



## **South Gippsland Planning Scheme Review 2018**



9 Smith St., Leongatha 3953 ( Private Bag 4) Ph: 5662 9200 Fax: 5662 3754  
council@southgippsland.vic.gov.au www.southgippsland.vic.gov.au

<b>CONTENTS</b>		<b>Page</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>Progress since Review 2014</b>	
<b>2.1</b>	Amendments and Projects January 2015 – March 2018	<b>5</b>
<b>3.0</b>	<b>Planning Permit Application Performance</b>	
<b>3.1</b>	Application Numbers and Value	
<b>3.2</b>	Amended Applications	
<b>3.3</b>	Refusals	
<b>3.4</b>	60 days determination period	
<b>3.5</b>	Further information requests	<b>5</b>
<b>3.6</b>	Referrals	
<b>3.7</b>	Advertising	
<b>3.8</b>	Submissions / Objections	
<b>3.9</b>	VicSmart	
<b>4.0</b>	<b>VCAT decisions</b>	
<b>4.1</b>	Figures	
<b>4.2</b>	Types of Appeals	
<b>4.3</b>	Issues raised	<b>10</b>
<b>4.4</b>	Conclusions	
<b>5.0</b>	<b>External Stakeholder Consultation</b>	
<b>5.1</b>	Government / Service Providers	
<b>5.2</b>	Professional Practitioners	<b>12</b>
<b>5.3</b>	Community	
<b>6.0</b>	<b>Internal Stakeholder Consultation</b>	
<b>6.1</b>	Planning Department	
<b>6.2</b>	Other Internal Teams	<b>15</b>
<b>7.0</b>	<b>Alignment with State Planning Policies</b>	<b>16</b>
<b>8.0</b>	<b>Alignment with Gippsland Regional Growth Plan</b>	<b>17</b>
<b>9.0</b>	<b>Alignment with Council Plan and Major Issues for the Municipality</b>	
<b>9.1</b>	Council's Commitment to the Community	
<b>9.2</b>	Strategic Objectives	<b>17</b>
<b>9.3</b>	Major Issues in the Municipality	
<b>10.0</b>	<b>Fulfilment of Scheme Objectives</b>	<b>23</b>
<b>11.0</b>	<b>Zones</b>	
<b>11.1</b>	Rezoning in the Review period	
<b>11.2</b>	Land Supply and Future Zoning Needs	<b>23</b>
<b>11.3</b>	Rural Residential Zoning	
<b>12.0</b>	<b>Overlays</b>	<b>27</b>
<b>13.0</b>	<b>Office Statistics</b>	<b>27</b>

13.1	Planning enquiries	
13.2	Web site	
13.3	Staffing and Workload	
13.4	Planning Files Audit	
13.5	Departmental Operational Costs	
13.6	Technology, Innovation, Improvements and Efficiencies	
<b>14.0</b>	<b>Business Plans</b>	<b>32</b>
<b>15.0</b>	<b>Conclusions</b>	<b>32</b>

<b>TABLES</b>	<b>Page</b>
<b>Table 1 - Council Plan Commitments 2017-2021</b>	<b>17</b>
<b>Table 2 - South Gippsland Population 2011 and 2016</b>	<b>21</b>
<b>Table 3 - Economic Drivers in South Gippsland</b>	<b>22</b>
<b>Table 4 - Statutory Planning Enquiries received by Method of Receipt</b>	<b>28</b>
<b>Table 5 – Viewing numbers of Council Web Pages - Planning Topics</b>	<b>28</b>

<b>ATTACHMENTS</b>
<b>Attachment 1 – Current Status of Previous Review’s Recommendations</b>
<b>Attachment 2 – Amendments and Projects January 2015 – March 2018</b>
<b>Attachment 3 – Planning Permit Application Performance – South Gippsland</b>
<b>Attachment 4 – Planning Department Workload</b>
<b>Attachment 5 - VCAT Appeals January 2015 to March 2018</b>
<b>Attachment 6 - Consolidated Recommendations</b>

<b>CONFIDENTIAL ATTACHMENTS</b>
<b>Confidential Attachment 1 - Consultation Summary – Government – Agencies- Departments - Service Providers and Councils</b>
<b>Confidential Attachment 2 - Consultation Summary – External Professional Practitioners</b>
<b>Confidential Attachment 3 - Consultation Summary – Community</b>
<b>Confidential Attachment 4 - Consultation Summary – Internal Planning Teams</b>
<b>Confidential Attachment 5 - Consultation Summary – Other Internal Council Teams</b>
<b>Confidential Attachment 6 - Planning Files and Planning Enforcement Audit</b>
<b>Confidential Attachment 7 - Planning Department Expenditure and Income</b>
<b>Confidential Attachment 8 - Planning Department Business Plans</b>

