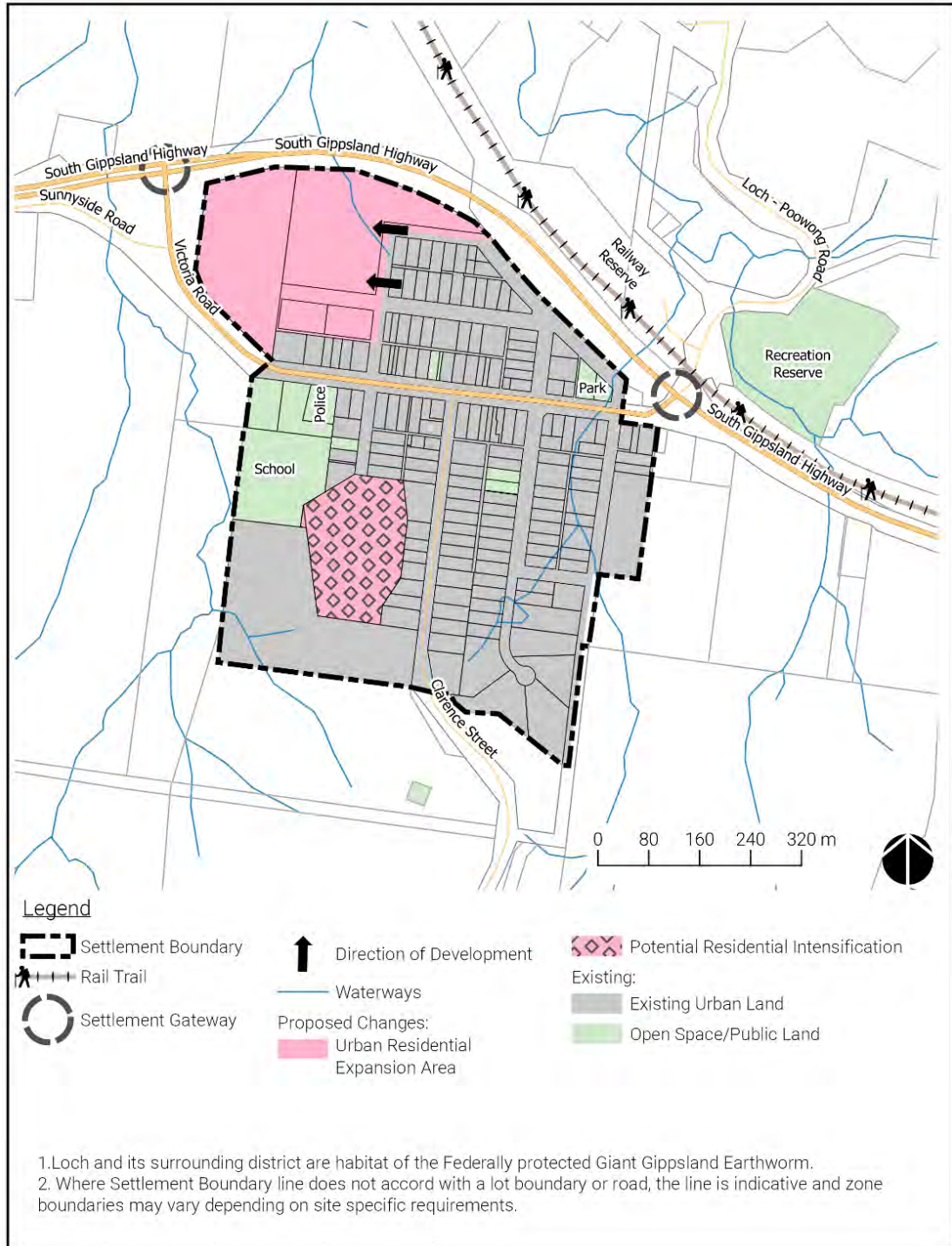
Discourage subdivision in the Residential Expansion, Potential Residential Development and Low Density Residential Development areas identified in the Loch framework plan unless:

- Reticulated sewerage can be provided to the land.
- A Design and Development Overlay, or similar, has been prepared to promote development that is complementary to the existing built form and vegetated character of the town.

Encourage tourist services and facilities in the town.

Consolidate and develop the Town Centre as the preferred focus for all business, community and tourist services and facilities.

**Loch framework plan**



**Meeniyah strategies**

Retain Meeniyah as a provider of retail, community and trades services to its residents and the smaller surrounding settlements in the region.

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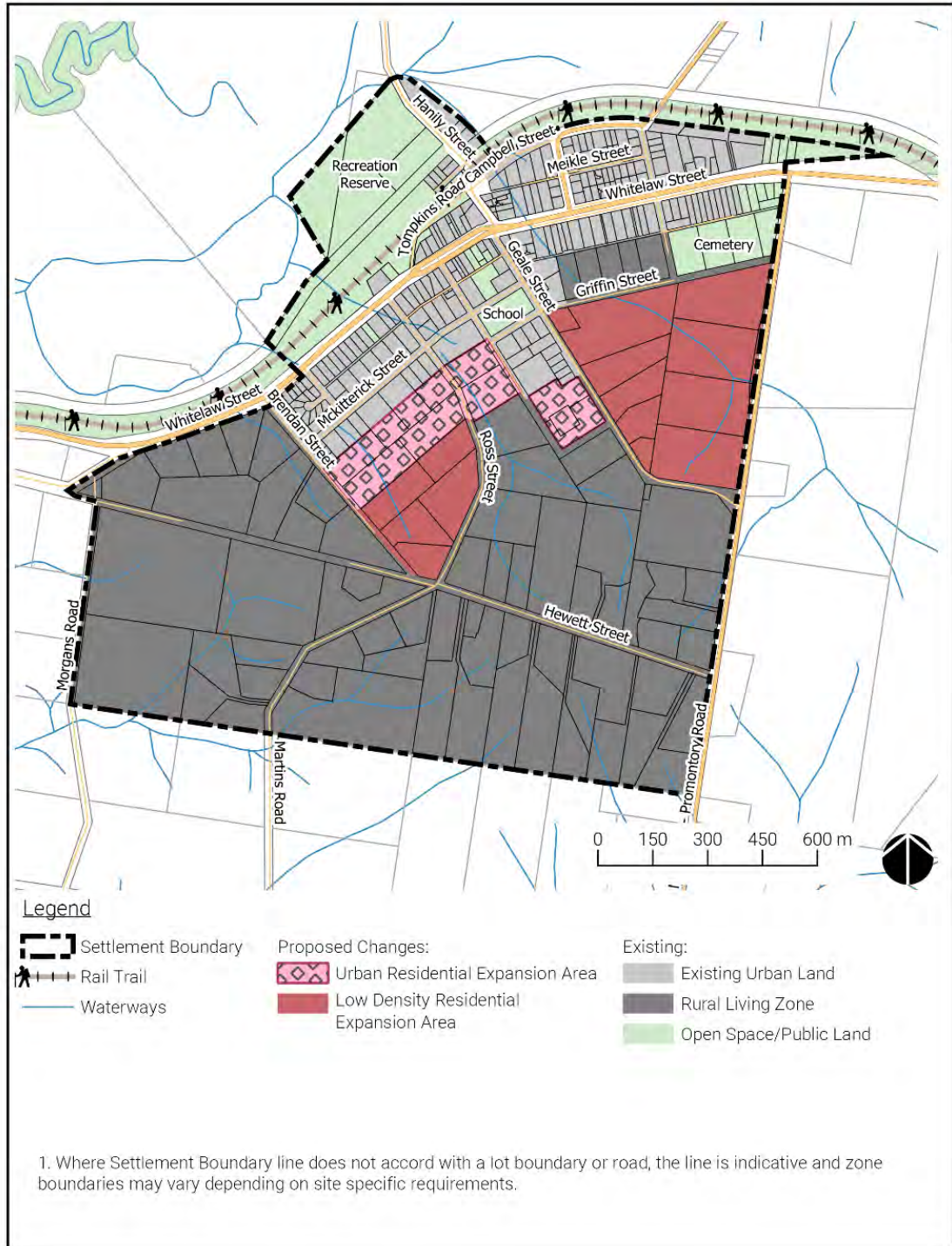
Consolidate commercial development in the Town Centre precinct, from the intersection of Whitelaw Street and Geale Street to the intersection of Whitelaw Street and Ross Street.

Support the development of service industrial uses on the Meeniyan - Nerrena Road to the north of the township and in appropriately zoned locations on the South Gippsland Highway.

Encourage the development of tourist accommodation in Meeniyan.

Encourage the development of music, arts, culture and food services in Meeniyan.

**Meeniyan framework plan**



**Nyora strategy** [moved to a new stand alone policy as it has been reclassified as an emerging district centre]

~~Discourage any subdivision in the Future Urban Residential Expansion Areas or Long Term Residential Urban Expansion Areas identified in the Nyora framework plan unless:~~

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- ~~• Reticulated sewerage can be provided to the land.~~
- ~~• There is an identified need for additional residential land within the township.~~
- ~~• A comprehensive assessment, feasibility study and costing has been done of required development infrastructure (roads, drainage, etc.) and community infrastructure.~~
- ~~• A Development Contributions Plan Overlay (or similar infrastructure cost recovery method), has been applied to provide equitable financial contribution towards, or the provision of, development and community infrastructure upgrades required to support new urban residential development.~~
- ~~• A Development Plan Overlay and Development Plan has been prepared that provides for the integrated development of the entire land having regard to environmental and landscape constraints and opportunities and the town's existing and preferred rural township character.~~

#### **Nyora economic strategies**

Encourage new light industrial activities to locate within the designated industrial area in Watts Road.

Consolidate and develop the Town Centre in the vicinity of Mitchell and Davis Streets as the focus for all business, community and tourist services and facilities.

Discourage residential land use and development, including subdivision, on commercial land apart from minor alterations to existing residential development that do not compromise commercial development in the Town Centre.

Provide for the expansion of the retail, commercial and community activities in the Town Centre that support a growing population and encourage activity at the ground level of buildings.

Ensure subdivision proposals in the Town Centre are only approved in conjunction with an approved planning permit for building development on the land.

Promote the use and development of a supermarket at land in the Town Centre, preferably at the location shown on the Nyora framework plan, to service Nyora and surrounding area as the population grows.

#### **Nyora landscape and built form strategies**

Protect the natural environmental qualities and landscape values of the Future Residential Areas and the Long Term Residential Areas identified in the Nyora framework plan.

Ensure vegetation continues as the dominant landscape feature.

#### **Nyora infrastructure strategies**

Create an integrated network of pedestrian and bicycle paths linking features and facilities in and around the township in accordance with the directions of Council's Paths and Trails Strategy 2010 (or as amended) and Melbourne Water's *Shared Pathway Guidelines* (January 2009) as amended.

Promote residential development that integrates roads, pathways and utility infrastructure with adjoining areas, particularly on land bounded by Hewson St, David Davis [Council identified anomaly] St, Walters St and Lang Lang Poowong Road.

#### **Nyora Town Centre strategies**

Encourage built form in the Nyora Town Centre to:

- ~~• Have minimal or no front setbacks in order to reinforce this area as the commercial centre and distinguish it from the surrounding residential areas.~~
- ~~• Provide a sense of human scale and appear low rise.~~
- ~~• Include the development of footpaths, shared paths, continuous weather protection, active frontages and articulated facades along pedestrian connections.~~
- ~~• Provide for physical and visual linkages to and from the surrounding residential areas and the railway reserve.~~
- ~~• Be softened by landscaping (e.g. views of tree tops behind buildings, planting in small front setbacks).~~

Encourage fences to be low and open in style to provide for views beyond fencing, specifically for passive surveillance.

Reinforce Mitchell Street's role as the "main street" by encouraging development along to be:

- ~~• Built to the front boundaries with weather protection.~~

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~~▪ Closely spaced with narrow frontages.~~

Encourage signs to be:

~~▪ Modest in size, scale and boldness (colour and lighting).~~

~~▪ Proportional to the individual business premises (building size, business type, and floor area).~~

~~▪ Integrate with the building.~~

~~▪ Located on building frontages and verandahs, avoiding protrusions above verandahs, roof lines or parapets.~~

Limit directional signage to supermarket uses.

Discourage brightly illuminated signs, Major promotion signs, Reflective signs, Panel signs, High wall signs and Sky signs.

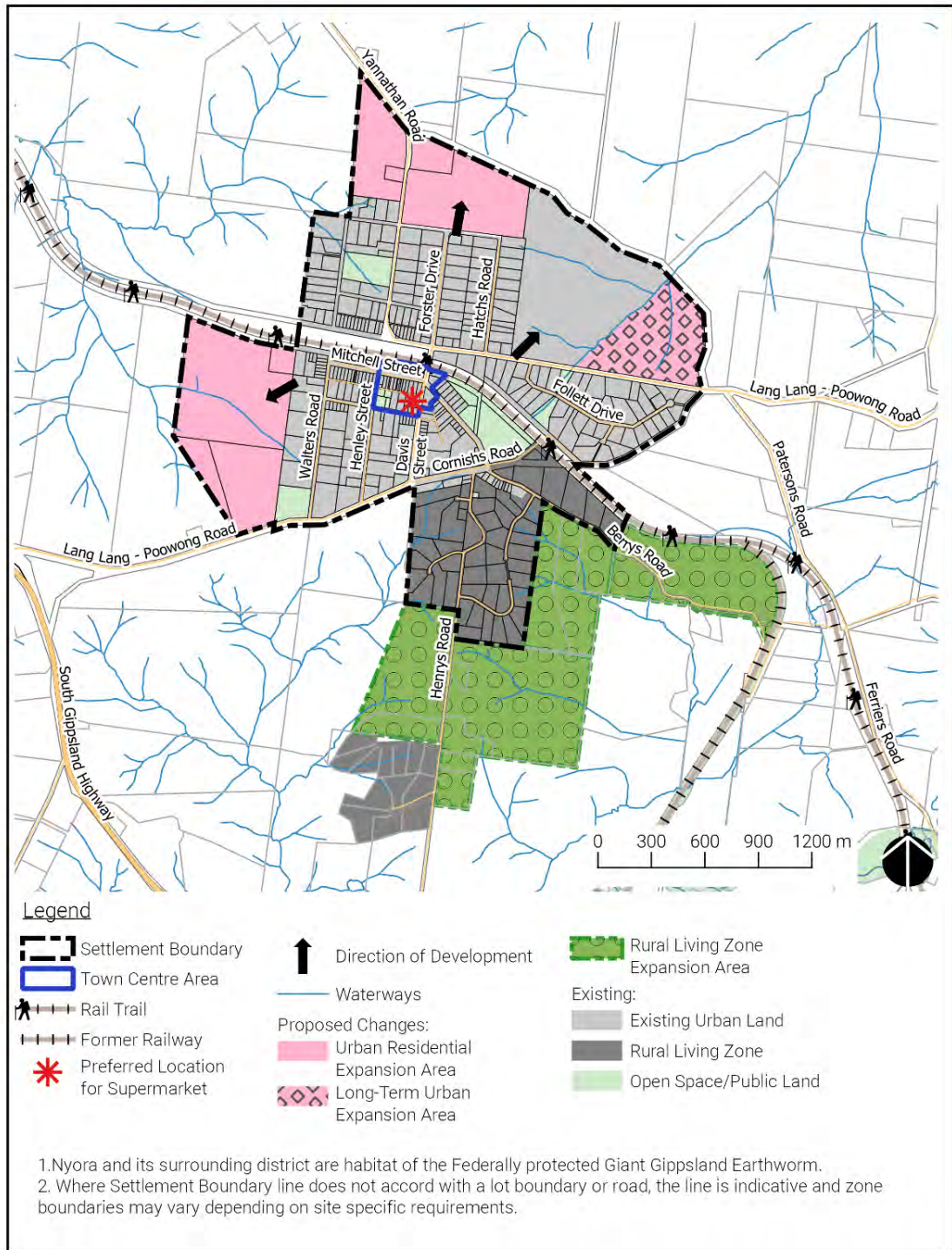
**Nyora Town Centre policy guideline**

Consider as relevant:

~~▪ Constructing fences using building materials that reference country styles, such as through the use of timber, masonry or corrugated iron.~~



**Nyora framework plan**



**Poowong strategies**

Retain and strengthen Poowong as a small service township by improving community, industrial and retail services, facilities and employment opportunities to support residents, surrounding agricultural communities and visitors.

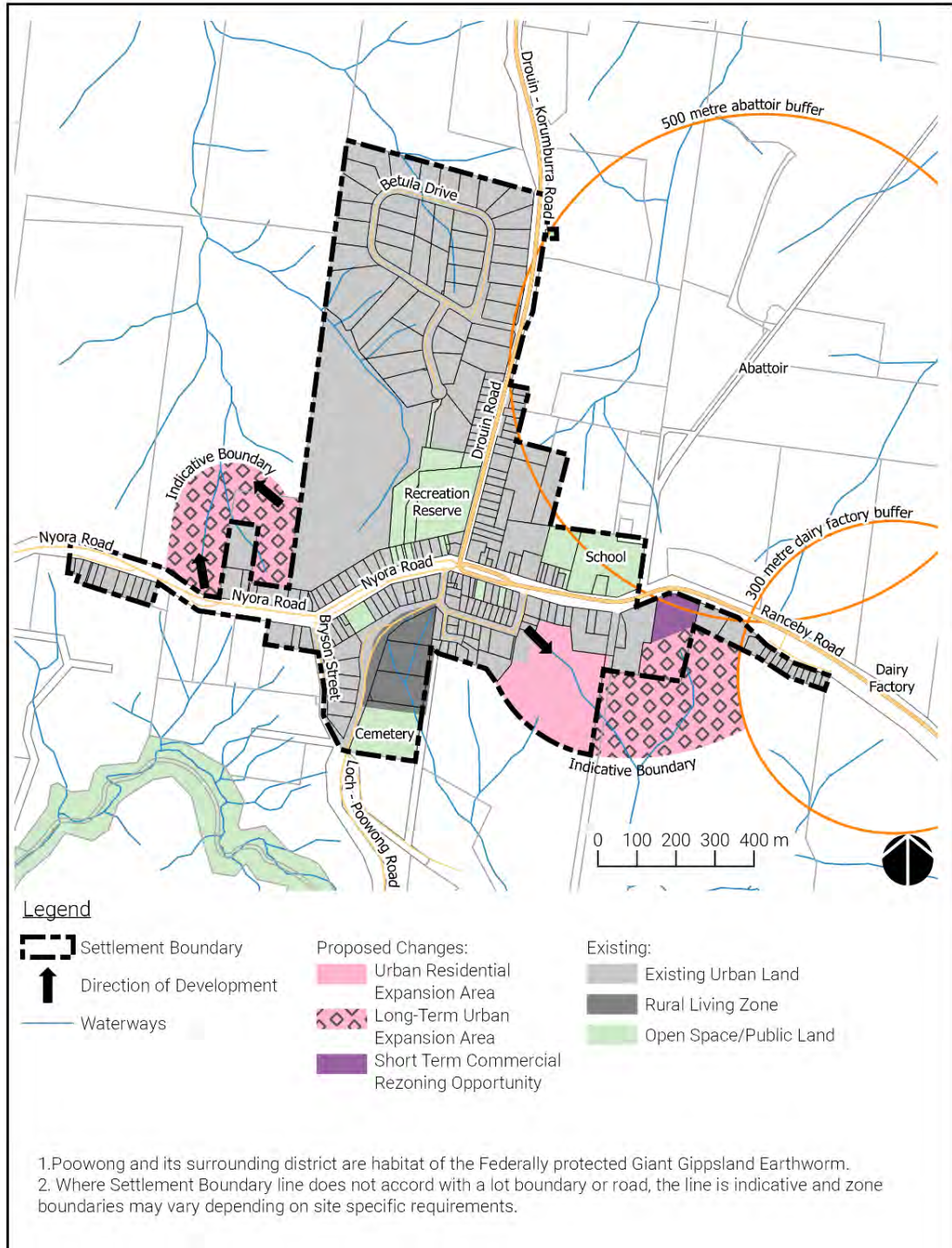
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Consolidate the Town Centre on the Poowong Ranceby Road.

Support the operation of the abattoir and milk processing factory and other industrial business as important employment providers in Poowong.

Protect the natural environmental qualities and landscape values of the township to retain its attraction for tourism and rural living.

**Poowong framework plan**



**Toora strategies**

Discourage ~~any~~ subdivision in the Township and Low Density Residential Zones ~~does not occur~~ [simplified, plain English] unless:

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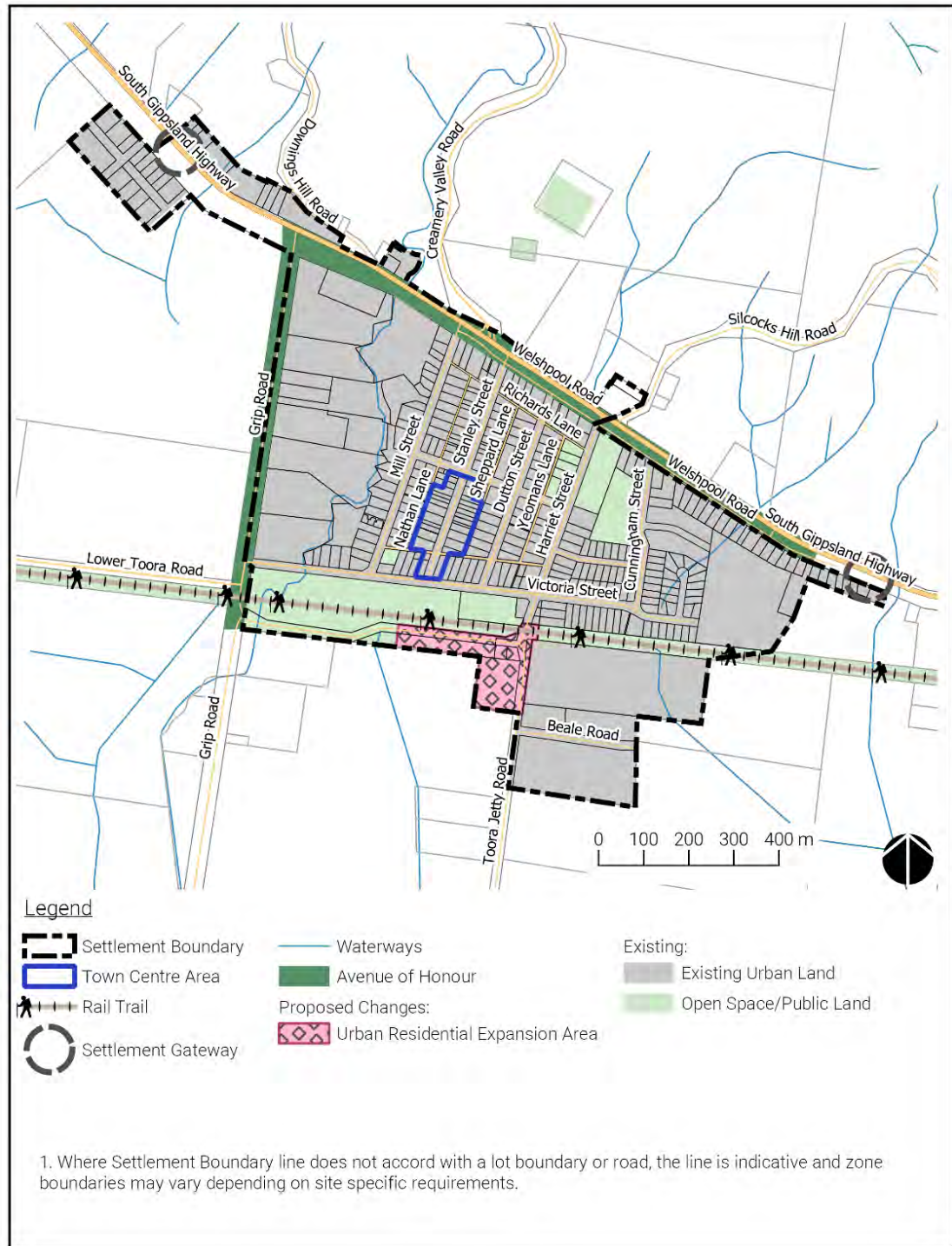
- Reticulated sewerage can be provided to the land.
- There is an identified need for additional residential subdivision within the town.

Encourage small-scale tourism within the Township Zone in Toora.

Conserve and enhance heritage character, in particular along Stanley Street, due to the contribution to the overall image of Toora.

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**Toora framework plan**



**11.01-1L-08 VILLAGES – KOONWARRA AND WELSHPOOL – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to the land identified on the Koonwarra and Welshpool framework plans [that form part of this Clause](#).

**General strategies**

Promote ecologically sustainable and attractive forms of development that complement Koonwarra's and Welshpool's natural and built environmental characteristics.

Encourage development that is sympathetically designed and located to protect the environmental and landscape values of the surrounding area.

**Koonwarra strategies**

Encourage infill development of vacant lots within the Township Zone and Low Density Residential Zone.

Encourage boutique tourism associated with sustainability and/or gourmet food.

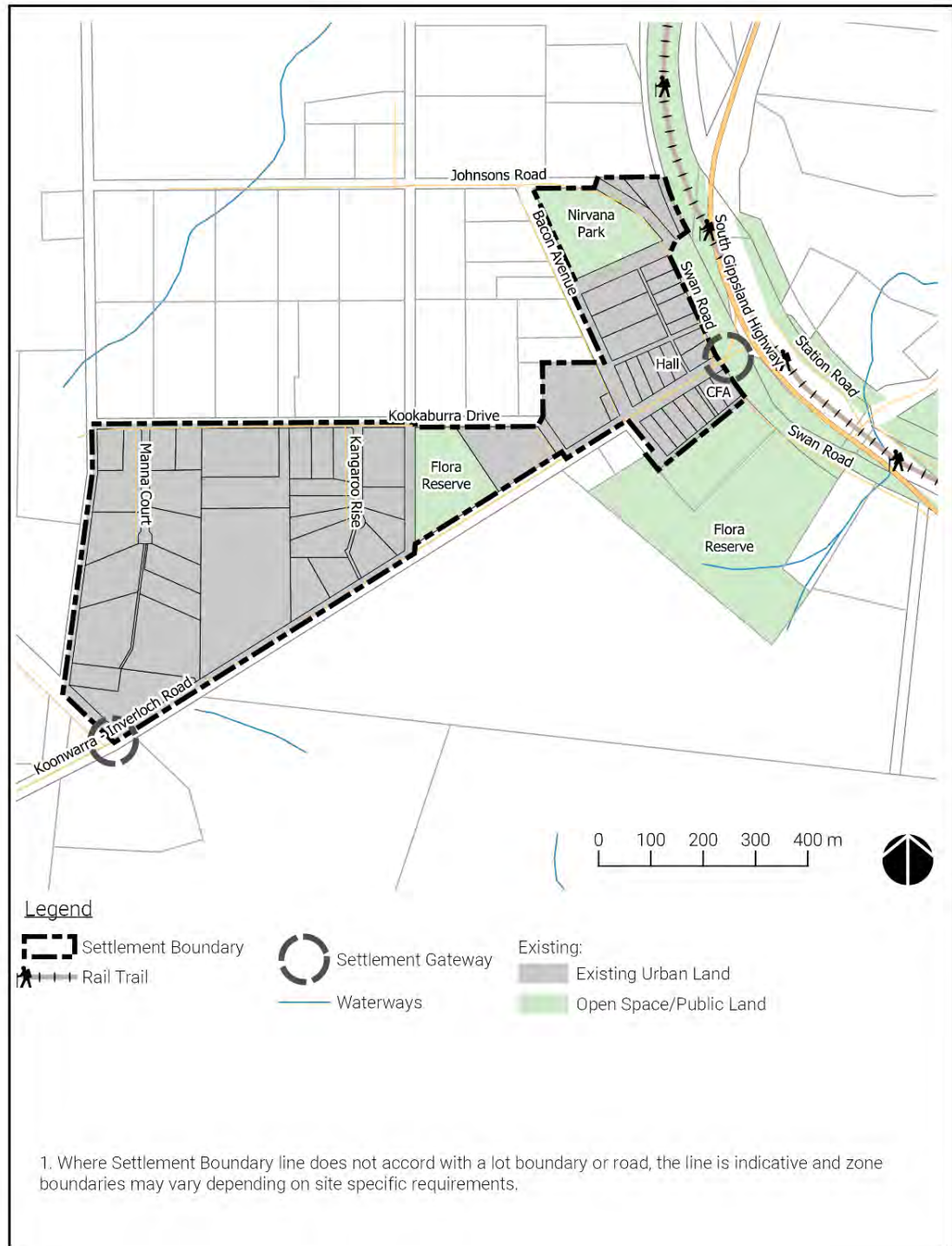
**Welshpool strategies**

Encourage infill development of vacant lots within the Township Zone.

Focus commercial services and facilities in the Welshpool Town Centre Area.

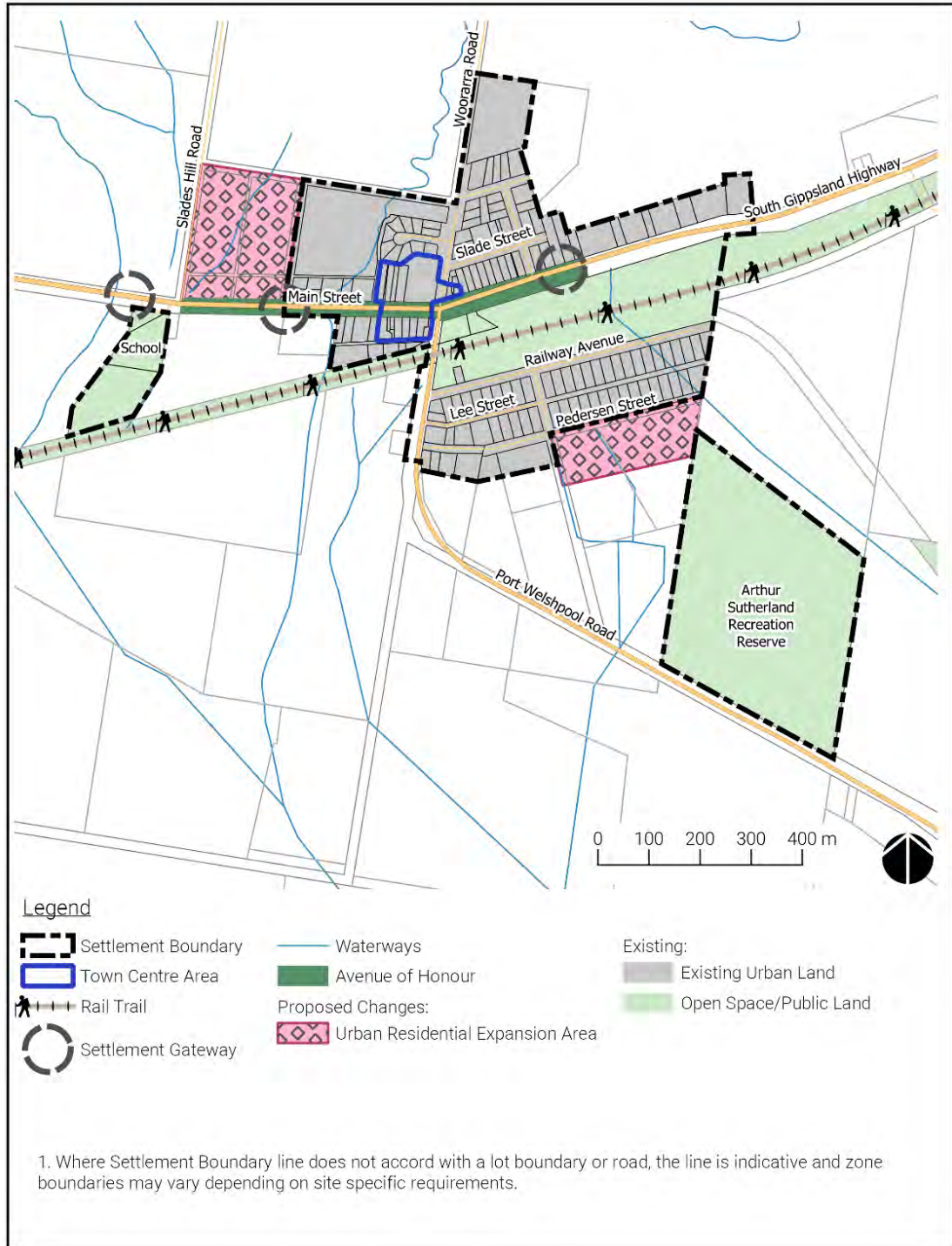
Conserve and enhance heritage character due to its contribution to the overall image of Welshpool.

**Koonwarra framework plan**



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Welshpool framework plan





**11.01-1L-09 COASTAL VILLAGE – PORT WELSHPOOL, SANDY POINT, TARWIN LOWER, VENUS BAY, WALKERVILLE, WARATAH BAY AND YANAKIE**

C125sgjp 08/09/2022

**Policy application**

This policy applies to the land identified on the Port Welshpool, Sandy Bay, Tarwin Lower, Venus Bay, Walkerville, Waratah Bay and Yanakie framework plans [that form part of this Clause](#).

**General strategies**

Maintain the low scale, holiday character of each Coastal Village including by maintaining the current housing density.

Maintain the rural buffer between Sandy Point and Waratah Bay.

Maintain the rural buffer between Tarwin Lower and Venus Bay.

~~Development has been designed to minimise the visual impact from key viewing locations, particularly town approaches and high points in the coastal landscape. [last dot point of 4<sup>th</sup> strategy under this clause] [not a pre-cursor for expansion, rather a strategy in its own right]~~

Ensure that any expansion into the long term development areas identified on the relevant framework plans does not occur until:

- A significant proportion of vacant lots within the Township Zone and Low Density Residential Zone has been developed.
- Reticulated water and sewerage is made available.
- Further investigation is undertaken to confirm the extent of potential problems associated with acid sulphate soils and/or flooding.
- Further investigation is undertaken to confirm the location of sites of heritage significance.
- Further investigation is undertaken to confirm the location of sites of environmental significance.
- ~~Development has been designed to minimise the visual impact from key viewing locations, particularly town approaches and high points in the coastal landscape. [Create as strategy under this clause] [not a pre-cursor for expansion, rather a strategy in its own right]~~

**Port Welshpool strategies**

Encourage small-scale tourism within the Township Zone in Port Welshpool that complements the natural environment, agricultural and landscape values of the region and takes advantage of proximity to tourist routes and access to the Great Southern Rail Trail.

Encourage medium-scale tourism, compatible with any environmental constraints, in the precinct in the Township Zone in the vicinity of Long Jetty at Port Welshpool.

Encourage aquaculture and other marine related activities at Port Welshpool.

**Sandy Point strategies**

Promote development that respects and enhances the coastal character of the village.

Promote long term development areas in locations that maintain pedestrian accessibility to the nearby foreshore and commercial centre.

**Tarwin Lower strategies**

Encourage infill development of vacant lots within the Township Zone and Low-Density Residential Zone.

Protect the environmental values of the Tarwin River environment and Anderson Inlet.

Focus new commercial and industrial use and development within the existing commercial precinct in Evergreen Road between Walkerville Road and School Road.

Discourage commercial and industrial use and developments within the residential areas.

**Venus Bay strategies**

Limit projected residential growth to the long term development areas identified on the Venus Bay Estate 1 framework plan ~~and the Venus Bay Estate 2 framework plan~~. [Council-identified anomaly]

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Focus new commercial services and facilities in the Commercial 1 Zone and the Commercial 1 Zone Investigation Area in Jupiter Boulevard in Estate 1 in accordance with the *Venus Bay Tourism Precinct Plan. (June 2020)*.

Protect the environmental values of Anderson Inlet and Cape Liptrap Coastal Park.

Preserve the different styles of each estate.

Maintain the rural buffer between the first, second and third estates of Venus Bay as well as between Venus Bay and Tarwin Lower.

#### **Walkerville strategies**

Maintain Walkerville - Promontory View Estate, Walkerville North and Walkerville South as principally un-serviced holiday destinations.

Discourage any further commercial development in the Walkerville - Promontory Views Estate area, Walkerville North and Walkerville South apart from non-retail commercial facilities which are aimed at the tourist market and which could be readily confined to a house or residential property.

Protect the environmental values of Cape Liptrap Coastal Park, the beaches, and flora and fauna in and around the Walkerville settlements.

~~Ensure Control~~ the design and siting of development in Walkerville – Promontory View Estate, Walkerville North and Walkerville South ~~is controlled to~~ **is controlled to**: [to commence with PG approved verb]

- Minimising visual intrusion of development into any public use areas and the beach.
- Maintaining continuous indigenous vegetation canopy.
- Reducing distant visibility through the use of darker colours / non-reflective materials.

Preserve the different styles of each estate.

Maintain the rural, vegetated buffer between the subdivisions that comprise Walkerville Coastal Village.

#### **Waratah Bay strategies**

Protect the environmental values of Cape Liptrap Coastal Park, the beaches and flora and fauna in and around Waratah Bay.

Promote Waratah Bay as the gateway to Cape Liptrap Coastal Park and as a tourist destination for nature-based recreation.

Develop a network of habitat corridors and vegetation linkages throughout the Coastal Village.

Maintain the low level of commercial development within the Coastal Village.

Protect the identified landscape values of the area including the views across Waratah Bay, Wilsons Promontory and Cape Liptrap Coastal Park by:

- Maintaining the rural buffer between Waratah Bay and Sandy Point.
- Maintaining the unobtrusive coastal character of the hamlet.

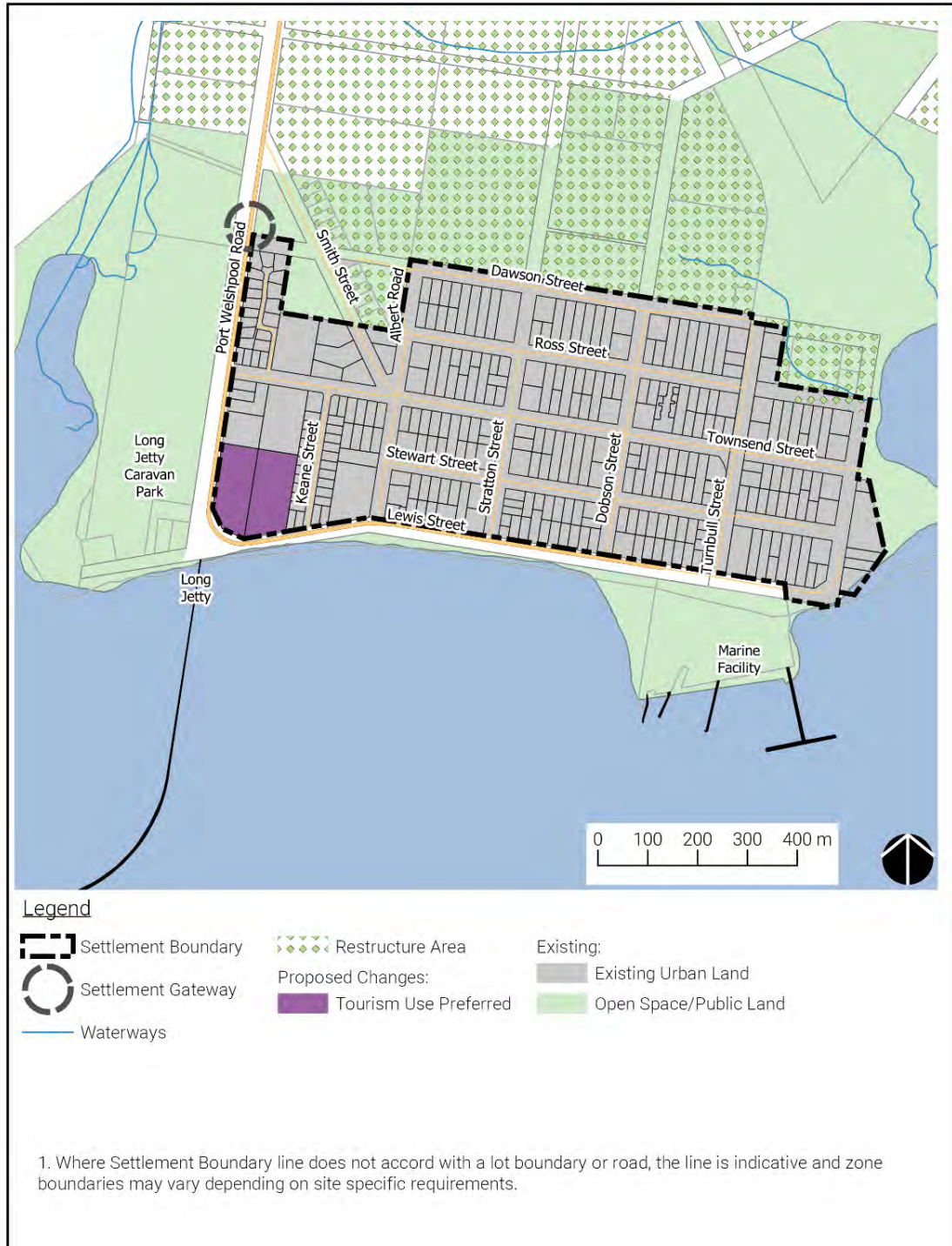
#### **Yanakie strategies**

Direct commercial business, community and tourist services and facilities to the Town Centre on the Meenyan Promontory Road.

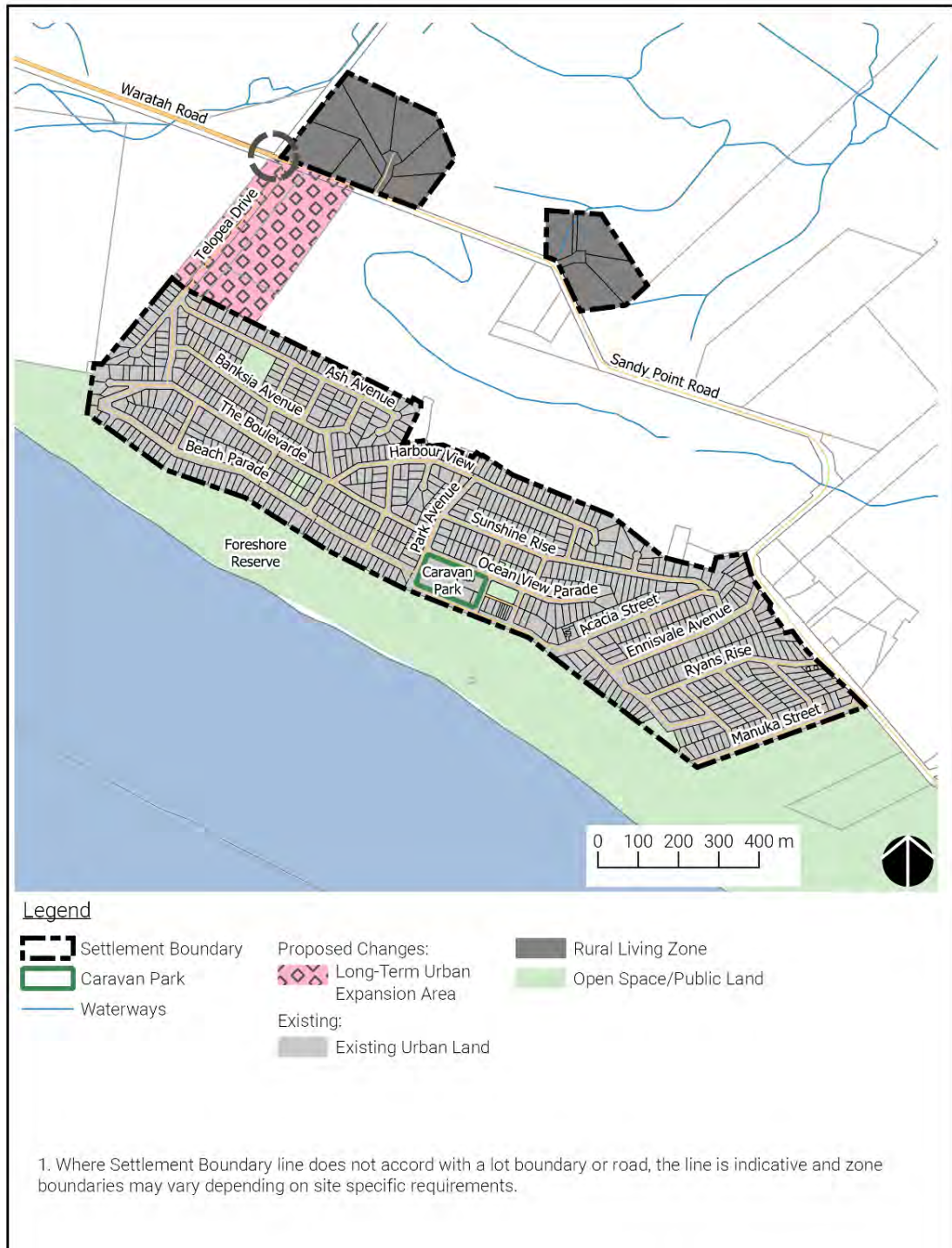
Encourage small-scale tourism development at Yanakie.

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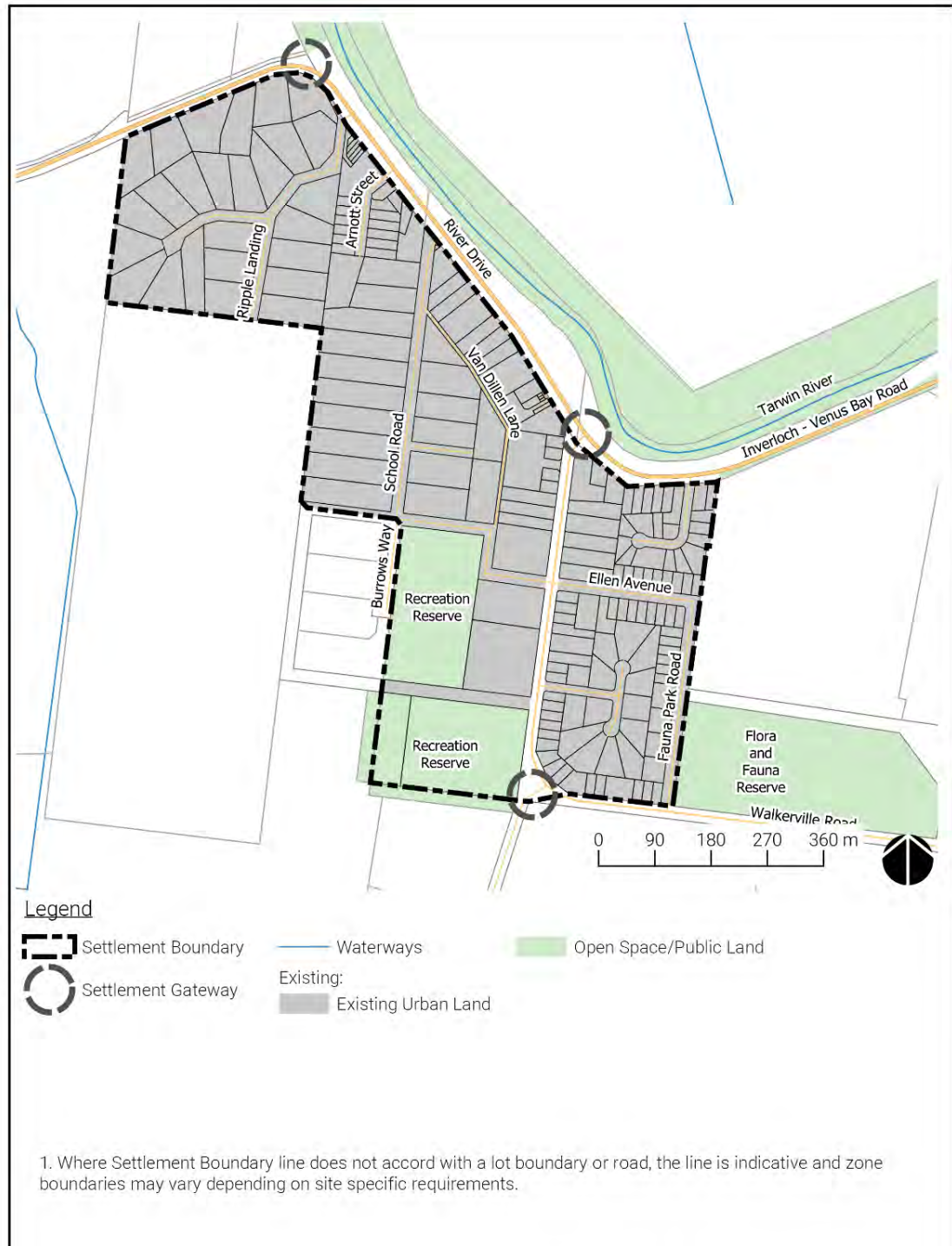
**Port Welshpool framework plan**



**Sandy Point framework plan**

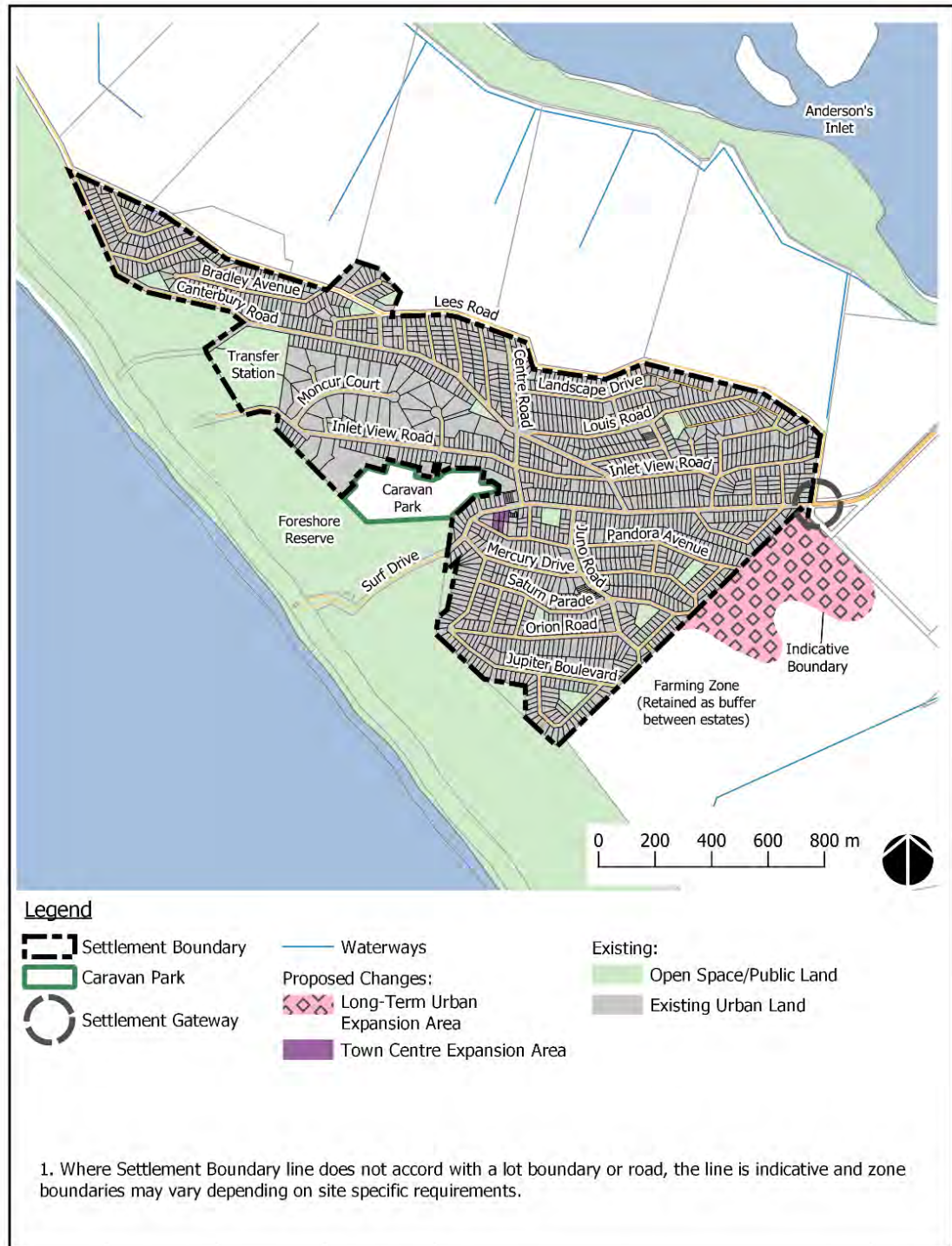


**Tarwin Lower framework plan**



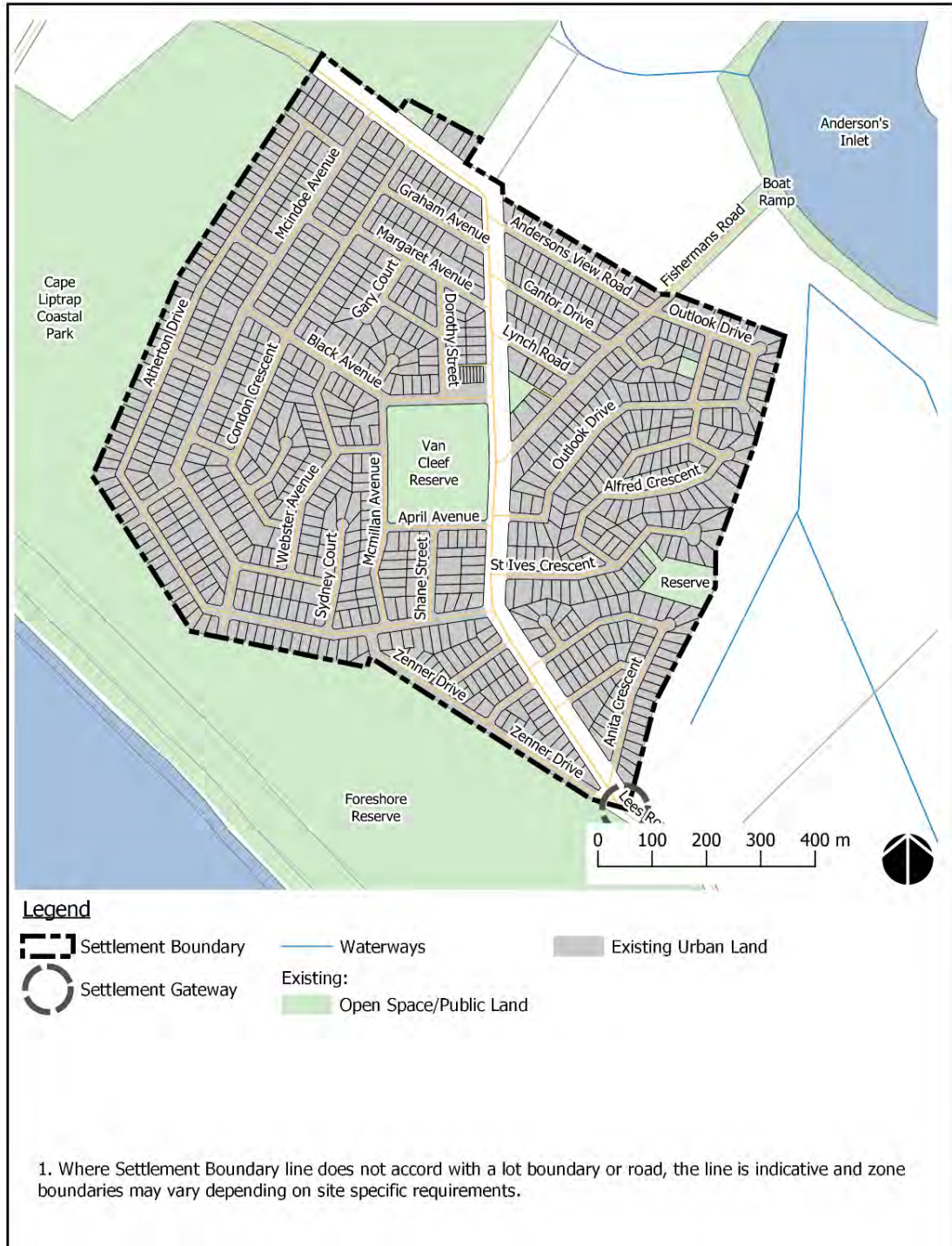
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**Venus Bay Estate 1 framework plan**

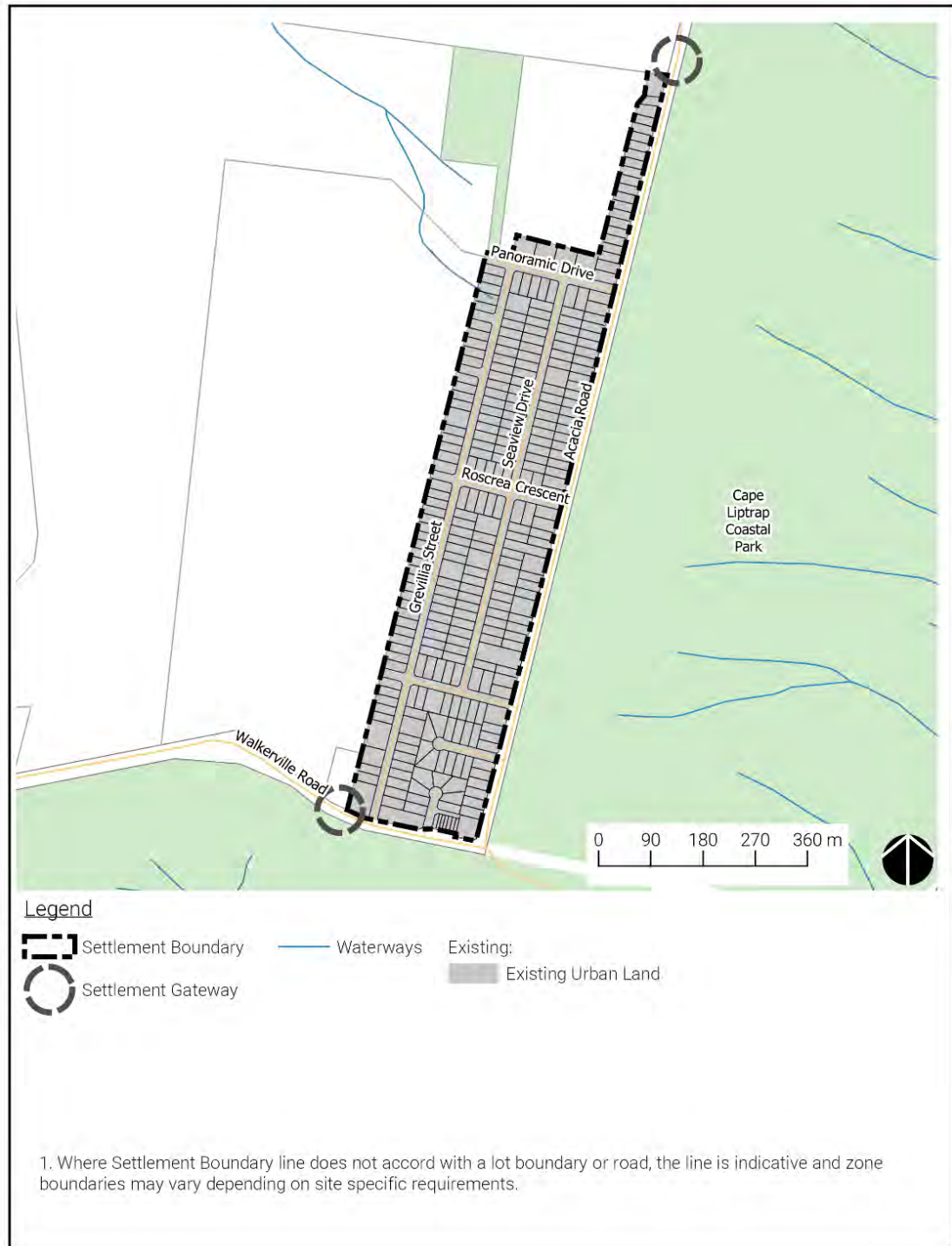


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**Venus Bay Estate 2 framework plan**



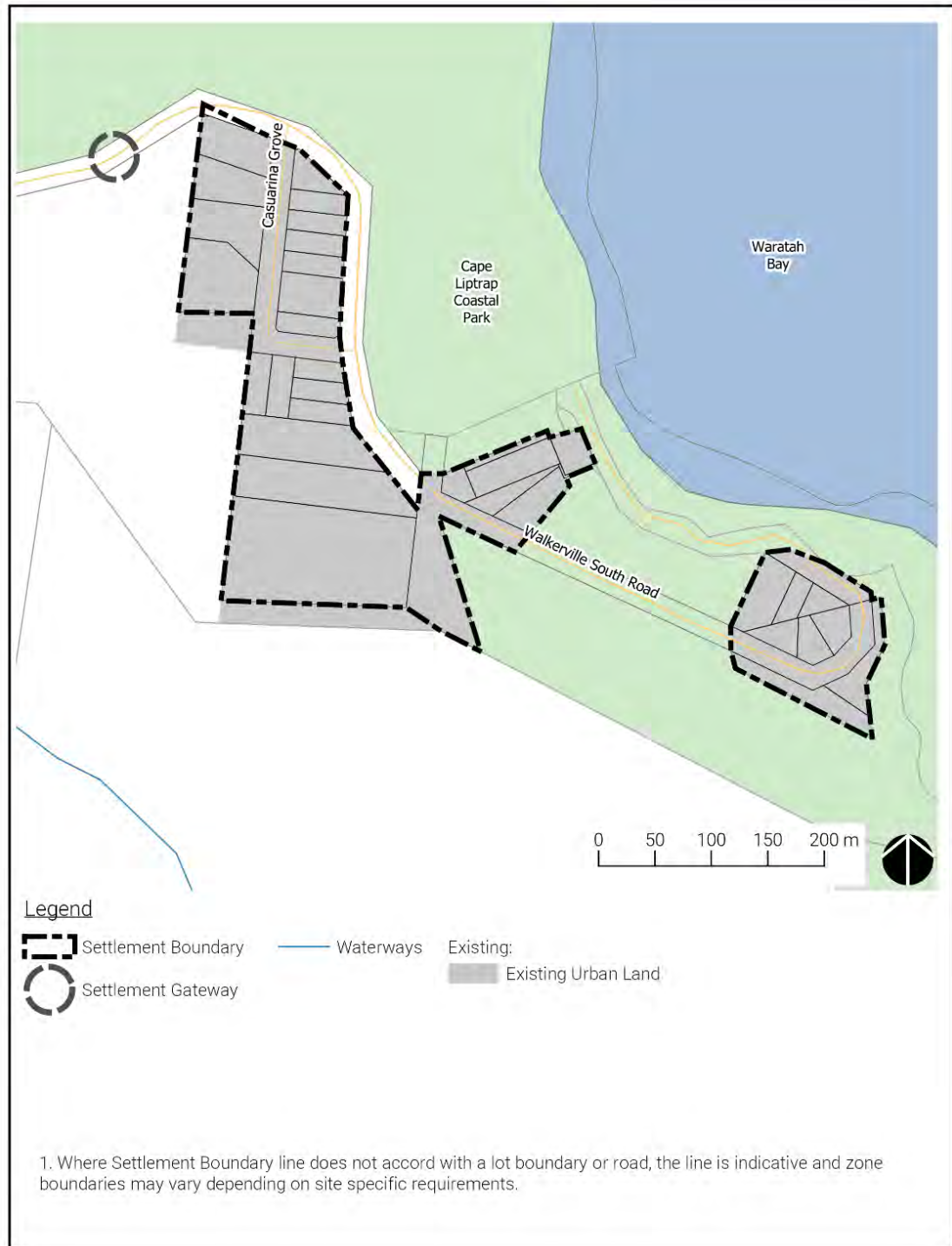
**Walkerville framework plan**





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**Walkerville South framework plan**



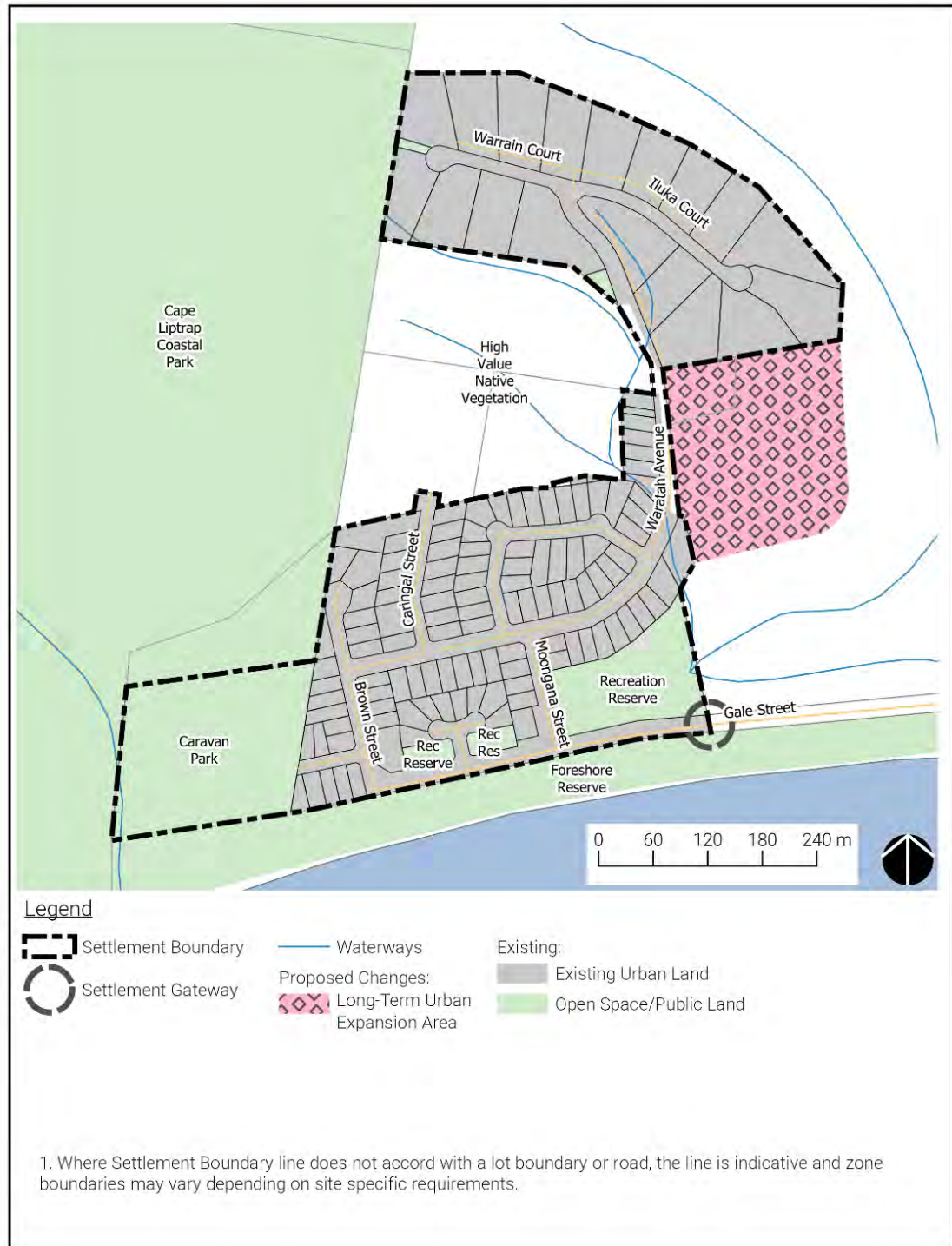
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**Walkerville North framework plan**

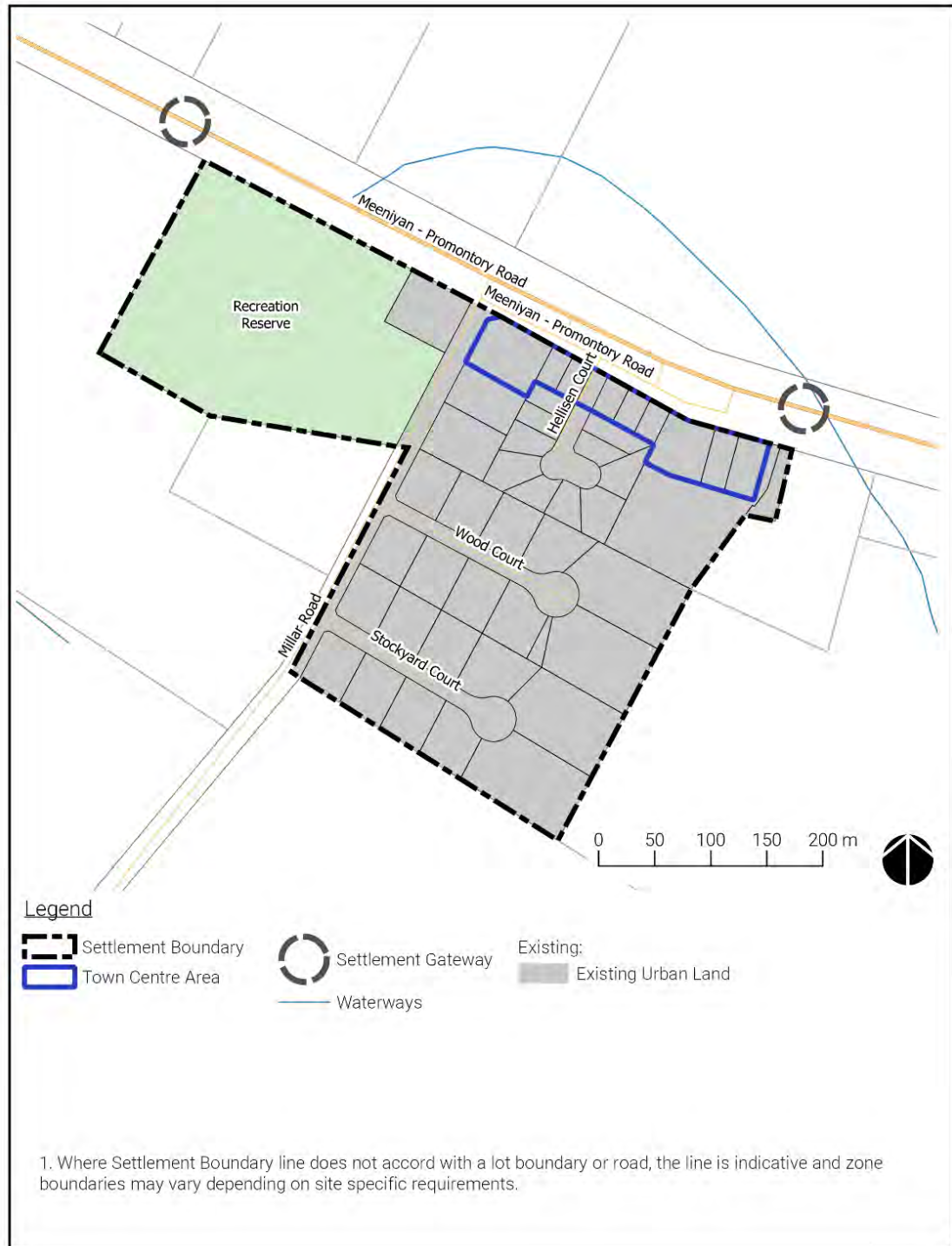


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**Waratah Bay framework plan**



**Yanakie framework plan**



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**11.01-1L-10 HAMLETS – BENA, BUFFALO, DUMBALK, JUMBUNNA, KONGWAK,  
MIRBOO, PORT FRANKLIN, RUBY AND STONY CREEK – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to the land identified on the Bena, Buffalo, Dumbalk, Jumbunna, Kongwak, Mirboo, Port Franklin, Ruby and Stony Creek framework plans [that form part of this Clause](#).

**All Hamlets strategies**

Support development of infrastructure that provides access to any future rail trail developed in hamlets adjoining the former railway line.

Encourage development that is sympathetically designed and located so as to protect the environmental and landscape values of the surrounding area.

**Buffalo strategy**

Allow for rural dwellings on small Crown lots in the vicinity of Hall Road and McPhee Street where the lot has been consolidated to comply with the Buffalo Restructure Plan.

**Dumbalk strategy**

Consolidate the Town Centre of Dumbalk as the preferred focus for commercial services and facilities.

**Jumbunna strategy**

Allow for dwellings on small lots in Cruickshank Road, Gooches Road, Hazel Road, Herring Lane, Lynn Street, McLeans Road, Rees Road and Taveners Road, where the lot has been consolidated to comply with the Jumbunna Restructure Plan.

**Kongwak strategies**

Consolidate the Town Centre of Kongwak as the preferred focus for commercial services and facilities.

Support tourism opportunities associated with Kongwak Market and the former Butter Factory.

**Port Franklin strategies**

Allow for rural dwellings on small Crown lots in Port Franklin Road (the historic Liverpool subdivision) where the lot has been consolidated to comply with the Port Franklin Road Restructure Plan or the Durston Road Restructure Plan.

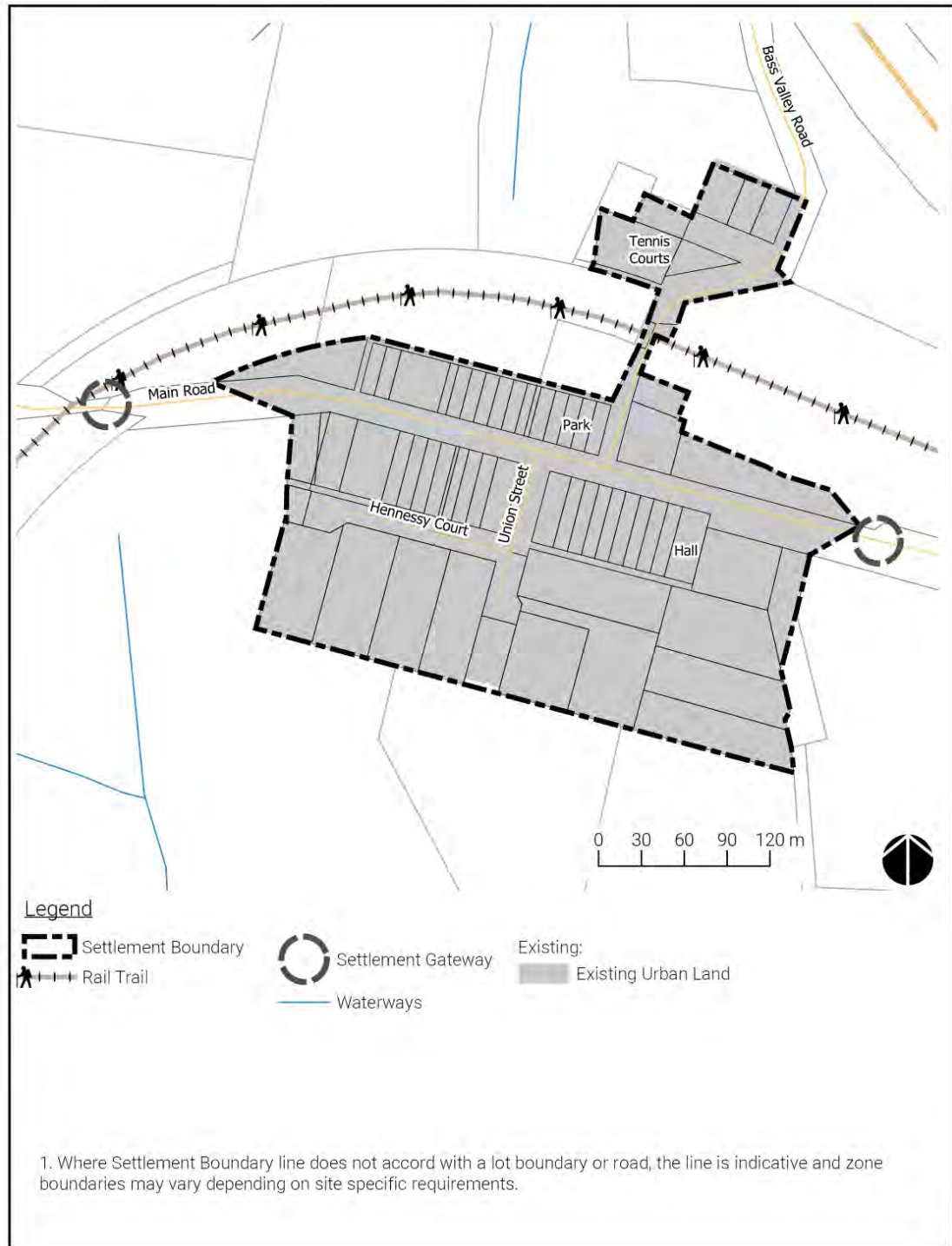
Discourage development in the absence of reticulated sewerage at Port Franklin.

**Stony Creek strategies**

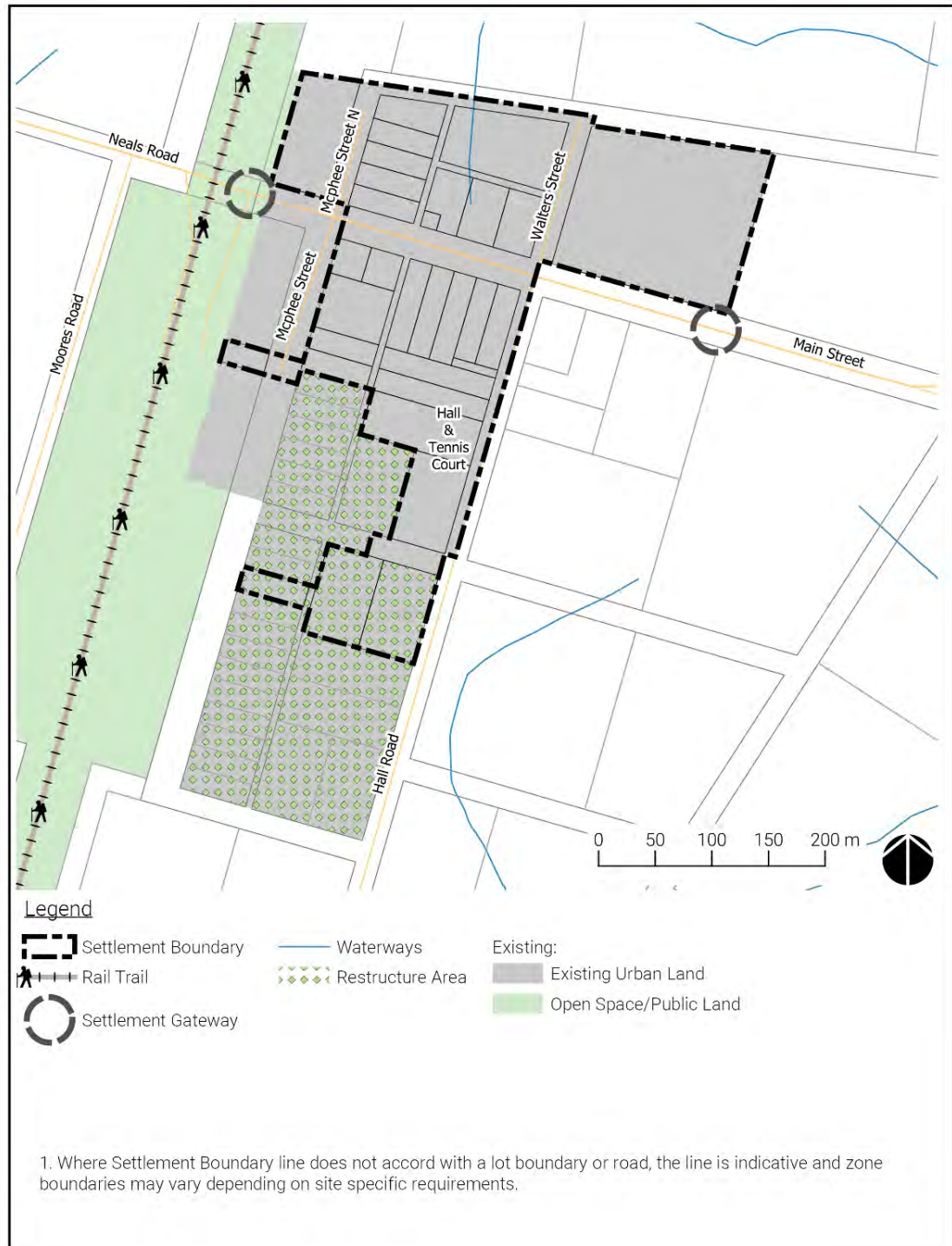
Discourage proliferation of rural dwellings on small Crown lots in Jacks Road where in accordance with the relevant Jacks Road Restructure Plan.

Promote equine related land uses between Stony Creek and Meeniyan.

