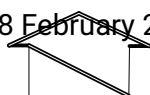


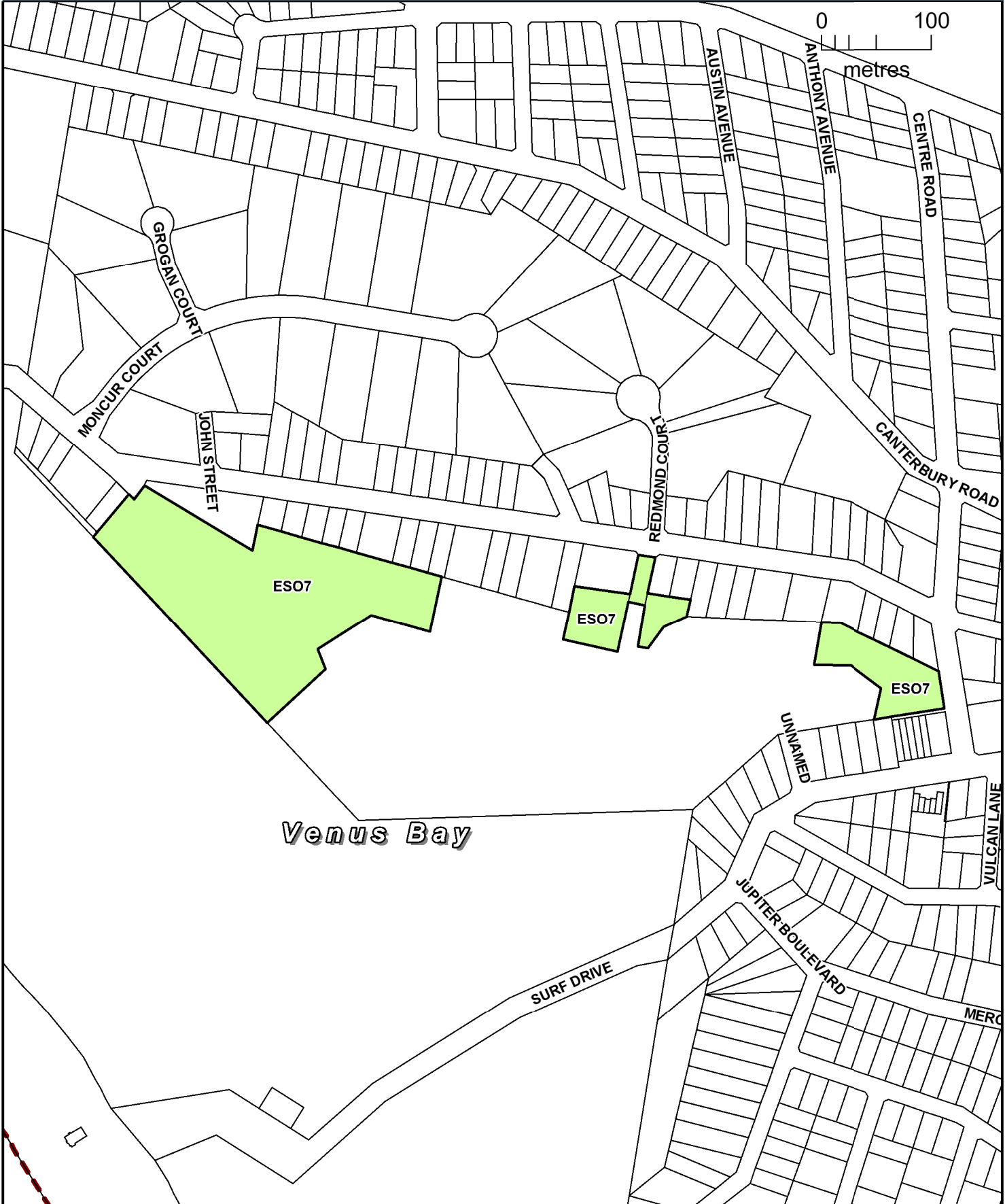
LEGEND

Part of Planning Scheme Map 24

- SUZ7 SPECIAL USE ZONE - SCHEDULE 7
- LDRZ LOW DENSITY RESIDENTIAL ZONE
- TZ TOWNSHIP ZONE