## 1.0 Introduction

Council is required by Section 12B of the *Planning and Environment Act 1987* (the Act) to review its Planning Scheme every four years and report to the Minister for Planning on the review results. The timing of the Review is tied to the adoption of the Council Plan. Council elections are held every four years. The Council Plan is adopted by 30 June following the Council election. Consequently the Planning Scheme Review (PS Review) also follows a four-year cycle. This PS Review is the third review of the South Gippsland Planning Scheme (SGPS). It covers the period from 1 January 2015 to 31 March 2018. The PS Review is required to be adopted by 30 June 2018 and submitted to the Minister 'without delay'.

According to Planning Practice Note 32 *Review of Planning Schemes* (available online at [www.planning.vic.gov.au/publications/planning-practice-notes](http://www.planning.vic.gov.au/publications/planning-practice-notes)) the purpose of the review is to, "enhance the effectiveness and efficiency of the planning scheme in achieving:

- *the objectives of planning in Victoria*" by assessing the "scheme provisions, such as local planning policies, zones, overlays and schedules.
- *the objectives and strategies of the planning scheme including the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).*"

Further, the review should assess if the planning scheme,

- *"is consistent in form and content with any directions or guidelines issued by the Minister under section 7(5) of the Act*
- *sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies*
- *makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives."*

The review also audits the performance of the planning scheme by discussing achievements since the last review, the current position and future directions or needs. Proposed improvements to the planning scheme that are identified by the review should be undertaken as Planning Scheme Amendments started after the Review has been adopted. The Review can also make recommendations to the State Government about the SPPF and state-wide planning procedures.

The Practice Note recommends basing the assessment on the *Continuous Improvement Review Kit: for planning and responsible authorities (Department of Sustainability and Environment, Victoria, 2006)*. Tests of the scheme's efficiency and effectiveness include:

- Comment on work since the previous review;
- Alignment with the State Planning Policies and Council Plan;
- Assessment of fulfilment of the scheme's objectives (including comment on changes or gaps due to changing circumstances) based on;
  - A review of VCAT decisions during the previous 4 years

- A planning file audit
- Analysis of feedback invited from internal and external stakeholders; and
- A review of operations of Council's Statutory and Strategic Planning processes

## **2.0 Progress since Review 2014**

There have been numerous achievements and good progress since the last PS Review which is titled *South Gippsland Planning Scheme Review 2011-2014*. The open sections of the previous Review are located in the Minutes (and the Attachments) of the Ordinary Council Meeting of 25 March 2015 which can be viewed on Council's web site at [http://www.southgippsland.vic.gov.au/meetings/meeting/25/council\\_meetings\\_-\\_agendas\\_and\\_minutes](http://www.southgippsland.vic.gov.au/meetings/meeting/25/council_meetings_-_agendas_and_minutes).

Of the eight high priority general recommendations contained in the previous Review, six have been completed or are largely in progress.

Of the 11 medium priority general recommendations, seven have been completed or are in progress. One is no longer relevant and one is pending State Government action.

Of the low priority recommendations, the majority have been completed or are ongoing/in progress.

It is noted that amendment processes are complex and time consuming, and State Government projects that support changes may not be finalised within the timeframe.

**ATTACHMENT 1 – Current Status of Previous Review's Recommendations** lists the recommendations made in that Review with their progress status and details listed as at 31 March 2018.

Colour coding indicates progress 'at a glance'.

### **2.1 Amendments and Projects January 2015 – March 2018**

A list of the Planning Scheme Amendments gazetted and other strategic planning projects undertaken since January 2015 are listed in **ATTACHMENT 2 - Amendments and Projects January 2015 – March 2018**.

A significant amount of work has been done. This work supports implementation of the Council Plan.

## **3.0 Planning Permit Application Performance**

Council inputs information about its planning permit applications and decisions into a state-wide 'Planning Permit Activity Report System' (PPARS). This facility allows for comparisons to be made to overall state figures, metropolitan and rural regional data. South Gippsland is one of 50 municipalities in the rural regional group.

The South Gippsland PPARS figures for the Review period are contained in **ATTACHMENT 3 - Planning Permit Application Performance – South Gippsland**. Comparative information about other rural regional Councils workload is contained in **ATTACHMENT 4 – Planning Department Workload**.