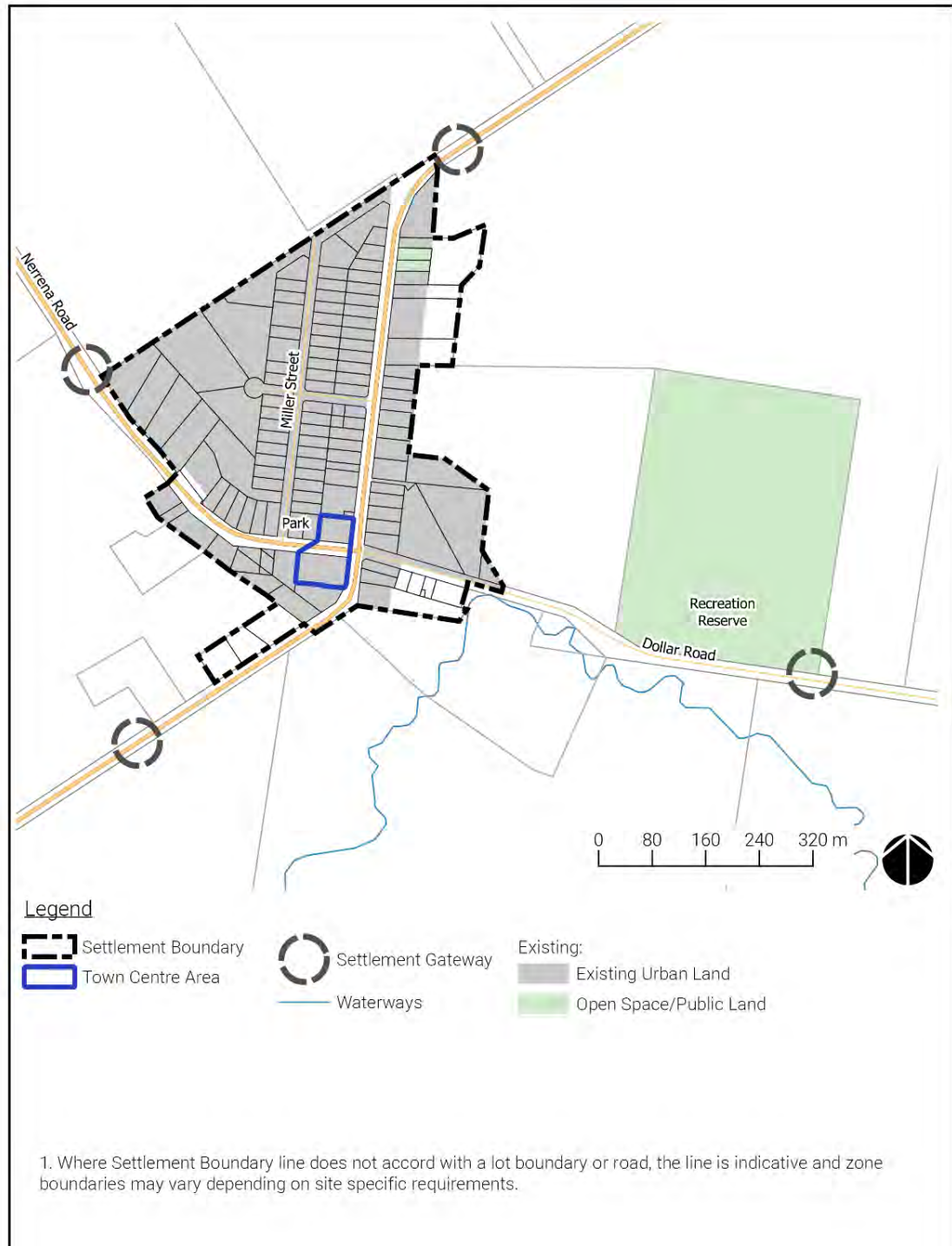
**Bena framework plan**



**Buffalo framework plan**

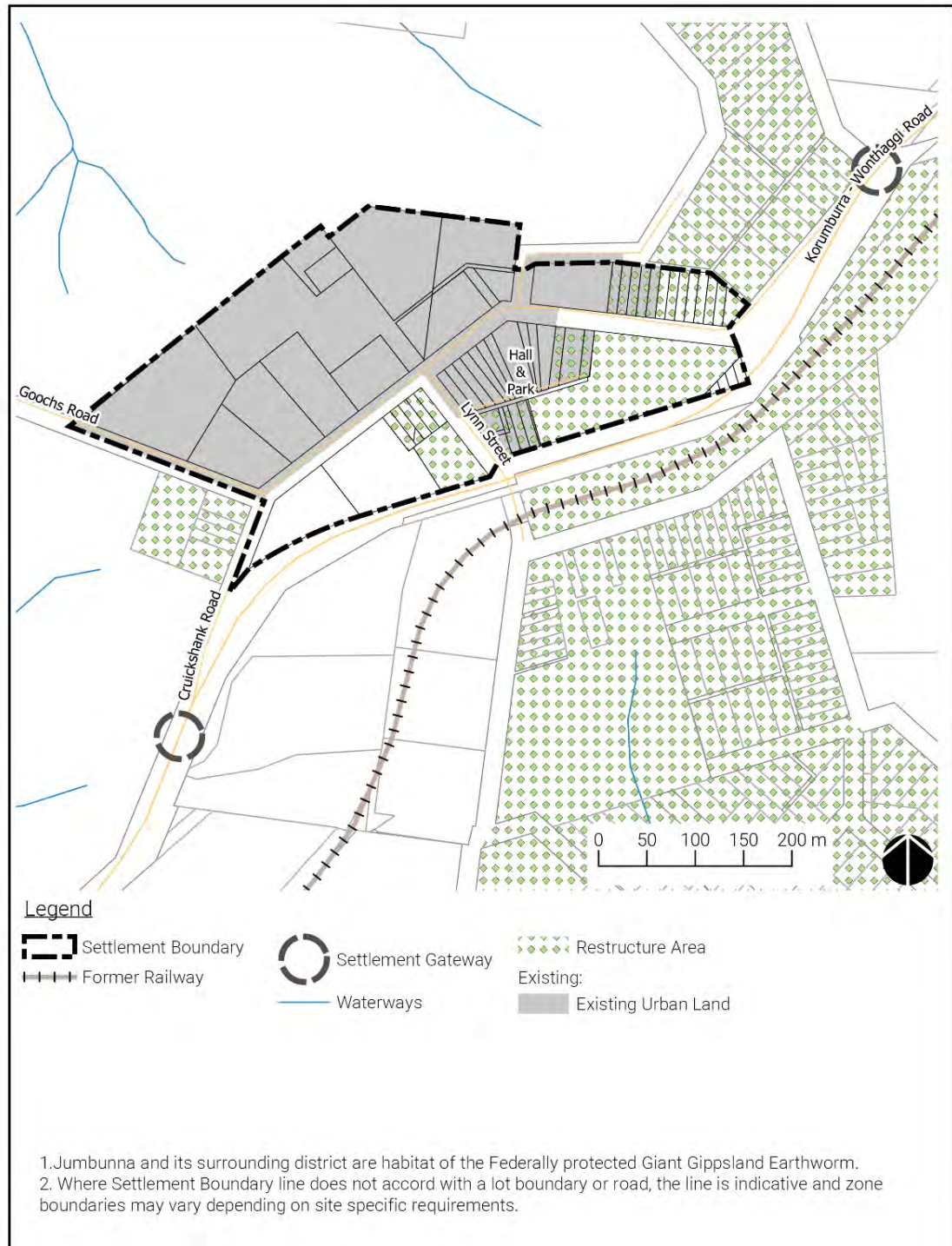


**Dumbalk framework plan**

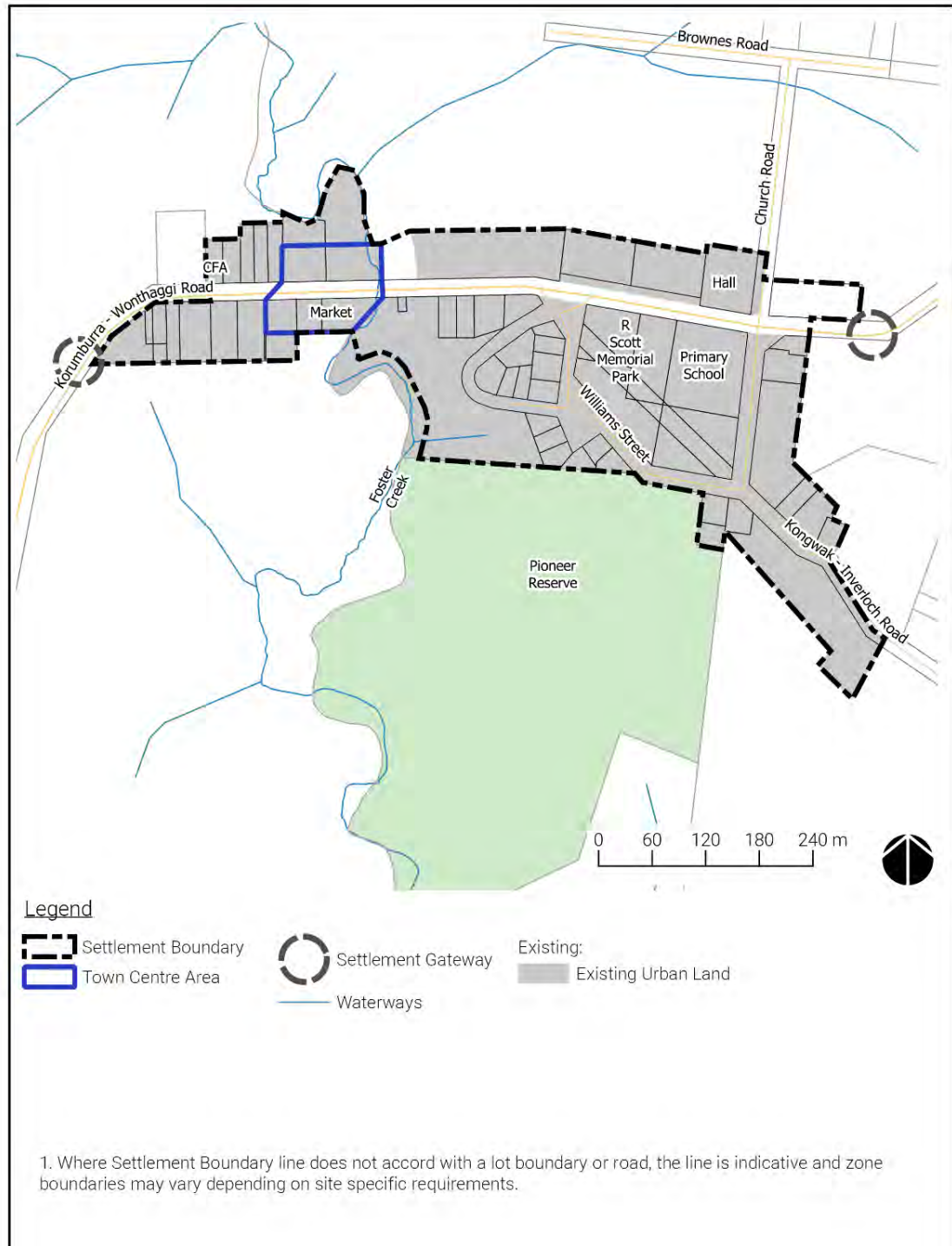




**Jumbunna framework plan**



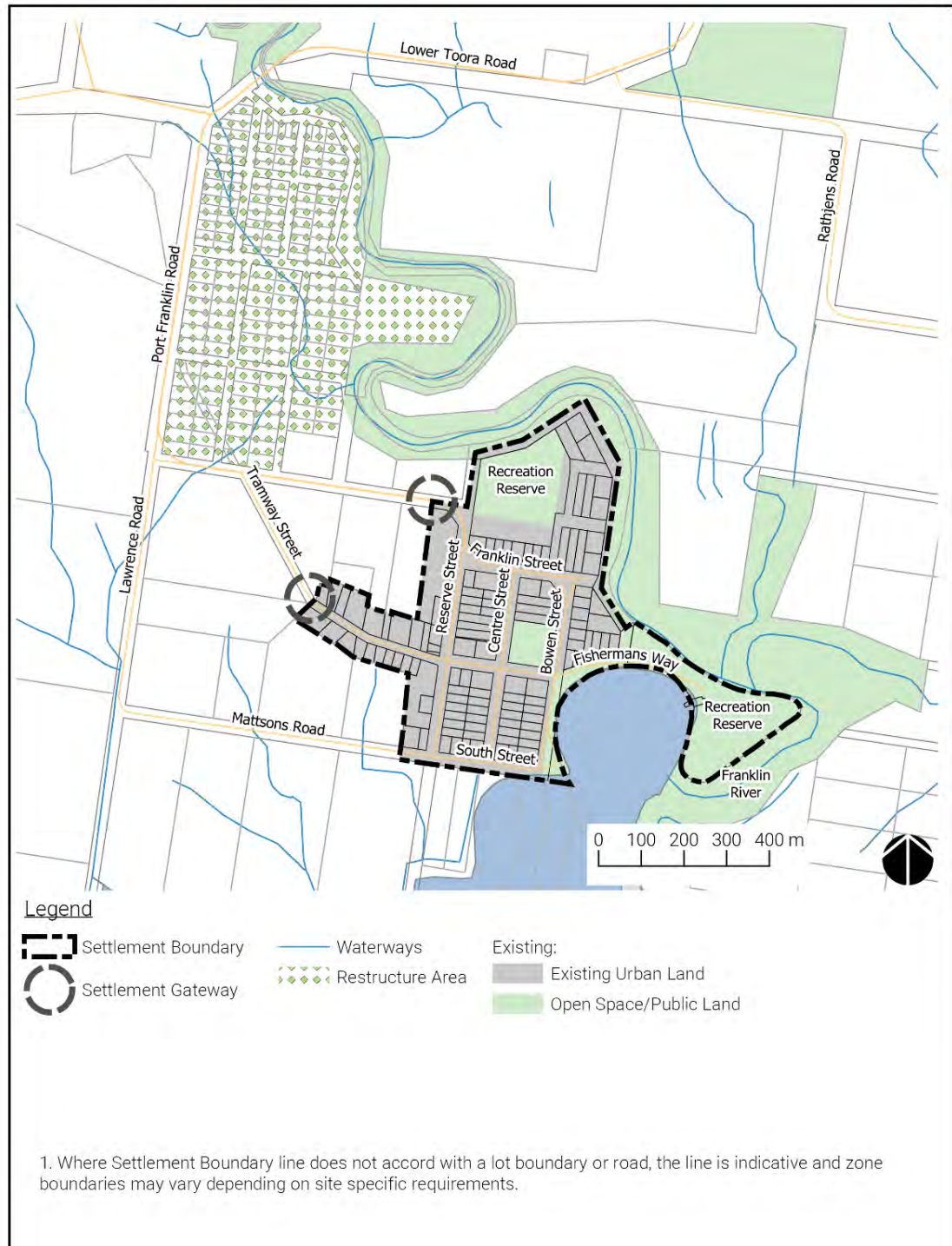
**Kongwak framework plan**



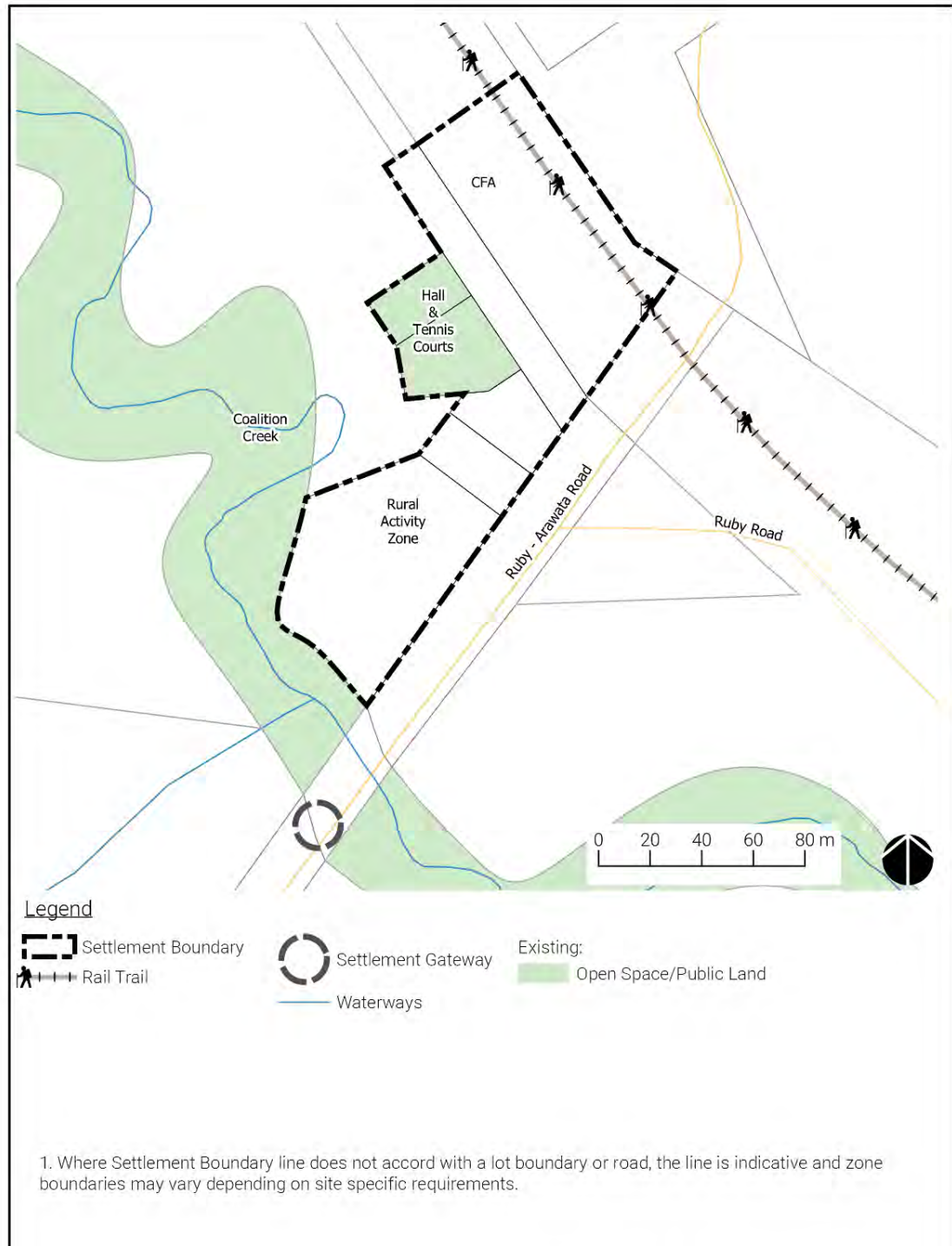
**Mirboo framework plan**



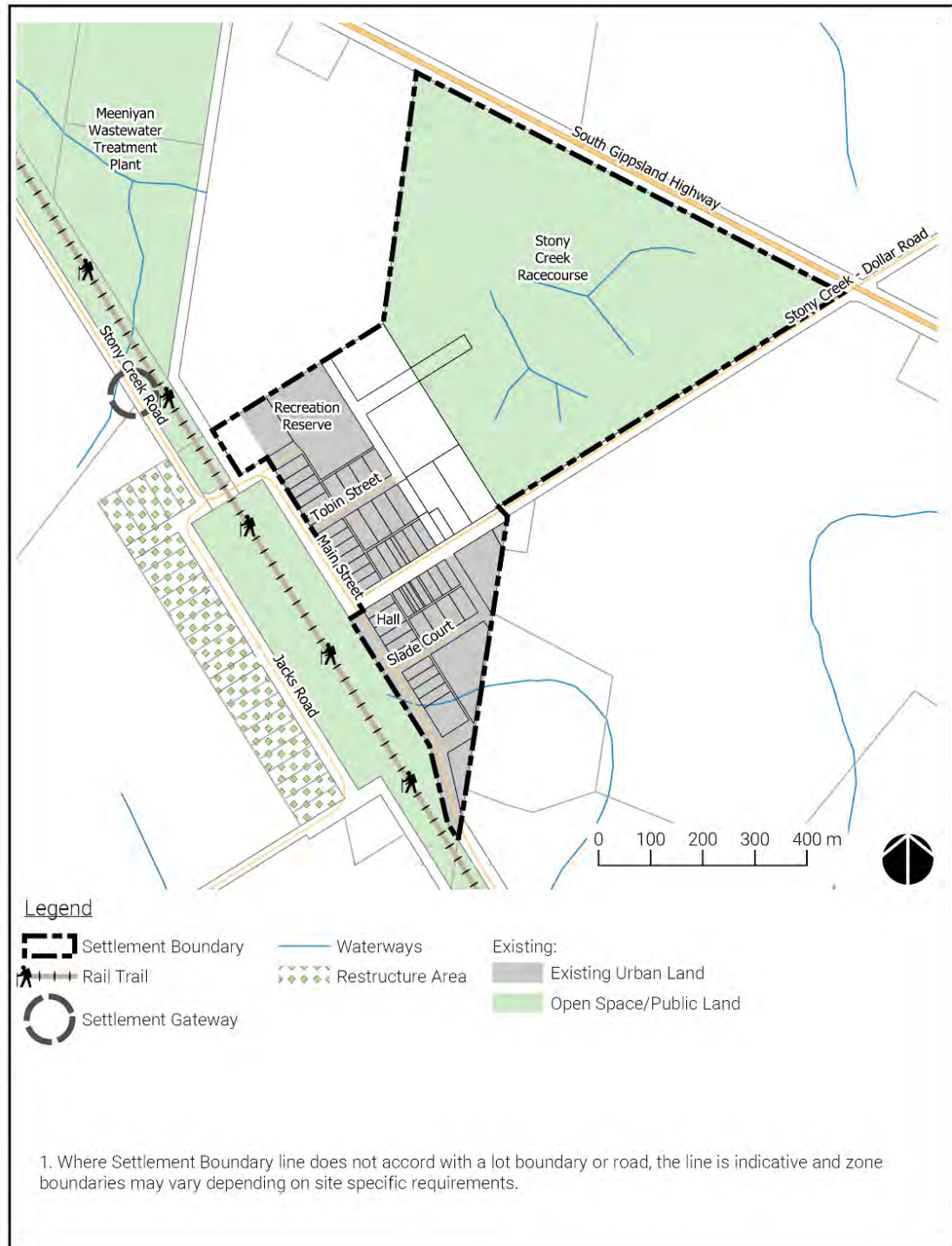
**Port Franklin framework plan**



**Ruby framework plan**



**Stony Creek framework plan**



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**11.01-1L-10 LOCALITIES – AGNES, ARAWATA, DARLIMURLA, HEDLEY, KARDELLA, NERRENA, STRZELECKI – SOUTH GIPPSLAND [COUNCIL-IDENTIFIED OMISSION] [TO RE-INSTATE POLICY INADVERTANTLY OMITTED THROUGH THE PPF TRANSLATION]**

**Policy application**

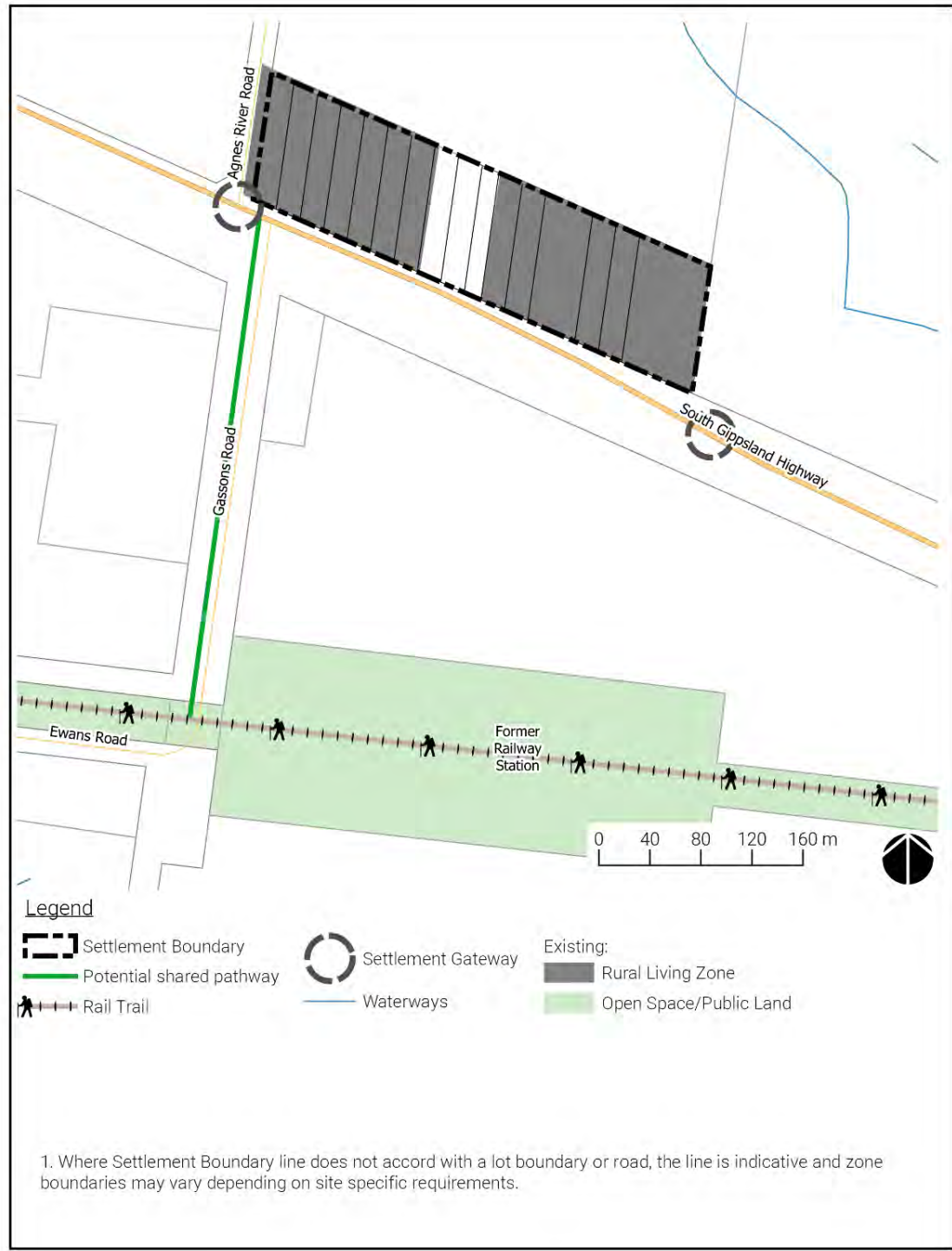
This policy applies to the land identified on the Agnes, Arawata, Darlimurla, Headly, Kardella, Nerrena and Strzelecki framework plans that form part of this Clause. [to clearly identify the area to which the policy applies in accordance with PG]

**Strategy**

Contain growth within the settlement boundary of the localities shown on the framework plans. – [former 21.19-1, para 2] [to reinstate policy inadvertently omitted through the PPF translation. To move the maps for localities to the more logical location for applicants, which is the PPF.]

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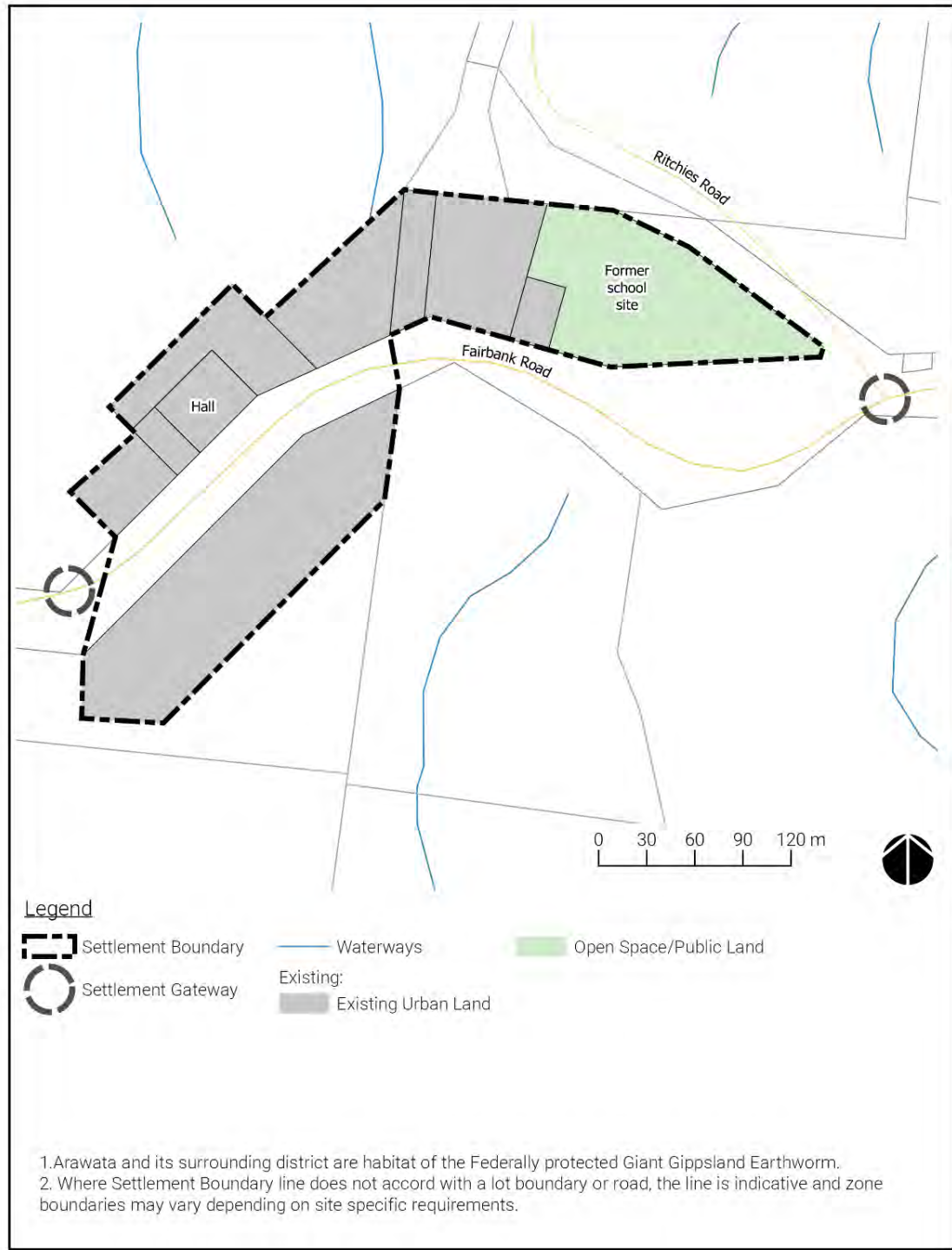
Agnes framework plan [moved from 02.04 framework plans] [more appropriate as settlement-specific plan]





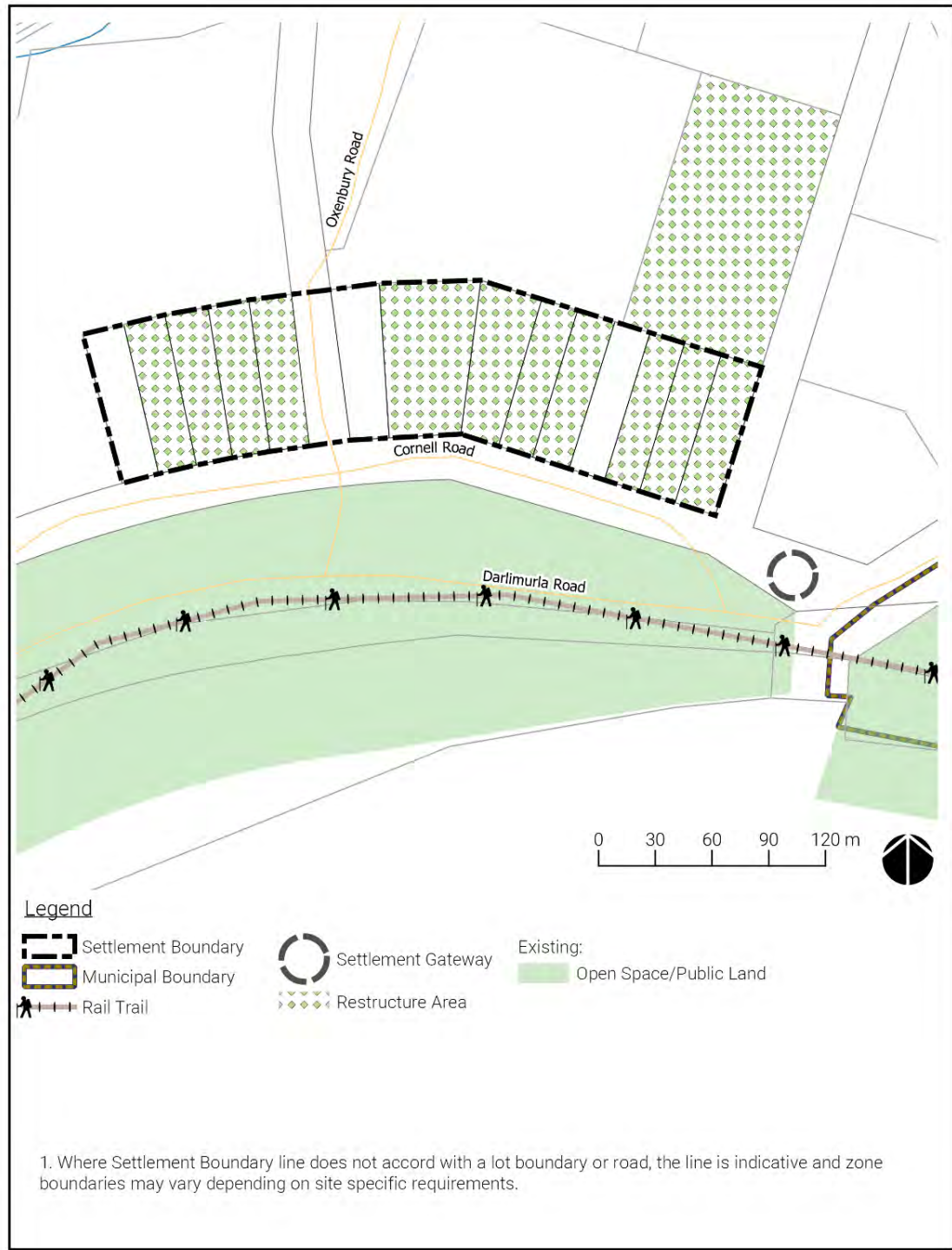
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[Arawata framework plan](#) [moved from 02.04 framework plans] [more appropriate as settlement-specific plan]



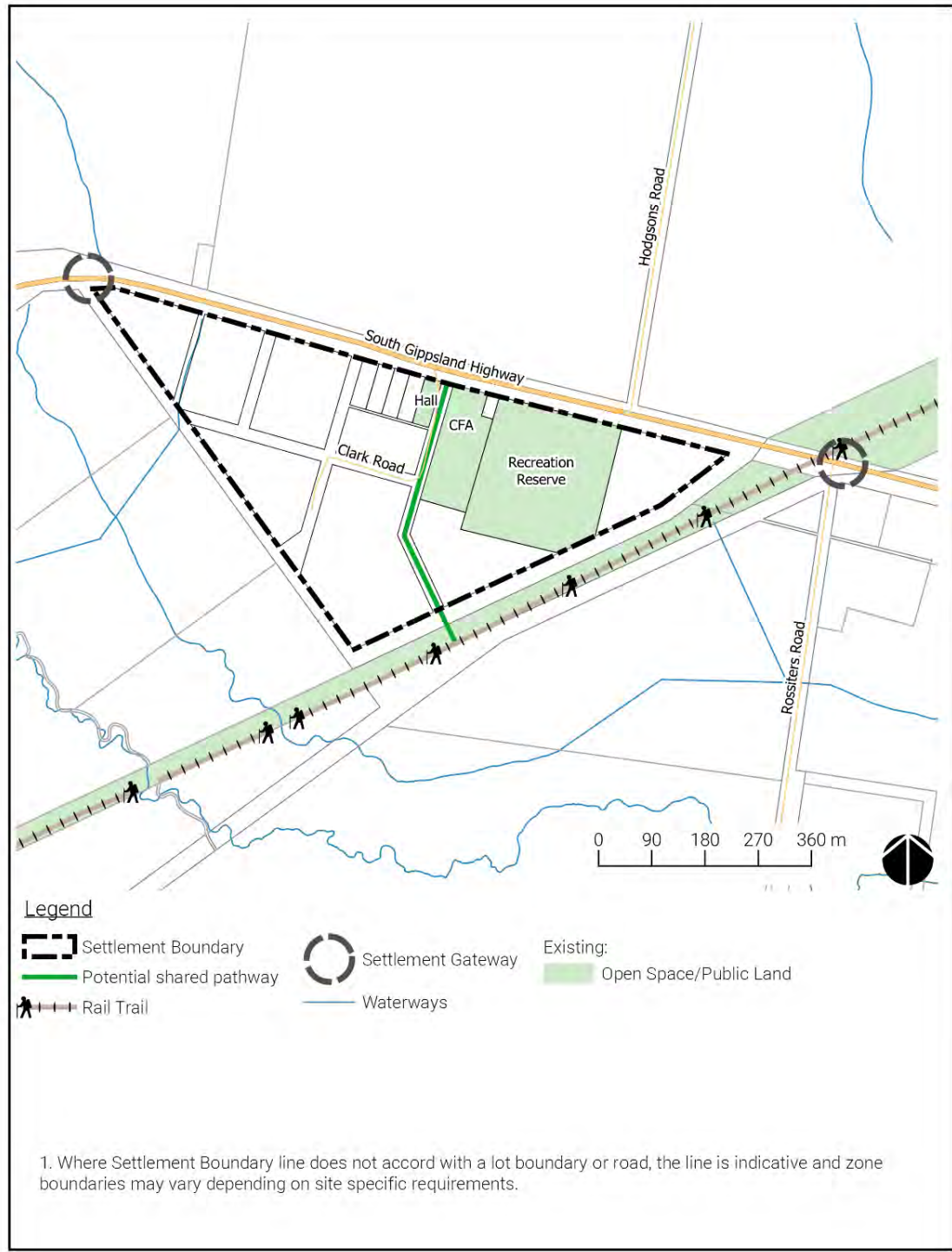
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**Darlimurla framework plan** [moved from 02.04 framework plans] [more appropriate as settlement-specific plan]



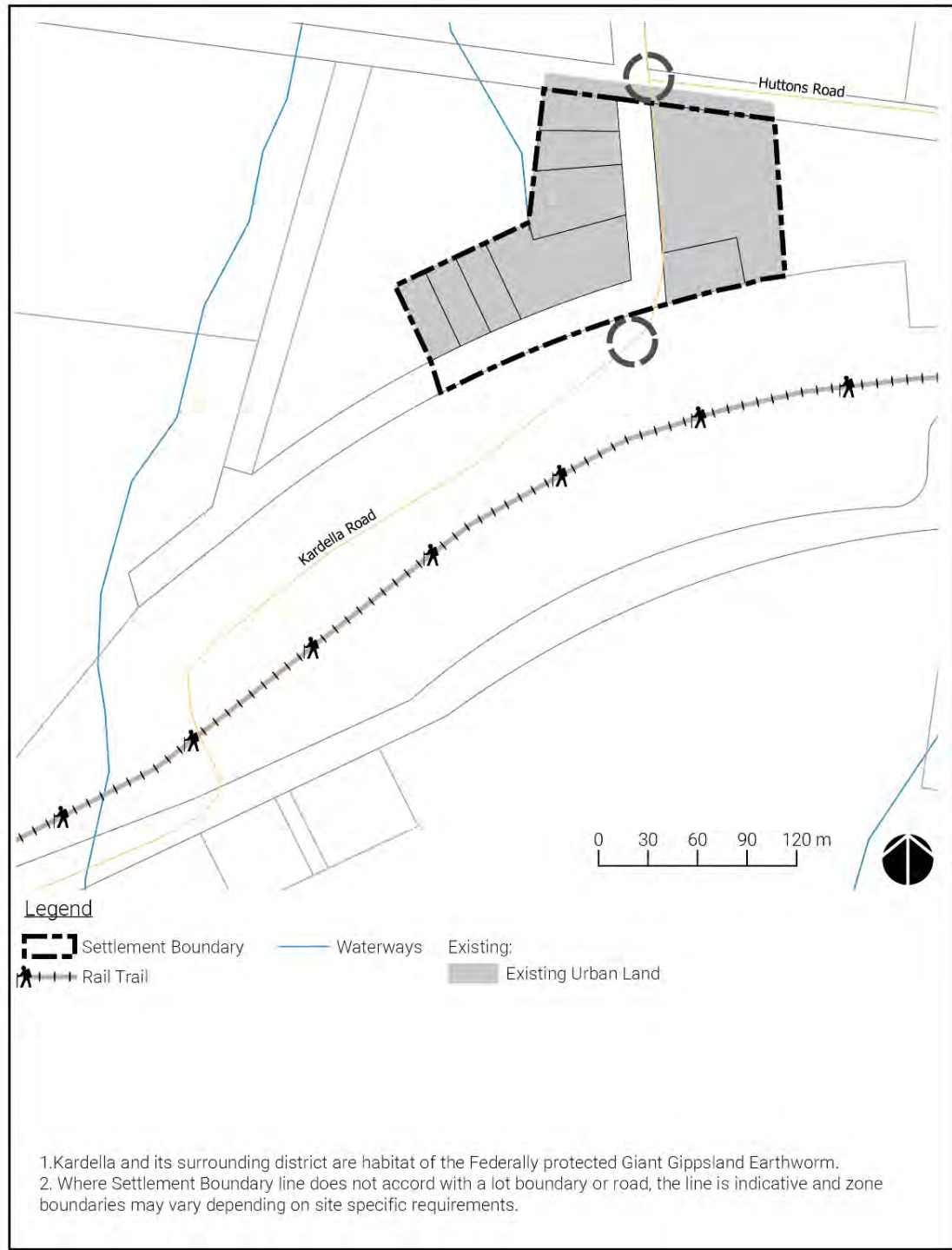
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**Hedley framework plan** [moved from 02.04 framework plans] [more appropriate as settlement-specific plan]



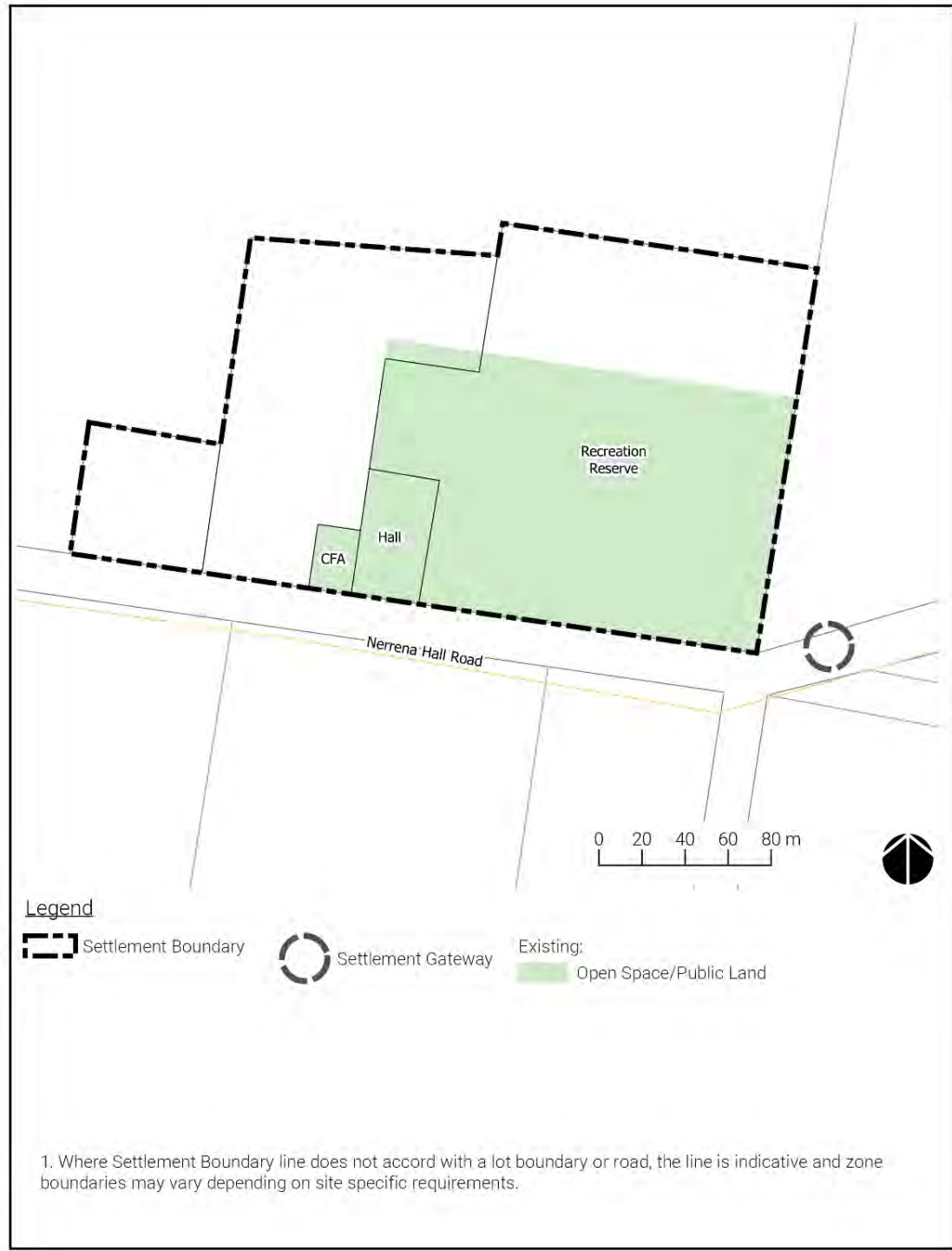
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**Kardella framework plan** [moved from 02.04 framework plans] [more appropriate as settlement-specific plan]



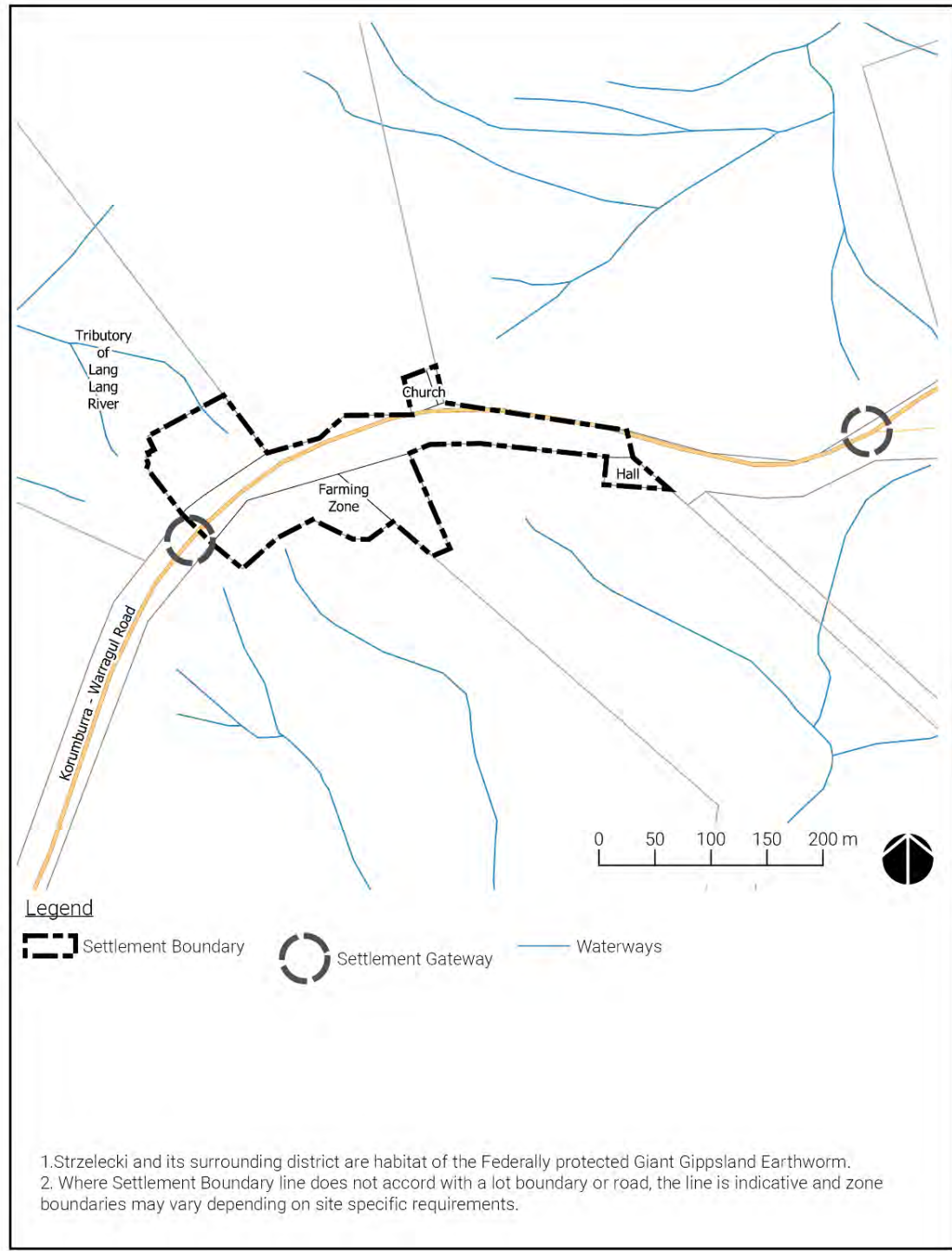
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Nerrena framework plan [moved from 02.04 framework plans] [more appropriate as settlement-specific plan]



SOUTH GIPPSLAND PLANNING SCHEME  
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**Strzelecki framework plan** [moved from 02.04 framework plans] [more appropriate as settlement-specific plan]



**12.01-1L BIODIVERSITY – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategies**

Encourage landholders to protect remnant vegetation on their land by fencing off areas of native vegetation and excluding stock.

Retain and enhance areas of remnant vegetation within urban areas.

Protect and enhance areas of indigenous and native vegetation where possible in development.

Support protection of Giant Gippsland Earthworm habitat and populations.

**12.05-2L-01 COASTAL AND HINTERLAND LANDSCAPES – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**General strategies**

Ensure that development is subordinate to the natural, visual and environmental landscape character and significance.

Protect views of Mt Hoddle, the Welshpool Hills and the Corner Inlet Amphitheatre and other hinterland areas by avoiding development in these areas that is visually intrusive, particularly when viewed from the South Gippsland Highway, as well as from other key touring routes, lookouts and residences.

Discourage development on prominent ridgelines, particularly those close to the coast. Where development cannot be avoided in steep locations or prominent hill faces:

- Site development in the lowest third of the visible slope wherever possible.
- Set buildings and structures among existing vegetation or establish gardens with locally indigenous species.
- Design buildings to follow the contours or step down the site to minimise earthworks.
- Articulate buildings into separate elements and avoid visually dominant elevations.

Encourage the planting of indigenous vegetation for rehabilitation works and landscaping around development.

Retain existing shelterbelts and non-indigenous feature planting where they are features of the area and the species are non-invasive.

**Settlement edge strategies**

Use existing landscape features, (for example topography, vegetation coverage, vistas) to define edges to settlements, protecting the surrounding landscape character.

Scale the height and form of new development at the coastal edge of settlements to be sensitive to surrounding development, the surrounding landform and the visual setting of the settlement, particularly when viewed from the foreshore.

Support a hierarchy of built form within coastal settlements, with lower buildings adjacent to the foreshore and higher buildings away from the foreshore.

**Between settlement strategies**

Retain the natural and undeveloped character of the coastal strip between settlements by:

- Avoiding or siting and designing development.
- Using colours and materials that minimise contrast with the surrounding landscape.

Retain a dominant natural character, particularly near the coast, by:

- Setting development back from the coast in flatter locations.
- Avoiding loss of vegetation.
- Minimising the visibility and impact of pedestrian and vehicular access paths and site servicing.

**Between settlement policy guideline**

Consider as relevant:

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- Whether the development is within 500 metres of the coast.

#### Hinterland strategies

Design buildings to respond to the natural setting in relation to siting, materials and colours to minimise visibility, particularly in prominent and highly visible locations and when viewed from main road corridors and key public use areas.

In open rural areas, ensure buildings are set back long distances from roads and/or group buildings in the landscape among substantial landscaping of indigenous or non-invasive exotic/native feature planting (including existing shelterbelts).

Maximise the undeveloped area of a lot and use permeable surfacing to support vegetation and minimise surface run-off.

Retain trees that form part of a continuous canopy and encourage trees to be planted in a position where they will add to a continuous canopy.

### 12.05-2L-02 SIGNIFICANT LANDSCAPE CHARACTER AREAS – SOUTH GIPPSLAND

C127sgjp 03/03/2022

#### Policy application

This policy applies to the land identified on the Landscape Character Area [plan that forms part of this Clause map](#).

#### Character Area 1.3 – Bunurong Coast and Hinterland strategies

Retain clear views of the coastal dunes, cliffs and formations from coastal areas coastal roads.

Protect the character of the near-coastal hinterland by:

- Encouraging the progressive revegetation of rural land adjoining coastal reserves.
- Siting developments at long setback distances from the coast and out of view of key viewing locations.

Maintain extensive rural character outside settlements by siting:

- Development long distances apart, back from roads and amongst vegetation.
- Large-scale built development within or close to existing built areas to avoid dominance of built form over the open pastoral hinterland.

#### Character Area 1.4 – Tarwin Floodplain strategies

Protect locally significant views and vistas that contribute to the character of the Area, particularly expansive, open out views between Tarwin Lower and Venus Bay, and open views across Anderson Inlet.

Protect the flats between Townsend Bluff and Tarwin Lower from visually dominant development.

Retain the sense of uncluttered openness throughout the Character Area.

[Ensure that, w](#)here development on the flats cannot be avoided, [use](#) low scale building forms and appropriate materials and colours that are not highly visible [are utilised](#), particularly from main road corridors. [\[to commence with PG approved verb\]](#)

#### Character Area 1.5 – Waratah Bay/Corner Inlet strategies

Protect the rural character and views that create a scenic ‘gateway’ to Wilsons Promontory, especially along Foster – Promontory Road, by restricting linear urban sprawl or the cluttering of built development.

Ensure that long stretches of the coastal strip remain free of development of any kind.

Reduce the visibility of buildings or structures, within the coastal strip, outside settlements.

Manage development at the Corner Inlet coastal edge to retain intact natural coastal character by:

- Restricting heights of dwellings.
- Using colours that blend with the natural environment.
- Clustering development at already developed centres (e.g. Port Welshpool).



~~Contain-Restrict~~ [to commence with PG approved verb] linear residential expansion of Waratah Bay along access road and avoid exposure of built form above low dunes.

Minimise clutter of built elements throughout hinterland areas to protect the rural character.

#### **Character Area 2.3 – Cape Liptrap strategies**

Maintain the dominance of the natural landscape and vegetation on hill faces and ridges throughout Cape Liptrap.

Preserve the landscape setting for landmarks or features of cultural heritage significance, such as the Cape Liptrap Lighthouse and limestone kilns at Walkerville.

Design and site development in Walkerville/Walkerville South by:

- Minimising visual intrusion of development into public use areas on the beach.
- Maintaining continuous indigenous vegetation canopy.
- Reducing distant visibility through the use of darker colours / non-reflective materials.

~~Ensure Set~~ development ~~is set~~ [to commence with a PG approved verb] back from the cliff top/coast to retain a dominant natural character and views to coastal and near-coastal hinterland features.

#### **Character Area 3.2 – Welshpool Hills and Mount Hoddle strategies**

Limit development from locating on ridge tops and visually prominent hill faces, particularly slopes visible from the coast and coastal hinterland such as between Mount Hoddle and the municipal boundary with Wellington Shire.

Encourage development to be tucked into the inland rolling topography and away from prominent viewing locations and skylines.

~~Ensure Site~~ large scale infrastructure ~~is sited~~ outside [to commence with a PG approved verb] of the coastal viewshed wherever possible and away from prominent locations.

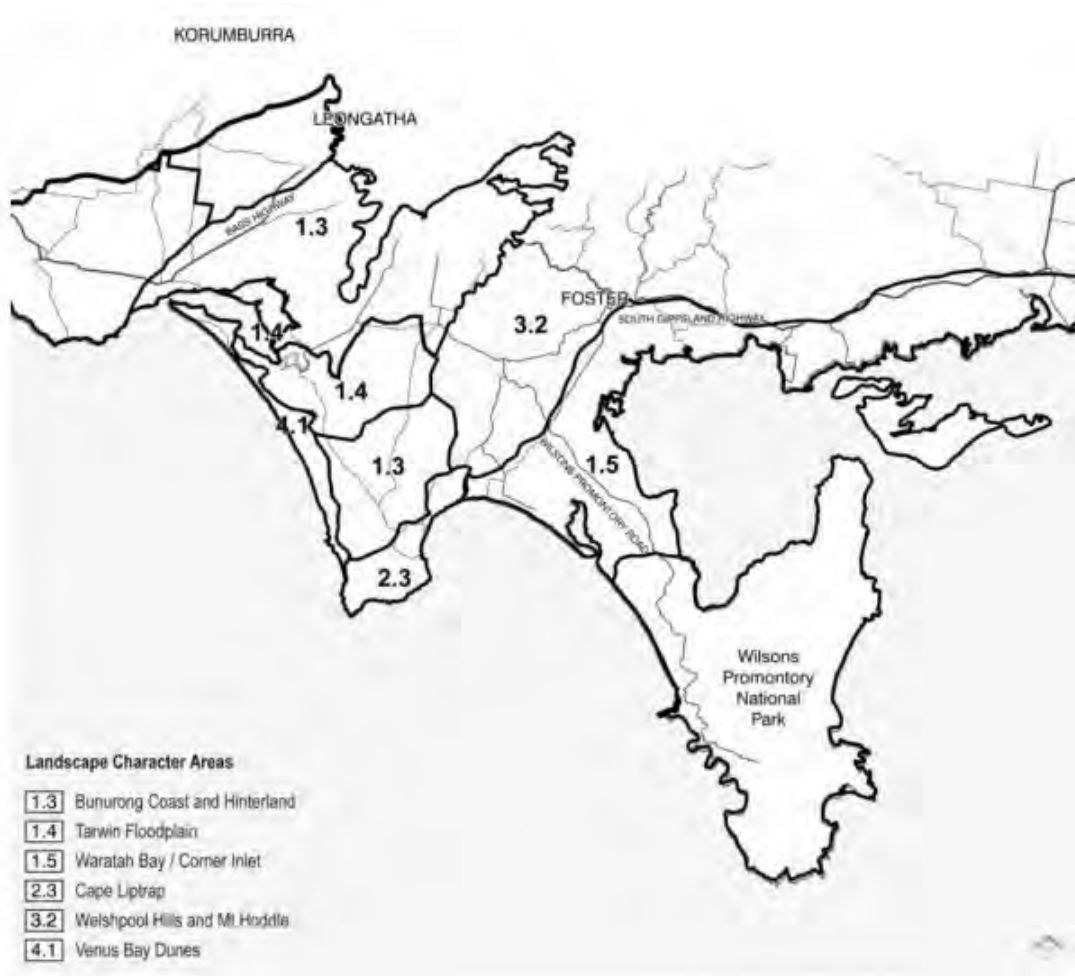
#### **Character Area 4.1 – Venus Bay Dunes strategies**

Retain the natural and undeveloped character of the Bass Strait coastal edge by avoiding buildings and structures outside settlement boundaries.

Enhance the dominant vegetated character of the Venus Bay Peninsula as viewed from Anderson Inlet.

~~Ensure Integrate~~ buildings ~~are integrated~~ [to commence with a PG approved verb] with their surroundings by using darker colours and landscaping to minimise contrast and distant visibility, particularly on the eastern edge of the Character Area.

Landscape Character Area [mapplan](#)



**13.02-1L BUSHFIRE PLANNING – SOUTH GIPPSLAND**

**Strategies**

Design use and development to provide more than one access route onto the public road network.  
[NEW VCAT analysis] [to help guide decision making in relation to a key issue for Council at VCAT]

**14.01-1L-01 RURAL DWELLINGS – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to applications for the use and development of dwellings in the Farming Zone on lots with an area of less than 40 hectares.

**Strategies**

Avoid dwellings that are for rural residential or lifestyle purposes and may conflict with the rural use of the land unless the **proposed** dwelling is on an existing small lot. [To clarify that it is not for existing dwellings].

Avoid dwellings unless:

- The dwelling is proposed in association with agriculture, is genuinely required to carry out a long-term agricultural activity on the land and will provide a net benefit to agricultural productivity.
- The dwelling is proposed on a lot that is predominantly occupied by remnant native vegetation.
- The agricultural activity requires the presence of a resident land manager.

Avoid dwellings that adversely impact:

- Any existing agricultural uses or activities on surrounding land.
- Environmental characteristics of the surrounding area.
- Rural character and landscape values of the area, including visual impact.
- Natural systems, water quality or water quantity in the locality.

Avoid dwellings in association with Grazing animal production or calf rearing.

Avoid dwellings in association with agricultural uses (other than Grazing animal production or calf rearing) unless:

- The dwelling is necessary for the operation of and secondary to the use of the land for agriculture.
- Any proposed agricultural use does not compromise the operation of adjacent or nearby agricultural activities.
- The agricultural use cannot be reasonably managed from an off-site location.

**Policy guidelines**

Consider as relevant:

- A small lot for rural residential or lifestyle purposes is 4.1 hectares or less.
- A lot that is predominantly occupied by remnant native vegetation is remnant native vegetation or regrowth over 15 years old and at least 50 per cent cover of the lot.
- The use of section 173 Agreements relating to the construction of supporting agricultural infrastructure.
- **The proposed staging and management plan for the farm, as prepared by a suitably qualified person.** [Council-identified omission] [to reinstate policy inadvertently omitted through the PPF translation]

**14.01-1L-02 SECOND AND SUBSEQUENT DWELLINGS IN RURAL AREAS – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to applications for the use and development of more than one dwelling on land in the Farming Zone.

**Strategies**

Avoid second or subsequent dwellings on lots unless they:

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- Are necessary to carry out a long term agricultural use on the land and provide a net benefit to agricultural activity.
- Will not adversely affect the operation of agricultural uses on the land or on surrounding land.
- Maintain the rural character, landscape and environmental values of the area.

Consolidate lots in order to ensure that the dwelling(s) remain connected to the agricultural use of the land.

Locate second or subsequent dwellings on multi-lot farming properties on the same lot as the existing dwelling.

#### Policy guidelines

Consider as relevant:

- Restrict second and subsequent dwellings on lots less than 40 hectares.
- The use of a section 173 Agreement to prevent the excision of a dwelling from the land through subdivision.
- [The proposed staging and management plan for the farm, as prepared by a suitably qualified person.](#) [Council-identified omission] [to reinstate policy inadvertently omitted through the PPF translation]

### 14.01-1L-03 RURAL DWELLINGS ON LOTS WITH REMNANT NATIVE VEGETATION – SOUTH GIPPSLAND

[C127sgjp](#) 03/03/2022

#### Policy application

This policy applies to applications for use or development dwellings in the Farming Zone where the lot is at least 50 per cent covered by remnant native vegetation or regrowth over 15 years old.

#### Strategies

Support dwellings associated with the management of biodiversity and native vegetation only where:

- The lot is predominantly occupied by remnant native vegetation or regrowth where there is no or highly limited potential for an agricultural activity to occur.
- There is no or limited native vegetation removal required to facilitate the construction of a dwelling with associated bushfire protection measures, including those required to implement the defensible space and vehicle access requirements.

#### Policy guideline

Consider as relevant:

- The use of a restriction on title, section 173 Agreement or similar for the development and implementation of a land management plan that provides for the ongoing protection and management of the native vegetation and biodiversity on site. This also includes the ongoing vegetation management associated with maintaining defensible space.

### 14.01-1L-04 LAND USE AND DWELLINGS IN THE RURAL ACTIVITY ZONE – SOUTH GIPPSLAND

[C127sgjp](#) 03/03/2022

#### Policy application

This policy applies to all land within the Rural Activity Zone.

#### General strategies

Encourage use or development to be:

- Of modest scale, that is consistent with the land size, surrounding uses and the ability to blend with the landscape.
- Subserving to the landscape so as not to detract from the quality of the landscape and environment.

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Encourage use and development to be self- sufficient in the provision of relevant infrastructure.

**Land use strategies**

Encourage a diverse range of agricultural activities.

Encourage tourism use and development that is compatible with agricultural production and the environmental attributes of the area.

Discourage uses that can be reasonably accommodated in an urban zone.

**Land use policy guidelines**

Consider as relevant:

- Encouraging the following uses:
  - Agriculture.
  - Leisure and recreation.
  - Group accommodation associated with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins, residential hotel / motel etc).
  - Restaurant (but only in association with a tourist / recreational activity).
  - Primary Produce sales.
  - Winery.
- Discouraging the following uses:
  - Cattle feedlot.
  - Convenience shop.
  - Intensive animal production.
  - Landscape and gardening supplies.
  - Manufacturing sales other than products made from local rural produce.
  - Place of assembly where land is to used for more than 10 days in a calendar year.
  - Hotel.
  - Store.
  - Bar.
  - Timber production.

**Dwellings strategies**

Support dwellings:

- On small lots if they are in conjunction with a separate tourism venture on the lot.
- Where the location of the dwelling will not adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Discourage dwellings in association with Grazing animal production, and calf rearing, on medium size lots.

**Dwellings policy guidelines**

Consider as relevant:

- A small lot as having an area of 4.1 hectares or less.
- A medium size lot as having an area of between 4.1 and 40 hectares.
- The use of a Section 173 Agreement to prevent the subdivision of the lot containing the dwelling.

**Policy document**

Consider as relevant:

- *South Gippsland Rural Land Use Strategy* (South Gippsland Shire Council, 2011)

**14.01-1L-05 SUBDIVISION IN THE FARMING AND RURAL ACTIVITY ZONES – SOUTH  
GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to applications to subdivide land in the Farming Zone and the Rural Activity Zone.

**Subdivision to accommodate existing dwellings strategies**

Allow the subdivision of land to accommodate an existing dwelling only where:

- The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term.
- There are beneficial agricultural outcomes for the land by excising the dwelling.
- The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area.
- It is a re-subdivision of existing land titles where that potential exists. Land from former road reserves, lots under the minimum lot size specified under the schedule to the zone created by consolidation or other subdivision process and historic lots on former inappropriate Crown settlements and townships cannot be used for this purpose.

Avoid dwelling excisions that increase the number of lots unless they:

- Provide no opportunity available for re-subdivision of the balance lot(s).
- Contain balance (remaining) lot(s) that is greater than the minimum lot size specified in the schedule to the zone.

Avoid further subdivision to accommodate another existing dwelling where a dwelling has already been excised.

Minimise the size of a dwelling lot to only that necessary for the dwelling and appurtenant structures, while maintaining an adequate distance around dwellings to limit impacts on agricultural activities.

Avoid excisions that result in 'axe-handle' or island style lots.

Avoid a house lot excision that is likely to lead to a concentration of lots that would change the general use and character of the rural area.

[Encourage the consolidation of rural lots in the Farming Zone.](#) [Council-identified omission] [to reinstate policy inadvertently omitted through the PPF translation]

**Subdivision to accommodate existing dwellings policy guidelines**

Consider as relevant:

- Restricting excisions to dwellings that have existed on the land on or before 16 December 1999.
- The use of a Section 173 Agreement for the excision of dwelling(s) that prevents the development of any additional dwelling on a balance lot(s) with an area of less than 40 hectares.
- The size of a dwelling lot for an excised dwelling (including appurtenant structures) to be no more than 2 hectares.
- [The proposed staging and management plan for the farm, as prepared by a suitably qualified person.](#) [Council requested changed] [requested change is reasonable and supported by the findings of this review]

**Re-subdivision of existing lots without a dwelling strategies**

Avoid the subdivision of existing lots unless it results the enhancement of existing or proposed agricultural activities.

Avoid subdivision of existing lots that create lots that are not viable for agricultural uses.

[Encourage the consolidation of rural lots in the Farming Zone.](#) [Council-identified omission] [to reinstate policy inadvertently omitted through the PPF translation]

**Re-subdivision of existing lots without a dwelling policy guidelines**

Consider as relevant:

- Allowing a lot that is under 4.1 hectares where it is for a non residential use.

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- The use of a Section 173 Agreement that prevents the development of any dwelling on a lot under 4.1 hectares.

**Policy document**

Consider as relevant:

- *South Gippsland Rural Land Use Strategy* (South Gippsland Shire Council, 2011)

**14.01-2L-02 MARINE INDUSTRY AND FARM FORESTRY – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategies**

Support and facilitate the development of the marine industry, including uses such as wild harvest and aquaculture ventures, in appropriate locations where environmental impacts can be appropriately managed.

Support and facilitate the development of farm forestry in appropriate locations, such as land less suited to higher value agricultural production including diary and crop raising.

**15.01-1L-01 URBAN DESIGN – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategies**

Encourage a building design, layout and landscaping for all development, that respects the existing character and strategic context of the site, particularly at the highway entrances to ~~the towns~~ [clearer use of plain English] and settlement gateways.

Locate infrastructure away from highly scenic locations, key views and coastal locations, or underground wherever possible in the case of powerlines and other utility services.

Locate access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations.

Avoid the use of materials that contrast with the landscape.

~~Encourage Direct the use of~~ [to commence with a PG approved verb] vegetation to screen infrastructure from key viewing corridors and public use areas.

Encourage reticulated electricity to be provided using underground cabling.

**15.01-1L-02 SIGNS – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to all signs that require a permit.

**Strategies**

Discourage signs that do not relate to the use or development of the land on which they are sited (third party promotion signs).

Avoid visual clutter across the landscape, such as large, visually intrusive or brightly coloured signs and signs at settlement entrances and exits.

Design signs so that the:

- Size, design and colour of signs do not detract from the visual amenity of the surrounding environment.
- Location, design and size of signage compliments the architectural character of the building on which it is fixed.
- Sign does not dominate the building on which it is fixed or the land on which it is sited.

Discourage signs above parapets, fascias or rooflines of buildings.

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Limit the number of suspended under-verandah signs per shopfront to allow for equity to shop owners and visibility.

Discourage signs that obscure architectural features and detailing, windows and door openings or verandahs, particularly on buildings of identified heritage significance.

Encourage above-verandah signs to be mounted to the building upper fascia or parapet at right angles to the road, rather than mounted directly to a verandah.

Limit signs that project above the skyline or profile of a building.

Discourage pole signs that exceed the building height of adjacent buildings or project over a footpath or road formation.

#### **Policy guidelines**

Consider as relevant:

- Limiting suspended under-verandah signs to one per shopfront, except on large premises where the limit should be one per ten metres of shopfront.
- Discouraging home occupation signs that are illuminated or exceed one square metres in size.

### **15.01-2L-01 RESIDENTIAL BUILDING DESIGN – SOUTH GIPPSLAND–RESIDENTIAL**

C127sgjp 03/03/2022

#### **Policy application**

This policy applies to all residential development that requires a [planning permit](#). [to clearly articulate the group of discretions the policy applies to, in accordance with the PG]

#### **Strategies**

Design residential development in small towns to be sustainable and sympathetic to the existing character of these towns.

Orient and site dwellings and other accommodation to optimise the use of active solar energy generation, passive solar energy, energy efficiency principles and natural, year-round daylight.

Encourage the retention and planting of indigenous vegetation to:

- Screen dwellings and ancillary outbuildings from adjoining properties, roads and nearby public space.
- Assist in decreasing greenhouse gas emissions.

Encourage dwellings and accommodation to respond to the surrounding natural environment through siting, minimising cut and fill, and use of exterior building materials, finishes and colours that are non reflective and blend with the surrounding natural environment.

Site and design dwellings and other accommodation types to minimise the potential impacts of climate change, including factors such as water usage, thermal comfort, maintaining access and protection from environmental risks such as storms, inundation, erosion and bushfires.

### **15.01-2L-02 INDUSTRIAL DEVELOPMENT DESIGN – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

#### **Policy application**

This policy applies to all industrial development that requires a permit.

#### **Strategies**

Design industrial development to be:

- Safe and functional in its layout.
- Sympathetic to the appearance and amenity of the area.

Design industrial development to minimise adverse impacts on existing neighbouring uses.



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Design buildings and building additions so that their height and bulk enhances the visual amenity of the surrounding area.

~~Ensure Set~~ buildings are set [to commence with PG approved verb] back from the frontage generally in line with the setback of buildings on adjoining properties.

Encourage all buildings and building additions to incorporate passive solar and energy efficient design principles in their siting and design.

Encourage external finishes of walls and roofs to be brick, stone, concrete, colour impregnated steel cladding or other non-reflective material.

Provide landscaping on sites that:

- Is used in place of fencing along the frontage.
- Is low maintenance.
- Uses indigenous vegetation.
- Screens areas where visibility for safety is not essential.
- Defines areas of pedestrian and vehicular movement.

Provide landscaping along boundaries of sites adjacent to a General Residential or Township Zone containing residential development to screen the activities on the site.

Encourage on-site infiltration trenches to be incorporated into landscaping areas to minimise stormwater run-off from the site.

Design industrial development to respond to the environmental context and address drainage, waste management and all forms of pollution.

Encourage the provision of shared infrastructure such as car parking, power and telecommunications.

Provide parking, loading, servicing and storage facilities to meet the needs of occupants.

Locate staff car parking areas and external storage areas at the rear of the site.

~~Ensure Screen~~ external storage areas are screened [to commence with PG approved verb] from adjoining sites or nearby roads through the use of landscaping or fencing.

Design car parking areas so that vehicles are able to enter and exit the site in a forward motion.

### Policy guidelines

Consider as relevant:

- Where no adjoining buildings exist, setting buildings back a minimum of seven metres from the site frontage.
- Siting and designing buildings to maximise the use of natural light and solar energy.
- Encouraging north-facing windows to maximise solar efficiency.
- Encouraging fencing along the frontage of the site to be a minimum of fifty percent (50 per cent) transparent, not exceed 1.8 metres in height and be constructed out of non -reflective materials.
- Providing a minimum two metre wide strip of landscaping along the front title boundary (principal road frontage) of the site.
- Locating stockpiles at least 10 metres from drainage lines and surrounding them by batter(s) and silt fences.
- Locating customer car parking in the area of the site between the landscaping strip and building envelope.
- Sealing car parking and access areas, including loading & unloading areas, with an all weather surface, such as asphalt, concrete or brick pavement.
- Surfacing external storage areas in either a gravel or all-weather surface such as asphalt or concrete.

### Policy document

Consider as relevant:

- *Leongatha Industrial Land Supply Study* (Meinhardt, 2013)

**15.01-3L SUBDIVISION DESIGN – SOUTH GIPPSLAND****Strategies**

Restructure old and inappropriate subdivisions to:

- Create a more sustainable density of development.
- Limit new dwellings on vacant lots.
- Consolidate lots not suitable for the development of dwellings.
- Preserve the rural landscape. [move from 11.01-1L-01] [More appropriate as a subdivision strategy]

**15.01-6L OPEN FARMED LANDSCAPES – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategy**

Protect open farmed landscapes from inappropriate dwelling development by avoiding:

- Proliferation of dwellings.
- Development on ridgelines.
- Development that visually impacts on the landscape due to colour, building outline, size, mass, reflectivity, earthworks, vegetation clearance or siting.

**15.03-1L HERITAGE – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Policy application**

This policy applies to all heritage places included in the Heritage Overlay.

**General strategies**

Facilitate buildings, works or subdivision where it will assist in the short or long term conservation of the place by:

- Maintaining, protecting, restoring, repairing or stabilizing significant fabric.
- Supporting the continued original use of the building by enabling it to be upgraded to meet present day requirements and standards, including improved energy efficiency.
- Allowing an alternative use (where this is permitted by the zoning or in accordance with the Heritage Overlay Schedule) when the original use of the building is no longer viable.

**Demolition strategies**

Discourage the demolition of a building or works that contribute to the significance of a heritage place.

Discourage the demolition of part of a building or works unless:

- The fabric to be removed is not of primary significance and its removal will not adversely affect the significance of the place.
- It will assist in the long term conservation of the place.

**Development or works strategies**

Encourage development that assists in revealing the significance of the place.

Discourage development that would alter, destroy or conceal any fabric that contributes to its significance, except where it can be demonstrated that any alteration is reversible.

Ensure that the siting, size, height, setback, materials, form and colour of new development are sympathetic to the elements that contribute to the significance of a heritage place, including its context.

Distinguish new development from heritage fabric whilst being sympathetic to the heritage context.

Discourage development that mimics or copies an earlier style.

Discourage buildings or works that will have an adverse effect upon a significant tree identified by the *South Gippsland Heritage Study* (2004), or any tree that contributes to the setting of a heritage place.

**Policy document**

Consider as relevant:

- *South Gippsland Heritage Study* (David Helms, 2004)

**16.01-1L HOUSING SUPPLY ~~IN~~- SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategies**

Encourage medium density housing close to the commercial centres of Leongatha, Korumburra, Foster and Mirboo North.

Locate dwellings on flat land close to retail, community and health services.

Design dwellings so that they can be adapted to meet changing lifecycle circumstances and the needs of diverse households.

Encourage the development of social housing where medical and community services are available, for diverse and special household needs (including low income households, people with disabilities) in Leongatha, Korumburra, Foster, Mirboo North and Meeniyan.

Support housing options with convenient access to secondary and further education, employment and transport for younger people.

Encourage nursing home accommodation in Principal, Large District and District towns where medical and aged care services are readily available.

Encourage the development of retirement villages, hostel accommodation and medium density housing to accommodate an ageing population.

Discourage the development of dwellings on small lots in old Crown township areas except where either:

- The land is zoned Township Zone or Rural Living Zone.
- The development is in accordance with the relevant Restructure Plan in the Schedule to Clause 45.05. [Move from 11.01-1L-01] [more appropriate as a housing strategy]

**Policy guideline**

Consider as relevant:

- Locating retirement villages, hostel accommodation and medium density housing on flat or gently sloping land within 400 metres of shops, health and community services.

**16.01-2L HOUSING AFFORDABILITY - SOUTH GIPPSLAND****Objective**

To significantly increase access to affordable and social housing. [NEW SGSAHS, p19] [to implement adopted Council policy]

**Strategies**

Ensure affordable and social housing is included in residential developments. [NEW SGSAHS, p19, p12] [to implement adopted Council policy]

Provide affordable and social housing within walking distance of services and amenities. [NEW SGSAHS, p19] [to implement adopted Council policy]

**17.01-1L DIVERSIFIED ECONOMY – SOUTH GIPPSLAND**

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**Strategies**

Encourage the development of meat processing facilities to support the local agricultural sector.

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Promote the Leongatha, Korumburra, Foster and Mirboo North industrial precincts as locations for manufacturing industries.

~~Support value adding opportunities associated with timber production to m~~Maximise the economic benefits ~~of timber production~~ to the municipality ~~by supporting value adding opportunities.~~ [to commence with a PG approved verb]

Encourage opportunities for the expansion of industry and the provision of related infrastructure.

Direct industrial uses to within existing industrial precincts.

Support the development and expansion of industrial use and port-related industries at Barry Beach.

Encourage the development of equine and horse racing related industries around Stony Creek.

Encourage industries that develop products from the reuse and recycling of industrial waste.

Encourage and promote niche industries such as the packaging and export of natural spring water.

**17.02-1L COMMERCIAL, OFFICE AND RETAIL USES – SOUTH GIPPSLAND**

[C127sgjp](#) 03/03/2022

**Strategies**

Discourage the establishment of office and retail developments outside existing commercial areas.

Encourage the redevelopment of existing retail facilities within town centres.

Support new retail facilities on key redevelopment sites within established town centres.

Support commercial development that enhances the amenity of the towns, is safe and functional in its layout.

**Policy guideline**

Consider as relevant:

- Providing a 15 year supply of commercial land supply.

**17.03-1L INDUSTRIAL LAND SUPPLY – SOUTH GIPPSLAND**

[C127sgjp](#) 03/03/2022

**Strategies**

Provide sufficient industrial land, including large lots in strategic locations for the expansion of food manufacturing businesses and new businesses, particularly in dairy related and value add industries.

Discourage encroachment of sensitive land uses on industrial uses, particularly where industrial noise, odour, lighting and truck movements may cause amenity concerns.

**Policy guideline**

Consider as relevant:

- Providing sufficient industrial land supply to allow for a minimum of 15 years growth.

**17.04-1L TOURISM – SOUTH GIPPSLAND**

[C127sgjp](#) 03/03/2022

**Strategies**

Encourage outdoor education and adventure type tourism activities.

Support the development of larger scale tourism infrastructure capable of attracting year round visitation, such as conference centres and major accommodation venues, in appropriate locations, including within settlement boundaries and at locations that are close to Wilsons Promontory.

Encourage accommodation uses for rail trail users close to and accessible from the rail trails.

Facilitate the provision of public transport and flexible transport services appropriate for users of the rail trails.

Facilitate the provision of services and facilities to support rail trail users in settlements along the rail trail.

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Encourage small-scale tourism within the Township Zones in the Villages and Hamlets that complement the natural environment, agricultural and landscape values of the region and takes advantage of proximity to tourist routes and access to the Great Southern Rail Trail.

Support improved visitor accommodation that encourages tourists to visit and remain longer in the region. [NEW SGCP, p17] [to implement adopted Council policy]

#### Policy documents

Consider as relevant:

- *Economic Development and Tourism Strategy 2015-2020* (SGSC, 2015)
- *South Gippsland Rural Land Use Strategy* (SGSC, 2011)

#### 18.02-1L WALKING – SOUTH GIPPSLAND

Enhance the network of trails and footpaths to improve pedestrian accessibility and flow to create all-ability connections between towns, tourism sites, health services and within local neighborhoods. [NEW SGCP, p13] [to implement adopted Council policy]

#### 18.02-4L ROAD SYSTEM – SOUTH GIPPSLAND

C127sgjp 03/03/2022

##### Strategies

~~Discourage the use and development of land that would prejudice the safety and efficiency of roads.~~ [Duplicates 18.01.1S & 18.02-4S]

Encourage the development of road underpasses for the movement of stock.

#### 18.02-5L FREIGHT – SOUTH GIPPSLAND

C127sgjp 03/03/2022

##### Strategies

Ensure that adequate provision is made for transport interchange facilities in proximity to the highway network.

Facilitate the development of a deep-water port at Barry Point to open up opportunities for linkages to national and international markets.

Facilitate the use and expansion of the terminal facility at Port Welshpool for recreation, passenger and freight activities.

#### 18.02-7L LEONGATHA AERODROME/AIRPORT – SOUTH GIPPSLAND

C127sgjp 03/03/2022

##### Strategies

Encourage aviation-related industrial and commercial activities that support the provision of regular freight and passenger services from Leongatha Aerodrome.

Ensure that Aerodrome Road is upgraded in association with large scale expansion of the Aerodrome.

#### 19.01-2L ALTERNATIVE ENERGY SOURCES – SOUTH GIPPSLAND

C127sgjp 03/03/2022

##### Strategies

Discourage structures associated with alternative energy production that detrimentally affect the character of the area.

Discourage tall structures on ridgelines or in view corridors.

Minimise the potential impact of alternative energy sources on public health and safety, including fire hazard.

**19.02-1L HEALTH FACILITIES – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategy**

Support and promote the development of preventive health facilities and services as well as acute health care facilities and services.

**Policy document**

Consider as relevant:

- *South Gippsland Municipal Public Health and Wellbeing Plan (SGSC, 2013)*

**19.02-2L EDUCATION FACILITIES – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategies**

Encourage the retention and improvement of existing education facilities.

Facilitate the development of Leongatha as the centre for education, as a means of attracting and retaining tertiary and technical training programs.

**19.02-4L COMMUNITY FACILITIES – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategies**

Provide a range of health, recreational support and social facilities to maintain the independence and wellbeing of older persons.

Encourage the provision of adaptable community facilities that can be used by a range of user groups within the Shire.

Facilitate the provision of a range of family and childcare facilities across the Shire.

Encourage the provision of multi-purpose meeting venues for use by community groups.

Support upgrades to amenities at existing leisure and recreation facilities to improve physical access and use.

**19.03-2L INFRASTRUCTURE DESIGN AND PROVISION – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategy**

Provide a consistent approach to the design and construction of infrastructure across the municipality.

**Policy guideline**

Consider as relevant:

- *The Infrastructure Design Manual* (Local Government Infrastructure Design Association, ~~2020~~2022) or an approved precinct structure plan for subdivision and development. [[current version](#)]

**Policy document**

Consider as relevant:

- *The Infrastructure Design Manual* (Local Government Infrastructure Design Association, ~~2020~~2022) [[current version](#)]

**19.03-3L INTEGRATED WATER MANAGEMENT – SOUTH GIPPSLAND**

C127sgjp 03/03/2022

**Strategies**

Support provision of reticulated sewerage to un-serviced townships.

Progressively upgrade wastewater disposal and drainage infrastructure for existing development to current standards.

Promote the use of new technology in wastewater system design, testing and management.

Encourage the use of best practice water sensitive urban design measures for new developments.

**Policy guideline**

Consider as relevant:

- Establishing artificial wetlands, retention basins and stormwater pollution traps to control the quality and quantity of stormwater run-off from urban areas.

**19.03-4L TELECOMMUNICATIONS CONDUITS – SOUTH GIPPSLAND**

[C127sgjp](#) 03/03/2022

**Policy application**

This policy applies to an application to subdivide land.

**Objective**

To facilitate broadband telecommunications services in a timely, efficient and cost effective manner and provide a network of open access conduits for optical fibre cabling.

**Strategies**

Encourage new subdivision to provide open access underground conduits to carry optical fibre at the development stage, where warranted.

Vest ownership of conduits in Council and allow them to be transferred to another agency or a telecommunications carrier at a later date.

Provide easements in favour of Council where conduits cross private land.

**19.03-5L WASTE MANAGEMENT – SOUTH GIPPSLAND**

[C127sgjp](#) 03/03/2022

**Strategies**

Provide for one central landfill at Koonwarra and transfer stations in appropriate locations throughout the Shire.

Ensure that landfills are -rehabilitated at the completion of their life span.

**Policy document**

Consider as relevant:

- *Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2020)

**SCHEDULE 1 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE**

C121sgjp 25/07/2019

Shown on the planning scheme map as **LDRZ1**. [to comply with MD]**1.0 Subdivision requirements**

C121sgjp 25/07/2019

	Land	Area (hectares)
Minimum subdivision area (hectares)	None specified	

**2.0 Outbuilding permit requirements**

C121sgjp 25/07/2019

Dimensions above which a permit is required to construct an outbuilding (square metres)
None specified.

**SCHEDULE 1 [TO COMPLY WITH MD] TO CLAUSE 32.04 MIXED USE ZONE**

C121sgjp 25/07/2019

Shown on the planning scheme map as **MUZ1**. [to comply with MD]**SOUTH GIPPSLAND MIXED USE AREAS****1.0 Objectives**

VC100 15/07/2013

None specified.

**2.0 Clause 54 and Clause 55 requirements**

VC100 15/07/2013

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

**3.0 Maximum building height requirement**

VC100 15/07/2013

None specified.



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**4.0 Exemption from notice and review**

VC100 15/07/2013

None specified.

**5.0 Application requirements**

VC100 15/07/2013

None specified.

**6.0 Decision guidelines**

C121sgjp 25/07/2019

None specified.

**SCHEDULE 1 TO CLAUSE 32.05 TOWNSHIP ZONE**

C121sgjp 25/07/2019

Shown on the planning scheme map as **TZ1**. [to comply with MD]**SOUTH GIPPSLAND TOWNSHIPS****1.0 Neighbourhood character objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

C121sgjp 25/07/2019

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?
No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?
No

**3.0 Clause 54 and Clause 55 requirements**

C121sgjp 25/07/2019

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

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**4.0 Maximum building height requirement for a dwelling or residential building**

[C121sgjp](#) 25/07/2019

None specified.

**5.0 Application requirements**

[C121sgjp](#) 25/07/2019

None specified.

**6.0 Decision guidelines**

[C121sgjp](#) 25/07/2019

None specified.

**SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as **GRZ1**.

**SOUTH GIPPSLAND GENERAL RESIDENTIAL AREA**

**1.0 Neighbourhood character objectives**

[C121sgjp](#) 25/07/2019

None specified.

**2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement**

[C121sgjp](#) 25/07/2019

**Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?**

No

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

[C121sgjp](#) 25/07/2019

**Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?**

No

**Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?**

No

**4.0 Requirements of Clause 54 and Clause 55**

[C121sgjp](#) 25/07/2019

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	None specified.
<b>Site coverage</b>	A5 and B8	None specified.
<b>Permeability</b>	A6 and B9	None specified.
<b>Landscaping</b>	B13	None specified.
<b>Side and rear setbacks</b>	A10 and B17	None specified.

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<b>Walls on boundaries</b>	A11 and B18	None specified.
<b>Private open space</b>	A17	None specified.
	B28	None specified.
<b>Front fence height</b>	A20 and B32	None specified.

**5.0 Maximum building height requirement for a dwelling or residential building**

[C121sgjp](#) 25/07/2019

None specified.

**6.0 Application requirements**

[C121sgjp](#) 25/07/2019

None specified.

**7.0 Decision guidelines**

[C121sgjp](#) 25/07/2019

None specified.

**SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE**

[C121sgjp](#) 25/07/2019

**1.0 Maximum leasable floor area requirements**

[C121sgjp](#) 25/07/2019

Land	Maximum leasable floor area for Office (square metres)
None specified.	None specified.

**SCHEDULE TO CLAUSE 33.03 INDUSTRIAL 3 ZONE**

[C121sgjp](#) 25/07/2019

**1.0 Maximum leasable floor area requirements**

[C121sgjp](#) 25/07/2019

Land	Maximum leasable floor area for Office (square metres)
None specified.	None specified.

**SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE**

[C121sgjp](#) 25/07/2019

**1.0 Maximum leasable floor area requirements**

[C121sgjp](#) 25/07/2019

Land	Maximum leasable floor area for Office (square metres)	Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)
None specified.	None specified.	None specified.

**SCHEDULE 1 TO CLAUSE 35.03 RURAL LIVING ZONE**

[C121sgjp](#) 25/07/2019

[Provision has been split into three – one for each minimum lot size area – to comply with DTP advice and the MD]

Shown on the planning scheme map as **RLZ1**. [to comply with MD]

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### 1.0 Subdivision and other requirements

[C125sgjp](#) 08/09/2022

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	All land <del>except where specified on Map 1 or Map 2.</del> All land specified on Map 1 of this schedule. All land specified on Map 2 of this schedule	1 hectare <del>4 hectares</del> 2 hectares [to comply with MD]
Minimum area for which no permit is required to use land for a dwelling (hectares).	All land <del>except where specified on Map 1 or Map 2.</del> All land specified on Map 1. All land specified on Map 2.	1 hectare <del>4 hectares</del> 2 hectares [to comply with MD]
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres).	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres).	None specified	None specified
Minimum setback from a boundary (metres).	None specified	None specified
Minimum setback from a dwelling not in the same ownership (metres).	None specified	None specified
<b>Permit requirement for earthworks</b>		<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary.		None specified
Earthworks which increase the discharge of saline groundwater.		None specified

### [SCHEDULE 2 TO CLAUSE 35.03 RURAL LIVING ZONE \[TO COMPLY WITH MD\]](#)

[C121sqip](#) 25/07/2019

Shown on the planning scheme map as **RLZ2**.

### 1.0 Subdivision and other requirements

[C125sgjp](#) 08/09/2022

	Land	Area/Dimensions/Distance
<a href="#">Minimum subdivision area (hectares).</a>	<a href="#">All land</a>	<a href="#">4 hectares</a>

SOUTH GIPPSLAND PLANNING SCHEME  
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<a href="#">Minimum area for which no permit is required to use land for a dwelling (hectares).</a>	<a href="#">All land</a>	<a href="#">4 hectares</a>
<a href="#">Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Minimum setback from a road (metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Minimum setback from a boundary (metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Minimum setback from a dwelling not in the same ownership (metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<b><a href="#">Permit requirement for earthworks</a></b>		<b><a href="#">Land</a></b>
<a href="#">Earthworks which change the rate of flow or the discharge point of water across a property boundary.</a>		<a href="#">None specified</a>
<a href="#">Earthworks which increase the discharge of saline groundwater.</a>		<a href="#">None specified</a>

**[SCHEDULE 3 TO CLAUSE 35.03 RURAL LIVING ZONE \[TO COMPLY WITH MD\]](#)**

[C121sqip 25/07/2019](#)

Shown on the planning scheme map as **RLZ3**.

**[1.0 Subdivision and other requirements](#)**

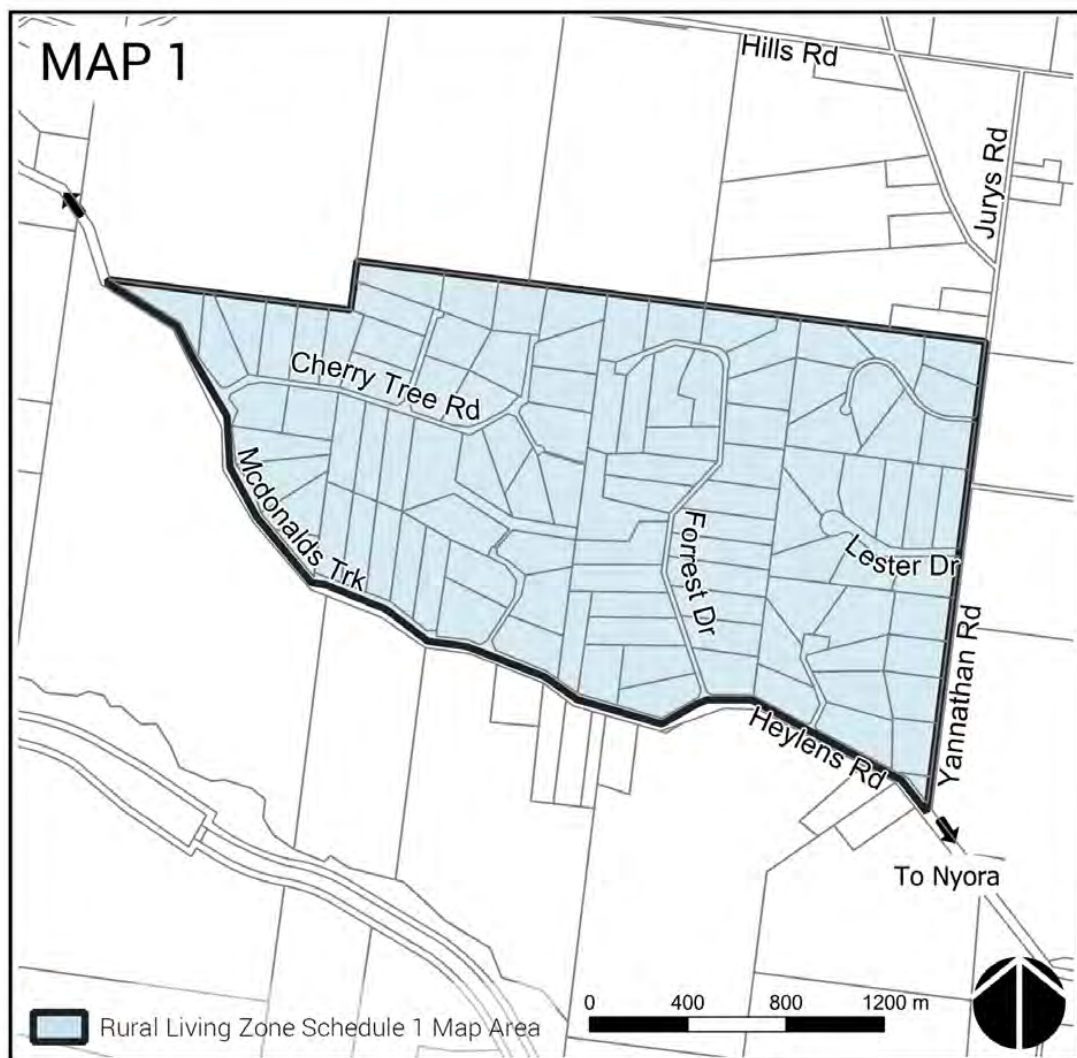
[C125sqip 08/09/2022](#)

	<a href="#">Land</a>	<a href="#">Area/Dimensions/Distance</a>
<a href="#">Minimum subdivision area (hectares).</a>	<a href="#">All land</a>	<a href="#">2 hectares</a>
<a href="#">Minimum area for which no permit is required to use land for a dwelling (hectares).</a>	<a href="#">All land</a>	<a href="#">2 hectares</a>
<a href="#">Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Minimum setback from a road (metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>

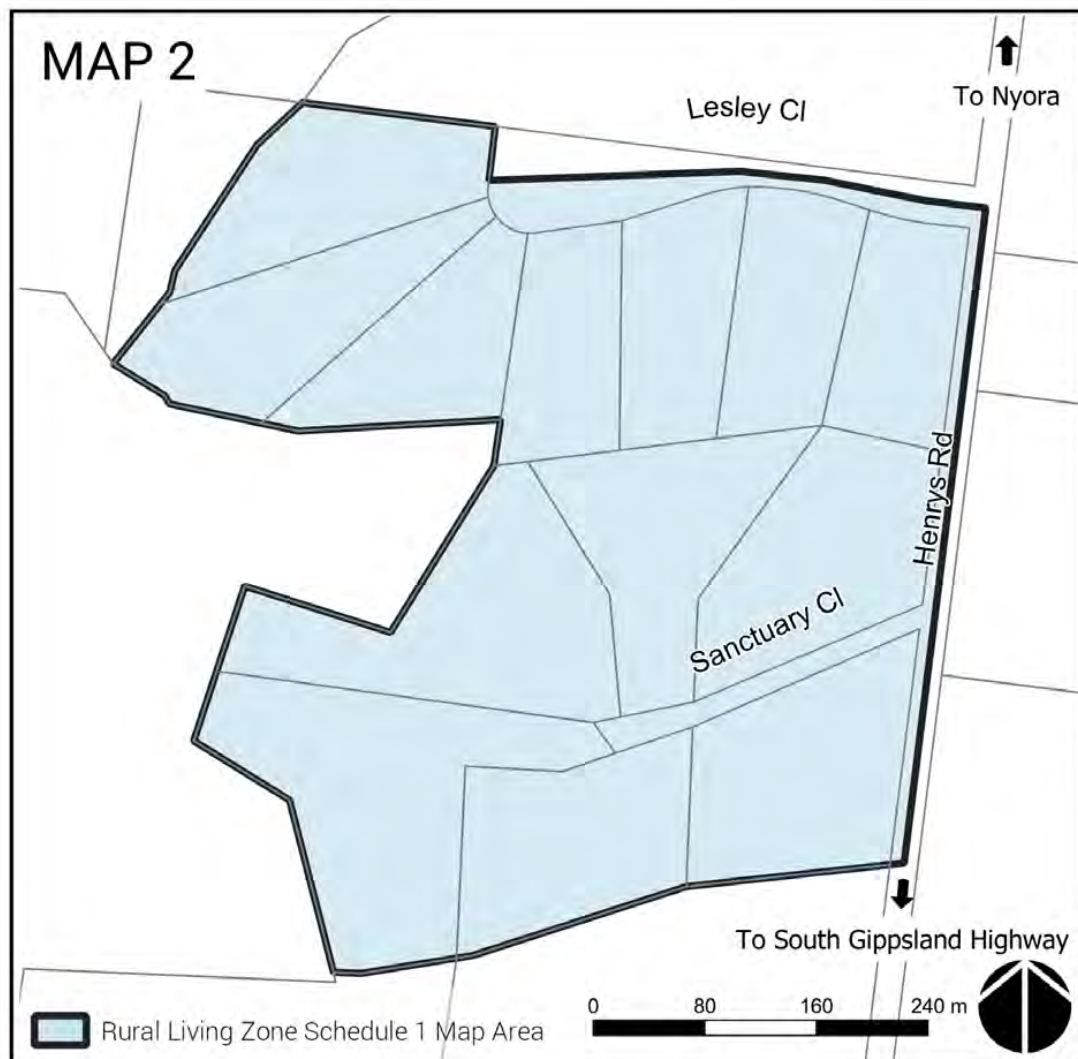
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<a href="#">Minimum setback from a boundary (metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Minimum setback from a dwelling not in the same ownership (metres).</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<b><a href="#">Permit requirement for earthworks</a></b>		<b><a href="#">Land</a></b>
<a href="#">Earthworks which change the rate of flow or the discharge point of water across a property boundary.</a>	<a href="#">None specified</a>	<a href="#">None specified</a>
<a href="#">Earthworks which increase the discharge of saline groundwater.</a>	<a href="#">None specified</a>	<a href="#">None specified</a>

MAP 1 AND MAP 2 TO THE SCHEDULE TO CLAUSE 35.03.