# AMENDMENT C109





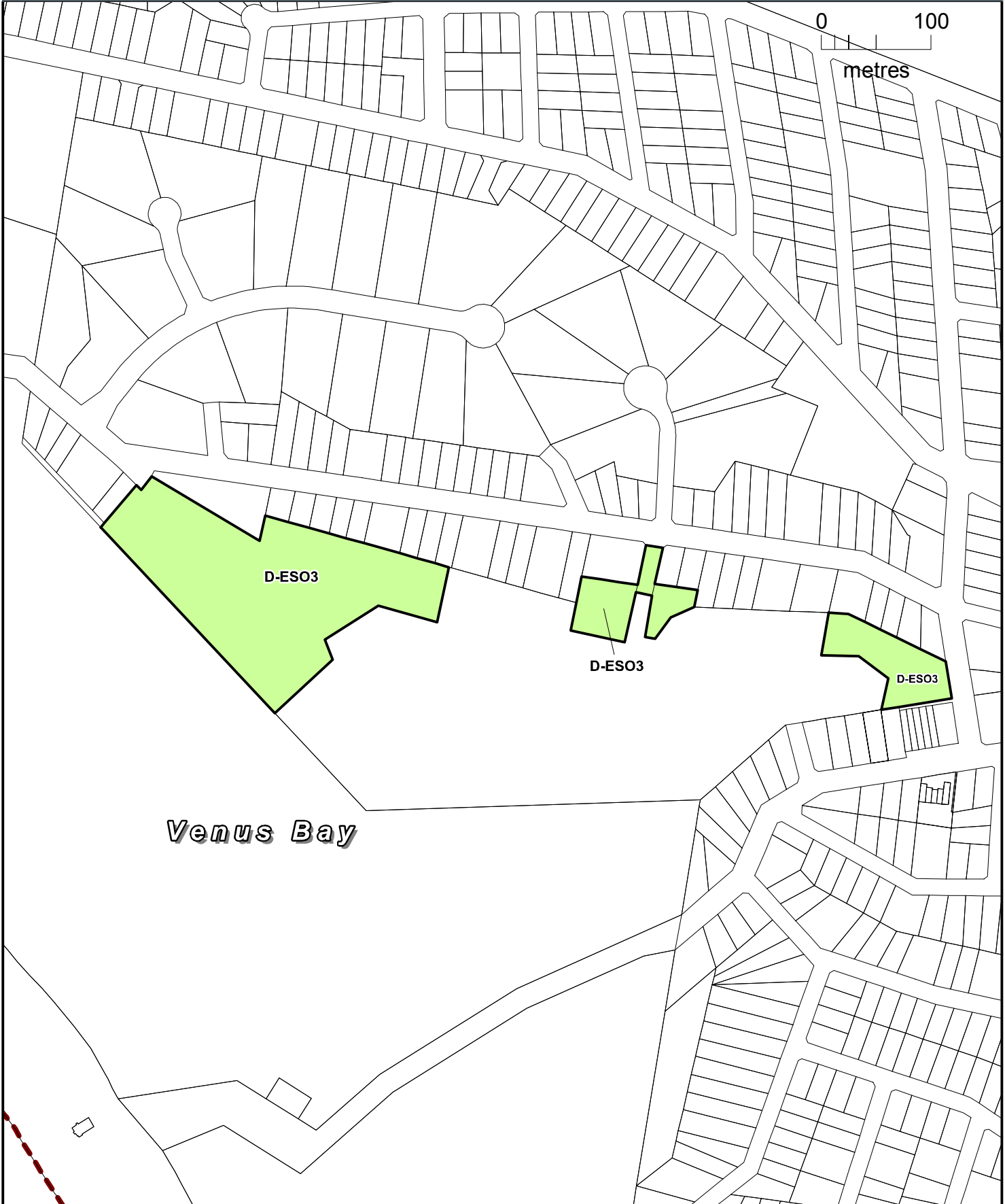
LEGEND

Part of Planning Scheme Map 24ESO

	ES07 ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 7
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# AMENDMENT C109