### **3.1 Application Numbers and Value**

During the period from 1 July 2014 to 31 March 2018, Council processed a total of 1,765 planning permit applications valued at just under \$223 million worth of development. This included 293 new single dwellings, 181 extensions or alterations to dwellings and other buildings, 15 developments with two or more dwellings, 116 subdivisions and 140 applications for changes in land use or expansion of an existing land use.

The annual value of development dipped in 2015-2016 down to \$43 million but has increased progressively each financial year since. For the first three-quarters of the current financial year, permit applications with a total development valuation of \$55 million have been received. With only one quarter remaining, it is likely that the end of year value will be \$10-15 million less than the peak in 2014-2015. Being a relatively small municipality, the difference in value is likely attributable to the occurrence of individual large developments associated with facilities such as aged care facilities and municipal community projects such as the children's centre in Korumburra.

Of the total number of applications in the first three-quarters of 2017-2018, 92% were for new proposals and 8% were applications seeking amendments to existing planning permits. (For example new land owners desiring plans for a different house design or site location for a permit which is valid for the property.)

The number of new developments applied for in South Gippsland compares favourably with the average percentage of applications that are new proposals for rural regional Councils in Victoria in both 2014-2015 and the first half year 2017-2018, being an average 85% and 87% of applications respectively.

The value of development represented by approved planning permits does not equal the total value of development in the municipality because:

- Numerous developments do not require a planning permit, from dwellings to buildings on publically-owned land such as schools and public hospitals; and
- Not all permits are acted on.

### **3.2 Amended Applications**

The rate of lodgement of amended permit applications has steadily reduced from 127 (22% of total applications received) in 2014-2015 down to 54 (12% of total applications) in 2016-2017, and just 25 (8% of total applications) in the three-quarters of the 2017-2018 financial year. This is a welcome outcome attributable in large part to employment of the Planning Liaison Officer and improvements in dealing with applications, including streamlined liaison with Council's Environmental Health and Building Teams. This internal referral improvements mean that issues are more likely to be sorted out before the planning permit

is issued rather than afterwards, consequently avoiding the need for amended siting/design. This is a financial saving for Council since the cost of determining an application costs more than the fee received.

A certain level of amendment will always occur in association with new property owners wanting to do something different to the previous owner-applicants (vacant land is commonly sold with a planning permit).

### **3.3 Refusals**

Of the applications received during the review period, 1.6% (29 in total) were refused, and a further 7% (119) were withdrawn by the applicant, lapsed for lack of information being provided or were judged to be exempt from requiring a planning permit. This compares favourably with the rural regional municipal average (both in 2014-2015 and in first half 2017-2018) of 2% of applications refused, and 8% withdrawn/lapsed/not required. In the previous PS Review, an average of 2.6% of applications were refused. Given the cost and time required to represent Council at a VCAT review, this low rate is a significant cost saving.

### **3.4 60 days determination period**

Relative to other municipalities, Council is doing well although feedback obtained for the PS Review shows that time taken to obtain a permit is still an issue for applicants. On average, 78% of applications in the review period were decided within the required 60 statutory days. This is an improvement from the 2011-2014 review when an average of 65% of applications were processed within 60 days. The average across Victorian rural regional municipalities both for 2014-2015 and the YTD 2017-2018 was 75% of decisions completed in 60 statutory days. These figures show that rural municipalities perform better in this regard, as only 64% of permit decisions made by metropolitan municipalities in 2014-2015 were completed within 60 days.

Although Council is generally performing better than the rural regional average, it is important to concentrate on maintaining the momentum to process applications within the 60-day period as the rate has varied from 82% during the 2014-2015 year through to 74% of applications processed within 60 statutory days during the first three quarters of the 2017-2018 year. It is likely that the introduction of the new ESO2 (Special Water Catchments) and the State Government's extension of the BMO, which have increased the complexity of many FZ applications, has contributed to the recent decrease in the rate of applications decided within 60 days.

### **3.5 Further information requests**

Between 1 July 2015 and 31 March 2018, 'Further Information Requests' (FIRs) were made in regards to an average of 51% of applications. This rate is higher than the rural regional rate which hovers around 35-36%. FIRs are made when insufficient or deficient information is supplied with the application. Information not provided with applications can include items such as contour lines, details of earthworks or vegetation removal, bushfire hazard assessment, wastewater treatment, noise emissions and connection to adjacent

subdivisions. The 60 statutory-days 'clock' is paused for the period between the issue of the FIR and the information being received.