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**SCHEDULE 1 TO CLAUSE 35.06 RURAL CONSERVATION ZONE**

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as **RCZ1**. [\[to comply with MD\]](#)

**CONSERVATION VALUES**

Maintain the natural landscape features of the environment.

Continue the existing farming uses and discourage further urban expansion.

**1.0**

**Subdivision and other requirements**

[C121sgjp](#) 25/07/2019

	nd	Area/Dimensions/Number
Minimum subdivision area (hectares).	All land	40 hectares
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	None specified	None specified

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Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres).	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	None specified	None specified
<b>Permit requirement for earthworks</b>		<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary.		None specified
Earthworks which increase the discharge of saline groundwater.		None specified

### SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONE

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as **FZ1**. [\[to comply with MD\]](#)

#### 1.0

#### **Subdivision and other requirements**

[C125sgjp](#) 08/09/2022

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	All land	80 hectares
Minimum area for which no permit is required to use land for a dwelling (hectares).	All land	40 hectares
Maximum area for which no permit is required to use land for timber production (hectares).	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	None specified	None specified
Minimum setback from a road (metres).	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is the</li> </ul>	100 metres



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	<p style="text-align: center;">acquiring authority; and</p> <ul style="list-style-type: none"> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	
	<p>A Transport Zone 3 or land in a Public Acquisition Overlay if:</p> <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is not the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	40 metres
	Any other road	20 metres
Minimum setback from a boundary (metres).	Any other boundary	5 metres
Minimum setback from a dwelling not in the same ownership (metres).	Any dwelling not in the same ownership	100 metres
<b>Permit requirement for earthworks</b>		<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary.		None specified
Earthworks which increase the discharge of saline groundwater.		None specified

### **SCHEDULE 1 TO CLAUSE 35.08 RURAL ACTIVITY ZONE**

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as **RAZ1**. [\[to comply with MD\]](#)

#### **Purpose**

- To provide for a range of land use and development that does not adversely affect surrounding uses.
- To recognise the need to strengthen and diversify the economic base of the Shire.
- To provide a flexible approach to the consideration of land use and development proposals to off-set the adverse effects of economic restructuring and climate change on the agricultural sector.
- To encourage opportunities that contribute to population stability and growth in the Shire.
- To recognise the natural beauty and "pure" image of the Shire.

#### **1.0 Subdivision and other requirements**

[VC205](#) 20/01/2022

	<b>Land</b>	<b>Area/Dimensions/Distance</b>
Minimum subdivision area (hectares).	All Land	80 hectares
Minimum area for which no permit is required to use land for timber production (hectares).	Land within the Significant Landscape overlay	40 hectares
	All Other Land	None specified
Maximum floor area for which no permit is required to alter or	None specified	None specified

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extend an existing dwelling (square metres).		
Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	None specified	None specified
Minimum setback from a road (metres).	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	100 metres
	A Transport Zone 3 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is not the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	40 metres
Minimum setback from a boundary (metres).	Any other boundary	5 metres
Minimum setback from a dwelling not in the same ownership (metres).	All Land	100 metres
<b>Permit requirement for earthworks</b>		<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary.		None specified
Earthworks which increase the discharge of saline groundwater.		None specified

### **SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE**

[C121sgjp](#) 25/07/2019

#### **1.0**

#### **Permit exemptions and conditions**

[C121sgjp](#) 25/07/2019

<b>Public land</b>	<b>Use or development</b>	<b>Conditions</b>
None specified.	None specified.	None specified.

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**2.0 Advertising sign requirements**

[C121sgjp](#) 25/07/2019

Land	Advertising Sign Category
None specified.	None specified.

**SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE**

[C121sgjp](#) 25/07/2019

**1.0 Permit exemptions and conditions**

[C121sgjp](#) 25/07/2019

Public land	Use or development	Conditions
None specified.	None specified.	None specified.

**2.0 Sign requirements**

[C121sgjp](#) 25/07/2019

Land	Sign Category
None specified.	None specified.

**3.0 Use and development of land specified in an Incorporated Plan**

[C121sgjp](#) 25/07/2019

None specified.

**SCHEDULE TO CLAUSE 36.03 PUBLIC CONSERVATION AND RESOURCE ZONE**

[C121sgjp](#) 25/07/2019

**1.0 Permit exemptions and conditions**

[C121sgjp](#) 25/07/2019

Public land	Use or development	Conditions
None specified.	None specified.	None specified.

**2.0 Sign requirements**

[C121sgjp](#) 25/07/2019

Land	Sign Category
None specified.	None specified.

**3.0 Use and development of land specified in an Incorporated Plan**

[C121sgjp](#) 25/07/2019

None specified.

**SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE**

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as SUZ1.

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### EARTH AND ENERGY RESOURCES INDUSTRY

#### Purpose

To recognise or provide for the use and development of land for earth and energy resources industry.

To encourage interim use of the land compatible with the use and development of nearby land.

To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

#### 1.0

#### Table of uses

C121sgip 25/07/2019

Section 1 - Permit not required	
Use	Condition
Extensive animal husbandry Home based business Informal outdoor recreation Minor utility installation Railway Tramway	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
Section 2 - Permit required	
Use	Condition
Agriculture (other than Animal keeping, Animal training, Apiculture, Extensive animal husbandry, Horse stables, and Intensive animal husbandry)	
Animal keeping (other than Animal boarding)	Must be no more than four animals.
Caretaker's house Dependent person's unit	
Industry (other than Materials recycling, Refuse disposal, and Transfer station)	Must not be a purpose listed in the table to Clause 53.10.
Landscape gardening supplies Leisure and recreation (other than Informal outdoor recreation) Manufacturing sales Materials recycling Place of assembly (other than Amusement parlour and Nightclub) Refuse disposal Transfer station Utility installation (other than Minor utility installation)	
Warehouse	Must not be a purpose listed in the table to Clause 53.10.
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited****Must not be a purpose listed in the table to ClauseUse**

Accommodation (other than Caretaker's house and Dependent person's unit)  
 Amusement parlour  
 Animal boarding  
 Animal training  
 Brothel  
 Cinema based entertainment facility  
 Horse stables  
 Intensive animal husbandry  
 Nightclub  
 Office  
 Retail premises (other than Landscape gardening supplies and Manufacturing sales)  
 Saleyard  
 Service station  
 Transport terminal  
 Veterinary centre

**2.0 Use of land**

[C121sgjp](#) [25/07/2019](#)

None specified.

**3.0 Subdivision**

[C121sgjp](#) [25/07/2019](#)

None specified.

**4.0 Buildings and works**

[C121sgjp](#) [25/07/2019](#)

**Permit requirement**

[No permit is required to construct a building or construct or carry out works for the following:](#)

- ~~The requirement for a permit does not apply to the construction of a building or the construction or carrying out of works which are a~~ modification necessary to comply with a direction or licence under the *Dangerous Goods Act 1985* or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the *Environment Protection Act 1970*. [\[to comply with MD\]](#)

**5.0 Signs**

[C121sgjp](#) [25/07/2019](#)

None specified.

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## **SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE**

C121sgjp 25/07/2019

Shown on the planning scheme map as **SUZ2**.

### **WARATAH PARK TOURIST FACILITY**

#### **Purpose**

To provide for the use of the land for the purpose of a tourist facility, incorporating a function centre, restaurant, accommodation and ancillary uses.

To ensure that the use and development of the tourist facility is sympathetic to the landscape and the environment of the locality.

To provide for the subdivision of the land to facilitate the development and coordinated management of accommodation associated with the tourist facility.

#### **1.0**

#### **Table of uses**

C121sgjp 25/07/2019

<b>Section 1 - Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Crop raising (other than Timber Production)</b>	
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the land. Must meet the requirements of Clause 2.0 of this schedule.
<b>Extensive animal husbandry</b>	
<b>Home occupation</b>	
<b>Mineral exploration</b>	Must meet the conditions of Clause 52.08-2
<b>Mining</b>	Must meet the conditions of Clause 52.08-2
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling
<b>Road</b>	
<a href="#">Any use listed in Clause 62.01</a>	<a href="#">Must meet the requirements of Clause 62.01 to comply with MD]</a>
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than a Dwelling, Caretaker's house or Dependant Person's Unit)</b>	Must only be used for short term accommodation in conjunction with the Waratah Park Tourist Facility.
<b>Caretaker's house</b>	Must be the only caretaker's house on the land. Must only be used in conjunction with the Waratah Park Tourist Facility. Must meet the minimum requirements of Clause 2.0 of this schedule.

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<b>Dwelling</b>	Must be the only dwelling on the land. Must only be used as a permanent residence by the owners and/or managers of the Waratah Park Tourist Facility. Must meet the minimum requirements of Clause 2.0 of this schedule.
<b>Function centre</b>	
<b>Restaurant</b>	
<b>Search for stone – If the Section 1 condition is not met</b>	
<b>Section 3 - Prohibited</b>	
<b>Use</b>	
<b>Any other use not in Section 1 or 2</b>	

## 2.0

### Use of land

C121sgjp 25/07/2019

#### **Permit requirement to use the land for a tourist accommodation cabin or caretaker's house**

An agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner that:

- Prohibits the use of the tourist accommodation cabins for permanent accommodation.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.
- The caretaker's house must only be used by a person/persons responsible for the management and security of the Wilsons Promontory Gateway Tourist Facility.

#### **Application requirements**

[The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. \[to comply with MD\]](#)

Unless the circumstances do not require, an application to use land for a tourist accommodation cabin must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The maximum number of persons proposed to be accommodated within each unit/cabin at any one time.
- The number of car parking spaces proposed to be provided per unit/cabin.
- A traffic and engineering report on access.
- Details of how access to each unit/cabin is to be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- A brief report explaining how the accommodation units/cabins will be managed and maintained.

Unless the circumstances do not require, an application to use land for a function centre or restaurant must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The proposed hours of operation.
- The maximum number of persons proposed to be accommodated on the site at any one time.

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- The number of car parking spaces proposed to be provided.
- How land not required for immediate use is to be maintained.

#### **Exemption from notice and appeal**

An application [for the use of land](#) [to be precise about application of exemption, in accordance with MD] is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

#### **Decision guidelines**

[The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application to use land, the responsible authority must consider as appropriate:](#) [to comply with MD]

- Proposed hours of operation for the proposed function centre/restaurant.
- The availability of and connection to services.
- Method of on-site waste water treatment and disposal.
- The provision of car parking.
- The maintenance and management of the land.

### **3.0**

#### **Subdivision**

C121sgjp 25/07/2019

#### **Permit requirement**

One lot may be created that contains the existing Waratah Park Tourist Facility manager's dwelling, function centre, restaurant, accommodation units and associated outdoor areas.

Other lots may be created that contain an existing tourist accommodation cabin or caretaker's house. Areas ancillary to each cabin (such as driveway access, car parking, waste water disposal areas and ancillary facilities) may be incorporated within common property on the plan of subdivision.

For each lot created that contains a tourist accommodation unit/cabin or a caretaker's house, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use and development of the land for any purpose other than a tourist accommodation cabin or caretaker's house in conjunction with the Waratah Park Tourist Facility.
- Prohibits the use and development of each lot for the purposes of permanent accommodation. In the case of the caretaker's house, the house must only be used by a person/persons responsible for the management and security of the tourist accommodation cabins.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 42 consecutive days or more than 150 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

Vacant lots may be created, provided that a planning permit has first been issued for the use and development of the land for tourist accommodation cabins and caretaker's house in accordance with the provisions of sub-section 2.0 and 4.0 of this Schedule.

For each vacant lot created, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use or development of the land for any purpose other than a tourist accommodation cabin or caretaker's house in conjunction with the Waratah Park Tourist Facility.
- Requires the development of the land to be completed in accordance with an approved planning permit that has been issued under the provisions of this zone.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 42 consecutive days or more than 150 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.



The agreement must be registered on each title.

#### **Application requirements**

~~The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to subdivide land must be accompanied by the following information, as appropriate: [to comply with MD]~~

A plan drawn to scale which shows for each lot:

- The location and dimensions of existing development or proposed building envelopes, car parking areas and driveway access.
- The location and dimensions of wastewater treatment and disposal areas.
- Any areas of common property.
- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If a staged subdivision, show how the balance of the land may be subdivided.

#### **Exemption from notice and appeal**

An application ~~for the subdivision of land [to be precise about application of exemption, in accordance with MD]~~ is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

#### **Decision Guidelines**

~~The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: [to comply with MD]~~

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The availability and provision of utility services, including electricity, drainage, water and communications.
- Measures to ensure that the proposed accommodation units/cabins are only used for short term accommodation in conjunction with the Waratah Park Tourist Facility and appropriate mechanisms are in place for the management and maintenance of each cabin and common property area.

## **4.0**

### **Buildings and works**

C121sgjp 25/07/2019

#### **Permit requirement**

A permit is required to construct a building or construct or carry out works.

#### **Application requirements**

~~The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate: [to comply with MD]~~

- A site layout plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works, including setbacks from boundaries of the site.

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- Location and dimensions of all access, internal driveways, car parking and loading areas.
- Proposed landscaping areas.
- All wastewater treatment and disposal areas.
- The location of a water supply for both domestic and fire fighting purposes.
- Any vegetation proposed to be removed, destroyed or lopped.
- Floor plans and elevations drawn to scale to show the height, exterior finishes and colour of all buildings and works.
- Surface treatment and construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape plan that includes:
  - A planting schedule incorporating only locally indigenous species which includes the description and number of species proposed to be planted, proposed extent of vegetation community “net gain” and shelterbelt requirements.
  - A ten metre wide, double fenced, tree plantation adjacent to the eastern boundary of the site.
  - Surfaces to be constructed, a site works specification and method of preparing, draining, watering and maintaining the vegetation.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: [to comply with MD]

- The movement of vehicles providing for supplies, waste removal and emergency services.
- The location and dimensions of site access and car parking spaces.
- Outdoor lighting.
- Stormwater discharge.
- The external finishes of the buildings to ensure they blend with the surrounding environment.
- Measures to cope with fire.
- Landscape treatment.
- Any natural or cultural values on or near the land.

#### 5.0

##### Signs

C121sgjp 25/07/2019

None specified.

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### **SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE**

C121sgjp 25/07/2019

Shown on the planning scheme map as **SUZ3**.

#### **PORT AREAS**

##### **Purpose**

To provide for the development of the Barry Beach Port as a key area of the State for the interchange, storage and distribution of goods.

#### **1.0**

##### **Table of uses**

C121sgjp 25/07/2019

<b>Section 1 - Permit not required</b>	
<b>Use</b>	<b>Condition</b>
Apiculture Road Search for stone Tramway	Must meet the requirements of the <i>Apiary Code of Practice, May 1997</i> .
Mineral exploration Minor utility installation	
Mining	Must meet the conditions of Clause 52.08-2
Railway Road	
Search for stone	Must not be costeaning or bulk sampling
Tramway	
Wharf	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
Transport Terminal (other than wharf) Industry Utility installation Warehouse	Must be directly associated with and reliant upon the port.
<b>Any other use not in Section 1 or 3</b>	
<b>Section 3 - Prohibited</b>	
<b>Use</b>	
Any other use not in Section 1 or 2	

#### **2.0**

##### **Use of land**

C121sgjp 25/07/2019

##### **Application requirements**

The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to use land must be accompanied by the following information, as appropriate: [to comply with MD]

A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environmental Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land and water.
  - Traffic, including hours of delivery and dispatch.
  - Light spill or glare.

#### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application to use land, the responsible authority must consider, as appropriate: [to comply with MD]

- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than minor utility installation) or warehouse, in it being located near port facilities or associated uses.
- The drainage of the land.
- The availability and connection of services.
- Provision of fire protection and other emergency services.
- The effect of traffic likely to be generated on roads including the need for traffic management plans and works to the satisfaction of the responsible authority to minimise any adverse impacts.

### **3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

### **4.0 Buildings and works**

C121sgjp 25/07/2019

#### **Permit requirement**

A permit is not required for buildings and works which:

- Provide for navigational beacons or aids;
- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased;
- Comply with a directions or licence under the *Dangerous Goods Act 1985* or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the *Environment Protection Act 1970*.
- Provide for railways, road or tramway;

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- Alter electrical or gas services or telephone lines;
- Alter plumbing services which do not affect the drainage of the land;
- All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

#### **Application requirements**

The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to construct a building or construct or carry out works must be accompanied by the following information, where appropriate: [to comply with MD]

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - The proposed use of all existing and proposed buildings.
  - The provision of on-site vehicle parking.
  - Loading and unloading areas.
  - Internal vehicle movements
  - Site entrance and exit points.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Features above or below water.
- Elevation drawings and plans (to scale) and information showing the profile and maximum heights of proposed buildings and equipment installations.
- Detailed plans and elevations for works associated with the development of any new wharf area.
- Details of materials, finish, colour of the external surfaces and coverings of buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.

#### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate: [to comply with MD]

- Any natural and cultural values on or near the land.
- The effect of the proposed development on future development of the land and adjoining area for port and port related uses.
- The effect that the development may have on environmental values in the waters of Corner Inlet, particularly on marine flora and fauna.
- Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of excising roads and infrastructure to support the proposed development.

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- The built form and visual impact of the proposed development, including signage.
- The objectives and likely effectiveness of the proposed landscaping treatment.
- The adequacy of stormwater discharge.

**5.0****Signs**[C121sgjp](#) 25/07/2019

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 2.

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## **SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE**

C121sgjp 25/07/2019

Shown on the planning scheme map as **SUZ4**.

### **WILSONS PROMONTORY GATEWAY TOURIST FACILITY**

#### **Purpose**

To provide for the use of the land for the purpose of a tourist facility, incorporating a function centre, restaurant, accommodation, retail facility and ancillary uses.

To ensure that the use and development of the tourist facility is sympathetic to the landscape and the environment of the locality.

To provide for the subdivision of the land to facilitate the development and coordinated management of accommodation associated with the tourist facility.

#### **1.0**

#### **Table of uses**

C121sgjp 25/07/2019

<b>Section 1 - Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Crop raising (other than Timber production)</b>	
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the land. Must meet the requirements of Clause 2.0 of this schedule.
<b>Extensive animal husbandry</b>	
<b>Home based business</b>	
<b>Minor utility installation</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than a Dwelling, Caretaker's house or Dependant person's unit)</b>	Must only be used for short term accommodation in conjunction with the Wilsons Promontory Gateway Tourist Facility.
<b>Caretaker's house</b>	Must be the only caretaker's house on the land. Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility. Must meet the minimum requirements of Clause 2.0 of this schedule.
<b>Exhibition centre</b>	Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility
<b>Food and drink premises</b>	Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility
<b>Function centre</b>	Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility
<b>Interpretation centre</b>	Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility

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<b>Museum</b>	Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility
<b>Restaurant</b>	Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility
<b>Shop (other than Adult sex product shop or Restricted retail premises)</b>	Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility.
<b>Section 3 - Prohibited</b>	
<b>Use</b>	
<b>Any other use not in Section 1 or 2</b>	

## 2.0

**Use of land**

[C121sgjp](#) 25/07/2019

**Permit requirement to use the land for a tourist accommodation cabin or caretaker's house**

An agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner that:

- Prohibits the use of the tourist accommodation cabins for permanent accommodation.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.
- The caretaker's house must only be used by a person ~~persons~~ responsible for the management and security of the Wilsons Promontory Gateway Tourist Facility.

**Application requirements**

[The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. Unless the circumstances do not require, an application to use land for a tourist accommodation cabin must be accompanied by the following information, as appropriate: \[to comply with MD\]](#)

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The maximum number of persons proposed to be accommodated within each unit/cabin at any one time.
- The number of car parking spaces proposed to be provided per unit/cabin.
- A traffic and engineering report on access.
- Details of how access to each unit/cabin is to be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- A brief report explaining how the accommodation units/cabins will be managed and maintained.

Unless the circumstances do not require, an application to use land for a function centre or restaurant must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The proposed hours of operation.
- The maximum number of persons proposed to be accommodated on the site at any one time.
- The number of car parking spaces proposed to be provided.
- How land not required for immediate use is to be maintained.



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### Exemption from notice and appeal

An application [for the use of land](#) [to be precise about application of exemption, in accordance with MD] is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

### Decision guidelines

[The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application to use land, the responsible authority must consider as appropriate:](#) [to comply with MD]

- Proposed hours of operation for the proposed function centre/restaurant.
- The availability of and connection to services.
- Method of on-site waste water treatment and disposal.
- The provision of car parking.
- The maintenance and management of the land.

## 3.0

### Subdivision

C121sgjp 25/07/2019

#### Permit requirement

Lots may be created that contain a tourist accommodation unit/cabin. Areas ancillary to each cabin (such as driveway access, car parking, waste water disposal areas and ancillary facilities) may be incorporated within the common property on the plan of subdivision.

For each lot created that contains a tourist accommodation unit/cabin or a caretaker's house, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use and development of the land for any purpose other than a tourist accommodation cabin or caretaker's house in conjunction with the Wilsons Promontory Gateway Tourist Facility.
- Prohibits the use and development of each lot for the purpose of permanent accommodation.
- The caretaker's house must only be used by a person ~~persons~~ responsible for the management and security of the tourist accommodation cabins.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

Vacant lots may be created, provided that a planning permit has first been issued for the use and development of the land for tourist accommodation cabins and caretaker's house in accordance with the provisions of sub-section 2.0 and 4.0 of this Schedule.

For each vacant lot created, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use or development of the land for any purpose other than a tourist accommodation cabin or caretaker's house in conjunction with the Wilsons Promontory Gateway Tourist Facility.
- Requires the development of the land to be completed in accordance with an approved planning permit that has been issued under the provisions of this zone.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

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### Application requirements

The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to subdivide land must be accompanied by the following information, as appropriate: [to comply with MD]

- A plan drawn to scale which shows for each lot:
  - The location and dimensions of existing development or proposed building envelopes, car parking areas and driveway access.
  - The location and dimensions of wastewater treatment and disposal areas.
  - Any areas of common property.
- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If a staged subdivision, show how the balance of the land may be subdivided.

### Exemption from notice and appeal

An application for the subdivision of land [to be precise about application of exemption, in accordance with MD] is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: [to comply with MD]

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The availability and provision of utility services, including electricity, drainage, water and communications.
- Measures to ensure that the proposed accommodation units/cabins are only used for short term accommodation in conjunction with the Wilsons Promontory Gateway Tourist Facility and appropriate mechanisms are in place for the management and maintenance of each cabin and common property area.
- Vehicle access via an all-weather road with dimensions adequate to accommodate emergency vehicles.

## 4.0

### Buildings and works

C121sgjp 25/07/2019

#### Permit requirement

A permit is required to construct a building or construct or carry out works.

No accommodation or residential buildings are to be constructed on land with a natural surface below 5m Australian Height Datum.

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate: [to comply with MD]

- A site layout plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.

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- The layout of existing and proposed buildings and works, including setbacks from boundaries of the site.
- Location and dimensions of all access, internal driveways, car parking and loading areas.
- Proposed landscaping areas.
- All wastewater treatment and disposal areas.
- The location of a water supply for both domestic and fire fighting purposes.
- Any vegetation proposed to be removed, destroyed or lopped.
- Floor plans and elevations drawn to scale to show the height, exterior finishes and colour of all buildings and works.
- Surface treatment and construction details of all drainage works, driveways, vehicle parking and loading areas.
- A report from a suitably qualified person addressing the possible presence of Coastal Acid Sulphate Soil on the site.
- A landscape plan that includes:
  - A planting schedule incorporating only locally indigenous species which includes the description and number of species proposed to be planted, proposed extent of vegetation community “net gain” and shelterbelt requirements.
  - A ten metre wide, double fenced, tree plantation adjacent to the eastern boundary of the site.
  - Removal and control of any weed species, as listed in the “Common Weeds of Gippsland – South Gippsland Shire” brochure or similar publication.
  - Surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the vegetation.

#### Decision guidelines

[The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: \[to comply with MD\]](#)

#### General issues

- The movement of vehicles providing for visitors, supplies, waste removal and emergency services.
- The location and dimensions of site access and car parking spaces.
- Outdoor lighting.
- Stormwater discharge.
- The external finishes of the buildings to ensure they blend with the surrounding environment.
- Measures to cope with fire.
- Landscape treatment.
- Any natural or cultural values on or near the land.
- The creation of any new access to Corner Inlet is prohibited.

#### Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- The location of on-site effluent disposal areas and any on-site retention of stormwater to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including, roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

**5.0**

**Signs**

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[C121sgjp](#) 25/07/2019

None specified.

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### **SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE**

C121sgjp 25/07/2019

Shown on the planning scheme map as **SUZ5**.

#### **SPI ELECTRICITY PTY LTD LEONGATHA DEPOT**

##### **Purpose**

To promote the use and development of the the land consistent with the *SPI Electricity Pty Ltd Leongatha Depot 2013* Incorporated Document.

To provide for the continued use and development of the Leongatha Depot in a manner which minimises the impact on the amenity of the surrounding area.

## **1.0**

### **Table of uses**

C121sgjp 25/07/2019

<b>Section 1 - Permit not required</b>	
<b>Use</b>	<b>Condition</b>
Industry	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot 2013</i> Incorporated Document
Minor utility installation	
Office	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot2013</i> Incorporated Document
Store	Must be in accordance with the <i>SPI Electricity Pty Ltd Leongatha Depot2013</i> Incorporated Document
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Any other use not in Section 1 or 3</b>	Must be in conjunction with a Section 1 use
<b>Section 3 - Prohibited</b>	
<b>Use</b>	
All other uses	

## **2.0**

### **Use of land**

C121sgjp 25/07/2019

Use of land should comply with the Australian Radiation Protection & Nuclear Safety Agency (ARPANSA) standards (or any subsequent update by these agencies).

#### **Application requirements**

[The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to use land must be accompanied by a report describing the following, as appropriate:](#)

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, air-borne emissions, emissions to land and water, traffic, light spill and glare.

**3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

**4.0 Buildings and works**

C121sgjp 25/07/2019

A permit is not required to construct a building or carry out works if undertaken in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013* Incorporated Document.

**Exemption from notice and review**

An application under any provision of this scheme which is generally in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013* Incorporated Document is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application to use or subdivide land, construct a building or construct or carry out works or the approval of a plan prepared in accordance with the requirements of Clause 3.0 of this schedule, in addition to the Decision Guidelines in Clause 65, the responsible authority must consider, as appropriate: [to comply with MD]

- The *SPI Electricity Pty Ltd Leongatha Depot 2013* Incorporated Document.
- The views of South Gippsland Water.
- The interface with adjoining areas, especially the relationship with residential and recreation areas.
- The interface with the streetscape, including the location of access points at the property boundaries and the landscaping of land adjoining a road.
- The design and elevation treatment of buildings and their appurtenances.
- The illumination of buildings and their immediate spaces.
- The drainage of the land.
- The effect of traffic to be generated on roads.
- Provision for vehicles providing for supplies, waste removal and emergency services.

**5.0 Signs**

C121sgjp 25/07/2019

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 2.

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## **SCHEDULE 6 TO CLAUSE 37.01 SPECIAL USE ZONE**

C108 03/08/2017

Shown on the planning scheme map as **SUZ6**.

### **KOONWARRA AGRICULTURAL SERVICES PRECINCT**

#### **Purpose**

- To provide for agricultural services that complement and have a nexus with the region's saleyards facility including supply, transport, maintenance and repairs to enhance agricultural production.
- To provide for activities within the zone that will not challenge the services and functions of nearby urban centres.
- To facilitate development which is visually sympathetic to the rural landscape especially when viewed from the highway.

#### **1.0**

#### **Table of uses**

C121sgjp 25/07/2019

<b>Section 1 - Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Agriculture (other than Animal keeping, Intensive animal husbandry, Rice growing and Timber production)</b>	
<b>Extensive animal husbandry</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Cattle Feedlot</b>	Must meet the requirements of Clause 53.08. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995
<b>Convenience restaurant</b>	Must be in conjunction with a Service station
<b>Equestrian supplies</b>	
<b>Horse stables</b>	
<b>Primary produce sales</b>	
<b>Road freight terminal</b>	
<b>Rural Industry (other than sawmill, abattoir)</b>	The use is to service or repair plant or equipment used in agriculture only
<b>Service station</b>	
<b>Store</b>	Storage must be in conjunction with an agricultural production use
<b>Take away food premises</b>	Must be in conjunction with a Service station
<b>Trade supplies</b>	Must only be in conjunction with an agricultural production use
<b>Utility installation</b>	
<b>Veterinary centre</b>	

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Any other use not in Section 1 or 3	
<b>Section 3 - Prohibited</b>	
<b>Use</b>	
Accommodation	
Art and craft centre	
Brothel	
Child care centre	
Cinema based entertainment facility	
Education centre	
Industry (other than Rural industry)	
Leisure and recreation	
Office	
Place of assembly	
Retail premises (other than Equestrian supplies, Primary produce sales, Take away food premises, Trade supplies)	
Warehouse (other than Store)	

## 2.0

**Use of land**

C108 03/08/2017

**Exemption from notice and review**

An application [for the use of land](#) [to be precise about application of exemption, in accordance with MD] is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Application requirements**

[The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to use land must be accompanied by the following information, as appropriate:](#) [to comply with MD]

The purpose and/or processes to be used on the land and how they directly support agricultural production.

- How land that is not required for immediate use is to be maintained.
- Whether a works approval or waste discharge licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- A comprehensive traffic impact assessment prepared to the satisfaction of the responsible authority in consultation with the relevant road authority, that identifies the pattern and location of the ~~major~~ [NEW, change requested by DOT] arterial road network of the area including existing roads, and the location and details of any required:
  - Road widening.
  - Access points.
  - Bus lanes and stops.



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- The details of any hours of operation.
- The likely effects, if any, on the neighbouring land uses, including:
  - Noise levels.
  - Air-borne emissions including odours.
  - Emissions to land or water.
  - Light spill or glare.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application, the responsible authority must consider, as appropriate: [to comply with MD]

The effect that a proposed use may have on nearby agricultural areas or uses which are sensitive to off-site effects having regard to any comments or directions of the referral authorities.

- The effect that nearby activities may have on the proposed use.
- Any effect to the service potential of nearby urbanised centres, including Koonwarra and Leongatha.
- The type and quantity of goods to be stored, processed or produced.
- The availability of and connection to services.
- The effect of traffic to be generated on roads and the opinion of the relevant road authority.
- The interim use of those parts of the land not required for the proposed use.

### 3.0

#### Subdivision

C108 03/08/2017

#### Permit requirement

A permit is required to subdivide land.

#### Exemption from notice and review

An application [for the subdivision of land \[to be precise about application of exemption, in accordance with MD\]](#) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

#### Application Requirements

The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. The subdivision application must be prepared to the satisfaction of the responsible authority. An application to subdivide land must be accompanied by the following information, as appropriate: [to comply with MD]

- The efficient and orderly subdivision of land having regard to essential services (notably wastewater servicing), open space and roads.
- A stormwater management plan addressing runoff collection and treatment within the lot boundary and incorporates the extent of retarding/detention infrastructure. Plans are required to include:
  - Water sensitive urban design techniques which provides for the protection of natural systems.
  - Integration of stormwater treatment into the landscape.
  - Improved water quality.
  - Reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- A traffic management plan detailing vehicle, bicycle and pedestrian access points at the property boundaries, overall traffic flow, car parking, external traffic impacts, relevant treatments and any other pertinent information.
- A street network that:

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- promotes connection with current and proposed networks.
- supports building frontages which promote passive surveillance of the street network.
- A site plan drawn to scale showing:
  - The boundaries and dimensions of the site.
  - The layout of existing and future buildings and works.
  - Proposed landscape areas, including screening and a description of the vegetation
  - Provisions of pedestrian and bicycle access to the Rail Trail.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application, the responsible authority must consider, as appropriate: [to comply with MD]

- The potential uses of the proposed lots and their boundaries being of sufficient size and dimension to accommodate future users.
- Any natural or cultural features on or near the land.
- The logical and safe movement of traffic.
- Provision of pedestrian and bicycle access connecting to the existing network.
- The ability of each lot created to manage wastewater.

#### 4.0

#### Buildings and works

C121sgjp 25/07/2019

#### Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to:

- The installation of an automatic teller machine.
- A building or works which rearrange, alter or renew plant if the area or height of the plant is unaltered.
- A rainwater tank with a capacity of more than 4,500 litres if the following requirements are met:
  - The rainwater tank is not located within the building's setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application to construct a building or construct or carry out works must be accompanied by the following information, as considered appropriate by the responsible authority: [to comply with MD]

- A plan drawn to scale which shows:
  - Building height no more than two storeys (ten metres), above natural ground level.
  - The interface between adjacent land uses, proposed and existing, with the intent to reduce potential conflict and improve connections with future infrastructure.
  - The details of any outdoor storage or lighting.
  - Details of any proposed fencing in response to adjoining land uses.
  - Driveways, parking areas, loading and unloading areas, external storage, and screened waste storage areas.
  - Vehicle movement, manoeuvring, and access ways within the site.
  - Provision of pedestrian and bicycle access to the Rail Trail.
  - A construction management plan specifying how construction activity will be managed.

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- Construction details of all drainage works, driveways, and vehicle parking and loading areas.
- The location, type and design details of signage.
- A detailed landscaping plan, identifying all proposed landscaping with particular regard to the interface with surrounding open spaces, roads and other neighbouring uses. The landscape plan must include canopy tree plantings (at maturity) to soften the visual impact of new development when viewed from within and outside the development area, especially adjoining and distant views to the site from the highway.

#### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority. Before deciding on an application, the responsible authority must consider, as appropriate: [to comply with MD]

- Availability of and connection to reticulated services.
- The impact of signage (particularly illuminated signage) on the rural highway environment.
- The capability of the land to accommodate the proposed development where access to reticulated services is not available.
- The movement of pedestrians, cyclists and vehicles.
- Exterior design, active frontages, illumination of buildings and their immediate surrounds.
- Landscaping of parking areas to provide amenity.
- Landscaping to provide buffers between developments.
- The interim management of land not immediately required for development.
- Access for emergency services to water supplies on site.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- Provision of pedestrian and bicycle access to the Rail Trail.
- The development of the land in relation to building design, site layout, storage areas, signage and landscaping must appropriately respond to the high visual amenity of the locality and the land's prominent location on a highway and tourist route.

#### **Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

## **5.0**

### **Signs**

C121sgjp 25/07/2019

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 3.

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## **SCHEDULE 7 TO CLAUSE 37.01 SPECIAL USE ZONE**

[C109sgjp](#) 21/02/2019

Shown on the planning scheme map as **SUZ7**.

### **CAMPING AND CARAVAN PARK**

#### **Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To recognise and provide for the ongoing use of the site for the Camping and Caravan Park and related tourism facilities.

To ensure that the development of the Camping and Caravan Park and its facilities takes place in an orderly and proper manner and does not cause an unreasonable loss of amenity to the surrounding area.

To provide for sustainable tourism activities and a range of accommodation opportunities which complement the Camping and Caravan Park use.

#### **1.0**

#### **Table of uses**

[C109sgjp](#) 21/02/2019

<b>Section 1 - Permit not required</b>	
<b>Use</b>	<b>Condition</b>
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Camping and caravan park</b>	
<b>Extensive Animal Husbandry</b>	
<b>Minor utility installation</b>	
<b>Caretaker's house</b>	Must be the only Caretaker's house on the land.
<b>Informal Outdoor Recreation</b>	Must be in conjunction with the Camping and Caravan Park.
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Telecommunications Facility</b>	Buildings and works must meet the requirements of Clause 52.19.
<b>Any use listed in Clause 62.01</b> <a href="#">See Section 1 of 37.01-1 for relevant provisions [MD guidance text only, should not be included]</a>	Must meet the requirements of Clause 62.01
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Agriculture (other than Apiculture and extensive animal husbandry)</b>	
<b>Backpacker's Lodge</b>	Must be used in conjunction with the Camping and Caravan Park
<b>Carpark</b>	Must be used in conjunction with the Camping and Caravan Park
<b>Child care centre</b> <b>Convenience shop</b>	Must be used in conjunction with the Camping and Caravan Park

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<b>Hostel</b>	
<b>Minor sports and recreation facility</b>	
<b>Office</b>	Must be used in conjunction with the Camping and Caravan Park
<b>Restaurant</b>	
<b>Restricted recreation facility</b>	
<b>Take away food premises</b>	
<b>Utility installation (other than Minor utility installation)</b>	
<b>Renewable energy facility</b>	
<b>Any other use not in Section 1 or 3</b> <a href="#">See Section 2 of 37.01-1 for relevant provisions [MD guidance text only, should not be included]</a>	
<b>Section 3 - Prohibited</b>	
<b>Use</b>	
<b>Accommodation (other than Caretaker's house, Camping and Caravan Park, Backpacker lodge and Hostel)</b>	
<b>Adult bookshop</b>	
<b>Brothel</b>	
<b>Crematorium/Cemetery</b>	
<b>Education Centre</b>	
<b>Earth and energy resources industry</b>	
<b>Fuel Depot</b>	
<b>Industry</b>	
<b>Leisure and recreation (other than Minor sports and recreation facility and Informal Outdoor Recreation)</b>	
<b>Place of Assembly</b>	
<b>Retail premises (other than Restaurant and Convenience shop)</b>	
<b>Research centre</b>	
<b>Service station</b>	
<b>Veterinary centre</b>	
<b>Warehouse</b>	

## 2.0

**Use of land**

C109sgjp 21/02/2019

**[Application requirements](#) [to maintain consistency with structure / format of all other SUZ schedules]**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority

- The purpose of the use and the type of activities to be carried out.

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- How the proposed use supports, or is ancillary to the use of the land for a Camping and Caravan Park.
- The likely effects, if any, on adjoining land, including but not limited to;
  - noise levels;
  - traffic;
  - the hours of delivery and dispatch of goods and materials (including garbage collections);
  - hours of operation; and,
  - potential light spill.
- How the proposed use will respond to the bushfire risk.

**Decision guidelines [to maintain consistency with structure / format of all other SUZ schedules]**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**General issues**

- The need to protect the ongoing use of the Camping and Caravan Park and to support appropriate ancillary uses complementary to the Camping and Caravan Park.
- The capability of the land to accommodate the proposed use in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the existing use of the land and the surrounding area especially adjoining residential areas and public use areas.

**Environmental issues**

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed use on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the proposed use on flora, fauna and landscape.
- The impact of the proposed use on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed use adequately responds to bushfire risk.

**3.0**

**Subdivision**

C109sgjp 21/02/2019

**Application requirements [to maintain consistency with structure / format of all other SUZ schedules]**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which explains how the proposed subdivision promotes the purpose of the zone and is supported by the decision guidelines of the Planning Scheme and the zone. The report must address how the subdivision will facilitate the ongoing use of the land for a Camping and Caravan Park.
- A Bushfire Management Plan that shows any bushfire mitigation measures to be relied upon in the subdivision of the land.
- A plan drawn to scale which shows for each lot:
  - The location and dimensions of existing development, car parking areas and driveway access.
  - Proposed building envelopes.
  - The natural topography and features of the site.

- The location and dimensions of wastewater treatment and disposal areas.
- Any areas of common property.
- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

**Decision guidelines [to maintain consistency with structure / format of all other SUZ schedules]**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**General issues**

- The need to protect the ongoing use of the Camping and Caravan Park and to support appropriate ancillary uses complementary to the Camping and Caravan Park.
- The capability of the land to accommodate the proposed development in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the existing use of the land and the surrounding area especially adjoining residential areas and public use areas.

**Environmental issues**

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed subdivision on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the proposed subdivision on the flora, fauna and landscape.
- The impact of the proposed subdivision on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed subdivision adequately responds to the bushfire risk.

**4.0**

**Buildings and works**

C109sgjp 21/02/2019

**Permit requirement [to maintain consistency with structure / format of all other SUZ schedules]**

No permit is required to construct a building or construct or carry out works for the following:

- An alteration or extension to an existing building provided the floor area of the alteration or extension is not more than 10 square metres.
- A rainwater tank.

**Application requirements [to maintain consistency with structure / format of all other SUZ schedules]**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which explains how the proposed development promotes the purpose of the zone and how the proposed development is supported by the decision guidelines of the Planning Scheme and the zone.
- A report which addresses how the buildings and works will respond to bushfire risk.
- A Site Context Plan drawn to scale which shows:
  - The boundary and dimensions of the site.
  - The natural topography and features of the site.
  - Adjoining roads, tracks and pathways.
  - The location, height and purpose of surrounding buildings and works.

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- Detailed Architectural Plans drawn to scale which show:
  - Floor and roof plans.
  - Elevation drawings showing the colour, materials of all buildings and works.
  - Proposed landscape areas.
- A land capability assessment which demonstrates that the treatment and retention of all waste water is in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

**Exemption from notice and review [to maintain consistency with structure / format of all other SUZ schedules]**

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act except where new buildings and works are proposed to be located 30 metres or less from the boundary of the Special Use Zone.

**Decision guidelines [to maintain consistency with structure / format of all other SUZ schedules]**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**General issues**

- The need to protect the ongoing use of the Camping and Caravan Park and to support appropriate ancillary uses complementary to the Camping and Caravan Park.
- The capability of the land to accommodate the proposed development in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the amenity of the existing use of the land and any impacts on the amenity of the surrounding area especially the interface with adjoining residential areas and other public use areas.

**Environmental issues**

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed development on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the proposed development on the flora, fauna and landscape.
- The impact of the proposed development on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed development adequately responds to the bushfire risk.

**Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads and vistas.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The need for building materials to be non-reflective or of colours that complement the surrounding landscape.
- Whether the proposed development maintains the landscape significance of the area.
- The extent of landscaping proposed around buildings and throughout the site, including the use of indigenous species to minimise the visual impact of buildings.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the proposed development will require traffic management measures.



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- Access points for vehicles, cyclists, pedestrians, and service vehicles (including deliveries, waste removal, emergency services and public transport) and circulation around the site.
- The provision of car parking and bicycle parking.
- The need to ensure that any landscaping does not increase the risk from bushfire.

**5.0****Signs**

[C109sgjp](#) 21/02/2019

Advertising sign requirements are at Clause 52.05. All land located within the Camping and Caravan Park Special Use Zone is in Category 3.

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### **SCHEDULE 8 TO CLAUSE 37.01 SPECIAL USE ZONE**

VC196 19/08/2021

Shown on the planning scheme map as **SUZ8**.

#### **EXTRACTIVE INDUSTRY**

##### **Purpose**

To recognise or provide for the use and development of land for extractive industry.

To prohibit uses that are incompatible with the existing or future use and development of land for extractive industry.

To encourage land management practices and rehabilitation that minimise adverse impact on the use and development of nearby land.

#### **1.0**

##### **Table of uses**

VC196 19/08/2021

<b>Section 1 - Permit not required</b>	
<b>Use</b>	<b>Condition</b>
Extractive industry	Must meet the requirements of Clause 62.01
Grazing animal production Home based business Railway Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
Agriculture (other than Apiculture, Animal husbandry, Domestic animal husbandry, and Grazing animal production)	
Domestic animal husbandry (other than Domestic animal boarding) Caretaker's house	Must be no more than five animals.
Industry (other than Materials recycling, Refuse disposal, and Transfer station)	Must be used in conjunction with extractive industry.
Landscape gardening supplies Leisure and recreation (other than Informal outdoor recreation) Manufacturing sales Materials recycling Refuse disposal Transfer station Utility installation (other than Minor utility installation)	
Warehouse	Must not be a purpose listed in the table to Clause 53.10.
Any other use not in Section 1 or 3.	

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<b>Section 3 - Prohibited</b>	
<b>Use</b>	
<b>Accommodation (other than Caretaker's house)</b>	
<b>Animal husbandry (other than Apiculture, Domestic animal husbandry and Grazing animal production)</b>	
<b>Brothel</b>	
<b>Education centre</b>	
<b>Funeral parlour</b>	
<b>Hospital</b>	
<b>Office</b>	
<b>Place of assembly</b>	
<b>Recreational boat facility</b>	
<b>Retail premises (other than Landscape gardening supplies and Manufacturing sales)</b>	
<b>Saleyard</b>	
<b>Service station</b>	
<b>Transport terminal</b>	
<b>Veterinary centre</b>	

- 2.0** **Use of land**  
[VC196](#) [19/08/2021](#)  
 None specified.
- 3.0** **Subdivision**  
[VC196](#) [19/08/2021](#)  
 None specified.
- 4.0** **Buildings and works**  
[VC196](#) [19/08/2021](#)  
 None specified.
- 5.0** **Signs**  
[VC196](#) [19/08/2021](#)  
 None specified.

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## **SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **ESO1**.

### **AREAS OF NATURAL SIGNIFICANCE**

#### **1.0 Statement of environmental significance**

C121sgjp 25/07/2019

South Gippsland contains a number of areas of natural significance including numerous Flora and Fauna Reserves. There are also important sites within the various National, State and Coastal Parks and other reserves throughout the Shire as well as along roadside reserves and on privately owned land. The clearing of native vegetation and the introduction of weeds and vermin remain important issues.

#### **2.0 Environmental objective to be achieved**

C121sgjp 25/07/2019

To preserve and enhance existing indigenous flora and fauna.

To conserve areas of wildlife habitats and allow for the generation and regeneration of habitats.

To conserve areas of high environmental and landscape quality, ensuring development minimises adverse environmental impact.

To ensure that development reinforces existing flora through the revegetation of valleys and drainage lines.

To protect the views of identified significant vistas.

#### **3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not required to construct the following buildings or to construct or carry out the following works:

##### *Agricultural activities*

- Agricultural activities including ploughing, fencing and the construction of a dam with a capacity of less than 3000 cubic metres.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

##### *Infrastructure*

- The layout of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

##### *Buildings and works*

- Buildings and works undertaken by or on behalf of the Department of Natural Resources & Environment on coastal Crown Land under relevant legislation
- Buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.

A permit is not required to remove, destroy or lop vegetation in a domestic garden.

~~An application must be accompanied by information showing:~~

- ~~▪ The location of all waterways and drainage line, including permanent and temporary streams and wetlands.~~
- ~~▪ The extent and type of all vegetation to be removed or cleared. [move to application requirements] [these are application requirements]~~

#### **4.0 Application requirements**

C121sgjp 25/07/2019

[The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. \[to comply with MD\]](#)

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None specified.

An application must be accompanied by information showing:

- The location of all waterways and drainage line, including permanent and temporary streams and wetlands.
- The extent and type of all vegetation to be removed or cleared. [moved from permit requirement]  
[these are application requirements]
- A report of the impact the use or development will have on the likelihood of erosion, land degradation and land stability on the land and adjoining land. [based upon DEWLP requested change]

## 5.0

### Decision guidelines

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. [to comply with MD]

- ~~The purpose of the overlay.~~ [already required in parent provision]
- The conservation and enhancement of the area.
- The preservation of and the impact on the natural environment and the need for preventing erosion.
- The need to retain a buffer strip of native vegetation adjacent to roads, coastal areas, watercourses and property boundaries.
- The need to protect the scenic quality and visual integrity of the landscape.
- The management of vegetation necessary to minimise fire hazard.
- The importance of retaining any vegetation unique to the area concerned.
- The importance of retaining any habitats which support local native fauna.
- Any alternative method of constructing or carrying out of the development or works.
- ~~Any relevant reports and recommendations of the Land Conservation Council.~~
  - ~~The views of the Department of Natural Resources and Environment in respect to:~~
    - ~~Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects.~~
    - ~~Applications which immediately abut Crown Land.~~
    - ~~Applications which in the opinion of the responsible authority, may have an adverse impact, including visual impacts, on Crown Land.~~
    - ~~Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).~~
    - ~~Applications which in the opinion of the responsible authority may adversely affect on flooding.~~
    - ~~Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land.~~
    - ~~Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance.~~ [DEWLP requested change]

**SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as ESO2.

**SPECIAL WATER SUPPLY CATCHMENT AREAS****1.0 Statement of environmental significance**

C121sgjp 25/07/2019

-Approximately 30 percent of land in South Gippsland Shire is located in a water catchment that are used to provide water for human consumption, domestic use, agriculture and industrial activities. These catchments are declared as 'Special Water Supply Catchment Areas' as defined in the *Catchment and Land Protection Act 1994*.

Special Water Supply Catchments cover large areas with water take-off points occurring in the lower parts of catchments. Land use or development within Special Water Supply Catchments and in close proximity of the water take-off points should be managed carefully to minimise the impact on water quality.

Cumulative use or development in catchments over extended time periods has the potential to gradually diminish water quality and increase risk to human health. The management of use or development in catchments must focus on the long term protection of the natural asset and strongly encourage the implementation of measures to avoid detrimental impacts on water quality and quantity.

**2.0 Environmental objective to be achieved**

C121sgjp 25/07/2019

To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.

To ensure that development activity and land management practices are consistent with environmental values and the long term conservation of potable water supply resources.

To minimise the impact of residential development and intensive farming activity in Special Water Supply Catchment areas, particularly near water supply take-off points and storage reservoirs.

To encourage retention of native vegetation and the establishment of new vegetation cover, particularly within 30 metres of a waterway.

To consider the cumulative impact of use and development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments .

To minimise the impact of development in townships without reticulated sewerage, particularly having regard to small lot sizes, existing water contamination levels and the long term expectation that small towns will remain unsewered.

To ensure new development proposals meet best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.

To protect public health from the risk of waterborne diseases.

**3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not required for the following:

- Buildings, works, subdivision of land, or to remove, destroy or lop any vegetation where reticulated sewer is connected to the lot.
- Buildings and works associated with the use of the land for a single dwelling on a lot of 40 hectares or greater.
- Buildings and works where they are located more than 100 metres from a waterway or more than 300 meters from a water supply reservoir or potable water supply take-off structure, other than:

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- Buildings and works that will generate waste water or effluent requiring permissions under Section 53L of the *Environment Protection Act 1970* (to construct, install or alter a septic tank system).
- Buildings and works associated with the use of land for intensive animal husbandry or industry.
  - Buildings and works associated with 'informal outdoor recreation' or a 'telecommunication facility' provided it does not require permanent onsite waste water or effluent treatment.
  - Buildings and works (including vegetation removal, destruction or lopping) undertaken by, or on behalf of a municipality or public authority which are necessary to control flooding, fight fires, abate fire risk or preserve public safety.
  - The removal, destruction or lopping of vegetation which is non-native to Victoria except where the vegetation is within 30 metres of a waterway, wetland, flood plain<sup>1</sup> or water reservoir<sup>2</sup>.
  - Earthworks associated with timber production that meets all the relevant requirements of the *Code of Practice for Timber Production 2007* (as amended).
  - A subdivision by a public authority, or a utility provider, provided the subdivision does not create a new lot within 100 metres of a waterway, wetland, flood plain<sup>1</sup> and/or within 300 metres of a water supply reservoir<sup>2</sup> or potable water supply take-off structure.
  - An outdoor sign/structure.
  - Buildings and works specifically identified in a whole farm plan approved by the responsible authority and water supply authority.
  - Windmills and solar units.

Permit requirement explanatory notes:

Flood plain<sup>1</sup>. For the purpose of this schedule a flood plain is land included in a planning scheme overlay flood control and land affected by the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) recognised and mapped by the relevant floodplain management authority.

Water supply reservoir<sup>2</sup>. The requirement for a planning permit within 300 metres of a water supply reservoir (measured from the full supply level) does not apply to proposals on land outside of the water supply reservoir capture slope (downhill of the reservoir) or any circumstance where the water supply reservoir is an above ground structure.

#### 4.0 Application requirements

C121sgjp 25/07/2019

[The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. \[to comply with MD\]](#)

[An application for buildings or works should include the following to the satisfaction of the responsible authority:](#)

- A Land Capability Assessment (in accordance with the background document *EPA Publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management* (as amended) demonstrating the land is capable of absorbing sewage and sullage effluent generated on the lot in accordance with the background document *EPA Code of Practice - Onsite Wastewater Management (Publication 891.3)* (as amended).
- A report, prepared by a suitable qualified person, demonstrating that:
  - The design of any wastewater treatment system will ensure that nutrients, pathogens or other pollutants from wastewater will not enter any waterway, wetland, flood plain or water supply reservoir or otherwise detrimentally affect the designated beneficial uses of groundwater or surface water.
  - How activities will be carried out and maintained to prevent erosion and the siltation of any waterway or wetland in accordance with *EPA Victoria publication - Construction Techniques for Sediment Pollution Control 1991* or any superseding document(s).
  - Any removal, destruction or lopping of native vegetation will not compromise the quality of water within proclaimed catchment areas.
  - The siting of buildings and wastewater treatment systems will not compromise the quality of water within declared catchment areas.

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- Details of slope (including contours at an appropriate scale), soil type, extent of excavation and vegetation including details of new plantings to occur.
- [A revegetation plan where buildings or works are proposed within 30 metres of a waterway.](#)  
[NEW, requested by South Gippsland Water]

**5.0****Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. Before deciding on an application, the responsible authority must consider: [to comply with MD]

- The likely impacts of the proposed development on water quality and quantity in the water supply catchment.
- The potential cumulative impact of development on the quality and quantity of water in the water supply catchment over extended periods of time.
- Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants reaching streams, surface water bodies and groundwater.
- Whether subdivision and intensive farming activities in water supply catchments, especially in the lower areas of water supply catchments near takeoff points are appropriate.
- Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas or any superseding document.

**Referral of applications**

An application must be referred to the relevant water board or water supply authority under Section 55 of the Planning and Environment Act 1987, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the water board or water supply authority. [cannot include referral provisions in local schedules – this referral is already specified in 66.04, however the “unless” section is not specified / picked up]

**Background documents**

Domestic Wastewater Management Plan (DWMP) 2016-2020 [not as per MD format – this document is already specified in 72.08]



**SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

GC195 25/11/2021

Shown on the planning scheme map as ESO3.

**COASTAL SETTLEMENTS – ~~NON-RESIDENTIAL ZONES~~ [control relates to both residential and non-residential areas]****1.0 Statement of environmental significance**

C121sgjp 25/07/2019

South Gippsland contains some of Victoria's most significant coastal areas. Wilsons Promontory, Corner Inlet, Waratah Bay, Shallow Inlet, Walkerville, Cape Liptrap, Venus Bay and Andersons Inlet are all important coastal areas. They are important for their environmental, economic, recreational, cultural, heritage values and rugged appeal. While obviously of immense interest, it is important that the coast is protected from inappropriate development and mismanagement of both coastal and inland areas.

**2.0 Environmental objective to be achieved**

C121sgjp 25/07/2019

To protect and enhance the natural beauty of the coastal area.

To protect and enhance the environmental quality of the coastal area.

To minimise the risk of erosion, pollution and destruction of the environment through poorly managed development.

To ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

**3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not required to construct the following buildings or to construct or carry out the following works:

*Agricultural activities*

- Agricultural activities including ploughing, fencing and the construction of a dam with a capacity of less than 3000 cubic metres.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

*Infrastructure*

- The lay out of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

*Power lines*

- Telephone or power lines provided they do not involve the construction of towers.

*Buildings and works:*

- A building, which is ancillary to a dwelling, has a floor area of less than 100 square metres and is not used for accommodation, provided all external cladding materials are finished and maintained in muted, non reflective tones.
- Extension to an existing dwelling provided the additional floor area is less than 100square metres, provided all external cladding materials are finished and maintained in muted, non reflective tones.
- Buildings and works undertaken by or on behalf of the Department of Sustainability & Environment on coastal Crown land under relevant legislation
- Buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.
- A permit is not required to remove, destroy or lop non-indigenous vegetation in a domestic garden.

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~~An application must be accompanied by supporting information and or plans showing:~~

- ~~• The existing conditions including watercourses vegetation, contour intervals at suitable scale.~~
- ~~• The location and layout of buildings and works.~~ [move to application requirements] [these are application requirements]

All applications for development on Coastal Crown land, as defined under the *Coastal Management Act, 1995*, must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. [referral requirements cannot be included in local schedules – this referral is specified in 66.04]

#### 4.0 Application requirements

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. ~~An application must be accompanied by supporting information and or plans showing:~~ [to comply with MD]

- ~~The existing conditions including watercourses vegetation, contour intervals at suitable scale.~~
- ~~The location and layout of buildings and works.~~ [moved from permit requirement] [these are application requirements]
- ~~A report of the impact the use or development will have on the likelihood of erosion, land degradation and land stability on the land and adjoining land.~~ [based upon DEWLP requested change]

None specified.

#### 5.0 Decision guidelines

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. ~~Before deciding on an application, the responsible authority must consider:~~ [to comply with MD]

- ~~• The purpose of the overlay.~~ [Already required in the parent provision]
- The maintenance and improvement of the stability of the coastal dunes and coastlines.
- The preservation of any existing natural vegetation.
- The conservation of any areas of environmental importance or significance.
- The intensity of human activity which the landscapes and the environment the area can sustain.
- The existing use and possible development of the land and nearby land.
- The effect of development on the use and development of other land which has a common means of drainage.
- Whether the development of the land will be detrimental to the natural environment.
- The availability of water, sewerage, drainage, electricity and other services.
- Whether or not the site is large enough to enable the adequate disposal and treatment of effluent through a septic tank system.
- The siting, colour and design of buildings and works.
- The protection of the area for its recreational value.
- The risk of fire.
- Any relevant coastal study adopted by the Shire of South Gippsland.
- ~~• The views of the Department of Environment, Land, Water, and Planning in respect to:~~
  - ~~• Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects.~~
  - ~~• Applications which immediately abut Crown Land.~~

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- ~~Applications which in the opinion of the responsible authority, may have adverse impact, on Crown Land.~~
- ~~Applications which in the opinion of the responsible authority may adversely affect coastal processes, dune systems (including tertiary systems), have possible effect on aquatic habitat and flora and fauna habitat.~~
- ~~Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land.~~
- ~~Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance. [DEWLP requested change]~~

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## **SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as ESO4.

### **SEWAGE TREATMENT PLANT AND ENVIRONS**

#### **1.0 Statement of environmental significance**

C121sgjp 25/07/2019

The land surrounding sewage treatment plants is of high importance in its role of providing a two-way buffer zone between nearby developments and such plants. It is significant in ensuring the long term protection of such key infrastructure facilities and enabling unobstructed expansion and facilitation of compatible land uses and developments in their vicinity.

#### **2.0 Environmental objective to be achieved**

C121sgjp 25/07/2019

To protect sewage treatment plants from the encroachments of incompatible development, including through the provision of-

~~To provide for a~~ buffer areas ~~around the plant~~ as required by the Environment Protection Authority. [to comply with MD – only 1 objective permitted]

#### **3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not required to construct a building or to construct or carry out works, except those designed for:

- Accommodation, childcare, education, office, place of assembly and retail purpose.

A permit is not required to remove, destroy or lop vegetation, subject to the provisions of Clause 52.17

~~An application must be accompanied by supporting information and or plans to demonstrate:~~

- ~~The site of the proposed buildings and works will not adversely affect or be affected by the sewage treatment facilities.~~ [moved to application requirements] [these are application requirements]

#### **4.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application must be accompanied by supporting information and or plans to demonstrate: [to comply with MD]

- The site of the proposed buildings and works will not adversely affect or be affected by the sewage treatment facilities. [moved from permit requirement] [these are application requirements]

~~None specified.~~

#### **5.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The purpose of the overlay.
- The views of the Environment Protection Authority of Victoria.
- The views of the relevant water authority responsible for operating the sewage treatment facility.
- The effect of any development on the operation of the treatment facilities.

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- The prevention of inappropriate development in the vicinity of the treatment facility such that the long term future of the treatment works is not threatened.

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## **SCHEDULE 5 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as ESO5.

### **AREAS SUSCEPTIBLE TO EROSION**

#### **1.0 Statement of environmental significance**

C121sgjp 25/07/2019

Erosion is recognised as a land management concern with diverse causes that may affect any property. Therefore it is important to encourage best practices for farming, building and associated land disturbances and to increase awareness of the issues that may exacerbate the process such as earthworks, control of water run-off and removal of vegetation.

~~The Department of Natural Resources and Environment has mapped certain areas in the Shire as susceptible to erosion. There are other areas within the Shire which have been specifically identified as prone to land slips and erosion. Whereas this overlay is applied to the areas susceptible to erosion as identified by the Department of Natural Resources and Environment, the Erosion Management Overlay is applied to the areas specifically identified as prone to land slips.~~ [DEWLP requested change]

#### **2.0 Environmental objective to be achieved**

C121sgjp 25/07/2019

To protect areas prone to erosion and watercourses by minimising land disturbance and vegetation loss and by:-

~~Preventing~~ increased surface runoff or concentration of surface water runoff leading to erosion or siltation ~~of watercourses.~~ [to comply with MD – only 1 objective permitted]

#### **3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not required to construct the following buildings or to construct or carry out the following works.

##### *Agricultural activities:*

- Agricultural activities including ploughing, fencing and the construction of a dam with a capacity of less than 3000 cubic metres.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

##### *Infrastructure:*

- The lay out of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

##### *Power Lines:*

- Telephone or power lines provided they do not involve the construction of towers.

##### *Buildings:*

- A building or extension to an existing building where the total resultant floor area is less than 200 square metres, provided the construction is carried out in accordance with *Construction Techniques for Sediment Pollution Control* (EPA 1991) and the background document *Control of Erosion on Construction Sites* (Soil Conservation Authority).

A permit is not required to remove, destroy or lop vegetation:

- In a domestic garden.
- For the use as firewood for heating or cooking purposes within the dwelling on the lot from which the wood was collected.

~~An application must be accompanied by supporting information and or plans showing:-~~

- ~~• The existing conditions including streams, vegetation and contour intervals at suitable scale.~~
- ~~• The location and layout of the proposed buildings and works.~~ [move to application requirements] [these are application requirements]

**4.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application must be accompanied by supporting information and or plans showing: [to comply with MD]

- The existing conditions including streams, vegetation and contour intervals at suitable scale.
- The location and layout of the proposed buildings and works. [moved from permit requirement] [these are application requirements]
- A report of the impact the use or development will have on the likelihood of erosion, land degradation and land stability on the land and adjoining land. [based upon DEWLP requested change]

~~None specified.~~

**5.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. Before deciding on an application, the responsible authority must consider, as appropriate: [to comply with MD]

- ~~The purpose of the overlay.~~ [this is already covered by the parent provision]
  - ~~The following publications:~~
    - ~~Background document *Environment Guidelines for Major Construction Sites* (Environment Protection Authority, February 1996).~~
    - ~~*Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, May 1991)~~
    - ~~Background document *Control of Erosion on Construction sites* (Soil Conservation Authority).~~
    - ~~Background document *Your Dam, an Asset or a Liability* (Department of Conservation and Natural Resources).~~ [Publications out of date. Inclusion of documents in decision guidelines does not conform with MD].
- Any proposed measures to minimise the extent of soil disturbance and runoff.
- The need to stabilise disturbed areas by engineering works or vegetation.
- Whether the land is capable of providing a building envelope, which is not subject to high or severe erosion problem.
- Whether the proposed buildings or works are likely to cause erosion or landslip.
- Whether the proposed access and servicing of the site or the building envelope is likely to result in erosion or landslip.
- Any Land Capability Report Guidelines prepared by the Department of Natural Resources and Environment, Centre for Land Protection Resource.
- ~~The views of the Department of Natural Resources and Environment in respect to:~~
  - ~~Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects.~~
  - ~~Applications which immediately abut Crown Land.~~
    - Applications, which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land. [DEWLP requested change]

**SCHEDULE 7 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as ESO7.

**COASTAL SETTLEMENTS****1.0 Statement of Environmental Significance**

C45 03/12/2009

South Gippsland contains some of Victoria's most significant coastline areas. The settlements of Venus Bay, Sandy Point, Tarwin Lower and Waratah Bay are situated along this coastline and contribute to the areas appeal by providing accommodation opportunities in environmentally significant areas. They are characterized by their predominance of native vegetation, easily erodable soils and their proximity to foreshore reserves, coastal parks and other public land and their rugged appeal.

**2.0 Environmental objective to be achieved**

C121sgjp 25/07/2019

- To protect and enhance the natural beauty of the coastal townships.
- To protect and enhance the environmental quality of the townships.
- To minimise the risk of erosion, and destruction of the environment through poorly managed development.
- To ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

**3.0 Permit requirement**

C45 03/12/2009

A permit is not required to construct a building or carry out works other than for:

- A building or extension to a building where the difference between finished ground level and natural ground level as a result of excavation or filling exceeds 1 metre.

A permit is not required to remove, destroy or lop non-native vegetation.

**4.0 Application requirements**

C45 03/12/2009

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application must be accompanied by supporting information and or plans showing: [to comply with MD]

- The existing conditions including vegetation and contour intervals at a suitable scale.
- The location and layout of buildings and works.
- Landscaping and areas of revegetation.
- A report of the impact the use or development will have on the likelihood of erosion, land degradation and land stability on the land and adjoining land. [based upon DEWLP requested change]

**5.0 Decision Guidelines**

C45 03/12/2009

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. Before deciding on an application, the responsible authority must consider: [to comply with MD]

- The environmental objectives of this schedule.
- Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower contained in Clause 21.04.



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- Whether the proposal will assist in the maintenance and improvement of the stability of the coastal dunes and coastlines.
- The impact of the proposal on the extent of natural vegetation retained on the site.
- The impact of the proposal on the conservation of any areas of environmental importance or significance.
- Whether opportunities exist to avoid excavation by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land.
- Whether the development of the land will be detrimental to the natural environment.
- Any relevant coastal study adopted by the Shire of South Gippsland.
- ~~The views of the Department of Sustainability and Environment in respect to:~~
  - ~~Applications which immediately abut Crown land.~~
  - ~~Applications which in the opinion of the responsible authority may adversely affect coastal processes, dune systems (including tertiary systems), or have any possible effect on aquatic habitat and flora and fauna habitat.~~
  - ~~Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land.~~
  - ~~Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance. [DEWLP requested change]~~

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## **SCHEDULE 8 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as **ESO8**.

### **MANUFACTURE OF MILK PRODUCTS AMENITY BUFFER**

#### **1.0 Statement of environmental significance**

[C121sgjp](#) 25/07/2019

South Gippsland Shire contains some of the most productive dairy farming land in the nation. Milk processed in the Shire is exported globally and is a major contributor to the Victorian economy. Global demand for milk protein means that demand for milk products is expected to grow, underpinning the viability and expansion of local 'manufacture of milk products' facilities (milk factories) into the future.

A legacy of past practice means that milk factories are typically located in close proximity to residential areas and other sensitive land uses. This can create amenity conflicts from factory generated noise, odour, dust (particulates) and light impacts on surrounding land.

The ESO amenity buffer identifies the area most likely to be affected by factory operations. The control ensures that planning permit applications for sensitive land uses are assessed with consideration to potential factory impacts on surrounding lands and potential impacts on the factory from encroachment / intensification of sensitive uses near the factory. The ESO identifies areas subject to pre-existing factory impacts that will continue, and could intensify, over time.

The ESO does not affect a landowner's right to apply to use and develop a single dwelling on an existing lot in a residential zone in the buffer. The presence of the buffer does not reduce the responsibility on a factory to comply with relevant environmental standards and licensing requirements.

#### **2.0 Environmental objective to be achieved**

[C121sgjp](#) 25/07/2019

To inform landowners and land purchasers that the areas surrounding a manufacture of milk products facility may be exposed to amenity impacts resulting from existing and ongoing factory operations.

To protect a manufacture of milk products facility from the incremental encroachments of sensitive land uses that may endanger the commercial operations of the facility.

To discourage the subdivision of land for sensitive land uses that will result in an increase in the number of people likely to be exposed to amenity impacts from the operation of a manufacture of milk products facility.

To assist in shielding people from the impact of noise, odour, dust and light by requiring appropriate attenuation measures in new dwellings and other sensitive use buildings.

#### **3.0 Permit requirement**

[C121sgjp](#) 25/07/2019

A permit is not required to construct a building or construct or carry out works except in relation to the use of land for accommodation<sup>1</sup>, childcare, education, hospital, office, place of assembly and retail purpose. This does not apply (no permit required) to the following buildings and works in relation to these uses:

- Non-habitable outbuildings.
- External alterations to a building that do not increase the internal floor area of a building by more than 50%.
- Fencing, signage and domestic services normal to a dwelling.
- Earthworks, landscaping, gardening.

A permit is not required under this overlay to remove, destroy or lop vegetation.

*[Permit requirement explanatory note](#)*

~~Accommodation<sup>1</sup>. Accommodation is 'Land used to accommodate persons' and includes Camping and caravan park, Corrective institution, Dependent person's unit, Dwelling, Group accommodation, Host~~

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~~farm, Residential building, Residential village and Retirement village. Permit requirement explanatory note~~ [Repeats Clause 73.03 land use terms and 73.04 Nesting diagrams].

#### 4.0 Application requirements

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

An application must include building design, layout and landscaping details demonstrating how the building will minimise the impact of noise, dust, odour and light pollution on the proposed sensitive land use.

Applications to subdivide land must include noise measurements, at various times across the 24 hour period, and reported by a suitably qualified acoustic engineer.

The application requirements can be reduced or set-aside if in the opinion of the responsible authority the requirements are unnecessary to appropriately consider the application.

#### 5.0 Decision guidelines

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. ~~Before deciding on an application, the responsible authority must consider:~~ [to comply with MD]

The objectives of the overlay.

The views of the ~~Environment Protection Authority of Victoria~~ [cannot include referrals in local provisions – this referral is specified in 66.04] ~~and the~~ manufacture of milk products company.

Whether the proposal is compatible with the current permitted operations, approved planning permit or an approved development plan for the manufacture of milk products facility.

Whether the design of the building responds to identified or anticipated noise, odour, dust and light pollution amenity issues.

The distance of the application site from the manufacture of milk products facility and corresponding impact of the facility on the sensitive land use.

#### Background documents

~~GHD Burra Foods Pty Ltd Buffer Assessment November 2014~~ [not in accordance with MD, this background document is listed in 72.08]

SOUTH GIPPSLAND PLANNING SCHEME  
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## **SCHEDULE 9 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **ESO9**.

### **GIANT GIPPSLAND EARTHWORM AND HABITAT PROTECTION**

#### **1.0 Statement of environmental significance**

C121sgjp 25/07/2019

~~Clause 42.01 requires a schedule to contain a statement of environmental significance. [MD guidance text only]~~

~~The Giant Gippsland Earthworm (*Megascolides australis*) is endemic to West and South Gippsland and one of the largest earthworms in the world. Individuals average about 80 centimetres long but have been recorded up to 1.8 metres. Dispersed Giant Gippsland Earthworm colonies, ranging in size from a few individuals to many hundreds, occur within a 400 square kilometre area generally bounded by the towns of Loch, Korumburra and Warragul.~~

~~The Giant Gippsland Earthworm plays an important role in soil structure and fertility, and contribute to the high agricultural value of the region. Suitable habitat is restricted to generally moist, blue-grey clay soils near stream banks, soaks or watercourses on south or west-facing slopes.~~

~~The Giant Gippsland Earthworm is sensitive to development activities that affect their habitats. Individuals reach maturity slowly, live in discrete populations that are widely dispersed and are unable to recover from even slight wounds. Major threats to their survival include soil disturbance, altered soil hydrology, chemical disturbances and extreme weather or climate change.~~

~~The Giant Gippsland Earthworm is a threatened species listed in both the Commonwealth (*Environment Protection and Biodiversity Conservation Act 1999*) and State (*Flora and Fauna Guarantee Act 1988*) legislation. [moved from 2.0] [statement of environmental significance required as per MD]~~

#### **2.0 Environmental objective to be achieved**

C121sgjp 25/07/2019

~~The Giant Gippsland Earthworm (*Megascolides australis*) is endemic to West and South Gippsland and one of the largest earthworms in the world. Individuals average about 80 centimetres long but have been recorded up to 1.8 metres. Dispersed Giant Gippsland Earthworm colonies, ranging in size from a few individuals to many hundreds, occur within a 400 square kilometre area generally bounded by the towns of Loch, Korumburra and Warragul.~~

~~The Giant Gippsland Earthworm plays an important role in soil structure and fertility, and contribute to the high agricultural value of the region. Suitable habitat is restricted to generally moist, blue-grey clay soils near stream banks, soaks or watercourses on south or west-facing slopes.~~

~~The Giant Gippsland Earthworm is sensitive to development activities that affect their habitats. Individuals reach maturity slowly, live in discrete populations that are widely dispersed and are unable to recover from even slight wounds. Major threats to their survival include soil disturbance, altered soil hydrology, chemical disturbances and extreme weather or climate change.~~

~~The Giant Gippsland Earthworm is a threatened species listed in both the Commonwealth (*Environment Protection and Biodiversity Conservation Act 1999*) and State (*Flora and Fauna Guarantee Act 1988*) legislation. [move to 1.0] [statement of environmental significance required as per MD]~~

~~This overlay supports the existing legislation by To identifying potential Giant Gippsland Earthworm habitat and potential impacts to Giant Gippsland Earthworms and their habitat when considering planning permit applications prior to commencing any works. [to provide a single objective in accordance with MD]~~

#### **3.0 Permit requirement**

C121sgjp 25/07/2019

~~A permit is not required to construct the following buildings or to construct or carry out the following works, where the following apply: [Council – identified anomaly] [To clarify that it is the intention of~~

the provision to exempt any of the listed buildings and works. As currently drafted the current wording requires all dot points to be met to achieve the exemption]

- Buildings and works on lots less than 8,000 square metres within a Residential, Township or Industrial Zone.
- An alteration or extension to a dwelling where the additions do not exceed 100 square metres.
- An out-building associated with an existing use provided the building footprint is not more than 200 square metres.
- Establishment of a replacement building or dwelling within the same construction footprint.
- A survey has been conducted by a suitably qualified person establishing that no buildings and works will negatively impact Giant Gippsland Earthworm numbers. This survey is to be completed to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning, and be in accordance with the *Giant Gippsland Earthworm Environmental Significance Overlay Reference Document* (September 2015).
- If a Giant Gippsland Earthworm Land Management Plan has been approved by the Department of Environment, Land, Water & Planning and the responsible authority.
- To undertake road maintenance, rehabilitation or improvement works within the formation of an existing road reserve.
- Where emergency works are required to be undertaken by or on behalf of a public authority.

~~All applications must be referred in accordance with Section 55 of the Act to the referral authority as specified in the schedule to Clause 66.04. [cannot include referral requirements in local provisions – this referral is specified in 66.04]~~

#### 4.0 **Application requirements**

C121sgjp 25/07/2019

~~The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. An application must include the following information to the satisfaction of the responsible authority: [to comply with MD]~~

Clear and precise details of the buildings and/or works proposed, including the location of any wastewater treatment systems, dispersal fields, stormwater flow, driveways, ground disturbance, changes to hydrology or drainage.

- Description of the purpose for the development.
- Detailed scale map of the subject land showing:
  - property boundaries and dimensions;
  - location of proposed buildings and works site;
  - all waterways, including creeks, streams, soaks, seepages or wetlands within or adjacent to works, and;
  - the locality of Giant Gippsland Earthworm habitat affected by the proposal.
- An impact assessment of the proposal on Giant Gippsland Earthworm habitat conducted by a suitably qualified person and in accordance with the *Giant Gippsland Earthworm Environmental Significance Overlay Reference Document* (September 2015).
- Details on how the application has attempted to avoid, minimise or offset negative impact on Giant Gippsland Earthworm habitat.

#### 5.0 **Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The objectives of this schedule.
- The views of the Department of Environment, Land, Water & Planning.

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- The effects and design of subdivision on earthworms and their habitats.
- The type, density and layout of building and works. Any proposal is to avoid, minimise or manage impacts, in that order. For example, can the proposal be accommodated on land not considered to contain Giant Gippsland Earthworm habitat?
- The significance of a site with respect to Giant Gippsland Earthworm habitat extent, quality and connectivity, population density or genetic distinctiveness.
- Any effects on Giant Gippsland Earthworm populations created by development, that may extend beyond the building period.
- Opportunity to offset the negative impacts of a proposal on the Giant Gippsland Earthworm.

**~~Background documents~~**

~~[Giant Gippsland Earthworm Environmental Significance Overlay Reference Document \(September 2015\)](#) [move to 72.08] [not as per MD format]~~

**SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **SLO1**.**VENUS BAY PENINSULA AND ANDERSON INLET****1.0 Statement of nature and key elements of landscape**

C121sgjp 25/07/2019

The coastline at Venus Bay is a wild and windswept landscape of high coastal dunes and lonely beaches, providing a scenic backdrop for Anderson Inlet. Visually, it is a landscape of regional significance.

The dominant landform in this area is the high coastal dune system that rises to 60 metres in height and stretches for up to one kilometre inland. These dunes contrast with the calmer waters of Anderson Inlet and the flat swampy hinterland, and this scene provides a scenic outlook for the township of Inverloch. The landscape is largely natural and undeveloped with the exception of the currently contained housing settlement areas of Venus Bay. Vegetation is indigenous with an important stand at Point Smythe at the mouth of the inlet.

The landscape is highly significant for its Aboriginal cultural heritage values, with many known sites scattered throughout the dunal landscape. It is also of high community value for its scenic qualities and recreation opportunities, including fishing, walking and boating.

**2.0 Landscape character objectives to be achieved**

C121sgjp 25/07/2019

To retain and improve indigenous vegetation, particularly at roadsides and in riparian strips, to minimise the visual intrusion of new development.

To protect locally significant views and vistas which contribute to the character of the landscape, particularly expansive, open out views between Tarwin Lower and Venus Bay, and open views across Anderson Inlet.

To protect the flats between Townsend Bluff and Tarwin Lower from visually dominant development.

To contain the settlement of Venus Bay to less visible areas within topography.

To ensure that development in and around the Venus Bay estates does not impact on the characteristics of the landscape.

To ensure buildings and structures sit within, rather than dominate, the landscape.

To retain the sense of uncluttered openness throughout the area.

To ensure that development in and around the settlement of Tarwin Lower does not impact on the characteristics of the landscape, including key views and viewing opportunities.

To strengthen the dominant vegetated character of the Venus Bay peninsula as viewed from Anderson Inlet.

To minimise the visual impact of signage and other infrastructure, particularly on hill faces, in coastal areas and in other areas of high landscape values or visibility.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Venus Bay and Anderson Inlet as places of significant Aboriginal cultural heritage value.

**3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not require for:

- A building or extension to an existing building where all of the following are met:
  - The building is single storey and no more than 7.5 metres in height above natural ground level; and,
  - Has a total area of less than 250 square metres; and

- Is constructed in muted, non reflective tones.
- Buildings and works associated with informal outdoor recreation.
- Works undertaken by a public authority relating to watercourse management or environmental improvements
- A permit is required to remove, destroy or lop native vegetation. This does not apply in the following circumstances:
  - Vegetation that is dead.
  - The minimum extent of vegetation necessary for the maintenance of existing fences.

A permit is required to remove, destroy or lop non indigenous vegetation. This does not apply in the following circumstances:

- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.
- Is within a garden.
- Is less than 7.5 metres in height.
- Is senescent tree rows outside a garden.

A permit is required to construct a fence other than a post and wire fence up to 1.8 metres in height.

#### 4.0 Application requirements

C121sgjp 25/07/2019

None specified.

#### 5.0 Decision guidelines

C121sgjp 25/07/2019

[The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. Before deciding on an application, the responsible authority must consider: \[to comply with MD\]](#)

- Whether proposed buildings are sited and designed to maximise retention of existing vegetation, and provide for the planting of new indigenous coastal vegetation wherever possible.
- Whether buildings, structures and other developments that occur in view fields are designed and sited so as to retain the character and quality of the views.
- Whether the proposal contributes to the retention or establishment of an undeveloped vegetated dune buffer to Venus Bay Estates 1 and 3 when viewed from the coast, the approach road, Anderson Inlet and adjoining rural areas.
- Whether the proposed new development is integrated with the landscape through the use of appropriate indigenous vegetation and whether it is accompanied by a landscape plan, where appropriate.
- Where development on the flats cannot be avoided, whether the proposal uses low scale building forms and appropriate materials and colours that are not highly visible, particularly from main road corridors.
- Whether the proposal utilises appropriate indigenous vegetation to further integrate the development with the landscape.
- Whether the visual intrusion of proposed buildings is minimised by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.
- Whether building heights are minimised in order to prevent visually intrusive developments, or any development visible from the Bass Strait Coast.
- Whether the proposed development is kept below the dominant tree canopy height.
- Whether the proposal prevents cluttering of development along main roads and key touring routes outside the settlements.
- In rural residential areas, whether the proposal:



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- Uses permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.
- Retains trees that form part of a continuous canopy beyond the property, and provides for the planting of new trees in a position where they will add to such a continuous canopy.
- Utilises vegetation for screening and to delineate property boundaries, instead of fencing.
- Provides open style fencing of a type traditionally used in rural areas ie post and wire (where fencing is necessary).
- Includes development located on the site to minimise views of the building from the main road into the settlement.
- The avoidance of any buildings or structures visible from the foreshore on the Bass Strait coast by setting new developments back on the inland side of dunes.
- Where development within the coastal strip cannot be avoided (e.g. development for essential public purposes), whether the proposal:
  - is sited in the lower one-third of the visible slope, wherever possible (avoid buildings protruding above the dune ridgeline);
  - includes buildings and structures set among existing vegetation, maximising the retention of coastal vegetation;
  - utilises appropriate indigenous vegetation to further integrate the development with the landscape;
    - is designed to follow the contours or step down the site;
    - includes buildings that are articulated into separate elements, and avoid visually dominant elevations;
    - is constructed of materials which reduce distant visibility (e.g. darker colours, non-reflective materials).
    - minimises overlooking of the foreshore; and
    - avoids pedestrian and vehicular access in highly visible or undisturbed areas.
- In circumstances where development cannot be avoided above ridgelines, whether the proposed development:
  - is located to avoid the loss of vegetation;
  - is constructed of lighter materials to minimise visibility against the sky.

#### 6.0 Background documents

State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)

South Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).

Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)

**SCHEDULE 2 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as SLO2.

**CAPE LIPTRAP TO WARATAH BAY****1.0 Statement of nature and key elements of landscape**

C121sgjp 25/07/2019

Cape Liptrap and surrounds is a diverse coastal landscape of State significance, comprising spectacular views and dramatic rock formations.

This is a remote and natural landscape with few settlements and long stretches of sandy beach, which is home to intact heathland and coastal forest communities. The area includes spectacular geological complexes with ancient Cambrian rocks and limestone cliffs, and remarkable landforms at Cape Liptrap and at Arch Rock. There are also unforgettable ocean views from high points such as the Cape Liptrap lighthouse, particularly across Waratah Bay to the dramatic profile of Wilsons Promontory.

In addition to its visual qualities, the landscape has significant cultural heritage and environmental values. The area is recorded on the Victorian Heritage Register and is recognised by the National Trust for relics of the lime burning industry at Walkerville South, with the ruins of several kilns still evident at the base of the cliffs. The area is also notable for shipwrecks off shore, and the remains of many Aboriginal camps with middens containing shellfish, flints and charcoal. The fauna and flora of the area are also highly valued, with some 270 species of flowering plants including 27 orchids and many threatened species.

**2.0 Landscape character objectives to be achieved**

C121sgjp 25/07/2019

To maintain, improve and protect indigenous vegetation, particularly at roadsides and in riparian strips throughout the landscape, and to ensure that it is the dominant feature of the landscape, particularly when viewed from the foreshore.

To protect locally significant views and vistas that contribute to the character of the landscape, including open views to Wilsons Promontory, the Toora Hills and Mt Hoddle.

To protect scenic vistas near the coast between Cape Liptrap and Walkerville, and views across Waratah Bay to Wilsons Promontory.

To protect the rural character and views that create a scenic 'gateway' to Wilsons Promontory.

To ensure that development in and around settlements does not impact on the characteristic of the landscape, including key views and viewing opportunities.

To manage development at the coastal edge of settlements so that the intact, natural, coastal character is the dominant feature of the landscape.

To minimise the visual intrusion of development within Walkerville and Walkerville South to views from the public foreshore and distant views (including offshore).

To contain the expansion of the settlements of Walkerville and Walkerville South into the vegetated and undeveloped landscapes between and adjacent to the settlements.

To ensure buildings and structures sit within, rather than dominate the landscape throughout the area.

To ensure minimum visibility of buildings and structures within the coastal strip.

To maintain the dominance of the natural landscape and vegetation on hill faces and ridges throughout the area.

To retain the natural and undeveloped character of the coastal strip between settlements by avoiding or carefully siting and designing development.

To ensure that long stretches of the coastal strip remain free of development of any kind.

To retain the open, rural character of the hinterland landscape.

To minimise the visual intrusion of signage and infrastructure, particularly in the landscape between settlements.

To preserve an appropriate landscape setting for landmarks or features of cultural heritage significance, such as the Cape Liptrap Lighthouse and limestone kilns at Walkerville.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of Cape Liptrap to Waratah Bay as a place of significant Aboriginal cultural heritage value.

### 3.0 Permit requirement

[C121sgjp](#) 25/07/2019

A permit is not required for:

- A building or extension to an existing building where all of the following are met:
  - The building is single storey and no more than 5 metres in height above natural ground level;
  - Has a total area of less than 250 square metres; and
  - Is constructed in muted, non reflective tones.
- Buildings and works associated with informal outdoor recreation.
- Works undertaken by a public authority relating to watercourse management or environmental improvements

A permit is required to remove, destroy or lop native vegetation. This does not apply in the following circumstances:

- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.

A permit is required to remove, destroy or lop non indigenous vegetation. This does not apply in the following circumstances:

- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.
- Is within a garden.
- Is less than 7.5 metres in height.
- Is senescent tree rows outside a garden.

A permit is required to construct a fence other than a post and wire fence up to 1.8 metres in height.

### 4.0 Application requirements

[C121sgjp](#) 25/07/2019

None specified.

### 5.0 Decision guidelines

[C121sgjp](#) 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether buildings are sited and designed to maximise retention of existing vegetation throughout the area, and whether the proposal provides for the planting of new indigenous coastal vegetation wherever possible.
- Whether landscaping around buildings uses indigenous species (e.g. Eucalyptus or Melaleuca spp.) or non-invasive exotic / native feature planting that is already a feature of the character (e.g. existing shelterbelts).
- Whether the proposal utilises indigenous vegetation for screening and to delineate property boundaries or open style fencing (e.g. post and wire) where important views would be interfered with by vegetation.
- Whether proposed development in landscapes visible from the coast between Cape Liptrap and Walkerville is sited and designed to avoid visual intrusion by being set back from the coast and hidden by topography, or using low building forms, darker colours and non-reflective materials and landscaping with indigenous vegetation.

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- Whether the visibility of the proposed development is minimised in landscapes visible within 500 metres of formal scenic lookouts in the Character Area, including Cape Liptrap Lighthouse.
- Whether the proposed development is kept below the dominant tree canopy height.
- Whether the visual intrusion of the proposed development is reduced by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.
- In flatter locations, whether the proposed development is substantially set back to minimise visual intrusion and retain a dominant natural character within 500 metres of the edge of the coast.
- In steep or hilly locations, whether buildings are designed to follow the contours or step down the site, to minimise need for earthworks on the site and articulate buildings into separate elements to avoid visually dominant elevations.
- Whether the proposed development utilises permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.
- Whether the proposed development retains the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in topography.
- Whether proposed building heights and footprints are minimised to retain an undeveloped appearance from foreshore and other public use areas.
- Whether proposed buildings and structures are sited a sufficient distance away from landmarks or features of cultural heritage significance.
- Whether the proposed development maintains an isolated setting to the Cape Liptrap lighthouse and avoids competition for visual dominance.
- Whether the proposal contributes to the preservation of landscape conditions and settings of places of Aboriginal cultural heritage value.
- The need for the sparse location of buildings and structures outside of settlements, to avoid the loss of existing vegetation

[6.0 Background documents](#)

[State Overview Report, Coastal Spaces Landscape Assessment Study \(Planisphere, 2006\)](#)

[South Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study \(Planisphere, 2006\).](#)

[The Siting and Design Guidelines for Structures on the Victorian Coast \(Victorian Coastal Council, 1998\).](#) [not as per MD format – these documents as listed at 72.08]

**SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as SLO3.

**CORNER INLET AMPHITHEATRE****1.0 Statement of nature and key elements of landscape**

C121sgjp 25/07/2019

Mount Hoddle and the Welshpool Hills are prominent landforms that provide an amphitheatre setting for Corner Inlet and Wilsons Promontory, with the entire landscape unit being of regional significance.

The area is also of high environmental significance. It is identified by the RAMSAR Convention as a bird habitat of international importance, and is listed on the Register of the National Estate for its plant life, which is of bio-geographic significance. Aboriginal middens are plentiful along the shores of Corner Inlet, adding cultural heritage to the landscape's layers of significance.

**2.0 Landscape character objectives to be achieved**

C121sgjp 25/07/2019

To maintain and improve indigenous vegetation, particularly at roadsides and in riparian strips throughout the landscape.

To protect indigenous coastal vegetation and ensure that it is the dominant feature of the landscape, particularly when viewed from the foreshore.

To protect cultural vegetation patterns in the landscape.

To protect locally significant views and vistas that contribute to the character of the landscape, including open views to Wilsons Promontory, the Welshpool Hills and Mt Hoddle.

To protect the rural character and views that create a scenic 'gateway' to Wilsons Promontory (especially along Foster – Promontory Road).

To ensure that development in and around settlements does not impact on the characteristics of the landscape, including key views and viewing opportunities.

To manage development at the coastal edge of settlements so that the intact, natural, coastal character is the dominant feature of the landscape i.e. the Corner Inlet mangrove coastal edge of Port Albert and Port Welshpool and the Waratah Bay dunal coastal edge of Waratah Bay and Sandy Point.

To ensure buildings and structures sit within, rather than dominate the landscape.

To ensure that long stretches of the coastal strip remain free of development of any kind.