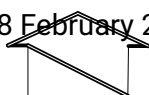


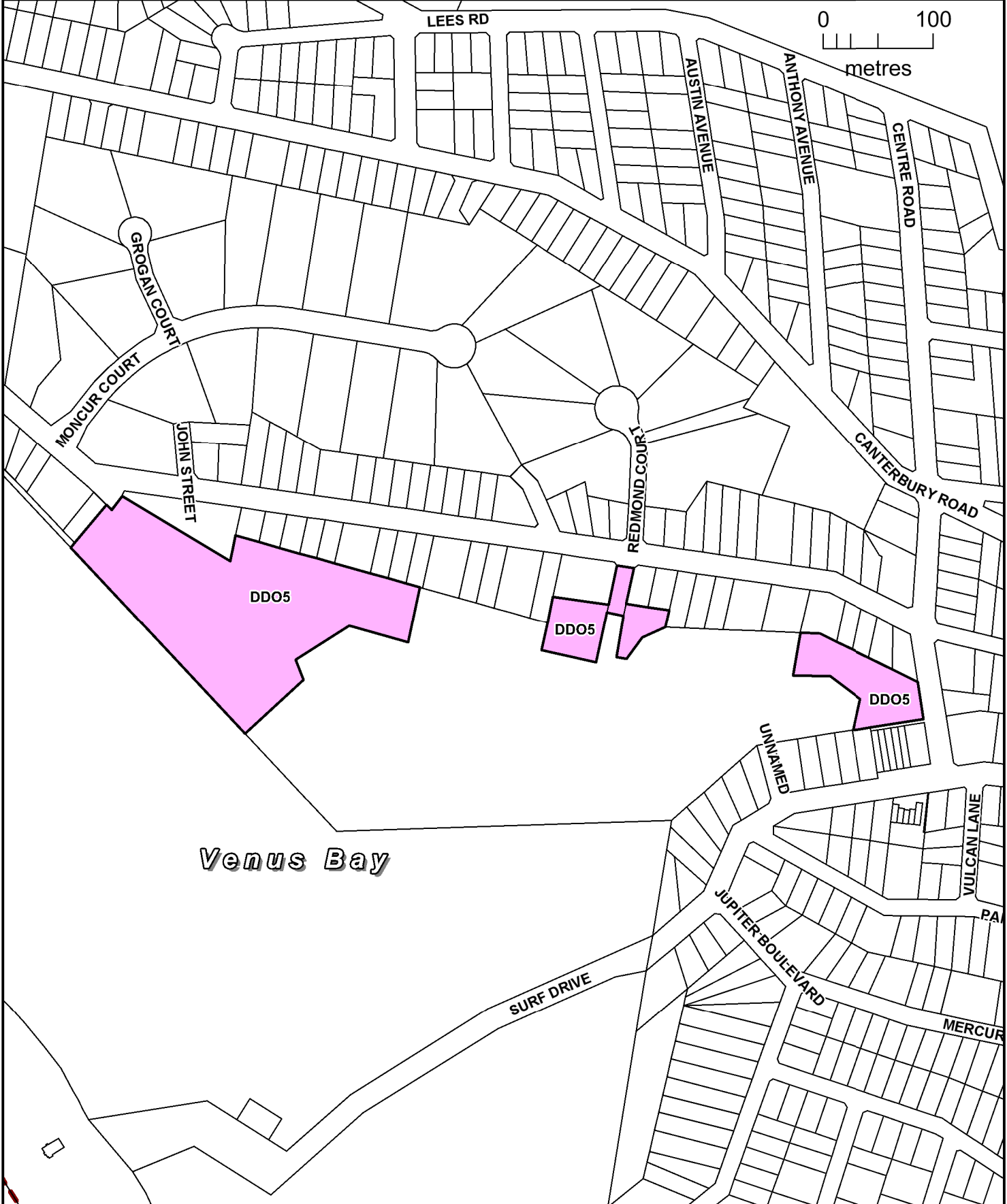
LEGEND

Part of Planning Scheme Map 24ESO

**D-ES03** AREA TO BE DELETED FROM AN ENVIRONMENTAL SIGNIFICANCE OVERLAY

AMENDMENT C109





Venus Bay

LEGEND

Part of Planning Scheme Map 24DDO

	DDO5 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 5
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# AMENDMENT C109



# Amendment C109 - Special Use Zone for Adoption

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C--109

## SCHEDULE [7] TO THE SPECIAL USE ZONE

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

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C--109

##### Section 1 - Permit not required

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
<hr/>	
Camping and caravan park	
Extensive Animal Husbandry	
Minor utility installation	
Caretaker's house	Must be the only Caretaker's house on the land.
Informal Outdoor Recreation	Must be in conjunction with the Camping and Caravan Park.
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications Facility	Buildings and works must meet the requirements of Clause 52.19.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

##### Section 2 - Permit required

Use	Condition
Agriculture (other than Apiculture and extensive animal husbandry)	
Backpacker's Lodge	Must be used in conjunction with the Camping and Caravan Park
Carpark	Must be used in conjunction with the Camping and Caravan Park

<b>Child care centre</b>	Must be used in conjunction with the Camping and Caravan Park
<b>Convenience shop</b>	
<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 uses not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<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

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C--109

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.
- 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.