Since the last review, Council has made a significant effort to improve the quality of information accompanying planning applications. The methods include:

- Employment of a Planning Liaison Officer in September 2015 to handle counter, phone and email enquiries about the planning system and planning applications. The role was given specific direction to educate applicants on requirements and to return applications with insufficient information.
- In the 18 months from January 2016 to June 2017, 84 applications were returned. In the period July-December 2017, 63 applications were returned.
- Development and publication of a South Gippsland-specific booklet *Siting and Design Guide - Dwellings and Associated Buildings in the Rural Activity and Farming Zones*.
- Provision of checklists and guides at reception and on Council's web site about what needs to accompany a planning application.
- Encouraging applicants with complex proposals to attend a pre-application meeting where requirements are explained.

Every effort has been made to help improve the quality of applications, including after-hours meetings, provision of good examples to use as templates, guidance on appropriate wording to use and detailed education on what is required. One improvement has been to convince practitioners to refer the bushfire hazard assessment part of their applications to expert consultants for completion.

Feedback from internal and external survey respondents suggests that refinement of the information on Council's web site would further assist applicants.

Council uses the Pathways software for tracking the planning application process, including operation of the statutory time 'clock'. (Pathways is a system used right across Council business areas.) The current planning module could be upgraded to improve the operation of the 'statutory clock' and other technicalities of the application processing procedures.

#### **Recommendations:**

- **Continue to implement practices to reduce the number of applications requiring Further Information Requests.**
- **Refine the layout and content of planning information on Council's web site.**

### **3.6 Referrals**

Referral of applications internally to other Council teams (e.g. to Engineering, Wastewater or the biodiversity officer) for advice is common but not recorded in PPARS. External referral (e.g. to catchment management, VicRoads, water/sewer authority, Country Fire Authority etc.) can be mandatory or at Council's discretion depending on the relevant planning provisions. From July 2015 to March 2018, an average of 61% of applications required external referral. In the previous review, an average of 52% of applications were referred.



The increase in referral of applications to external authorities is mainly due to extended application of the Bushfire Management Overlay and the Environmental Significance Overlay 2 Water Catchments [ESO2] (which covers approximately one-third of the municipality) requiring referral of applications respectively to the CFA and South Gippsland Water. Some additional referrals have also been associated with application of the Environmental Significance Overlay 9 Giant Gippsland Earthworm and the Land Subject to Inundation Overlay. These overlays are geographically specific due to existence of environmental conditions, and reflect updates to the planning scheme by State Government and Council in order to minimise risk to communities and a protected species. These factors also explain why the referral rate is relatively high in comparison to the rural regional average referral rate of 41-46% during the Review period.

Response time taken by referral authorities varies with their resource levels. Council's Statutory Planning Coordinator advises that response times have generally improved. Council has changed its practice about receipt of referral advice. Previously, Council waited for the response (including multiple reminders and extending past the 28 day response period) before making a determination on the application. Currently, if no advice has been received within the 28-day referral period, Council proceeds with its decision-making process. This helps with increasing the number of applications determined within 60 days.

Feedback for the PS Review from referral authorities urges Council to give details of the clause/mechanism under which the referral is being made on all occasions, and to list any concerns or queries. It is rare for the referral mechanism (i.e. the clause/s in the Planning Scheme that the referral is being made under) not to be provided but a 'notes' section in the referral system could be used more often. The Statutory Planning Team have now undertaken to use the notes section as a standard practice with external referrals.

### **3.7 Advertising**

Formally referred to as 'giving notice', applications that are likely to have an impact on the amenity of nearby land owners and occupiers are advertised to those potentially affected. In South Gippsland, Council directs the applicant how the advertising should be done and who it should be notified to. Potentially affected landowners and occupiers have 14 days to lodge a submission with Council. Submissions can object to or support the proposal, and can list any conditions which the submitter feels will address any negative impacts on them – for example lighting baffles, limiting hours of operation or level of noise emissions, and fencing or vegetation screens. While some applicants feel advertising is an unnecessary cause of delay, the process allows for community engagement and is a requirement of the *Planning and Environment Act 1987*.

Council required advertising of 49% (863) of applications in the period 1 July 2014 to 31 March 2018. In the previous review period, an average of 60% of applications were advertised. South Gippsland's level of public notice remains higher than the rural regional average which has ranged from 36-39% of applications in the Review period. This provides for a high level of community engagement.

Internal feedback has suggested that development of a state-wide guide for advertising applications could be a benefit to support advertising decisions. New South Wales has a guide for Councils to support application advertising decisions.