To reduce the visibility of buildings or structures, within the coastal strip, outside settlements.

To retain the open, rural character of the hinterland landscape.

To minimise the visual intrusion of infrastructure and signage, particularly between settlements.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Corner Inlet Amphitheatre as a place of significant Aboriginal cultural heritage value.

**3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not required for:

- A building or extension to an existing building where all of the following are met:
  - The building is single storey and no more than 7.5 metres in height above natural ground level; and,
  - Has a total area of less than 250 square metres; and
  - Is constructed in muted, non reflective tones.
- Buildings and works associated with informal outdoor recreation.

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- Works undertaken by a public authority relating to watercourse management or environmental improvements

A permit is required to remove, destroy or lop native vegetation. This does not apply in the following circumstances:

- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.

A permit is required to remove, destroy or lop non indigenous vegetation. This does not apply in the following circumstances:

- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.
- Is within a garden.
- Is less than 7.5 metres in height.
- Is senescent tree rows outside a garden.

A permit is required to construct a fence other than a post and wire fence up to 1.8 metres in height.

#### 4.0 **Application requirements**

[C121sgjp](#) 25/07/2019

None specified.

#### 5.0 **Decision guidelines**

[C121sgjp](#) 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether buildings are sited and designed to maximise retention of existing vegetation throughout the landscape, and whether the proposal provides for the planting of new indigenous coastal vegetation wherever possible.
- Whether landscaping around buildings uses indigenous species (e.g. Eucalyptus or Melaleuca spp.) or non-invasive exotic / native feature planting that is already a feature of the character (e.g. existing shelterbelts).
- In landscapes visible within 500 metres of Foster – Wilsons Promontory Road, whether the proposed development is sited to retain the open rural character and views to coastal landscape features.
- Whether ridgetops and visually prominent hill faces are largely kept free from development, particularly slopes visible from the coast and coastal hinterland such as between Mount Hoddle and Yarram
- Along the South Gippsland Highway, whether buildings are sufficiently set back to avoid intrusion into views to Corner Inlet, Wilsons Promontory and the Welshpool Hills.
- Whether the proposed development is kept below the dominant tree canopy height.
- The sparse location of buildings and structures outside of settlements, to avoid the loss of existing vegetation.
- Whether the proposed development reduces visual intrusion by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.
- In coastal locations, whether the proposed development utilises materials and colours that minimise contrast with the surrounding landscape and whether the visibility of buildings and structures is minimised when viewed from a distance, including from offshore.
- In flatter locations (e.g. adjoining Shallow Inlet) whether the proposed development is substantially set back to minimise visual intrusion and to retain a dominant natural character within 500 metres of the edge of the coast.
- In steep or hilly locations, whether the proposed development is designed to follow the contours or step down the site, to minimise need for earthworks on the site and whether buildings are articulated into separate elements to avoid visually dominant elevations.

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- Whether the proposal includes the use of permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.
- Whether the proposal includes the use of vegetation for screening and to delineate property boundaries, instead of fencing. If fencing is necessary, the proposal should include open style fencing of a type traditionally used in rural areas i.e. post and wire.
- Whether the proposal contributes to the retention of the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in the topography.

[6.0 Background documents](#)

[State Overview Report, Coastal Spaces Landscape Assessment Study \(2006\) Planisphere](#)

[South Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study \(2006\). Planisphere](#)

[Siting and Design Guidelines for Structures on the Victorian Coast \(1998\) Victorian Coastal Council](#)  
[not as per MD format – these documents as listed at 72.08]

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## **SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY**

C121sgjp 25/07/2019

### **1.0**

#### **Application requirements**

C127sgjp 03/03/2022

The following application requirements apply to an application under Clause 43.01, in addition to those specified elsewhere in the planning scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report prepared by a suitably qualified heritage consultant, that assesses the impact of the application upon the significance of the heritage place. This report should:
  - Include a Site Analysis that:
    - Describes the significant elements of the place having regard to the relevant citation in the *South Gippsland Heritage Study* (2004).
    - Demonstrates how the significant elements of the place have been considered in the preparation of the application. For applications that include demolition, provide an assessment of whether the fabric is significant and, if so, why it is to be removed.
  - Provide an assessment of how the application will affect the significance of the heritage place.



**2.0 Heritage places**

C126sgjp 11/03/2022

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage place	External paint controls apply?	Internal alterations controls apply?	Tree controls apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<b>ALLAMBEE &amp; DISTRICT</b>							
HO23	Allambee East Cemetery (former) Grand Ridge Road, Allambee East	No	No	No	No	No	No	No
HO24	Allambee South State School No 3075 (former) Grand Ridge Road, Allambee South	No	No	Yes	No	No	No	No
	<b>BENA &amp; DISTRICT</b>							
HO25	Bena Primary School (former) No 3062 40 Greens Road, Bena	No	No	No	No	No	Yes	No
	<b>BERRYS CREEK &amp; BOOROOL</b>							
HO28	Berry's Creek Honour Avenue Berry's Creek Road, Berry's Creek	No	No	Yes	No	No	No	No

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HO3	<p>Mossvale Park Mossvale Park Road, Berry's Creek</p> <p>The heritage place comprises the Algerian Oak (Quercus Canariensis ) situated next to the sound shell, Oriental Plane (Platanus Orientalis) next to the rear gate leading to private land, Chestnut Leaved Oak (Quercus Castaneifolia), near toilet block, London Plane (Platanus x Acerifolia), next to sound shell, concrete block shelter, brick toilet block, ruins of original timber bridge on river bank, and other mature trees including English Elms (Ulmus procera), other Oaks, Planes, Copper Beech, and Variegated Elm (Ulmus Minor Variegata) situated on pasture land on east facing slope behind park.</p>	No	No	Yes	No	No	No	No
<b>DOLLAR &amp; DISTRICT</b>								
HO32	<p>Dollar State School No. 3473 (former) Dollar Hall Road</p> <p>The heritage place comprises school, adjacent shelter shed and surrounding land to a minimum extent of 5m.</p>	No	Yes	No	Yes	No	No	No
<b>FISH CREEK &amp; DISTRICT</b>								
HO13	<p>Bank of Australasia (former) 19 Falls Road, Fish Creek</p>	Yes	Yes	No	No	No	Yes	No
HO140	<p>Greenfields 915 Falls Road, Fish Creek</p> <p>The heritage place comprises dwelling and surrounding land to a minimum extent of 2m.</p>	No	No	No	No	No	No	No

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HO141	Bosley Farm 425 Harding-Lawson Road, Fish Creek The heritage place comprises dwelling and surrounding land to a minimum extent of 2m.	No	No	No	No	No	No	No
HO157	Fish Creek Memorial Hall 13 Falls Road Fish Creek	No	No	No	No	No	No	No
<b>FOSTER &amp; DISTRICT</b>								
HO15	Victory Mine and Kaffir Hill Reserve, Foster	Yes	No	Yes	No	No	No	No
HO16	Exchange Hotel 43 Main Street, Foster	Yes	Yes	No	No	No	Yes	No
HO38	South Gippsland Historical Society Museum Main Street, Foster The heritage place comprises Foster Post Office (former) and former Agnes State School No. 3043.	No	Yes	No	No	No	No	No
HO39	Foster World War 1 Soldiers Memorial Main Street, Foster The heritage place comprises memorial and surrounding land to a minimum extent of 1m.	No	No	No	No	No	No	No
HO40	Foster Court House and Police Stables (former) 33 Station Road, Foster	No	No	No	No	No	No	No
HO41	Wilga (dwelling) 59 Station Road, Foster	No	No	No	No	No	No	No
HO42	Foster Recreation Reserve Pavilion Station Road, Foster	No	No	No	Yes	No	No	No
HO158	Hillcrest (dwelling) 175 Ameys Track, Foster	No	No	No	No	No	No	No

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	<b>HEDLEY &amp; DISTRICT</b>							
HO44	Hedley Public Hall South Gippsland Highway, Hedley	No	No	No	No	No	No	No
	<b>JEETHO</b>							
HO46	Shire of Poowong & Jeetho Offices & Hall (former) (Jeetho Public Hall) Jeetho Road, Jeetho	Yes	Yes	No	No	No	Yes	No
HO142	Wrigwell (later Glenorchy) 250 Jeetho Road, Jeetho The heritage place comprises the dwelling, stables and trees along former carriage drive	No	No	Yes – trees along former carriage drive	Yes – stables only	No	No	No
	<b>JUMBUNNA</b>							
HO47	Brick culverts Lynn Streets, Jumbunna	No	No	No	No	No	No	No
	<b>KARDELLA</b>							
HO48	Kardella Avenue of Honour Kardella Road, Kardella	No	No	Yes	No	No	No	No
HO49	Boer War Memorial Oak Trees Kardella Road, Kardella	No	No	Yes	No	No	No	No
	<b>KONGWAK</b>							
HO4	Kongwak Co-operative Butter & Cheese Factory (former) Korumburra-Wonthaggi Road, Kongwak	Yes	Yes	No	No	No	Yes	No

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HO50	Kongwak Avenue of Honour Korumburra-Wonthaggi Road, Kongwak	No	No	Yes	No	No	No	No
<b>KOONWARRA &amp; DISTRICT</b>								
HO51	Three Railway Bridges over Tarwin River South Eastern Railway, Koonwarra	No	No	No	No	No	No	No
HO52	Cluanie (former Linsfield, Lyrebird Mound) 390 Koonwarra-Inverloch Road, Koonwarra	No	No	Yes	Yes	No	No	No
<b>KORUMBURRA &amp; DISTRICT</b>								
HO53	Korumburra Post & Telegraph Office (former) 24-26 Bridge Street, Korumburra	Yes	Yes	No	Yes – timber outbuilding	No	No	No
HO54	Coal Creek Heritage Park South Gippsland Highway Korumburra The heritage place comprises the former Korumburra Court House, Kilcunda Road State School No 3337 (former) and the Wattle and Daub Cottage.	Yes	Yes	No	No	No	No	No
HO57	Korumburra Drill Hall 8 Charles Street, Korumburra	No	No	No	No	No	No	No
HO59	Korumburra Strzelecki Memorial Korumburra-Warragul Road (Cnr. Old Bena Road), Korumburra The heritage place comprises memorial and surrounding land to a minimum extent of 2m.	No	No	No	No	No	No	No
HO61	Korumburra Baptist Church Mine Road, Korumburra	No	Yes	No	No	No	No	No

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HO62	Korumburra World War 1 Soldiers Memorial (Coleman Park) Queen Street, Korumburra	No	No	No	No	No	No	No
HO63	Korumburra Comfort Station for Women (former) Radovick Street, Korumburra	No	No	No	No	No	No	No
HO5	Part of Korumburra Railway Station Complex Station Street, Korumburra	No	No	No	No	No	No	No
HO18	Korumburra Railway Station complex Station Street, Korumburra	-	-	-	-	Yes Ref No H1571	No	No
HO143	14 Bridge Street, Korumburra Dwelling	No	No	No	No	No	Yes	No
HO150	21 Bridge St Korumburra Dwelling	No	No	No	No	No	No	No
HO144	23 Bridge Street, Korumburra Dwelling	No	No	No	No	No	Yes	No
HO145	Lismore 48 Bridge Street, Korumburra The heritage place comprises dwelling and land to a depth of 25m from the lot frontage	No	No	No	No	No	No	No
HO146	1A Victoria Street, Korumburra Dwelling The heritage places comprises dwelling and land to a depth of 25m from the lot frontage	No	No	No	No	No	No	No

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	<b>LEONGATHA, KOOROOMAN &amp; DISTRICT</b>							
HO26	Leongatha South State School No. 3251 (former) 7975 Bass Highway, Leongatha South	No	No	No	No	No	No	No
HO64	Springdale 190 Gwyther Siding Road, Leongatha South The heritage place comprises house designed by Harold Desbrowe-Annear and constructed in 1905 and surrounding land to a minimum extent of 10m.	No	Yes	No	No	No	No	No
HO65	South Gippsland Water Purification Plant Harveys Road, Leongatha The heritage place comprises Ronald M Scott designed brick building (constructed 1958-60) and 1m around the building, excluding plant equipment.	Yes	No	No	No	No	No	No
HO66	Koorooman Avenue of Honour Hydes Road, Koorooman	No	No	Yes	No	No	No	No
HO67	Leongatha Railway Station Long Street, Leongatha	Yes	Yes	Yes	No	No	Yes	No
HO68	Leongatha Strzelecki Memorial Long Street, Leongatha	No	No	No	No	No	No	No
HO69	Canary Island Palms (Phoenix Canariensis) Apex Park, McCartin Street, Leongatha	No	No	Yes	No	No	No	No
HO70	Leongatha Court House (former) 2 McCartin Street, Leongatha	Yes	Yes	No	No	No	No	No
HO71	Leongatha Post & Telegraph Office 4 McCartin Street, Leongatha	Yes	No	No	No	No	No	No

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HO7	Memorial Hall & Woorayl Shire Offices (former) 6-8 McCartin Street, Leongatha	Yes	Yes	No	No	No	Yes	No
HO6	Leongatha Mechanics' Institute & Free Library (former) 10McCartin Street, Leongatha	Yes	Yes	No	No	No	Yes	No
HO72	Leongatha Secondary College (former Leongatha Agricultural College) Nerrena Road, Leongatha	-	-	-	-	Yes Ref No H0949	No	No
HO138	Part Leongatha Secondary College Nerrena Road, Leongatha	No	No	No	No	No	No	No
HO10	Knox's Rockhill Farm complex 530 Nerrena Road, Leongatha	Yes	Yes	No	No	No	Yes	No
HO76	Leongatha Showgrounds Grandstand and Gates Leongatha Recreation Reserve Roughead Street, Leongatha	Yes	No	No	No	No	No	No
HO77	Leongatha World War 1 Memorial Avenue of Honour Wild Dog Valley Road & Yarragon Road, Leongatha	No	No	Yes	No	No	No	No
HO9	Hayes' (PA Dunne's) Store (former) 4 Roughead Street, Leongatha	Yes	Yes	No	No	No	Yes	No
HO8	Leongatha Butter and Cheese Factory (former), corner Strzelecki Highway and Roughead Street	Yes	Yes, limited to the hexagonal terracotta floor tiles	No	No	No	Yes	No



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HO147	42 Brown Street, Leongatha Dwelling The heritage places comprises dwelling and land to a depth of 30m from the lot frontage	No	No	No	No	No	No	No
HO148	Egerton 37 Jeffrey Street, Leongatha Dwelling and stables	No	No	No	Yes - stables	No	No	No
HO149	McGuinness House (later Lamont House) 19 Long Street, Leongatha Dwelling and former boarding house/stable The heritage places comprises dwelling and land to a depth of 35m from the lot frontage	No	No	No	Yes – garages	No	Yes	No
<b>LOCH</b>								
HO2	Chestnut-Leaved Oaks (Quercus Castaneifolia) Victoria Road, Loch The heritage place comprises the Oaks in the paddock at rear of Loch Catholic Church.	No	No	Yes	No	No	Yes	No
HO83	Loch Primary School No 2912 Victoria Road, Loch	No	No	No	No	No	No	No
<b>MEENIYAN &amp; DISTRICT</b>								
HO88	Railway Bridge over Tarwin River South Eastern Railway, Meeniyen	No	No	No	No	No	No	No
HO90	Meeniyen Public Hall Whitelaw Street, Meeniyen	No	No	No	No	No	No	No

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HO91	Meeniyan & Stony Creek World War 1 Memorial Whitelaw Street, Meeniyan The heritage place comprises memorial and surrounding land to edge of median strip.	No	No	No	No	No	No	No
<b>MIRBOO &amp; DISTRICT</b>								
HO22	Mirboo on Tarwin Hall 285 Mirboo South Road, Mirboo	-	-	-	-	Yes Ref No H1973	Yes	No
HO95	Mirboo Shire Hall and Offices (former) 30 Ridgway, Mirboo North	No	Yes	No	No	No	No	No
HO97	Mirboo North Railway Station (former) Ridgway, Mirboo North The heritage place comprises Station building and platform and surrounding land to a minimum extent of 10m.	No	Yes	No	No	No	No	No
HO98	Mirboo North Strzelecki Memorial Ridgway, Mirboo North	No	No	No	No	No	No	No
HO151	Clestron (Ogilvy homestead site and trees) 600 Boolarra South-Mirboo North Road, Mirboo North The heritage place comprises a circle with a diameter of 75m containing group of trees surrounding the former Ogilvie homestead	No	No	Yes	No	No	No	No
HO152	60 Ridgway, Mirboo North Colonial Bank of Australasia (former) and residence	No	No	No	No	No	Yes	No

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	<b>NERRENA &amp; DISTRICT</b>							
HO102	Nerrena Public Hall Nerrena Hall Road, Nerrena	No	No	No	No	No	No	No
	<b>NYORA &amp; DISTRICT</b>							
HO103	Nyora Railway Station Mitchell Street, Nyora	Yes	Yes	No	No	No	Yes	No
HO159	'Aroyn' 379 Lang Lang-Poowong Road, Nyora <b>Statement of Significance:</b> <i>Statement of Significance, "Aroyn" (July 2021)</i>	No	No	No	No	No	No	No
	<b>POOWONG &amp; DISTRICT</b>							
HO1	Wesleyan Church (former) 35 Nyora Road, Poowong	Yes	Yes	No	No	No	Yes	No
HO21	Notched Log Cottage 920 Nyora-Poowong Road, Poowong	-	-	-	-	Yes Ref No H1987	Yes	No
HO104	Poowong World War 1 Soldiers' Memorial Nyora Road, Poowong The heritage place comprises memorial and surrounding land to a minimum extent of 3m.	No	No	No	No	No	No	No
	<b>PORT WELSHPOOL &amp; DISTRICT</b>							
HO17	'Crescent' Turnbull Street, Port Welshpool	Yes	Yes	No	No	No	Yes	No

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<b>STONY CREEK &amp; DISTRICT</b>								
HO111	'Woodlands' 280 Stony Creek-Dollar Road, Stony Creek The heritage place comprises 2-room house constructed c.1905 and the main homestead constructed in 1924 and surrounding land to a minimum extent of 10m.	No	No	No	No	No	No	No
HO112	Stony Creek Mechanics' Institute & Free Library Main Street, Stony Creek	Yes	Yes	No	No	No	Yes	No
<b>STRZELECKI</b>								
HO113	Strzelecki Avenue of Honour Korumburra-Warragul Road, Strzelecki	No	No	Yes	No	No	No	No
HO153	Strzelecki railway line (former) – engine turntable site 2 Wild Dog Road, Strzelecki The heritage place comprises a circle with a diameter of 20m located over the turntable bed remains.	No	No	No	No	No	No	No
<b>TARWIN LOWER &amp; DISTRICT</b>								
HO117	John Simpson Memorial River Drive, Tarwin Lower The heritage place comprises memorial and surrounding cast iron fence and surrounding land to a minimum extent of 2m.	No	No	No	No	No	No	No
HO118	Tarwin Lower Memorial Hall (Former Mechanics' Institute & Free Library) River Drive, Tarwin Lower	Yes	Yes	No	No	No	No	No

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	<b>TOORA &amp; DISTRICT</b>							
HO14	Tin Mines Toora Creamery Valley Road & Woomera Creek Road, Toora	No	No	No	No	No	No	No
HO120	Toora Avenue of Honour Grip Road, Toora	No	No	Yes	No	No	No	No
HO123	Toora State School Jubilee Gates 33 Gray Street, Toora The heritage place comprises memorial gates, surrounding land to a minimum extent of 2m and all of the land between the gates and Grey Street School building frontage.	No	No	No	No	No	No	No
HO127	Toora World War 1 Soldiers' Memorial Welshpool Road, Toora The heritage place comprises memorial and surrounding land to a minimum extent of 5m.	No	No	No	No	No	No	No
HO154	Bank of Victoria (former) and residence 35 Stanley Street, Toora The heritage place comprises the entire lot (Lot 1 TP577245)	No	No	No	No	No	Yes	No
HO155	Ingleside (later Gully Humphrey) 46 Scannels Road, Toora North The heritage place comprises 2 dwellings & surrounding land to a minimum extent of 2m.	No	No	No	No	No	No	No
	<b>TRIDA</b>							
HO156	1790 Grand Ridge Road, Trida The heritage place comprises dwelling and surrounding land to a minimum extent of 2m.	No	No	No	No	No	No	No

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	<b>TURTON'S CREEK &amp; DISTRICT</b>							
HO11	Turton's Creek Goldfield Turton's Creek Road, Turton's Creek	No	No	No	No	No	No	No
	<b>WALKERVILLE &amp; WARATAH BAY</b>							
HO128	Walkerville North Public Hall Bayside Drive, Walkerville	No	No	No	No	No	No	No
HO129	Walkerville Lime Kilns (former) Foreshore reserve, off Bayside Drive, Walkerville South	-	-	-	-	Yes Ref No H2043	No	No
HO130	Bell Point Lime Kilns (former) Foreshore reserve, off Walkerville South Road, Bell Point	-	-	-	-	Yes Ref No H2068	No	No
HO132	The Gap Gale Street & Fish Creek-Waratah Road (Cnr.), Waratah Bay	No	No	Yes	No	No	No	No
	<b>WELSHPOOL</b>							
HO133	Welshpool Avenue of Honour The heritage place comprises the rows of Elm trees planted on the sides of Main Road, Port Welshpool Road & Woorarra Road, Welshpool	No	No	Yes	No	No	No	No
HO134	Norfolk Island Pine Avenue Port Welshpool Road, Welshpool The heritage place comprises Norfolk Island Pines on either side of Port Welshpool Road south of Welshpool.	No	No	Yes	No	No	No	No

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HO135	Welshpool World War 1 Soldiers' Memorial Welshpool Road, Welshpool The heritage place comprises the memorial and surrounding landscape plantings.	No	No	Yes	No	No	No	No
<b>WONGA &amp; DISTRICT</b>								
HO12	Shearing Shed, 'Wongalee' Wonga	Yes	Yes	No	No	No	Yes	No
<b>WOOREEN &amp; DISTRICT</b>								
HO137	Wooreen Avenue of Honour Leongatha-Yarragon Road, Wooreen	No	No	Yes	No	No	No	No
<b>WILSONS PROMONTORY</b>								
HO139	Refuge Cove Wilsons Promontory Wilsons Promontory National Park	-	-	-	-	Yes Ref No H1729	Yes	No
HO19	Wilsons Promontory Lightstation Wilsons Promontory National Park	-	-	-	-	Yes Ref No H1842	Yes	No
HO20	Sealers Cove Sawmill Wilsons Promontory National Park	-	-	-	-	Yes Ref No H2019	Yes	No

**SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO1**.**TOWNSHIP APPROACH****1.0 Design objectives**

C121sgjp 25/07/2019

To provide for attractive and distinctive town approaches along main roads through measures including the provision of landscape and design controls upon development.

To provide highway travellers with conspicuously located facilities providing information, fuel and refreshments and rest stop areas.

To encourage development that is of an appropriate scale and design quality to enhance township approaches.

To ensure that new development harmonises in scale and design with adjoining residential areas.

**2.0 Buildings and works**

C121sgjp 25/07/2019

The following buildings and works requirements apply to an application to construct a building or construct or carry out works: [to comply with MD]

The external walls of all buildings are encouraged to be constructed of brick, stone or concrete.

Buildings should be constructed with a setback of 6 metres from any road.

Land within 2 metres of a road reserve should be planted and maintained with lawn, trees and shrubs to the satisfaction of the responsible authority.

No buildings should be constructed closer to any Residential Zone as determined by the following formula:

- $D = 1.5 + H/2$

Where:

- D = Minimum horizontal distance in metres to a wall from the zone boundary.
- H = Height in metres of the highest part of the wall above the ground with the minimum height being 4 metres.

**3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

**4.0 Signs**

C121sgjp 25/07/2019

None specified.

**5.0 Application requirements**

C121sgjp 25/07/2019

None specified.

**6.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority. Before deciding on an application, the responsible authority must consider the following matters: [to comply with MD]



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- The availability and provision of services for the supply of water, sewerage, drainage, electricity and other services.
- The need for proper disposal of stormwater discharges, sewerage effluent and other liquid wastes, which may be associated with the development.
- The layout of any car park and the location and widths of entrance and exit points, access lanes and roadways and the need for an appropriate pattern of pedestrian and vehicular access to the development.
- The location, nature and type of advertisement which may be associated with the development.
- The location, nature and type of any landscape area which may be incorporated into the development.
- The need to screen storage areas, garbage receptacles and any other items which may have an adverse impact on the amenity of the area.

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## **SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO2**.

### **BURCHELL LANE INDUSTRIAL PRECINCT**

#### **1.0 Design objectives**

C115sgjp 13/08/2020

To ensure all development and works enhance the amenity of the Burchell Lane Industrial Precinct by encouraging high quality design and external finishes to buildings and structures, adequate building siting and a high quality landscape.

To ensure that development and works are located to minimise off-site impacts to adjoining residential areas.

To minimise the impact of commercial traffic on adjoining residential amenity and pedestrian traffic.

To improve the pedestrian environment along Peters Street as a focus for pedestrian activity in the town centre.

#### **2.0 Buildings and works**

C115sgjp 13/08/2020

A permit is not required to:

- Construct buildings or undertake works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- Construct buildings or undertake works which are used for crop raising or informal outdoor recreation.
- Construct a rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building's setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or access way.

#### **Design requirements**

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

##### **Building setbacks**

- Buildings should have a zero setback to the front title boundary where the lot abuts Peters Street. Buildings should also have a visual connection with the street.

##### **Weather protection**

- Buildings fronting Peters Street should be cantilevered over the full pavement width to provide weather protection to pedestrians along Peters Street.

##### **Landscaping**

- A 2-metre width of landscaping must be provided along all road abutments, except where there is no building setback, using a suitable selection of trees, shrubs or grasses to the satisfaction of the Responsible Authority. The landscaping should provide appropriate screening of car parking and outdoor storage areas, enhance the amenity of the surrounding area and provide an attractive visual environment for adjoining residential properties.

##### **Access**

- Vehicle access to each site should be in a form and location that permits all vehicles to enter and egress safely without causing detrimental effects on the amenity of adjoining residential uses.
- Vehicle crossovers should be provided from Burchell Lane for all properties abutting Burchell Lane.
- No more than one crossover should be provided per lot.

**3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

**4.0 Signs**

C115sgjp 13/08/2020

Sign requirements are at Clause 52.05. All land located within DDO2 is in Category 2.

**5.0 Application requirements**

C115sgjp 13/08/2020

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority:

- A detailed report that shows how the design objectives of this overlay are met.
- A detailed site plan that shows building setbacks, the location and width of vehicle crossovers, outdoor building display areas and advertising signs.
- Building elevation plans that clearly describe the external building materials and finishes and proposed advertising signs.
- A landscape plan that shows:
  - The location, species and height of all existing vegetation to be retained and/or removed; and
  - A detailed planting schedule that makes reference to the background document *CFA Landscaping for Bushfire November 2011* and uses species selected from Indigenous Plants of South Gippsland Shire (2004), with emphasis on plants from the relevant Ecological Vegetation Class for the planting area.

**6.0 Decision guidelines**

C115sgjp 13/08/2020

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

- The extent to which driveways and parking areas have been designed, sited and dimensioned to be visually recessive in the streetscape by:
  - Limiting the number and width of vehicle crossovers.
  - Softening driveways and parking areas with vegetation.
- The need to ensure the safety and efficiency of vehicle movements from properties onto the street network.
- The impact of the built form of the proposed development on the town centre and adjoining residential uses, including:
  - Whether the building height or design would cause the building to be visually prominent within the streetscape.
  - Whether vegetation has been retained or will be planted to soften the appearance of development.
  - Whether buildings provide visual interest through articulation, glazing, verandahs, balconies, eaves and variation in materials and textures and avoid design repetition.
  - Whether the placement of roof top structures and service facilities avoids detrimental impact on the streetscape or adjoining properties.
  - Whether the building setbacks from front, side and rear boundaries are sufficient to allow for the retention or planting of vegetation, including canopy trees.
  - Whether the building setback to Peters Street promotes an attractive pedestrian environment.
- The need to provide for business display areas in appropriate locations.
- Whether the proposed development demonstrates provision of a protected pedestrian environment in Peters Street through the use of cantilevered building design.

**SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO3**.**SANDY POINT****1.0****Design objectives**

C121sgjp 25/07/2019

**Built Form / Landscape Character**To protect ~~and manage~~ the coastal village character of Sandy Point ~~by~~:-~~To maintain~~ing the predominance of modest, minimal impact housing and the well-vegetated character of allotments.:-~~To encourage single storey development, and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.~~~~To encourage building heights which do not protrude above the existing tree canopy.~~~~To discourage boundary fencing forward of building frontages, unless this is a timber post and wire fence.~~~~To minimise the dominance of car parking structures and outbuildings on views from the street and other sensitive viewing locations.~~**Siting and setbacks**~~To ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.~~~~To ensure that new development is appropriately set back from sensitive environmental boundaries. To preserve the spacious landscape setting of the area and soften the appearance of development from the street.~~**Site Coverage**~~To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.~~**Landscaping and Environment**~~To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.~~~~To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.~~~~To protect and maintain areas of indigenous and native vegetation where possible in new development.~~~~To encourage the planting of indigenous vegetation in new landscaping.~~

To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

**Materials and design detail****To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.****2.0****Buildings and works**

C121sgjp 25/07/2019

A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 6.5 metres from natural ground level.
- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage.
- A development that does not achieve the following site coverage requirements:
  - A building site coverage of no more than 40 per cent;

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- A paved area (permeable paving) of no more than 20 per cent; and
- An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on a site is greater than 250 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the responsibility of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

### **Buildings**

Encourage single storey development, and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.

Avoid building heights that protrude above the existing tree canopy.

Minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.

Site and design development to be screened by and nestled within the landscaped setting and set back from sensitive environmental boundaries.

Support materials that are muted in colour, blend with the colours of the surrounding landscape, are non-reflective and recessive to the landscape to achieve a pattern of development where buildings do not dominate or stand out from the colours and textures of the surrounding natural environment.

### **Setbacks**

Preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.

### **Fences**

~~To discourage~~ Avoid boundary fencing forward of building frontages, unless they are constructed of timber post and wire fence.

### **Access and carparking**

~~To~~ Minimise the dominance of car parking structures and outbuildings on views from the street and other sensitive viewing locations.

Encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.

### **Landscaping and vegetation**

Protect areas of indigenous and native vegetation.

Encourage the planting of indigenous vegetation in new landscaping.

## **3.0**

### **Subdivision**

C121sgjp 25/07/2019

An application for subdivision within the Township Zone is considered to meet the design objectives where:

- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff.

**4.0 Signs**

C121sgjp 25/07/2019

None specified.

**5.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority:

An application to develop land for the purpose of a dwelling or any other building should meet the following requirements: [to comply with MD]

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

**6.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

Before deciding on an application, the responsible authority must consider: [to comply with MD]

- The design objectives of this schedule.
- ~~Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Sandy Point contained in Clause 21.04. [Duplication of other provisions, contrary to PG]~~
- Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.
- The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.
- Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.
- The impacts of any buildings or works on any prominent ridgelines or locations when viewed from a public place.
- Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.

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- Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.
- The preservation of any existing natural vegetation, particularly indigenous vegetation.
- Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.
- Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.
- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.

A permit is required for all other buildings and works.

**7.0 ~~Background documents~~**

*~~Urban Design Framework: Settlement Background Paper, Sandy Point, (Connell Wagner, 2006)~~*

**~~THE SITING AND DESIGN GUIDELINES FOR STRUCTURES ON THE VICTORIAN COAST (VICTORIAN COASTAL COUNCIL, 1998)~~** [NOT AS PER MD FORMAT – THESE BACKGROUND DOCUMENTS ARE LISTED AT 72.08]

**SCHEDULE 4 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO4**.**WARATAH BAY****1.0****Design objectives**

C121sgjp 25/07/2019

**~~Built Form / Landscape Character~~****~~All Areas~~**

To protect ~~and manage~~ the coastal hamlet character and reinforce the identity of the two distinct residential areas of Waratah Bay.

To maintain the predominance of modest, minimal impact housing and the well-vegetated character of allotments.

To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.

To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.

To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

~~To maintain the predominance of modest, minimal impact housing and the well-vegetated character of allotments.~~

~~To encourage single storey development and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.~~

~~To ensure that new development demonstrates a high standard of contemporary design and innovation and respects the low scale and the typical mass and form of the area.~~

~~To discourage boundary fencing forward of building frontages, unless this is a timber post and wire fence.~~

~~To minimise the dominance of car parking structures and outbuildings associated with residential development on views from the street and other sensitive viewing locations.~~

**~~Township Zone~~**

~~To maintain the predominant modest, minimal impact cottage style housing and well-vegetated character of allotments.~~

**~~Low Density Residential Zone~~**

~~To ensure that new development demonstrates a high standard of contemporary design and complements the coastal setting.~~

~~To maintain the reclusive, well-vegetated character of the area.~~

~~To encourage low profile development in order to minimise visual impact on views towards the ridgeline from other parts of the hamlet.~~

**~~Siting and setbacks~~**

~~To ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.~~

~~To ensure that new development is appropriately set back from concitive environmental boundaries.~~

~~To ensure that buildings and structures are strategically sited within the landscape in order to maintain the sense of isolation experienced from the beach.~~

**~~Views~~**

~~To minimise the visual impact of development from key viewing locations, particularly town approaches and high points in the dunal landscape.~~



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~~To maintain and enhance the public views from the northern upper low density residential area across Waratah Bay and Bass Strait.~~

~~To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.~~

#### ~~Site Coverage~~

~~To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.~~

#### ~~Landscaping and Environment~~

~~To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.~~

~~To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.~~

~~To protect and maintain areas of indigenous, native and non-weedy exotic vegetation where possible in new development.~~

~~To encourage the planting of indigenous vegetation in new landscaping.~~

~~To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.~~

#### ~~Materials and design detail~~

~~To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.~~

## 2.0

### **Buildings and works**

C121sgjp 25/07/2019

#### **Permit requirement – Township Zone**

A permit is not required to construct a building or carry out works other than for:

- A building with a height of more than 6.5 metres from natural ground level.
- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage.
- A development that does not achieve the following site coverage requirements:
  - A building site coverage of no more than 40 per cent;
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 250 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

#### **Permit requirement – Low Density Residential Zone**

A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 7.5 metres from natural ground level.
- A building that has setbacks of less than 12 metres from the front property boundary and 3 metres from a side boundary or rear boundary.
- A development that does not achieve the following site coverage requirements:
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 300 square metres.

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- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A boundary fence constructed of materials other than timber post and wire.

A permit is required for all other buildings and works.

### **Views**

Minimise the visual impact of development from key viewing locations, particularly town approaches and high points in the dunal landscape.

Enhance the public views from the northern upper low density residential area across Waratah Bay and Bass Strait.

### **Buildings**

To maintain the predominance of modest, minimal impact housing and the well vegetated character of allotments.

To encourage single storey development and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.

To ensure that new development demonstrates a high standard of contemporary design and innovation and respects the low scale and the typical mass and form of the area.

To maintain the predominant modest, minimal impact cottage style housing and well vegetated character of allotments in the Township Zone.

To ensure that development demonstrates a high standard of contemporary design and complements the coastal setting, maintains the reclusive, well vegetated character of the area in the Low Density Residential Zone.

Encourage low-profile development in the Low Density Residential Zone to minimise visual impact on views towards the ridgeline from other parts of Waratah Bay.

Support materials that are muted in colour, blend with the colours of the surrounding landscape, are non-reflective and recessive to the landscape to achieve a pattern of development where buildings do not dominate or stand out from the colours and textures of the surrounding natural environment.

Site and design buildings to be screened by and nestled within the landscaped setting.

Set development back from sensitive environmental boundaries.

Strategically site buildings within the landscape in order to maintain the sense of isolation experienced from the beach.

Minimise building site coverage and the use of impervious paving materials to preserve the spacious landscape setting of the area.

### **Fencing**

To discourage boundary fencing forward of building frontages, unless it is a timber post and wire fence.

### **Carparking**

To minimise the dominance of car parking structures and outbuildings associated with residential development on views from the street and other sensitive viewing locations.

### **Township Zone**

To maintain the predominant modest, minimal impact cottage style housing and well vegetated character of allotments.

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### Low Density Residential Zone

To ensure that new development demonstrates a high standard of contemporary design and complements the coastal setting.

### To maintain the reclusive, well vegetated character of the area

To encourage low profile development in order to minimise visual impact on views towards the ridgeline from other parts of the hamlet.

### Siting and setbacks

To ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.

To ensure that new development is appropriately set back from sensitive environmental boundaries.

To ensure that buildings and structures are strategically sited within the landscape in order to maintain the sense of isolation experienced from the beach.

### Views

To minimise the visual impact of development from key viewing locations, particularly town approaches and high points in the dunal landscape.

To maintain and enhance the public views from the northern upper low density residential area across Waratah Bay and Bass Strait.

To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.

### Site Coverage

To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.

### Landscaping and Environment

To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.

To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.

To protect and maintain areas of indigenous, native and non-weedy exotic vegetation, where possible in new development.

To encourage the planting of indigenous vegetation in new landscaping.

To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

### Materials and design detail

To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

## 3.0

### Subdivision

C121sgjp 25/07/2019

An application for subdivision is considered to meet the design objectives where:

- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff and providing for anticipated increases in traffic demand.

**4.0 Signs**

C121sgjp 25/07/2019

None specified.

**5.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority:

An application to develop land for the purpose of a dwelling or any other building should meet the following requirements: [to comply with MD]

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

**6.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

Before deciding on an application, the responsible authority must consider: [to comply with MD]

- ~~The design objectives of this schedule.~~ [Already required in parent provision]
- ~~Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Waratah Bay contained in Clause 21.04.~~ [Duplication of other provisions, contrary to PG]
- Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.
- The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.
- Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.
- Whether opportunities exist to avoid a building being visually obtrusive such as along a ridgeline by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.
- Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.
- Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.
- The preservation of any existing natural vegetation, particularly indigenous vegetation.

SOUTH GIPPSLAND PLANNING SCHEME  
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- Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.
- Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.
- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.

A permit is required for all other buildings and works.

#### **7.0** ~~Background documents~~

~~*Urban Design Framework: Settlement Background Paper, Waratah Bay (Connell Wagner, 2006)*~~

~~*Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)*~~

[not as per MD format, these background documents are listed at 72.08]

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## **SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO5**.

### **VENUS BAY**

#### **1.0**

#### **Design objectives**

C121sgjp 25/07/2019

#### ~~**Built Form / Landscape Character**~~

##### ~~**All Areas**~~

To protect and manage the coastal village character of Venus Bay.

~~To encourage low scale development that is sited so to be screened by and nestled within indigenous vegetation in the Township Zone.~~

~~To ensure that new development demonstrates a high standard of contemporary design and innovation, and respect the low scale and typical mass and form of the area in the Low Density Residential Zone.~~

~~To minimise the visual impact of development from key viewing locations, particularly township approaches and high points in the dunal landscape.~~

~~To retain and enhance the vegetation dominated coastal scrub character.~~

#### ~~**Built Form / Landscape Character**~~

~~To encourage single storey development, and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.~~

~~To encourage building heights which do not protrude above the existing tree canopy.~~

~~To discourage boundary fencing forward of building frontages other than timber post and wire fence.~~

~~To minimise the dominance of car parking structures and outbuildings associated with residential development, on views from the street and other sensitive viewing locations.~~

~~To ensure that the style, scale, height, mass and form of new commercial development is consistent with that of adjoining sites and respects the low profile coastal character of Venus Bay.~~

##### ~~**Township Zone**~~

~~To encourage low scale development that is sited so to be screened by and nestled within indigenous vegetation.~~

~~To retain and enhance the vegetation dominated coastal scrub character.~~

##### ~~**Low Density Zone**~~

~~To ensure that new development demonstrates a high standard of contemporary design and innovation, and respect the low scale and typical mass and form of the area.~~

~~To maintain the reclusive, well vegetated character of the area.~~

##### ~~**Siting and setbacks**~~

~~To ensure that new development is sited and designed so as to maximise the degree to which it is absorbed in the landscape.~~

~~To ensure that new development is appropriately set back from sensitive environmental boundaries.~~

##### ~~**Site Coverage**~~

~~To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.~~

##### ~~**Views**~~

~~To minimise the visual impact of development from key viewing locations, particularly township approaches and high points in the dunal landscape.~~

~~To maintain or re-establish vegetation dominated views throughout the area.~~

~~To maintain views across the flood plain towards the Tarwin River and Anderson Inlet.~~

~~To prevent the interruption of views by inappropriate or poorly designed development or that which is sited in prominent locations.~~

**Landscaping and Environment**

~~To preserve the pattern of well-vegetated and generous front setbacks that screen and soften the appearance of development from the street.~~

~~To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.~~

~~To encourage the planting of indigenous vegetation in new landscaping.~~

~~To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.~~

**Materials and design detail**

~~To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.~~

**2.0****Buildings and works**

C121sgjp 25/07/2019

**Permit requirement – Township Zone**

A permit is not required to construct a building or carry out works other than for:

- A building with a height of more than 6.5 metres from natural ground level.
- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage..
- A development that does not achieve the following site coverage requirements:
  - A building site coverage of no more than 40 per cent;
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total ~~building floor space~~net floor area on the site is greater than 250 square metres. ~~[changed to be a defined term]~~
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

**Permit requirement – Low Density Residential Zone**

A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 7.5 metres from natural ground level.
- A building that has setbacks of less than 12 metres from the front property boundary and 3 metres from a side boundary or rear boundary.
- A development that does not achieve the following site coverage requirements:
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 300 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority..
- A boundary fence constructed of materials other than timber post and wire.

A permit is required for all other buildings and works.

**Built form and landscape character**

Encourage single storey development, and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.

Encourage building heights which do not protrude above the existing tree canopy.

Discourage boundary fencing forward of building frontages other than timber post and wire fence.

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Minimise the dominance of car parking structures and outbuildings associated with residential development, on views from the street and other sensitive viewing locations.

Ensure that the style, scale, height, mass and form of new commercial development is consistent with that of adjoining sites and respects the low profile coastal character of Venus Bay.

-

Maintain the reclusive, well vegetated character of Low Density Residential Zone areas..

#### **Siting and setbacks**

Ensure that new development is sited and designed so as to maximise the degree to which it is absorbed in the landscape.

Ensure that new development is appropriately set back from sensitive environmental boundaries.

#### **Site Coverage**

Minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.

#### **Views**

Maintain or re-establish vegetation dominated views throughout the area.

Maintain views across the flood plain towards the Tarwin River and Anderson Inlet.

Avoid the interruption of views by inappropriate or poorly designed development or that which is sited in prominent locations.

#### **Landscaping and Environment**

Preserve the pattern of well-vegetated and generous front setbacks that screen and soften the appearance of development from the street.

Encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.

Encourage the planting of indigenous vegetation in new landscaping.

Encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

#### **Materials and design detail**

Ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

### **3.0 Subdivision**

[C121sgjp](#) 25/07/2019

An application for subdivision is considered to meet the design objectives where:

- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff and providing for anticipated increases in traffic demand.

### **4.0 Signs**

[C121sgjp](#) 25/07/2019

None specified.

### **5.0 Application requirements**

[C121sgjp](#) 25/07/2019

[The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority: \[to comply with MD\]](#)

[An application to develop land for the purpose of a dwelling or any other building should meet the following requirements:](#)



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- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

## 6.0

### Decision guidelines

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

~~Before deciding on an application, the responsible authority must consider:~~ [to comply with MD]

- ~~The design objectives of this schedule.~~ [Already required in the parent provision]
- ~~Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Venus Bay contained in Clause 21.04.~~ [duplication of other provisions, contrary to PG]
- Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.
- The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.
- Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.
- Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.
- Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.
- The preservation of any existing natural vegetation, particularly indigenous vegetation.
- Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.
- Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.
- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.

## 7.0 Background documents

*Urban Design Framework: Settlement Background Paper, Venus Bay (Connell Wagner, 2006)*

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~~**SITING AND DESIGN GUIDELINES FOR STRUCTURES ON THE VICTORIAN COAST (VICTORIAN COASTAL COUNCIL, 1998)**~~ [NOT AS PER MD FORMAT, THESE BACKGROUND DOCUMENTS ARE LISTED AT 72.08]

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## **SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgip 25/07/2019

Shown on the planning scheme map as **DDO6**.

### **TARWIN LOWER**

1.0

#### **Design objectives**

C121sgip 25/07/2019

##### **All Types of Development**

To protect and manage the character of this small rural hamlet and commercial precinct.

To improve the visual appearance and image of the Tarwin Lower retailing areas through well designed, site responsive developments that maintain the reclusive, well vegetated character of the area.

To consolidate and distinguish the commercial precinct of Tarwin Lower from adjacent residential areas.

To encourage single storey residential development and recessive second storey residential development that is respectful of the typical built form and rural landscape setting.

To maintain views and provide a visual link towards the Tarwin River and surrounding flood plains.

##### **Commercial Development fronting Evergreen Road between Walkerville Road and School Road**

~~To improve the visual appearance and image of the Tarwin Lower retailing areas through well designed, site responsive developments.~~

~~To consolidate and distinguish the commercial precinct of Tarwin Lower from adjacent residential areas.~~

~~To ensure new development within the commercial precinct will respect the rural character of the hamlet and be sympathetic to the distinguishing elements of the Tarwin River frontage and associated recreational area which abuts the precinct.~~

~~To encourage urban design improvements to provide variety, interest, safety, shelter and convenience for people using the commercial precinct.~~

~~To ensure that new commercial development is consistent in style, scale, height, mass and form, and respects the low profile character of Tarwin Lower.~~

~~To encourage buildings to abut front property boundaries to create a consistent building line, and to abut side boundaries where possible.~~

~~To create active frontages onto Evergreen Road and provide clear views between the building and street through the use of clear glazing.~~

~~To encourage the provision of verandahs or other pedestrian shelter above the footpath in front of new commercial or industrial buildings.~~

~~To encourage appropriate business identification signage, and discourage signage above verandahs or signage which dominates or is out of scale with the building or the streetscape.~~

~~To discourage the provision of car parking areas within the front setback to development.~~

##### **Residential Development**

##### **Built Form / Landscape Character:**

##### **All areas**

~~To encourage single storey development and recessive second storey development that is respectful of the typical built form and rural landscape setting.~~

~~To maintain views and provide a visual link towards the Tarwin River and surrounding flood plains.~~

##### **Township Zone**

~~To encourage low scale development that is sited so as to be screened by and nestled within indigenous vegetation.~~

##### **Low Density Zone**

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~~To maintain the reclusive, well vegetated character of the area.~~

#### **Siting and setbacks**

~~To ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.~~

~~To ensure that new development is appropriately set back from sensitive environmental boundaries.~~

#### **Site Coverage**

~~To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.~~

#### **Landscaping and Environment**

~~To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.~~

~~To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.~~

~~To protect and maintain areas of indigenous and native vegetation where possible in new development.~~

~~To encourage the planting of indigenous vegetation in new landscaping.~~

~~To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.~~

#### **Materials and design detail**

~~To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.~~

## 2.0

### **Buildings and works**

C121sgjp 25/07/2019

#### **Permit requirement – Township Zone**

A permit is not required to construct a building or carry out works other than for:

- A building with a height of more than 7.5 metres from natural ground level.
- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage.
- A development that does not achieve the following site coverage requirements:
  - A building site coverage of no more than 40 per cent;
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 250 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

#### **Permit requirement – Low Density Residential Zone**

A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 7.5 metres from natural ground level.
- A building that has setbacks of less than 12 metres from the front property boundary and 3 metres from a side boundary or rear boundary.
- A development that does not achieve the following site coverage requirements:
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 300 square metres.

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- Buildings and works where the external materials, colours and finishes are not low reflective, subdued to the satisfaction of the Responsible Authority.
- A boundary fence constructed of materials other than timber post and wire.

A permit is required for all other buildings and works.

**Commercial Development fronting Evergreen Road between Walkerville Road and School Road**

Ensure new development within the commercial precinct will respect the rural character of the hamlet and be sympathetic to the distinguishing elements of the Tarwin River frontage and associated recreational area which abuts the precinct.

Encourage urban design improvements to provide variety, interest, safety, shelter and convenience for people using the commercial precinct.

Ensure that new commercial development is consistent in style, scale, height, mass and form, and respects the low profile character of Tarwin Lower.

Encourage buildings to abut front property boundaries to create a consistent building line, and to abut side boundaries where possible.

Create active frontages onto Evergreen Road and provide clear views between the building and street through the use of clear glazing.

Encourage the provision of verandahs or other pedestrian shelter above the footpath in front of new commercial or industrial buildings.

Encourage appropriate business identification signage, and discourage signage above verandahs or signage which dominates or is out of scale with the building or the streetscape.

Discourage the provision of car parking areas within the front setback to development.

**Residential Development**

**Built Form / Landscape Character:**

**All areas**

**Township Zone**

Encourage low scale development that is sited so as to be screened by and nestled within indigenous vegetation.

**Siting and setbacks**

Ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.

Ensure that new development is appropriately set back from sensitive environmental boundaries.

**Site Coverage**

Minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.

**Landscaping and Environment**

Preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.

Encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.

Protect and maintain areas of indigenous and native vegetation where possible in new development.

Encourage the planting of indigenous vegetation in new landscaping.

Encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

**Materials and design detail**

Ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

**3.0 Subdivision**

C121sgjp 25/07/2019

An application for subdivision is considered to meet the design objectives where:

- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff and providing for anticipated increases in traffic demand.

**4.0 Signs**

C121sgjp 25/07/2019

None specified.

**5.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority: An application to develop land for the purpose of a dwelling or any other building should meet the following requirements: [to comply with MD]

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

**6.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

Before deciding on an application, the responsible authority must consider: [to comply with MD]

**All Development**

- ~~The design objectives of this schedule~~ [Already a requirement of the parent provision].
- ~~Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Tarwin Lower contained in Clause 21.04.~~ [duplication of other provisions, contrary to PG]

**Commercial and industrial development fronting Evergreen Road, between Walkerville Road and School Road:**

- Whether the design of commercial or industrial buildings has regard to its appearance from the riverfront and nearby public spaces.
- Whether the use of colour, verandahs and architectural features achieves consistency with the existing built form.
- Whether advertising ~~signs~~ signage is appropriate to the rural hamlet context and does not create visual clutter or dominate the building or landscape.
- The effect of any proposed works on the environmental and landscape values of the site and of the local area.

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- Whether the style, colours, height and form of development will be in keeping with the character and/or enhance the appearance of the area.
- The use of innovative urban design techniques to improve the variety, interest, safety and convenience of the commercial precinct.
- Whether any proposed building which does not abut side boundaries requires access along a side boundary to the rear of the building.
- Whether the proposed development is consistent with the bulk, scale and form of development within the commercial precinct.
- Whether the proposed development is sympathetic to adjoining sites and can be well distinguished as part of the core commercial precinct.
- The effect of the development on the riverfront and adjacent residential areas.
- Whether the height, siting and setback of development provides for the reasonable sharing of views.

**Residential Development**

- Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.
- The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.
- Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.
- Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.
- Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.
- The preservation of any existing natural vegetation, particularly indigenous vegetation.
- Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.
- Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.
- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.

**7.0 Background documents**

*Urban Design Framework: Settlement Background Paper, Tarwin Lower (Connell Wagner, 2006) –  
Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998).*  
[not as per MD format, these background documents are listed at 72.08]

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## **SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO7**.

### **KORUMBURRA INDUSTRIAL AREA HIGHWAY PRECINCT**

#### **1.0 Design objectives**

C121sgjp 25/07/2019

To ensure that the standard of development in the Korumburra Industrial Precinct adjoining the South Gippsland Highway frontage is of high quality and visually stimulating.

To recognise that the precinct is situated at the main gateway to Korumburra and that the design and layout of buildings and signage should enhance the visual quality and amenity of the gateway.

#### **2.0 Buildings and works**

C121sgjp 25/07/2019

[The following buildings and works requirements apply to an application to construct a building or construct or carry out works: \[to comply with MD\]](#)

##### **Setback and landscape**

- All buildings must be setback at least:
  - 25 metres from the northern boundary fronting the South Gippsland Highway.
  - 15 metres from Sanders Street.
  - 10 metres from the eastern boundary with the Recreation Reserve.
- The building setbacks must be used for vegetation landscaping providing a minimum buffer depth of:
  - 10 metres from the northern boundary fronting the South Gippsland Highway (inclusive of the Council Reserve 2 LP116539).
  - 5 metres from Sanders Street.
  - 10 metres from the eastern boundary with the Recreation Reserve. This setback is to be used solely for landscaping.
- Landscape plantings in the South Gippsland Highway and Sanders Street buffers should be designed to soften and integrate development through the establishment of native grasses, shrubs and dispersed canopy trees, which at maturity will allow direct views to be maintained from the road to the commercial uses.
- Planting within the eastern boundary buffer should be designed to maximise visual screening.
- Development proposals immediately south of Council Reserve 2 LP116539 should incorporate the Reserve land adjoining the development in their landscape plan.
- Car parking must not be provided in the above specified landscape buffers.
- Car parking areas should be landscaped to diminish their visual impact.

##### **Site layout and buildings**

- Buildings should be designed in a contemporary and creative manner.
- Elevations addressing the South Gippsland Highway should be articulated to avoid homogenous building lines.
- Floor area coverage must not exceed 60% of the overall site area.
- Loading, service functions, external storage areas and garbage receptacles must be sited to the side or rear of premises and appropriately screened to reduce their visual impact.
- Vehicle access to the site should be restricted to the Sanders Street frontage.
- External display areas sited forward of building front elevations must be modest in scale and not dominate the setback or landscaping.
- All driveways and car parking areas must be constructed of an impervious all weather seal coat such as concrete or bitumen.



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- All structures on rooftops, including air conditioning units and fans, must be appropriately screened to reduce their visual impact.
- Development and site layout must enable vehicles to move to and from the site in a forward direction.
- Front fencing is discouraged and if required, should not exceed 1.2 metres height and be visually permeable.

### 3.0 **Subdivision**

[C121sgjp](#) 25/07/2019

None specified.

### 4.0 **Signs**

[C121sgjp](#) 25/07/2019

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 2.

Signage should be simple, clear business identification signage that complements the western township entry.

Totem signs promoting businesses within the industrial estate may be sited within or forward of the landscape areas provided they are appropriately designed and sympathetic to a town entry location.

### 5.0 **Application requirements**

[C121sgjp](#) 25/07/2019

None specified.

### 6.0 **Decision guidelines**

[C121sgjp](#) 25/07/2019

[The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:](#)

~~Before deciding on an application the responsible authority must consider, as appropriate:~~ [to comply with MD]

- Whether the appearance of development and its surrounds will make a positive contribution to the immediate streetscape and the western township entry when viewed from the South Gippsland Highway.
- The need to provide an appropriate visual amenity and landscape interface with the Recreation Reserve.
- The need to provide for business display areas, in appropriate locations.
- The need to ensure the safety and efficiency of vehicle movements on the South Gippsland Highway.

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## **SCHEDULE 8 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO8**.

### **EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: LEONGATHA HOSPITAL (INNER AREA)**

#### **1.0 Design objectives**

C121sgjp 25/07/2019

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Leongatha Memorial Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Leongatha Memorial Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Leongatha Memorial Hospital EMS helicopter landing site.

#### **2.0 Buildings and works**

C121sgjp 25/07/2019

A permit is not required to:

- Construct a building or construct or carry out works with a height less than 84.55 metres above the Australian Height Datum (AHD).
- Construct building additions and alterations exceeding 84.55 metres AHD, provided:
  - The additions and alterations do not exceed the existing height of the building (measured at the roofline apex) and;
  - The lot does not immediately adjoin the hospital land.

A permit is required to construct a fence with a height greater than 84.55 metres AHD. This does not apply to the construction of a fence in relation to the use of land for a dwelling provided:

- The fence height does not exceed the maximum height of the dwelling measured at the roofline apex and;
- The lot does not immediately adjoin the hospital land.

*Notes:*

*1. The Leongatha Hospital helicopter landing site is at an elevation of 84.55 metres above the AHD.*

*2. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.*

#### **Referral of applications**

~~An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. [referral requirements cannot be specified in local schedules – this referral is listed in 66.04] Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the background document International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters (as amended). [Council advised deletion, not Background Documents]~~

#### **Exemptions from notice and appeal**

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [moved from application requirement] [to comply with MD format and precisely identify exemption]

#### **3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

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#### 4.0 Signs

C121sgjp 25/07/2019

None specified.

#### 5.0 Application requirements

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority: ~~A planning permit application must include the following information:~~ [to comply with MD]

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

*Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.*

#### ~~Exemptions from notice and appeal~~

~~An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [moved to buildings and works] [to comply with MD]~~

#### 6.0 Decision guidelines

C121sgjp 25/07/2019

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

- ~~Before deciding on an application, the responsible authority must consider~~ whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Leongatha Hospital EMS helicopter landing site. [to comply with MD]

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## **SCHEDULE 9 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO9**.

### **EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: LEONGATHA HOSPITAL (OUTER AREA)**

#### **1.0 Design objectives**

C121sgjp 25/07/2019

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Leongatha Memorial Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Leongatha Memorial Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Leongatha Memorial Hospital EMS helicopter landing site.

#### **2.0 Buildings and works**

C121sgjp 25/07/2019

A permit is not required to:

- Construct a building or to construct or carry out works provided the maximum height of the buildings or works does not exceed 12 metres above natural ground level.
- Construct a building or to construct or carry out works exceeding 12 metres above natural ground level provided no part of the buildings or works exceeds 96.55 metres above the Australian Height Datum (AHD). See Note 2

*Notes:*

*1. The Leongatha Hospital helicopter landing site is at an elevation of 84.55 metres above the AHD.*

*2. 96.55 metres above the AHD (12 metres above the height of the Leongatha Hospital helicopter landing site) is the horizontal height plane across the DDO9 area above which buildings and works may impact helicopter operations.*

*3. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.*

#### **Referral of applications**

~~An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. [referral requirements cannot be specified in local schedules – this referral is listed in 66.04] Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters (as amended). [Council advised deletion, not Background Documents]~~

#### **Exemptions from notice and appeal**

~~An application for construction of a building or to construct or carry out works is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [move from application requirements] [to comply with MD and clearly indicate scope of exemption]~~

#### **3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

#### **4.0 Signs**

C121sgjp 25/07/2019

None specified.

**5.0 Application requirements**

C121sgjp 25/07/2019

[The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority: A planning permit application must include the following information: \[to comply with MD\]](#)

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

*Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.*

**~~Exemptions from notice and appeal~~**

~~An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [move to buildings and works]~~

**6.0 Decision guidelines**

C121sgjp 25/07/2019

[The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority: \[to comply with MD\]](#)

- ~~Before deciding on an application, the responsible authority must~~ consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Leongatha Hospital EMS helicopter landing site.

**SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO10**.**EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: FOSTER HOSPITAL (INNER AREA)****1.0 Design objectives**

C121sgjp 25/07/2019

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Foster Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Foster Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Foster Hospital EMS helicopter landing site.

**2.0 Buildings and works**

C121sgjp 25/07/2019

A permit is not required to:

- Construct a building or construct or carry out works with a height less than 27.16 metres above the Australian Height Datum (AHD).
  - Construct building additions and alterations exceeding 27.16 metres AHD, provided:
  - The additions and alterations do not exceed the existing height of the building (measured at the roofline apex).

A permit is not required for a fence provided that:

- The fence is not within, around, or 10 metres outwards from the boundary of the sporting oval (football / cricket ground).

*Notes:*

1. The Foster Hospital Helipad is at an elevation of 27.16 metres above the AHD. This height represents the horizontal height plane across the DDO10 area at which buildings and works may impact helipad operations.

2. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.

**Referral of applications**

~~An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. [referral requirements cannot be specified in local schedules – this referral is listed in 66.04] Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporates the relevant requirements of the International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters (as amended). [Council advised deletion, not Background Documents]~~

**Exemptions from notice and appeal**

~~An application for construction of a building or to construct or carry out works is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [move from application requirements] [to comply with MD and clearly specify scope of exemption]~~

**3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

**4.0 Signs**

C121sgjp 25/07/2019

None specified.

**5.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority: ~~A planning permit application must include the following information:~~ [to comply with MD]

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

*Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.*

**~~Exemptions from notice and appeal~~**

~~An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [move to buildings and works]~~

**6.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guideline applies to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

- ~~Before deciding on an application, the responsible authority must consider~~ [to comply with MD] whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Foster Hospital EMS helicopter landing site.

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## **SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO11**.

### **EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: FOSTER HOSPITAL (OUTER AREA)**

#### **1.0 Design objectives**

C121sgjp 25/07/2019

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Foster Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Foster Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Foster Hospital EMS helicopter landing site.

#### **2.0 Buildings and works**

C121sgjp 25/07/2019

A permit is not required to:

- Construct a building or to construct or carry out works provided the maximum height of the buildings or works does not exceed 12 metres above natural ground level.
- Construct a building or to construct or carry out works exceeding 12 metres above natural ground level provided no part of the buildings or works exceeds 39.16 metres above the Australian Height Datum (AHD). See Note 2

*Notes:*

*1. The Foster Hospital helicopter landing site is at an elevation of 27.16 metres above the AHD.*

*2. 39.16 metres above the AHD (12 metres above the height of the Foster Hospital helicopter landing site) is the horizontal height plane across the DDO11 area above which buildings and works may impact helicopter operations.*

*3. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.*

#### **Referral of applications**

~~An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. [referral requirements cannot be specified in local schedules – this referral is listed in 66.04] Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters (as amended). [Council advised deletion, not Background Documents]~~

#### **Exemptions from notice and appeal**

~~An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [move from application requirements] [to comply with MD and clearly specify scope of exemption]~~

#### **3.0 Subdivision**

C121sgjp 25/07/2019

None specified.

#### **4.0 Signs**

C121sgjp 25/07/2019

None specified.



**5.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority: A planning permit application must include the following information: [to comply with MD]

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

*Note: The Responsible Authority and the Department of Health may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.*

**~~Exemptions from notice and appeal~~**

~~An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [move to buildings and works]~~

**6.0 Decision guidelines**

C121sgjp 25/07/2019

The following decision guideline applies to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered as appropriate, by the Responsible Authority:

- ~~Before deciding on an application, the responsible authority must consider~~ [to comply with MD] ~~whether~~ **Whether** the height and design of any proposed buildings and works will have an impact on the flights associated with the Foster Hospital EMS helicopter landing site.

**SCHEDULE 12 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DDO12**.**NYORA TOWN CENTRE****1.0 Design objectives**

C121sgjp 25/07/2019

To ensure new development contributes to a compact town centre with a focus on Mitchell Street as the main street ~~is consistent with the desired future character described in the Town Centre Character Statement at Clause 21.15.~~ [reworded to remove the reliance on the cross referencing to the local policy so that the DDO can stand alone.]

To improve the pedestrian environment through human scale development, increased passive surveillance and improved pedestrian connections between public spaces and commercial and community buildings (existing and future).

**2.0 Buildings and works**

C121sgjp 25/07/2019

A planning permit is not required to:

- Install an automatic teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construct or carry out works for an awning that projects over a road reserve if it is authorised by the relevant public land manager.

A planning permit is required to construct or extend a front fence greater than 1.2 metres in height within 3 metres of a street.

A permit cannot be granted to vary design requirements for Weather protection and fence heights (refer to the Design requirements of this schedule).

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- ~~▪ An application must be accompanied by a landscape plan as appropriate. The plan must include a schedule showing the scientific and common name of the species and height and width at maturity. The species should be selected from the South Gippsland Shire's Urban Tree Management Guidelines for vegetation on public land. The species should be selected having regard to location, available space and surveillance/public safety. [move to 5.0] [these are application requirements]~~
- ~~▪ An application must be accompanied by a report demonstrating how the application responds to the requirements of this Schedule and the Town Centre Character Statement at Clause 21.15.5. [move to 5.0] [these are application requirements]~~

**Design requirements (detailed in Figures 1 and 2)****Weather protection and fence heights**

Continuous Weather Protection must be provided at Type A frontages along Mitchell Street, Davis Street and Grundy Avenue in the form of canopies, verandahs and awnings over the adjacent footpath.

Fences Heights must be less than 1.5 metres to provide for passive surveillance.

Front fences greater than 1.2 metres should be visually permeable (at least 20 per cent) so that front setback areas are visible from the footpath (e.g. picket fence).

**Street activation**

Buildings on land abutting Mitchell Street, Davis Street, Hewson Street, Henley Street and Grundy Avenue must be designed with a primary façade and entrance fronting the street. In the case where a

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building fronts more than one street, the primary façade and entrance should front the street with the greatest commercial activity (e.g. Mitchell Street, Davis Street).

Buildings abutting pedestrian spaces and connections should include entrances and windows in order to encourage activity and provide passive surveillance.

Building elevations, especially ground level façades, on Mitchell Street, Davis Street, Hewson Street and Grundy Avenue should present active frontages (*built form which provides the opportunity for visual engagement between people in the street and those on the ground and first floors of buildings e.g. windows, upper level balconies*) to the street with high proportions of transparent glazing above 1m from ground level.

#### **Height and setbacks**

Building façades should not exceed 7.5 metres in height above natural ground level.

Portions of buildings in excess of 7.5 metres in height should be setback behind the front façade so that they appear recessive and maintain a human scale when viewed from the adjacent footpath.

New buildings should have front setbacks as follows:

- zero metres for Type A frontages along Mitchell Street, Davis Street, Henley Street and Grundy Avenue;
- four metres for Type B frontages along Hewson Street and Henley Street.

Front setback areas may provide for outdoor dining or temporary retail displays.

Vehicle parking must not be provided between the building façade and the front boundary.

#### **Design and materials**

Plant, equipment, waste disposal, and loading bays must be completely screened from Mitchell Street, Davis Street, Hewson Street, Henley Street and Grundy Avenue and softened by landscaping when viewed from other streets.

Large expanses of blank walls should be avoided where visible from the street.

Any development with a large floor area (e.g. supermarket) should be designed to provide an active frontage to the adjoining street and support pedestrian connectivity within the precinct, particularly to Mitchell Street.

The materials used in the design of development, including buildings and fencing, should reference country styles (e.g. through the use of timber, masonry and corrugated iron).

A public pedestrian thoroughfare should be created between Mitchell Street and the rear lane as part of subdivision or development in the area.

Vehicular access and loading within the block bounded by Mitchell, Davis, Hewson and Henley Streets must be provided from the rear or side of the lot.

No new vehicle crossings should be created on Mitchell Street.

Existing vehicle crossings on Mitchell Street should be removed as part of new development where the opportunity exists to provide an alternative access from the rear or side of the property.

Car parks should be designed to facilitate integration with existing and future buildings and provide ease of movement by vehicles and pedestrians.

#### **Landscaping**

Where provided, front setback areas must be landscaped.

Buildings should be designed to retain healthy large canopy trees that contribute to the streetscape or will enhance proposed landscape areas.

Where practical, provision should be made for the planting of canopy trees with designated root protection zones.

All new car parks with 10 or more spaces should include areas for landscaping that are designed to provide shade, break up expanses of hard surfaces, and improve the quality of stormwater.

### **3.0**

#### **Subdivision**

[C121sgjp](#) 25/07/2019

None specified.

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#### 4.0 **Signs**

C121sgjp 25/07/2019

Sign requirements are at Clause 52.05. In addition to the requirements of the zone, a permit is required to display an Internally-illuminated sign.

#### 5.0 **Application requirements**

C121sgjp 25/07/2019

~~Where no requirements are specified insert "None specified."~~[delete guidance text from MD]

~~or~~

~~Where application requirements are specified insert "[delete guidance text from MD]"~~

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- ~~["insert application requirements,"]~~[delete guidance text from MD]
- An application must be accompanied by a landscape plan as appropriate. The plan must include a schedule showing the scientific and common name of the species and height and width at maturity. The species should be selected from the South Gippsland Shire's Urban Tree Management Guidelines for vegetation on public land. The species should be selected having regard to location, available space and surveillance/public safety. [move from 2.0 buildings and works] [these are application requirements]
- An application must be accompanied by a report demonstrating how the application responds to the requirements of this Schedule [move from 2.0 buildings and works] [these are application requirements] and the Town Centre Character Statement at Clause 21.15.5. [duplication of other scheme provision / requirement, refers to out-of-date provision]

#### 6.0

#### **Decision guidelines**

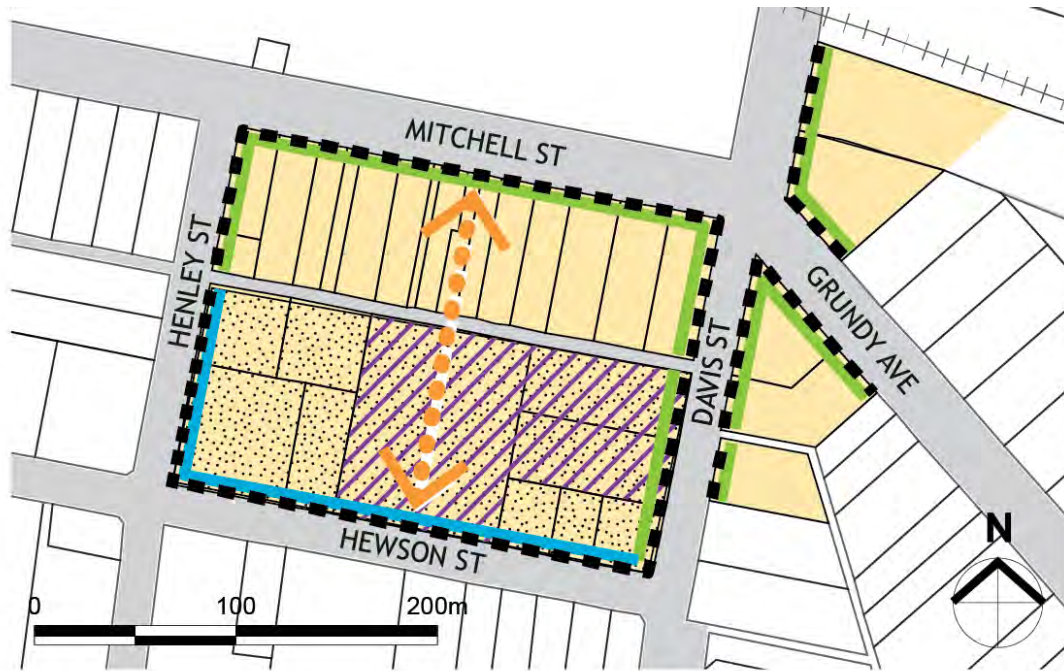
C125sgjp 08/09/2022

None specified.

~~The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:~~

- ~~The Design requirements of this Schedule.~~ [This is a requirement of the parent provision]
- ~~The requirements of the Character Statement at Clause 21.15.5.~~[duplication of other provisions, contrary to PG]

Figure 1 Illustration of DDO Requirements

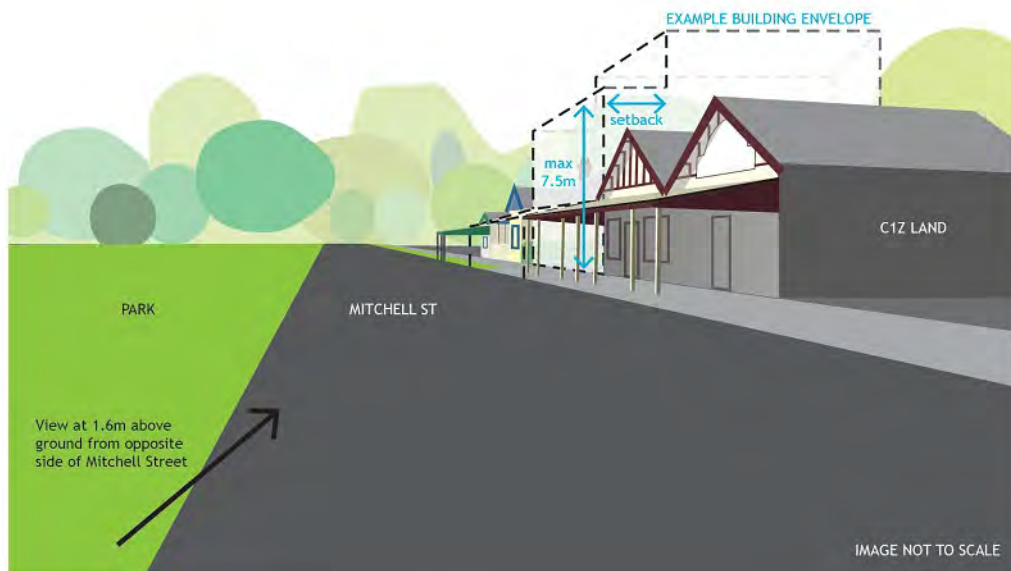


LEGEND

- Properties in DDO
- Active Frontages  
Primary Facades & Entrances fronting the Adjacent Street
- Screening of Plant, Equipment, Waste Disposal & Loading Bays from Adjacent Street
- Future Pedestrian Connection (approximate location)
- Existing Pedestrian Connections
- Preferred Location for Supermarket Development & Associated Parking  
(refer to Town Centre Master Plan in Nyora Development Strategy)
- Further Subdivision to be Avoided
- Type A Frontage**  
Build to Boundary (0m Setback)  
Provide Weather Protection
- Type B Frontage**  
Landscaped Setback (4m Setback)

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**Figure 2 Illustration of Building Façade Controls**



**SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

C115sgjp 13/08/2020

Shown on the planning scheme map as **DDO13**.**MIRBOO NORTH TOWN CENTRE****1.0 Design objectives**

C115sgjp 13/08/2020

~~To ensure new development is consistent with the desired future character described in the Mirboo North desired future Character Statement at Clause 21.14. [duplication of other provisions, contrary to PG]~~

To provide a high level of pedestrian activity, amenity, comfort and safety in the town centre.

To improve the pedestrian environment through human scale development, increased passive surveillance and improved visual and physical pedestrian connections between public spaces and buildings (existing and future).

To encourage compact built form and high quality urban design within the town centre.

To enhance the low scale heritage character of the town centre.

**2.0 Buildings and works**

C115sgjp 13/08/2020

A permit is not required to:

- Install service fixtures to existing buildings.
- Install an automatic teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 percent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construct an awning that projects over a road if it is authorised by the relevant road authority.

A permit is required to construct or extend a front fence which is within three metres of a street.

**Design requirements**

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

**Frontages and setbacks**

- Development should generally have a zero setback to the front title and/or side boundary where the lot abuts Ridgway, except where this would adversely affect the heritage significance of a heritage building.
- Development should create a continuous building frontage along Ridgway, Peters Street, Brennan Street and Grand Ridge East unless providing pedestrian access, or where this would adversely affect the heritage significance of a heritage building.
- Building frontages should contribute to the retail function of the area.
- Greater setbacks should be provided along Ridgway to provide for al fresco dining opportunities.

**Street activation**

- Development should provide visually engaging frontages with clear glazed windows and entrances as the predominant elements of the ground floor façade.
- Any development with a large floor area (e.g. supermarket) should be designed to provide an active frontage to the adjoining streets and support pedestrian connectivity within the precinct.
- Where development fronts Ridgway and the building is used for:
  - a shop or food and drink premises, at least 80 per cent of the width of the street frontage of each individual premises should consist of display window and/or an entrance.

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- any other commercial use, at least 60 per cent of the width of the street frontage of each individual premises should consist of display window and/or an entrance.
- Avoid long blank walls at street level as they reduce active street edges and passive surveillance.
- Where blank walls cannot be avoided, incorporate art forms and/or outdoor kerb side dining to activate the space.
- Front fencing should be discouraged. Where it is provided, it should be low (no more than 1.2 metres in height) and visually transparent.
- Any security grilles should be mounted internally. Where this is not possible or practical, security grilles should be visually transparent.
- Development fronting Ridgway and Peters Street must provide continuous weather protection along commercial building frontages and walkways and extend the full pavement width, except where this would adversely affect the heritage significance of a heritage building.
- All other road frontages should provide continuous weather protection along commercial building frontages and walkways and extend the full pavement width, except where this would adversely affect the heritage significance of a heritage building.

**Vehicle access and services**

- Plant, equipment, waste disposal and loading bays must be completely screened from Ridgway, Peters Street, Brennan Street and Grand Ridge East and softened by landscaping when viewed from other streets.
- Vehicle access and loading facilities should not be located along Ridgway. Where possible, vehicle access and loading facilities should be located along Burchell Lane.

**Safety**

- Lighting should be provided to ground floor frontages to promote a sense of security at night.
- Recesses to ground floor street frontages should be less than 300mm deep to omit potential hiding places that undermine the safety of the street.

**Residential development**

- The main pedestrian entry to a dwelling should face a street.
- Access to dwellings should be provided with lighting and weather protection.
- Above ground floor living areas and balconies should face the street or adjacent public spaces.

**3.0 Subdivision**

[C115sgjp](#) 13/08/2020

None specified.

**4.0 Signs**

[C115sgjp](#) 13/08/2020

Sign requirements are at Clause 52.05. All land located within Mirboo North town centre is in Category 3.

**5.0 Application requirements**

[C115sgjp](#) 13/08/2020

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A detailed report that shows how the design objectives and requirements of this overlay are met.
- A detailed site plan that shows building setbacks, the location and width of vehicle crossovers, outdoor building display areas and signs.
- Building elevation plans that clearly describe the external building materials and finishes and proposed signs.
- A landscape plan that shows:
  - The location, species and height of all existing vegetation to be retained and/or removed; and



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- A detailed planting schedule that makes reference to the background document *CFA Landscaping for Bushfire November 2011* and uses species selected from Indigenous Plants of South Gippsland Shire (2004), with emphasis on plants from the relevant Ecological Vegetation Class for the planting area.

**6.0****Decision guidelines**

C115sgjp 13/08/2020

None specified.

~~The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the Responsible Authority:~~

- ~~• Whether the proposal is consistent with the desired future character described in the Town Centre Character Statement at Clause 21.14. [duplication of other provisions, contrary to PG]~~
- ~~Whether the proposal is consistent with the design requirements of this Schedule. [This is already required by the parent provision.]~~

**SCHEDULE 1 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**[C121sgjp](#) 25/07/2019Shown on the planning scheme map as **DPO1**.**KORUMBURRA ENTRANCE NODE****1.0 Objectives**[C121sgjp](#) 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**[C121sgjp](#) 25/07/2019

None specified.

**3.0 Conditions and requirements for permits**[C121sgjp](#) 25/07/2019

None specified.

**4.0 Requirements for development plan**[C121sgjp](#) 25/07/2019

A development plan must include the following requirements:

- Landscaping plans along the western and northern boundaries of the land showing substantial screening measures to ensure views from the South Gippsland Highway, (especially views from the western approach to Korumburra) to industrial development on the subject site are retained as predominantly rural.
- Measures proposed to protect and prevent potential adverse impacts on the creek located on the subject land, having regard to potential land uses permitted in the Industrial 1 Zone.
- A notation specifying that all buildings and works on site must be:
  - Carried out in accordance with relevant EPA guidelines for sediment pollution control.
  - Constructed using materials of muted and non-reflective tones.
- The proposed road network to service any future subdivision of the land integrated with:
  - Existing road network;
  - Surrounding land uses;
  - Proposed landscaping; and
  - Creek protection measures.

**SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO2**.**WARATAH BAY****1.0 Objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted for the development of a single dwelling and associated outbuildings on the land affected by this Overlay before a development plan has been prepared, provided it is the only dwelling on the land and provided it complies with the requirements set out in clause 3.0 for dwellings.

**3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

The following conditions and/or requirements apply to permits:

- Only one dwelling shall be constructed on any lot.
- The maximum site coverage of all buildings on a lot must not exceed 70% of the area of the lot.
- No dwelling shall be constructed on any lot shown on the development plan prior to the provision of reticulated sewerage to the land.
- The upper level of any two storey dwelling must be recessed to a maximum of 70% of the ground floor area.
- Buildings and all associated facilities such as heating units, air-conditioning units, solar panels and satellite dishes must have a maximum height of 8.0 metres above natural ground level. All such associated facilities must be located at the rear of dwellings.
- All buildings must be finished in muted non-reflective tones to the satisfaction of the Responsible Authority.

**4.0 Requirements for development plan**

C121sgjp 25/07/2019

A development plan must include the following requirements:

- The subdivision layout of the land prepared by a qualified surveyor.
- The creation of no more than six (6) new lots wholly within the Township Zone.
- A minimum lot size of 600 square metres.

**SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO3**.**MURRAY GOULBURN LEONGATHA FACTORY****1.0 Objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

**3.0 Conditions and requirements for permits**[C121sgjp](#) 25/07/2019

None specified.

**4.0 Requirements for development plan**[C121sgjp](#) 25/07/2019**Purpose**

The purpose of the Development Plan is to provide a framework for approval of future development involving staged implementation over approximately a 10 year period (ie 2016) under the Murray Goulburn Co-Operative Co. Masterplan.

The Development Plan will address relevant planning and environmental issues to the satisfaction of the South Gippsland Shire Council, relevant agencies, and the local community.

**Requirements**

~~The A Development development Plan-plan~~ must include the following requirements, the the form of show the following detailed plans and supporting information: [\[to comply with MD\]](#)

- A detailed description of the existing site and proposed extended site area including existing topography, vegetation, drainage lines, buildings and works.
- The proposed development including details of:
  - vegetation to be retained or removed, and new landscape planting proposals
  - re-alignment of drainage lines within the site
  - major site infrastructure proposals, including drainage works
  - vehicle access and any improvements to the external roads proposed
  - vehicle manoeuvring and access ways within the site
  - car parking and truck parking areas
  - proposed buildings and works within each development stage showing existing buildings to be retained or removed, and new buildings and processes involved
  - the use of buildings and works and other parts of the site
  - materials and finishes for new buildings and works.

**SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO4**.**LOW DENSITY RESIDENTIAL ZONE DEVELOPMENT PLAN – SIMONS LANE****1.0 Objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

None specified.

**3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

The following conditions and/or requirements apply to permits:

- All residential development should be serviced with reticulated water and sewerage.
- If sewerage infrastructure cannot be provided, a Land Capability Assessment report must be submitted demonstrating:
  - Compliance with State and local policies on effluent and stormwater disposal.
  - That soil type and environmental conditions can treat the number of proposed effluent disposal systems from the site.
- A permit for residential subdivision must include the following conditions
  - The sealing of the unsealed road surface of Simons Lane between Ditchley Court and the immediate western side of the Rail Trail crossing to the satisfaction of the responsible authority.
  - The provision of a nominally 2.5m wide crushed rock footpath with associated infrastructure along the northern side of Simons Lane between the Rail Trail and the South Gippsland Highway to the satisfaction of the responsible authority.
  - A section 173 Agreement to be registered on each title to be created which identifies a building envelope and stormwater retention areas and measures.
- A planning permit for residential subdivision must consider the requirements and conditions of the Roads Corporation (VicRoads).
- A planning permit for residential subdivision must consider the requirements and conditions of the Country Fire Authority.

**4.0 Requirements for development plan**

C121sgjp 25/07/2019

A development plan must include the following requirements:~~The development plan should:~~[to comply with MD]

- Provide a subdivision layout plan that allows for the creation of two road access points onto Simons Lane to service the future residential development of the land to the north of the Low Density Residential Zone avoiding, where possible, creation of cross type intersections with existing roads south of Simons Lane.
  - The western road access point should be located more than 150m west of the intersection of Ditchley Court.
  - The eastern access point should be located at least 80m east of the ridge line (road crest) east of Ditchley Court
- Describe the relationship of developments proposed on the land to existing and proposed developments on adjoining land.

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- Identify any sites of conservation, heritage or archaeological significance and the means by which they will be managed.
- Provide appropriate arrangements for the provision of necessary physical infrastructure.
- Provide a Stormwater Management Plan detailing how stormwater will be managed within each lot to be created and between the subject land and declared waterways, including off site physical infrastructure where required.
- Identify the staging (if proposed) and anticipated timing of development.
- Provide a subdivision layout that does not compromise the future provision of a shared pedestrian ~~and~~ cycle path on the northern side of Simons Lane in front of the land to be subdivided.

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## **SCHEDULE 5 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO5**.

### **NYORA RESIDENTIAL DEVELOPMENT TRANSITION AREA**

#### **1.0 Objectives**

C121sgjp 25/07/2019

None specified.

#### **2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted before a development plan is approved for any use or development permissible in a residential zone, excluding:

- The subdivision of land, except where the subdivision is undertaken by the Crown, a public authority, infrastructure utility service provider or Council.
- The development of a lot for a second or subsequent dwelling(s).

A permit must not be issued for the residential subdivision of land until the land can be serviced by reticulated sewerage.

#### **3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

[The following conditions and requirements apply to permits: \[to comply with MD\]](#)

- An application for a planning permit must be accompanied by a town planning report prepared by a suitably qualified person, outlining how the permit application responds to the Municipal Planning Strategy and Planning Policy Framework of the South Gippsland Planning Scheme, Clause 56 of the Particular Provisions (Residential subdivision) and the provisions and requirements of the approved development plan. An engineering report is required to demonstrate compliance with Council's Infrastructure Design Manual.
- ~~A planning permit must be generally in accordance with the approved development plan.~~ [This is a requirement in the parent provision]
- A planning permit must include any conditions or requirements needed to give effect to the contents of the approved development plan.

#### **4.0 Requirements for development plan**

C121sgjp 25/07/2019

Any development plan prepared under the provisions of this overlay must be prepared to the satisfaction of the Responsible Authority.

Any approved development plan may be amended to the satisfaction of the responsible authority.

~~A development plan must include the following requirements: The development plan must show/provide the following detailed plans and supporting information to the satisfaction of the Responsible Authority.~~ [to comply with MD]

##### **Site Analysis and Design Response**

- A site analysis and design response for the subject land (including details of the adjoining land, including land outside of the development plan area) displaying the existing lot configuration, the location and use of buildings on each lot, vegetation, drainage waterways and related infrastructure, environmental features, roads, paths and other public infrastructure.

##### **Road and Pedestrian Network**

- A subdivision layout pattern that provides a safe and efficient road network appropriately integrated with the existing road network. The layout should provide for the creation of an east/west road connection between Walters Road, Henley Street and Davis Street. Road access must be provided west from Walters Road into the Future Residential Area identified in the Nyora Framework Plan.

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- A safe and convenient pedestrian and cycling network along main internal and external roads that creates appropriate links with the surrounding residential areas and open space. Continuous pathway connectivity must be provided between Grundy Avenue and the Future Residential Area west of Walters Roads.

The road and pedestrian network plan must be supported by a Traffic Impact Assessment and Management Plan prepared by a suitably qualified person. The Plan must respond to Council's Infrastructure Design Manual and provide detailed costings for all infrastructure to be provided on public land.

**Stormwater ~~and Drainage~~ drainage**

- A stormwater and drainage management plan prepared by a suitably qualified person that demonstrates/provides:
  - Integrated stormwater management planning across the subject land, including consideration of impacts outside of the subject area likely to occur as a result of development. For land adjoining or creating connections to Walters Road and Henley Street, the Plan must specifically address improvements to stormwater management in the Walters Road and Henley Street road reserves.
  - Water Sensitive Urban Design principles (in accordance with Melbourne Water requirements) where appropriate.
  - A response that meets or exceeds the requirements of the State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the background document Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999) as amended.
  - Identification of waterlogged areas not suited to development.
  - A response to the infrastructure and payment levy requirements of Melbourne Water.
  - A response to Council's Infrastructure Design Manual and detailed costings for all works to occur on public land.

**Off-site Infrastructure Provision ~~and~~ Developer Contribution**

Significant development and community public infrastructure upgrades are required to support new development in Nyora. In consultation with the Responsible Authority the development plan must include a clear commitment by the landowner / developer to provide contributions to improving development and community infrastructure on public land in Nyora. The development plan must include a report specifying details and costings for the provision of off-site infrastructure resulting from the subdivision of the land. The report will form the basis for a section 173 Agreement, or other development contributions mechanism, to be executed before a permit is issued for the subdivision of land.

**Environment**

- A flora and fauna report prepared by a suitably qualified person that:
  - Identifies vegetation on the land, its health and significance to the locality, measures required to protect vegetation and the identification of any vegetation to be removed.
  - Provides a landscape plan for new subdivisions.
  - Identifies the location / habitat of the Giant Gippsland Earthworm and any other significant species in the locality, including details of measures to protect significant fauna.
  - Appropriate development separation to declared waterways and natural drainage lines.

**Urban Design**

- A subdivision layout and design that seeks to protect the small rural township character of Nyora by incorporating design measures including, but not limited to:
  - The creation of larger lots on land fronting main roads and connector roads. The lots should allow for generous development setbacks and side boundary separation between adjoining dwellings.
  - Active frontage to main roads and connector roads and the avoidance of internally-facing subdivisions resulting in rear fence lines adjoining roads.



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- The creation of areas within road reserves and public spaces that allow for the planting of canopy trees.

**General**

- The provision of open space.
- Staging of subdivision – if intended.
- Identification of infrastructure servicing constraints and opportunities.

**Staging of the Development Plan**

The development plan may be approved in stages. Each development plan stage must represent a logical land unit bounded by roads or the ~~boundaries~~boundaries of the Development Plan Overlay map area. For example, the area east of Davis Street, or the area between Henley Street and Walters Road may be approved as separate development plan stages. Smaller stages within these areas may be approved if the Responsible Authority is satisfied that integrated and orderly planning can be achieved, addressing all of the matters set out in this development plan schedule.

**SCHEDULE 6 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO6**.**KORUMBURRA RESIDENTIAL GROWTH AREAS****1.0 Objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority.
- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.
- The use, development & subdivision of land by a public authority or utility provider.

**3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

The following conditions and/or requirements apply to permits: [to comply with MD]

**General**

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an efficient and orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments, especially in relation to the industrial zoned land north of Bena Road.
- The need to minimise access points to Jumbunna Road.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with the adopted Korumburra Structure Plan, where relevant.
- Any other matter, as deemed appropriate by the Responsible Authority, which the development plan should take account of based on the specific character of the land.
- The requirement for building envelopes, agreements or covenants to be registered on newly created titles to achieve the lot development restrictions set out in the development plan.
- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

**Development and community infrastructure**

Prior to the issuing of a Statement of Compliance (or otherwise agreed to in writing by the Responsible Authority), the landowners may enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 or other mechanisms approved by Council. Any such agreement should make provision for contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.