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**

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C--109

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.

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**

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C--109

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.

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.
- 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 retainment of all waste water is in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

An application for buildings and 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.

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.
- 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 Advertising signs

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C109

Advertising sign requirements are at Clause 52.05. All land located within the Camping and Caravan Park Special Use Zone is in Category 3.

## Amendment C109 Local Policy Changes for Adoption

### 21.15-9

### Venus Bay

13/06/2014

G98

Proposed

C109

Future population growth in Venus Bay, when required, will be promoted within the existing zoned land and in the growth areas defined on the *Venus Bay Framework Plan*. It will provide low end convenience facilities and rely on Tarwin Lower and Leongatha for access to major retail, industrial and commercial facilities. Simple urban forms, low rise development and the natural bushland setting will continue to characterise the appearance of the village.

#### Local area implementation

- Ensure that any proposed use and development of land in Venus Bay is generally in accordance with the Venus Bay Estate 1 and Estate 2 Framework Plans

#### Settlement

- Discourage development in areas susceptible to erosion
- Maintain the current housing density
- Limit projected residential growth to the long term development areas identified on the *Venus Bay Framework Plan*
- Encourage the ongoing use and development of the Special Use Zone for the purpose of a caravan park.
- Discourage uses in the Special Use Zone which compromise the purpose of the zone.
- Ensure that any expansion into the long term development areas identified on the *Venus Bay Framework Plan* does not occur until the following Development Prerequisites have been met:
  - a significant proportion of vacant lots within the Township Zone and Low Density Residential Zone have been developed
  - reticulated water and sewerage is available
  - further investigation is undertaken to confirm the extent of potential problems associated with acid sulfate soils and flooding
  - further investigation is undertaken to confirm the location of sites of recognised cultural and heritage significance
  - further investigation is undertaken to confirm the location of sites of recognised environmental significance

#### Environment

- Ensure that each site is capable of on-site waste disposal that does not prejudice groundwater quality
- Maintain areas of indigenous and native vegetation where possible in new development
- Protect the environmental values of Anderson Inlet and Cape Liptrap Coastal Park

#### Landscape and built form

- Maintain the low key holiday character of the village and 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

- Encourage the use of best practice water sensitive urban design measures for new developments
- Promote ecologically sustainable and attractive forms of development that complement the natural environmental characteristics of Venus Bay

#### **Further strategic work**

- Investigate a flood study for Venus Bay to inform a local policy or overlay control within the planning scheme. The study should include a reference to climate change impacts
- Review the suitability of planning controls to land potentially affected by flooding, acid sulfate soils and sites of known cultural heritage significance. Amend or develop new controls as appropriate
- Develop a Master Plan, which clearly defines the boundaries of commercial development, and planning controls to ensure that the design of commercial areas is consistent with preferred town character
- Investigate rezoning land to the south of Jupiter Boulevard, Venus Bay, from Township Zone to Commercial 1 Zone as shown in the *Venus Bay Framework Plan* in order to focus the commercial use and development into a central precinct and reduce these uses amongst residential uses
- Investigate rezoning the Commercial 1 Zone land in Black Avenue in Venus Bay Estate 2 to Township Zone, in order to recognise and support the existing role of the commercial area in Venus Bay Estate 1