**Fencing Requirement**

Fencing on sensitive interfaces (existing residential zoned land bordering DPO6) is to be a minimum 1.8m high solid fence to be provided at the developer's expense prior to the issue of Statement of Compliance on the subdivision of the land. The location and type of fencing may be varied subject to the approval of the Responsible Authority.

**4.0 Requirements for development plan**

C121sgjp 25/07/2019

A development plan must include the following requirements:

- The development plan must be prepared to the satisfaction of the Responsible Authority.
- The development plan may be approved in stages. Each development plan stage must represent a logical land development unit bounded by roads, natural features or the boundaries of the Development Plan Overlay map area.

The development plan must show ~~or~~ provide:

**Land use and subdivision layout**

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with adjoining residential land. Lots directly adjoining the Low Density Residential Zone (LDRZ) must ~~include~~ a rear setback of a minimum of 7 metres from the zone boundary to any new structure, with a minimum of a 3 metre wide landscape buffer along the zone boundary, or alternative, determined to the satisfaction of the Responsible Authority.
- Street network that:
  - Limits the creation of new road access points onto Jumbunna Road and support building frontages with two way surveillance.
  - The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

**Industrial Zone interface**

For subdivision and development north of Foster Creek an interface management plan is to be provided which specifies a design response and specific building and lot controls including, where required, controls to address amenity concerns related to noise, odour, vibration and lighting arising from legally occurring industrial activities within the Industrial 1 and Industrial 3 Zones. This may be executed via a Section 173 Agreement.

**Earthworks and Land Form**

- Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land, and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 20% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development.

The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should detail whether building envelopes or other controls are likely to be required at the subdivision stage.

**Infrastructure Services**

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- An integrated stormwater and flood management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority in consultation with the Roads Corporation that identifies existing and post development traffic generation, distribution and associated analysis and the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
  - road widening
  - signalised and /unsignalised intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes
  - bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with background documents *South Gippsland Paths and Trails Strategy 2010 (as amended)* and *South Gippsland Open Space Strategy 2007 (as amended)*. The internal road network must specifically provide for the potential for internal road connectivity to the existing dwelling lots that have potential for further subdivision.
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
- Identification of costs for infrastructure provision both onsite and offsite

#### **Open Space and Landscaping**

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
  - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
  - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential and industrial developments, open space and roads. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is adjoining Jumbunna Road, Bena Road and new Connector Street – Level 1 roads, especially in areas where new development is inward facing and not addressing the road.

#### **Community Infrastructure and Meeting Places**

- Provision for access and social interaction, particularly where this encourages physical activity. For example:
  - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with the background document *Path and Trails Strategy 2010 (as amended)*.
  - The pattern and location of pedestrian and bicycle paths should provide safe and practical access to and from community facilities and meeting places.
  - Spaces should be designed to accommodate community events.

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- Consider the need for onsite community facilities or where required, upgrades and contribution to offsite community infrastructure.

**Flora and Fauna**

- In consultation with the Department of Sustainability and Environment, a flora and fauna survey, prepared by a suitably qualified expert, which includes but is not limited to species surveys for Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation, including the provision of any offsets if required.
- Regard must be had to the background document *West Gippsland Native Vegetation Plan 2003*. (as amended).

**Cultural Heritage**

- A cultural heritage assessment including how cultural heritage values will be managed.

**Land Contamination**

An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.

**Process and Outcomes**

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.

The approved development plan may be amended to the satisfaction of the Responsible Authority.

**Decision guidelines for development plan**

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the information contained within the following background documents:

- *Victoria's Native Vegetation Management: A Framework for Action 2002*
- *Healthy by Design: a planners' guide to environments for active living*®, (National Heart Foundation of Australia - (Victorian Division, 2004) or as amended;
- *South Gippsland Path and Trails Strategy 2010* (as amended).
- *South Gippsland Open Space Strategy 2007* (as amended).
- *Korumburra Structure Plan 2010* (as amended)

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## **SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as **DPO7**.

### **JUMBUNNA ROAD RESIDENTIAL AREA**

#### **1.0 Objectives**

[C121sgjp](#) 25/07/2019

None specified.

#### **2.0 Requirement before a permit is granted**

[C121sgjp](#) 25/07/2019

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority.
- Buildings and works associated with the Jumbunna Road bus depot provided the buildings and works are contained within the established development footprint or immediate surrounds to the satisfaction of the Responsible Authority
- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.
- The use, development & subdivision of land by a public authority or utility provider.

#### **3.0 Conditions and requirements for permits**

[C121sgjp](#) 25/07/2019

[The following conditions and requirements apply to permits: \[to comply with MD\]](#)

##### **General**

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an efficient and orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments, including in relation to the Bus Depot site.
- The need to minimise access points to Jumbunna Road.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with the adopted Korumburra Structure Plan, where relevant.

Any other matter, as deemed appropriate by the Responsible Authority, which the development plan should take account of based on the specific character of the land.

The requirement for building envelopes, agreements or covenants to be registered on newly created titles to achieve the lot development restrictions set out in the development plan.

- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

##### **Development and community infrastructure**

Prior to the issuing of a Statement of Compliance (or otherwise agreed to in writing by the Responsible Authority), the landowners may enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 or other mechanisms approved by Council. Any

such agreement should make provision for contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.

#### **Bus Depot development requirements**

Any planning permit which creates residential lots or approves a sensitive use in the DPO7 area within 50 metres of the Jumbunna Road bus depot site may include a condition to restrict (through an appropriate restriction on title) the use of these lots for dwellings or other sensitive uses until such time as the bus depot is no longer in operation and its existing use rights are expired.

The following requirement applies to the use or development of the Jumbunna Road bus depot site:

Before a sensitive use (e.g. residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1979 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

#### **Fencing requirement**

A planning permit which creates residential lots adjoining land in the Low Density Residential Zone or Lot 1 LP134693 or Lot 3 LP135303 must include a condition requiring fencing along the boundary of these lots. Fencing must be a minimum 1.8m high solid fence to be provided at the developer's expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land

## **4.0**

### **Requirements for development plan**

[C121sgjp](#) 25/07/2019

A development plan must include the following requirements:

- The development plan must be prepared to the satisfaction of the Responsible Authority.
- The development plan may be approved in stages. Each development plan stage must represent a logical land development unit bounded by roads, natural features or the boundaries of the Development Plan Overlay map area.

~~The development plan must show / provide:~~

#### **Land use and subdivision layout**

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with adjoining residential land and the school. Lots directly adjoining the Low Density Residential Zone (LDRZ) should have a minimum rear boundary width at the LDRZ boundary of an average of 20m and not less than 18 metres, and avoid (where possible) the creation of more than 2 new lots directly adjoining each established LDRZ lots. Buildings must be setback a minimum of 7m from the zone boundary.
- For lots with a primary frontage to Jumbunna Road and Sommers Crescent provide:
  - Minimum lot frontage of 18m
  - Minimum building front setback of 7m
- The provisions of a 2.5m wide reserve (unencumbered by landscaping or development) adjoining the southern side of Jumbunna Road to facilitate future widening of the shared pedestrian footpath to the school.
- A street networks that limits the creation of new road access points onto Jumbunna Road and support building frontages with two way surveillance.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.

#### **Earthworks and Land Form**

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- Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development.
- The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should detail whether building envelopes or other controls are likely to be required at the subdivision stage.

#### **Infrastructure Services**

- An integrated stormwater and flood management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority, in consultation with the Roads Corporation, that identifies the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
  - road widening
  - signalised/unsignalised intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes
  - bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with the background documents *South Gippsland Paths and Trails Strategy 2010 (as amended)* and *South Gippsland Open Space Strategy 2007 (as amended)*. The internal road network must specifically provide for:
  - A continuous road / pedestrian link from Prudence Close, across Sommers Crescent and through Lot 4 LP135303 to an exit point onto Jumbunna Road between the school and Lot 1 LP134693.
  - The potential for internal road connectivity to the existing dwelling lots that have potential for further subdivision.
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
- Identification of costs for infrastructure provision both onsite and offsite.

#### **Open Space and Landscaping**

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
  - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
  - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential developments, open spaces, the bus depot, roads and the school. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is to adjoin Jumbunna Road, Sommers Crescent and new



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Connector Streets especially in areas where new development is inward facing and not addressing the road.

**Flora and Fauna**

- In consultation with the Department of Environment and Primary Industries, a flora and fauna survey, prepared by a suitably qualified expert which includes but is not limited to species surveys for the Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's native vegetation management requirements, including how it is proposed to protect and manage any appropriate native vegetation.
- Regard must be had to the background document *West Gippsland Native Vegetation Plan 2003. (as amended)*.

**Cultural Heritage**

- A cultural heritage assessment including how cultural heritage values will be managed.

**Land Contamination**

- An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities and former railway use.

**Process and Outcomes**

- The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.
- An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.
- The approved development plan may be amended to the satisfaction of the Responsible Authority.

**Decision guidelines for development plan**

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information contained within the following background documents:

- *Healthy by Design: a planners' guide to environments for active living®*, (National Heart Foundation of Australia - (Victorian Division, 2012) or as amended;
- *South Gippsland Path and Trails Strategy 2010 (as amended)*.
- *South Gippsland Open Space Strategy 2007 (as amended)*.
- *Korumburra Structure Plan 2010 (as amended)*

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## **SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO8**.

### **RESIDENTIAL GROWTH AREA (NORTH WEST KORUMBURRA)**

#### **1.0 Objectives**

C121sgjp 25/07/2019

None specified.

#### **2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted before a Development Plan has been prepared to the satisfaction of the Responsible Authority for a minor extension, minor addition or minor modification to an existing development, boundary realignment, agricultural activity, vegetation removal or any other use that does not affect the future orderly development of the area affected by the Development Plan Overlay.

#### **3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

The following conditions and requirements apply to permits: [to comply with MD]

~~Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:~~

- ~~A plan showing~~ ~~The requirement for~~ building envelopes on any plan of subdivision for lots that abut 33 Korumburra-Warragul Road
- An appropriate mechanism to identify and apportion costs of land and services as development occurs, by way of Section 173 Agreement or alternative means.

#### **4.0 Requirements for development plan**

C121sgjp 25/07/2019

A development plan must include the following requirements:

##### **General Requirements**

- How the development of the land occurs in an orderly manner having regard to essential services, open space and roads.
- The timing and staging of the subdivision of the land.
- The potential for further subdivision of individual lots to negatively impact neighbourhood character.
- The interface between proposed and existing nearby developments.

##### **Land use and subdivision**

- Details of the interfaces with neighbouring uses of land.
- Any noise mitigation requirements associated with proximity to the South Gippsland Highway and Korumburra - Warragul Road.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- Street network that:
  - Limits the creation of new road access points onto Korumburra - Warragul Road
  - Support building frontages which promote passive surveillance of the street network.
- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services.

##### **Earthworks and Land Form**

- Where land with a slope of more than 10% exists on the site, the Development Plan shall detail how the proposed design responds to the topography and contours of the land and whether

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significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved.

- Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development. The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should determine whether building envelopes or other controls are likely to be required at the subdivision stage.

#### **Infrastructure Services**

- An integrated Stormwater Management Plan that incorporates water sensitive urban design techniques and provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, reduction/mitigation of run-off and peak flows including consideration of downstream impacts and how they may be affected by roadworks to neighbouring properties.
- A comprehensive Traffic Impact Assessment that identifies the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
  - road widening
  - intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes
- The pattern and location of any internal road system based on a safe and practical hierarchy that accounts for pedestrian and bicycle connections and crossing points.
- Identification of costs for infrastructure provision both onsite and offsite.

#### **Open Space**

- The location of any open space reserves and details of the provisions of building / works / equipment within the open space. Open space should be located on a flatter area of land and capable of easy drainage.

#### **Flora and Fauna**

- In consultation with the Department of Environment, Land Water and Planning, a Flora and Fauna Assessment, prepared by a suitably qualified expert(s) which includes, but is not limited to, species surveys for Gippsland Giant Earthworm and measures required to protect the identified species.

#### **Land Contamination**

- An investigation by an appropriately qualified person is required, which considers the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.
- This can initially take the form of a limited desktop study but further detailed investigation may be required should there be sufficient concern of a risk to sensitive uses of the land, as determined by the Responsible Authority.

#### **Process and Outcomes**

An Implementation Plan must be submitted as part of the Development Plan, indicating the proposed staging of the development and timing of infrastructure provision.

**SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO9**.**WESTERN LEONGATHA RESIDENTIAL GROWTH AREA****1.0 Objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for:

- The use and development of land for Agriculture that does not prejudice the future residential use and development of land, or residential amenity of surrounding areas.
- A fence.
- The removal, destruction or lopping of vegetation.
- Minor drainage and/or earthworks.

**3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

The following conditions and ~~or~~ requirements apply to permits (unless specifically otherwise agreed to by the responsible authority):

A planning permit application for the subdivision or development of the land in accordance with the approved development plan must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the requirement of the planning scheme and the approved development plan. The report must specifically demonstrate how the subdivision of land responds to and facilitates the integrated development of the entire DPO9 area.

- Where subdivision creates lots adjoining Shingler Street (Old Korumburra Road) and Gibson Street, a condition requiring construction of a 2.5 metre wide shared pathway adjoining the land being subdivided.
- Where the development plan identifies minimum lot size and boundary setback requirements on steep sloping land, a permit condition requiring the restrictions are registered on the lot titles to be created by the subdivision via covenant, Section 173 Agreement, restriction on a plan of subdivision or other mechanism as agreed to by the responsible authority.
- An appropriate mechanism to identify and apportion development costs of land and services, payable by the developer or landowner commensurate with each stage of development, by way of Section 173 Agreement or alternative means agreed by the responsible authority.
- The provision of infrastructure, open space and landscaping maintenance periods in accordance with Council's Infrastructure Design Manual.

Planning permit applications for each residential subdivision stage must consider the views of ~~ViaRoads~~ [the Department of Transport](#) [NEW, requested by DPOT] in regards to the potential impact of additional traffic movements on the ~~major~~ [NEW, requested by DPOT] arterial road network.

**4.0 Requirements for development plan**

C121sgjp 25/07/2019

*Development plan explanatory note:*

*The residential development of the land in DPO9 is anticipated to occur over an extended period of time. Accordingly, flexibility is beneficial for the timing of when highly specific development plan information is required to be provided. However to achieve integrated, coordinated development across the entire area it is important that a 'Whole of site development plan' be approved to establish key development principles before any smaller stage of the development plan is approved. This process will ensure that each stage has appropriate regard to the complete development of the DPO9 land.*

A development plan must include the following requirements:

#### **Whole of site development plan**

Before a development plan stage is approved, a 'Whole of site development plan' must be prepared by the developer and approved by the responsible authority.

Before approving the 'Whole of site development plan' the responsible authority will seek and consider the views of residents and landowners in the immediate area and other relevant stakeholders.

The plan must consider all land in DPO9 and should be guided by Council's Infrastructure Design Manual 'Outline Development Plans' objectives and requirements. The plan must be based on a site analysis and design response and provide (at minimum):

- A Traffic Impact Assessment Report addressing the location of Connector Streets across the land, road intersections around the boundaries of the land, how the road network integrates and impacts the existing road network including the major arterial road network (details of road and intersection upgrading that may be required, including concept plans), the provision of road connectivity to the west and south of the DPO9 area, pedestrian and cycle connectivity, costings of off-site infrastructure upgrades. The report must specifically consider:
  - Upgrading of Worthy Street (west of Brown Street) to achieve Connector Street access standard and the timing (related to staging) when upgrading will be required.
  - Traffic impacts on the arterial road network and specifically the intersections of Worthy Street/Bass Highway and Shingler Street/South Gippsland Highway and the timing (related to staging) when any upgrades might be required.
- A Stormwater Management Plan (SMP) detailing the location and size of drainage reserves, drainage retardation and treatment systems with consideration to water sensitive urban design (WSUD) principles. The SMP must consider off-site drainage impacts and/or infrastructure upgrades that may be required in a full development scenario and indicate at which stage the requirements are to be carried out. The SMP must specifically consider and respond to stormwater requirements in waterways and easements on public and private land east of Gibson Street and south of Higg Street.
- The location of active and passive open space addressing (at minimum) the open space provisions and requirements of the planning scheme and specifically identifying land the developer will provide as a flat 'active open space' area unencumbered by drainage requirements. The active open space reserve should be located on a connector street and have active frontage wherever possible. Details of the staging (timing) of all open space provision is required.
- Staging details of future land rezoning and/or subdivision stages within rezoned land.
- An assessment against the residential subdivision provisions of the planning scheme.

The 'Whole of site development plan' may be amended with the written consent of the responsible authority.

#### **Development plan**

The development plan may be approved in stages, to the satisfaction of the responsible authority. A development plan stage must not be approved until the 'Whole of site development plan' has been approved by the responsible authority.

Before approving a development plan the responsible authority will seek and consider the views of residents and landowners in the immediate area and other relevant stakeholders.

The development plan for each stage must show or provide (unless set aside or varied by the responsible authority):

#### **General requirements**

- A report demonstrating how the development plan stage responds to the requirements of the 'Whole of site development plan'.

#### **Land use and subdivision layout**

- Dwelling densities are to reflect the opportunities and constraints of the land. Lower densities should generally be provided on land with slopes greater than 10% and higher densities should generally be provided on flatter land and adjacent to open space.

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- Where the pre-development slope equals or exceeds 10%, larger lots should be created (increasing in size commensurate to the slope of the land). Within these lots building envelopes must be identified and sited to:
  - Minimise earthwork requirements for slab construction dwellings.
  - Avoid the requirement for earthwork retaining walls within 1 metre of a lot boundary.
  - Protect passive solar access to dwellings sited in cuts.
  - Provide additional front setbacks (not less than 7 metres) where the slope falls predominantly down the length of the lot.

*Note: The lot size, building envelope and retaining wall restrictions will be made an ongoing restriction on the lot titles via the planning permit conditions for the subdivision of the land.*

- Lots adjoining Shingler Street and Gibson Street must be oriented to front the road. Internally facing subdivisions will not be supported.
- Street network designs promoting passive surveillance of the street network.

#### **Drainage**

- The Stormwater Management Plan (SMP) must address all internal and external catchments that may impact on the proposed development.
- The catchment area relevant to each stage is to be identified along with drainage outfall locations, new drainage works, detailed flow and flood levels for the 1% 'Annual Exceedance Probability' storm event as a result of development.
- How the subdivision of the land will cater for flooding and waterway enhancement works (including WSUD), including setbacks from waterways and protection of riparian values either side of designated waterways on the land to be rezoned.
- How it is intended to manage waterways and flows that run through the land.
- Any SMP must show how water flow rates will not exceed pre-development levels beyond the boundary of the subject land to the satisfaction of the responsible authority.

#### **Geotechnical report**

- Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development. The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should determine whether building envelopes or other controls are likely to be required at the subdivision stage.

#### **Infrastructure services**

- A comprehensive Traffic Impact Assessment Report identifying the pattern and location of the major arterial road network of the area including:
  - Existing roads.
  - Effects to surrounding intersections that might be affected by the proposal.
  - Proposed treatments to intersections affected by the development stage under consideration and how they integrate with future and existing road networks.
  - The location and details of any required road widening, intersections, access points, pedestrian crossings or safe refuges, and cycle lanes.
- The main access road from Shingler Street should, to the satisfaction of the responsible authority, be constructed as Collector/Connector Street Level 1 along its entire length from Shingler Street internally through the site to Worthy Street and the design agreed to in writing by the responsible authority.
- All other subdivision roads should at a minimum be constructed to the specifications included in the Infrastructure Design Manual and agreed to in writing by the responsible authority.
- The pattern and location of the internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points.
- An accessible and integrated network of walking and cycling routes allowing safe and convenient travel to future and existing developments, open spaces and integrated with the established residential area to the east.

- Each development plan stage must consider the views of VicRoads in regards to the potential impact of additional traffic movements on the major arterial road network.

#### **Open space and landscaping**

- The location of open space reserves and details of the provisions of infrastructure, buildings, works and equipment within open space reserves.
- Details of when open space reserves are to be provided within the staging of the development of the land. Timing of open space provision must accord with anticipated demand with key open space reserves provided by the early to mid-stages of the development of the development plan area and specifically not left to final stages.
- Public open spaces should, to the satisfaction of the responsible authority, be:
  - Designed to integrate with other reserves and public areas where possible.
  - Designed to provide active frontages and opportunities for visual surveillance to promote safety of users.
  - Located on flatter land and capable of easy drainage.
  - Located in areas not required for stormwater management.

Public open spaces should not contain a slope angle greater than 5%.

- A landscape plan, prepared by a suitably qualified person, identifying all proposed native vegetation removal and new landscaping with particular regard to the interface with surrounding residential areas, open space and roads.

The landscape plan must include canopy tree plantings within both the internal and external road network adjoining the development to soften the visual impact of new development when viewed from within and outside the development area.

The landscape plan must provide a high level of detail where new development is adjoining Shingler Street and Gibson Street and new Connector Street.

#### **Land contamination**

A limited desktop assessment must be undertaken by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses. In any case where contamination is identified, the report will consider the measures to address contamination in areas where sensitive land uses are proposed as necessary. The investigation must consider, but not be limited to, agricultural chemical use and informal land dumping.

#### **Development contributions**

It is the expectation of the responsible authority that a developer commitment to provide an appropriate level of developer contributions will be made in association with the residential rezoning and subdivision of land in the DPO9 area. The commitment to developer contributions should preferably occur as part of the rezoning process.

In recognition of the likely extended timelines of the development of the DPO9 land (and likely changes to the planning system across this timeframe in relation to how developer contributions are secured), each development plan stage must provide details of how each stage has addressed the provision of developer contributions commensurate to the additional demand on development and community infrastructure resulting from the subdivision of land.

#### **Process and outcomes**

An implementation plan must be submitted as part of each development plan stage, indicating the proposed staging of subdivision land release within the development plan stage and the development and timing of infrastructure provision.

**SCHEDULE 10 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO10**.

NYORA URBAN RESIDENTIAL GROWTH AREA (SOUTH OF GLOVERS ROAD)

**1.0 Objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- A minor extension, minor addition or minor modification to an existing development.
- Minor drainage works.
- Minor earthworks.
- The use and development of land for agriculture.
- The use, development or subdivision of land by a public authority or utility provider.
- The re-subdivision of existing lots (boundary realignment), provided the number of lots is not increased.
- A fence.
- The removal, destruction or lopping of vegetation.

**3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

The following conditions and requirements apply to permits: [to comply with MD]

- Planning permit applications for the subdivision or development of the land must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the relevant requirements of the Planning Scheme and the approved Development Plan.
- Planning permit applications for residential subdivision must include a report prepared by a suitably qualified person demonstrating the need for the release of additional residential land.
- Planning permits for residential subdivision (excluding lots to be further subdivided at a future stage) must include a condition requiring all lots to be connected to a reticulated sewerage system to the satisfaction of the responsible authority.
- Planning permits for residential subdivision which creates lots that retain clusters of native vegetation (particularly vegetation adjoining Glovers Road and riparian vegetation) must include the following conditions:
  - Building envelopes must be identified for each lot. The building envelopes must be located in areas free of native vegetation and appropriately separated from the vegetation to reduce bushfire risk to building and occupant. The building envelopes must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.
  - The lots which retain native vegetation stands/clusters that adjoin Glovers Road must not be further subdivided. This restriction must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.
- Planning permits for the subdivision of land which create lots directly adjoining the boundary of established residential lots along Hatches Road must include a condition requiring a 4 metre wide amenity buffer. The amenity buffer must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.
- Planning permits for the residential subdivision of land which creates lots immediately adjoining lots within the Low Density Residential Zone must include a condition requiring fencing along the boundary of these lots. Unless specifically agreed otherwise with an adjoining landowner, fencing must be a minimum of 1.8 metre high solid fence. The fence is to be constructed at the



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developer's expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land.

- The subdivision lot size, configuration and setback requirements set out in the 'Requirements for development plan' below, or special subdivision design requirements identified in the approved Development Plan, must be included as a planning permit condition for the subdivision of the land and executed via a covenant, Section 173 Agreement or restriction on a plan of subdivision.
- The planning permit for the first residential subdivision adjoining (fronting) Lang Lang Poowong Road or service road, must include a condition requiring the construction of a shared pathway no less than 2.5 metres wide along Lang Lang Poowong Road between the subject land and Forster Drive.
- Planning permits for development over or adjoining dams must include conditions that:
  - Set out requirements to remediate the dams.
  - Require the submission of an engineer's report to confirm that remediated dams are suitable for the intended development.
- Planning permits for the subdivision of land must include a condition requiring the provision of infrastructure, open space and landscaping maintenance periods in accordance with the Infrastructure Design Manual (as amended).
- Planning permits for the development of land on lots greater than 800sqm must include a condition requiring a minimum front setback of 7 metres and 3 metres setback from any side road boundary.

#### 4.0 **Requirements for development plan**

[C121sgjp](#) 25/07/2019

A development plan must include the following requirements:

- Be prepared to the satisfaction of the responsible authority.
- Be prepared for the entire land parcel to which this schedule applies.
- Be informed by a detailed site analysis and design response and include ~~the~~ requirements of Clause 56.01-1 and 2. The site analysis and design response should respond to the natural, cultural and strategic context of the site.

The Development Plan must include ~~or~~ show:

##### **Layout**

- The location of lots, lot sizes and density.
- A diversity of lot sizes, with the overall development having an average lot size of 700 – 800 sqm.
- The location and layout of all key features of the land.
- The provision of larger lots (greater than 800 square metres and with frontages of not less than 20 metres) located along the southern boundary (adjoining Lang Lang – Poowong Road) and the western boundary (adjoining Yannathan Road) of the subject land and adjoining internal 'Connector Street'.
- Allowance for the creation of lots in excess of 2,000sqm in areas containing good quality native vegetation stands particularly adjoining Glovers Road.
- Building envelopes on lots that retain clusters of native vegetation must be appropriately separated from the vegetation to reduce bushfire risk.
- The provision of lots along Lang Lang Poowong Road and Yannathan Road must front and address these roads and are strongly discouraged from being side or rear facing lots.
- The provision of lots within the area directly adjoining the boundary of the established residential lots along Hatches Road must include:
  - A minimum building setback of 7 metres from the adjoining Low Density Residential Zone boundary.
  - A 4 metre wide amenity buffer for landscape planting.
  - No more than two new lots directly adjoining the rear boundary of established residential lots fronting Hatches Road.

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- A lot size of no less than 1,000 square metres.
- One new lot directly adjoining the rear boundary of 16 Hatches Road (Lot 2 PS543620).
- A layout which responds to the existing waterways, riparian vegetation and other native vegetation stands across the land.
- A layout which ensures the retention of prominent stands of existing native vegetation on public land (i.e within road reserves, drainage reserves or local parks), where appropriate including:
  - Along the major drainage line through the site.
  - Within the road reserve of Lang Lang Poowong Road and Yannathan Road.
  - At the north-west corner of Lot 1 LP213970 that is visible along Yannathan Road when approaching the town.
  - Within the Glovers Road road reserve.
- At prominent high points of the land, a subdivision road layout which provides for road reserves configured to allow canopy tree planting in widened verge strips or central median strips to soften the visual impact of buildings when viewed from surrounding areas. This does not apply if high points are located within proposed open space areas.
- A layout which provides for a 'Connector street level 1' road and a intersection with Lang Lang Poowong Road and Yannathan Road to the satisfaction of VicRoads and the responsible authority.
- A layout which provides for a 2.5 metre wide pedestrian/cycle path along Lang Lang Poowong Road between the subject land and Forster Drive.
- A layout which provides for a minimum of two pedestrian/cycle connections to Glovers Road, one of which is to be located from Lot 12 LP148069B.
- A layout which provides for a road network that delivers a safe, permeable and convenient road network. Cul-de-sacs should only be provided where necessary and should not detract from convenient pedestrian and vehicular connections.

#### **Staging Plan**

- Details of the proposed staging of subdivision land releasing across the entire area with the land identified in the Nyora Framework Plan map as 'Long Term Residential Area' (east of the waterway) to be identified as 'later stages' in the development of the land at Lot 12 LP148069B. Each identified stage should consist of a logical land unit bound by roads, waterways or natural features, or based on servicing/engineering design, or the boundaries of the Development Plan Overlay map area.
- Stage 1 should contain no more than 200 lots designed to be used for dwellings.

#### **Infrastructure Services**

- A comprehensive Traffic Impact Assessment Report (based on a full development scenario) prepared by a suitably qualified person to the satisfaction of the responsible authority and VicRoads. The report must include:
  - The impact of the development on the existing road network and intersections surrounding the land.
  - Improvements necessary to facilitate the development of the land, including road widening, access points, pedestrian crossing points and safety refuges, cycle lanes etc.
  - All intersections and roads impacted as a direct consequence of a full development scenario and costings for intersection and road treatments associated with those impacts.
- A Road Hierarchy Plan for the internal road network across the entire development plan area detailing all roads 'Access Street – Level 1' and above. The Road Hierarchy Plan:
  - Should identify a 'Connector Street level 1' road and intersection with Lang Lang Poowong Road and Yannathan Road to VicRoads and the responsible authority's satisfaction.
  - Must identify a shared pathway no less than 2.5m wide along Lang Lang Poowong Road between the subject land and Forster Drive.
  - Must identify a minimum of two pedestrian/cycle connections to Glovers Road one of which is to be located from Lot 12 LP148069B. The access paths should restrict vehicle movements (if

SOUTH GIPPSLAND PLANNING SCHEME  
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proposed as a long term option) until such time as they are upgraded to an appropriate service level.

- Must provide for a continuous east/west vehicle, pedestrian and cycle movement across the land (at 'Connector Street level 1' standard) with a design/configuration to minimise the use of the internal roads as an alternate vehicle route to the existing main road network. If the continuous east/west route does not cross the main waterway traversing the land, then a road, pedestrian, cycling crossing of the waterway must be provided approximately midpoint along the length of the waterway (at 'Connector Street level 1' Standard) to service the eastern corner of the land.
- Must address the long term need to retain or close the unmade road reserve to vehicles between the northern end of Hatches Road and Yannathan Road.
- A subdivision design providing an appropriately sited reserve (justified by the Traffic Impact Assessment Report) capable of becoming a long term future 'Connector Street' with an access point onto Glovers Road. The reserve should allow for logical integration with the subdivision road network however should remain unconstructed and untrafficable until such time as Glovers Road is appropriately constructed or the land to the north of Glovers Road is developed in the very long term. The subdivision design should also ensure:
  - A pedestrian/cycle pathway network that responds to the waterways and riparian vegetation network across the subject land.
  - A street network that supports building frontages with natural surveillance of the street.

#### **Stormwater and Drainage**

- A stormwater and drainage management plan prepared by a suitably qualified person that demonstrates:
  - Integrated stormwater management planning across the subject land, including consideration of impacts outside of the subject area likely to occur as a result of development.
  - A response to the Infrastructure Design Manual (as amended) and detailed costings for all stormwater drainage works to occur on public land or outside of the development plan area if directly related to the development.

#### **Open Space and Landscaping**

- The location and size of proposed open spaces that can cater for a range of uses for active and passive recreation, including:
  - An area of not less than 4 hectares located on Lot 12 LP148069 in a flatter area of land not affected by waterlogging. The identified area should allow for a sports ground which can accommodate a full size football field where minimal earthworks will be required. The development plan or Staging Plan must identify and commit to the provision of the open space to be delivered at a time to the satisfaction of the responsible authority. .
  - Active open space areas, which are to be made flat and safe for public use by the subdivider/developer prior to their transfer to the responsible authority.
  - Identification of open space areas that are affected by drainage or waterlogging.
  - The provision of a local park between 0.35-0.5 hectares in size on Lot 2 LP213970.
  - Pedestrian and cycle paths and play equipment that encourage active recreational opportunities.
  - Opportunities for visual surveillance of public open space to promote safety of users, through encouraging active frontages, using buildings to frame public spaces.
  - Low scale and visually permeable fencing of open space (whether encumbered or unencumbered).
- Provision for the planning and payment of open space features, which must be made by agreement between the responsible authority and the subdivider/developer prior to the approval of the development plan.
- A landscape masterplan prepared by a suitably qualified person, identifying:
  - All proposed public landscaping (with particular regard to the interface with surrounding residential developments) of all open space areas.

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- Proposed landscaping along the road network and shared paths within or abutting the development plan area.
- The location of canopy tree plantings within the proposed road network to soften the visual impact of new development when viewed from within and outside the development area.
- Planting to enable practical maintenance and plants suitable to the local climate and soil conditions.
- Plantings integrated with the proposed waterways and drainage reserves.
- All existing vegetation to be retained and removed.
- An arborists report identifying native vegetation to be retained and protected in public spaces and works required for public safety and suitability of retention for open space areas.
- Retention of the treed entry into Nyora along Lang Lang Poowong and Yannathan Roads by incorporating the trees in public land within nature strips or boulevards where appropriate.
- A diversity of streetscape outcomes across the development plan area.

#### **Bushfire**

For vegetated areas to be retained, an indicative subdivision plan and building envelope plan which address and responds to the 'Application requirements' of Clause 53.02 and the 'Subdivision objectives' of Clause 53.02-4.4 .

The information must be sufficiently detailed to identify bushfire safe building envelopes on lots to be created within 150m of vegetation stands. This information is required to inform the identification of the bushfire building envelopes required in the 'Conditions and requirements for permits'.

#### **Cultural Heritage**

Unless otherwise agreed by the responsible authority, a cultural heritage assessment prepared by a suitably qualified heritage consultant.

#### **Land Contamination**

A desktop assessment undertaken by an appropriately qualified person that considers the potential location and forms of land contamination resulting from previous land uses. In the case where contamination is identified, the report must consider the measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial or mining activities.

#### **Environment**

A flora and fauna report prepared by a suitably qualified person. The report(s) must consider:

- Vegetation on the land, its health and significance to the locality, measures required to protect vegetation and the identification of any vegetation to be removed.
- A survey and assessment of impacts of the proposed development plan layout on the Giant Gippsland Earthworm habitat. This assessment must be conducted by a suitably qualified person to the satisfaction of the Department of Environment, Land, Water and Planning and the responsible authority.

#### **Decision guidelines for development plan**

Before approval of the development plan (or development plan stage) or an amendment to the Development Plan, the responsible authority must consider the background documents:

- *Nyora Structure Plan - June 2013.*
- *South Gippsland Shire Council Paths and Trails Strategy 2010.*
- *Healthy by Design ®, A guide to planning environments for active living in Victoria, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victoria Division).*
- *Infrastructure Design Manual (version 4.2, October 2015)( as amended).*
- The views of the Country Fire Authority, Melbourne Water, Department of Environment, Land, Water and Planning and VicRoads, as relevant.

**SCHEDULE 11 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **DPO11**.**BERRYS CREEK ROAD RESIDENTIAL DEVELOPMENT AREA****1.0 Objectives**

C121sgjp 25/07/2019

None specified.

**2.0 Requirement before a permit is granted**

C121sgjp 25/07/2019

A permit may be granted before a development plan has been prepared for the following:

- Minor drainage works.
- Minor earthworks.
- The use and development of land for agriculture.
- The use, development or subdivision of land by a public authority or utility provider.
- A re-subdivision of existing lots (boundary realignment) provided the number of lots is not increased.
- A fence.
- The removal, destruction or lopping of vegetation.

**3.0 Conditions and requirements for permits**

C121sgjp 25/07/2019

[The following conditions and/or requirements apply to permits: \[to comply with MD\]](#)**Subdivision**

Subdivision applications that create residential lots must be accompanied by:

- A town planning report prepared by a suitably qualified person, demonstrating how the permit application addresses the relevant requirements of the planning scheme and the approved development plan.
- An engineering report demonstrating compliance with the background document *South Gippsland Shire Council's Infrastructure Design Manual*.
- A report addressing the requirements of Clause 52.17 Native Vegetation with consideration of offset requirements in accordance with the background document *Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI, 2013)*.

**Planning permits**

Planning permits that create residential lots must include conditions requiring:

- All lots to be connected to a reticulated sewerage system to the satisfaction of the responsible authority.
- Provision of infrastructure, open space and landscaping maintenance periods in accordance with the background document *South Gippsland Shire Council's Infrastructure Design Manual*.
- Construction of footpaths in Berrys Creek Road reserve in accordance with the locations and any staging of footpath provision detailed in the approved development plan.
- Building envelopes or agreements to be registered on residential lot titles to achieve any development restrictions set out in the approved development plan.

**4.0 Requirements for development plan**

C121sgjp 25/07/2019

The development plan must be prepared to the satisfaction of the responsible authority.

The development plan:

- Must be prepared for the entire land parcel to which the schedule applies.

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- Must be informed by a detailed site analysis and design response that responds to the natural, cultural and strategic context of the site.

The development plan must ~~provide~~include the following ~~information requirements~~ [to comply with MD] unless otherwise agreed by the responsible authority:

**Layout**

- Subdivision of the land, which must be designed in an efficient and orderly manner having regard to the provision of services, infrastructure, roads, pathways, open space and reserves.
- Proposed number, location and size of lots.
- Subdivision layout that responds to the topography of the land. Where land slope exceeds:
  - 10 per cent identify where earthworks are required to facilitate development.
  - 15 per cent a geotechnical assessment report prepared by an appropriately qualified person demonstrating the suitability of the land for the development of dwellings and roads and which also considers the requirement to apply building envelopes to avoid development on very steep and/or unstable land.
- A subdivision layout that:
  - Provides at least 30 lots with sizes generally 600-800 square metres.
  - Provides a single access point onto Berrys Creek Road. A second access onto Berrys Creek Road is discouraged, unless justified by a traffic impact assessment report demonstrating why a single access point cannot be used to service the entire land.
  - Restricts lots having direct vehicle access onto Berrys Creek Road. If a lot(s) has direct vehicle access to Berrys Creek Road, demonstrates how this can be achieved in a safe manner to the satisfaction of the responsible authority.
  - Allows continuous vehicle and pedestrian movement across the land, with connectivity across Reserve 1 on PS609443V (sewer reserve lot).
  - Provides a road network that responds to the topography and the contours of the land which minimises large scale excavation, retaining walls or batters particularly if court bowls are proposed.
  - Provides a road network and subdivision layout that ensures future road access point to the land on the western boundary of the subject land.
  - Provides larger lots (greater than 800 square meters) with wider frontages (not less than 20 meters) on steeper land with a cross fall slope (across the narrow axis of the lot) of 10 per cent or greater.
  - Creates no more than five new dwelling lots along the edge of the northern DPO boundary (shared with Lot 2 PS537386). The new lots must have building envelopes that provide for generous setbacks from the Lot 2 PS537386 boundary.
  - Locates open space to maximise its use and effectiveness.
  - Retains existing native vegetation on the land if supported by the required arborist report.
- Addresses any other matter specific to the circumstances and character of the land as deemed appropriate by the responsible authority.

**Staging plan**

- A subdivision staging plan (if staging is proposed) that:
  - Provides for the efficient and orderly development of the land and the orderly provision of infrastructure and services.
  - Identifies off site development contributions and when they are to be provided in accordance with any agreement registered on the title of the subject land.

**Infrastructure**

- Unless otherwise agreed by the responsible authority the subdivider/developer of the land must provide, fund and/or install all infrastructure to the satisfaction of the responsible authority and in accordance with the background document South Gippsland Shire Council's Infrastructure Design Manual, and:

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- Provide functional design details for all infrastructure including details of earthworks, vegetation removal and any other works required.
- Secure all off site infrastructure required for the development of the land via a Section 173 Agreement.
- Consult with Gippsland Water regarding details of any changes that may be required to Reserve 1 on PS609443V (sewer reserve lot).

**Drainage and stormwater**

- A stormwater management plan that:
  - Incorporates water sensitive urban design (WSUD) techniques and provides for the protection of natural systems, environmental and recreational values wherever practical, integration of stormwater treatment into the landscape to achieve a high level of landscape amenity, reduction/mitigation of run-off and peak flows including consideration of downstream impacts and how they may be affected by road works to neighbouring properties. The plan must demonstrate the overall quantity and quality of discharge meets best practice standards and quantify long term maintenance and operation costs in the design and location of WSUD features.
  - Demonstrates how stormwater quality and quantity can be suitably treated including the need (or otherwise) for kerb and channel along Berrys Creek Road to control runoff from the road and ensure no adverse impacts on new lots abutting the road.

**Roads**

- A Traffic Impact Assessment Report (TIAR), based on a full development scenario, prepared by a suitably qualified person to the satisfaction of the responsible authority and VicRoads. The TIAR must address, unless otherwise agreed by the responsible authority:
  - The impact of the development on the existing road network and intersections surrounding the land, notably Grand Ridge West intersection.
  - Improvements necessary to facilitate the development of the land, including road widening, access points, pedestrian crossing points and safety refuges, cycle lanes.
  - The pattern and location of the internal road system (as detailed in the subdivision layout plan) based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points.

**Footpaths**

- A footpath network that provides a 1.5 meter wide concrete footpath:
  - On all internal roads within the subject land.
  - On the western side of Berrys Creek Road which connects the access road to the subject land to the northern boundary of the subject land, linking with any adjoining footpath existing or proposed.
  - On the eastern side of Berrys Creek Road connecting the existing footpath north of Fary Court and running north east to Grand Ridge West.

*Note: A footpath is not required on the western side of Berrys Creek Road south of the road access (or southernmost road access point) to the subject land.*

**Open space and landscaping**

- Open space in accordance with Clause 53.01 . Easement reserves (including Reserve 1 on PS609443V - sewer reserve lot) on the land will not be considered open space for the purpose of Clause 53.01 unless fully integrated with the overall subdivision design, including active frontage.
- A landscaping masterplan, prepared by a suitably qualified person, addressing:
  - Landscaping along the proposed road network and footpaths within and abutting the development plan area.
  - Street tree planting (canopy trees) dispersed within all internal road reserves and abutting the land within the Berrys Creek Road reserve at suitable intervals to enhance the streetscape and soften visual impacts when viewed from within and outside the subject land.
  - Trees and landscape planting suited to the local climate and soil conditions

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- Landscaping designed for easy maintenance.
- Details of vegetation to be removed.
- Provide low scale (not exceeding 1.2 meters) visually permeable fencing of open space areas (encumbered or unencumbered) including any fencing of open space areas abutting any residential lots.
- Provide an arborist report, prepared by a suitably qualified person that determines the health and viability of trees on the land and identifies which trees are to be retained, removed or made safe (and works required to make safe).

**Land contamination**

A desktop assessment undertaken by an appropriately qualified person that considers the potential location and forms of land contamination resulting from previous land uses. In the case where contamination is identified, the report must consider the measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, industrial use, informal land dumping, or mining activities.

**Decision guidelines for development plan**

Before deciding on the development plan (or development plan stage) or an amendment to the development plan, the responsible authority must consider the requirements in this schedule.



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## **SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **EMO1**. [to comply with MD]

### **1.0 Erosion management objectives to be achieved**

C121sgjp 25/07/2019

None specified.

### **2.0 Statement of risk**

C121sgjp 25/07/2019

None specified.

### **3.0 Permit requirement**

C121sgjp 25/07/2019

A permit is not required to construct the following buildings or to construct or carry out the following works:

*Agricultural activities:*

- Agricultural activities including ploughing and fencing.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

*Power lines:*

Telephone or power lines provided they do not involve the construction of towers.

*Buildings:*

- An extension to an existing dwelling provided the additional floor area is less than 50 square metres and provided the construction is carried out in accordance with *Construction Techniques for Sediment Pollution Control (EPA May 1991)* and the background document *Control of Erosion on Construction Sites (Soil Conservation Authority)*.

~~An application must be accompanied by information regarding the likely effect of the proposed building and works on adjoining and nearby land.~~ [move to application requirements] [these are application requirements]

### **4.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01, and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: [to comply with MD]

An application must be accompanied by information regarding the likely effect of the proposed building and works on adjoining and nearby land. [Permit requirement]

None specified.

### **5.0 Decision guidelines**

C121sgjp 25/07/2019

None specified.

**SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **LSIO1**. [to comply with MD]**1.0 Land subject to inundation objectives to be achieved**

C121sgjp 25/07/2019

None specified.

**2.0 Statement of risk**

C121sgjp 25/07/2019

None specified.

**3.0 Permit requirement**

C125sgjp 08/09/2022

A permit is not required for any of the following:

- A new dwelling in a residential zone in the townships of Sandy Point, Venus Bay and Tarwin Lower, provided the finished floor level of the habitable building is 3.4 metres or more above Australian Height Datum (AHD).
- A new dwelling in a residential zone in the township of Port Welshpool, provided the finished floor level of the habitable building is 3.0 metres or more above AHD.
- A ground floor extension to an existing habitable building (including a dwelling) provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- An upper storey extension to an existing building within the existing building footprint.
- A single Replacement dwelling provided that the floor level is above the applicable floor levels set by the relevant floodplain management authority.
- A non-habitable building (other than a building associated with the use of land for industry or for a public or commercial use) with a floor area less than 20 square metres.
- A non-habitable building, or extension to a non-habitable building (other than a building associated with the use of land for industry or for a public or commercial use) provided the finished floor levels are above the applicable floor levels set by the relevant floodplain management authority.
- A pergola, open sided carport or in-ground swimming pool/spa (including plant equipment and safety features normal to a pool/spa) associated with a dwelling.
- An open sided deck or verandah associated with an existing dwelling that has a floor area no greater than 20 square meters.
- A rainwater tank associated with an existing dwelling, or the agricultural use of land, provided that the footprint of all rainwater tanks does not exceed 20 square metres.
- A replacement fence of the same materials as an existing fence, in the same location.
- Open type fencing (excluding paling and Colorbond style fencing, brick and concrete walls) and maintenance to existing fencing.
- An agricultural farm building, or structure, with permanent open sides.
- A mast, antenna, power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor sign/structure, provided that it does not impede floodwater flows.
- Works ancillary to an existing building, including landscaping and pathways that do not alter the existing surface profile by more than 150 mm.
- Works associated with roads, roadsides or any other access way (public or private) that do not alter the existing surface level by more than 150mm.
- Works associated with roads, roadsides or any other access ways carried out by a public authority that have received written consent from the relevant floodplain management authority.

SOUTH GIPPSLAND PLANNING SCHEME  
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- Earthworks in accordance with a whole farm plan approved by the responsible authority and relevant floodplain management authority.
- Works associated with dams with less than 3000 cubic metres capacity, where no fill is imported to the site and where no embankment is proposed above natural ground level.
- Works associated with vine or horticultural trellises or watering systems.
- Windmills and solar units in association with the use of land for Agriculture.
- Routine and maintenance works that do not affect the height, length or location of a levee, embankment.
- On non-urban zoned land, earthworks involving the receipt, importation, stockpiling or placement of not more than 100 cubic metres of fill.
- Buildings and works undertaken by Gippsland Ports associated with jetties, boardwalks, landings, beach refurbishment, swing moorings, navigational aids, beacons and signs.
- Buildings and works associated with bicycle pathways and trails undertaken by or on behalf of South Gippsland Shire Council that do not alter the existing surface level by more than 150mm.
- Buildings and works undertaken by or on behalf of Parks Victoria in accordance with a park management plan approved by the floodplain management authority, or where the buildings and works have otherwise received written consent from the relevant floodplain management authority.
- Buildings and works carried out by a Water Corporation to maintain and replace infrastructure related to sewer and water supply.

*Note: Replacement dwelling. For the purpose of this schedule a Replacement dwelling is a new dwelling constructed on the same area of land containing an existing dwelling which is to be demolished and replaced by a new dwelling, or a new dwelling to replace on the same area of land a dwelling damaged or destroyed after 1 January 2016.*

#### 4.0 Application requirements

C121sgjp 25/07/2019

[The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01, and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: \[to comply with MD\]](#)

Unless agreed in writing by the relevant floodplain management authority an application to construct a building or construct or carry out works must be accompanied by four sets of plans, drawn to scale, which show:

- A location plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works.
- Elevation plans showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to Australian Height Datum, taken by or under direction of a licensed surveyor.
- A detailed site plan with 0.5m contour intervals showing the layout of existing and proposed buildings and works, watercourses and access roads, taken by or under the direction of a licensed land surveyor.
- Relevant ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
- For inland waterways, the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) from the relevant floodplain management authority. The flood level information must not be greater than six months old.
- Any additional information requested in writing from the floodplain management authority.

#### Coastal Development

[For land below 5 metres AHD, the responsible authority or floodplain management authority may require that a coastal hazard vulnerability assessment, or similar statement, be prepared to accompany the following planning application types:](#)

- \*— ~~Subdivision.~~

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- ~~Accommodation (including Dwelling, Residential building, Residential village, Retirement village, Camping and caravan park, Corrective institution, Dependent persons unit, Group accommodation and Host farm).~~

~~This requirement does not apply where the information has been previously published in a regional Local Coastal Hazard Assessment.~~

~~If a report is required, the report must be prepared by a suitably qualified coastal processes engineer and/or coastal processes specialist and prepared in accordance with any approved coastal hazard guidelines to the satisfaction of the responsible authority and floodplain management authority. The assessment is to be prepared in accordance with the background document *Victorian Coastal Hazard Guide* (or superseding document) and must not be more than six months old and contain at least the following information:~~

- ~~A location plan drawn to scale, showing the boundaries and dimensions of the site, surrounding uses, the layout of existing and proposed buildings and works and the distance to coast or estuary.~~
- ~~Elevation plans taken by or under the direction and supervision of a licensed land surveyor showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to both AHD and the level as nominated by the relevant floodplain management authority at 2100.~~
- ~~A detailed site plan with 0.5 metres contours showing the layout of existing and proposed buildings and works, watercourses, access roads, vegetation and all infrastructure that may be affected by flooding, sea level rise or coastal inundation, taken by or under the direction and supervision of a licensed land surveyor.~~

~~Note: Before commencing preparation of the coastal hazards vulnerability assessment, consultation should occur with the floodplain management authority and the responsible authority to determine what information, additional to that specified above, must be provided to fulfill the requirements of the *Victorian Coastal Hazard Guide*. [NEW, change requested by West Gippsland CMA]~~

#### **Referral of Applications**

An application to construct a building or construct or carry out works, or an application to amend a permit, does not require referral to the relevant floodplain management authority if the application satisfies one of the following:

- Is accompanied by the relevant floodplain management authority's written approval, which must:
  - be granted not more than three months prior to lodging with the responsible authority;
  - quote the reference number and date of the approved plans; and
  - states the applicable flood level and any required floor levels.
- Is in accordance with an adopted local floodplain development plan or other agreement between the floodplain management authority and the responsible authority.
- Complies with a building envelope, filling levels and floor levels specified by the relevant floodplain management authority for the subject land in the previous six months.

#### **Background documents**

~~*Corner Inlet Dynamic Storm Tide Modelling Assessment – Water Technology June 2014* [Not as per MD format – this background document is listed in 72.08]~~

## **5.0**

### **Decision guidelines**

C121sgjp 25/07/2019

None specified.

**SCHEDULE 1 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **BMO1**.**VENUS BAY, WAKERVILLE BAL-29 AREAS****1.0 Statement of the bushfire management objectives to be achieved**

C121sgjp 25/07/2019

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

[See 44.06-1 for relevant provisions.](#) [MD guidance text only]**2.0 Application**

C121sgjp 25/07/2019

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

**3.0 Permit requirement**

C121sgjp 25/07/2019

None specified.

**4.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 44.06:

- An application must be accompanied by a bushfire management plan that:
  - Shows all of the required bushfire protection measures specified in this schedule,
  - Includes written conditions that implement the required bushfire protection measures,
  - Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
  - Details vehicle access.

**5.0 Requirements to be met**

C121sgjp 25/07/2019

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-29
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

**6.0 Substitute approved measures for Clause 53.02**

C121sgjp 25/07/2019

None specified.

**7.0 Additional alternative measures for Clause 53.02**

C121sgjp 25/07/2019

None specified.

**8.0** **Mandatory Condition**[C121sgjp](#) 25/07/2019

An application must include the mandatory conditions as specified in Clause 44.06-5.

**9.0** **Referral of application not required**[C121sgjp](#) 25/07/2019

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

**10.0** **Notice and review**[C121sgjp](#) 25/07/2019

None specified.

**11.0** **Decision guidelines**[C121sgjp](#) 25/07/2019

[The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: \[To comply with MD\]](#)

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.

**SCHEDULE 2 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY**

C125sgjp 08/09/2022

Shown on the planning scheme map as **BMO2**.**FOSTER, MEENIYAN, MIRBOO NORTH/BAROMI, PORT WELSHPOOL, TARWIN LOWER, VENUS BAY, WAKERVILLE BAL-12.5 AREAS****1.0 Statement of the bushfire management objectives to be achieved**

C121sgjp 25/07/2019

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

**2.0 Application**

C121sgjp 25/07/2019

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

**3.0 Permit requirement**

C121sgjp 25/07/2019

None specified.

**4.0 Application requirements**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 44.06:

- An application must be accompanied by a bushfire management plan that:
  - Shows all of the required bushfire protection measures specified in this schedule,
  - Includes written conditions that implement the required bushfire protection measures,
  - Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
  - Details vehicle access.

**5.0 Requirements to be met**

C121sgjp 25/07/2019

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-12.5
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

**6.0 Substitute approved measures for Clause 53.02**

C121sgjp 25/07/2019

None specified.

**7.0 Additional alternative measures for Clause 53.02**

C121sgjp 25/07/2019

None specified.

**8.0**      **Mandatory Condition**[C121sgjp](#) 25/07/2019

An application must include the mandatory conditions as specified in Clause 44.06-5.

**9.0**      **Referral of application not required**[C121sgjp](#) 25/07/2019

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

**10.0**     **Notice and review**[C121sgjp](#) 25/07/2019

None specified.

**11.0**     **Decision guidelines**[C121sgjp](#) 25/07/2019

[The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: \[to comply with MD\]](#)

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.



**SCHEDULE 1 TO CLAUSE 44.07 STATE RESOURCE OVERLAY**

VC196 19/08/2021

Shown on the planning scheme map as **SRO1**.**STRATEGIC EXTRACTIVE RESOURCE AREAS****1.0 Statement of resource significance**

VC196 19/08/2021

Extractive industries in the South Gippsland Shire make a significant contribution to Victoria's total sand production. While existing extractive industries are a large supplier of sand to Melbourne and local areas, there is an opportunity for further extractive industries to be developed in appropriate locations, and for the Shire to make an increased contribution to the state's sand resource supply.

Favourable geological characteristics in South Gippsland Shire have been substantiated by the number of existing extractive industry operations. The area also has manageable environmental and planning constraints, is supported by transport networks, and is proximate to demand markets.

It is estimated that extractive resources within South Gippsland Shire can supply approximately 22 per cent of Melbourne's demand for sand over the period 2015-2050. Protecting the future extractive resource capacity of the Shire from incompatible use, development and subdivision is critical for maintaining certainty of supply and meeting Victoria's ongoing demand for sand resources.

This schedule applies to land within the Shire known as Strategic Extractive Resource Areas. These are locations with a state-significant supply of sand resources, and where future investment in extractive industries is encouraged. The schedule ensures that new use, development and subdivision do not inhibit the potential future establishment of extractive industry operations within Strategic Extractive Resources Areas.

**2.0 Management objectives**

VC196 19/08/2021

To ensure that Strategic Extractive Resource Areas are identified and that extractive industries can occur in locations with good access to resources, transport networks and proximity to markets.

To ensure that land use and development within Strategic Extractive Resources Areas is compatible with the future use of the area for extractive industries.

To ensure that subdivision and land fragmentation do not prejudice current and future extractive industries within the Strategic Extractive Resource Area.

**3.0 Use of land**

VC196 19/08/2021

A permit is required to use land for:

- Accommodation
- Crematorium
- Education centre
- Funeral parlour
- Hospital
- Leisure and recreation
- Place of assembly
- Retail premises
- Veterinary centre
- Winery

**4.0 Subdivision**

VC196 19/08/2021

A permit is required to subdivide land.

This does not apply if each lot created by the subdivision is at least 40 hectares.

#### 5.0 **Buildings and works**

VC196 19/08/2021

A permit is required to construct a building or to construct or carry out works. This does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension does not exceed 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.

#### 6.0 **Application requirements**

VC196 19/08/2021

None specified.

#### 7.0 **Referral of applications**

VC196 19/08/2021

Kind of application	Referral authority	Type of referral authority
Any use listed in Clause 3.0 of this schedule.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i>	Determining referral authority

#### 8.0 **Exemption from notice and review**

VC210 04/05/2022

An application under any provision of this planning scheme to use or develop land for extractive industry is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 65(1), (2) and (3) and the review rights of section 82(1) of the Act if:

- The land is at least 250 metres from land used for any uses listed in Clause 3.0; and
- The land has access to a road in a Transport Zone 2.

#### 9.0 **Decision guidelines**

VC196 19/08/2021

Before deciding on an application under this overlay, in addition to the decision guidelines in Clause 44.07 and Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed use or development is compatible with future extractive industry uses in the Strategic Extractive Resource Area.
- Whether existing natural features and topography will mitigate potential impacts of existing or future extractive industry use on the proposed use.
- Whether the proposed use or development is a major capital development which may adversely impact on the future productive extraction of the resource.
- Whether the proposed development is designed and sited in a location that minimises amenity impacts from resource extraction operations and transportation.
- Whether the proposed subdivision will lead to land use outcomes that inhibit the future use of land for extractive industries.

**SCHEDULE 2 TO CLAUSE 44.07 STATE RESOURCE OVERLAY**

VC196 19/08/2021

Shown on the planning scheme map as **SRO2**.  
PROTECTING EXTRACTIVE INDUSTRIES

**1.0 Statement of resource significance**

VC196 19/08/2021

Extractive industries in the area west of Nyora make a significant contribution to Victoria's total sand production, supplying a large amount of material to metropolitan Melbourne, peri-urban areas, as well as locally.

The presence of sand resources in the area is substantiated by favourable geological characteristics and by a number of existing extractive industry operations. The area also has manageable environmental and planning constraints, is supported by transport networks, and is proximate to demand markets.

There is an opportunity to increase the area's contribution towards the state's resource needs. It is estimated that extractive resources within South Gippsland Shire can supply approximately 22 per cent of Melbourne's demand for sand and gravel, over the period 2015-2050.

Protecting extractive industries from encroachment by incompatible use and development is critical for maintaining the productivity of existing operations, and for securing the future supply of sand resources to Victoria's markets.

This schedule applies a 250 metre separation distance around land that contains a work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*. This ensures that incompatible use and development do not inhibit the current or future productivity of existing extractive industry operations.

**2.0 Management objectives**

VC196 19/08/2021

To protect extractive industry operations with a work authority issued under the *Mineral Resource (Sustainable Development) Act 1990* from encroachment by incompatible land use and development.

To ensure that new use and development within 250 metres of an extractive industry do not adversely impact the continued operation or limit the potential future expansion of that industry.

To ensure that development is appropriately designed and sited to minimise amenity impacts from extractive industry operations, including the transport of materials.

To ensure that subdivision and fragmentation of land do not prejudice the operation of an extractive industry.

**3.0 Use of land**

VC196 19/08/2021

A permit is required to use land for:

- Accommodation
- Crematorium
- Education centre
- Funeral parlour
- Hospital
- Leisure and recreation
- Place of assembly
- Retail premises
- Veterinary centre
- Winery.

**4.0 Subdivision**

VC196 19/08/2021

A permit is required to subdivide land.

This does not apply if each lot created by the subdivision is at least 40 hectares.

**5.0 Buildings and works**

VC196 19/08/2021

A permit is required to construct a building or to construct or carry out works. This does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension does not exceed 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.

**6.0 Application requirements**

VC196 19/08/2021

None specified.

**7.0 Referral of applications**

VC196 19/08/2021

Kind of application	Referral authority	Type of referral authority
Any use listed in Clause 3.0 of this schedule.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i>	Determining referral authority

**8.0 Exemption from notice and review**

VC196 19/08/2021

None specified.

**9.0 Decision guidelines**

VC196 19/08/2021

Before deciding on an application under this overlay, in addition to the decision guidelines in Clause 44.07 and Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed use or development is compatible with the extractive industry use operating on nearby land.
- The potential for the use or development to limit the operation and expansion of the extractive industry.
- Whether existing natural features and topography will mitigate potential impacts of existing or future extractive industry use on the proposed use.
- Whether the proposed use or development is a major capital development which may adversely impact on the future productive extraction of the resource.
- Whether the proposed development is designed and sited in a location that minimises amenity impacts from resource extraction operations and transportation.
- Whether the proposed subdivision will lead to land use outcomes that inhibit the use of land for extractive industries.

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### **SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY**

C121sgjp 25/07/2019

#### **1.0**

#### **Public acquisition**

C121sgjp 25/07/2019

<b>PS map ref</b>	<b>Acquiring Authority</b>	<b>Purpose of acquisition</b>
<b>PAO1</b>	South Gippsland Shire Council	Road widening and acquisition
<b>PAO2</b>	VicRoads	Roadworks
<b>PAO5</b>	VicRoads	Proposed improvements to and deviation of the South Gippsland Highway between Loch and Jeetho Road
<b>PAO6</b>	VicRoads	Proposed improvements and deviation of the South Gippsland Highway between Jeetho Road and the Korumburra - Bena Road, Bena
<b>PAO7</b>	VicRoads	Proposed improvements to the South Gippsland Highway Toora – Gunyah Road and approximately 1.4 km west of Cargeegs Road
<b>PAO8</b>	VicRoads	Proposed highway improvements to the South Gippsland Highway between Old Meenyan Road and Minns Road.
<b>PAO9</b>	VicRoads	Proposed highway improvements to the South Gippsland Highway between Bena-Korumburra Road and east of Korumburra-Whitelaw Road.
<b>PAO10</b>	VicRoads	Proposed highway improvements to the South Gippsland Highway between Carmichaels Road and McKnights Road.

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## **SCHEDULE 2 TO CLAUSE 45.02 AIRPORT ENVIRONS OVERLAY**

[C121sgjp](#) 25/07/2019

Shown on the planning scheme map as **AE02**.

### **1.0**

#### **Requirements**

[VC159](#) 08/08/2019

An application to use land for the following must be referred to the airport owner under Section 55 of the Act unless, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the airport owner:

- Accommodation.
- Art and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.

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## **SCHEDULE TO CLAUSE 45.05 RESTRUCTURE OVERLAY**

C121sgjp 25/07/2019

### 1.0

#### **Restructure plan**

C090sgjp 20/04/2020

<b>PS map ref</b>	<b>Land</b>	<b>Title of restructure plan</b>
RO1	Land located at Venus Bay on Mercury Drive and Juno Road as depicted in Figure 1 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Juno Road Restructure Plan
RO2	Land located at Venus Bay on Atkinson Avenue as depicted in Figure 2 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Atkinson Avenue Restructure Plan
RO3	Land located at Venus Bay on Black Avenue as depicted in Figure 3 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Black Avenue Restructure Plan
RO4	Land located at Jeetho on Wettenhalls Road and Jeetho Road as depicted in Figure 4 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Wettenhalls Road Restructure Plan
RO5	Land located at Outtrim on Main Street, Rileys Road, Outtrim-Moyarra Road, Lomagnos Road and Hegarty Street as depicted in Figure 5 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Outtrim Restructure Plan
RO6	Land located at Whitelaw on Korumburra-Bena Road as depicted in Figure 6 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Korumburra-Bena Road Restructure Plan
RO7	Land located at Jumbunna on Korumburra-Wonthaggi Road, Cruickshank Road, Tavener Road, Lynn Street, Mcleans Road, Hazel Road Rees Road and Gooches Road as depicted in Figure 7 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Jumbunna Restructure Plan
RO8	Land located at Tarwin on Dowds Road, the South Gippsland Highway and Tarwin Lower Road as depicted in Figure 8 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Dowds Road Restructure Plan
RO9	Land located at Meeniyan West on McIlwaine Street and the South Gippsland Highway as depicted in Figure 9 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	McIlwaine Street Restructure Plan
RO10	Land located at Newcastle on Scott and Faheys Road and the South Gippsland Highway as depicted in Figure 10 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Newcastle Restructure Plan
RO11	Land located at Hoddle on Lowrys Road and Fish Creek-Foster Road as depicted in Figure 11 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Lowrys Road Restructure Plan
RO12	Land located at Bennison on Durston Road and Port Franklin Road as depicted in Figure 12 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Durston Road Restructure Plan

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RO13	Land located at Port Franklin on Port Franklin Road as depicted in Figure 13 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Port Franklin Road Restructure Plan
RO14	Land located at Hedley on Salmon Road and the South Gippsland Highway as depicted in Figure 14 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Salmon Road Restructure Plan
RO15	Applies to a number of properties located south of Toora as depicted in Figure 15 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Toora Coastal Restructure Plan
RO16	Land located at Buffalo on McPhee Road and off Hall Road as depicted in Figure 16 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Buffalo Restructure Plan
RO17	Land located at Darlimurla on the north side of Cornell Road and off Cornell Road as depicted in Figure 17 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Cornell Road Restructure Plan
RO18	Land located at Hedley on the south east side of the intersection of Todds Road and the South Gippsland Highway as depicted in Figure 18 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Todds Road Restructure Plan
RO19	Land located at Port Welshpool, south of Telegraph Road and generally east of Port Welshpool Road as depicted in Figure 19 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Port Welshpool Restructure Plan
RO20	Land located at Stony Creek on the west side of Jacks Road and Stony Creek Road as depicted in Figure 20 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Jacks Road Restructure Plan
RO21	Land located at Dollar south of Dollar Hall Road and west of Foster-Mirboo Road as depicted in Figure 21 in the Incorporated Document <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017</i>	Dollar Hall Road Restructure Plan



**SCHEDULE 1 TO CLAUSE 45.09 PARKING OVERLAY**

C121sgjp 25/07/2019

Shown on the planning scheme map as **PO1**.**LEONGATHA CENTRAL BUSINESS DISTRICT****1.0 Parking objectives to be achieved**

C121sgjp 25/07/2019

- To identify appropriate car parking rates for land uses within the Leongatha Central Business District (CBD).
- To provide for the equitable collection and distribution of financial contributions to contribute towards the construction of shared car parking facilities, but only when a reduction in car parking under Clause 52.06-3 is considered appropriate.
- To ensure an appropriate level of parking is provided in the CBD.
- To ensure that parking supply is efficiently utilised and best services the land uses.
- To achieve an appropriate balance between the supply and demand of car parking spaces while allowing new and intensified use.

**2.0 Permit requirement**

C121sgjp 25/07/2019

Any applications to reduce the car parking requirement must include a Car Parking Demand Assessment as set out in Clause 52.06 and which addresses the decision guidelines below to the satisfaction of the responsible authority.

**3.0 Number of car parking spaces required**

C121sgjp 25/07/2019

For all uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use is calculated using the *Rate* in Column B of that Table.

**4.0 Application requirements and decision guidelines for permit applications**

C121sgjp 25/07/2019

The following application requirements apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Any applications to reduce the car parking requirement must include a detailed statement addressing the decision guidelines to the satisfaction of the responsible authority.

The following decision guidelines apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority~~In addition to the decision guidelines in Clause 52.06, the responsible authority must consider, as appropriate:~~ [to comply with MD]

- Availability of off-site parking spaces available to the public and within safe and convenient walking distance to the site.
- The use or mix of uses in the building and on the land.
- Potential for shared parking.
- After hours use of the building or site.

**5.0 Financial contribution requirement**

C121sgjp 25/07/2019

It is within the responsible authority's absolute discretion whether to accept a financial contribution in accordance with this Schedule (and if so, in respect of how many spaces).

If a permit is granted pursuant to Clause 52.06-3 to reduce or waive the requirement for car parking, the responsible authority must include a condition requiring payment-in-lieu of providing physical car parking spaces, unless satisfied that such payment is not warranted having regard to the circumstances.

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The payment-in-lieu contribution is as per Table 1. This amount is to be increased annually from 1st July 2012, by applying the ABS 6427.0 Producer Price Index Number 3101 Road and Bridge Construction Victoria contained within the Construction Industry Output Price Indexes, or superseding index to the satisfaction of the Responsible Authority.

The amounts specified in Table 1 are before application of indexation specified in this clause and are GST exclusive. These are calculated as follows:

- \$4,800 for each car space from the fifth to the eighth space (inclusive) in-lieu;
- \$7,200 for each car space from the ninth to the twentieth space (inclusive) in-lieu;
- \$9,600 per car space from the twenty-first space (inclusive) or above in-lieu;

**Table 1: Payment in lieu amounts**

Number of car spaces not provided	Payment in lieu Contribution (G.S.T. exclusive and before indexation)
1	\$0
2	\$0
3	\$0
4	\$0
5	\$4,800
6	\$9,600
7	\$14,400
8	\$19,200
9	\$26,400
10	\$33,600
11	\$40,800
12	\$48,000
13	\$55,200
14	\$62,400
15	\$69,600
16	\$76,800
17	\$84,000
18	\$91,200
19	\$98,400
20	\$105,600
21 (or above)	\$115,200 (+\$9,600 for each additional space not provided)

Council may enter into an agreement with the owner of the land under Section 173 of the Planning and Environment Act 1987 for the payment of the contribution in instalments. The agreement may provide for the payment of the contribution in instalments, plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment. The agreement must also provide for the owner to pay Council's costs of preparing, registering and then upon its ending, removing the agreement from title.

The provisions of this clause will be reviewed no later than five years from the date of gazettal of Amendment C85.

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Financial contributions will be used to construct a public car park for the Leongatha town centre area.

**6.0 Requirements for a car parking plan**

[C121sgjp](#) 25/07/2019

None specified.

**7.0 Design standards for car parking**

[C121sgjp](#) 25/07/2019

In addition to the design standards set out in Clause 52.06-9, plans prepared in accordance with Clause 52.06-8 must meet the following design standards unless agreed by the responsible authority in writing:

- Vehicular access to parking and service areas must be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.
- Open lot car parks are discouraged on all principal frontages
- A car park should be designed to retain significant trees and promote tree planting and the shading of car spaces.

**8.0 Decision guidelines for car parking plans**

[C121sgjp](#) 25/07/2019

[The following decision guidelines apply to car parking plans under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme which must be considered, as appropriate, by the satisfaction of the responsible authority](#)~~In addition to the decision guidelines in Clause 52.06, the responsible authority must consider, as appropriate:~~ [to comply with MD]

- Availability of off-site parking spaces available to the public and within safe and convenient walking distance to the site.
- The use or mix of uses in the building and on the land.
- Potential for shared parking.
- After hours use of the building or site.

**9.0 Background document**

[C121sgjp](#) 25/07/2019

*Leongatha CBD Parking Strategy, 2013* (as amended).

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**SCHEDULE TO CLAUSE 51.01 SPECIFIC SITES AND EXCLUSIONS**

VC148 31/07/2018

**1.0**

**Specific sites and exclusions**

C090sgjp 20/04/2020

Address of land	Title of incorporated document
Tidal River, Wilson Promontory Old and inappropriate subdivisions at 21 locations within South Gippsland Shire	<i>Wilson's Promontory Cruises Facility</i> (April 2017) <i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire</i> (August 2019)

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### **SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES**

[C121sgjp](#) 25/07/2019

#### **1.0 Under Section 23 of the Subdivision Act 1988**

[C82](#) 27/02/2014

Land	Easement or restriction	Requirement
Crown Allot. 1 Sec. 30 Township of Leongatha	E-1 Pipeline in favour of South Gippsland Water	Vary the easement
Crown Allot. 2 Sec. 30 Township of Leongatha		
Crown Allot. 3 Sec. 30 Township of Leongatha		
Crown Allot. 3A Sec. 30 Township of Leongatha		
Crown Allot. 4 Sec. 30 Township of Leongatha		
Crown Allot. 5 Sec. 30 Township of Leongatha		
Crown Allot. 6 Sec. 30 Township of Leongatha		
Lot 2 PS416217F	Covenant U899156A	Removal of restriction

#### **2.0 Under Section 24A of the Subdivision Act 1988**

[VC37](#) 19/01/2006

Land	Person	Action
None specified		

#### **3.0 Under Section 36 of the Subdivision Act 1988**

[VC37](#) 19/01/2006

Land	Easement or right of way	Requirement
None specified		

### **SCHEDULE TO CLAUSE 52.05 SIGNS**

[C121sgjp](#) 25/07/2019

#### **1.0 Exemption from notice and review**

[C121sgjp](#) 25/07/2019

Land	Condition
None specified	

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**SCHEDULE TO CLAUSE 52.16 NATIVE VEGETATION PRECINCT PLAN**

[C121sgjp](#) 25/07/2019

**1.0 Native vegetation precinct plan**

[VC49](#) 15/09/2008

Name of plan
None specified

**SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION**

[C121sgjp](#) 25/07/2019

**1.0 Scheduled area**

[C121sgjp](#) 25/07/2019

Area	Description of native vegetation for which no permit is required to remove, destroy or lop
Murray Goulburn factory 1 Yarragon Road, Leongatha Crown Allot. 1 Sec. 30 Township of Leongatha; Crown Allot. 2 Sec. 30 Township of Leongatha; Crown Allot. 3 Sec. 30 Township of Leongatha; Crown Allot. 3A Sec. 30 Township of Leongatha; Crown Allot. 4 Sec. 30 Township of Leongatha; Crown Allot. 5 Sec. 30 Township of Leongatha; Crown Allot. 6 Sec. 30 Township of Leongatha.	Eucalyptus Strzelecki (Strzelecki Gum)
Land associated with the construction of the South Gippsland Highway realignment between Bates Avenue and east of Ritchie's Reserve, Korumburra, as shown on Map 1 (Vegetation Removal Exemption Plan) of this schedule.	All native vegetation

**2.0 Scheduled weed**

[C121sgjp](#) 25/07/2019

Area	Description of weed
None specified.	

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### **SCHEDULE TO CLAUSE 52.27 LICENSED PREMISES**

C121sgjp 25/07/2019

#### **1.0 Permit not required**

VC37 19/01/2006

Land	Type of licence
None specified	

#### **2.0 Permit may not be granted**

VC37 19/01/2006

Land	Type of licence
None specified	

### **SCHEDULE TO CLAUSE 52.28 GAMING**

C121sgjp 25/07/2019

#### **1.0 Objectives**

GC149 01/10/2019

None specified.

#### **2.0 Prohibition of a gaming machine in a shopping complex**

GC149 01/10/2019

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

Table 1	
Name of shopping complex and locality	Land description
None specified	None specified

#### **3.0 Prohibition of a gaming machine in a strip shopping centre**

GC149 01/10/2019

A gaming machine as specified in Clause 52.28-5 is prohibited in all strip shopping centres on land covered by this planning scheme.

#### **4.0 Locations for gaming machines**

C121sgjp 25/07/2019

None specified.

#### **5.0 Venues for gaming machines**

C121sgjp 25/07/2019

None specified.

#### **6.0 Application requirements**

GC149 01/10/2019

None specified.

#### **7.0 Decision guidelines**

GC149 01/10/2019

None specified.

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**SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY**

VC148 31/07/2018

**1.0 Wind energy facility prohibition**

VC148 31/07/2018

**Land where a Wind energy facility is prohibited**

All land within five kilometres of the high water mark of the coast west of Wilson's Promontory.

**SCHEDULE TO CLAUSE 52.33 POST BOXES AND DRY STONE WALLS**

VC148 31/07/2018

**1.0 Permit requirement for dry stone walls**

VC148 31/07/2018

**Land**

None specified



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### **SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION**

VC148 31/07/2018

#### **1.0 Subdivision and public open space contribution**

VC148 31/07/2018

Type or location of subdivision	Amount of contribution for public open space
All residential, commercial or industrial land	A minimum of 5%
Any subdivision that does not qualify for exemption under cl 53.01	A minimum of 5%

### **SCHEDULE TO CLAUSE 53.06 LIVE MUSIC ENTERTAINMENT VENUES**

GC175 18/02/2021

#### **1.0 Areas to which Clause 53.06 does apply**

VC210 04/05/2022

Name of area	Description
None specified	

#### **2.0 Areas to which Clause 53.06 does not apply**

VC210 04/05/2022

Name of area	Description
None specified	

#### **3.0 Other venues to which Clause 53.06 applies**

VC210 04/05/2022

Name of venue	Address	Condition or limitation
None specified		

### **SCHEDULE TO CLAUSE 53.15 STATEMENT OF UNDERLYING PROVISIONS**

VC148 31/07/2018

#### **1.0 Incorporated statement**

C121sgjp 25/07/2019

Land	Incorporated Document
None specified	

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**SCHEDULE TO CLAUSE 59.15 LOCAL VICSMART APPLICATIONS**

VC148 31/07/2018

**1.0 Table 1 Classes of local VicSmart application under zone provisions**

VC148 31/07/2018

Name of zone or class of zone	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

**2.0 Table 2 Classes of local VicSmart application under overlay provisions**

VC148 31/07/2018

Name of overlay or class of overlay	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

**3.0 Table 3 Classes of local VicSmart application under particular provisions**

C121sgjp 25/07/2019

Name of particular provision	Class of application	Permit requirement provision	Information requirements and decision guidelines
None specified			

**SCHEDULE 1 TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS**

C121sgjp 25/07/2019

**1.0 Information requirements**

VC148 31/07/2018

None specified

**2.0 Decision guidelines**

VC148 31/07/2018

None specified

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## SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

C121sgjp 25/07/2019

### 1.0 Referral of permit applications under local provisions

VC196 19/08/2021

Clause	Kind of application	Referral authority	Referral authority type
On land identified as the Gippsland Coalfields Policy Area in the Local Planning Policy Framework	To subdivide land. To use land or to construct a building or construct or carry out works for a cemetery, educational centre, exhibition centre, function centre, golf course, hospital, industry (other than rural industry), major sports and recreational facility, shop or office with a gross floor area exceeding 2000 square metres, or accommodation if the total number of people to be accommodated exceeds 100 or the proposed development results in an increase of greater than 25 percent to the gross floor area of an existing accommodation building.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i>	Determining referral authority Determining referral authority
<a href="#">Clause 5.0 of Schedule 1 to Clause 42.01 (ESO)</a>	<a href="#">All applications</a>	<a href="#">Department of Environment, Land, Water &amp; Planning</a>	<a href="#">Recommending referral authority</a> [DEWLP requested change]
<a href="#">Clause 5.0 of Schedule 1 to Clause 42.01 (ESO)</a>	<a href="#">Applications which may adversely affect on flooding</a>	<a href="#">West Gippsland Catchment</a>	<a href="#">Recommending referral authority</a> [DEWLP]

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		<a href="#">Management Authority</a>	requested change]
Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)	An application for development on Coastal Crown Land, as defined under the <i>Coastal Management Act, 1995</i>	The Secretary administering the <i>Coastal Management Act, 1995</i>	Determining referral authority
<a href="#">Clause 5.0 of Schedule 3 to Clause 42.01 (ESO)</a>	All applications	<a href="#">Department of Environment, Land, Water &amp; Planning</a>	Recommending referral authority [DEWLP requested change]
<a href="#">Clause 5.0 of Schedule 5 to Clause 42.01 (ESO)</a>	All applications	<a href="#">Department of Environment, Land, Water &amp; Planning</a>	Recommending referral authority [DEWLP requested change]
<a href="#">Clause 5.0 of Schedule 7 to Clause 42.01 (ESO)</a>	All applications	<a href="#">Department of Environment, Land, Water &amp; Planning</a>	Recommending referral authority [DEWLP requested change]
Schedule 2 to Clause 45.02 (AEO)	An application to use land under the schedule	Airport owner	Determining referral authority
Clause 3.0 of Schedules 8, 9, 10 & 11 to Clause 43.02 (DDO)	An application for buildings or works specified in the schedules to the DDO's. This requirement can be set-aside subject to an application satisfying conditions or requirements previously agreed in writing between the responsible authority and the Secretary to the Department of Health and Human Services.	Secretary to the Department of Health and Human Services	Determining referral authority
Schedule 9 to Clause 42.01 (ESO)	An application for any development.	Department of Environment,	Determining referral authority

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		Land, Water & Planning	
Schedule 8 to Clause 42.01 (ESO)	An application to construct a building, or construct or carry out works, or subdivide land	Environment Protection Authority	Recommending referral authority
Schedule 2 to Clause 42.01 (ESO)	An application for any development except for an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling, <a href="#">unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the water board or water supply authority.</a> [ESO2][to ensure the condition as specified in the Schedule is reflected at 66.04]	South Gippsland Water Corporation	Determining referral authority
<a href="#">Schedule 2 to Clause 42.01 (ESO)</a>	<a href="#">All applications within the Mirboo North Catchment</a>	<a href="#">Central Gippsland Region Water Corporation</a>	<a href="#">Determining referral authority</a> [Requested by Gippsland Water]
Schedule 1 to Clause 44.07 (SRO)	An application for any use listed in Clause 3.0 of the schedule.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> .	Determining referral authority

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Schedule 2 to Clause 44.07 (SRO)	An application for any use listed in Clause 3.0 of the schedule.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> .	Determining referral authority
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**SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS**

[C121sgjp](#) 25/07/2019

**1.0 Notice of permit applications under local provisions**

[C121sgjp](#) 25/07/2019

Clause	Kind of application	Person or body to be notified
None specified.	None specified.	None specified.

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## **SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME**

VC148 31/07/2018

### **1.0 Responsible authority for administering and enforcing this planning scheme:**

VC148 31/07/2018

The South Gippsland Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

### **2.0 Responsible authority for administering and enforcing a provision of this planning scheme:**

VC148 31/07/2018

None specified.

### **3.0 Person or responsible authority for issuing planning certificates:**

VC148 31/07/2018

The Minister for Planning.

### **4.0 Responsible authority for VicSmart and other specified applications:**

VC179 06/05/2020

The Chief Executive Officer of South Gippsland Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of South Gippsland Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

## **SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?**

VC148 31/07/2018

### **1.0 Area covered by this planning scheme:**

VC148 31/07/2018

The Municipal District of South Gippsland Shire Council.

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## **SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?**

VC148 31/07/2018

### **1.0 Maps comprising part of this planning scheme:**

VC196 19/08/2021

- 1, 1ESO5, 1ESO9, 1DPO, 1HO, 1LSIO, 1BMO, 1SRO, 1RXO, 1RO
- 2, 2ESO9, 2HO, 2DDO, 2DPO, 2RXO, 2BMO
- 3, 3ESO5, 3ESO9, 3HO, 3LSIO, 3EAO, 3RXO, 3BMO
- 4, 4ESO5, 4ESO9, 4HO, 4LSIO, 4BMO
- 5, 5ESO5, 5ESO9, 5HO
- 6, 6ESO2, 6ESO5, 6ESO9, 6HO, 6LSIO, 6BMO
- 7, 7EMO, 7ESO1, 7ESO2, 7ESO5, 7ESO9, 7LSIO, 7HO, 7BMO, 7PAO
- 8, 8ESO1, 8ESO2, 8ESO4, 8ESO5, 8BMO, 8RO
- 9, 9EMO, 9ESO1, 9ESO2, 9ESO4, 9ESO5, 9HO, 9DDO, 9DPO, 9BMO, 9PAO, 9EAO
- 10, 10DPO, 10ESO2, 10ESO4, 10ESO5, 10ESO9, 10LSIO, 10BMO, 10PAO, 10RXO, 10RO
- 11, 11ESO5, 11ESO9, 11HO, 11RXO, 11RO
- 12, 12ESO5, 12ESO9, 12HO, 12LSIO, 12BMO
- 13, 13AEO, 13ESO2, 13ESO5, 13ESO9, 13HO, 13LSIO, 13BMO, 13PAO, 13RXO, 13RO
- 14, 14ESO2, 14ESO5, 14ESO8, 14ESO9, 14HO, 14DDO, 14DPO, 14PAO, 14RXO, 14BMO, 14RO
- 15, 15ESO2, 15ESO5, 15ESO9, 15HO
- 16, 16DDO, 16DPO, 16EAO, 16ESO2, 16ESO4, 16ESO5, 16HO, 16LSIO, 16PAO, 16PO
- 17, 17ESO2, 17ESO5, 17LSIO, 17PAO, 17BMO
- 18, 18EMO, 18ESO1, 18ESO2, 18ESO4, 18ESO5, 18HO, 18LSIO, 18BMO, 18PAO, 18RO
- 19, 19ESO2, 19ESO5,
- 20, 20ESO2, 20ESO5, 20HO, 20LSIO, 20PAO, 20BMO
- 21, 21ESO1, 21ESO2, 21ESO5, 21HO, 21LSIO, 21BMO, 21RO
- 22, 22DDO, 22ESO3, 22ESO7, 22LSIO, 22SLO, 22BMO
- 23, 23DDO, 23ESO2, 23ESO3, 23ESO5, 23ESO7, 23LSIO, 23SLO, 23BMO
- 24, 24DDO, 24ESO3, 24ESO7, 24LSIO, 24RO, 23SLO, 24BMO
- 25, 25DDO, 25ESO7, 25LSIO, 25HO, 25BMO
- 26, 26ESO1, 26ESO2, 26ESO3, 26ESO5, 26HO, 26LSIO, 26PAO, 26SLO, 26BMO, 26RO
- 27, 27ESO5, 27HO, 27LSIO
- 28, 28DDO, 28EMO, 28ESO1, 28ESO2, 28ESO3, 28ESO4, 28ESO5, 28HO, 28LSIO, 28PAO, 28SLO, 28BMO, 28RO
- 29, 29DDO, 29ESO3, 29ESO4, 29ESO5, 29HO, 29PAO, 29RXO, 29SLO, 29BMO
- 30, 30ESO3, 30ESO4, 30ESO5, 30HO, 30LSIO, 30PAO, 30SLO, 30RO
- 31, 31ESO1, 31ESO2, 31ESO3, 31ESO4, 31ESO5, 31HO, 31LSIO, 31RXO, 31SLO, 31BMO, 31RO
- 32, 32ESO5, 32HO, 32SLO, 32BMO
- 33, 33ESO3, 33HO, 33LSIO, 33SLO, 33BMO, 33RO
- 34, 34ESO3, 34ESO5, 34SLO, 34BMO
- 35, 35ESO3, 35ESO4, 35ESO5, 35HO, 35LSIO, 35SLO, 35BMO
- 36, 36ESO3, 36ESO5, 36SLO, 36BMO
- 37, 37DDO, 37DPO, 37ESO1, 37ESO3, 37ESO5, 37ESO7, 37LSIO, 37SLO, 37BMO
- 38, 38DDO, 38ESO3, 38ESO5, 38ESO7, 38LSIO, 38SLO, 38BMO



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- 39, 39ESO3, 39HO, 39LSIO, 39SLO, 39BMO

**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME**

VC148 31/07/2018

**1.0 Incorporated documents**

C126sgip 11/03/2022

Name of document	Introduced by:
<i>Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i> (Standards Australia Limited, 2015)	VC107
<i>Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire</i> (August 2019)	C090sgip
<i>SPI Electricity Pty Ltd Leongatha Depot 2013</i> (July 2013)	C84
<i>Wilson's Promontory Cruises Facility</i> (April 2017)	C113
<i>Statement of Significance, "Aroyn"</i> (July 2021)	C126

**SCHEDULE TO CLAUSE 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?**

VC148 31/07/2018

**1.0 Date this planning scheme began:**

VC148 31/07/2018

16 December 1999

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## **SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS**

C121sgjp 25/07/2019

### **1.0 Background documents**

C125sgjp 08/09/2022

<b>Name of background document</b>	<b>Amendment number - clause reference</b>
Coastal Spaces Landscape Assessment Study (Planisphere, December 2006)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3
Corner Inlet Dynamic Storm Tide Modelling Assessment (Water Technology June 2014)	C81 Clause 44.04
Domestic Wastewater Management Plan 2016-2020 (South Gippsland Shire Council, 2016)	Clause 42.01s2
Economic Development and Tourism Strategy 2015-2020 (SGSC, 2015)	Clause 17.04-1L
<u><a href="#">Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (September 2015)</a></u> [ES09] <a href="#">[cannot include background document in local schedule]</a>	Clause 42.01s9
Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999)	Clause 19.03-5L
Healthy by Design: A Guide to Planning Environments for Active Living in Victoria, Melbourne (National Heart Foundation of Australia - (Victorian Division), 2012)	Clause 43.04s6 Clause 43.04s7
Infrastructure Design Manual (Local Government Infrastructure Design Association, 2020)	Clauses 19.03-2L and 19.03-5L
Korumburra Structure Plan (South Gippsland Shire Council, 2014)	Clause 43.04s6
Korumburra Town Centre Car Parking Strategy (GTA Consultants, 2013)	Clause 11.01-1L Korumburra Town Centre
Korumburra Milk Processing Plant Buffer Assessment (GHD, 2013)	C99 Clause 42.01s8
Korumburra Town Centre Framework Plan (Hansen Partnership, 2013)	Clause 11.01-1L Korumburra
Landscaping for Bushfire (CFA, 2011)	Clause 43.02s & 43.02s13
Leongatha Industrial Land Supply Strategy (Meinhardt, 2013)	Clause 15.01-2L
Leongatha Structure Plan (South Gippsland Shire Council, 2008)	
Mirboo North Structure Plan (South Gippsland Shire Council, 2017)	Clause 11.01-1L Mirboo North

SOUTH GIPPSLAND PLANNING SCHEME  
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Nyora Structure Plan (South Gippsland Shire Council, 2017)	Clause 43.04 Schedule 10
Regional Sand Extraction Strategy: Lang Lang to Grantville (Department of Infrastructure, 1996)	Clause 02.03-4
Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)	Clause 42.03s1 Clause 42.03s2 Clause 42.03s3
South Gippsland Heritage Study (David Helms, 2004)	Clause 15.02-1L
South Gippsland Housing and Settlement Strategy (Planisphere, 2013)	Clause 02.03-1 Settlement
South Gippsland Municipal Public Health and Wellbeing Plan (SGSC, 2013)	Clause 19.02-1L
South Gippsland Open Space Strategy 2007 (South Gippsland Shire Council, 2007)	Clause 43.04s6 Clause 43.04s7
South Gippsland Paths and Trails Strategy 2010 (South Gippsland Shire Council, 2010)	Clause 43.04s6 Clause 43.04s7
South Gippsland Rural Land Use Strategy (South Gippsland Shire Council, 2011)	Clause 14.01-1L, Clause 17.04-1L
South Gippsland Shire Council Plan 2020-2024 (South Gippsland Shire Council, 2020)	Clause 02
Urban Design Framework: Settlement Background Paper, Sandy Point (Connell Wagner, 2006)	Clause 43.02s3
Urban Design Framework: Settlement Background Paper, Tarwin Lower (Connell Wagner, 2006)	Clause 43.02s6
Urban Design Framework: Settlement Background Paper, Venus Bay (Connell Wagner, 2006)	Clause 43.02s5
Urban Design Framework: Settlement Background Paper, Waratah Bay (Connell Wagner, 2006)	Clause 43.02s4
Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999)	Clause 43.04s5
Venus Bay Tourism Precinct Plan (June, 2020)	Clause 11.01-1L-09 Venus Bay
Victorian Coastal Hazard Guide (Department of Sustainability and Environment, 2012)	Clause 44.04
West Gippsland Native Vegetation Plan 2003 (Department of Natural Resources and Environment, 2003)	Clause 43.04s6 Clause 43.04s7
Your Dam, an Asset or a Liability (Department of Conservation and Natural Resources, 1993)	Clause 42.01s5

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## **SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS**

C127sgjp 03/03/2022

### **1.0 Application of zones, overlays and provisions**

C127sgjp 03/03/2022

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

#### **Zones**

- General Residential Zone to the existing serviced residential areas and small additional areas to ensure that there is sufficient residential land (i.e. at least a 15 year supply), particularly around the larger towns in accordance with the settlement framework plans and structure plans.
- Township Zone in smaller settlements where land use flexibility is desirable and projected growth is limited.
- Low Density Residential Zone and Rural Living Zone to the existing and serviced low density residential and rural living areas to consolidate development and limit urban growth into rural areas.
- Mixed Use Zone to areas on the periphery of the commercial centres of Leongatha and Korumburra to encourage residential opportunities close to town centres.
- Commercial 1 Zone to the existing commercial areas of the major towns to concentrate office, retail and other commercial activities within the existing commercial centres.
- Township Zone to the existing commercial areas of the small towns to concentrate commercial and retail activities within and adjacent to the existing town centres.
- Farming Zone to areas outside the towns to protect land for primary production and to facilitate diversity in agricultural land uses.
- Rural Activity Zone to areas relatively close to settlements where tourism use and development can be associated and/or compatible with agricultural production and environmental values.
- Rural Conservation Zone to Estate 3 at Venus Bay to protect and enhance the area's environmental values.
- Industrial 1 and 3 Zones to existing and serviced industrial areas to accommodate existing and future industrial development.
- Road Zones – Category 1 and Category 2 according to the function of the road.
- Public Use Zone 6 – Local Government to municipal transfer stations and landfills.

#### **Overlays**

- Environmental Significance Overlay – Areas of Natural Significance to areas comprising significant flora and fauna.
- Environmental Significance Overlay – Giant Gippsland Earthworm and Habitat Protection to areas comprising suitable habitat and earthworms.
- Environmental Significance Overlay- Water Catchments to catchments used for provision of potable water supplies.
- Environmental Significance Overlay – Areas Susceptible to Erosion to protect land subject to erosion.
- Environmental Significance Overlay – Coastal Areas to the coastal areas to ensure that development is sensitive to the environmental values of the area.
- Design and Development Overlay to guide the future character of the Mirboo North town centre as the town changes.
- Restructure Overlay including Restructure Plans and the Incorporated Document Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire (August 2019).

#### **Provisions**

- A development contributions policy to guide infrastructure provision.

**SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK**

C127sgjp 03/03/2022

**1.0 Further strategic work**

C127sgjp 03/03/2022

Apply planning controls that address land use risk and climate change in coastal areas, including townships, as part of the Coastal Strategy. This may result in an update to the Housing and Settlement Strategy.

Review controls on residentially zoned land and, where necessary, undertake character assessments to inform new planning controls to manage development, considering the full suite of residential zones. This should include:

- Guidance about development on laneways, particularly in Korumburra and Leongatha relating to infill subdivision and development proposals.
- Review of the existing ESOs and DDOs to ensure they are achieving what is expected from them, are applied at the right scale, have the correct permit triggers in them and sufficient detail to better aid applicant and decision makers.
- Clearer urban design guidance to assist with balancing the tension between competing objectives and outcomes for the siting and design of buildings and works.

Prepare a Rural Landscapes Assessment and review the Rural Land Use Strategy 2011 to assess whether planning controls are protecting inland and rural hinterlands and transport routes from inappropriate development. This should address identification and protection of significant landscapes, preservation of agricultural land, and guidance for achieving development outcomes in keeping with scope of agricultural use. This should include:

- Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protection of local values with input from the community.
- Review ESO1 Areas of Natural Significance and prepare a detailed statement of significance and reduce the objectives to one. This may require splitting the existing ESO1 into more fine grained ESOs to address the specific issues of environmental significance or consider the benefits of translating to the SLP.
- Review whether the S173 Agreement requirements detailed in the South Gippsland Rural Strategy 2011 can be incorporated into the planning scheme and if not, undertake further strategic work to identify other controls to address dwelling density in rural areas.
- Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protect local values, with input via community consultation.

Finalise and implement Council's current review of planning permit triggers in the Shires rural areas.

Plan Nyora's growth and infrastructure to accommodate the expected growth in the area and transition it successfully to a higher order town in South Gippsland Shire. This will require a minor review of the Housing and Settlement Strategy, implementation of the Nyora Development Strategy 2016 and may include urban character and flood risk controls.

Facilitate the development of a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the Department of Transport on key transport infrastructure issues.

Prepare the industrial strategy land use to ensure a sufficient, appropriately located supply of industrial land, particularly considering the impacts of off shore energy generation, and the changing needs of the agricultural industry

Update the 2004 South Gippsland Heritage Study as necessary and to apply the Heritage Overlay to all heritage places and precincts of local heritage significance.

Implement the 'Flood & Drainage Study for Foster and Surrounding Catchments – July 2019' in partnership with the West Gippsland Catchment Management Authority

Convert ESO5 Areas susceptible to erosion into the Erosion Management Overlay.

~~Identify land where further restructure investigation is required.~~

~~Identify further heritage places, precincts and features that exist in the Shire to those that are currently identified.~~

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~~Investigate application of a Special Use Zone in the *Bulky Goods Retail Area* identified on the *Leongatha Framework Plan*.~~

~~Investigate application of a Special Use Zone in the Highway Frontage Commercial Area identified on the *Leongatha Framework Plan*.~~

~~Investigate the application of the General Residential Zone or the Neighbourhood Residential Zone in the Urban Expansion Areas identified on the *Leongatha Framework Plan*.~~

~~Investigate the application of the Rural Activity Zone.~~

~~Prepare and implement master plans for the commercial town centres of Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower.~~

~~Review the residential development growth options in the Mirboo North Structure Plan Refresh to provide increased certainty around future land releases.~~

~~Investigate the development of a master plan to improve the layout and function of the town centre in Mirboo North.~~

~~Investigate the application of a planning scheme overlay to protect native vegetation within the Mirboo North township boundaries.~~

~~Investigate the application of a planning scheme overlay to protect and enhance the built and landscape character of residential land in Mirboo North.~~

~~Identify opportunities to enhance and expand native flora and fauna habitat.~~

~~Investigate the application of the Neighbourhood Residential Zone as a preferred residential zoning for land currently identified as General Residential Zone.~~

~~Investigate the preparation of a 'Strzelecki Alpine Biolink' local policy to improve native animal habitat habitat corridors between Wilsons Promontory and the Alpine region.~~

~~Identify strategic planning policy documents adopted by Council which should be included as 'Background documents' in the planning scheme and review existing identified Background documents.~~

~~Prepare a coastal areas land use and development strategy to guide long term planning in environmentally dynamic townships.~~

~~Investigate the preparation of a development contributions scheme.~~

~~Review the application of the Parking Overlay and the payment schedule.~~

~~Investigate the rezoning of the Farming Zone land at Burrows Way Tarwin Lower.~~

~~Investigate the zoning of the Township Zone land south of Fairbank Road Arawata.~~

~~Investigate the application of the Road Zone adjoining Kardella township.~~

## Appendix Three

### Clause 14 Rural policies: Analysis and track changes

Through the PPF translation, Council officers feel that important policy was not translated into the new scheme. Council officers were requested to identify the parts of the former policy that should be reinstated into the planning scheme and why.

The suggestions have been reviewed, and consultant's recommendations made about changes to the planning scheme.

Most of the changes suggested by officers do indeed demonstrate that the PPF translation stripped too much out. Considering this was done as a policy neutral planning scheme amendment this removal of relied upon policy wasn't accurate and the policy should be reinstated.

Council officers also identified some additional minor changes to the policy (such as consolidation of small and inappropriate lots in the rural zones) and these changes are supported a part of the planning scheme review process where it is from evidence provided by officers, planning permit review and VCAT review that there is benefit in introducing the policy clarification.

#	Clause and provision as currently drafted	Council suggested change	Basis in pre PPF translation scheme	Consultant recommendation
1	<b>Clause 14.01-1L-01 (Rural Dwellings)</b> Avoid dwellings in association with Grazing animal production or calf rearing.	<b>Clause 14.01-1L-01 (Rural Dwellings)</b> Avoid dwellings in association with small scale grazing animal production or calf rearing.	<b>Clause 22.05 (Rural Dwellings)</b> Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1 to 40 hectares are strongly discouraged. <b>Clause 22.07 (Rural Activity Zone)</b> Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1 and 40 hectares will not be supported.	<b>Suggested change not supported</b> Scheme does not define small scale grazing animals.
2	<b>Clause 14.01-1L-01 (Rural Dwellings)</b>	<b>Clause 14.01-1L-01 (Rural Dwellings)</b> Policy guidelines	<b>Clause 22.08 (Rural Dwellings)</b> Application requirements An application for a dwelling must include:	<b>Modified change supported</b> Appears to be a genuine omission.

#	Clause and provision as currently drafted	Council suggested change	Basis in pre PPF translation scheme	Consultant recommendation
			sustainable and economic use and development of rural land. Objectives To encourage the consolidation of rural lots.	
5	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b> Consider as relevant: The use of a Section 173 Agreement for the excision of dwelling(s) that prevents the development of any additional dwelling on a balance lot(s) with an area of less than 40 hectares.	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b> Consider as relevant: The use of a Section 173 Agreement for the excision of dwelling(s) that prevents the development of any additional dwelling.	<b>Clause 22.09 (Rural Subdivision) Policy</b> Subdivision of land to accommodate an existing dwelling A permit that approves the excision of an existing dwelling by re-subdivision where the balance (remaining) lot is less than 40 ha will contain a condition requiring that the land owner enter into an Agreement under s.173 of the Act that prevents the development of any additional dwelling on the balance lot.	<b>Suggested change not supported</b> Proposed change is not considered policy neutral and is not supported / justified by the pre-PPF translation policy. Officers have not provided a strategic justification.
6	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b> Subdivision to accommodate existing dwellings policy guidelines Consider as relevant:	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b> Subdivision to accommodate existing dwellings policy guidelines Consider as relevant: A Farm Staging and Management Plan prepared by a suitably qualified person to the satisfaction of Council	N/A	<b>Modified change supported</b> Proposed change is not supported / justified by the pre-PPF translation policy but has been raised in consultation and is considered reasonable based on this review. Suggested wording is: "The use of a Whole Farm Plan relating to any application to use and develop a lot for a dwelling in association with an agricultural activity".
7	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b>	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b>	<b>Clause 22.09 (Rural Subdivision Policy)</b> Objectives	<b>Suggested change not supported</b> Proposed change is not considered policy neutral and is not supported /



#	Clause and provision as currently drafted	Council suggested change	Basis in pre PPF translation scheme	Consultant recommendation
	Avoid subdivision of existing lots that create lots that are not viable for agricultural uses.	Avoid subdivision of existing lots that create lots where there is no agricultural merit on the balance lot.	To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production. <b>Clause 22.10 (Rural Activity Zone Policy)</b> Objectives To encourage the retention of productive agricultural land	justified by the pre-PPF translation policy. Officers have not provided a strategic justification.
8	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b> Re-subdivision of existing lots without a dwelling strategies	<b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b> Re-subdivision of existing lots without a dwelling strategies Encourage the consolidation of small and inappropriate lots.	<b>Clause 22.09 (Rural Subdivision)</b> Policy basis South Gippsland already has a considerable supply of lots at a range of sizes, such that further subdivision for genuine agricultural reasons will rarely be necessary. Many areas that have experienced high levels of fragmentation <u>may require consolidation</u> or re-structure through boundary realignments in order to create economically competitive land units. Likewise, expanding farming businesses may find it necessary to remove surplus dwellings from the land through house lot excisions. There is a compelling need for clear and robust planning criteria around such practices in order to ensure the fair, sustainable and economic use and development of rural land. Objectives To encourage the consolidation of rural lots.	<b>Modified change supported</b> Appears to be a partial omission. Former 22.09 (Rural Subdivision) applied only to FZ and included a specific objective (supported by policy basis) to encourage the consolidation of rural lots. There was no explicit policy in 22.10 (Rural Activity Zone Policy) that sought to encourage consolidation of small and inappropriate lots in the RAZ. Given this context, suggest the following alternative wording: “Encourage the consolidation of rural lots in the Farming Zone”.

#	Clause and provision as currently drafted	Council suggested change	Basis in pre PPF translation scheme	Consultant recommendation
9	<p><b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b></p> <p>Re-subdivision of existing lots without a dwelling policy guidelines</p> <p>Consider as relevant:</p> <p>The use of a Section 173 Agreement that prevents the development of any dwelling on a lot under 4.1 hectares.</p>	<p><b>14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones)</b></p> <p>Re-subdivision of existing lots without a dwelling policy guidelines</p> <p>Consider as relevant:</p>	<p><b>Clause 22.09 (Rural Subdivisions Policy)</b></p> <p>Policy</p> <p>Re-subdivision of existing lots without a dwelling</p> <p>An application to create a lot under 4.1ha is not permitted unless for the purposes of a non residential use. A permit that approves a lot under 4.1ha shall contain a condition requiring that the land owner enter into an Agreement under s.173 of the Act that prevents the development of any dwelling on the lot.</p> <p><b>Clause 22.10 (Rural Activity Zone Policy)</b></p> <p>RAZ Subdivision Policy</p> <p>Re-subdivision of existing lots without a dwelling</p> <p>An application to create a lot under 4.1ha is not permitted unless for the purposes of a non residential use. A permit that approves a lot under 4.1ha shall contain a condition requiring that the land owner enter into an Agreement under s.173 of the Act that prevents the development of any additional dwelling on the lot.</p>	<p><b>Suggested change not supported.</b></p> <p>Proposed change is not considered policy neutral and not supported / justified by the pre-PPF translation policy. Officers have not provided a strategic justification.</p>

## **Appendix Four**

### **Referral authority responses seeking change**

See separate document

## Detailed response to DELWP comments

DELWP provided a comprehensive submission the recommendations of which are included in the tables below.

The blue text is the DELWP comment and direction.

The green comments are the consultant recommendations.

Recommendations are reflected as appropriate in the main report.

### C42.01 Environmental Significance Overlay, Schedule 1 *Areas of Natural Significance*

Provision and Clause	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04  Amend through this review
	Clause 5 which seeks the views of the <i>Department of Natural Resources and Environment</i>  Section 52(1)(c )  Delete from Clause 5. Add into Clause 66.04s as recommending authority (see recommendation below in relation to decision guidelines)
Referral reference	If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change)  DELWP to advise new department at authorisation
Clause 5 Decision guidelines  Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters  Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.
Clause 5 Decision Guidelines  Applications which immediately abut Crown Land.	Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay?  If it is only related to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme.  Delete as it is a duplication
Clause 5 Decision guidelines  Applications which in the opinion of the responsible authority, may have an adverse impact, including visual impacts, on Crown Land	DELWP does not have visual amenity capability to make this type of assessment.  Application requirements could require a visual assessment by a suitably qualified expert which also considers the impact on Crown land.  Delete the decision guideline as DELWP no longer provides this service.
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).	Decision guidelines could be developed to address the following matters: <ul style="list-style-type: none"> <li>▪ drainage onto Crown land</li> <li>▪ access onto Crown land</li> <li>▪ buffer planting in the interface area on private land with Crown land</li> </ul> It is recognised that the content of these proposed guidelines may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate  Include as a further strategic work recommendation.
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may adversely affect on flooding	A Catchment Management Authority role / responsibility – not DELWP  Include CMA as Clause 66.04s recommending authority for this matter
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land	DELWP does not have the capability to make this type of assessment.  Over time machinery of government change has seen this capability removed from the current referral authority.  Recommend a report be submitted as an information requirement at Clause 3  Add an application requirement:  A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land.  Delete the decision guideline as DELWP no longer provides this service
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters  Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.

**C42.01 Environmental Significance Overlay, Schedule 3 Coastal Settlements – non -residential areas**

Provision	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04  Amend through this review
	Clause 5 which seeks the views of the <i>Department of Environment, Land, Water and Planning</i>  Section 52(1)(c)  Delete from Clause 5. Add into Clause 66.06s as recommending authority (see recommendation below in relation to decision guidelines)
Referral reference	DELWP to advise new department at authorisation
Clause 3 Permit requirements	Buildings and works undertaken by or on behalf of the <b>Department of Sustainability &amp; Environment</b> on coastal Crown land under relevant legislation  If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change)  DELWP to advise new department at authorisation  Need to determine if this duplication is required as Crown land should be included in a public use zone which includes this exemption.  Retain – no change. Too complex as ESO applies to public and private. Duplication is of no matter.
Clause 3 Permit requirements	Buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.  Need to determine if this duplication is required as Crown land should be included in a public use zone which includes this exemption.  Retain – no change. Too complex as ESO applies to public and private. Duplication is of no matter
Clause 3 Permit requirements	All applications for development on Coastal Crown land, as defined under the <i>Coastal Management Act, 1995</i> , must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.  If this text is retained, need to update superseded legislation reference to <i>Marine and Coastal Act 2018</i>  This can facilitate streamlined approval under separate legislation  Change the legislation to the <i>Marine and Coastal Act 2018</i> to reflect the up to date legislation.
Clause 5 Decision guidelines  Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters  Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.
Clause 5 Decision Guidelines  Applications which immediately abut Crown Land.	Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay?  If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme.  Delete as it is a duplication
Clause 5 Decision guidelines  Applications which in the opinion of the responsible authority, may have adverse impact, on Crown Land	If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme.  Delete as it is a duplication
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).	Decision guidelines could be developed to address the following matters: <ul style="list-style-type: none"><li>▪ drainage onto Crown land</li><li>▪ access onto Crown land</li><li>▪ buffer planting in the interface area on private land with Crown land</li></ul> It is recognised that the content of these proposed guidelines may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate  Include as a further strategic work recommendation.
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land	DELWP does not have the capability to make this type of assessment.  Over time machinery of government change has seen this capability removed from the current referral authority  Recommend a report be submitted as an information requirement at Clause 3  Add an application requirement:  A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land.  Delete the decision guideline as DELWP no longer provides this service

Provision	Comments
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters  Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.

#### C42.01 Environmental Significance Overlay, Schedule 5 Areas Susceptible to Erosion

Provision and Clause	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04  Amend through this review
	Clause 5 which seeks the views of the <i>Department of Natural Resources and Environment</i>  Section 52(1)(c)  Delete from Clause 5. Add into Clause 66.06s as recommending authority (see recommendation below in relation to decision guidelines)
Referral reference	If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change)  DELWP to advise new department at authorisation
Statement of Environmental Significance	The Department of <i>Natural Resources and Environment</i> has mapped certain areas in the Shire as susceptible to erosion. There are other areas within the Shire which have been specifically identified as prone to land slips. Whereas this overlay is applied to the areas susceptible to erosion as identified by the <i>Department of Natural Resources and Environment</i> , the Erosion Management Overlay is applied to the areas specifically identified as prone to land slips.  Noting that DELWP would like to be removed as a referral authority for this matter, if retained the statement needs to better express the significance rather than the administrative arrangements of information resources.  Delete the references to DELWP in the statement of significance. Edit as follows:  <del>The Department of Natural Resources and Environment has mapped certain areas in the Shire as susceptible to erosion. There are other areas within the Shire which have been specifically identified as prone to land slips and erosion. Whereas this overlay is applied to the areas susceptible to erosion as identified by the Department of Natural Resources and Environment, the Erosion Management Overlay is applied to the areas specifically identified as prone to land slips.</del>
Clause 5 Decision guidelines	Any Land Capability Report Guidelines prepared by the <i>Department of Natural Resources and Environment, Centre for Land Protection Resource</i> .  With machinery of government change over time this type of guidelines are not maintained by DELWP.  Delete from decision guidelines.
Clause 5 Decision guidelines  Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters  Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.
Clause 5 Decision Guidelines  Applications which immediately abut Crown Land.	Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay?  If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme  Delete as it is a duplication
Clause 5 Decision Guidelines  Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land	DELWP does not have the capability to make this type of assessment.  Over time machinery of government change has seen this capability removed from the current referral authority  Recommend a report be submitted as an information requirement at Clause 3  Add an application requirement:  A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land.  Delete the decision guideline as DELWP no longer provides this service

#### C42.01 Environmental Significance Overlay, Schedule 7 Coastal Settlements

Provision and Clause	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04  Amend through this review

Provision and Clause	Comments
	<p>Clause 5 which seeks the views of the <i>Department of Sustainability and Environment</i></p> <p>Section 52(1)(c )</p> <p>Delete from Clause 5. Add into Clause 66.06s as recommending authority (see recommendation below in relation to decision guidelines)</p>
Referral reference	<p>If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change)</p> <p>DELWP to advise new department at authorisation</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which immediately abut Crown Land.</p>	<p>Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay?</p> <p>If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme</p> <p>Delete as it is a duplication</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).</p>	<p>Decision guidelines could be developed to address the following matters:</p> <ul style="list-style-type: none"> <li>▪ drainage onto Crown land</li> <li>▪ access onto Crown land</li> <li>▪ buffer planting in the interface area on private land with Crown land</li> </ul> <p>It is recognised that the content of these proposed guidelines may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate</p> <p>Include as a further strategic work recommendation.</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land</p>	<p>DELWP does not have the capability to make this type of assessment.</p> <p>Over time machinery of government change has seen this capability removed from the current referral authority</p> <p>Recommend a report be submitted as an information requirement at Clause 3</p> <p>Add an application requirement:</p> <p>A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land.</p> <p>Delete the decision guideline as DELWP no longer provides this service</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance</p>	<p>Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters</p> <p>Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.</p>

#### C42.01 Environmental Significance Overlay, Schedule 9 Giant Gippsland Earthworm and Habitat Protection

Provision and Clause	Comments
S52 or S55 status	NOTE: this is a S55, determining referral under the mechanism at C66.04 for any application for development
	<p>Clause 5 which seeks the views of the <i>Department of Environment, Land, Water and Planning</i></p> <p>Section 52(1)(c )</p> <p>Delete from Clause 5. Already addressed under 66.04s</p>
Clause 3 Permit requirements	<p>A survey has been conducted by a suitably qualified person establishing that no buildings and works will negatively impact Giant Gippsland Earthworm numbers. This survey is to be completed to the satisfaction of the responsible authority and the Department of Environment, Land, Water &amp; Planning, and be in accordance with the <i>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document</i> (September 2015).</p> <p>Note: this document is appropriately listed on the South Gippsland Shire website as a local reference document and should be updated to reflect the new structure of the Scheme – noted that it is not listed as a background document at C72.08. Recommend its listing at this Clause.</p> <p>Include as background document at Clause 72.08</p>
To Clause 4 Application requirements	<p>An application must include the following information to the satisfaction of the responsible authority:</p> <ul style="list-style-type: none"> <li>• Clear and precise details of the buildings and/or works proposed, including the location of any wastewater treatment systems, dispersal fields, stormwater flow, driveways, ground disturbance, changes to hydrology or drainage.</li> <li>• Description of the purpose for the development.</li> <li>• Detailed scale map of the subject land showing: <ul style="list-style-type: none"> <li>○ property boundaries and dimensions;</li> <li>○ location of proposed buildings and works site;</li> <li>○ all waterways, including creeks, streams, soaks, seepages or wetlands within or adjacent to works, and;</li> <li>○ the locality of Giant Gippsland Earthworm habitat affected by the proposal.</li> </ul> </li> </ul>

Provision and Clause	Comments
	<ul style="list-style-type: none"> <li>• An impact assessment of the proposal on Giant Gippsland Earthworm habitat conducted by a suitably qualified person and in accordance with the <i>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document</i> (September 2015).</li> <li>• Details on how the application has attempted to avoid, minimise or offset negative impact on Giant Gippsland Earthworm habitat.</li> </ul> <p>To facilitate good outcomes these provisions could also include the following requirements:</p> <ul style="list-style-type: none"> <li>• Consideration of an offsets – it is recognised that an offset framework in relation to this species may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate</li> <li>• An expert report analysing the impact of hydrology changes on colonies and habitat</li> </ul> <p>Include the two new recommendations as further strategy work.</p>
Background documents	<p><i>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document</i> (September 2015)</p> <p>This document is appropriately listed on the South Gippsland Shire website as a local reference document, however the reference should be updated to reflect the new structure of the Scheme – noted that it is <u>not</u> listed as a background document at C72.08. Recommend listing at this Clause</p> <p>Include as background document at Clause 72.08</p>





## Department of Transport

120 Kay Street  
Traralgon, VIC 3844 Australia  
Telephone: 0411 015 962  
[www.transport.vic.gov.au](http://www.transport.vic.gov.au)  
DX 219286

Ref: DOC/22/169521

Attention: Matt Britten  
[admin@redinkplanning.com.au](mailto:admin@redinkplanning.com.au)

Dear Matt

### **SOUTH GIPPSLAND SHIRE COUNCIL PALNING SCHEME**

Thank you for the opportunity to provide comment as part of the South Gippsland Shire Council planning scheme review.

The Department of Transport (DoT) offers the following comments for consideration:

#### **Section 66.06 Notice of Permit Applications and Section 66.04 Requirement to refer to a Referral Authority**

DoT has no comments on these two sections

#### **Clause 2 of 'Schedule 6 to Clause 30.01'**

Koonwarra Agricultural Services Precinct

A comprehensive traffic impact assessment prepared to the satisfaction of the responsible authority in consultation with the relevant road authority, that identifies the pattern a location of the arterial road network of the area including existing roads, and the location and detail of any required

- Road widening
- Access points
- Bus lanes and stops

#### **Clause 3 of 'Schedule 4 43.04'**

Development Planning Overlay – Western Leongatha Residential Growth Area

Planning permit applications for each residential subdivision stage must consider the views of DoT regarding the potential impact of additional traffic movements may have on the arterial road network.

#### **Other Matters**

- A minor edit around names (throughput full planning scheme) please delete 'major' from 'major arterial road' references.



To provide a clear indication that Council intends to undertake work around important growth areas in the municipality it is suggested that a reference is made in the planning scheme that Development Planning Overlays will be developed to cover growth areas:

- Leongatha South Precinct
- Jumbunna Road Precinct
- Nyora Township

Yours sincerely



**Harvey Dinelli**  
Manager Transport Strategy - Gippsland

28 / 11 / 2022

17/10/2022, 16:58

Email - Matt Britten - Outlook

## South Gippsland Planning Scheme Review - Leongatha Aerodrome

Nigel Hutchinson-Brooks <nutleydean@gmail.com>

Mon 17/10/2022 00:21

To: Matt Britten <Matt@redinkplanning.com.au>

Cc: was@dcsi.net.au <was@dcsi.net.au>; Ken Griffiths <Ken.Griffiths@southgippsland.vic.gov.au>

 4 attachments (13 MB)

SGPS Review re Leongatha Aerodrome.pdf; A.Nov 6 - 2007 083.jpg; DJI\_0427.JPG; DJI\_0429.JPG;

Dear Matt,

Please find attached a submission on behalf of Leongatha Aerodrome Users Pty Ltd, together with some photographs as mentioned in the letter to explain our position.

By way of background, I first flew out of Leongatha in 1985, and have been based here since 2003. However, I am not a shareholder in the Aerodrome owning company.

If you have any queries, please do not hesitate to contact me.

Kind regards,

Nigel

--

[Nigel Hutchinson-Brooks](#)

[BSc MRICS FAPI MPIA](#)

[0419 355 303](#)

**VicAir Management**  
Planning and Development,  
Aviation and Airport Consultants  
86 George Street, Korumburra  
A.B.N. 55 118 727 889  
PO Box 209, Korumburra, Victoria 3950  
Mobile +61 419 355 303 Email - nutleydean@gmail.com

16<sup>th</sup> October 2022.

Matt Britten  
[Matt@redinkplanning.com.au](mailto:Matt@redinkplanning.com.au)

Dear Matt

**Re: South Gippsland Planning Scheme Review**

I have been asked by Barry Foster, Director of Leongatha Aerodrome Users Pty Ltd, to respond to your email seeking feedback on the South Gippsland Planning Scheme review insofar as it impacts Leongatha Aerodrome.

The main issue is the relevance of having a private company being a Determining Referral Authority for planning applications within the Airport Environs Overlay. We argue that it is very definitely relevant and even imperative that it remain for the reasons set out below.

1. The Aerodrome was developed by the then Woorayl Shire Council in the mid 1960's.
2. The South Gippsland Shire Council (post amalgamations) resolved to sell the Aerodrome in 1999.
3. There were several businesses operating from the Aerodrome who formed a consortium to purchase the Aerodrome in order to protect their businesses.
4. At that time the Council was the Determining Referral Authority under the AEO, and this responsibility was passed on to the purchaser, Leongatha Aerodrome Users Pty Ltd, where it has remained for the last twenty-two years.
5. Existing activities at the Aerodrome include:-
  - a. Aerial Agriculture Spraying, Spreading and support
  - b. Aerial Fire Fighting aircraft and support systems
  - c. Aircraft maintenance workshops (2 - with both carrying out third party work)
  - d. Aircraft Spray Painting workshop
  - e. Flying Training, both General Aviation and Recreational Aviation Australia activities for Australian and Overseas students
  - f. Aircraft Charter services from the South Gippsland region
  - g. Specialised Agricultural Flying Training services
  - h. Aircraft Sales and Support
  - i. Gliding Club

Page 1 of 4

- j. Business and Private Flying and Recreational Aviation activities.
  - k. The aerodrome is regularly used by:-
    - i. Police Air Wing
    - ii. CFA aerial assets
    - iii. Air Ambulance
    - iv. RFDS
    - v. Pipeline and Powerline inspection aircraft
    - vi. Itinerant aircraft and helicopters
    - vii. Etc.
6. It is unfortunately a fact that a large number of airports around Australia have been developed in greenfield locations, only to have, over time, newcomers complain about the noise associated with aviation activities.
  7. This has often resulted in curtailment of hours of operation, and in some cases cessation of the airport altogether.
  8. The need to ensure the continued operation 24/7 of Leongatha Aerodrome is important for the following reasons.
  9. Leongatha Aerodrome (known by its international identifier as YLEG) is a vital part of the nation's transport infrastructure.
  10. Since the closure of Phillip Island airport, it is the only airport to service both the Bass Coast and South Gippsland Shire areas, serving a population of around 80,000 people, and covers all the area south of the Strzelecki Ranges.
  11. The nearest airport that also has all weather capability is Latrobe Valley airport at Traralgon.
  12. In 2020 YLEG was the recipient of a Federal Government grant of close to \$1m to upgrade the Aerodrome to a fully surfaced all weather airfield.
  13. The grant was on a \$ for \$ basis, so the YLEG community themselves contributed \$1m in cash and kind. They do not want to see that, together with their original investment and other improvements over the last 22 years, put at risk.
  14. Of the 60 Regional airports who received the Regional Airport Program grants in 2020, 57 were publicly owned – mostly by local Councils. Three were privately owned.
  15. The grant enabled:
    - a. The resealing of the main runway (which had not been touched since it was built in the 60's).
    - b. The full construction and sealing of the cross runway.
    - c. The resealing of the main apron, (which was seriously degraded).
    - d. The provision of a large concrete refuelling apron with state of the art swipe card refuelling bowsers for piston, turbine and jet aircraft and helicopters.
    - e. The full construction and sealing of the main taxiway servicing the hangar buildings.
  16. As a result of selling YLEG in 2000, the South Gippsland community and ratepayers have enjoyed the facility provided as outlined above without the

ratepayers having a large capital investment tied up, with the attendant operating, maintenance and insurance costs. The least the Council can do is to ensure that the facility is protected.

17. Attached to this letter by email are three photographs. The first was taken in November 2007. The second two were taken in April 2022. As you will see there has been significant development in that time. All the vacant hangar lots are spoken for, and will be built out once the land dries out, by about May of 2023.
18. There are several reasons for this growth, amongst which are:
  - a. the recent dissuasion of non-commercial operations at Moorabbin Airport.
  - b. The fact that YLEG is now an all-weather Aerodrome.
  - c. The availability 24/7 of swipe card fuel for both piston and jet aircraft and helicopters.
  - d. The increase in the popularity of recreational aviation following the establishment of the Recreational Aviation Australia management system.
19. In addition to the issue of Determining Referral Authority status, the other matter that a review of the Planning Scheme should include as it relates of YLEG is the matter of its underlying zoning.
20. We recently carried out a study of the zoning status of 25 regional airports in Victoria (there are many more). We found that the vast majority of them are PUZ 4 (Transport), PUZ 6 (Council) or SUZ (in many different forms).
21. When the Aerodrome was owned by Council, the zoning of the land was PUZ 4 – Transport. This zoning has been left in place and is considered perhaps no longer appropriate if the aerodrome is to expand as an employment centre. A form of mixed-use zone, e.g. Special Use Zone, would be most appropriate, to allow commercial, industrial and residential uses, as happens at many other airports around Australia. Or amend the allowable uses in the current PUZ4.
22. Examples in Victoria include West Sale airport, (Wellington Shire Council Planning Scheme Special Use Zone 1) and Yarrawonga airport, (Moirra Shire Council Planning Scheme Public Use Zone 4) which allow these activities.
23. The Aerodrome has a limited amount of accommodation on site for students undergoing training, both Australian and from overseas. There is also accommodation for security purposes which is occupied by a shareholder of the company. This situation needs to be formalised and to allow further on-site accommodation for which there is a small but identifiable demand.
24. Leongatha Aerodrome Users Pty Ltd would like to work collaboratively with Council to investigate the opportunities for the economic development of the Aerodrome to be expanded from its existing base to develop its full potential as an employment centre and supplier of aviation services. However, we would be looking for sufficient flexibility to allow non-aviation users to be supported where appropriate.

If you have any queries on any of the matters raised in this submission, please do not hesitate to contact me by email or phone on 0419 355 303.

Kind regards,

*Nigel Hutchinson-Brooks*

Nigel Hutchinson-Brooks

Director

BSc, MRICS, FAPI, MPIA







Attachment 4.2.1

Agenda - 28 June 2023

South Gippsland Shire Council No 483 - 28 June 2023



12 October 2022

Matt Britten  
Associate  
Redink Planning  
56 Walkers Lane  
BRIGHT VIC 3741



Our Ref: REQ002609

**RE: SOUTH GIPPSLAND PLANNING SCHEME REVIEW**

Thank you for the opportunity to provide advice in relation to the South Gippsland Planning Scheme Review, referred to EPA via email dated 22 September 2022.

EPA has reviewed the following documents of relevance:

- Referral email to EPA dated 22 September 2022;
- Referred provisions including:
  - Schedule 1 to Clause 66.04 Referral of permit applications under local provisions;
  - Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4) - Sewage Treatment Plant and Environs; and
  - Schedule 8 to Clause 42.01 Environmental Significance Overlay (ESO8) - Manufacture of Milk Products Amenity Buffer.

**Ministerial Direction 19 (MD19)**

The recognition of the preventative value of EPA's early involvement in strategic land use planning is reflected in Ministerial Direction 19 (MD19), which requires planning authorities to seek early advice from EPA when undertaking strategic planning processes that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste.

EPA's consideration and advice on relevant planning matters is intended to support decisions made by planning authorities in the early stages of the planning process.

It is in this context that we provide the following comments.

**Our Understanding of the Proposal**

EPA understand Redink Planning is acting on behalf of South Gippsland Shire Council (Council) in undertaking a review of the South Gippsland Planning Scheme. Specifically, EPA comment has been requested on the following provisions in the South Gippsland Planning Scheme as part of the review:

- Clause 1.0 of Schedule 1 to Clause 66.04;
- Clause 5.0 of Schedule 4 to Clause 42.01 (ESO4) ('Sewage Treatment Plant and Environs'); and
- Clause 3.0 and 5.0 of Schedule 8 to Clause 42.01 (ESO8) ('Manufacture of Milk Products Amenity Buffer').

[epa.vic.gov.au](http://epa.vic.gov.au)

Environment Protection Authority Victoria  
GPO Box 4395, Melbourne VIC 3001  
1300 372 842



**EPA Advice**Schedule 1 to Clause 66.04 Referral of permit applications under local provisions

EPA have no comments in relation to Clause 1.0 of Schedule 1 to Clause 66.04 - Referral of Permit Applications Under Local Provisions.

ESO4 Sewage Treatment Plant and Environs and ESO8 Manufacture of Milk Products Amenity Buffer*Observations*

- The purpose of ESO4 'Sewage Treatment Plant and Environs' is to protect sewage treatment plants from the encroachment of incompatible development and to provide for a buffer area around the plant.
- The purpose of ESO8 'Manufacture of Milk Products Amenity Buffer' is to protect a milk products facility (manufacture) from the incremental encroachment of sensitive land uses and protect surrounding development from the impact of adverse amenity impacts.
- Both ESO4 and ESO8 appear to restrict 'Accommodation, childcare, education, office, place of assembly and retail', by requiring a permit to construct a building, or construct or carry out works for the use of the land for these purposes.
- EPA note that the ESO8 contains exemptions from permit requirements to some buildings and works in relation to the above listed uses that are not listed in ESO4.

Based on the information outlined above, it would appear that the purpose of these overlays is to provide for a buffer around industry, to separate or manage incompatible land uses (industrial uses and sensitive uses), protect industry from encroachment of sensitive uses and protect sensitive uses from unintended offsite impacts from the facilities.

*EPA Comment*

EPA consider sensitive land uses to be land uses sensitive to emissions from industry and other uses due to their impact on amenity and human health, as outlined in *Managing buffers for land use compatibility: Planning Practice Note 92, (DELWP, March 2021)* (PPN92) and *Recommended Separation Distances for Industrial Residual Air Emissions* (Publication 1518, March 2013).

EPA do not typically consider *office* or *retail* to be land uses that are sensitive to off-site impacts. As such, Council may wish to seek clarification with other parties relevant to the ESO4 and the ESO8, regarding their definition of sensitive land uses and whether it is appropriate to restrict these land uses.

Furthermore, it would appear that the ESO8 contains some logical exemptions from the permit requirements. As such, Council may wish to consider including similar exemptions in the ESO4.

After saying that, EPA wish to advise Council that transitioning the ESO4 and ESO8 (and potentially other ESO's within the South Gippsland Planning Scheme that implement buffers) to the Buffer Area Overlay (BAO) (Clause 44.08) may be appropriate. The BAO is the fit for purpose planning tool used for the management of buffers and can be used to identify areas where there is the potential for offsite impacts on safety and human health or significant offsite impacts on amenity.

In applying the BAO, particular criteria must be met, and certain information must be provided. PPN92 contains guidance on planning for land use compatibility and the requirements in planning provisions relating to the management of buffers, including the process for applying the BAO. PPN92 sets out the

steps to be taken when considering its application, and EPA can provide assistance if there are any specific questions.

### Summary and recommendations

The recommendations outlined in this letter can be summarised as follows:

1. Consult other relevant parties regarding what are considered sensitive land uses;
2. Consider applying the exemptions from ESO8 to ESO4; and
3. EPA recommend that Council consider transitioning ESO to BAO as the fit for purpose planning control in the VPP.

### Closing

This letter outlines the comments sought from EPA by Redink Planning and Council to consider in the review of the South Gippsland Planning Scheme. EPA's specific recommendations have been discussed above.

EPA thanks Council for the opportunity to provide input into this review and extends an invitation to meet further for discussions if necessary.

If you need additional information or would like to discuss this matter further, please contact Ana Mitrov on 1300 EPA VIC (1300 372 842), or at [stratplan@epa.vic.gov.au](mailto:stratplan@epa.vic.gov.au).

Yours sincerely,



Trisha Brice  
Team Leader, Strategic Planning Advisory  
Development Advisory  
Environment Protection Authority Victoria

11/12/2022, 18:21

Re: Gippsland Water Response - South Gippsland Planning Scheme Review [SEC=OFFICIAL] - Matt Britten - Outlook

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## Re: Gippsland Water Response - South Gippsland Planning Scheme Review [SEC=OFFICIAL]

Matt

**From:** StatPlanning@gippswater.com.au <StatPlanning@gippswater.com.au>  
**Sent:** 07 October 2022 13:37  
**To:** Matt Britten <Matt@redinkplanning.com.au>; StatPlanning@gippswater.com.au <StatPlanning@gippswater.com.au>  
**Cc:** Shannon.Dwyer@gippswater.com.au <Shannon.Dwyer@gippswater.com.au>  
**Subject:** Gippsland Water Response - South Gippsland Planning Scheme Review [SEC=OFFICIAL]

Hi Matt

Thank you for providing us with the opportunity to provide comment to the South Gippsland Planning Scheme. While we do not have any strategic justifications to request changes to schedule 2 of Clause 42.01, we do request that it is considered to add the Central Gippsland Region Water Corporation (Gippsland Water) to Clause 1.0 - Schedule 1 of Clause 66.04. However if it is possible to have it flagged that it is only for the Mirboo North catchment, as this is the only catchment managed by Gippsland Water within an ESO2 in South Gippsland (the Little Morwell River (Mirboo North) Catchment).  
Can you advise if you have had any feedback from South Gippsland Water and what that might be?

Kind regards,

Danielle

### Statutory Planning

P (03) 5175 7488

55 Hazelwood Road Traralgon VIC 3844



We acknowledge the Traditional Owners of the Gippsland Water area, the Gunaikurnai people and the Bunurong people, and recognise their strong cultural connection to the land and waterways. We pay our respect to their Elders, past and present.

**From:** Matt Britten <Matt@redinkplanning.com.au>  
**Sent:** Thursday, 22 September 2022 4:30 PM  
**To:** Statutory Planning <StatPlanning@gippswater.com.au>  
**Subject:** Email sent to SGW 4/10 - South Gippsland Planning Scheme Review

about:blank

1/1

11/12/2022, 18:23

RE: OFFICIAL: RE: South Gippsland Planning Scheme Review- ESO2 Special Water Catchments. - Matt Britten - Outlook

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## RE: OFFICIAL: RE: South Gippsland Planning Scheme Review- ESO2 Special Water Catchments.

**From:** SGW Development <[development@sgwater.com.au](mailto:development@sgwater.com.au)>

**Sent:** 06 October 2022 14:52

**To:** Matt Britten <[Matt@redinkplanning.com.au](mailto:Matt@redinkplanning.com.au)>

**Subject:** OFFICIAL: RE: South Gippsland Planning Scheme Review- ESO2 Special Water Catchments.

Hi Matt,

Our internal discussions on Special Water Catchments have highlighted the following issues:

- General lack of understanding as to purpose of ESO2 and why it is in place
- We get a lot of permits for Domestic Shed use more than 30m from waterway and that do not have any proposed internal plumbing facilities – we do not need these to be referred to us as we do not place any specific conditions!
- Highlight the issue of tourist-type multi unit accommodation (Glamping tents or cabins) on a single property (we would like to severely restrict these due to their loading and potential risk when they fail!)
- The requirement for a “suitably qualified person” to produce LCA is a challenge as there is no formal consensus or accreditation as to who can produce these.
- Where works are required it would be good to be able to require that appropriate revegetation be completed along waterway. It would be good to be able to require upgrade of septics in a more formal fashion too.
- With regard to Clause 4.0 of Schedule 5 of Clause 37.01 (SUZ) – as long as a building permit would be triggered if a occupied facility (i.e office with a toilet) or a trade waste generator (truck wash etc) were to be constructed thereby allowing us to enforce connection to reticulated sewer with appropriate controls, we do not need any clause that specifically refers to South Gippsland Water in the planning scheme under SUZ5.

We would like to work with you to determine appropriate wording to resolve issues above, would you like to send through an MS Teams invite to discuss further?

Kind regards

Lucy

**Lucy Allsop**  
**Development Manager**

**South Gippsland Water**

14 - 18 Pioneer Street, Foster VIC 3960 | P.O. Box 102 Foster VIC 3960

P 0356820451 | M 0438173917 | F 03 5682 1199 | E [lallsop@sgwater.com.au](mailto:lallsop@sgwater.com.au)

**Work days: Monday – Tuesday, Thursday - Friday**

[www.sgwater.com.au](http://www.sgwater.com.au)





OFFICIAL



**WGCMA Ref:** WGCMA-F-2022-00824  
**Document No:** 1  
**Date:** 5 October 2022

Matt Britten  
Redink Planning  
[admin@redinkplanning.com.au](mailto:admin@redinkplanning.com.au)

Dear Matt,

**Planning Permit Application No.:** South Gippsland Shire Planning Scheme Review

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I refer to your correspondence regarding the above matter, received at the West Gippsland Catchment Management Authority ('the Authority') on 22 September 2022.

The Authority welcomes the opportunity to provide input to the current review of the South Gippsland Shire Planning Scheme. It is noted that the specific provisions you are seeking feedback on is Clause 4.0 (Application requirements) of Schedule 1 to Clause 44.04 (LSIO).

**Coastal Development**

The Coastal Development application requirements at Clause 4.0 of Schedule 1 to the LSIO may now be adequately addressed by policy introduced at Clause 13.01-2S (Coastal Inundation and Erosion) of the Planning Policy Framework. As such, these application requirements could be considered redundant.

The Authority kindly requests that consideration be given to whether the Coastal Development Application requirements are still required in light of the above.

Should you have any queries, please do not hesitate to contact Ben Proctor on 1300 094 262 or email [planning@wgcm.vic.gov.au](mailto:planning@wgcm.vic.gov.au). To assist the Authority in handling any enquiries please quote **WGCMA-F-2022-00824** in your correspondence with us.

Yours sincerely,

**Adam Dunn**  
**Executive / Manager - Statutory Planning**



## **Appendix Five**

### **Environmental Audit Overlay - Council Resolution**

See following Meeting Minutes Extract

### 3. OBJECTIVE 2 - ECONOMIC PROSPERITY

#### 3.1. PLANNING SCHEME AMENDMENT - ENVIRONMENTAL AUDIT OVERLAY - CONTAMINATED LAND

Economic & Community Development

##### **Council Plan**

*Objective 2 - Economic Prosperity - Strategy 2.2 Develop plans that balance and utilise the natural values of the environment and improve liveability in the Shire.*

*The Environmental Audit Overlay aims to identify potentially contaminated land requiring further investigation or works before sensitive land uses can occur, protecting the environment, human health and improving liveability in the Shire.*

##### **EXECUTIVE SUMMARY**

Council is a statutory Planning Authority responsible for considering planning applications and amendments to the South Gippsland planning scheme.

Included in the matters Council must consider when making planning decisions are “any significant effects” the environment may have on a proposed land use or development. This includes the potential for land contamination from past uses such as service stations and factories.

In 2019 the planning department identified approximately 900 potentially contaminated sites when investigating current and former land uses in the Shire. The identification of these sites does not mean that the land is contaminated only that the land use is/was of a type recognised by the Environment Protection Authority (EPA) as having the potential to contaminate land.

This report recommends to include approximately 78 sites in the Environmental Audit Overlay (EAO) of the South Gippsland Planning Scheme see **Confidential Attachment [13.1.1]**.

A review of the 2019 work determined the EAO candidate sites based on the following land use types and criteria:

- Former petrol stations and industrial uses in planning scheme zones that allow sensitive land uses to occur;
- Public utility sites where fuel and chemical storage is known to have occurred; and
- Sites where land contamination investigations have previously confirmed land contamination.

The EAO requires that before a planning permit approves a sensitive land use (e.g. dwelling, child care, school) soil testing must demonstrate the site is safe

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for a sensitive use or alternatively remediation is completed before the use can commence.

It is proposed to exhibit the amendment for six weeks and to consult with the affected land owners to consider any new information before proceeding with application of the EAO.

### **RECOMMENDATION**

That Council:

1. In consultation with the Environment Protection Authority (EPA) and the Department of Environment, Land, Water and Planning (DELWP) finalises site selection for the application of the Environmental Audit Overlay generally in accordance with the lands identified in Confidential Attachment [13.1.1];
2. Seeks authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to apply the Environmental Audit Overlay;
3. Makes public the Confidential Attachment [13.1.1] for exhibiting the Planning Scheme Amendment for a period of not less than six weeks;
4. Provides a minimum of two months between the close of exhibition and a Panel Hearing to allow consideration of new evidence / information submitted to Council during exhibition of the Planning Scheme Amendment; and
5. Refers submissions to the Planning Scheme Amendment that cannot be resolved by negotiation to an Independent Planning Panel for consideration.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **IN CONSULTATION WITH THE ENVIRONMENT PROTECTION AUTHORITY (EPA) AND THE DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING (DELWP) FINALISES SITE SELECTION FOR THE APPLICATION OF THE ENVIRONMENTAL AUDIT OVERLAY GENERALLY IN ACCORDANCE WITH THE LANDS IDENTIFIED IN CONFIDENTIAL ATTACHMENT [13.1.1];**
2. **SEEKS AUTHORISATION FROM THE MINISTER FOR PLANNING TO PREPARE A PLANNING SCHEME AMENDMENT TO APPLY THE ENVIRONMENTAL AUDIT OVERLAY;**
3. **MAKES PUBLIC THE CONFIDENTIAL ATTACHMENT [13.1.1] FOR EXHIBITING THE PLANNING SCHEME AMENDMENT FOR A PERIOD OF NOT LESS THAN SIX WEEKS;**
4. **PROVIDES A MINIMUM OF TWO MONTHS BETWEEN THE CLOSE OF EXHIBITION AND A PANEL HEARING TO ALLOW CONSIDERATION OF NEW EVIDENCE / INFORMATION SUBMITTED TO COUNCIL DURING EXHIBITION OF THE PLANNING SCHEME AMENDMENT; AND**
5. **REFERS SUBMISSIONS TO THE PLANNING SCHEME AMENDMENT THAT CANNOT BE RESOLVED BY NEGOTIATION TO AN INDEPENDENT PLANNING PANEL FOR CONSIDERATION.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

**REPORT**

Land potentially contaminated from historic activities presents a risk to Council and prospective land purchasers as planning permission for inappropriate uses could be issued. For example, sensitive uses including dwellings, childcare, or food processing could be approved on potentially contaminated sites. Some Councils have approved sensitive land uses on contaminated land, resulting in legal action and compensation. A recent case in Melbourne involved the demolition of a new residential unit development on land the council suspected was contaminated but did not properly investigate before approving the development. Brimbank City Council is currently responding to issues surrounding the development of dwellings on a former landfill site that operated until the late 1970s.

The Brookland Greens residential development in the City of Casey is a high-profile example of soil contamination affecting a new residential development. While the circumstances surrounding this example are complex, soil contamination resulted in dangerous levels of methane gas accumulating inside dwellings to an extent that the dwellings became uninhabitable. The development was the subject of an Ombudsman Report which demonstrated the financial and emotional impact that can occur when sensitive land uses are impacted by contamination.

In 2019 the planning department identified approximately 900 potentially contaminated sites based on current and former land uses in the Shire. The identification of these sites does not mean that the land is contaminated and should be included in the EAO, only that the land use is/was of a type recognised by the EPA as having the potential to contaminate land.

A review of the 2019 work has refined the EAO candidate sites based on the following land use types and criteria:

- Former petrol stations and industrial uses in planning scheme zones that allow sensitive land uses to occur;
- Public utility sites where fuel and chemical storage is known to have occurred; and
- Sites where land contamination investigations have already identified the presence of levels of contamination that warrant concern.

How Council communicates its knowledge of potential contamination is benefitted by applying the EAO. The EAO ensures that information is publicly available and provided in vendor statements which are used to inform land sale and development decisions.

**CONSULTATION / COMMUNITY ENGAGEMENT**

Consultation with the EPA and the Department of Environment, Land, Water and Planning (DELWP) continues to finalise the amendment. Some of the EAO

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candidate sites identified in **Confidential Attachment [13.1.1]** may be removed from the amendment before exhibition if recommended by the EPA and DELWP.

A planning scheme amendment is required to apply the EAO. Consultation with landowners will occur as part of the amendment process. The amendment proposes to apply the EAO to those sites known to be, or highly likely to be contaminated.

#### **RESOURCES / FINANCIAL VIABILITY**

The project has been undertaken within existing resource allocations. It is not anticipated that Council will undertake any soil testing as part of the project.

It may be necessary for Council to present independent expert evidence at a Panel Hearing.

#### **RISKS**

Application of the EAO intends to address the public health, financial and reputational risks associated with Council being complicit to the inappropriate development or use of contaminated land. Application of the EAO safeguards the community against inappropriate land use or development.

Having a robust planning scheme with publicly accessible information about potentially contaminated land better informs decision making and promotes good governance.

#### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

#### **CONFIDENTIAL ATTACHMENTS**

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [13.1.1] – Planning Scheme Amendment – Environmental Audit Overlay – Contaminated Land – Candidate Sites** is designated confidential information pursuant to the Local Government Act 2020, s.3(1)(c) - land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

The grounds for designation have been made to protect the privacy of properties listed and the recommendations being put forward for this planning scheme amendment. Application of the Environmental Audit Overlay can affect how land is used and developed, which can affect its value or perceived value. To avoid unnecessary concern, public knowledge of the proposal should occur after Ministerial Authorisation to exhibit the amendment has been given.

**REFERENCE DOCUMENTS****Council's Good Governance Framework**

Pillar 1. Direction &amp; Leadership

Pillar 3. Decision Making

**Council Policy / Strategy / Plans***Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Open Space Strategy

Rural Land Use Strategy

South Gippsland Housing and Settlement Strategy

Sustainability Strategy

Waste Management Strategy

Council Plan 2020-24

Domestic Wastewater Management Plan

South Gippsland's Good Governance Framework

South Gippsland's Planning Scheme

**Legislative Provisions**

Catchment and Land Protection Act 1994

Country Fire Authority Act 1958

Crown Land (Reserves) Act 1978

Environment Protection Act 1970

Environment Protection Act 1994

Local Government Act 1989

Local Government Act 2020

Marine and Coastal Act 2018

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Regional Development Victoria Act 2002

Water Act 1989

**Regional, State and National Plan and Policies**

Gippsland Regional Growth Plan, State Government Victoria

Gippsland Regional Plan 2020-2025

## Appendix Six

### Consolidated list of further strategic work

Project Number	Project Name	Project sources
1	Identify land where further restructure investigation is required.	Clause 74.02
2	Identify further heritage places, precincts and features that exist in the Shire to those that are currently identified.	Clause 74.02
3	Investigate application of a Special Use Zone in the Bulky Goods Retail Area identified on the Leongatha Framework Plan.	Clause 74.02
4	Investigate the application of the Rural Activity Zone.	Clause 74.02
5	Prepare and implement master plans for the commercial town centres of Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower.	Clause 74.02
6	Review the residential development growth options in the Mirboo North Structure Plan Refresh to provide increased certainty around future land releases.	Clause 74.02
7	Investigate the application of a planning scheme overlay to protect and enhance the built and landscape character of residential land in Mirboo North.	Clause 74.02
8	Investigate the application of the Neighbourhood Residential Zone as a preferred residential zoning for land currently identified as General Residential Zone.	Clause 74.02
9	Investigate the preparation of a 'Strzelecki-Alpine Biolink' local policy to improve native animal habitat corridors between Wilsons Promontory and the Alpine region.	Clause 74.02
10	Prepare a coastal areas land use and development strategy to guide long term planning in environmentally dynamic townships.	Clause 74.02
11	Investigate the preparation of a development contributions scheme.	Clause 74.02
12	Review the application of the Parking Overlay and the payment schedule.	Clause 74.02
13	Investigate the rezoning of the Farming Zone land at Burrows Way Tarwin Lower.	Clause 74.02
14	Investigate the zoning of the Township Zone land south of Fairbank Road Arawata.	Clause 74.02
15	Investigate the application of the Road Zone adjoining Kardella township.	Clause 74.02
16	Continue to implement practices to reduce the number of applications requiring Further Information Requests.	Previous 12B Review
17	Consider additional resourcing for planning enforcement duties so that proactive auditing of planning permit conditions, especially for bushfire risk reduction, can be undertaken.	Previous 12B Review
18	Resource upgrading of Pathways planning modules to support processing of planning applications.	Previous 12B Review
19	Undertake and implement a Shire-wide industrial land supply assessment.	Current Review: Council Plan 2022-2026 (South Gippsland Shire Council, 2022, p34)
20	Prepare a development plan (including developer contributions) for the South Western precinct of Nyora, as part of the Nyora Development Strategy.	Current Review: Council Plan 2022-2026 (South Gippsland Shire Council, 2022, p34)
21	Prepare a Coastal Strategy to inform any future Planning Scheme provisions that will seek to guide sustainable land use and development in South Gippsland Shire's coastal townships and communities.	Current Review: Council Plan 2022-2026 (South Gippsland Shire Council, 2022, p34)
22	Prepare and implement new planning scheme guidelines that seek to protect the character of coastal townships.	Current Review: South Gippsland Integrated



Project Number	Project Name	Project sources
		Planning Engagement Report (SGSC, 2022, 29)
23	Implement the Industrial Land Supply Study.	Current Review: South Gippsland Integrated Planning Engagement Report (SGSC, 2022, p29)
24	Develop and implement a solutions-focussed Industrial Land Supply Strategy to support new development	Current review: South Gippsland Environmental Sustainability Framework (SGSC, p32)
25	Re-draft the table of uses for SUZ4 and SUZ7 to comply with the Ministerial Direction.	Current Review: Planning Scheme Audit
26	Convert ESO4 and ESO8 to the Buffer Area Overlay (BAO).	Current Review: Planning Scheme Audit
27	Re-draft ESO1, ESO2, ESO3, ESO4, ESO8, SLO1, SLO2, SLO3, DDO3, DDO4, DDO5, DDO6 to clarify the statement of significance, clarify the objectives and comply with the Ministerial Direction and to clearly articulate the planning objective(s) that are sought to be achieved under each Overlay.	Current Review: Planning Scheme Audit
28	Amend Section 3.0 or the Parking Overlay (PO) to comply with the Ministerial Direction.	Current Review: Planning Scheme Audit
29	Undertake a review of the efficiency and effectiveness of ESO2, ESO3 and ESO5 with a view to removing any redundant and unnecessary permit triggers.	Current Review: Planning Performance Audit
30	Undertake further strategic work to justify the rezoning of land to facilitate the future expansion of the Mirboo North town centre.	Current Review: Panels Analysis
31	Develop and implement planning policy that provides clear and appropriate directions for the growth and development of the Shire's coastal settlements in the context of known climate change impacts	Current review: VCAT Analysis, Consultation, Key Issues identification
32	Re-evaluate the S173 Agreement requirements detailed in the South Gippsland Rural Strategy 2011 and, where appropriate, introduce them into the planning scheme.	Current review: VCAT Analysis, Consultation.
33	Resolve a Memorandum of Understanding between South Gippsland Water and Council to enable South Gippsland Water to be removed as referral authority for unplumbed Domestic Sheds more than 30m from a waterway.	Current review: Authority Consultation
34	Transition relevant Environmental Significance Overlays to the Buffer Area Overlay.	Current review: Authority Consultation
35	Prepare and implement a new policy (or policies) to articulate how the current tension between competing objectives and outcomes for the siting and design of buildings and works in the Shire's coastal settlements should be appropriately balanced.	Current review: Planning Scheme Audit, Consultation, Key Issues identification
36	Finalise and implement the review of planning permit triggers in the rural zones.	Current review: Planning performance analysis, VCAT analysis, Consultation, Key Issues Identification.
37	Identify and protect important landscapes within the Shire's rural hinterland.	Current review: Consultation, Key Issues Identification
38	Review and update the applicable policy settings for Barry Beach (and other settlements / sites as appropriate) to ensure the Shire is best placed to maximise the benefits to the Shire from the establishment of the offshore wind industry	Current review: Consultation, Key Issues Identification
39	As a priority, undertake further strategic work to identify high-value landscapes within the rural hinterland, to enable Council to actively and constructively participate in the process to define preferred routes for requisite transmissions infrastructure for the offshore renewables industry.	Current review: Consultation, Key Issues Identification

Project Number	Project Name	Project sources
40	Define the future role and function of Nyora in the overall settlement hierarchy, and plan for its future growth and development. This may include the preparation of development contributions plans to ensure the timely delivery of necessary supporting infrastructure.	Current review: Consultation, Key Issues Identification
41	Prepare a structure plan to guide the future development of Nyora, including a development contributions plan.	Current review: Consultation, Key Issues Identification
42	Update the 2004 South Gippsland Heritage Study as necessary and to apply the Heritage Overlay to all heritage places and precincts of local heritage significance.	Current review: Consultation, Key Issues Identification
43	Undertake further strategic work to update Clause 15.01-1L-02 (Signage) to provide clearer guidance in relation to the specific outcomes that are sought to be achieved in relation to signage within the Shire, to provide clarity for the community and to help Council to refuse inappropriate proposals.	Current review: Consultation, Key Issues Identification
44	Undertake further strategic work to develop a local policy to provide guidance in relation to residential subdivisions on laneways.	Consultation
45	Undertake a comprehensive review of the overlay controls that apply to coastal areas, as part of the development of the Coastal Strategy to utilize the schedules to the residential zones where possible, and articulate more specific environmental and design objectives for each area than the current controls contain.	Current review: Consultation, Key Issues Identification
46	Review ESO1 Areas of natural significance and prepare a detailed statement of significance and reduce the objectives to one. This may require splitting the existing ESO1 into more fine grained ESOs to address the specific issues of environmental significance.	Current review: Consultation, Key Issues Identification
47	Review ESO3 Coastal Settlements – Non residential areas and ESO7 Coastal settlements through the Coastal Strategy to determine where ESOs should apply, to make the statements of significance more specific and reduce the objectives to one per overlay. This may require splitting the existing ESO3 and ESO7 into more fine grained ESOs to address the specific issues of environmental significance.	Current review: Consultation, Key Issues Identification
48	Translate ESO4 Sewage treatment plants and environs and ESO 8 Manufacture of milk products amenity buffer into the Buffer Area Overlay.	Current review: Planning Scheme Analysis
49	Translate ESO5 Areas susceptible to erosion into the Erosion Management Overlay.	Current review: Key Issues Identification
50	Review ESO2 (subject to advice from DELWP) move paragraph one into the MPS, delete paragraph two and reduce the objectives from eight to one.	Current review: Key Issues Identification
51	Seek advice from DELWP about the appropriate tool to manage Special Water Catchments (ESO2).	Current review: Consultation, Key Issues Identification
52	Resolve a Memorandum of Understanding between South Gippsland Water and Council to enable South Gippsland Water to be removed as referral authority for unplumbed Domestic Sheds more than 30m from a waterway.	Current review: Consultation
53	Transition Environmental Significance Overlays 4 Sewage Treatment Plants and Environments and ESO8 Manufacture of Milk Products Amenity Buffer to the Buffer Area Overlay.	Current review: Consultation, Overlay Review
54	Develop an offset framework to enable appropriate relocation or replacement of habitat of the Giant Gippsland Earthworm resulting from planning decision and determine whether the impacts of hydrology changes on colonies and habitat should be undertaken as part of the assessment process to strengthen 42.01 ESO9 Giant Gippsland Earthworm and Habitat Protection.	Current review: Consultation
55	Quantify drainage, access and buffer planting on interface requirements between private land and Crown land to strengthen 42.01 ESO7 Coastal settlements.	Current review: Consultation
56	Review rural dwelling and subdivision policy requirements to ensure consistency with State Planning Policy and to protect local values	Key issue identification

Project Number	Project Name	Project sources
57	Apply the Environmental Audit Overlay (EAO) to known sites of land contamination in accordance with previous Council resolution on 25 November 2020, to implement the findings of Council's audit of potentially contaminated land.	Previous Council Resolution
58	Replace the Environmental Significance Overlay Schedule 5 (Areas susceptible to erosion) with the Erosion Management Overlay and introduce design guidelines for development on steep slopes in accordance with Council resolution 25 May 2016	Previous Council Resolution
59	Complete implementation of Council's Significant Trees Register (Amendment C118) by application of an Environmental Significance Overlay per Council resolution on 27 June 2018	Previous Council Resolution
60	Implement the 'Flood & Drainage Study for Foster and Surrounding Catchments – July 2019' in partnership with the West Gippsland Catchment Management Authority.	Current review: Consultation

## **Appendix Seven**

### **Community consultation outcomes and responses from officers**



# Consultation Comments and Responses

PLANNING SCHEME REVIEW 2022-23 – MAY 2023

Prepared by:

Skye Radcliffe-Scott, Strategic Planning Officer

(in consultation with SGSC staff and Cazz Redding & Elke Cummins, Red Ink Planning Consultants)

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

**Acronyms**

<b>PPF</b>	<p>The new Planning Policy Framework (PPF) was introduced into the Victoria Planning Provisions (VPP) and all Victorian planning schemes through the gazettal of amendment VC148 on 31 July 2018.</p> <p>The PPF improves the operation of planning policy in Victoria and better aligns state and local policy. It is based on a three-tier structure that integrates state, regional and local policy.  <a href="https://www.planning.vic.gov.au/policy-and-strategy/smart-planning-program/planning-policy-framework">https://www.planning.vic.gov.au/policy-and-strategy/smart-planning-program/planning-policy-framework</a></p>
<b>PG approved verb</b>	<p>Practice Guideline approved Verb. The PG was introduced when the Planning Policy Framework (PPF) transitioned to the new format planning scheme. The PG gives us a list of verbs and expressions we can and can't use in planning schemes. For example we can say 'Discourage' but we can't say 'Strongly Discourage'. We can say 'Should Not' but can't say 'Must Not'.  <a href="https://www.planning.vic.gov.au/_data/assets/pdf_file/0030/571377/A-Practitioners-Guide-to-Victorian-Planning-Schemes-V_1.5.pdf">https://www.planning.vic.gov.au/_data/assets/pdf_file/0030/571377/A-Practitioners-Guide-to-Victorian-Planning-Schemes-V_1.5.pdf</a></p>
<b>The Act</b>	The <a href="#"><i>Planning and Environment Act 1987</i></a>
<b>MPS</b>	<a href="#">Municipal Planning Strategy</a> . The MPS outlines the planning outcomes the municipality seeks to achieve that will be implemented by the policies and requirements of the planning scheme. This is the local content in the planning scheme. The PPF and the MPS together form the strategic foundation of the scheme.
<b>PPN</b>	Planning Practice Note which provides ongoing advice about the operation of the Victoria Planning Provisions (VPP) and planning schemes as well as a range of planning processes and topics. They may be updated from time to time. <a href="https://www.planning.vic.gov.au/resource-library/planning-practice-notes">https://www.planning.vic.gov.au/resource-library/planning-practice-notes</a>
<b>VPP</b>	<a href="#">Victoria Planning Provisions</a> . The VPP sets standardised planning scheme provisions that are designed to implement the six principles for planning schemes in Victoria
<b>LPPF</b>	Local Planning Policy Framework. This sets a local strategic policy context for a municipality.

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>MD</b>	Ministerial direction. The Minister for Planning issues directions to planning authorities about the preparation of planning schemes and amendments to planning schemes. Planning authorities must comply with the Ministerial Direction on the Form and Content of Planning Schemes, issued under Section 7(5) of the Planning and Environment Act 1987. The direction applies to planning scheme layout and required information - including amendments to those planning schemes - and should be read together with the Victoria Planning Provisions. Planning authorities must consider all Ministerial directions when preparing a planning scheme or an amendment to a planning scheme. <a href="https://www.planning.vic.gov.au/guide-home/the-role-of-the-minister">https://www.planning.vic.gov.au/guide-home/the-role-of-the-minister</a>
<b>ESO</b>	Environmental Significance Overlay
<b>SLO</b>	Significant Landscape Overlay
<b>DDO</b>	Design and Development Overlay
<b>EAO</b>	Environmental Audit Overlay
<b>PO</b>	Parking Overlay

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

## Survey Responses

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
1	I like the draft document and draft planning scheme provisions.	Thank you for the positive comments.
2	The summary document was presented well and provided a great snapshot of the priorities. The Strategic Planning team should be commended for another high-quality project.	
1	I think you have it all. Good work Skye.	
26	I am pleased the external consultants report was made available to the public.	
36	The impact of bushfires on approving tourist developments. This was raised in a number of VCAT cases. The consultant's report does not adequately address this issue. It is not only about road access. It also includes whether accommodation can be located close to plantations, and the type of accommodation that should be allowed.	<p>Bush fire risk mitigation is a significant challenge within the municipality due to location and landscape context of many of our townships. Council works closely with the CFA and DTP/ DEECA to address the risks while enabling the necessary urban growth to support future populations.</p> <p>There is potential for Council to consider further work on Group Accommodation policy, including addressing risks such as bushfire.</p>
5	Survey the people of a township on what they would like to be seen improve in their area	When undertaking further study into neighbourhood character and design guidelines, more detailed consultation with residents will occur.



## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
7	<p>Regional growth needs careful management. The desires of developers need to be offset against regional character and the needs of current residents. This will require careful planning from council to avoid rapid expansion and yuppification of our heritage towns and hamlets. As an example, the weather board houses in Korumburra are a treasure that should be preserved.</p> <p>The Council should think 20 + years into the future, which means issues of global warming, habitat preservation, population growth and migration need to be considered, while recognising that the population in 2050 will only have a stronger desire for quieter rural places that have been preserved. Understand and support changes in rural character as farming practices change including dairy transition to beef, and the gradual decline of animal production overall. What will be the future of rural practices 20-30 years from now?</p> <p>To maintain the attractiveness of the Council area as a destination that people want to visit Council must</p> <ul style="list-style-type: none"> <li>a) preserve local hamlets as hamlets - these will be destinations for modest "passing through" artisan tourism that will define the character of the region</li> <li>b) restrict "money motivated" developments in rural areas and hamlets - the world does not need another wedding or entertainment venue - do not allow development that impacts parking, traffic, noise etc in rural and hamlet locations</li> <li>c) only allocate enough housing development to specific locations that can tolerate growth without ruining local character</li> <li>d) require design overlays on architectural standards to ensure any developments are in keeping with local character (no McMansions!)</li> <li>e) preserve existing character such as weather board homes in key rural centres eg: Korumburra, Foster and others</li> </ul>	<p>Korumburra has a number of heritage precincts and buildings identified within the <a href="#">Heritage Study 2004</a> and subsequent <i>Heritage Buildings of South Gippsland</i> publication. To protect these buildings with the application of a Heritage Overlay, Council will need to implement the study with a Planning Scheme Amendment. Such an amendment is identified within the Planning Scheme Review for completion.</p> <p>Rural landscapes are highly valued within the municipality for their agricultural, environmental and tourism values. The previous Rural Land Use Strategy from 2011 provided some protection of high value farming land. The area's environmental value has not yet been fully explored to place protections in place for future benefit. A Rural Landscape Assessment and Land Use Study review proposed by the Planning Scheme Review would consider the balance of farming, rural living, biodiversity and tourism to best protect and enhance what is valued in our rolling hills and ranges.</p> <p>Township character study proposed by the Planning Scheme Review provides an opportunity to review all existing township character policy and forecast what should stay the same and what might be permitted to change as our population changes. State government expects Council to accommodate housing for increased population over a 15 year period.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
	<p>f) focus on preservation and expansion of parks and reserves - acquire land and dedicate it to the environment, preserve and enhance species and habitat - in 2050 Melbournites will need more green spaces not less - "if you build it they will come"</p> <p>g) become a leading force in supporting initiatives to counter climate change including green energy</p>	<p>This includes allowing for a diversity in housing options.</p> <p>Good planning is essential to mitigate and adapt to climate change and Council will continue to work with all levels of Government to ensure a coordinated policy response.</p>
25	<p>1. The changes to the plan for Foster township seem to double the amount of land for residential development. The expansion over the last 20 years has already doubled the size of the town. That is enough- it will destroy the character of the town- that is why people love it so much.</p> <p>2. Clause 35.03 (rural living zone) has no setback requirements from other dwellings, roads or boundaries. It is hard to see how this is "rural living" for a 1 hectare block. There should be a minimum setback from the boundary of 5m and 20m from the main road, consistent with other rural zones (farming zone and RAZ). This would keep some sort of separation and openness. If 100m from a dwelling is not considered feasible, there should be discussion about what distance is- depending on whether the lot size is 1 hectare, 2 hectare or 4.</p> <p>If 2 or 4 hectare, a usual requirement of 100m from a dwelling in separate ownership is fair to all. You don't expect to live on a block that size and have the neighbour's house close by. It is urban, not rural, if the house is closer than that.</p> <p>For 1 hectare blocks, perhaps a 50m setback from another dwelling would be a useful presumption.</p>	<p>Foster is a key township with services that will need to support reasonable urban growth. In some cases, better use of existing land through redevelopment at higher densities may be more appropriate.</p> <p>A Township character study proposed by the Planning Scheme Review provides an opportunity to review all existing township character policy and forecasts, what should stay the same and what might be permitted to change as our population changes.</p> <p>Setback distances in the Rural Living Zone is something that will require further strategic research and justification. It is a matter worthy of further consideration as it is something that is utilised in other similar municipalities.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
12	More land available for new housing in areas such as Mirboo north. Nothing available within town for new entrants to the housing market or for new builds	Mirboo North has significant constraints with bush fire risks and topography. Work is currently underway with the CFA to consider how development can safely proceed.
37	The impact of bushfire on planning	Bush fire risk mitigation is a significant challenge within the municipality due to location and landscape context of many of our townships. Council works closely with the CFA and DTP/ DEECA to address the risks while enabling the necessary urban growth to support future populations.
39	Clarify township boundaries	Township boundaries were clarified in the implementation of the <i>Housing and Settlement Strategy 2013</i> in Planning Scheme Amendment C90. These boundaries are clearly identified in the Planning Scheme's <a href="#">Clause 11.01</a> for each settlement.
10	We need to create and protect wildlife corridors	Council along with Parks Victoria and other government agencies maintain and enhance significant areas of public land for their biodiversity and public open space values.
10	Protect our natural resources	The Planning Scheme under <a href="#">Clause 12</a> contains state and local policy seeking to protect our natural environment.
40	Environmental issue and keeping natural environment	The Planning Scheme under <a href="#">Clause 12</a> contains state and local policy seeking to protect our natural environment.

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
24	<p>The proposed change to clause 17.04-1L in the planning scheme to prioritise tourism accommodation should not go ahead without being balanced by protections for rural landscapes eg including the design objectives and building requirements proposed for Waratah Bay (clause 43.02 1) should apply, as relevant, in rural landscapes generally.</p> <p>If the protecting rural landscapes is to be considered as part of a broader review, do not proceed with the change to clause 17.04-1L at this stage as it would be premature - it would lead to proliferation of tourist accommodation with unfettered development and create further problems.</p>	<p>Any change is balanced against other strategies within the same clause, such as "Ensure 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."</p> <p>Each application is always assessed on its merits based upon its context within the landscape, neighbouring properties and other controls in play.</p> <p>Tourism is a key industry to be accommodated appropriately within the municipality. Further zoning and/ or overlay design controls may be considered through further strategic work such as Rural Landscape Study or Township Character studies.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
28	<p>I am a resident of the Kongwak hamlet and would like the planning scheme to ensure that Kongwak continues to remain a hamlet.</p> <p>I understand the need for development however I feel this should be in line with the current character of Kongwak.</p> <p>As one of the only approx 27 occupied dwellings within the "township" boundary of Kongwak hamlet I would like to formally request that council amend the Kongwak clause of 11.01-1L-10 to read:</p> <p>"Support small scale tourism opportunities associated with Kongwak Market and the former Butter Factory."</p> <p>I would support any small scale tourism at the butter factory which compliments Kongwak's existing infrastructure such as a small (less than 80 pax) restaurant, cafe, provedore etc.</p> <p>However, hotels, wedding facilities or large restaurants will provide no benefit to the town or its occupants and the negative impacts of such a development would be endless unmeasurable.</p>	<p>This suggestion will be considered collaboratively with Council's planning consultants and Economy &amp; Tourism teams for inclusion in a future planning scheme amendment.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
29	<p>I am a resident of the Kongwak hamlet and would like the planning scheme to ensure that Kongwak continues to remain a hamlet.</p> <p>I understand the need for development however I feel this should be in line with the current character of Kongwak.</p> <p>As one of the only approx 27 occupied dwellings within the "township" boundary of Kongwak hamlet I would like to formally request that council amend the Kongwak clause of 11.01-1L-10 to read:</p> <p>"Support small scale tourism opportunities associated with Kongwak Market and the former Butter Factory."</p> <p>I would support any small-scale tourism at the butter factory which compliments Kongwak's existing infrastructure such as a small (less than 80 pax) restaurant, cafe, provedore etc.</p> <p>However, hotels, wedding facilities or large restaurants will provide no benefit to the town or its occupants and the negative impacts of such a development would be endless unmeasurable. It will merely cause more sound pollution and pollution to our ecosystems. It will also decrease home values and ruin the atmosphere of our hamlet.</p>	<p>This suggestion will be considered collaboratively with Council's planning consultants and Economy &amp; Tourism teams for inclusion in a future planning scheme amendment.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
2	<p>Loch's activity centre is struggling. While it has been able to support three cafes, restaurants continue to struggle and fail and the town is losing its post office next week. A small scale review of the Loch Activity Centre would be valuable.</p> <p>Has any thought been given to the hard boundaries proposed by the state government on Bass Coast's towns through "distinctive areas and landscapes" and the pressure this may place on nearby towns such as Korumburra, Leongatha and Venus Bay/Tarwin Lower - as well as other coastal town which may fill the niche left by a lack of land supply in Bass Coast's Coastal towns?</p>	<p>Comments relating to Loch Activity Centre will be considered in consultation with Council's Economic Development Team to understand this suggested change, the drivers behind it and possible solutions, which may include future planning policy changes.</p> <p>The impacts of the <i>Distinctive Areas and Landscapes study</i> is yet to be fully understood. The matter is being monitored but is not the only factor impacting land demand within South Gippsland.</p>
12	Reduce the burden of permits	A planning permit trigger project has provided some opportunities for planning permit reductions. The impact of changes to planning policy is considered at the time of planning scheme amendments and a number of projects planned may provide opportunities to reduce permits for less significant matters.
27	<p>Strategic plans are well and good but unless appropriate resources and processes are in place to implement them then they are practically useless. For example, there are currently planning rulings made by SGSC (and not other councils) that are not able to be processed in a timely and consistent manner, thus adversely impacting local businesses and residents.</p> <p>The planning scheme review needs to include sufficient resourcing and associated decision-making process development otherwise the intent of the scheme will never be able to be realised in a timely and cost-effective manner.</p>	<p>The current employment market conditions are creating significant challenges for Council staffing levels in conjunction with higher rates of permit applications in the previous three years.</p> <p>The Planning Scheme Review identifies a need for adequate statutory planning resources to meet current conditions.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
31	Consistency when applying planning scheme	<p>Planning practice notes at the state and local level are utilised to seek consistency. Continued improvement within the teams is ongoing.</p> <p>The Planning Scheme Review identifies areas where the planning scheme can be updated to clarify intent and assist with consistent decision making, for instance, additional policy support in growth areas or targeted policy for Rural Landscapes.</p>
4	Attract and retain quality staff to the planning department to ensure a high standard of service to the ratepayers.	The current employment market conditions are creating significant challenges for maintaining Council staffing levels in conjunction with higher rates of permit applications in the previous three years.
20	<p>I do own a caravan which I keep on my block of land between November and April, when I remove it due to the restrictions placed by the current planning scheme as I haven't got a dwelling on the property.</p> <p>It would be nice if the current planning scheme would allow a small shed to be built on the land to be able to store a lawnmower, brush cutter and other tools to maintain the block of land.</p>	<p>State Planning Scheme policy prohibits a storage shed without a dwelling within the General Residential Zone.</p> <p>In the Township Zone, such as in Venus Bay, they can be considered for a planning permit, but it may require a Cultural Heritage Management Plan.</p>
33	Housing estates built in an environmentally friendly way and have much more space between houses and the road as well as much more green (natural) space	<p><a href="#">Clause 56</a> has a range of objectives that must be met and standards that should be met. Some flexibility with standards is necessary for the individual context of each subdivision to be addressed.</p> <p>Council has the ability to change some of the requirements to better respond to unique characteristics of an area, where there is support via</p>



## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
		character assessments. This has been identified as further strategic work in the Planning Scheme Review.
35	Better access to the Planning department	Council Planning officers seek to respond in a timely manner to all enquires. The nature of the work requires periods of time in which to prepare reports and permits and therefore calls to the Planning Team may need to be returned at a later time or an appointment made.
46	Mandatory rules for developers embedded in the planning scheme to ensure we have sustainable and liveable new housing developments.	<a href="#">Clause 56</a> has a range of objectives that must be met and standards that should be met. Some flexibility with standards is necessary for the individual context of each subdivision to be addressed.
11	You still have not fixed the roads	<p>Comment will be provided to Council's Infrastructure Planning and Operations teams.</p> <p>Council undertakes a regular road maintenance assessment and improvement program according to the relevant condition. Prevailing local soil, traffic and weather conditions all affect how road surfaces maintain quality.</p>
15	Dirt Roads need reviewing more frequently and graded more often - eg, Henry's road loch, Poowong north road. With Nyora's development, they are getting busier, and their condition is getting worse. I would hope that as traffic increases, bitumen is on the radar	<p>Comment will be provided to Council's Infrastructure Planning and Operations teams.</p> <p>A great deal of planning for infrastructure will occur in Nyora as the township grows. Road intersections, connections and condition will all be considered for improvements.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
		Council undertakes a regular road maintenance assessment and improvement program according to the relevant condition. Prevailing local soil, traffic and weather conditions all affect how road surfaces maintain quality.
3	Drainage issues in Nyora, council slow to react to issues of neighbours doing the wrong thing.	Comment will be provided to Council's Infrastructure Planning and Operations teams.
8	Infrastructure of our town streets, the state of the street roads and footpaths, speed limits etc	<p>Comment will be provided to Council's Infrastructure Planning and Operations teams.</p> <p>Improvements to infrastructure is provided for within Council's budget on an assessed needs basis within responsible fiscal planning constraints.</p>
9	Rehabilitation of native vegetation/wildlife, planting more trees, especially street trees for shade. Also, more public transport (now that the train service has been abolished) and electric car charging stations, both of which would reduce pollution.	<p>Comment will be provided to Council's Infrastructure Planning and Operations teams.</p> <p>Improvements to infrastructure is provided for within Council's budget on an assessed needs basis within responsible fiscal planning constraints.</p>
11	Do your job and fix the roads	Comment will be provided to Council's Infrastructure Planning and Operations teams.
23	Bypass for Korumburra, the main street is so noisy and unsafe. I live in Korumburra but prefer to go to Leongatha because of this.	<p>Comment will be provided to Council's Infrastructure Planning and Operations teams.</p> <p>Korumburra streetscape is planned for improvements. A bypass of the townships is not anticipated within the near future.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
24	Quality of roads in South Gippsland- there are many pot holes.	Comment will be provided to Council's Infrastructure Planning and Operations teams.
25	Nothing mentioned about transport in & between Sth Gippsland towns. No mention of council services, what should be provided and how funding needs to be moved from rates and fees to Federal & State govt funding.	Comment will be provided to Council's Infrastructure Planning and Operations teams. The Planning Scheme does not direct Council or private services.
41	Yes. More amenities like a park near the shops in Venus Bay, where you could sit under trees and talk to other people. Beautify Tarwin Lower and other small towns instead of spending so much on the big places.	Venus Bay is provided with a park near to the shops which has recently undergone a number of improvements, with more to come.  The Venus Bay streetscape is due for construction and will include additional public spaces for pedestrians.
43	Need to provide transport links in Leongatha to take Bass Highway traffic from town centre and need highway link around industrial estate north west of Leongatha recreation reserve	Comment will be provided to Council's Infrastructure Planning and Operations teams.  Town bypass routes are very expensive to complete and are unlikely to be provided for the north south Bass - Strzelecki Highway route any time soon. They also take away drive-by traffic from local businesses and so are not always desirable for towns like Leongatha.
14	More concrete items, like building safer roads, keeping swimming pools, planting trees etc.	Comment will be provided to Council's Infrastructure Planning and Operations teams.
8	What's more important/urgent...development/urban sprawl or preservation of the natural environment, culture and heritage?	Council seeks to balance these needs and values in undertaking its duties under the Planning and Environment Act and Planning Scheme.

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
5	Update your flood areas as I was told on enquiry by your town planner that the particular block of land was only a creek not a flood prone area. But on local knowledge it floods every year	Flood mapping is provided to Council by West Gippsland Catchment Management Authority and/or Melbourne Water. If an area is known to flood regularly, it is a matter for those authorities to investigate and amend mapping if necessary.
6	Update your overlays - as the town planner when I enquired does he know that particular area floods every year at least twice. And the foster creek in Kongwak floods. Its flooded x2 since I have been here	Flood mapping is provided to Council by West Gippsland Catchment Management Authority and/or Melbourne Water. If an area is known to flood regularly, it is a matter for those authorities to investigate and amend mapping if necessary.
48	Ability to develop farming practices / rural activities without having a permit required for everything- so inefficient. Why not have a system like if you own 20 acres you can automatically in a rural setting without a permit do this 1/2/3.	The Planning Framework involves many matters to be considered when assessing the merits of land use and development. The nature of these and their interactions do not allow a simplified permit structure.
19	More incentives to encourage large businesses to towns	Comment will be provided to Council's Economic Development team. The identified Industrial Land Supply Study is intended to assist development of industry in appropriate locations. In addition, business expansion areas have been identified in the Leongatha Structure Plan.

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
50	<p>We should consider the unique geography of the area - the promontory wilderness, the marine environment (both coast and bay), hills and forest. If we recognise what this area could be, and how it is different to anywhere else in Australia, there are many sympathetic opportunities for development such as:</p> <ul style="list-style-type: none"> <li>* a University research campus for marine studies</li> <li>* re-establish a marine transport terminal with Melbourne harbour and the Bass Strait crossing to Tasmania (eg. Welshpool or Port Albert)</li> <li>* Mountain bike and wilderness destinations</li> <li>* Float plane terminal for firefighting, commercial transport and tourism (similar to Puget sound, Washington)</li> </ul> <p>All of the above would promote a unique experience to the area, whilst also capitalising on the geography, and create local employment opportunities for the current and next generations, rather than just trying to be like everywhere else and becoming a subdivision that no one locally can afford to live in. Thank you.</p>	<p>Council considers development proposals for both government / education / transport facilities or private enterprises, where appropriate and relevant.</p>
3	<p>Roads in Nyora need attention</p>	<p>Comment will be provided to Council's Infrastructure Planning and Operations teams.</p> <p>A great deal of planning will occur in Nyora as the township grows, road intersections, connections and condition will all be considered for improvements. Council undertakes a regular road maintenance assessment and improvement program according to the relevant condition.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
14	I am a resident of Kongwak "Hamlet" - and that is how I would like it to stay. We knew about the Kongwak Market being only on a Sunday, and that is fine by us. The traffic and disruption to the community is minimal. We moved to Kongwak 6 year ago because of its peaceful, quiet serenity, and that is how we would like it stay. "NO" large scale developments. We did not move here to be in the hustle and bustle of a larger town. "SMALL" Scale tourism is fine. Keep Kongwak a hamlet.	Significant service constraints exist within Kongwak and it is unlikely to be able to support large scale tourism. Smaller scale tourism may be considered by Council, with public notice, if constraints can be addressed.
17	It's important to me to keep the hamlet of Kongwak just that- a quiet hamlet. An inappropriately sized proposed development in our hamlet is making me lose sleep at the moment.	Significant service constraints exist within Kongwak and it is unlikely to be able to support large scale tourism. Smaller scale tourism may be considered by Council, with public notice, if constraints can be addressed.
19	Keep our little hamlet in our Valley of peace our little hamlet as it is	There are no plans to grow Kongwak due to significant service constraints.
20	Keep the rural landscape as is. The countryside is beautiful and I don't want to see it changed for greed or other purposes	The proposed Rural Landscape Assessment and Land Use Study review will seek to understand the landscape values of our rural area and what controls may be implemented by the Planning Scheme to protect them from inappropriate development.
21	Smaller but nice lots are needed for retiring residents to allow for families to move into those homes occupied by older residents. More rural larger lots for lifestyle, like what is found around Langwarrin South	New developments are required/encouraged to include smaller lots in their subdivision design to provide a range of lifestyle options, such as retiring residents and families. Areas for future Low Density and Rural Living have been identified within township structure plans where risks such as bushfire and/or flooding can be mitigated.

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
28	the information provided is too broad and thus complex, there needs to be a format included that links the action to localised geography	The zones and overlays are linked directly to geographical location. Local Policy does not specifically have map locations, other than structure plans in <a href="#">Clause 11.01</a>
32	We need the shire to lead the community and bring households together to discuss and implement growth in Nyora	A great deal of planning will occur in Nyora as the township grows. Public spaces, open spaces, parks and gardens, road intersections, connections and condition will all be considered for improvements.
34	The worth of our farming industries is immense and should be protected for the prosperity of the shire.	The Rural Landscapes Assessment and Land Use Strategy Review proposed by the Planning Scheme Review will consider protection of agriculture as a key value of our rural areas.
22	Look at Re zoning small acreage properties from Farming to rural residential. You cannot farm 10 acres, and it is very difficult for financing when it is zoned as farming	Small residential properties within farming areas can create adverse conditions for both the resident and neighbouring farms. Access to services such as garbage pick-up, schools and shopping is limited for these circumstances as is road surfacing. In addition, farming practices may result in undesirable amenity outcomes for the residents, such as smells, noises both during the day and at night, such as during harvesting periods.
34	Rural living areas. A lot of people have a desire for a 10-15 acre lifestyle property, of which south Gippsland does not cater for. Some new allocated areas of rural lifestyle at the Melbourne end of South Gippsland is needed in particular.	Small residential properties within farming areas can create adverse conditions for both the resident and neighbouring farms. Access to services such as garbage pick up, schools and shopping is limited for these circumstances as is road surfacing. In addition, farming practices may result in undesirable amenity

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
		outcomes for the residents, such as smells, noises both during the day and at night, particularly during harvesting periods.
45	Rezoning of lower Gordon street Korumburra to allow residential subdivision - with the growing popularity of the town and the fact that half the street has residential rural zoning which does not facilitate subdivision rezoning future down the street provides more opportunities	Infill development of rural residential lots is challenging. This option will be included in future structure planning activities for Korumburra for consideration.
47	Rural Activity Zone -part inappropriate where located? Topography - Is it actually required, what has been the take-up since 2011 in the RAZ- If you have RAZ then it needs to be near towns like an outer ring not ad hoc massive lumps away from services	Reviewing areas of RAZ is a matter to be considered as part of the proposed Rural Landscape Study review or Coastal Strategy for clearly defined benefits from associated rural industries and/or tourism.
13	Changing how the council bylaws are enforced	Comment will be provided to Council's Local Laws team. The Local Law will soon be reviewed and the community provided an opportunity to comment.
21	Dog parks	Comment will be provided to Council's Local Laws team.
33	Increased lobbying of government bodies to take into consideration rural implication of regulations and legislative requirements, and the impact these have on local government and local communities.	Council provides submissions to State and Federal Government led policy changes where appropriate and necessary.
17	Not just approving housing developments but ensuring there are relevant services that go in alongside	Servicing of urban growth is a key issue being considered by the proposed Development Contributions Planning project. All land rezoning planning scheme amendments undertake extensive engagement with relevant authorities for water supply, sewer, storm water and traffic.



## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
27	Making sure the roads and infrastructures for the growth of towns is there before building estate, after estate.	Servicing of urban growth is a key issue being considered by the proposed Development Contributions Planning project. All land rezoning planning scheme amendments undertake extensive engagement with relevant authorities for water supply, sewer, storm water and traffic.
49	Rezoning of land for inappropriate use in small towns	Land zone changes must be supported by State and Local Planning Policy and are exhibited for public comment.
15	<p>Affordable and accessible housing should be considered. Everyone has the right to a home.</p> <p>I also want to know why we pay rates on a rural residential property yet independent property valuers consider us a farming property and value accordingly. This feels like double dipping on the shire's behalf.</p>	Council's <a href="#">Social and Affordable Housing Strategy</a> is due for implementation. This comment will be referred to Council's Social Planning Officer for consideration.
44	Consideration of the environmental impact of proposed buildings, re use of existing buildings and the ability of existing buildings to have a change of use so that they can be used for housing, particularly social and affordable housing.	Council's <a href="#">Social and Affordable Housing Strategy</a> is due for implementation. This comment will be referred to Council's Social Planning Officer for consideration.
7	<p>Council should have a specific overlay on planning on climate change (ie: whether an initiative or development contributes positively or negatively to further climate change).</p> <p>All developments in South Gippsland should be held to an 8-star energy rating.</p> <p>I support South Gippsland Water's concerns about glamping, it is just subdivision by stealth. Without proper controls, the "glamping" and other</p>	<p>Climate related risks such as flooding and bush fire are addressed as overlays in the Planning Scheme and are updated as required and informed by evidence-based research.</p> <p>Comment on energy rating of buildings has been provided to Council's Building Services Coordinator as this is a matter for the <a href="#">National Construction Code</a></p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
	<p>temporary accommodations create high risk sewage infrastructure. Although developers want glamping in rural areas, it is just subdivision by stealth and should be</p> <ul style="list-style-type: none"> <li>a) subject to community approval and consultation</li> <li>b) restricted in numbers</li> <li>c) require a septic tank for each unit installed</li> <li>d) have accompanying penalties for breaches and most importantly</li> <li>e) not be allowed within 200 m of any water course</li> </ul>	<p><a href="#">(NCC) 2022.</a></p> <p>Glamping is a form of camping and caravan park land use that can be permitted on its merits under various zones with strict conditions addressing matters such as access, amenity, wastewater and bush fire risks.</p>
4	<p>Stop inappropriate house designs in coastal towns that are out of character with the seaside community. Double storey houses occupying most of the block next to older style seaside bungalows is not appropriate</p>	<p>Design considerations within the coastal and townships is a key action identified within the Planning Scheme Review. Maintaining a desired character is balanced against both local environmental needs and the needs of land owners in providing house designs that will suit their lifestyles.</p>
42	<p>Preserving/reclaiming elements of historical style and architecture characteristic of our rural lifestyles.</p>	<p>Buildings of heritage significance area identified within the <a href="#">Heritage Study 2004</a> and subsequent Heritage Buildings of South Gippsland publication. To protect these buildings with the application of a Heritage Overlay, Council will need to implement the study with a Planning Scheme Amendment. Such an amendment is identified within the Planning Scheme Review for completion.</p>
30	<p>Heritage protections for trees and buildings and character of streets.</p>	<p>The <a href="#">Heritage Study 2004</a> is proposed for implementation via a future planning scheme amendment.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
18	Consider a heritage overlay for towns like Loch, where new builds in the central village should be in keeping with the existing streetscape.	<p>Loch has a number of heritage buildings identified within the <a href="#">Heritage Study 2004</a> and subsequent Heritage Buildings of South Gippsland publication. To protect these buildings with the application of a <a href="#">Heritage Overlay</a>, Council will need to implement the study with a Planning Scheme Amendment. Such an amendment is identified within the Planning Scheme Review for completion.</p> <p>A township character study is necessary to support the implementation of planning tools such as Design and Development Overlays to provide design guidance to new buildings.</p>
6	Heritage building are only worth saving if they are structurally sound. The one in Kongwak only has the facade left which is not much chop either. The rest has been modified which is not heritage	Heritage value can be provided by facades if maintained over time. In some cases, buildings do need to be removed if structurally not able to be saved.
22	The Coastal strategy and access should stay as it is to ensure locals have the same access we do now.	Access to the Coastal and Marine Park is primarily a matter for Parks Victoria and other managing groups.
38	<p>Review/update the Rural Land Use Strategy. This strategy was written in 2010-2011 not under ideal circumstances due to State Government Planning Minister intervention. Since then BMO and LSIO regulations have been introduced.</p> <p>Identification of land suitable for Rural Living zone in coastal areas should not be limited to land more than 5km from the coast but determined by current maps of land that will be affected by sea level rise and storm surge.</p>	The proposed Rural Landscape Assessment and Land Use Study review will consider Rural Living areas inland, however Coastal Strategy implementation is likely to consider RLZ matters closer to the coast. On the coast, bushfire is a key consideration along with land inundation or flood. Increase in population density in these areas, even as rural living, is unlikely to be supported.

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
9	Please don't try and turn us into an inner-city Melbourne council full of fruit loops	No comment.
23	Definitely keep the Rural Activity zones have worked extremely well  (however that permits in these zones should be issued to titles above 5 acres not 1 acre an example of this lot 3 No 315 Barnes Rd Kardella permit number 20-1945 the permit stated that they were going to be providing fresh vegetables to farmers market. Let's get realistic about that one council	The proposed Rural Landscape Assessment and Land Use Study review will consider Rural Activity Zones.
30	It seems as though the money spent on the coastal areas is inverse to the rates collected.	Comments will be referred to Executive Leadership Team
35	Dwellings & other infrastructure in the Farm Zone not to be built about the skyline- retain natural landscape - no house etc to be built on the ridgeline- must be set down - horrific examples exist that visually detract from the natural landscape. Baw Baw has had that in for more than 25 years- excellent means of retaining rural vista	The Rural Landscape Assessment and Land Use Study review proposed by the Planning Scheme Review will consider the key values of our rural areas, such as natural ridgelines, for better protection and enhancement.
16	Protect primary producer areas	The proposed Rural Landscape Assessment and Land Use Study review will consider agricultural values.
26	Removing burden on rural residential rate payers	Comments will be referred to Executive Leadership Team
31	I would appreciate a strategy on how people of all ages and abilities can get in contact with their environment and therefore enable relationship with nature, connection and better mental health.	The Planning Scheme at <a href="#">02.02 - Vision</a> commits to 'enhance liveability and environmental sustainability for current and future generations'.  At <a href="#">Clause 15 – 'Built Environment'</a> it also directs Planning to 'promote excellence in the built environment and create places that; Are enjoyable,

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Comment</b>	<b>Officer / Consultant (Red Ink) Response</b>
		engaging, and comfortable to be in, Support human health and community wellbeing, Accommodate people of all abilities, ages and cultures, Contribute positively to local character and sense of place, Reflect the particular characteristics and cultural identity of the community, and Enhance the function, amenity and safety of the public realm.'
18	n/a	Responses indicated no further comment beyond Further Strategic Work order of priority question.
13	n/a	
16	No	
29	No	
32	No	

## Written Responses

<b>No.</b>	<b>Submission Summary</b>	<b>Officer / Consultant (Red Ink) Response</b>
1	Copy of Rural Land Use Strategy 2011 provided	<p>The Rural Landscapes Assessment and Land Use Strategy Review proposed by the Planning Scheme Review will consider protection of agriculture as a key value of our rural areas.</p> <p>It will "check in" to see how well planning controls introduced by the RLUS 2011 implementation have achieved their intended outcome.</p>
2	Support Kongwak remaining a hamlet with adjustment to Kongwak	Significant service constraints exist within Kongwak and it will be challenging to support large scale

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Submission Summary</b>	<b>Officer / Consultant (Red Ink) Response</b>
	clause of 11.01-1L-10 to "Support <b>small scale</b> tourism opportunities associated with Kongwak Market and the former Butter Factory."	tourism. Smaller scale tourism may be considered by Council, with public notice, if constraints can be addressed.
3	Support Kongwak remaining a hamlet with small scale bespoke events, opportunities and ventures.	Significant service constraints exist within Kongwak and it will be challenging to support large scale tourism. Smaller scale tourism may be considered by Council, with public notice, if constraints can be addressed.
4	Would like to see Council protect the older buildings from unrestricted development particularly in Victoria Road, Loch.	<p>Comments relating to Loch Activity Centre will be considered in consultation with Council's Economic Development Team to understand this suggested change, the drivers behind it and possible solutions, which may include future planning policy changes.</p> <p>Loch has a number of heritage buildings identified within the <a href="#">Heritage Study 2004</a> and subsequent <i>Heritage Buildings of South Gippsland</i> publication. To protect these buildings with the application of a Heritage Overlay (potentially by introduction of a heritage precinct control to protect the streetscape heritage values &amp; not just individual buildings), Council will need to implement the study with a Planning Scheme Amendment. Such an amendment is identified within the Planning Scheme Review for completion.</p>
5	Support Kongwak remaining a hamlet with control of traffic and keeping it a quiet friendly place with small scale ventures. Notes the flooding of Foster Creek.	Significant service constraints exist within Kongwak and it will be challenging to support large scale tourism. Smaller scale tourism may be considered by

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Submission Summary</b>	<b>Officer / Consultant (Red Ink) Response</b>
		<p>Council, with public notice, if constraints can be addressed.</p> <p>Flood mapping is provided to Council by West Gippsland Catchment Management Authority and/or Melbourne Water. If an area is known to flood regularly, it is a matter for those authorities to investigate and amend mapping if necessary.</p>
6	Parks Victoria is requesting some rezoning of public land and changes to permit triggers for some vegetation removal (is not considered as building and works) to assist in land management practices.	<p>Land in public ownership should be zoned appropriately (PCRZ or PPRZ or PUZ) to allow land to be appropriately managed without unnecessary regulation.</p> <p>Vegetation permit trigger exemptions will be considered further for implementation.</p>
7	Concerns with Restructure Overlay in Port Welshpool	<p>The Restructure Overlay (RO) was applied as part of the Housing and Settlement Strategy 2013 Implementation Amendment C90. The amendment was reviewed by a Planning Panel, including matter relating to this submission.</p> <p>The Panel supported the Amendment and commented as follows:  “the Panel considers that the inclusion of Port Welshpool in this Amendment is reasonable and that due process was still been followed through the formal exhibition process undertaken for the Amendment”.</p>

## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Submission Summary</b>	<b>Officer / Consultant (Red Ink) Response</b>
		The review does not recommend revisiting the application of the RO, rather it suggests information is made more accessible to interested parties.
8	West Gippsland Catchment Management Authority supports review recommendations, in particular coastal planning and implementation of Foster flood study.	Support noted and appreciated.  Flood Study priority raised in further strategic work.
9	Support Kongwak remaining a hamlet with adjustment to Kongwak clause of 11.01-1L-10 to "Support <b>small scale</b> tourism opportunities associated with Kongwak Market and the former Butter Factory."	Significant service constraints exist within Kongwak and it will be challenging to support large scale tourism. Smaller scale tourism may be considered by Council, with public notice, if constraints can be addressed.
10 & 11	Submission not received and additional response in error. Spoke with submitter who had general support for Kongwak remaining hamlet with small scale ventures.	Significant service constraints exist within Kongwak and it will be challenging to support large scale tourism. Smaller scale tourism may be considered by Council, with public notice, if constraints can be addressed.
12, 13 & 14	Discusses opportunities for alternative transport and tourism within municipality and advocacy for eastern Melbourne airport.	Council considers development proposals for both government / education / transport facilities or private enterprises, where appropriate and relevant.  Advocacy is undertaken for key regional infrastructure where appropriate.
15	Requests additional urban development in Mirboo North	Bush fire risk mitigation is a significant challenge within the municipality due to location and landscape context of many of our townships, including Mirboo North. Council works closely with the CFA and DTP/



## Consultation Comments and Responses

## Planning Scheme Review 2022-23

<b>No.</b>	<b>Submission Summary</b>	<b>Officer / Consultant (Red Ink) Response</b>
		<p>DEECA to address the risks while enabling the necessary urban growth to support future populations.</p> <p>Mirboo North is a key township with services that will need to support reasonable urban growth. In some cases, better use of existing land through redevelopment at higher densities may be more appropriate, particularly considering localised bushfire risks.</p>

**Survey Responses**  
14 February 2023 - 15 March 2023

**Written Submission**

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**Your Say South Gippsland**

Project: South Gippsland Planning Scheme Review



<b>VISITORS</b> <b>27</b>					
<b>CONTRIBUTORS</b> <b>14</b>			<b>RESPONSES</b> <b>20</b>		
<b>0</b> Registered	<b>0</b> Unverified	<b>14</b> Anonymous	<b>0</b> Registered	<b>0</b> Unverified	<b>20</b> Anonymous

	<b>Respondent No:</b> 1	<b>Responded At:</b> Feb 24, 2023 22:29:41 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Feb 24, 2023 22:29:41 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name	Don
Q2. Township	MIRBOO NORT , VIC
Q3. Email Address	[REDACTED]
Q4. Best Contact Number	[REDACTED]
Q5. Upload Your Submission	[REDACTED]

# South Gippsland Rural Land Use Strategy August 2011



*South Gippsland*  
Shire Council



**South Gippsland**  
Shire Council

## Contents

Summary	3
Rural Land Use Strategy Draft for Public Consultation April 2011	3
Ministerial Amendments to the South Gippsland Planning Scheme	4
Section 223 submission summaries	5
Subdivision	6
Subdivision Summary	7
Clause 22.09 RURAL SUBDIVISION POLICY	8
Dwellings	11
Dwelling Summary	13
Clause 22.08 RURAL DWELLINGS POLICY	14
Rural Activity Zone	19
Rural Activity Zone Summary	20
Clause 22.10 RURAL ACTIVITY ZONE POLICY	23
Attachment 1 Rural Activity Zone Area Maps	25

## **Summary**

The South Gippsland Shire Council has been engaged in the process of creating a Rural Land Use Strategy (RLUS) since 2006. Council has undertaken a comprehensive research project conducted by RM Consulting Group (RMCG) with the assistance of Council officers.

The Rural Land Use Strategy 2011 has been informed by this research project and:

- South Gippsland Draft Rural Land Use Strategy 2008.
- Rural Strategy Reference Group.
- Rural Tourism Development Strategy 2009.
- C51 Amendment Review Committee.
- RMCG's final report: Rural Land Use Strategy Draft for Public Consultation April 2011.
- Extensive engagement with industry bodies, farmers, and communities over a five year period culminating in a public consultation process under Section 223 of the Local Government Act including a public forum in April 2011.

## **Rural Land Use Strategy Draft for Public Consultation April 2011**

The Rural Land Use Strategy Draft for Public Consultation April 2011 built on the previous Draft Rural Land Use Strategy Final Report December 2010 and the South Gippsland Rural Tourism Development Strategy. It detailed:

- A number of refinements to the complex Incorporated Document.
- The introduction of Rural Activity Zone.

The Rural Land Use Strategy Draft for Public Consultation April 2011 should now be read as a background document to the Rural Land Use Strategy August 2011 as it contains significant information that has informed this document. Council acknowledges the significant contributions of RMCG and Council officers in reaching the current position on agriculture and rural issues in the shire.

As a result of the extensive consultation process Council has incorporated much of the sentiment and concerns expressed by the community into the Rural Land Use Strategy whilst maintaining the integrity of the RMCG and officer research work detailed in the Rural Land Use Strategy Draft for Public Consultation April 2011.

The RLUS reflects the culmination of this comprehensive examination of rural issues. It includes:

- Rural Dwellings Policy at clause 22.08.
- Rural Subdivision Policy at clause 22.09.
- Rural Activity Policy at clause 22.10.
- Introduction of Rural Activity Zone areas.

Each section of the RLUS includes a summary for information purposes.

## **Ministerial Amendments to the South Gippsland Planning Scheme.**

**C36 – 12/7/2007**

Introduction of the Farming Zone and Rural Conservation Zone into the South Gippsland Planning Scheme replacing the former Rural and Environmental Rural Zones.

**C48 - 29/5/2009**

The Draft Rural Land Use Strategy 2008 had been widely reported on and had undergone an extensive, shire wide, public consultation process when Planning Scheme Amendment C48 was implemented by the Minister for Planning. This effectively removed most of Council's decision making powers on land within the Farming Zone.

**C51- 29/4/2010**

After negotiations were held between Council and the State Government, Planning Minister Justin Madden introduced Planning Scheme Amendment C51 to the South Gippsland Planning Scheme.

C51 returned Council's ability to issue Planning Permits via a complex Incorporated Document (with a 'sunset clause' of 31/12/11) and the addition of two new clauses (22.08 & 22.09) to the Local Planning Policy Framework that set policy on Dwellings and Subdivision.



## **Section 223 submission summaries**

Thirty-six responses were received as part of the Section 223 (Local Government Act) public consultation process undertaken in regard to the Rural Land Use Strategy Draft for Public Consultation April 2011. A smaller number of submitters chose to present their submissions to Council.

Submissions to the Rural Strategy Draft for Public Consultation April 2011 build on a much larger number of submissions received over a number of years of public consultation on previous drafts and rural issues. Public meetings have been held across the shire in relation to rural planning issues since 2006 culminating in a meeting held in Korumburra during the Section 223 process.

Common themes drawn from the submissions were:

- Rural Activity Zone is a useful addition to the rural zones of the Shire and should be widely distributed across the shire.
- The Shire is large and contains a number of different soil types with varying topography that result in different land values and productivity which the Planning Scheme should acknowledge.
- Small lots should be allowed to contain a dwelling.
- Crown townships are no longer appropriate subdivisions.
- Agriculture is the mainstay of the Shire's economy.
- Farmers should be able to continue farming without interference from others users of the rural landscape, particularly dwellings.
- Farm gate sales are an important addition to farm income (VFF).
- 60ha should be the dwelling permit trigger (VFF).
- Calf rearing is a legitimate agricultural use and as legitimate justification for a dwelling.
- Revegetation of rural areas should be actively encouraged.
- Succession planning is difficult to achieve as it usually results in the fragmentation of farms.
- There should be no restrictions on subdivision or the right to build a dwelling.





## **Subdivision**

Components of the existing subdivision policy at clause 22.09 in the South Gippsland Planning Scheme introduced by Planning Scheme Amendment C51 form part of this strategy.

South Gippsland has a fragmented subdivision pattern with thousands of lots of many sizes available for either rural residential development or agricultural production and related uses. It is considered that further fragmentation would reduce agricultural productivity and amenity for rural residential lots. As a result subdivision size will remain at 80ha (requiring a 160ha lot to create two 80ha lots) in the Schedule to the Farming Zone.

The date of 16 December 1999 used in the policy represents the day the new format state-wide planning scheme came into force in South Gippsland Shire Council.

### **Resubdivision**

Subdivision by moving boundaries between lots (resubdivision) for agricultural outcomes is addressed by the clause 22.09 policy and may be allowed with a Planning Permit. Resubdivision to create a rural residential lot of under 4.1ha will not be permitted.

### **Excisions**

Subdivision to remove an existing dwelling from a lot (excision) for agricultural outcomes is addressed by the clause 22.09 policy and may be allowed with a Planning Permit. A regularly shaped and located lot up to 2ha may be created if allowed under the clause 22.09 provisions.

### **Rural Activity Zone subdivision**

As the Rural Activity Zone is predominantly an agricultural zone the Rural Activity Zone Policy at clause 22.10 utilises the same subdivision provisions as those contained in the Farming Zone subdivision policy at clause 22.09.



## Subdivision Summary

Subdivision type	Min lot size	Special conditions	
<b>Excision</b>	40ha+ (By increasing lots)	<ul style="list-style-type: none"> <li>▪ Dwelling must be genuinely surplus in long term</li> <li>▪ Benefit to agriculture on land</li> <li>▪ No previous excisions since 16 December 1999</li> </ul>	<ul style="list-style-type: none"> <li>▪ s.173 required (no more dwellings) plus zone required s.173 'no further excisions'.</li> <li>▪ Dwelling must have existed before 16 December 1999</li> </ul>
	Any (By re-subdivision)	<ul style="list-style-type: none"> <li>▪ Maximum 2ha for dwelling lot</li> <li>▪ No axe-handle / island lots</li> </ul>	<ul style="list-style-type: none"> <li>▪ If balance is below 40ha s173 'no more dwellings' required plus usual s.173 (no further subdivision)</li> </ul>
<b>Re-subdivision</b>	Any	<ul style="list-style-type: none"> <li>▪ Benefit to agriculture on land.</li> <li>▪ Cannot create a vacant lot under 4.1ha for a residential use.</li> <li>▪ All lots created under 4.1ha s.173 'no dwellings'</li> </ul>	
<b>Scheduled lot size</b>	160ha+	<ul style="list-style-type: none"> <li>▪ Each lot must be greater than 80 hectares</li> </ul>	

## 22.09 RURAL SUBDIVISION POLICY

This policy applies to applications to subdivide and re-subdivide land in the Farming Zone.

### Policy basis

The rural areas of South Gippsland have experienced a high level of land fragmentation, arising from both historical settlement patterns and less stringent planning policies under earlier planning schemes. Left unchecked, further fragmentation through land subdivision could have considerable implications for agricultural production, landscape, and the servicing of populations in outlying areas.

The agricultural sector dominates the economy of South Gippsland, with food production and processing accounting for significant employment. With high quality soils and generous rainfall relative to other parts of the State, this sector is likely to continue to dominate the local economy and further expand as farmers and processors seek secure land for the production of food and materials. It is necessary that farmers have access to sufficient areas of land to carry out food and fibre production in a cost-effective manner. The subdivision of land into smaller lots, including house lot excisions, can have ongoing implications for the supply of affordable agricultural lots by driving up land prices beyond the productive value of the land.

South Gippsland already has a considerable supply of lots at a range of sizes, such that further subdivision for genuine agricultural reasons will rarely be necessary. Many areas that have experienced high levels of fragmentation may require consolidation or re-structure through boundary realignments in order to create economically competitive land units. Likewise, expanding farming businesses may find it necessary to remove surplus dwellings from the land through house lot excisions. There is a compelling need for clear and robust planning criteria around such practices in order to ensure the fair, sustainable and economic use and development of rural land.

### Objectives

- To limit the further fragmentation of rural land by subdivision.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To encourage the consolidation of rural lots.
- To limit the cumulative impact of house lot excisions, including serial small lot subdivisions.
- To ensure that house lot excisions are undertaken for legitimate reasons related to agriculture.
- To provide a consistent basis for considering planning permit applications for the subdivision of rural land.

## **Policy**

### ***Subdivision of land to accommodate an existing dwelling***

The following policy identifies that the excision of a dwelling through subdivision can take place by either of two methods. Firstly, through the re-subdivision of existing lots such that the number of lots does not increase, or secondly through the creation of an additional lot on the land such that the number of lots is increased.

It is policy that:

- Any proposal for the subdivision of land to accommodate an existing dwelling must demonstrate that:
  - The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term; and
  - There are beneficial agricultural outcomes for the land by excising the dwelling; and
  - The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area.
- Any proposal for the excision of an existing dwelling must be undertaken by the re-subdivision of existing land titles where that potential exists. Former road reserves, lots under 49ha created by consolidation or other subdivision process not requiring a planning permit, and historic lots on former inappropriate Crown settlements and townships, may not be used for this purpose.
- A permit that approves the excision of an existing dwelling by re-subdivision where the balance (remaining) lot is less than 40 ha will contain a condition requiring that the land owner enter into an Agreement under s.173 of the Act that prevents the development of any additional dwelling on the balance lot.
- Where the application seeks to excise a dwelling by increasing the number of lots:
  - There must be no opportunity available for re-subdivision of the balance lot(s); and
  - The subject dwelling proposed for excision must have existed on the land on or before 16 December 1999; and
  - The balance (remaining) lot must be greater than 40 hectares in area.
- An application proposing an area of greater than 2 hectares for the dwelling lot will be strongly discouraged.
- Excisions that result in 'axe-handle' or island style lots will be strongly discouraged.
- A house lot excision that is likely to lead to a concentration of lots that would change the general use and character of the rural area will be strongly discouraged.

- An adequate distance must be maintained around dwellings to limit impacts on agricultural activities.

#### ***Re-subdivision of existing lots without a dwelling***

Applications to re-subdivide land for purposes other than house lot excisions will be assessed in accordance with the criteria below.

It is policy that:

- An application to re-subdivide existing lots must demonstrate that the proposal enhances existing or proposed agricultural activities.
- An application to create a lot under 4.1ha is not permitted unless for the purposes of a non residential use. A permit that approves a lot under 4.1ha shall contain a condition requiring that the land owner enter into an Agreement under s.173 of the Act that prevents the development of any dwelling on the lot.

#### **Application Requirements**

An application to subdivide land must include:

- A site analysis outlining notable features of the site and surrounding area including topography, orientation, slope, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features.
- A report that addresses this policy.
- A proposed plan of subdivision drawn to scale showing proposed boundaries, lot sizes and dimensions.

#### **Policy reference**

*South Gippsland Rural Land Use Strategy, 2011*

## **Dwellings**

Much of the community comment regarding the RLUS and preceding documents has been in regard to the ability to develop Dwellings in the Farming Zone. As there are over 5,000 vacant lots in the zone allowing Dwellings to be developed on each lot could be counterproductive to the maintenance of agricultural production in the shire.

### **40ha 'as of right' to a Dwelling**

The scheduled lot size over which a Planning Permit is not required to use the land for a Dwelling in the South Gippsland Planning Scheme is 40ha. This strategy supports the maintenance of this policy. Lots may be consolidated to create lots over 40ha that also have 'as of right' to a dwelling.

### **Incorporated Document**

The existing scheme provisions include reference to the Shire of South Gippsland Incorporated Document, 2010–Rural Area, which as of the righting of this report has a 'sunset clause' that it will expire upon the finalisation and implementation of the RLUS or on 31 December 2011, whichever is sooner. The Incorporated Document contains planning provisions regarding dwellings that have proven difficult for the community to understand, for Council to clearly explain and for VCAT to determine appeals. As a result the Dwelling policy contained in this strategy is specifically designed to provide clarity to the community as detailed in the Dwellings Summary table.

The implementation of the policies and direction of this strategy in the South Gippsland Planning Scheme will enable the Incorporated Document to be removed from the scheme.

### **Farming Zone Dwellings on lots under 4.1ha**

The Dwelling Policy at clause 22.08 in this strategy acknowledges that the vast majority of community sentiment favours the ability to develop a dwelling on existing smaller lots that are not generally of a size to be independently used for farming. Whilst a large number of lots under 4.1 ha are held as part of tenement farms that include larger lots, it is clear that the community has a long held expectation that lots of this size should be able to accommodate dwellings.

Mapping and database work undertaken in 2011 has shown that the total number of vacant lots in the Farming Zone of this size is approximately 2000 and they have a combined area of approximately 2400ha. Whilst vacant lots of under 4.1 are distributed widely across the shire the combined area represents only 0.7% of the total area of the South Gippsland Shire.

Consequently the clause 22.08 Dwelling Policy that forms part of this strategy allows for the rural residential development of dwellings on all lots under 4.1 ha in the Farming Zone regardless of tenement holdings or subdivision dates subject to normal planning permit processes and overlay controls.

A Planning Permit is required for new Dwellings on lots under 4.1ha that addresses:

- Any existing agricultural activities on surrounding land.
- The environmental characteristics of the surrounding area.
- The rural character and landscape values of the area, including visual impact.
- Natural systems, water quality or water quantity in the locality.

### **Rural Activity Zone Dwellings**

The areas identified for the application of Rural Activity Zone in this strategy have been specifically identified by the Rural Tourism Development Strategy 2009 as being ideally located to increase the tourism offer of the shire. Dwellings in these areas will be allowed without a permit for use on lots over 40ha.

All dwellings on lots under 40ha will require a Planning Permit for use.

On lots under 4.1ha Dwellings are encouraged if they are in association with a separate tourism use (i.e. not a simply a bed and breakfast facility within a dwelling). This policy is designed to encourage tourism uses that are not currently permitted in the Farming Zone rather than to allow dwellings for rural residential use.

Dwelling applications for lots under 4.1ha will be required to address issues around the location of the dwelling on the lot and whether it will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

On lots between 4.1ha and 40ha dwelling applications will be assessed against the following provisions of the RAZ:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will 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.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

It is policy that dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots greater than 4.1ha will not be supported.

Dwellings constructed after 16 December 1999 will not be permitted to be excised.



## Dwelling Summary

Dwelling type	Lot size	Special conditions
<b>Rural-Residential*</b>	0 - 4.1 ha	Permit required <ul style="list-style-type: none"> <li>▪ to assess impact on nearby agriculture and related uses</li> </ul>
<b>Agricultural</b>	4.1 - 40ha	<ul style="list-style-type: none"> <li>▪ Must comply with detailed agricultural policy</li> <li>▪ Extensive Animal Husbandry / calf rearing not supported</li> </ul>
<b>Agricultural</b>	40 ha up	<ul style="list-style-type: none"> <li>▪ No Planning Permit required for use</li> </ul>
<b>Biodiversity</b>	4.1 – 40ha	<ul style="list-style-type: none"> <li>▪ Predominantly( &gt;50%) occupied by remnant Native Vegetation or 15yo regrowth</li> <li>▪ Fire / vegetation issues must be satisfied</li> </ul>

\* Lot cannot be a historic lot in a former inappropriate Crown township or subdivision (see Clause 22.08 Policy).



## 22.08 RURAL DWELLINGS POLICY

This policy applies to applications for the use and development of dwellings in the Farming Zone.

### Policy basis

South Gippsland Shire contains some of the most productive agricultural areas in Victoria and provides a substantial proportion of Victoria's milk as well as beef, prime lamb and vegetables. Agriculture and its associated processing and service industry underpin the Shire's economy. The future outlook for agriculture in the Shire is strong with the advantages of high rainfall, soil and land types suited to producing a wide range of agricultural commodities. With issues of climate change and water scarcity at hand, there is likely to be increasing demand for the Shire's high quality agricultural land from producers in less fertile areas. Existing farming activities in the Shire will need to have the capacity to grow and expand and will require access to affordable land unencumbered by unwanted infrastructure.

The settlement and subdivision history of the Shire has left a legacy of small lots scattered amongst larger farming lots. There are approximately 12,000 lots in the Farming Zone, including a large number of small lots in old Crown Townships and remnant vacant lots arising from early subdivisions. These lots are often isolated, or in strips along road sides and surrounded by agricultural uses. Multi-lot farms (tenements) are the most common structure of land tenure in the Shire, with commercially viable production areas being formed by the aggregation of smaller lots.

The Shire's significant environmental and landscape assets make the area attractive for rural residential lifestyles. The northern and western areas of the Shire are particularly popular for rural living, primarily due to the proximity to Melbourne and the area's attractive pastoral and forested landscapes. There is a significant level of *ad hoc* rural lifestyle development already in the rural areas of the Shire. The conversion of agricultural land into rural residential land use activities results in a net loss to agriculture due to permanent land use changes. In the absence of a planned approach to rural residential development, detrimental impacts on the landscape, environmental and agricultural values of the Shire may arise.

## Objectives

- To discourage the proliferation of dwellings not associated with agriculture on lots over 4.1ha.
- To ensure that the development of dwellings on rural land does not prejudice existing agricultural activities on surrounding land.
- To ensure that agricultural land is maintained for the cost-effective production of food and raw materials.
- To retain the open farmed landscape as the defining visual characteristic of the Shire.
- To ensure the cost-effective servicing of towns and communities across the Shire by avoiding the impacts of a dispersed population base.
- To provide a consistent basis for considering planning permit applications for the use and development of dwellings in rural areas.

## Policy

### ***Development of dwellings on lots in association with or without Agriculture***

The use and development of dwellings where not genuinely required for the ongoing operation of a commercial agricultural activity can have adverse implications on agricultural output through the conversion of land to residential or hobby-farm use. Policy will therefore require substantial demonstration that any new dwelling on a lot of over 4.1ha is genuinely required for the enhancement and ongoing growth of agricultural production in South Gippsland.

It is policy that:

- A permit must not be granted to use land for a dwelling under Section 2 of the Table of uses to Clause 35.07-1 unless any of the following apply:
  - The dwelling is proposed for rural-residential purposes on a lot less than 4.1ha.
  - The dwelling is proposed in association with agriculture on a lot greater than 4.1ha in area.
  - The dwelling is proposed on a lot that is predominantly occupied by remnant Native Vegetation (remnant vegetation or regrowth over 15 years old and at least 50% cover).
- It must be clearly demonstrated that the dwelling on a lot over 4.1ha is genuinely required to carry out a long-term agricultural activity on the land.

- New dwellings on lots over 4.1ha will only be approved in order to support rural activities and production and are not to meet rural lifestyle objectives that may be in conflict with the rural use of the land.
- An application for a dwelling on a lot over 4.1ha must demonstrate net benefit to agricultural productivity on the land.
- Development of the land for the purposes of a dwelling should be compatible with and not adversely impact upon:
  - Any existing agricultural activities on surrounding land.
  - The environmental characteristics of the surrounding area.
  - The rural character and landscape values of the area, including visual impact.
  - Natural systems, water quality or water quantity in the locality.
- Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1ha to 40ha will not be supported.
- Dwellings in association with agricultural activities on lots over 4.1ha other than Extensive Animal Husbandry (grazing), or calf rearing will be assessed taking into account the following:
  - Whether a dwelling is reasonably required on the land having regard to the size, intensity and ongoing nature of the proposed agricultural activity.
  - Whether the dwelling is secondary to the use of the land for agriculture (as opposed to the agricultural activity being secondary to the use of the land for a dwelling.)
  - Whether the land requirements of the proposed agricultural activities compromise the commercial agricultural activities of the existing farm through a reduction in the size of the existing farm, which may include a tenement or multi-lot holding.
  - Whether the agricultural activity can be reasonably managed from an off-site location.
  - Whether the objectives of planning will be assisted by the use of permit conditions or s.173 Agreements to require the construction of supporting agricultural infrastructure.

#### ***Development of second and subsequent dwellings***

In assessing an application for a second or subsequent dwelling on a lot or in connection with a multi-lot farming property, in addition to the requirements above it is policy that:

- Second and subsequent dwellings on lots less 40ha will be strongly discouraged.
- Second and subsequent dwellings on multi-lot farming properties should be located on the same lot as the existing dwelling.
- Consideration be given to the need for consolidation of existing lots in order to ensure that the dwelling(s) remain connected to the agricultural use of the land.
- Consideration be given to the need for a s.173 Agreement to prevent the excision of the dwelling from the land through subdivision.

### ***Development of dwellings in association with native vegetation and biodiversity outcomes***

It is policy that:

- Dwellings in association with the management of biodiversity and native vegetation on lots less than 40ha will only be supported where all of the following circumstances apply:
  - The lot is predominantly occupied by remnant native vegetation or regrowth at least 15 years old, where there is no or highly limited potential for an agricultural activity to occur,
  - There is no or limited vegetation removal required to facilitate the construction of a dwelling; and
  - Wildfire protection outcomes on the site can be demonstrated to the satisfaction of the responsible authority in consultation with the Country Fire Authority
- Where a permit is granted, a condition of the permit will require that the landowner enter into a s.173 Agreement or similar binding mechanism for the developments and implementation of a land management plan which provides for the ongoing protection and management of the native vegetation and biodiversity on site.

### ***Development of lots in old crown townships / settlements***

It is policy that:

- A permit must not be granted to use land for a dwelling under Section 2 of the Table of uses to Clause 35.07-1 if the lot is within an historic crown township or settlement. This includes the following Farming Zoned areas:
  - Welshpool/ Hedley
  - Port Franklin
  - Hoddle
  - Whitelaw
  - Newcastle
  - Bennison
  - Jeetho
  - Jumbunna
  - Outtrim

### **Application Requirements**

An application for a dwelling must include:

- A site analysis outlining notable features of the site and surrounding area including topography, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features.
- A Whole Farm Plan with any application to use and develop a lot for a dwelling in association with an agricultural activity.

- 
- A report that addresses this policy.
  - A detailed set of plans, drawn to scale, showing:
    - Site layout, including property access.
    - Floor plans and elevations.
    - External building materials and colours.
    - Location of wastewater system and effluent fields.

**Policy reference**

*South Gippsland Rural Land Use Strategy, 2011*

## **Rural Activity Zone**

The application of the Rural Activity Zone (RAZ) is based on the South Gippsland Rural Tourism Development Strategy 2009. The strategy highlighted particular areas for investigation after considerable consultation with the tourism industry. The Rural Land Use Strategy Draft for Public Consultation April 2011 contained accurately defined areas which were mapped as Rural Activity Zone Schedule 1. Additional areas were loosely mapped as Rural Activity Zone Schedule 2, these areas do not form part of this strategy as they are now affected by the application of rural residential dwelling provisions in the Farming Zone.

RAZ to be applied as a result of this strategy have now been fully mapped and are detailed in Attachment 1.

The introduction of the RAZ will include policy at clause 22.10 in the scheme. This policy makes it clear that the RAZ areas are primarily agricultural areas that are available for a range of tourism uses. Accommodation in various forms is generally encouraged whilst a range of uses that are included in Table 2 of the zone are discouraged as they may detract from the rural based tourism that was highlighted as lacking in the shire as a result of the change from Rural Zone to Farming Zone in 2007.

As detailed in the Dwellings section of this report dwellings that are to be developed in association with a separate tourism use are encouraged on lots below 4.1ha. Dwellings are allowed without a planning permit for use on lots over 40ha. Dwellings on lots between 4.1 and 40ha will have to address the Rural Activity Zone Policy at 22.10 which includes relevant guidelines in the zone.

The Subdivision section of this report details the policy to be included at 22.10 which mirrors the policy for the Farming Zone at clause 22.09.



## Rural Activity Zone Summary

Subdivision type	Min lot size	Conditions	
<b>Excision</b>	40ha+ (By increasing lots)	<ul style="list-style-type: none"> <li>▪ Dwelling must be genuinely surplus in long term</li> <li>▪ Benefit to agriculture on land</li> <li>▪ No previous excisions since 16 December 1999</li> <li>▪ Maximum 2ha for dwelling lot</li> <li>▪ No axe-handle / island lots</li> </ul>	<ul style="list-style-type: none"> <li>▪ s.173 required (no more dwellings) plus zone required s.173 'no further excisions'</li> <li>▪ Dwelling must have existed before 16 December 1999</li> </ul>
	Any (By re-subdivision)		<ul style="list-style-type: none"> <li>▪ If balance is below 40ha s173 'no more dwellings' required plus zone required s.173 'no further subdivision'</li> </ul>
<b>Re-subdivision</b>	Any	<ul style="list-style-type: none"> <li>▪ Benefit to agriculture on land</li> <li>▪ Cannot create a lot under 4.1ha for a residential use.</li> <li>▪ All lots created under 4.1ha s.173 'no dwellings'</li> </ul>	
<b>Scheduled lot size</b>	160ha+	<ul style="list-style-type: none"> <li>▪ Each lot must be greater than 80 hectares</li> </ul>	

Dwellings	Lot size	Conditions
	0- 4.1 ha	Permit required: Encouraged if Dwelling is in conjunction with separate tourism venture.
	4.1 - 40 ha	Permit required: <ul style="list-style-type: none"> <li>▪ Must be considered against decision guidelines of the zone and policy at clause 22.10.</li> <li>▪ Extensive Animal Husbandry / calf rearing not supported</li> </ul>
	Over 40ha	<ul style="list-style-type: none"> <li>▪ No Permit required for use of a Dwelling</li> </ul>

## 22.10 RURAL ACTIVITY ZONE POLICY

This policy applies to all land within a Rural Activity Zone (RAZ)

### Policy Basis

The South Gippsland Rural Land Use Strategy (2011) noted that a range of tourism based uses could be considered or encouraged in the area identified for the application of the Rural Activity Zone.

In the RAZ, all new dwellings on lots under 40ha will require a permit. As the RAZ is primarily to provide for agriculture and compatible uses it does not seek to provide for rural residential outcomes on lots above 4.1 ha. Increased dwelling development will ultimately compromise the values of the areas identified for application of the RAZ as suitable for agriculture and rural-based tourism. The land within the RAZ is already substantially subdivided and to avoid further fragmentation of land, boundary realignments and re-subdivision will be assessed against the subdivision policy in this clause. In terms of uses, the types of tourism activities to be promoted are to be primarily accommodation and low key activities in conjunction with agriculture rather than activities which could readily be accommodated in nearby towns.

### Policy Objectives

- To promote and encourage a diverse range of agricultural activities.
- To promote and encourage tourism use and development that is compatible with agricultural production and the environmental attributes of the area.
- To discourage uses that can be reasonably accommodated in an urban zone.
- To protect the rural character of the Shire by minimising the visual intrusion of new buildings on the natural landscape.
- To encourage the retention of productive agricultural land, and
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

### Policy

#### Land Use

It is policy that:

The following land uses are encouraged in the Rural Activity Zone if decision guidelines in the Rural Activity Zone and Policy are met:

- Agriculture.
- Leisure and recreation.
- Group accommodation associated with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins, residential hotel / motel etc).
- Restaurant (but only in association with a tourist / recreational activity).
- Primary Produce sales.
- Winery.



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The following uses are discouraged in the Rural Activity Zone:

- Cattle feedlot
- Convenience shop
- Intensive animal husbandry
- Landscape and gardening supplies
- Manufacturing sales other than products made from local rural produce
- Place of assembly where land is to be used for more than 10 days in a calendar year
- Hotel
- Store
- Tavern
- Timber production

### **RAZ Dwellings Policy**

Dwellings on lots 4.1 ha or less in size are encouraged if in conjunction with a separate tourism venture on the lot. The location of the dwelling on the lot will be considered against whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Dwellings on lots over 4.1 ha will be considered in the Rural Activity Zone based on the decision guidelines of the Zone;

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will 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.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

It is policy that:

- Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1ha and 40ha will not be supported.

It is policy that:

When considering a permit application for the construction of a dwelling, the landowner is required to enter into an agreement under section 173 of the Planning And Environment Act (1987) to prevent the subdivision of the lot containing the dwelling.

## **RAZ Subdivision Policy**

### ***Subdivision of land to accommodate an existing dwelling***

The following policy identifies that the excision of a dwelling through subdivision can take place by either of two methods. Firstly, through the re-subdivision of existing lots such that the number of lots does not increase, or secondly through the creation of an additional lot on the land such that the number of lots is increased.

It is policy that:

- Any proposal for the subdivision of land to accommodate an existing dwelling must demonstrate that:
  - The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term; and
  - There are beneficial agricultural outcomes for the land by excising the dwelling; and
  - The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area.
- Any proposal for the excision of an existing dwelling must be undertaken by the re-subdivision of existing land titles where that potential exists Former road reserves, lots under 49ha created by consolidation or other subdivision process not requiring a planning permit, and historic lots on former inappropriate Crown settlements and townships, may not be used for this purpose.
- A permit that approves the excision of an existing dwelling by re-subdivision where the balance (remaining) lot is less than 40 ha will contain a condition requiring that the land owner enter into an Agreement under s.173 of the Act that prevents the development of any additional dwelling on the balance lot.
- Where the application seeks to excise a dwelling by increasing the number of lots:
  - There must be no opportunity available for re-subdivision of the balance lot(s); and
  - The subject dwelling proposed for excision must have existed on the land on or before 16 December 1999; and
  - The balance (remaining) lot must be greater than 40 hectares in area.
- Where a dwelling has been excised from the land since 29 May 2009, further subdivision (by any method) to accommodate another existing dwelling from that land will be strongly discouraged.
- An application proposing an area of greater than 2 hectares for the dwelling lot will be strongly discouraged.
- Excisions that result in 'axe-handle' or island style lots will be strongly discouraged.
- A house lot excision that is likely to lead to a concentration of lots that would change the general use and character of the rural area will be strongly discouraged.
- An adequate distance must be maintained around dwellings to limit impacts on agricultural activities.

**Re-subdivision of existing lots without a dwelling**

Applications to re-subdivide land for purposes other than house lot excisions will be assessed in accordance with the criteria below.

It is policy that:

- An application to re-subdivide existing lots must demonstrate that the proposal enhances existing or proposed agricultural activities.
- An application to create a lot under 4.1ha is not permitted unless for the purposes of a non residential use. A permit that approves a lot under 4.1ha shall contain a condition requiring that the land owner enter into an Agreement under s.173 of the Act that prevents the development of any additional dwelling on the lot.

**Application Requirements**

An application to subdivide land must include:

- A site analysis outlining notable features of the site and surrounding area including topography, orientation, slope, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features.
- A report that addresses this policy.
- A proposed plan of subdivision drawn to scale showing proposed boundaries, lot sizes and dimensions.

**Policy Decision Guidelines**

All applications for use or development including subdivision and buildings and works will be assessed according to the policy objectives of this clause.

All applications for use or development should be:

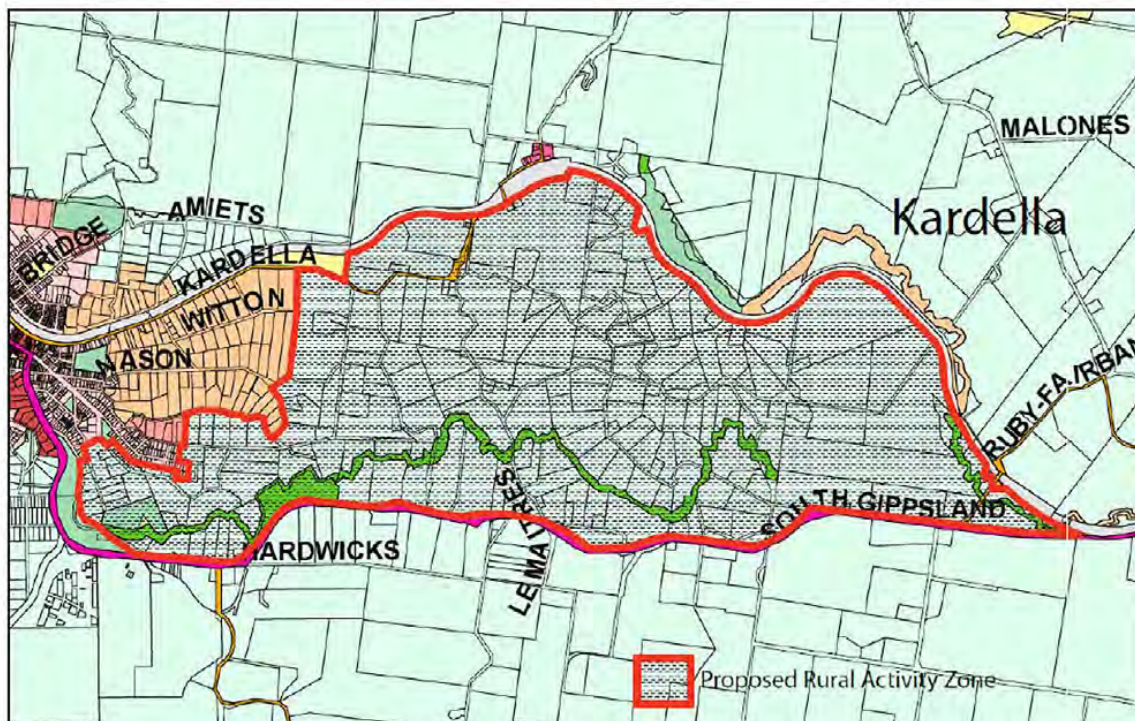
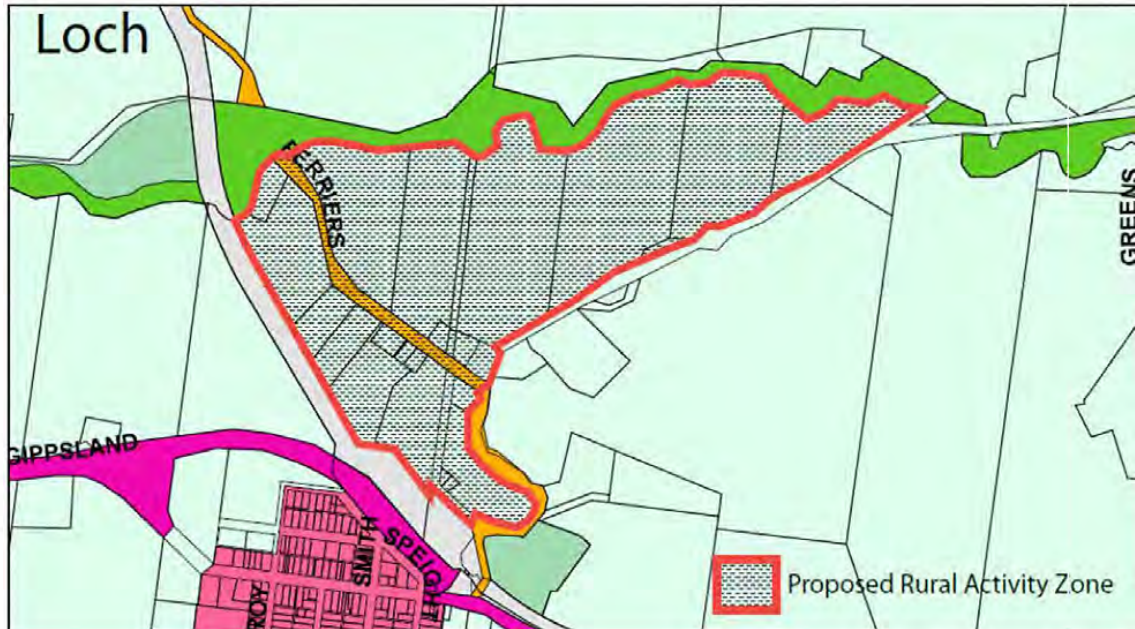
- Of modest scale, that is relevant to the land size, surrounding uses and the ability to blend with the landscape;
- Subservient to the landscape so as not to detract from the quality of the landscape;
- Capable of net gain environmental outcomes, and
- An application will be required to demonstrate how the proposal will be self-sufficient in the provision of relevant infrastructure and associated development costs.

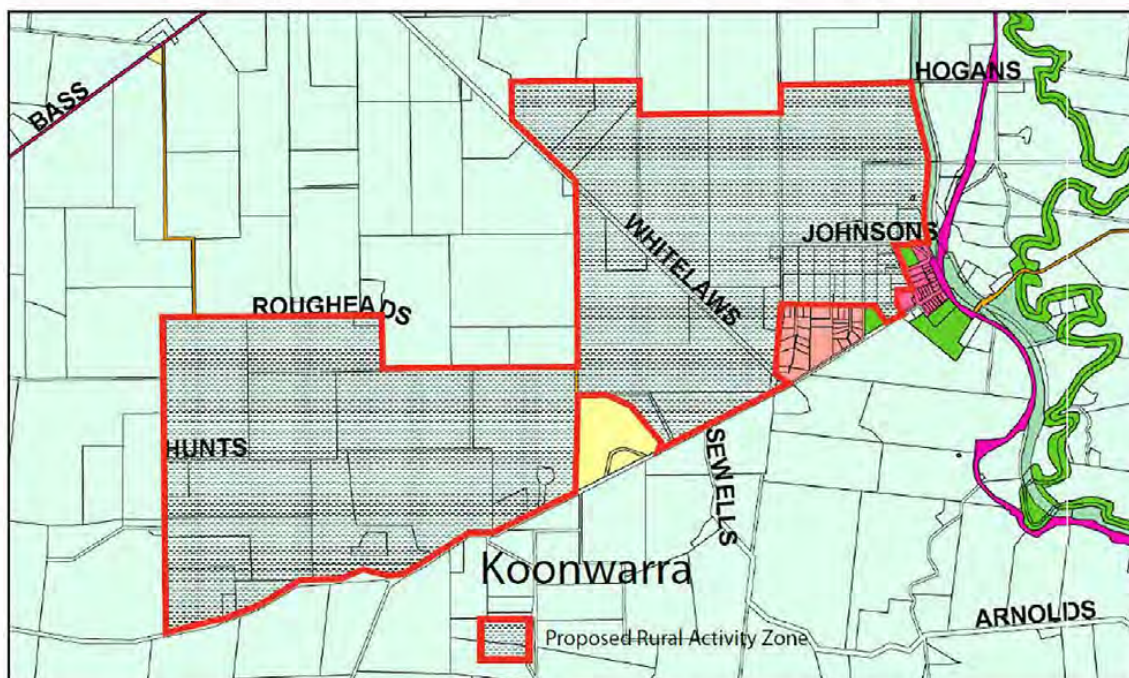
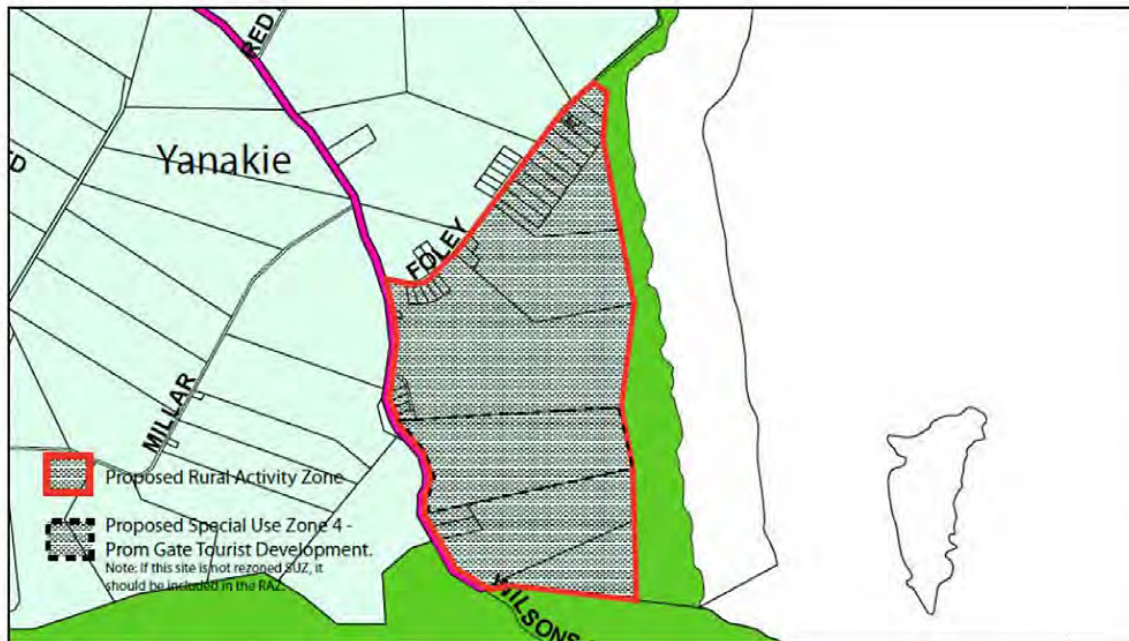
**Policy reference**

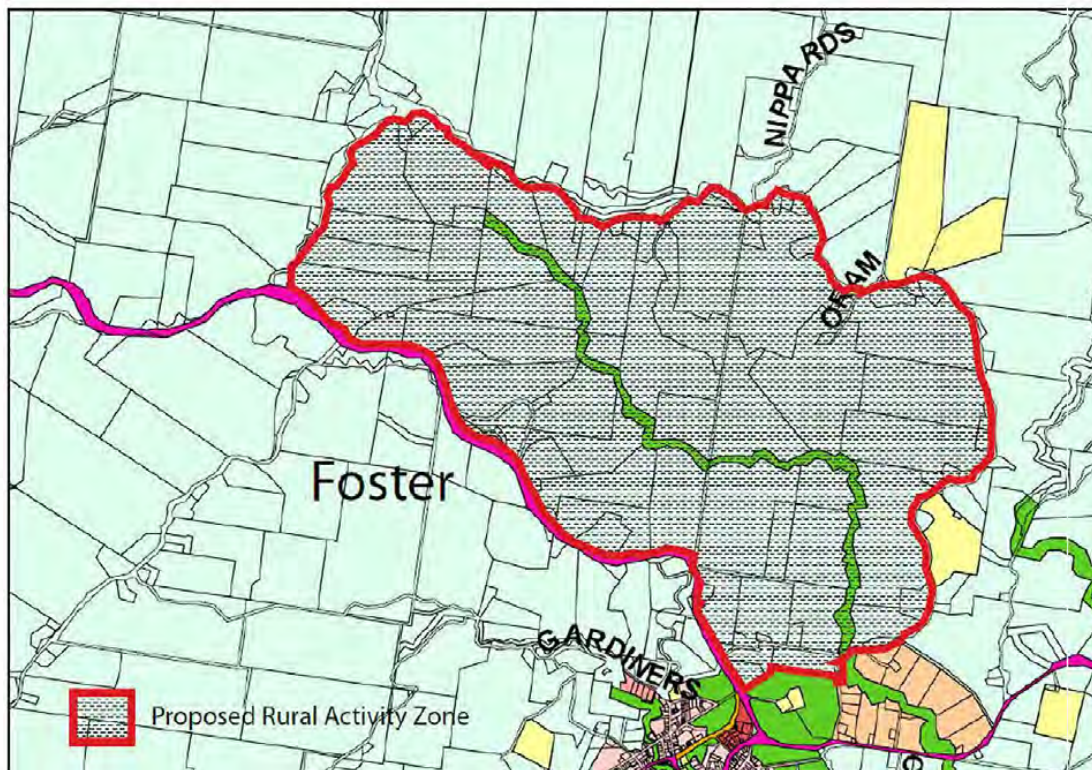
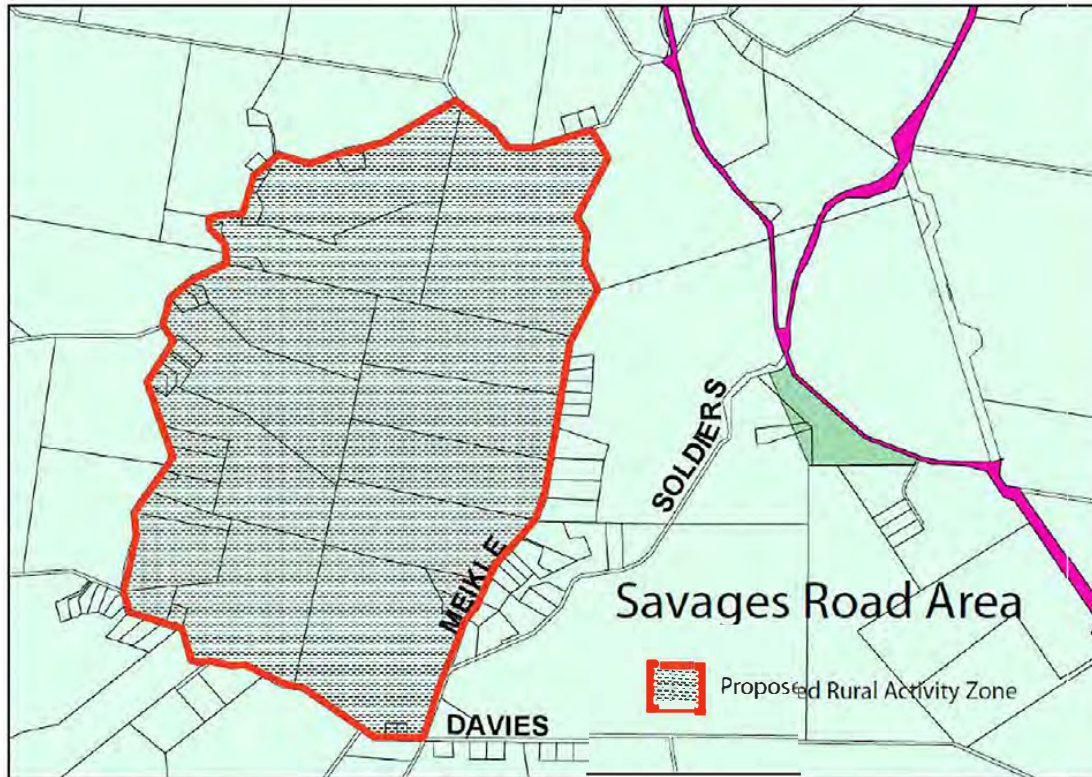
*South Gippsland Rural Land Use Strategy, 2011*

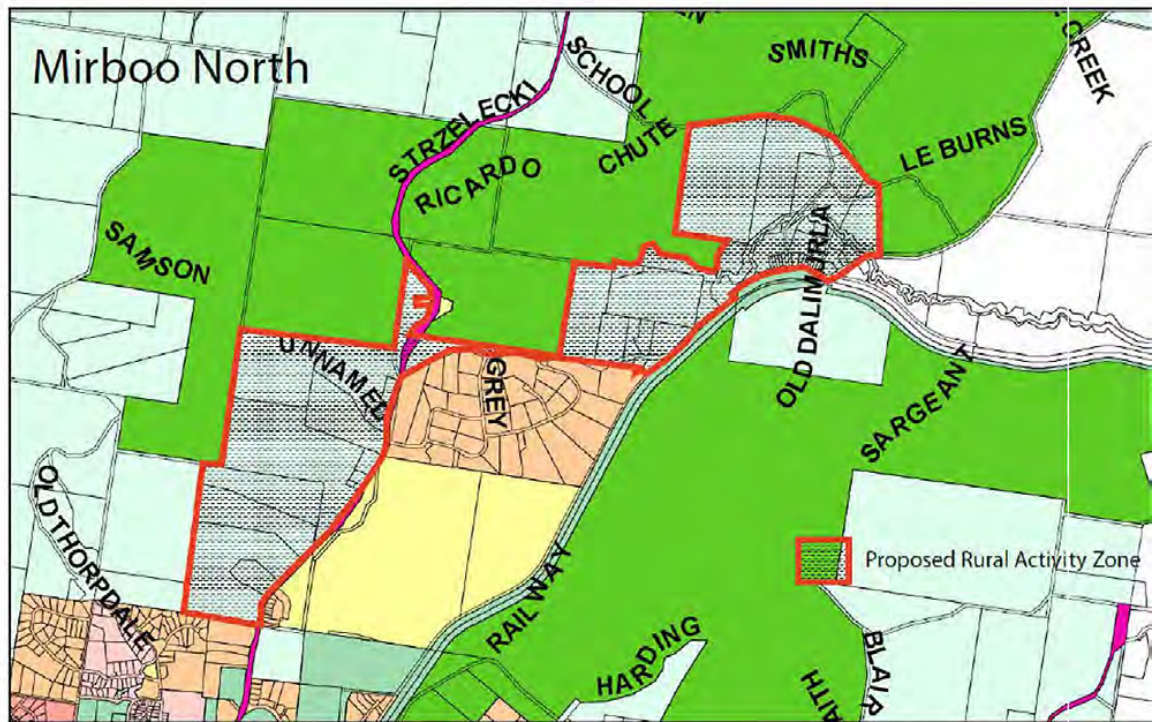
## Attachment 1

### Rural Activity Zone Area Maps









	<b>Respondent No:</b> 2	<b>Responded At:</b> Feb 25, 2023 17:32:31 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Feb 25, 2023 17:32:31 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name	[REDACTED]
Q2. Township	KONGWAK, VIC
Q3. Email Address	[REDACTED]
Q4. Best Contact Number	[REDACTED]
Q5. Upload Your Submission	[REDACTED]



**Submission: [REDACTED], Kongwak 3951**

I am a resident of Kongwak hamlet and I would like to see the planning scheme ensure that Kongwak remains a hamlet. I appreciate the Council's hierarchy of definitions of locations should achieve this and I believe that the planned hierarchy of settlements needs to be protected so that development is directed towards major towns and population centres.

I believe that tourism in Kongwak should be of an artisanal focus, to ensure that any proposed developments are in keeping with the current amenity, community and lifestyle of the hamlet. The current Sunday market for example, is perfectly acceptable to local residents in it's relatively low impact to the community and it's artisanal nature is in keeping with the community formed within the hamlet boundaries.

Larger scale developments that impact traffic, parking, noise, the environment and disturb the local community should be directed elsewhere. Any new development that dramatically increases the population of Kongwak at any time (estimated population within hamlet boundaries of less than 70) should not be allowed to proceed.

Keep Kongwak a hamlet.

As one of the only approx 27 occupied dwellings within the "township" boundary of Kongwak hamlet I would like to formally request that council amend the Kongwak clause of 11.01-1L-10 to read:

"Support **small scale** tourism opportunities associated with Kongwak Market and the former Butter Factory."

	<b>Respondent No:</b> 3	<b>Responded At:</b> Feb 26, 2023 12:56:28 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Feb 26, 2023 12:56:28 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name	[REDACTED]
Q2. Township	KONGWAK, VIC
Q3. Email Address	[REDACTED]
Q4. Best Contact Number	[REDACTED]
Q5. Upload Your Submission	[REDACTED]

Submission: Resident [REDACTED], Kongwak 3951

As a resident of the Kongwak hamlet I would like to take the opportunity to request that Kongwak remains a hamlet in every sense of the word, that the scale of developmental opportunities is in align with the size of the town, current amenities provided and the future preservation of this quaint hamlet.

People who move to Kongwak, move here because of the peace, tranquillity and the fact it isn't developed...people who visit always say 'we understand why you live here', 'you're so lucky to live somewhere where you feel like you're in the middle of know where yet you're on 10-15 mins from major towns and shops...and the beach!!' and people who have lived here for years and decades don't want to leave because they know they are living in one of the most precious parts of the region...and we love it just the way it is.

And, much like our hamlet, I believe all our hamlets should be kept as hamlets as part of the ongoing preservation of the uniqueness of this region. I want to protect the environment for future generations. I saying that, I am very much in support of appropriately sized Rural Landscape Strategies that are in alignment with the size of the town and taking in to account the current amenities, the environmental and social impact along with blending in to the current streetscape.

The opportunity for future grown can be found by so many other surrounding townships within extremely close proximity to Kongwak. Those towns can benefit from the employment opportunities and the flow on effect from larger scale developments without detracting from the overall look and feel. We have seen in Archies Creek that large scale venues clearly to not work in hamlets – buildings stand out in the most ridiculous way and end up becoming white elephant eye-sores!

Residents in hamlets across our region are entitled to have real concerns over commercial developments that only serve to line the pockets of the investors while appearing to provide 'improvements' to the community even more so where there is no need to such venues with so many already in existence.

To highlight one of many concerns is the increase of traffic through the main street of Kongwak over the last 5 yrs due to the natural growth of the surrounding towns has caused major impact on so many levels including wildlife killings on a regular basis, I cannot begin to imagine what impact larger scale development would have but I know it would be detrimental.

There is no demand for, no need for and I do not welcome any developments that does not justly serve the good of the greater community for generations to come.

Finally I would like to reiterate that I welcome small-scale bespoke events, opprtunrities and ventures that serve the community in a positive way, that don't have the impact on the environment and where, at the end of the day or the event, Kongwak can continue to be 'The Valley of Peace' as it has always been intended to be.

	<b>Respondent No:</b> 4	<b>Responded At:</b> Mar 06, 2023 17:34:43 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 06, 2023 17:34:43 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

LOC , VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

[REDACTED]

Q5. Upload Your Submission

[REDACTED]

**Submission to South Gippsland Shire Council – Planning**

As a property owner in Loch ( [REDACTED] ), I would very much like to see Council protect the older buildings from unrestricted development particularly in Victoria Road, Loch.

Not all of the buildings in that strip have a long history but quite a few do and they set the tone for the village and, in my view, it would be a great pity to see too much modernisation of those older but well kept buildings. It does appear that the architecture does not only enhance the amenity for local residents but is a big drawcard for visitors.

Some of the key buildings include Loch Distillery, Carrington's, Olives, The Loch Foodstore, Victoria Street gallery and Loch & Key.

[REDACTED]

	<b>Respondent No:</b> 5	<b>Responded At:</b> Mar 07, 2023 06:35:50 am
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 07, 2023 06:35:50 am
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[Redacted]

Q2. Township

KONGWAK, VIC

Q3. Email Address

[Redacted]

Q4. Best Contact Number

Q5. Upload Your Submission

**SUBMISSION :- [REDACTED] Kongwak 3951**

I moved to Kongwak as it is a peaceful place to unwind and relax - Hamlet.

No close neighbours . (approx. 27 occupied dwellings)

Everyone is friendly.

A Perfect place to be away from crowds and commercialism Hopefully it will stay that way.

It does have a market every Sunday morning which I have learnt to live with even though it is very noise with the crowds of people going past my place. People parking in strange spots – even my drive way, on the road ramp blocking partially the road, making the main road through Kongwak very narrow - down to single lane - through traffic -hard for tanker, stock crates and tippers and truck to get through. (the roads are not wide enough to cope with that much traffic)

And this only 1/2 a day on a Sunday

Kongwak hall does have a parties once in a awhile

The Milk factory already does have camping down there mainly long weekends which I can hear them on a still night walking around and talking.

There s no transportation to the area. le buses route

If you allow a large commercial enterprise build in the area parking will become horrendous with noise, traffic & pedestrians (Archies creek is an example of this – plus their roads are wider) and this is only on the weekends when people have the days off wanting peace and quiet away from the crowds)

Now I did ring the town planner to ask about the proposed accommodation building opposite me.

He assured me that there is no such proposal – it was for residential-

I asked where will the entrances to the blocks will be as there is an avenue of trees and an embankment the main road. (no access)

I made him aware that it floods there at least twice a year (natural water course way) and the Fost creek has flooded twice in the years I have been living here. So if it floods, the accommodation will be flooded – the insurance companies will be rezoning this area as a flood zone – and there goes an increase in our insurance.

I have no objection if it's a small scale ventures 9 -5.

Kind regards

[REDACTED]

	<b>Respondent No:</b> 6	<b>Responded At:</b> Mar 07, 2023 10:06:25 am
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 07, 2023 10:06:25 am
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name 

Q2. Township no answered

Q3. Email Address 

Q4. Best Contact Number

Q5. Upload Your Submission





**Parks Victoria**  
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28 February 2023

Skye Radcliffe-Scott  
Strategic Planning Officer  
South Gippsland Shire Council

[skyes@southgippsland.vic.gov.au](mailto:skyes@southgippsland.vic.gov.au)

Dear Skye

**Draft South Gippsland Planning Scheme Review 2022 – Invitation for feedback (Your Ref: SP/2022/6)**

Thank you for your letter of 21 February 2023 providing Parks Victoria the opportunity to provide feedback on the review underway of the South Gippsland Planning Scheme.

This submission provides:

- an overview of Parks Victoria’s responsibilities in managing parks and reserves
- suggested zone changes for specific Parks Victoria land
- suggested permit exemptions inclusions for Parks Victoria under overlay schedules
- comment regarding future coastal planning work.

Parks Victoria’s responsibilities under the *Parks Victoria Act 2018* are to protect, conserve and enhance the State’s parks, reserves, waterways and other public land it manages. These areas are managed according to an established legislative and policy framework, including the specific land-based legislation under which each park or reserve is established, any Government approved recommendations of the Victorian Environmental Assessment Council or its predecessors, approved park management plans and government policy.

Park Victoria manages many parks and reserves with the South Gippsland municipality, including Wilsons Promontory National Park, Cape Liptrap Coastal Park, Shallow Inlet Marine and Coastal Park and many smaller parks and reserves.

Land within the Parks Victoria estate is generally zoned one of three public land zones. Consideration of the legislative land purpose and land management requirements will determine the most appropriate public land zone to apply. As a general guide, public land within the Parks Victoria estate should be zoned:

- Public Conservation and Resource Zone (PCRZ) - usually applies to National Parks Act areas, conservation reserves and other areas of high conservation significance

- Public Park and Recreation Zone (PPRZ) - usually applies to parks and reserves where a focus may be on public recreational use and open space
- Public Use Zone (PUZ) – applies where land use focus is public utilities and community services and facilities.

The effect of these public land zones is to provide a level of planning flexibility, protection and/or exemptions to Parks Victoria land which reflects the special nature of the public land and the controls that apply to it under other legislation (in a land use and/or management sense).

Applying one of the public land zones also provides Parks Victoria the necessary controls and protections with respect to proposed third party activities. It does this through distinguishing uses, buildings and works by or on behalf of Parks Victoria and those proposed by others, including requiring that any planning application by a person other than Park Victoria has the necessary consent from Parks Victoria as the public land manager.

Parks Victoria has identified that within South Gippsland municipality there are some Parks Victoria parcels zoned Farming Zone, and a lesser number zoned Rural Living Zone, Rural Activity Zone, Township Zone and General Residential Zone. These zones do not reflect the public land reservation purposes of the specific parcels and accordingly do not support their effective management through what is permitted without permit, with a permit and what is prohibited.

Included in the attached Zone Assessment table (Table 1) are details of the Parks Victoria parcels where zone changes are recommended. The recommended proposed zone changes are considered zone corrections only. One of the sites is within Dowds Road restructure area that is specifically referred to in the review. The table also includes a few other anomalies which Parks Victoria would like to draw to your attention and consideration.

In addition to the zones, various overlays also apply to many Parks Victoria parks and reserves within South Gippsland Shire.

Parks Victoria is of the view that overlays be applied to the Parks Victoria estate where there is a specific justification for its application, and they are crafted in a way to enable Parks Victoria to effectively manage its land without unnecessary permit requirement, costs and time implications.

Where South Gippsland Council deems it appropriate for overlays to apply to the Parks Victoria estate, consideration should be given to providing adequate permit exemptions to enable Parks Victoria to manage its land without the need to obtain Council approvals except in those circumstances that Council or other regulator's assessment and approval is important. The attached overlay table (Table 2) provides an overview of overlays schedules that apply to Parks Victoria land within South Gippsland, including details on whether suitable exemptions exist presently or are proposed under the draft review. For those overlays where a suitable exemption does not exist, it is recommended one be provided. The table also identifies examples where it is specifically recommended for the overlay to be considered for removal.

In relation to those overlays that trigger a planning permit for vegetation removal, it is noted that Parks Victoria already has extensive environmental obligations it must meet through its land management requirements. Further, VPP Clause 52.17 must be considered for all Parks Victoria land. The Crown Land exemption applicable to Parks Victoria under Clause 52.17 requires vegetation removal to be the minimum extent necessary to manage the land and be undertaken consistent with the *Procedure for the removal, destruction or lopping of native vegetation on Crown Land*. The effect of these requirements is considered to limit when an environmental or landscape overlay schedule should trigger the need for a planning permit for Parks Victoria undertaking vegetation removal works.

For the ESO and SLO schedules it is also noted that the exemptions available to Parks Victoria across the schedules vary and do not use the words 'vegetation removal, destruction or lopping' under the Parks Victoria exemption where it exists. It is asked that vegetation removal, destruction or lopping be specifically identified as not requiring a planning permit for Parks Victoria land where it is undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.

The suggested overlay schedule changes will better clarify requirements and reduce unnecessary permit triggers.

Further to the zones and overlays, it is noted that the South Gippsland Planning Scheme Review identifies coastal planning as a priority for further strategic work. This work is supported and of interest to Parks Victoria as Parks Victoria manages a large extent of land along the coast. As such, should you wish Parks Victoria's comments on draft controls, please let us know.

Parks Victoria would welcome further opportunities to participate in your planning scheme review, including any subsequent planning scheme amendment consultation.

Should you require further advice on this matter please contact [REDACTED]  
[REDACTED]  
[REDACTED]

Yours sincerely

[REDACTED]

District Manager  
South Gippsland District  
Parks Victoria

Table 1 – South Gippsland Planning Scheme– Zone Assessment of specific Parks Victoria land

No.	Park name	Crown Allotment	Section	Parish Plan	Parish	Current zone	Overlays	LCC Category	Recommendation/Comment
1.	Adams Creek N.C.R.	75		2968	Lang Lang	Farming zone	BMO LSIO	Nature Conservation Reserve	PCRZ
2.	Adams Creek N.C.R.	124A		2969	Lang Lang East	Farming zone	BMO	Nature Conservation Reserve	PCRZ
3.	Adams Creek N.C.R.	121		2969	Lang Lang East	Farming zone	BMO	Nature Conservation Reserve	PCRZ
4.	Adams Creek N.C.R.	74D		2968	Lang Lang	Farming zone, PCRZ	BMO SLO3 LSIO SRO1	Nature Conservation Reserve	FZ and SRO1 on section adjacent to Lang Lang extractive industry site. Recommend PCRZ and removal of SRO1
5.	Adams Creek N.C.R.	123B		2969	Lang Lang East	Farming zone	BMO LSIO	Nature Conservation Reserve	PCRZ
6.	Adams Creek N.C.R.	74C		2968	Lang Lang	Farming zone	BMO	Nature Conservation Reserve	PCRZ
7.	Bonnie Brae Streamside Reserve	14B	B	3862		Farming Zone, PCRZ	BMO ESO5	Natural Features Reserve - Stream-side Area	PCRZ
8.	Bonnie Brae SS.R.	10B	B	3862	Wonga Wonga	Farming zone, PCRZ,	BMO ESO5 SLO3	Natural Features Reserve - Stream-side Area	PCRZ
9.	Cape Liptrap Coastal Park	2001		3563	Tarwin	Rural Living Zone	BMO ESO3 SLO1 LSIO	State Park - Coastal Park	PCRZ and removal of SLO1
10.	Cape Liptrap Coastal Park	15C		3737		Farming Zone, PCRZ	BMO ESO3 ESO5	State Park - Coastal Park	PCRZ
11.	Corner Inlet Marine & Coastal Park	22C	B	3862	Wonga Wonga South	Farming Zone	ESO5 BMO	Marine & Wildlife Reserve	PCRZ
12.	Corner Inlet Marine & Coastal Park	139B		3630		Farming Zone	ESO3 LSIO SLO3	State Park - Coastal Park	Temporary crown land reserve & public recreation; closed road surrounded by PCRZ. Rezone PCRZ

No.	Park name	Crown Allotment	Section	Parish Plan	Parish	Current zone	Overlays	LCC Category	Recommendation/Comment
13.	Franklin River Scenic Reserve	13A	B	3630	Toora	Farming zone	SLO3	Natural Features Reserve - Stream-side Area	PCRZ. Note, other sites in reserve also showing as FZ but are located in Latrobe.
14.	Gunyah Rainforest S.R.	66E		2736	Gunyah Gunyah	Farming zone	BMO ES05	Natural Features Reserve - Natural and Scenic Features Area	PCRZ
15.	Gunyah Rainforest S.R.	65		2736	Gunyah Gunyah	Farming Zone, PCRZ	BMO ES05	Natural Features Reserve	PV land - LF1510480 Temporary reservation - Growth & preservation of timber GovGaz 1908 P5157. Recommend PCRZ. Also recommend PCRZ for FZ land over northern half of the Grand Ridge Road within the reserve and over unmade road between CA 65 and CA 66E.
16.	Koonwarra F.R.	7	4		Leongatha	Farming zone	BMO	Nature Conservation Reserve - Flora Reserve	PCRZ
17.	Mirboo North R.P	34F		3274	Narracan South	Rural Activity Zone	BMO ES05	Regional Park	PCRZ
18.	Nyora N.C.R.	20B		2788	Jeetho West	Farming zone	BMO ES09 ES05	Nature Conservation Reserve	PCRZ
19.	Outtrim B.R.	25W		2901	Kongwak	Public use zone 3 (health and community)	BMO	Natural Features Reserve - Bushland Area	Unreserved land. Rezone to PCRZ. Note, access to Council land is over this parcel.
20.	Outtrim B.R.	25T		2901	Kongwak	Public use zone 6 (local government), PUZ7 (other)	BMO	Natural Features Reserve - Bushland Area	Permanent reservation - conservation of an area of natural interest. Rezone to PCRZ.

No.	Park name	Crown Allotment	Section	Parish Plan	Parish	Current zone	Overlays	LCC Category	Recommendation/Comment
21.	Outtrim Cemetery N.C.R	25V		2901	Kongwak	Public use zone 5 (cemetery/crematorium)	BMO	Nature Conservation Reserve	Permanent reservation - preservation of species of native plants. PV land not Health. Latest burial 1940s. Bushland. Rezone to PCRZ.
22.	Outtrim Cemetery N.C.R	25X		2901	Kongwak	Farming zone and public use zone 5 (cemetery/crematorium)		Nature Conservation Reserve	Permanent reservation - preservation of species of native plants. Should be rezoned to be consistent across the parcel (presently PUZ5 with FZ on the "road"). Change to PCRZ for all of it and be consistent with adjoining 25X.
23.	Port Franklin - Port Welshpool Coastal Reserve	2008		5652		Farming Zone, PCRZ	BMO ES03 LSIO SLIO	Coastal Reserve	PCRZ
24.	Port Franklin - Port Welshpool Coastal Reserve	10~8		5650		PCRZ Township Zone	ES03 LSIO	Natural Features Reserve - Stream Frontage	PCRZ
25.	Tarwin H7 B.R (3 Dowd)	1 to 7	1	5769	Nerrena	Farming zone	BMO ESO2 RO8	Natural Features Reserve - Bushland Area	PCRZ. If PCRZ remove RO8 too.
26.	Tarwin H7 B.R	1 to 4	2	5769	Nerrena	Farming zone	BMO ESO2 RO8	Natural Features Reserve - Bushland Area	PCRZ. If PCRZ remove RO8 too.
27.	Tarwin H7 B.R	8 to 15	1	5769	Nerrena	Farming zone	BMO ESO2 RO8	Natural Features Reserve - Bushland Area	PCRZ. If PCRZ remove RO8 too.

No.	Park name	Crown Allotment	Section	Parish Plan	Parish	Current zone	Overlays	LCC Category	Recommendation/Comment
28.	Tarwin South B.R	40D		35564	Tarwin South	Farming zone	BMO ESO5	Natural Features Reserve - Bushland Area	PCRZ. If PCRZ remove RO8 too. Note, this is part of the Dowd Rd Restructure Plan referred to in 10.9.7 of the Review.
29.	Toora H41 B.R	27B	C	3630	Tarwin South	Farming zone, PPRZ	BMO ESO5 SLO3	Natural Features Reserve - Bushland Area	PCRZ
30.	Turtons Creek S.R.	11B	A	3120	Mirboo South	Farming zone	BMO ESO2 ESO5 HO11	Natural Features Reserve - Natural and Scenic Features Area	PCRZ
31.	Turtons Creek S.R.	11C	A	3120	Mirboo South	Farming zone	BMO ESO2 ESO5 HO11	Natural Features Reserve - Natural and Scenic Features Area	PCRZ
32.	Turtons Creek S.R.	11D	A	3120	Mirboo South	Farming zone	BMO ESO2 ESO5 HO11	Natural Features Reserve - Natural and Scenic Features Area	PCRZ
33.	Turtons Creek S.R.	13A	A	3120	Mirboo South	Farming zone, PCRZ	BMO ESO2 ESO5 HO11	Natural Features Reserve - Natural and Scenic Features Area	PCRZ
34.	Turtons Creek S.R.	11E	A	3120	Mirboo North	Farming Zone	BMO ESO2 ESO5 HO11	Natural features reserve - Scenic Area	PCRZ
35.	Turtons Creek S.R.	11F	A	3120	Mirboo South	Farming zone	BMO ESO2 ESO5 HO11	Natural Features Reserve - Natural and Scenic Features Area	PCRZ
36.	Turtons Creek S.R.	11E	A	3120	Mirboo South	Farming zone	BMO ESO2 ESO5 HO11	Natural Features Reserve - Natural and Scenic Features Area	PCRZ
37.	Turtons Creek S.R.	11C	A	3120	Mirboo South	Farming zone	BMO ESO2 ESO5 HO11	Natural Features Reserve - Natural and Scenic Features Area	PCRZ

38.	Waratah B.R	24D		3736	Waratah	Public Use Zone 1 (service and utility)	ESO3	Natural Features Reserve - Bushland Area	PCRZ
No.	Park name	Crown Allotment	Section	Parish Plan	Parish	Current zone	Overlays	LCC Category	Recommendation/Comment
39.	Welshpool H17 B.R	4E	B	3790	Welshpool	Farming zone	SLO3 ESO5 BMO	Natural Features Reserve - Bushland Area	Reservation - temp - water supply. It appears that PPRZ applied to incorrect private property parcel instead of the PV land. Apply PCRZ to 4D PP3736 and remove from 4E~B
40.	Wonga Wonga South B.R	31E	A	3863	Wonga Wonga South	Farming zone	BMO ESO5 SLO3	Natural Features Reserve - Bushland Area	Land is designated Natural Features Reserve, despite part of land being used for farming. Rezone to PCZR.
41.	Whipstick Gully Natural Features Reserve	4	4	5296		General Residential Zone 1, PCRZ	BMO	Uncategorised public land	PCRZ



Table 2 – South Gippsland Planning Scheme Overlays and Parks Victoria estate

Overlay	Details	Recommendation
Environmental Significance Overlay 1 (ESO1) – Areas of Natural Significance	Applies to parks and reserves such as Agnes Falls Scenic Reserve.  Schedule include an exemption for buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.	Support the continuation of the Parks Victoria exemption, with a revision that vegetation be specifically referenced in this exemption also. This will make it clear that this exemption covers vegetation removal, destruction or lopping under works.
Environmental Significance Overlay 2 (ESO2) - Special Water Supply Catchment Areas	Applies to various parks and reserves.  Includes various exemptions, including buildings and works (including vegetation removal, destruction or lopping) undertaken by or on behalf of a municipality or public authority which are necessary to control flooding, fight fires, abate fire risk or preserve public safety.	Support applying the same exemption as what is recommended for ESO1.
Environmental Significance Overlay 3 (ESO3) – Coastal Settlements – Non-Residential Areas	This applies to various parks and reserves including Wilsons Promontory National Park and Cape Liptrap Coastal Park.  Schedule include an exemption for buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.	See comment for ESO1.
Environmental Significance Overlay 5 (ESO5) – Areas susceptible to erosion	This applies to various parks and reserves including Bonnie Brae Streamside Reserve and Mirboo North Regional Park.  Schedule does not include any exemption for Parks Victoria or public authorities.	See comment for ESO1. If necessary, the Parks Victoria exemption under ESO5 could include specific reference to requiring an assessment of proposed buildings and works (including vegetation removal) as to potential impact and mitigation on erosion.
Environmental Significance Overlay 9 (ESO9) – Giant Gippsland Earthworm and Habitat Protection	This applies to some parks and reserves including Nyora Natural Features Reserve.  Schedule include an exemption for buildings and works where a survey has been conducted by a suitably qualified person that the buildings and works will not negatively impact on earthworm numbers. Survey to be to satisfaction on responsible authority and DELWP.  The only specific public authority exemption available to Parks Victoria is for emergency works.	See comment for ESO1. If necessary, the Parks Victoria exemption for ESO9 could include specific reference to requiring an assessment of proposed buildings and works (including vegetation removal) as to potential impact on earthworm numbers.

Overlay	Details	Recommendation
Significant Landscape Overlay 1 (SLO1) – Venus Bay Peninsula and Anderson Inlet	<p>This applies to part of Cape Liptrap Coastal Park.</p> <p>Schedule includes an exemption for works undertaken by a public authority relating to watercourse management or environmental improvements. Limited vegetation removal exemptions relevant for Parks Victoria.</p>	See comment for ESO1.
Significant Landscape Overlay 2 (SLO2)- Cape Liptrap to Waratah Bay	<p>This applies to part of Cape Liptrap Coastal Park.</p> <p>Schedule includes an exemption for works undertaken by a public authority relating to watercourse management or environmental improvements, buildings and works associated with informal outdoor recreation and single storey buildings meeting specific design requirements. Limited vegetation removal exemptions relevant for Parks Victoria.</p>	See comment for ESO1.
Significant Landscape Overlay 3 (SLO3) – Corner Inlet Amphitheatre	<p>This applies to various parks and reserves including Adams Creek Natural Features Reserve, Bonnie Brae Scenic Reserve, Franklin River Scenic Reserve, Toora H41 Bushland Reserve.</p> <p>Schedule includes an exemption for works undertaken by a public authority relating to watercourse management or environmental improvements, buildings and works associated with informal outdoor recreation and single storey buildings meeting specific design requirements. Limited vegetation removal exemptions relevant for Parks Victoria.</p>	See comment for ESO1.
Heritage Overlay (HO11)	<p>The Heritage Overlay applies to Turton’s Creek Scenic Reserve.</p> <p>While signs and fences normally trigger a planning permit under the Heritage Overlay there is a permit exemption for emergency works under Clause 62.02-1 and various permit exemptions for signs under Clause 52.05-10. These exemptions should support Parks Victoria being able to provide visitor safety fences and signs on sites such as Turtons Creek Scenic Reserve for hazard and safety management purposes.</p>	Existing exemptions considered satisfactory. However, if this is not the view of Council, then a new exemption is requested to cover hazard and safety management tools such as signs and fences not requiring a permit.