#### **Reference documents**

*Venus Bay Urban Design Framework: Settlement Background Paper (2006)*

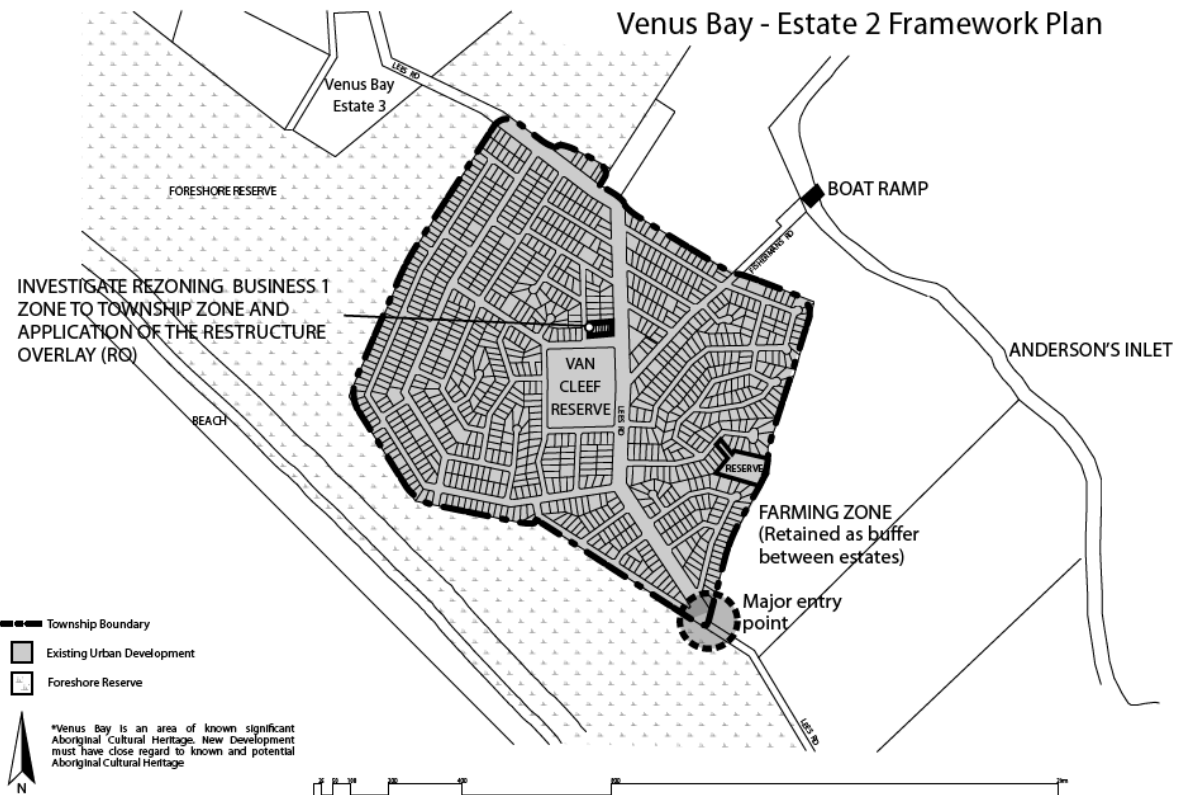
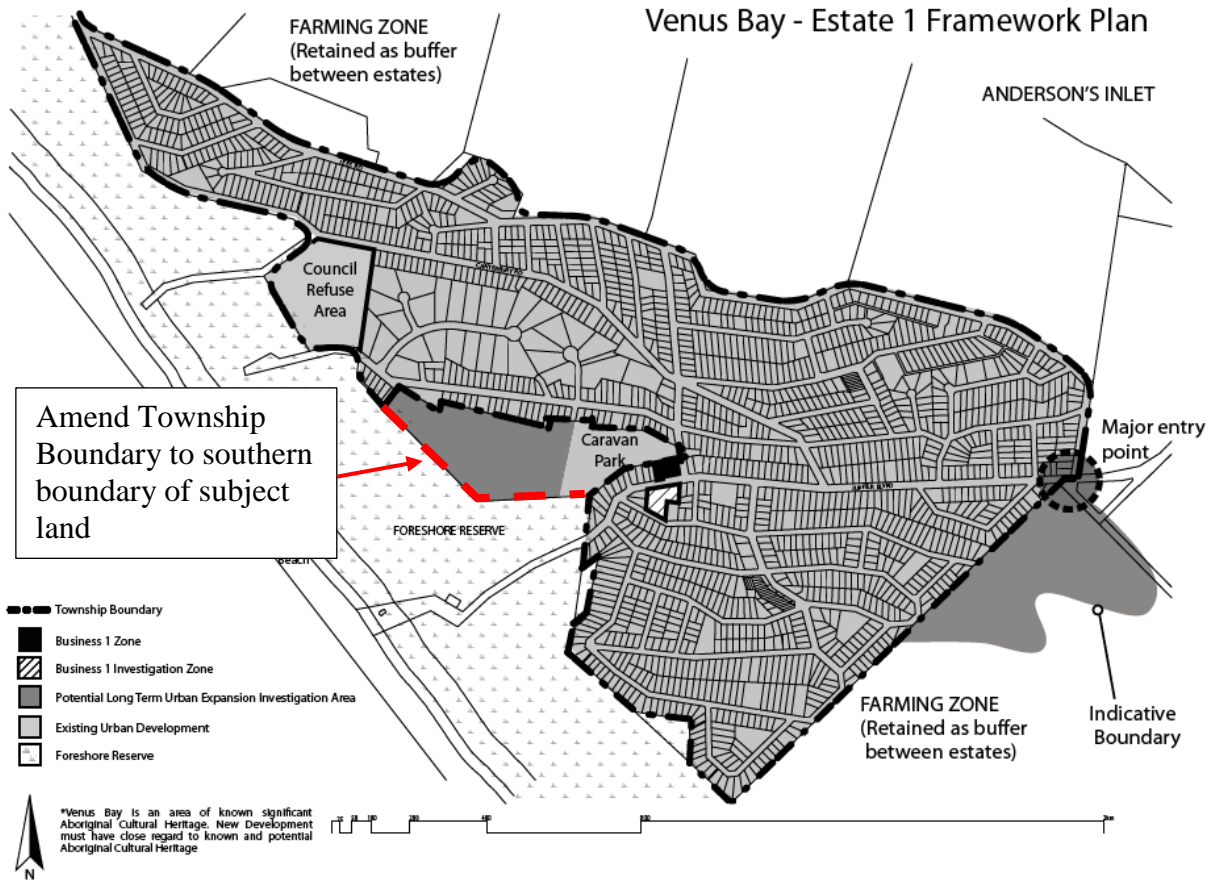
*Infrastructure Design Manual (version 4, March 2013) (as amended)*