Overlay	Details	Recommendation
Land Subject to Inundation (LSIO)	<p>This applies to various parks and reserves.</p> <p>Schedule includes various exemptions, including buildings and works undertaken by or on behalf of Parks Victoria in accordance with a park management plan approved by the flood plain management authority, or where the buildings and works have otherwise received written consent from the relevant floodplain management authority.</p>	Existing exemptions considered satisfactory.
Restructure Overlay (RO8)	<p>This applies to Parks Victoria land in Tarwin that is reserved as a Natural Features Reserve.</p> <p>This overlay requires a permit to construct a building which must be consistent with the restructure plan</p>	It is recommended that the land be rezoned to PCRZ (see Table 1). If this is supported there is no requirement for the RO to continue to be applied.
State Resource Overlay (SRO1) – Strategic Extractive Resource Areas	This applies to Parks Victoria land adjacent to Lang Lang extractive industry site. Land is reserved for Nature Conservation Reserve.	It is recommended that the land be rezoned to PCRZ (see Table 1). If this is supported there is no requirement for the SRO to continue to be applied.
Design and Development Overlay (DDO11) – Emergency Medical Services Helicopter Flightpath Area: Foster Hospital (Outer area)	<p>This applies to part of Whipstick Gully Natural Features Reserve.</p> <p>The overlay requires a permit for buildings and work greater than 12m in height above natural ground level.</p>	No issue.

	<b>Respondent No:</b> 7	<b>Responded At:</b> Mar 07, 2023 20:05:55 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 07, 2023 20:05:55 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

FOSTER, VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

Q5. Upload Your Submission

I think it fair to say South Gippsland Shire Council does not have a good track record when implementing new planning controls.

The creation of the *South Gippsland Rural Land Use Strategy 2011* commenced in 2006. A draft 2008 version resulted in to then Minister for Planning implementing Amendment c48 which effectively removed most of Council's decision-making powers on land within the Farming Zone. These were later restored by Amendment C51.

As rightly noted in the consultant's report there are significant issues with the recently implemented C90 amendment and it not working as intended.

In my opinion if the previous Councillors had not been dismissed the final version of amendment C90, as presented to them by Council Planning staff, would not have been endorsed by Council. While supporting Council's desire to encourage consolidation of titles the Panel report contains many references to potential issues with the amendment from both practical and legal perspectives. The panel chair was very clear that she did not support section 2 use restrictions as the means to achieve consolidations yet this remained unchanged. It was very disappointing that the Administrators did not seek the legal advice that the report recommended or request Council Officers to rework the amendment to address the issues raised in the Panel Report.

Throughout the community engagement phase of amendment C90 we made formal written responses to Council Planning staff and the Panel Chair. We also made several verbal presentations on our objections and concerns, to Councillors, the panel hearings and Administrators.

Below the dotted line is a copy of our last presentation to the Administrators on August 21, 2019. The points made in that presentation and question at the end are just as valid today as they were when originally written. We can provide copies of all other submissions and presentations if this would be helpful.

Disappointedly, the attitude of Council Officers at the time was it doesn't matter what objections were made or feedback given amendment C90 was to be implemented ASAP and they were determined for force title consolidations by any means they could, regardless of whether it was legal or just.

I am encouraged by the current Councillors commitment to listen to and take on board community input. To resolve the C90 issues I request that Council review the amendment and seriously consider removing the restructure overlays from restructure lots not yet consolidated, particularly restructure lots in different ownerships.

.....

Thank you for the opportunity to present to you today and I appreciate the difficulty of the task before you, particularly given the current situation with Council and the communities expectations of your roles.

Unfortunately, due to work commitments my wife [REDACTED] is unable to attend today and I'll be making this presentation on behalf of both of us. If, inadvertently use I instead of we or my instead of our, then please forgive me.

In the time available we will attempt to provide a brief overview of the process and share our ongoing concerns and hopefully there will be time for me to answer any questions.

#### **1. A brief summary of how we have arrived here.**

- The C90 process commenced in 2013 with the adoption of the South Gippsland Housing & Settlement Strategy.
- Its fair to say that the majority, if not all, the land proposed for inclusion in each restructured lot were held in single ownership
- Council staff entered into negotiation with effected landowners and in the main agreement was reached as to the best/ most advantageous layout of each restructured lot.

- As an incentive to consolidate lots Council offered landowners an “as of right for a dwelling” in the Farm Zone independent of size of the consolidated lot. This is in direct conflict with State Planning regulations. However, it made sense, the land values would go up and easily cover the cost of consolidation. A win : win situation
- In 2017 Council staff decided to extend the scope of the C90 to include additional land not identified in the HSS. There was no prior consultation with landowners, effected communities or Council. In our case this involved our land at Port Welshpool. It also introduced the situation of already subdivided land being predominantly in fragmented ownership. These are significant differences.
- Much is made of the need to protect high value commercial farmland, however in reality the C90 seeks to facilitate fragmentation of high value farmland in the majority of the restructure lots across the Shire while on the other hand sites the need to consolidate our land to return it to high value farmland, which it has never been. The inconsistency is obvious.
- We believe the primary motivation to include our land and other land in similar circumstance was to prevent any further dwelling development and to this end most restructured lots identified already contained a dwelling. However, the conditions for the incentives as described above don’t exist and the likelihood for consolidation is at best remote. After all, land values will drop and the cost to consolidation lots can’t be recovered.
- To address this, conditions were introduced to prevent any activities that require a planning permit. Initially this was to prevent any “works” on lots. Ultimately during the Panel Hearing this was agreed to be unfair. However, in the latest version it is now proposed to prevent any Section 2 Uses and accommodation restricted. Restrictions yet to be undefined. In fact, the document is littered with conditions that turn into restrictions when applied to land in fragmented ownership.
- Clearly, the expectation is that the vacant property owners will be forced to sell their land to adjoining landowners with a dwelling within a restructured lot or suffer diminished opportunity to use and develop their individual properties.
- The existing Farm Zone and Overlay provisions have effectively prevented the establishment of any new dwellings since 2008 as well as guided other forms of appropriate development.
- Our contention is that the introduction of the C90 provisions are not required and will stifle all development, including desirable development activities advocated by Council. ie environmental significance overlay.
- We believe Council has not considered if other mechanism would achieve acceptable outcomes for both Council and landowners.

## **2. Conclusions and concerns raised by the Panel within the body of the report.**

- It is acknowledged that Council has expended a considerable amount of time and resources of to get to this stage of the process. However, time and effort shouldn’t be used as the gauge to determine the appropriateness of the result.
- The Panel Hearing Report discusses many of the issues we raised throughout the process in much greater detail and draws its own independent conclusions as to the validity of the process to date and the underlying principles concerned.
- The Panel Chair Ms Dalia Cook is a highly experience planning practitioner and the conclusions and advice she has provided in the body of the report as well as the individual recommendations are designed to guide Council in coming to the best decision for South Gippsland and importantly a position that the Minister is likely to endorse.
- The Officer report before Council which was released last Friday fails to address many of the relevant issues and I can only ask that Council considers the Officer report in light of the full context of the Panel Report.

- We have already provided Council with documents outlining some of our concerns, however we believe the following extracts from the Panel Report represent the key issues which directly impact on our situation.

**Extract from Page 2**

- The Panel supports some key aspects of the Incorporated Document in the form discussed at the Hearing, such as the requirement to consolidate land before a permit could be granted to use identified land for a dwelling. However, other elements of the draft Incorporated Document remain either problematic or not fully resolved, such as the extent of Council's capacity to approve changes from Restructure Plans. The Panel still finds the draft document difficult to read and apply, even in the most recently revised form.

**Extract from Page 84**

From the Panel's perspective, even revised versions of the document do not lend themselves to practical application without significant legal or professional interpretation.

Despite the many versions of this document, as mentioned immediately above, the detail of how the underlying zone and overlay controls would interact with its provisions is not abundantly clear.

**Extract from Page 2/3**

- More specifically, the Panel does not support the most recent proposed suite of changes to the Incorporated Document to require land to be consolidated in accordance with a Restructure Plan before any permit-required use could be carried out. Likewise, even in the absence of express opposition, it does not support the notion of identifying specific Crown land properties for 'accommodation prohibited' lots as opposed to 'no dwelling development'. The Panel considers these elements do not represent a balanced approach to the application of planning policy and other

contextual considerations. The Panel provides more detailed recommendations as to the proper operation of the document in Chapter 6 of this Report.

**Extract from Chapter 6 - Page 79**

In the Panel's opinion, the balance it has identified above would be unreasonably disrupted by the proposal to preclude permits for the use and development of land for any use in section 2 of the zone unless land is consolidated.

The Panel strongly opposes the proposal to amend the Incorporated Document to include this level of restriction. It would be an overly **blunt** tool.

#### Extract from Page 3

- Given the ambit and effect of the Incorporated Document, it would be prudent for Council to obtain legal advice in respect of its form and content before it considers whether to adopt the Amendment.

#### Extract from Page 25

At the same time, for reasons outlined in this Report, the Panel considers that the approach taken by Council to create new residential opportunities for some Restructure Lots in the Farming Zone is on occasion too liberal, with a risk of detracting from state policy objectives.

#### Extract form Page 66

The Panel also recognises that there may be other ways to encourage or achieve lot consolidation, such as financial incentives or land acquisition that sit outside the planning scheme. These may add to or surpass the effectiveness of the Restructure Overlay, which may realistically take decades to effect change. However, none of these prospects are currently before the Panel as part of this Amendment.

#### Extract from Page 79

The Panel considers there is significant opportunity as explained by some submitters for tourism-related uses, especially where they are sensitive to their environments. Likewise, there may be other permit-required uses that could reasonably support agricultural enterprises. Looking to the potential future of these settlements, it would not be reasonable to prevent a permit for such land uses from being applied for until land was consolidated.

- There is a lot of history, for some there has been promises made and expectations raised, for others the potential for plans and aspirations to be shattered. The potential for small towns to establish unique identities, to grow and prosper, **or not**.
- The dismissal of the elected Council places enormous pressure on you as the pointed Administrators to understand the complexity and nuances of this reform. Having said that, three new sets of eyes are what we believe is needed now. Eyes that are looking forward and not to the past.



- We were encouraged by Administrator Brown's words at the budget council meeting where he spoke of the need to increase the population of South Gippsland and encourage investment and growth to grow revenue.
- Clearly the Panel concluded the proposed restrictions were unreasonable and counter-productive to the appropriate use of land and landowners ability to contribute positively to development opportunities, particularly in tourism. It went further and suggested that alternate mechanism would most likely achieve a far better and quicker result.
- Before you at the next Council meeting will be the decision on what to do next with the C90 documents and recommendations in the context of the comments made in the Panel report.
- Your decision will be long lasting, way beyond your two year term as Administrators. This is not a rating strategy or budget that can be adjusted in the next fiscal period. The sunset year for the C90 Amendment is 2065, 46 years from now. If it is endorsed by the Minister in its current form, Council will not have discretion to vary it's terms and conditions in the future, irrespective of new or emerging issues and opportunities.
- We must get this right. We do not want a 'Golden Beach' situation arising from the C90 where titles remain unconsolidated for decades and ratepayers are left with land which they cannot use under the same conditions that apply to it today.

#### Closing points

- Throughout this process we have not sort an increased advantage, we have just opposed the imposition of disadvantage, unfortunately to date all our offers to discuss our situation has been meet with silence.
- The original intent of the C90 was to achieve consolidation of multiple lots in single ownership by offering the incentive of a dwelling. – **a carrot**
- The last-minute addition of Port Welshpool and Toora into the C90 as a means to force consolidation of lots in multiple ownership depends primarily on the use of restrictions as incentives or more rightly termed penalties. – **a stick**

My experience is that the **carrot** approach is much more likely to lead to a successful result and the **stick** approach should be avoided as it usually results in failure.

Thank you for giving me the opportunity to speak and as always, we remain ready to discuss any options with Council and I'm happy to answer any questions Council may have.

**Sample Questions: If time allows**

**Q1. Would removal of the Port Welshpool land in fragmented ownership lead to a proliferation of new dwellings?**

A1. *No, existing Zone and Overlay provisions effectively prevent the establishment of dwellings*

**Q2. Would removal of the Port Welshpool land lead to future fragmentation of land?**

A2. *No, the land has already subdivided and there is no capacity to further subdivide the existing lots*

**Q3. Would the removal of the Port Welshpool land adversely impact on the implementation of the C90?**

A3. *No, the removal of land in fragmented ownership will mean the provisions introduced to force lot amalgamation can be removed which will improve the overall readability of the document and eliminate inconsistencies and conflicts with other provisions of the SG planning Scheme.*

**Q4. Is the land likely to return to productive agriculture as a result of the C90?**

A4. *The land is not high value farmland and simply increasing the size of blocks doesn't improve its viability as a commercial farm. In fact the opposite circumstance is likely to occur given lot consolidation is unlikely to occur for decades.*

**Q5. Are activities on surrounding commercial farmland effected by the implementation of the C90?**

A5. *No, they are not affected either way.*

**Q6. What is the likely impact of the implementation of C90.**

A6. *The land has been identified as significant for its location within the environment and not for its value as farmland. Which by the way was our principle reason for the purchasing the land 16yrs ago. By preventing small scale, non-traditional or more intensive agricultural activities and associated infrastructure (Section 2 Uses), opportunities to develop activities and products which are complimentary and sensitive to environment will be lost. This is particularly relevant to the development of nature-based and/or agricultural tourism activities that will complement the growth and sustainability of the Port Welshpool community.*

	<b>Respondent No:</b> 8	<b>Responded At:</b> Mar 08, 2023 14:58:05 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 08, 2023 14:58:05 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. **Full Name** Wes G pps and Ca chmen Managemen Au hor y

Q2. **Township** no answered

Q3. **Email Address**

Q4. **Best Contact Number**

Q5. **Upload Your Submission**



OFFICIAL


 25 years of  
catchment  
health

**WGCM Ref:** WGCMA-F-2022-00824  
**Document No:** 2  
**Date:** 8 March 2023

Skye Radcliffe-Scott  
 Strategic Planning Officer  
 South Gippsland Shire Council

Dear Skye,

**Application Number (CMA Ref):** WGCMA-F-2022-00824

**Subject:** South Gippsland Planning Scheme Review

Thank you for your enquiry, received at the West Gippsland Catchment Management Authority ('the Authority') on 15 February 2023 in relation to the draft South Gippsland Planning Scheme Review.

The Authority welcomes the opportunity to provide further input to the review of the South Gippsland Shire Planning Scheme now that the draft South Gippsland Planning Scheme Review (Redink Planning, January 2023) has been completed and recommendations have been provided. The Authority notes the following relevant recommendations from the review:

- 1 *Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix Two*

The Authority notes this includes the deletion of the Coastal Development Application requirements of the Land Subject to Inundation Overlay Schedule, and that this change was considered at our request and supported by the review. The proposed changes to Clause 4.0 (Application requirements) of Schedule 1 to Clause 44.04 (LSIO) are supported.

- 2 *Finish the coastal strategy and introduce subsequent local policy and provisions to manage development and land use conflicts in coastal regions, particularly around risks and impacts associated with climate change. This may include tailored development controls for coastal townships.*

The Authority supports the recommendation to complete the Coastal Strategy to provide strategic direction for coastal areas and we look forward to working closely with South Gippsland Shire on this important project.

- 19 *Implement the 'Flood & Drainage Study for Foster and Surrounding Catchments – July 2019' in partnership with the West Gippsland Catchment Management Authority.*

The Authority supports this recommendation.

Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953  
 Call 1 300 094 262 | Email [planning@wgcm.vic.gov.au](mailto:planning@wgcm.vic.gov.au) | Website [www.wgcm.vic.gov.au](http://www.wgcm.vic.gov.au)  
 PO Box 1374, Traralgon VIC 3844 | ABN 88 062 514 481

We acknowledge and pay our respects to the Traditional Owners of the region, the Gunaikurnai, Bunurong, Boonwurrung and Wurundjeri Peoples and pay our respects to Elders past, present and emerging.

**OFFICIAL**

Should you have any queries, please do not hesitate to contact [REDACTED]  
[REDACTED] To assist the Authority in handling any enquiries please quote **WGCMA-F-2022-00824** in your correspondence with us.

Yours sincerely,

[REDACTED]

**Executive Manager - Statutory Planning**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

**OFFICIAL****Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.



**Respondent No:** 9

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 09, 2023 09:33:41 am

**Last Seen:** Mar 09, 2023 09:33:41 am

**IP Address:** n/a

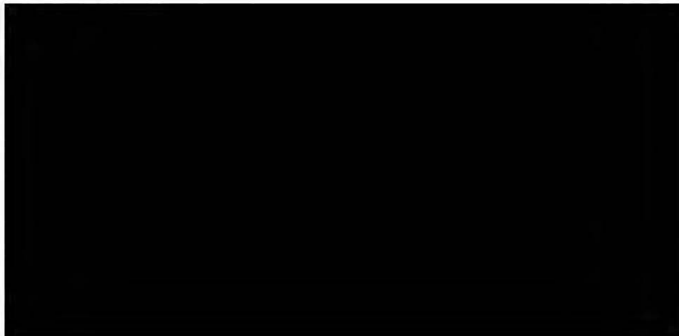
Q1. **Full Name**



Q2. **Township**

KONGWAK, VIC

Q3. **Email Address**



Q4. **Best Contact Number**

Q5. **Upload Your Submission**

I am a resident of Kongwak hamlet and I would like to see the planning scheme ensure that Kongwak remains a hamlet. I appreciate the Council's hierarchy of definitions of locations should achieve this and I believe that the planned hierarchy of settlements needs to be protected so that development is directed towards major towns and population centres. We moved to Kongwak pre-Covid and we chose the location due to it's quiet nature, beautiful environs and locally tight knit community.

As residents we enjoy the peace and quiet of Kongwak. We enjoy listening to the birds, local bushwalks and engaging with our neighbours who are like minded.

I believe that tourism in Kongwak should be of an artisanal focus, to ensure that any proposed developments are in keeping with the current amenity, community and lifestyle of the hamlet. The current Sunday market for example, is perfectly acceptable to local residents in it's relatively low impact to the community and it's artisanal nature is in keeping with the community formed within the hamlet boundaries.

Larger scale developments that impact traffic, parking, noise, the environment and disturb the local community should be directed elsewhere. Any new development that dramatically increases the population of Kongwak at any time (estimated population within hamlet boundaries of less than 70) should not be allowed to proceed.

Keep Kongwak a hamlet.

As one of the only approx 27 occupied dwellings within the "township" boundary of Kongwak hamlet I would like to formally request that council amend the Kongwak clause of 11.01-1L-10 to read:

"Support **small scale** tourism opportunities associated with Kongwak Market and the former Butter Factory."

The protection of the hamlet status of Kongwak is very important to us. The Council's planning scheme should achieve this, however as residents we expect that this hamlet status should be maintained beyond any planning cycle. We would expect that hamlet status could be maintained in perpetuity and at worst should be reviewed with consultation with residents every 20 years. A key note is that Kongwak typically only has 30-40 genuine full time residents. The remaining property owners are weekenders. Full consideration should be given to the genuine wishes of the permanent full time residents of which I am one.



	<b>Respondent No:</b> 10	<b>Responded At:</b> Mar 12, 2023 08:30:33 am
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 12, 2023 08:30:33 am
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

- Q1. **Full Name** [Redacted] longwak 3951
- Q2. **Township** no answered
- Q3. **Email Address** no answered
- Q4. **Best Contact Number** no answered
- Q5. **Upload Your Submission** no answered

	<b>Respondent No:</b> 11	<b>Responded At:</b> Mar 12, 2023 09:06:21 am
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 12, 2023 09:06:21 am
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name



Q2. Township

KONGWAK, VIC

Q3. Email Address



Q4. Best Contact Number

Q5. Upload Your Submission

	<b>Respondent No:</b> 12	<b>Responded At:</b> Mar 13, 2023 19:21:54 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 13, 2023 19:21:54 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

FOSTER NORT , VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

Q5. Upload Your Submission

## **‘YOUR SAY’ - SUBMISSION TO SOUTH GIPPSLAND PLANNING SCHEME REVIEW**

We are now in different times post-“Pandemic” with more people still working from home and also therefore moving and planning to out to “greener” pastures, such as in South Gippsland and other areas of rural and regional Victoria, where the future growth will be.

<https://www.skynews.com.au/opinion/peta-credlin/working-from-home-has-to-stop/video/95539aedfcee4730e1e0d089690a6aa5>

**We therefore need new comfortable public transport infrastructure in Prom Country, to connect our region’s towns and villages, especially where roads are in poor condition, likelihood of flooding of low-lying land nears rivers , creeks and streams, landslips, falling trees blocking roads and tourist visitation.** My proposal is based on serving a dual purposes – a public transport service for the use to residents and tourist visitors to facilitate convenient, ready access to tourist attractions, tourist accommodation, health centres, businesses, commercial centres, including shops, services, libraries, churches, schools, etc., and , **that does not involve compulsory land acquisition and huge earthworks such as would be needed to build conventional railways and new roads**, while there is also - rightly or wrongly - a push for reduction of so-called CO2 emissions.

That is why I suggest examining tidal energy generation for this proposal, because separate funding may be available for that also (in addition) under the various “sugar on the table” subsidies of the Net Zero by 2050 nonsense for renewables, and because of the large regular significant twice daily tides in Corner Inlet, and our region’s coastline, as well as industrial growth possibilities, e.g., at Barry Beach, Port Welshpool and around that Eastern area of our Shire. The King Island Tidal energy generator may be worth further investigation as was suggested to a friend by the manufacturers when we discussed the potential Johnny Suey Cove Accommodation new infrastructure project on The Prom.

**Therefore, in my view we must push for carefully planned residential population growth to a size that warrants upgrading the Leongatha Hospital to a major teaching hospital status like Warragul and Traralgon, (as well as Bendigo, Ballarat and Geelong – all growing, successful tourism regions which we aspire to emulate) especially with the current shortage of rural and regional GPs. In this regard, I highly endorse the excellent submission to the South Gippsland Planning Scheme Review & South Gippsland Coastal Strategy, by Mr. Lindsay Love of Leongatha.**

<https://www.abc.net.au/news/2022-03-07/rural-towns-facing-gp-shortage/100887820>

<https://www.skynews.com.au/opinion/andrew-bolt/liberal-party-vote-has-struggled-most-in-city-seats/video/d9dfc74b05f3ee8ff2c90c0157d8880f>

My proposal is about timely “killing several ‘birds’ (*not* with wind turbines) but with one stone”, in the interests of boosting our South Gippsland’s, Victoria’s and Australia’s economy on the road out of the pandemic economic recovery from doom and gloom, and

seizing the new opportunities promised, especially in anticipation of a potential new incoming Coalition Federal government in 2025, for starters, to get the country out of its economic malaise and restore its AAA credit rating after another inevitable Labor/Greens/Teals debacle after our country inevitably descends into third world status with regular blackouts and brownouts when the “Unreliables” fail to cope and prove their inadequacy to supply sustainable 24/7 baseload power.

**At least there will be hope and benefits for South Gippsland and its carefully planned for growing population, given all its attractions and potential so far grossly unrealised and in fact, declining under the current State and local government bureaucracy, in my view, particularly since the demise of prom Country regional Tourism – a much needed focus for local Prom Country tourism rather than in the mix with all of Gippsland under the new destination Gippsland umbrella.**

In this regard, I am pleased to submit an unconventional idea and proposal to toss into the mix for exploration and consideration, under the South Gippsland Planning Review, please.

1. **Our Foster region currently has no public transport service to service our townships, residential growth in future, industry expansion and connecting townships to tourism attractions, to facilitate travel for our residents – mostly elderly retirees - and tourist visitors, especially backpackers and older tourists arriving by coach from Melbourne on the Melbourne-Yarram bus route.**
2. The usual and probably sole conventional option for public transport would be a routine bus service, occupying the roads, or a train service such as a conventional electric train, diesel or monorail system. **The train service option would, I believe, be more expensive, involving land acquisition, reducing some agricultural land and much more expensive, with works in land clearing, excavation works for the base along the rack routes and/or concrete support pillars for a circular route unmanned monorail service between the regions townships** such as Foster, Yanakie, Sandy Point, Waratah Bay, Fish Creek, Foster North (Lookout), Toora, Welshpool and Port Welshpool, with a branch from Yanakie to The Prom.
3. My suggested alternative, novel but unconventional option for consideration, subject to a research and a feasibility study, **particularly to make the most of our very picturesque scenic seascapes and countryside landscapes with stunningly beautiful, unique views, would be an innovative *unmanned* automatic cable car SkyRail service along a figure eight circuit route , similar to that proposed and investigated by us for The Prom, using similar infrastructure, based on the template of now abandoned Mount Wellington to Hobart cableway (MWCC) in Tasmania.**
4. It would service the needs of our townships’ aging retirees, other working residents and young local residents many of whom would not have their own vehicles or be able to drive, for attending schools, sightseeing with relatives and friends, recreational visits to U3A classes, restaurants, clubs, dining out , shopping, medical appointments, meetings, church services and social visits, connections with bus services to Melbourne, etc., giving many residents more independence and

facilitating more social contact to improve their mental and physical health, wellbeing and quality of life.



5. **The cable cars would be comfortable, silent, warm/cool/capable of withstanding high winds and varying seasonal weather conditions**, and will probably become one of the most different but scenic public transport routes in country Victoria, and possibly Australia, as well as becoming a ***new, unique, much sought-after, popular recreational and tourist attraction in itself for this region***, while providing a much needed but unique and different comfortable public transport infrastructure facility.



6. My suggested route for investigation and feasibility study (with assistance from Lindsay Love) would comprise the following:

**SOUTHERN LOOP ROUTE:**

1. Main terminal to be located beside the former Foster railway station, adjacent to the Great Southern Rail Trail (GSRT), facilitating access for users of the GSRT, residents of the township and surrounds, residents and workers at the nearby Prom Country Aged Care Home, the Foster and District Hospital, Medical and allied health services Consulting Rooms, sports ovals, the commercial and shopping centre, banks, post office, library, restaurants, cafes, schools, pub, hairdressers, galleries, caravan/camping parks, industrial premises, etc..
2. A southern route to Yanakie and on to Wilsons Promontory (The Prom), generally following the road from Yanakie to The Prom and Tidal River.



3. A route from Tidal River to The Big Drift with intermediate stops at carpark for Squeaky Beach, Whisky Bay, Cotters Beach and on to Sandy Point via Shallow Inlet Caravan Park, Waratah Bay Foreshore Reserve, Fish Creek, Mount Hoddle, Mt. Nichol/Roberts Road – GSRT connection - Fish Creek-Foster Road junction, O’Grady’s Ridge Rd-Fish Creek Foster Road junction, Foster North Lookout (Corner of O’Grady’s Ridge Road & South Gippsland Highway A440, Foster-Mirboo North Road & Amey’s Track junction, Amey’s Track & Nippard’s Track junction, Boolarra – Foster Road & Foster –Mount Best Road junction, Foster Station Main Terminal.

**EASTERN LOOP ROUTE:**

4. Foster Station Main Terminal to Port Franklin Public Purposes Lookout,
5. Grip Road GSRT, Toora Jetty Road junction at Sargasser Park, Toora;
6. Toora Recreation Reserve – Barry Road & A440 Junction, Agnes;
7. Port Welshpool Long Jetty; Port Welshpool Road & GSRT junction, Welshpool;
8. Barry Road & A440 Junction, Agnes – Agnes Falls ;
9. Silcocks Hill Road Lookout – Franklin River Streamside Reserve;
10. Lay Hill - Foster Station Main Terminal.

**Power source for the Cable Car SkyRail Public Transport System:**

Given the twice daily large tides of Corner Inlet, how feasible and cost effective would it be for a tidal power generation facility to be located (a) along the Easter Loop Route, and (b) another along the Southern Loop Route?

Would it be possible to seek State & Federal Government Infrastructure development funds for this unique new cable Car SkyRail public transport system – which also doubles as a new tourist attraction infrastructure development in itself, with links to the GSRT in several locations, while servicing several small townships in the region and access to tourist accommodation options too?

I would welcome your thoughts and comments on this proposed new unique public transport system and tourist attraction and the suggested approximate routes, please.

It is a fact that our roads are in a disgraceful condition – particularly those managed and supposedly “maintained” by SGSC, **about which Cr. Felton stated we have no money to do properly, unless our rates are further increased!** As such, the roads are presently dangerous, especially in the hills surrounding Foster, Toora, etc. **The residents there prefer to leave town early to be home before dark, because of the condition of the roads and risks of collisions with wildlife, and also adverse weather conditions, and high risks of fallen trees and landslips. Hence events like U3A classes, concerts, public meetings, etc., are usually arranged to end, especially in non-daylight saving seasons, by about 4:30pm at the latest, to enable elderly and not so elderly folk (including tourist visitors heading for tourism accommodation venues in the hills) to drive home safely into the hills in our region, where there are also several tourism accommodation facilities located. This risk would be reduced considerably by the new practical (for our region) beneficial, efficient, often un-manned, innovative, comfortable, and silent much needed public transport service comprising a new Great Southern High Flyer Cable Car infrastructure service, as I have proposed before under the Aerium survey.**

Given the rapidly increasing prices of costs of living, interest rates, food and fossil fuels, (especially under the new Labor Government and Greens Senate) I am confident my suggested Great Southern High Flyer Cable Car Local Public Transport system will prove popular with our residents both as potential investors in the system and also if they are issued with specially reduced priced yearly tickets as ratepayers - ideally using Myki cards or



an equivalent or better updated ticketing system for use throughout Victoria and preferably Australia-wide. In view of the desired and predicted future growth in numbers to broaden our Shire's rates base (as per Lindsay Love's submission) and the popularity of our region – it would be ideal for such special pricing and ticketing for Shire ratepayers for unlimited travel on the new proposed regional public transport system.

It may even replace the need for our region's school buses used to pick up and drop off school children and also benefit youth residents who may do part-time work with local businesses or engage in sports training in our towns, after school or university attendance, **saving them being picked up by their parents after dark, especially over winter, in dangerous conditions on poorly maintained, substandard roads which, I reiterate, are also often subject to being closed by falling trees and dangerous landslips.**

If diligently researched and implemented successfully in our region, it could become a template for other rural and regional regions which will also be seeking increased population and carefully planned residential and industrial/commercial developments to meet the demand of people exiting the big cities. Regions such as the Otways, Grampians, Goldfields, Macedon/Woodend, etc., would be candidates for such Cable Car public transport systems for both necessary local public transport services and also for tourism developments, as in our region –which could be *the pioneers* - as land acquisition costs and conflicts with communities (such as with the Marinus Link's proposed underground cables for powerlines) and also for provision of conventional rail or road (bus) public transport systems (and associated maintenance costs) would be avoided. Refer images herewith and below!

Hence, based on these further views, I respectfully urge Council to please give this novel, visionary proposal some further thought and careful consideration, especially looking at the necessity and topography of the broadly outlined proposed routes, which hopefully can be plotted on a map (by Mr. Lindsay Love, with whom I have discussed this proposal in some detail) as the next step, for further discussion with the community and the powers that be in Federal and state Government in respect of appropriate development grants, and for refinement as necessary, to take it forward for presentation to various levels of government - to give them an attractive innovative new project to sell ahead of the next 2025 Federal and 2026 State elections - **perhaps discussing it with Christian Stefani for starters, as a possible "improvement" for Foster township in the proposed audit under consideration by Destination Gippsland and the Foster Chamber of Commerce too.**

My proposed new and unique silent *Great Southern High Flyer* cable car public transport infrastructure system for Prom Country (driven by renewable energy in tidal & wave power generation), could service and connect all the townships in our region, given the advantages of our beautiful views of coastal landscapes and seascapes, whilst therefore also being a new tourism attraction, much better than the older but very popular, successful systems in Cairns, Qld., and in the Blue Mountains, NSW. It could link to the GSRT and other tourism attractions such as Agnes Falls, the beaches of Shallow Inlet, Sandy Point,

and Waratah Bay and Walkerville townships, The Prom, Toora, Port Franklin, Welshpool, Port Welshpool and its proposed new Marina and even to Port Albert and Yarram.

Later, a further circuit may be possible for consideration from Fish Creek to Tarwin Lower, Venus Bay, Wonthaggi, Inverloch and possibly to be later extended to Phillip Island and across to the Mornington Peninsula – **linking them all to “The Prom Country Great Southern High Flyer” Public Transport and Tourism route** in South Gippsland.

Other options for CO2 emissions-free power generation to power this proposed infrastructure system include the Westinghouse CAD27.2M for eVinci Micro Nuclear Reactor (SMR), which engineer and town planner, Lindsay Love, has suggested in addition to the unobtrusive Tidal and Wave Power generation systems to be located off our South Gippsland coastline and The Prom, unlike the huge ugly expensive inefficient, bird munching wind turbines proposed by the Federal and State Labor Governments to litter, desecrate and vandalise our pristine South Gippsland coastline and beautiful seascapes which are huge tourism magnates. This system would be very promising and would be ideal for our region and also on The Prom.

Its heat generated could possibly be used for other purposes. However, it will **never** be adopted under the **current** Federal Labor Government despite its low emissions value, so will need to be sent to the Federal Liberal leader, Peter Dutton, for consideration as an election commitment by a new Federal Liberal/Nationals Coalition Government, as the basis for lifting the current ban on nuclear energy in Australia and also for a new platform to be taken to the 2025 Federal election – especially on national security grounds, and regional infrastructure developments, because such reactors could be located all around the country even in remote areas, as well as can be easily moved between locations, and hence would be preferable to large nuclear reactors that could be readily targeted by enemy forces, just as wind turbines could be – especially offshore. We could volunteer for some of the SMRs to be trialled in our region – perhaps at Barry Beach and on The Prom, where the current diesel generators could be easily replaced for emissions free power generation on The Prom in future.

Grants could be available to investors for tidal power generation to power the system, such as those recently announced (as copied below) for caravan parks!



image credit: Tourism & Events Queensland  
**Caravan industry gets funding boost**

**More than 110 caravan parks across Australia will receive grants of between \$10,000 and \$100,000 for new and upgraded facilities over the coming 18 months.**

The grants have been awarded to support the development of new sites, new accommodation such as glamping tents and cabins, or substantial renovations.

They will also fund upgrades to make sites more accessible and/or environmentally friendly. More information on the following link:

<https://www.trademinister.gov.au/minister/don-farrell/media-release/10-million-boost-caravan-parks#msdyntrid=hp5XJLdYBUx5g1aSocJ1o2Ojk3L5dm3kLRlc9wzAxQQ>

Also please consider the following as an example of the additional benefits of the proposed **'Great Southern High Flyer'** cable car public transport system in providing greater access to our tourism attractions, especially many of the scenic vantage points on The Prom that are only accessible by fit, able bodied people, but sadly, not to the disabled, people with ambulant difficulties, aged people lacking fitness and families accompanied by small children, thereby ending age discrimination in our region where many retirees live:



### **People with disability soar at iFly**

It is Sunday and 30 people with disability are donning flight suits at **iFly**. Supported mid-air by an updraft, they experience the thrill of weightlessness like any other flyer.

iFly wants its indoor skydiving to be open to everyone, **regardless of age or ability.**

**During 2022, Austrade's Accessible Tourism Mentoring Pilot Project helped tourism operators explore practical ways to improve inclusiveness.** iFly is one of the pilot's Accessibility Champions.

[Learn more](#)

## **Aerium South Gippsland Tourism & Economic Development Survey**

Supplementary submission 1, Ref. No. A3860/2, to the online survey answers lodged today, Friday, 23/04/2021.

The following views have been endorsed by many experienced travel agents who have visited our property on 'familiarisation visits' and for conferences that we have facilitated to receive feedback and suggestions from the industry, based on their own clients' views, in our research on how to increase visitation to our region, especially to The Prom, increase duration of stays and increase the amount per capita spent by visitors in our region.

Their and my prime, major concern hindering greater tourist visitation, ***especially by middle and upper socio-economic retirees with ample money to spend, i.e. 'Baby Boomers' and 'Grey Nomads' demographics***, is that Wilsons Promontory (**The Prom**) ***urgently needs a new state of the art, practical, safe, convenient, passenger transport system to facilitate safe access to most, if not all the best and most popular scenic vantage points on The Prom by aged people with ambulant difficulties, people of all ages with reduced levels of fitness who cannot walk long distances or climb steep slopes, families with young children who need to be carried and kids who cannot carry back packs and walk long distances, and also disabled people.***

The main reason for this urgent need is that these people can presently only access and view the Visitor Centre, boring car parks around it, campsites and what little else is in to view in the Tidal River precinct, plus perhaps Norman Beach, where they can drive to its carpark or walk the relatively short distance to it.

All these people - ***especially 'Grey Nomads' and 'Baby Boomers' and other tourist retirees with more money to spend in the region than most, are now seriously, unreasonably and unfairly discriminated against though State-sanctioned ageism by Parks Victoria, in only providing for fully ambulant, fit, healthy younger people (as depicted in most of its marketing and promotional photographs in its websites, brochures and social media promotions).***

Such state-sanctioned Ageism discrimination was also often reported in the media during the Covid-19 pandemic, because it also exists in the Victorian health system for aged people in residential aged care homes, such as those seriously ill with Covid-19 infections who were refused public hospital admission, and also cancer patients over age 65, who also face a Cancer care age bias discrimination, as reported! These very sick aged people (who have paid taxes all their lives, worked hard, stood up and fought for this country) were turned away from Melbourne hospitals after being transferred there by ambulances only to be refused hospital treatment **under DHHS "guidelines"** and which cost more than 800 lives, mostly those of innocent Aged Care Home residents!

A '**Great Southern High Flyer Scenic Prom Cableway**' – an ultramodern silent High Flyer Public Transport Cableway infrastructure system network, built as a staged development across The Prom, following along the high ridges, such as the very popular, hugely successful SkyRail Cableway system that has operated for years and been considerably

expanded at Katoomba in the NSW Blue Mountains (*without removal of a single tree!*), above a World Heritage Listed area in the valley below. The similar Gondola cableway SkyRail system in Cairns Qld, ski resorts in pristine alpine regions of Australia, NZ, around the world and the newly reincarnated Eagle Gondola system at Arthur's Seat on the Mornington Peninsula are other operational examples of an environmentally sustainable means of transporting such people to, or very close to, such scenic vantage points on The Prom.

Its base station could be built in the car park below Mt Oberon, with the first gondola section rising to its summit and continuing along the mountain ridges to Sealers Cove, in the proposed stage one, of this new infrastructure development, with access to Refuge Cove by gondola descent or a short walk for hikers. The Lighthouse and other scenic vantage points could be accessed by later extensions of the cableway system as stages 2 of the development and in other stages beyond that for further access to other areas and mountain peaks on The Prom.



**Suggested Great Southern High Flyer Cable car Public Transport System Route to Sealers Cove. Follows the ridge lines**

Facilitating such access across The Prom would enable such people – both visitors to, and local residents of Prom Country, with special needs to visit The Prom in greater numbers, enjoying accompanying their grandchildren on family visits to the Prom Country region, where accommodation and other businesses would benefit, creating local jobs, growing the local economy and the tourism yield per visitor capita in the region.

A luxury Eco-lodge sustainable tourist wilderness resort development is also needed, ideally located at Johnny Souey Cove, which can also be accessed by boats from Port Welshpool (27 Km) such as are now operated from Norman Beach by Pennicott Wilderness Journeys of Tasmania.



New maintenance track branching from % mile track and going to Johnny Souey Cove. We could bring Tidal Power along the walking track from Miranda Bay.

In addition to the proposed *silent 'Great Southern High Flyer'* Cable Car public transport system development, Hikers and walkers can still use the existing tracks and trails without interruption, or catch the cable car to a station along the route and commence hiking from there.

Service clubs and groups such as Probus, the RSL, Lions and Rotary, which cater for aged members in the main, and social clubs of Retirement Villages can organise group visits for their members on day trips, or even staying one or more nights in local accommodation (either on The Prom in a new proposed resort if available) or in Prom Country tourist accommodation facilities, touring the region over several days rather than just on a day trip, thereby increasing the tourism yield per capita.

The technology for such a state of the art Sky Rail cable car system is available, as was proposed for Hobart in Tasmania by the Mouth Wellington Cableway Company (MWCC), but now abandoned because of Planning permit refusal by Hobart Shire Council.

More visionary food for thought that could boost our local Shire's economy and provide improved benefits in services and infrastructure for our local communities, constituents and tourist visitors, including Grey Nomads and back packers!

I attach a copy of my history file with various news reports about the proposed new third airport for Melbourne (to be sited at Kooweerup between Monomeith Road, Caldermeade Road and the Bass Highway - to Phillip Island), to service the South Gippsland Shire/Prom Country and Bass Coast Shire regions, for your information and interest, in order to motivate focus on planning, development and marketing opportunities and strategies for this region – especially Prom Country – by South Gippsland Shire Council (SGSC) and all interested stake-holders, in anticipation of the proposed airport becoming a reality, either under this Victorian government or the next government of Victoria.

Thanks, cheers, Kindest regards and best wishes,

*Roger Aldons*

**ROGER F. ALDONS**  
**CEO, Administration and Export Manager,**



**ABACO AUSTRALIA PTY LTD, A.B.N. 85 974 267 845**  
**T/As Access Downunder & 'Arlyia',**  
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**C/- ROGER & JULIA ALDONS,**  
3335 South Gippsland Highway,  
PO Box 249  
FOSTER NORTH, 'PROM COUNTRY',  
VICTORIA 3960 AUSTRALIA  
**Phone: (61) 430 011 366 (Julia) or (61) 427 306 609 (Roger)**  
<https://www.arlyia.com.au>

	<b>Respondent No:</b> 13	<b>Responded At:</b> Mar 13, 2023 19:27:14 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 13, 2023 19:27:14 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

FOSTER NORT , VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

Q5. Upload Your Submission



## Pressure to select site of third Melbourne airport

*Farrah Tomazin*



Melbourne Airport may not be able to cope with growing demand in the future. Photo: Craig Abraham

*Farrah Tomazin*

**Jan 15 2012**

BUSINESS leaders have warned the state government that Melbourne may soon need a third airport to cope with the city's soaring population.

As he returns to work this week, Premier Ted Baillieu will face growing pressure to consider planning an airport in Melbourne's south-east as part of a long-term strategy to deal with growing demand, traffic congestion, and the expansion of the Port of Hastings as Victoria's second major container port.

The Victorian Employers' Chamber of Commerce and Industry (VECCI) has identified Tooradin - which already has a small airfield about 57 kilometres from the city, near Cranbourne - as a preferred site for a new airport for regional and domestic services. The chamber's chief executive, Mark Stone, said Tyabb or South Gippsland could also be explored for possible locations.

"Melbourne's population by 2050 is expected to be somewhere in the order of 7 million - that's up from the 4 million we are now," Mr Stone told *The Sunday Age*.

"Therefore, identifying a suitable site ... would be a wise investment in the future."

Victoria has two airports: Melbourne Airport at Tullamarine, north-west of the city, and the privately owned Avalon airport, near Geelong. (By comparison, London, with almost 8 million residents, has six airports; the New York area, which has about 19 million residents, has three major airports.)

Avalon chief executive Justin Giddings said another airport was a good idea because Melbourne would be big enough for three within a few decades.

But he warned: "The longer you leave reserving a parcel of land, the further out of the city it will be. So now's the time we really need to say: here's the parcel of land, let's not build around it, and instead continue growth around other parts of the city."

The idea of a third airport is ambitious because of the costs involved and the difficulty securing a site that does not encroach on residents. *The Sunday Age* believes the former Labor government began preliminary work looking at possible locations, but the issue was put on the backburner because of the need to tackle more pressing transport problems, such as fixing Melbourne's train network.

Government spokeswoman Emily Broadbent said while the Coalition "is always willing to look at new infrastructure project proposals", it was currently focused on its election commitment to upgrade Avalon airport.

The government has committed \$50 million in its first term for the design and planning, land acquisition, and preliminary construction of a rail link to Avalon, which will eventually cost \$250 million. It has also committed \$6.5 million to a feasibility study for a rail link to Melbourne Airport. But Mr Stone said VECCI would continue to push the proposal with both major parties ahead of the 2014 state election.

Committee for Melbourne chief executive Andrew MacLeod agreed it was worth discussing. He said improving road access to Tullamarine and making Avalon an international airport were important priorities, but "certainly as Melbourne continues to grow, sometime in the future it may need a third airport, and if it were to have one, it would be in the south-east".

Opposition major projects spokesman Tim Pallas said the government should focus "on developing and enhancing what we've got".

# Melbourne's third airport proposed: where should it go?

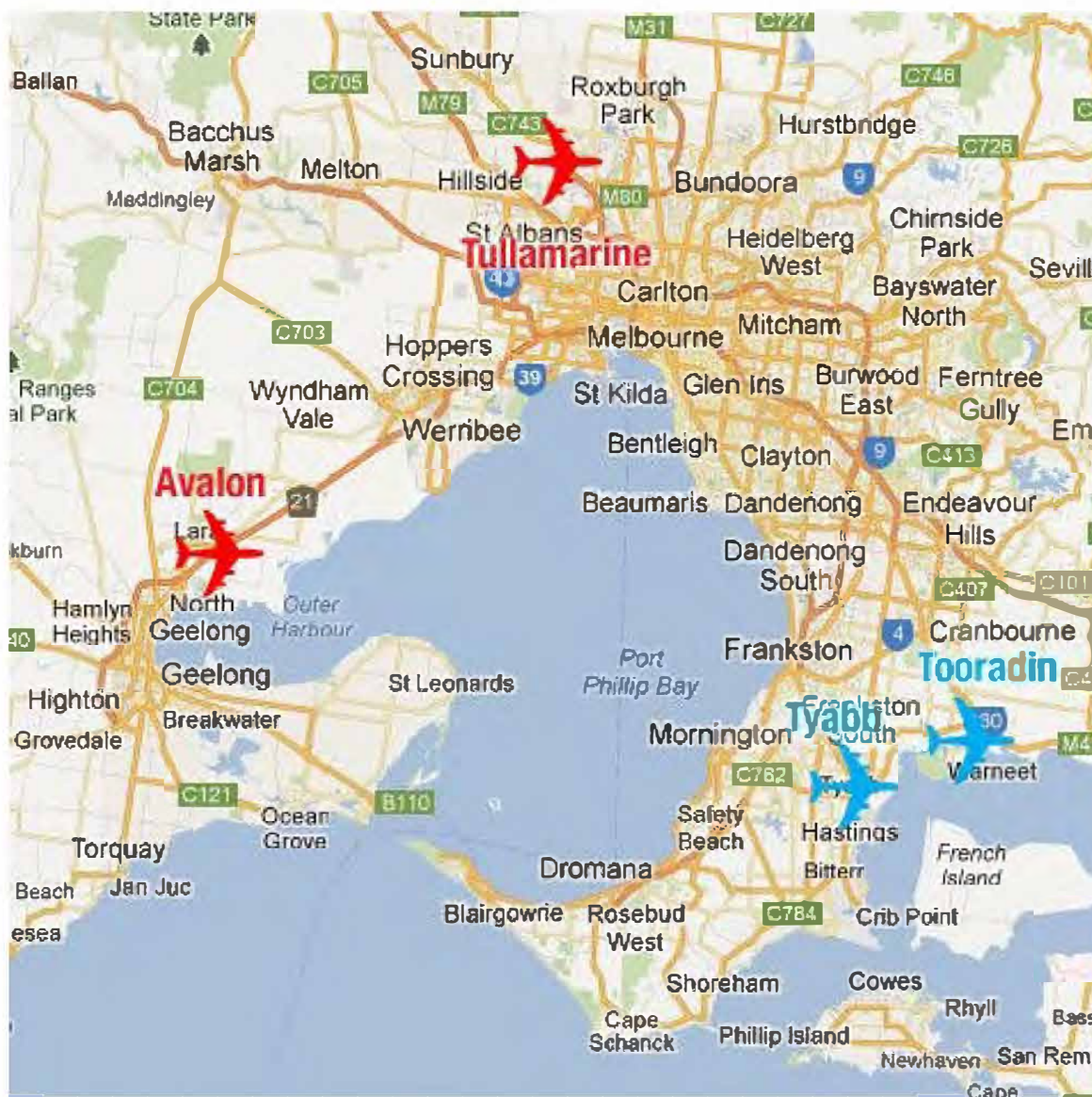
By [John Walton](#), January 25 2012



A third airport for Melbourne has been proposed for the south-eastern side of the city, with an influential employers' organisation suggestion that some domestic flights could be served from either Tyabb or Tooradin.

Tyabb has been specifically mooted by the Victorian Employers' Chamber of Commerce and Industry, in an [interview with The Age](#), with Tooradin **or other options in West or South Gippsland also being considered.**

While Tooradin is further to the east than Tyabb, both locations have existing small airfields and lie roughly within an hour of Melbourne's CBD, around 60km to the south-east.



Tyabb and Tooradin are to Melbourne's east: a potentially useful option for business travellers living that side of Port Phillip Bay.

Crucially, both options have rail lines only a few kilometres away -- a finger in the eye of Melbourne International Airport's over-priced and under-par Skybus service.

The new airport would supplement the existing main international airport at Tullamarine and the secondary low-cost option at Avalon, near Geelong to the west of Melbourne.



### **John Walton**

Aviation journalist and travel columnist John took his first long-haul flight when he was eight weeks old and hasn't looked back since. Well, except when facing rearwards in business class.

# CAPA CENTRE FOR AVIATION

## New Melbourne Airport

### NEW AIRPORT

COMPLETION: IN 10 YEARS (31-DEC-2030)

IATA: n/a

ICAO: n/a

City: Melbourne, VIC

Country/Territory: Australia

### Ownership

- **Owner/investor:**
  - Victorian Government
- **Investment (USD):**
  - 3,700,000,000

### Other airports in Melbourne

- Melbourne Avalon Airport
- Melbourne Essendon Fields Airport
- Melbourne Moorabbin Airport
- Melbourne Tullamarine Airport

### About

Victoria's Government outlined plans of establishing a new airport in Melbourne's south-east region as part of its Plan Melbourne 2017-2050. The government is expected to secure a site for the new airport by 2021, the value of which is estimated at AUD5 billion (USD3.7 billion) for the entire site. The airport, which will become the city's third commercial airport, is planned for commercial service operation in 2030.

---

Mar-2017.

16-Mar-2017. Victoria Government, in its Plan Melbourne 2017-2050 document, announced plans to establish a new airport in Melbourne's south-east region to ensure air transportation service remains efficient. **The government intends to finalise a preferred site beyond Koo Wee Rup by 2021. The selected site will be preserved by incorporating planning protection for flight paths and noise contours and alignment for a connection to Clyde rail line.**

15-Mar-2017. Victoria Government committed AUD5 billion (USD3.7 billion) over the next five years to secure the site for a third commercial airport in Melbourne. The proposed airport will have a catchment area covering the 35% of the Victorian population that lives in the southeast region. Private company Paragon Business Group has offered to develop the airport that is expected to commence operation in 2030.

# Melbourne Could be Getting a Third Major Airport

The state government has confirmed the additional flight hub is part of the city's long-term plan, with a site to be picked in the next five years.



Photography: Qantas / Facebook

Published on 15 March 2017

By LAUREN MUSCAT

The idea of a third major airport in Melbourne has been part of state planning talks since 2002. Today, the Andrews government confirmed that an airport in Melbourne's south-east is on the cards as part of its 2017-2050 strategy for the growing city.

The *Herald Sun* reports that Koo Wee Rup is being considered as the location of a third airport, and that the government “has pledged to identify the land” for the potential transport hub in the next five years.

The city already has two major airports at Melbourne’s Tullamarine and Avalon near Geelong. The potential third airport, which would cost about \$5 billion, would service about a third of the state’s population.

Once early planning work is complete, the Commonwealth government will need to grant aviation approvals. The private sector will fund any development, but the government emphasised plans will not go ahead unless demand for air travel warrants it (The Shire of Cardinia, where Koo Wee Rup is located, has backed the proposal).

“Melbourne Airport and Avalon Airport still have capacity to take more flights, but nevertheless we won’t make the same mistakes Sydney has made,” says a spokesperson for Planning Minister Richard Wynne.

“We need to plan ahead for aviation to avoid being blindsided as Victoria grows. Plan Melbourne is the government’s blueprint for population growth, and it includes the early planning works for a third airport to cater for a larger population and growing number of arrivals to Victoria.”

Melbourne Airport spokesperson Carly Dixon told the *Herald Sun* she’s supportive of the idea.

“With long-term considerations such as land ownership, noise contours, flight paths and market access all to consider, we’re very supportive of moves to start that safeguarding process,” Dixon says.

## Melbourne's third airport 'operational by 2022': developer



Victorian Premier Daniel Andrews (left) and Linfox executive director David Fox at Avalon Airport for the start of work on the industrial precinct. Photo: Mike Dugdale

- AAP
- **5:21PM JULY 4, 2017**

An investment company wants to build a \$7 billion third airport in Melbourne without using taxpayers' money, but Victoria's premier is focusing on the two airports the city already has.

Paragon Premier Investment Fund says it has a letter of intent from an unnamed financier to build an airport about 75km southeast of the CBD, near Koo Wee Rup and Lang Lang.

Managing director Alande Mustafa Safi said the plan for the airport, which would be subject to state and federal approvals, would be presented to the government the following week.

"We're not asking for any government backing or funding," Mr Safi said.

"We don't need a penny to build this." But Premier Daniel Andrews said the government was focusing on the two airports Melbourne already has — Tullamarine and Avalon.

"I haven't seen any proposals other than the stuff that's been in the media today," Mr Andrews told reporters.

"It is fair to say we are focused on upgrading connections to Melbourne airport (Tullamarine).

"We're also focused ... on Avalon.



“There’s every chance there could be tens of thousands of people working down there.”

Mr Safi said Paragon’s proposed airport would be fully operational by 2022 and at least as big as Tullamarine.

New & improved business newsletter. Get the edge with AM and PM briefings, plus breaking news alerts in your inbox.

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It would focus initially on cargo and domestic flights before extending to international tourists.

Fellow fund director Gerard Kennedy said Mr Safi wasn’t looking to invest in an airport until he was approached in Dubai.

“He got tapped on the shoulder from some people who said ‘we want an airport in southeast Victoria. We want it for this reason. We want to see these huge advantages of that particular area. We want people to be able to fly directly there’,” Mr Kennedy told ABC radio.

Shadow attorney-general John Pesutto said that the coalition was “very keen to look at ideas like this in much greater detail”.

In 2013, the then-coalition government called for a new airport in Melbourne’s southeast to cope with population growth.

Infrastructure Victoria declined to comment on the latest proposal, but its 30-year strategy released in December said a third airport “could potentially offer benefits for both passengers and freight”.

Mr Safi previously raised plans for a \$2 billion airport in Melbourne’s southeast in March.

View Video clip on Channel 7 News:

<https://www.theage.com.au/national/victoria/melbournes-third-airport-20170315-4rr6m.html>

This was published 3 years ago

## Backing secured for major airport serving Melbourne's south-east

By Patrick Hatch

**Updated** July 4, 2017 — 6.25am first published at 12.15am

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A \$7 billion proposal to build a privately-owned international airport for Melbourne's south-east will be presented to the Victorian government next week.

Melbourne-headquartered Paragon Premier Investment Fund wants to build a commercial airport between Koo Wee Rup and Lang Lang, to service Melbourne's booming south-eastern suburbs and the state's east.



Investors are looking at a project for a new international airport to be built in Koo Wee Rub in Melbourne's southeast. *Vision courtesy Seven News Melbourne*

But the plan has taken an important step towards becoming a reality, with Paragon's Chairman Alande Mustafa Safi saying he last week received a signed letter of intent from an infrastructure financier pledging to bankroll the estimated \$7 billion airport.



**Alande Mustafa Safi in front of the site of a proposed new airport near Koo Wee Rup.** CREDIT: DANIEL POCKETT

"It will be funded privately, so we're literally going to build and say 'here it is'," Mr Safi said.  
"The funds are ready, the developers are ready."

Mr Safi would not disclose the identity of its capital partner before presenting the plan to the state government next week, but said it was a consortium based in Europe and the Middle East that had built a number of airports, including two in Europe.

The partner has funded \$US58 billion (\$75 billion) worth of government-backed projects around the world to date, he said.

The airport will not need any government funding, but the state will need to deem it a necessary piece of infrastructure for the capital partner to back it, Mr Safi said.



The airport would initially be the size of Canberra Airport.

Paragon's business plan for the airport places it on land near Caldermeade, between Koo Wee Rup and Lang Lang, in an area pinpointed by the Victorian government's Plan Melbourne strategy.

The airport would initially have two runways and be around the size of Canberra Airport, which handles about 2.8 million passengers a year.



Melbourne Airport's CEO has backed the idea. *CREDIT: CRAIG ABRAHAM*

Cargo flights could begin by 2020, followed by commercial domestic and international services in the two years beyond that, he said.

An airport in the area would have a catchment of about 1.5 million people, according to a 2013 report prepared by the Cardinia Shire Council - similar to the population of Adelaide, which has a domestic and international airport servicing 7.8 million passengers a year.



Illustration: Ron Tandberg

It would service a population of around 3 million by 2050, according to the state government's 2013 Plan Melbourne report.

Mr Safi said there would be provisions to build two more runways and increase passenger numbers beyond Tullamarine's 35 million a year as demand grew.

Currently it takes Mr Safi up to two hours to drive from his Berwick home to Melbourne Airport during peak hour - longer than a flight to Sydney and Canberra - which made the case for a local airport compelling, he said.

However the initial focus would be on cargo, particularly exporting fresh produce overseas.

"From Gippsland to Tullamarine it's 3.5 hours, but to the Koo Wee Rup proposed airport it will be a 45-minute drive and then overnight to the Asian market, where the demand is," Mr Safi said.

Melbourne Airport's chief executive Lyell Strambi has backed a Koo Wee Rup airport, telling reporters last week that Tullamarine would eventually reach its growth limit and that Avalon - which has so far failed to attract international carriers - served the same catchment.

"If Avalon was in the south-east of Melbourne that'd be a great solution," Mr Strambi said.

Mr Safi, whose investment fund has about \$951 million under management and has never backed a major infrastructure project, said he was talking to international airport operators about leasing the new airport.

A spokesman for Victorian Planning Minister Richard Wynne said that while Melbourne and Avalon airports had capacity for more flights, it was important Victoria planned for infrastructure that could handle future growth.

Federal Transport minister Darren Chester said Commonwealth agencies would work with "any future private sector proponents of the airport" on issues such as aviation safety, airspace protection and security.

Infrastructure Victoria will advise the state government on feasibility while the Commonwealth is responsible for granting approval to run an airport.

[Patrick Hatch](#)

Business reporter at The Age and Sydney Morning Herald.

## \$7b third airport proposed for Melbourne



An investment fund will present the Victorian Government with a plan for a third Melbourne airport. (AAP)

An investment fund will next week present its plans to the Victorian government for a \$7 billion third Melbourne airport.

UPDATEDUPDATED 04/07/2017

An investment company wants to build a \$7 billion third airport in Melbourne without using taxpayers' money, but Victoria's premier is focusing on the two airports the city already has.

Paragon Premier Investment Fund says it has a letter of intent from an unnamed financier to build an airport about 75km southeast of the CBD, near Koo Wee Rup and Lang Lang.

Managing director Alande Mustafa Safi said the plan for the airport, which would be subject to state and federal approvals, would be presented to the government the following week.

"We're not asking for any government backing or funding," Mr Safi told AAP on Tuesday.

"We don't need a penny to build this."

But Premier Daniel Andrews said the government was focusing on the two airports Melbourne already has - Tullamarine and Avalon.

"I haven't seen any proposals other than the stuff that's been in the media today," Mr Andrews told reporters.

"It is fair to say we are focused on upgrading connections to Melbourne airport (Tullamarine).

"We're also focused ... on Avalon.

"There's every chance there could be tens of thousands of people working down there."

Mr Safi said Paragon's proposed airport would be fully operational by 2022 and at least as big as Tullamarine.

It would focus initially on cargo and domestic flights before extending to international tourists.

Fellow fund director Gerard Kennedy said Mr Safi wasn't looking to invest in an airport until he was approached in Dubai.

"He got tapped on the shoulder from some people who said 'we want an airport in southeast Victoria. We want it for this reason. We want to see these huge advantages of that particular area. We want people to be able to fly directly there'," Mr Kennedy told ABC radio.

**Shadow attorney-general John Pesutto said that the coalition was "very keen to look at ideas like this in much greater detail".**

**In 2013, the then-coalition government called for a new airport in Melbourne's southeast to cope with population growth.**

**Infrastructure Victoria declined to comment on the latest proposal, but its 30-year strategy released in December said a third airport "could potentially offer benefits for both passengers and freight".**

Mr Safi previously raised plans for a \$2 billion airport in Melbourne's southeast in March.

SOURCE AAP



	<b>Respondent No:</b> 14	<b>Responded At:</b> Mar 13, 2023 19:37:21 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 13, 2023 19:37:21 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

FOSTER NORT , VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

Q5. Upload Your Submission





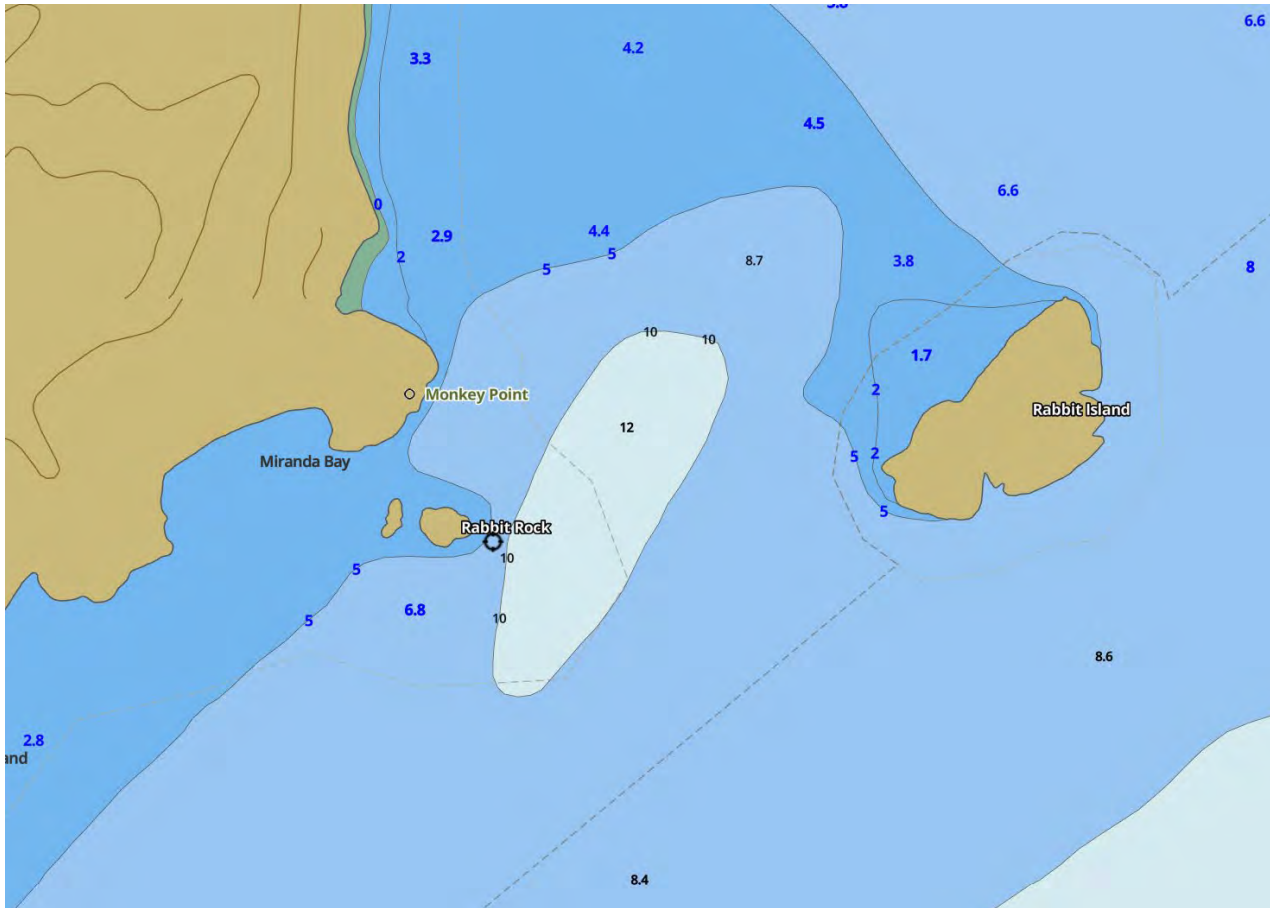
Skyrail Route to Sealers Cove. Follows the ridge lines.



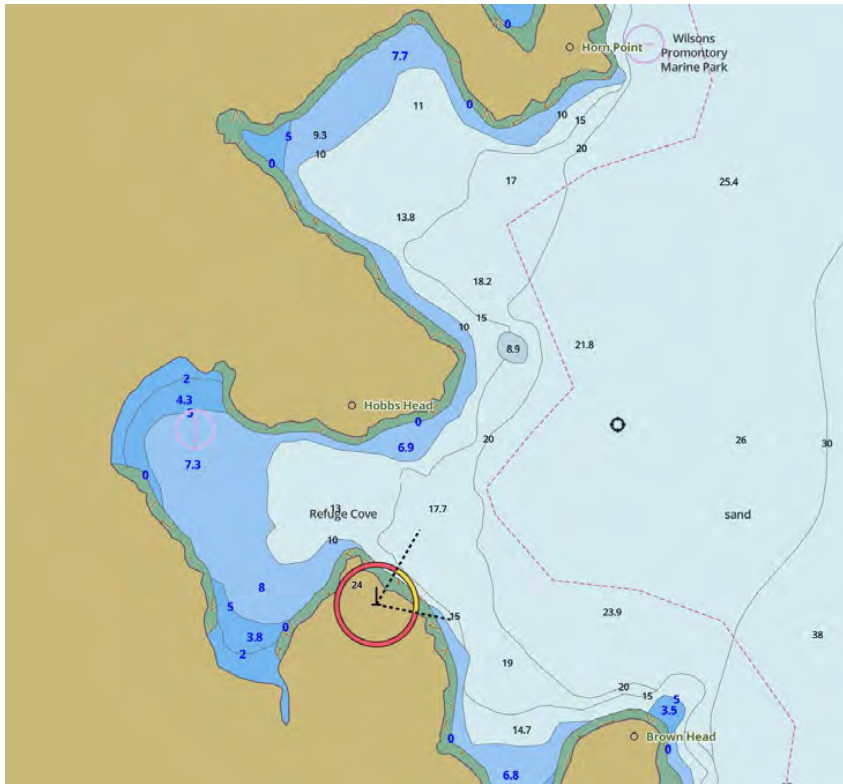
New maintenance track branching from % mile track and going to Johnny Souey Cove. We could bring Tidal Power along the walking track from Miranda Bay.



Luxury Retreat camp at Johnny Souey Bay - around 27km From Port Welshpool.



Possible Tidal Power site adjacent Rabbit Rock and Miranda Bay to power the resort.



Deep water at entry into Refuge Cove may give space for some Tidal Turbines.





	<b>Respondent No:</b> 15	<b>Responded At:</b> Mar 14, 2023 15:00:14 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 14, 2023 15:00:14 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

MIRBOO NORT , VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

Q5. Upload Your Submission

  
Mirboo North VIC 3871  


14 March 2023

South Gippsland Shire Council  
9 Smith Street  
Leongatha VIC 3953

Sent Via Email: [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au)

Dear Sirs,

**RE: South Gippsland Planning Scheme Review Feedback - Submission to rezone to general residential and develop 825 Berry's Creek Road, Mirboo North**

Thank you for the opportunity to provide a submission for the South Gippsland Planning Scheme Review.

Mirboo North among a number of our smaller towns are very desirable locations. The strategy for Leongatha and Korumburra to survive and grow is going to be dependent on the growth of those attractive and desirable towns that have strong communities along with good social and economic development. If the population of the South Gippsland Shire grows there would be additional potential rate revenue that would prosper and benefit the shire and its community.

Mirboo North has one of the oldest unchanged structured plans in the shire. The town needs supply growth. So the provision of allotments is very critical for desirable towns like Mirboo North. On this basis, it would be preferential to accelerate the rate of development.

The town is attractive for residential growth and tourism. The town serves as a satellite town for the Latrobe Valley and Leongatha. Mirboo North is a town where sustainable change, such as residential, commercial and industrial development should be supported. Mirboo North should be identified as a district town where growth is to be promoted for residential development.


Currently there is a crisis in affordable and available housing. In order to resolve the housing affordability problem the planning laws ought to be reviewed to reflect changing market demands. Residential development is a solution to the affordable housing crisis. It would provide affordable housing for coming generations.

Growth should be promoted for the expansion of the townships boundaries. Demand can and has been demonstrated by the interest of property developers wanting to develop the property at 825 Berry's Creek Road, Mirboo North, if rezoned to general residential. Its close

proximity to the township of Mirboo North and schools makes it a desirable residential housing development with family appeal. It can only be a beneficial addition to Mirboo North and encourage the migration of those looking to reside in regional Victoria. Please note that the adjoining property at 943 Berry's Creek Road was rezoned to general residential. So it makes sense to rezone the property at 825 Berry's Creek Road.


We should promote the staged release of new residential land in a contiguous and integrated manner. On the west side area of the township of Mirboo North at 825 Berry's Creek Road it has enormous potential for long term urban expansion. Please find **attached** a map showing the whole boundary of the property at 825 Berry's Creek Road for your review.

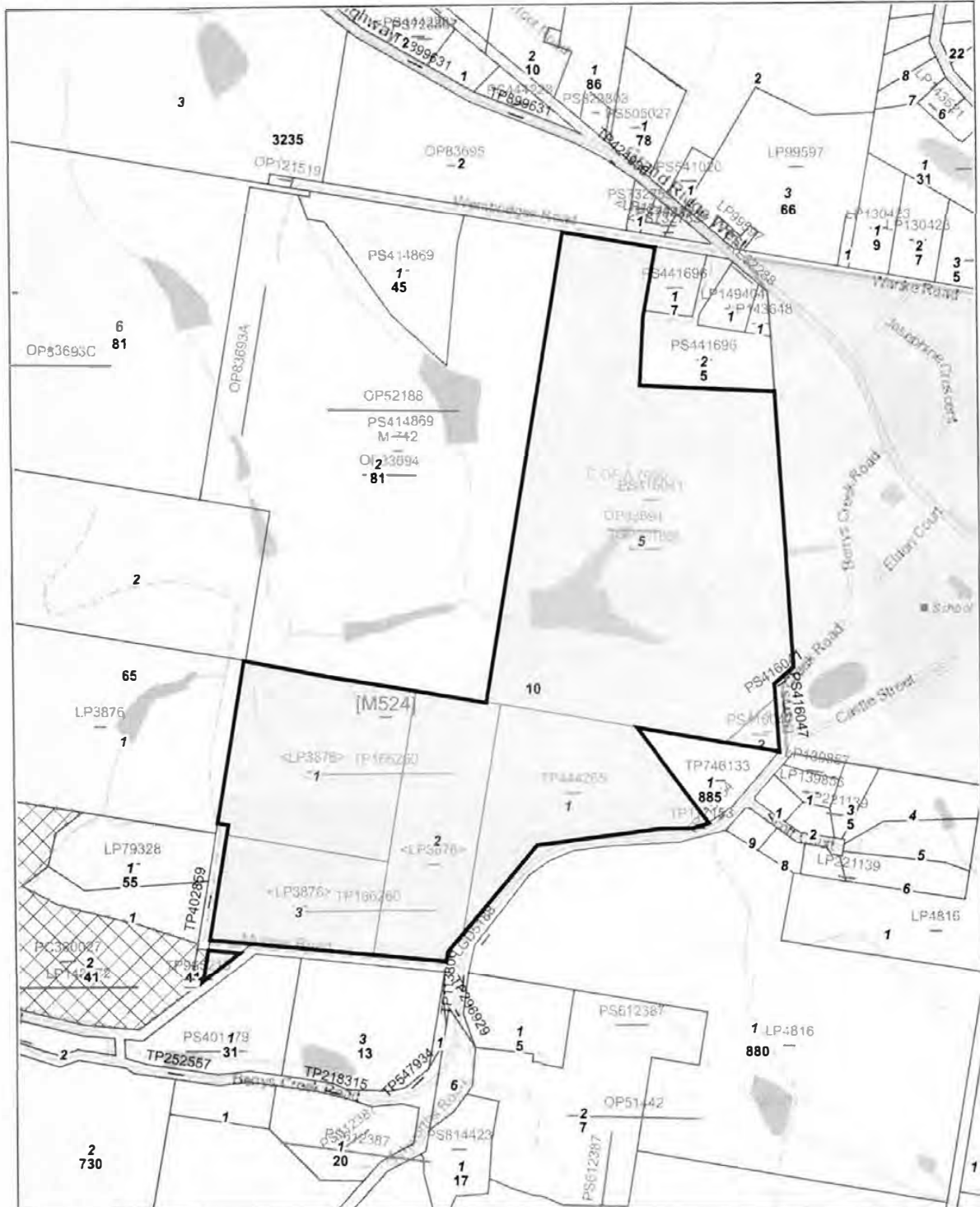
There should be consideration in reviewing the future residential expansion needs for the township of Mirboo North.



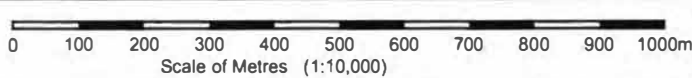
Thank you for your consideration of this submission.

Yours sincerely



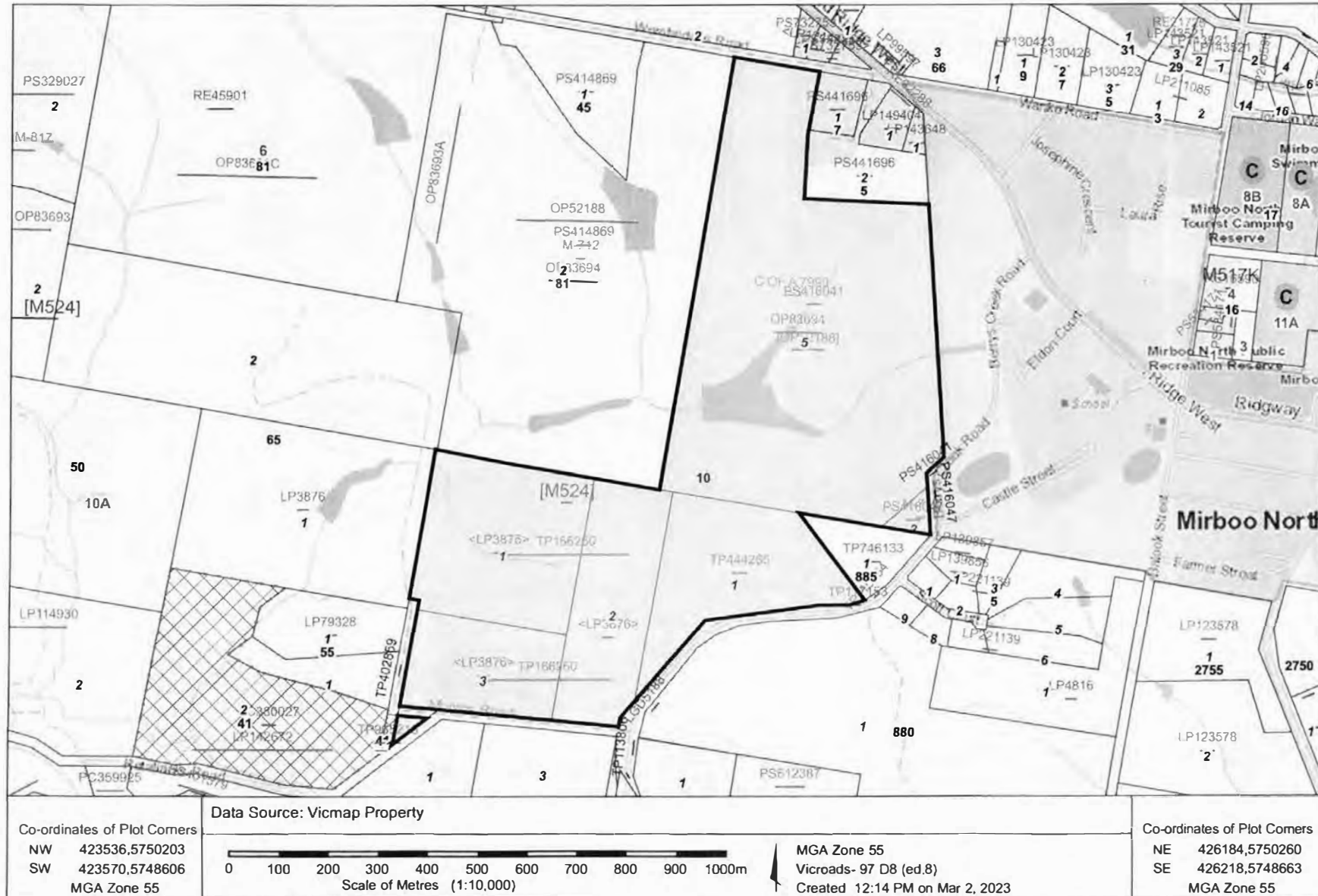


Data Source: Vicmap Property



MGA Zone 55  
 Vicroads-97 D8 (ed.8)  
 Created 12:16 PM on Mar 2, 2023

Co-ordinates of Plot Corners NW 423958,5750535 SW 424005,5748293 MGA Zone 55	<b>WARNING:</b> No warranty is given as to the accuracy or completeness of this map. Dimensions are approximate. For property dimensions, undertake a Title search.	Co-ordinates of Plot Corners NE 425749,5750573 SE 425796,5748331 MGA Zone 55
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WARNING: No warranty is given as to the accuracy or completeness of this map. Dimensions are approximate. For property dimensions, undertake a Title Search.

	<b>Respondent No:</b> 16	<b>Responded At:</b> Mar 14, 2023 18:35:30 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 14, 2023 18:35:30 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

KONGWAK, VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

Q5. Upload Your Submission

Submission: Resident [REDACTED]

[REDACTED] Kongwak 3951

As a resident of the Kongwak hamlet I would like to take the opportunity to request that Kongwak remains a hamlet in every sense of the word, that the scale of developmental opportunities is in align with the size of the town, current amenities provided and the future preservation of this quaint hamlet.

People who move to Kongwak, move here because of the peace, tranquillity and the fact it isn't developed...people who visit always say 'we understand why you live here', 'you're so lucky to live somewhere where you feel like you're in the middle of know where yet you're on 10-15 mins from major towns and shops...and the beach!!' and people who have lived here for years and decades don't want to leave because they know they are living in one of the most precious parts of the region...and we love it just the way it is.

And, much like our hamlet, I believe all our hamlets should be kept as hamlets as part of the ongoing preservation of the uniqueness of this region. I want to protect the environment for future generations. I saying that, I am very much in support of appropriately sized Rural Landscape Strategies that are in alignment with the size of the town and taking in to account the current amenities, the environmental and social impact along with blending in to the current streetscape.

The opportunity for future grown can be found by so many other surrounding townships within extremely close proximity to Kongwak. Those towns can benefit from the employment opportunities and the flow on effect from larger scale developments without detracting from the overall look and feel. We have seen in Archies Creek that large scale venues clearly to not work in hamlets – buildings stand out in the most ridiculous way and end up becoming white elephant eye-sores!

Residents in hamlets across our region are entitled to have real concerns over commercial developments that only serve to line the pockets of the investors while appearing to provide 'improvements' to the community even more so where there is no need to such venues with so many already in existence.

To highlight one of many concerns is the increase of traffic through the main street of Kongwak over the last 5 yrs due to the natural growth of the surrounding towns has caused major impact on so many levels including wildlife killings on a regular basis, I cannot begin to imagine what impact larger scale development would have but I know it would be detrimental.

There is no demand for, no need for and I do not welcome any developments that does not justly serve the good of the greater community for generations to come.

Finally I would like to reiterate that I welcome small-scale bespoke events, opprtunrities and ventures that serve the community in a positive way, that don't have the impact on the environment and where, at the end of the day or the event, Kongwak can continue to be 'The Valley of Peace' as it has always been intended to be.

	<b>Respondent No:</b> 17	<b>Responded At:</b> Mar 14, 2023 18:36:28 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 14, 2023 18:36:28 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name

[REDACTED]

Q2. Township

KONGWAK, VIC

Q3. Email Address

[REDACTED]

Q4. Best Contact Number

Q5. Upload Your Submission



Submission: Resident [REDACTED]

[REDACTED] Kongwak 3951

As a resident of the Kongwak hamlet I would like to take the opportunity to request that Kongwak remains a hamlet in every sense of the word, that the scale of developmental opportunities is in align with the size of the town, current amenities provided and the future preservation of this quaint hamlet.

People who move to Kongwak, move here because of the peace, tranquillity and the fact it isn't developed...people who visit always say 'we understand why you live here', 'you're so lucky to live somewhere where you feel like you're in the middle of know where yet you're on 10-15 mins from major towns and shops...and the beach!!' and people who have lived here for years and decades don't want to leave because they know they are living in one of the most precious parts of the region...and we love it just the way it is.

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	<b>Respondent No:</b> 18	<b>Responded At:</b> Mar 15, 2023 09:44:08 am
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 15, 2023 09:44:08 am
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name



Q2. Township

KORUMBURRA, VIC

Q3. Email Address



Q4. Best Contact Number

Q5. Upload Your Submission

	<b>Respondent No:</b> 19	<b>Responded At:</b> Mar 15, 2023 12:13:17 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 15, 2023 12:13:17 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name 

Q2. Township TRARALGON, VIC

Q3. Email Address 

Q4. Best Contact Number 

Q5. Upload Your Submission 



15 March 2023

Strategic Planning  
South Gippsland Shire Council  
[skyes@southgippsland.vic.gov.au](mailto:skyes@southgippsland.vic.gov.au)

To whom it may concern,

**Re: Draft South Gippsland Planning Scheme Review - Request for Feedback February 2023**

Thank-you for the opportunity to provide feedback on the Planning Scheme Review and future strategic work.

In reference to the Draft South Gippsland Planning Scheme documents released for public comment in February 2023, Gippsland Water (GW) wishes to make the following comments:

- Mirboo North framework plan – Urban Residential Expansion Area
  - This area would be difficult to service with water and wastewater services. Water pressures issues likely with significant infrastructure required. A new sewer pump station would be required to service the full development area.
- Mirboo North framework plan – Rural Living Expansion Area east of Thorpdale Road
  - This area is likely to be only partially serviced on western side
- Mirboo North framework plan – Western Infill Residential Development Area
  - The existing SPS capacity limited to approximately 30 lots

Refer to attached Mirboo North framework plan with comments.

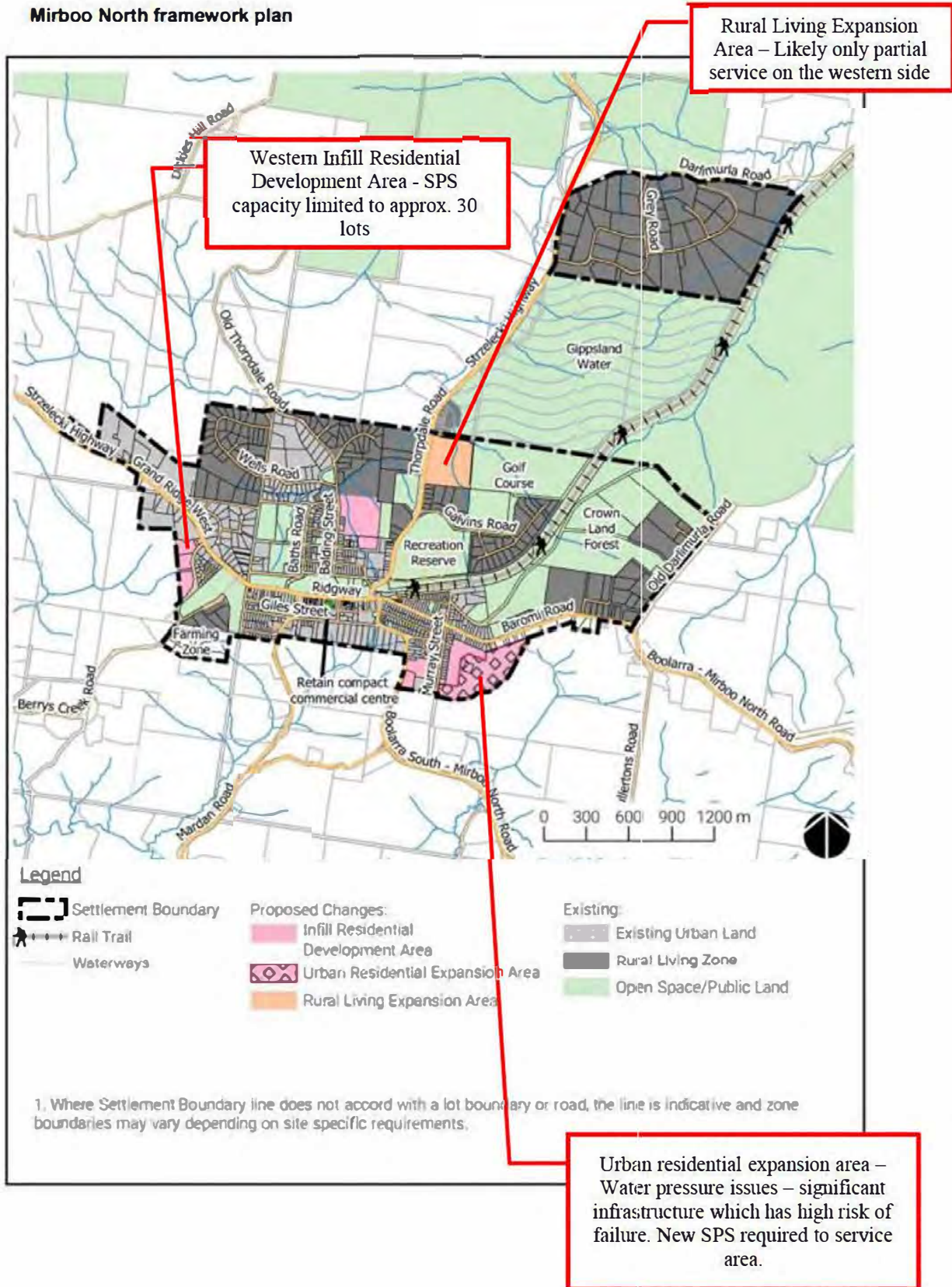
Please do not hesitate to contact our team via email at [InfrastructurePlanning@gippswater.com.au](mailto:InfrastructurePlanning@gippswater.com.au), if you require further information or would like to discuss further.

Thankyou

Kind Regards

**Strategic Planning Engineer, Gippsland Water**

Mirboo North framework plan



	<b>Respondent No:</b> 20	<b>Responded At:</b> Mar 15, 2023 14:34:29 pm
	<b>Login:</b> Anonymous	<b>Last Seen:</b> Mar 15, 2023 14:34:29 pm
	<b>Email:</b> n/a	<b>IP Address:</b> n/a

Q1. Full Name



Q2. Township

no answer

Q3. Email Address



Q4. Best Contact Number

Q5. Upload Your Submission



## BlueFloat Energy – Submission to South Gippsland Planning Scheme Review

This submission to the South Gippsland Shire Council has been made in response to the Planning Scheme Review Draft Report and the proposed Planning Scheme Amendment to implement the finding of the Review. BlueFloat Energy, the developer of the Greater Gippsland Offshore Wind Project, is pleased to present this submission and welcomes the opportunity for ongoing dialogue with the South Gippsland Shire Council.

### About BlueFloat Energy

BlueFloat Energy is a nimble and fast-growing offshore wind developer shaping the global energy transformation by bringing scaled decarbonisation solutions to new markets. BlueFloat Energy are at the forefront of the emerging global market for offshore wind and have extensive knowledge and hands-on experience in bottom-fixed and floating offshore wind project development and execution. Our portfolio includes bottom-fixed and floating wind farm projects in nine countries, with over 22 GW of planned capacity.

In Australia, BlueFloat Energy is developing 4 offshore wind projects. These are the Greater Gippsland and Southern Winds Offshore Wind Projects in Victoria and the South Pacific and Eastern Rise Offshore Wind Projects in NSW. The Greater Gippsland Offshore Wind Project is the most advanced of our projects and is located in the recently declared Bass Strait off Gippsland offshore wind zone.

### About the Greater Gippsland Offshore Wind Project

The Greater Gippsland Offshore Wind Project is located in the Gippsland region, to the southwest of Sale. The wind turbines and offshore substations are located approximately 10 – 43 kilometres from the Gippsland coast between Woodside Beach and Seaspray. Within this area, the Project involves 139 'bottom-fixed' turbines, four offshore substations and associated infrastructure with the capacity to generate up to 2.085 gigawatts of electricity. Several transmission route options are currently being assessed, with a preference for shared transmission infrastructure.

BlueFloat Energy is currently preparing an application for Feasibility Licence under the *Offshore Electricity Infrastructure Act 2021*. This application is due by 27 April 2023, with licences anticipated to be issued in October 2023.

### Our Submission

BlueFloat Energy is supportive of the recommendations made in the Planning Scheme Review Draft Report.

New offshore wind developments are proposed to be developed in the Bass Strait/ Gippsland region within 10 years. These projects are critical to supporting Victoria's transition to net zero and can drive regional economic development. While the wind turbines will be located in Commonwealth waters, transmission lines and cables will be located onshore and in Victorian waters.

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THE COMMONS  
11 WILSON STREET, SOUTH YARRA 3141



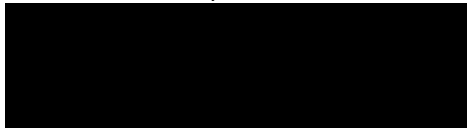
Offshore wind developments will be subject to rigorous State and Commonwealth assessments and will require approval (as relevant) under Victorian planning schemes. It is therefore critical that the planning system supports and encourages these projects. Without the support of planning schemes, projects are at risk of not being granted planning approval due to a lack of strategic support.

We note that offshore renewables have been identified as both an opportunity and a challenge for the Shire of South Gippsland. BlueFloat Energy endorses the Council conducting further strategic assessments into the opportunity that offshore wind can bring to the Shire and welcomes further discussion and input into these assessments. Localities such as Barry Beach will likely play an important role in the development of the offshore wind industry and have the potential to benefit from these developments.

We are committed to working with various stakeholders and partners in the short, medium and long term to ensure the development of the Greater Gippsland Offshore Wind Project and the offshore wind industry in the region provides broader social, economic and environmental benefits.

For further information in relation to our submission or any of the information above, please contact the undersigned.

Yours sincerely,



Director, Environment and Planning



15 March 2023

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THE COMMONS  
11 WILSON STREET, SOUTH YARRA 3141