*Healthy by Design 2012 (as amended)*

*South Gippsland Open Space Strategy 2007(as amended)*

*South Gippsland Recreation Plan 2007 (as amended)*

*The South Gippsland Housing and Settlement Strategy, 2013*



03/12/2009  
C45  
Proposed  
C109

## SCHEDULE 3 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3

### COASTAL SETTLEMENTS – NON RESIDENTIAL ZONES

#### 1.0 Statement of Environmental Significance

03/12/2009  
C45

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 Objectives to be achieved

03/12/2009  
C45

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

03/12/2009  
C45

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.

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.

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.

#### 4.0

03/12/2009  
C45

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The purpose of the overlay.
- 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 Sustainability 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 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.

# Amendment C109 Draft Planning Permit for Adoption and submission to the Minister for Planning for Approval

Permit No.: 2016/180

## PLANNING PERMIT

Planning scheme: South Gippsland Planning Scheme

Responsible authority: South Gippsland Shire Council

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

**ADDRESS OF THE LAND:** Lot 1 PS800516 being 143B Inlet View Road Venus Bay; Lot 2 PS648056 and Lot 1 TP172550 being 113A Jupiter Boulevard Venus Bay

**THE PERMIT ALLOWS:** The subdivision of the land into 9 lots and removal of native vegetation in accordance with the endorsed plans

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

### General Conditions

1. Prior to the endorsement of any plans, amended plans and information to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. These plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a) Revised indicative driveway locations and alignments to enable safe and reliable access at an appropriate grade to access the approved building envelopes in accordance with Council's engineering requirements.
  - b) Amended layout plan for Ockenga Court indicating an appropriately sized turning area to safely cater for emergency and waste collection vehicles, without requiring a vehicle to reverse.
  - c) Dimensions that identify the boundary setbacks of the building envelopes.
2. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. A 5% cash in lieu contribution for public open space must be lodged with the Responsible Authority in accordance with Section 18 of the *Subdivision Act 1988* prior to the issue of Statement of Compliance.
4. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement

Date issued:

Date permit comes into operation:

Signature for the responsible authority:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)



or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.

5. The name for the proposed road for the subdivision must be in accordance with the Guidelines for Geographic Place Names and to the satisfaction and approved by the Responsible Authority.

### Section 173 Agreement

6. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must state:

Prior the issue of a Building Permit in respect to any building constructed on any newly created lot, the owner of the lot must:

- a) construct suitable soakage pits for the onsite disposal of stormwater on the lot,
- b) submit engineering plans, calculations and percolation test results for the proposed soakage pit to be approved by Council's Engineering Department prior to the construction of the soakage pits
- c) ensure plans and calculations for the soakage pits are carried out by a suitably qualified consultant and design of the soakage pits is to take into account the soil structure, percolation rate, level of the water table and the extent of future building(s).

When constructing habitable buildings, the owner of the lot must:

- d) On each lot created, there can be no buildings constructed outside the building envelope as shown on the plans endorsed under Planning Permit 2016/180 except for eaves, gutters, decks, steps, driveways, single and double car garages, sheds up to 10sqm in size, pathways, retaining walls and fencing unless with the written consent of the Responsible Authority.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 Agreement. The section 173 Agreement must be registered prior to the issue of a Statement of Compliance.

7. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must state:
  - a) Incorporate the Bushfire Management Plan and Vegetation Management Plan approved under this permit.
  - b) Ensure that any vegetation management at the site is undertaken in accordance with the Bushfire Management Plan and Vegetation Management Plan.
  - c) State that it has been prepared for the purpose to give effect to the bushfire mitigation measures set out in the approved Bushfire Management Plan and the requirements of Clause 44.06-3.

Date issued:	Date permit comes into operation:	Signature for the responsible authority:
_____	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation) _____	_____

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 Agreement. The section 173 Agreement must be registered prior to the issue of a Statement of Compliance.

### **Mandatory Clause 66.01-1 Telecommunications – for Township Zone and Low Density Residential lots**

8. The owner of the land must enter into an agreement with:
  - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
  
9. Before the issue of Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### **South Gippsland Shire Council Engineering Department**

10. Unless stated otherwise, the following conditions must be complied with to Council's satisfaction prior to the issue of Statement of Compliance for the relevant stage of the approved subdivision.
  - a) Prior to the issue of Statement of Compliance of the relevant stages of the approved subdivision, engineering plans and computations (based on the Infrastructure Design Manual) are to be submitted to and approved by the South Gippsland Shire Council.  
As minimum, engineering design to address:
    - i) Relevant internal road works in accordance with the I.D.M or as stipulated in conditions above.
    - ii) Required external works in Ockenga Court.
    - iii) Control of stormwater overflow from building envelopes.
  - b) Construction works associated with the relevant stage of the approved subdivision must be in accordance with Councils Infrastructure Design Manual (I.D.M.),

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b>
_____	_____	_____

unless otherwise agreed by Council. Construction work includes, but is not limited to;

- i) All internal roads constructed and sealed to a rural standard (5m seal with concrete edge strips both sides, wide shoulders and grassed table drains, including court bowl 9m minimum radius sealed with concrete edge strip).
  - ii) Ockenga Court gravel surface re-sheeted to satisfaction of council, including suitable turning area for waste and emergency vehicles.
  - iii) Street lighting at the new intersection, the new court, linemarking and street signs.
- c) Appropriate easements are to be created for existing and future stormwater infrastructure.
- d) Upon approval of construction plans by Council for the relevant stage, pay to Council an amount equivalent to 0.75 % of the estimated cost of construction for checking of engineering plans and computations. A certified cost estimate is to be provided by the applicant.
- e) A Site Management Plan showing the proposed erosion control measures is to be submitted to and approved by council prior to construction works commencing on site.
- f) Number of and timing of inspections of construction work to be as agreed with Council's Engineering Department. A minimum of twenty four hours notice is required for inspections.
- g) Scaled "As Constructed" plans for each stage are to be forwarded to Council in paper, "pdf" and AutoCAD compatible format, to the satisfaction of the Responsible Authority.
- h) "As Constructed" measurements/survey enhanced details of the drainage component of the approved works shall be provided in accordance with the current version of D Spec.
- i) Upon agreed practical completion of civil works for the relevant stage, pay to Council an amount equivalent to 2.5 % of the actual cost of construction, being for supervision of works. A certified final cost is to be supplied by the applicant.
- j) A twelve months Defects Liability Period shall apply to all civil engineering and landscaping works which will become responsibility of South Gippsland Shire Council.
- k) Upon agreed practical completion of civil works for the relevant stage, pay to Council an amount equivalent to 5 % of the actual cost of construction of infrastructure to be handed to Council (including landscaping), being for

**Date issued:**

**Date permit comes into operation:**

**Signature for the responsible authority:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

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Guarantee of Works during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council.

- l) If the subdivision is to be staged, the appropriate conditions must be complied with for each stage before consent to Certification or issue of a Statement of Compliance for that stage.
- m) All work must be carried out to the satisfaction of the South Gippsland Shire Council.

### **Country Fire Authority**

11. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Bushfire Management Plan**

12. Before Certification and Statement of Compliance is issued under the *Subdivision Act 1988*, the Bushfire Management Plan (BMP) prepared by *Jardine Johnston Environment and Planning* must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. Plans that must be endorsed and form the BMP for the site are:

- *Bushfire Management Plan Lots 1-6, Date August 2016, latest Revision 3/2/17 and Drawing BMP01*
- *Bushfire Management Plan Lots 7, Date August 2016, latest Revision 31/1/17 and Drawing BMP02*
- *Bushfire Management Plan Lots 1-6, Date August 2016, latest Revision 31/1/17 and Drawing BMP03*

13. When endorsed the BMP must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the South Gippsland Planning Scheme.

### **Vegetation Management Plan**

14. Before Certification and Statement of Compliance is issued under the *Subdivision Act 1988*, the Vegetation Management Plan (VMP) prepared by *Jardine Johnston Environment and Planning* (Date August 2016, latest Revision 2/2/17 and Drawing VMP01) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

**Date issued:**

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15. When endorsed the VMP must be included as an additional annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the South Gippsland Planning Scheme.

#### Plan of Subdivision

16. Before Certification and Statement of Compliance is issued under the *Subdivision Act 1988*, a plan of subdivision must be submitted to the Responsible Authority that shows habitable building envelopes in accordance with the building envelopes shown on the BMP endorsed under Condition 12 of this permit, unless otherwise agreed in writing by CFA and the Responsible Authority.

#### Maintenance of defensible space

17. Before the Statement of Compliance is issued under the Subdivision Act 1988, defensible space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

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

18. To offset the removal of 0.947 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:

A general offset of 0.357 general biodiversity equivalence units with the following attributes:

- a) Be located within the West Gippsland Catchment Management Authority boundary or South Gippsland municipal district
  - b) Have a strategic biodiversity score of at least 0.432.
19. Prior to the issue of Statement of Compliance, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:
- a) a secure agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
  - b) an allocated credit extract from the Native Vegetation Credit Register.
20. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
21. In the event that a security agreement is entered into as per condition 19, the offset provider must provide the annual offset site condition report to the Responsible

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Authority by the anniversary date of the execution of the offset security agreement, for a permit of 10 consecutive years. After the tenth year, the offset provider must provide a report at the reasonable request of the statutory authority.

### AusNet Electricity Services

22. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

The applicant must:

- a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the *Electricity Industry Act 2000*, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- g) Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- h) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the *Electricity Safety Act 1998*.
- i) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

### Expiry

This permit will expire if either of the following applies:

- a) The subdivision is not certified within two (2) years of the date of this permit; or
- b) The registration of the subdivision is not completed within five (5) years of the date of

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certification.

## Notes

1. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
2. The appropriate "Consent to work within the Road Reserve" permit must be obtained from Council for all work carried out in Ockenga Court.
3. The applicant should carry out a "Dial Before You Dig" enquiry to check the location of underground services before any works are commenced on-site.
4. Appropriate design checklist must be forwarded with engineering plans and computations with all relevant items addressed. Failure to address all relevant items or forward appropriate information will lead to delay in the assessment of engineering plans and computations.
5. Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to certify a plan under part (a) of the expiry condition, if the request is made before the permit expires or within 6 months afterwards.
6. The Responsible Authority is not able to extend the time to register the plan under part (b) of the expiry condition from the original date of certification, irrespective of whether the plan is re-certified or a new plan is certified under the provisions of the Subdivision Act 1988.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No C109 to the South Gippsland Planning Scheme.

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### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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### WHAT ABOUT REVIEWS?

**Date issued:**

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- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

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(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

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# Amendment C109 Instruction Sheet for Adoption

## *Planning and Environment Act 1987*

### **SOUTH GIPPSLAND PLANNING SCHEME**

#### **AMENDMENT C109**

#### **INSTRUCTION SHEET**

The planning authority for this amendment is the South Gippsland Shire Council.

The South Gippsland Planning Scheme is amended as follows:

#### **Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of four attached maps sheets.

#### **Zoning Maps**

1. Amend Planning Scheme Map No. 24 in the manner shown on the one attached map marked "South Gippsland Planning Scheme, Amendment C109".

#### **Overlay Maps**

2. Amend Planning Scheme Map No. 24ESO3, 24DDO and 24ESO7 in the manner shown on the three attached maps marked "South Gippsland Planning Scheme, Amendment C109".

#### **Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.15 with a new Clause 21.15 in the form of the attached document.
4. In Zones – Clause 37.01, insert a new Schedule 7 in the form of the attached document.
5. In Overlays – Clause 42.01, replace Schedule 3 with a new Schedule 3 in the form of the attached document.

End of document