It is noted that VicSmart applications are exempt from public notice.

#### **Recommendations:**

**Request the State Government to develop a policy or Practice Note for guiding public notice request decisions.**

### **3.8 Submissions / Objections**

Advertising of planning applications during the review period prompted 99 formal submissions / objections to be sent to Council during the review period. PPARS does not collect information about how many submissions were received in response to each application that was advertised. Anecdotally, applications for intensive agriculture (for example poultry and horticulture buildings), some tourism proposals and for addiction rehabilitation facilities attracted a large number of submissions.

### **3.9 VicSmart**

VicSmart is a 'fast track, low fee' planning application category which can only be used for a limited range of simple, low impact applications prescribed by the State Government. The application must be one that does not require advertising to nearby property owners and occupiers, and where the applicant has also supplied a specified amount of extra detail that saves the planning authority from having to source the information. Approvals must be completed within 10 days. More details about VicSmart are available at [www.planning.vic.gov.au/planning-permit-applications/vicsmart](http://www.planning.vic.gov.au/planning-permit-applications/vicsmart).

Council has processed 61 VicSmart applications since this category was introduced across Victoria in late 2016, expanded in July 2017 and modified again in January 2018. In the YTD 2017-2018, the rural regional average of VicSmart applications as a sub-group of all applications received was 12%. In South Gippsland, 13% of its applications were VicSmart category.

Numbers received are growing rapidly with five in 2015-2016, 16 in 2016-2017 and 40 in the half-year from 1 July 2017 to 31 March 2018. In 2015-2016, Council struggled to meet the statutory processing days, with 40% completed in 10 days. Significant improvement occurred in 2016-2017 with 100% processed within the 10 statutory days, which is a commendable result.

A recommendation from the previous PS Review was for Council to consider local categories suitable for VicSmart. Expansion of the categories by the State Government during the Review period has made this recommendation redundant.

## **4.0 Victorian Civil and Administrative Tribunal (VCAT) Decisions**

### **4.1 Figures**

Sixteen planning permit decisions were appealed at the Victorian Civil and Administrative Tribunal (VCAT) during the period from 1 January 2015 to 31 March 2018. More specific detail about the appeals is located in **ATTACHMENT 5 – VCAT Appeals January 2015 to March 2018**. The number of appeals represents 1% of applications received during the same period. A total of 1,671 decisions were made during the Review period. Council easily met its Key Performance Indicator (KPI) of <10% of application decisions to be subject to VCAT appeal.

This rate compares similarly with the previous Review when 30 planning decisions were received, also representing 1% of total applications received. The figures align with those for rural regional municipalities in 2014-2015 when 1% of planning permit decisions made by Council resulted in a review being lodged at VCAT. The rate benchmarks favourably against Bass Coast Shire Council, which has a rate of 2.8% of applications being appealed. Council makes every effort to negotiate agreement on conditions between applicants and objectors to keep appeals at a low rate. This activity reduces Council's costs, avoids long delays for applicants and allows people on low incomes to avoid VCAT costs.

Currently there is a six-month delay between the date of the appeal being lodged and the date of the hearing.

Ten Council decisions were affirmed by VCAT and six were overturned. However some that were overturned were changed dramatically at the VCAT hearing. Given the low number of appeals, percentage rates for decisions are not statistically significant.

#### **4.2 Types of Appeals**

Of the 16 appeals during the PS Review period:

- Eight appeals were by objectors against a Council decision to approve a planning permit. Of these, six appeals resulted in the permit conditions being varied to help mitigate the objectors' concerns. In two cases, the objectors' appeals were successful and VCAT overturned Council's decisions and refused the permits.
- Five appeals were by applicants against a Council decision to refuse a planning permit. In three cases, Council's refusal was supported by VCAT. In the other two cases Council's refusal was overturned and planning permits issued. However in one of these cases the applicant brought a much less intense proposal to the VCAT hearing and also provided an expert report which had been requested as further information by Council but had not been supplied.
- One appeal was by an applicant against permit conditions. Council's decision to impose the conditions was upheld by VCAT but the applicant was given an extended time period in which to enact the conditions.
- One appeal was by an applicant against a refusal to extend the time period of a planning permit. VCAT upheld the appeal and overturned Council's decision not to give an extension.
- One appeal was by a referral authority (West Gippsland Catchment Management Authority) against Council's decision to approve a planning permit. The appeal was upheld and the permit refused.

- Unlike many municipal areas, there were no appeals in South Gippsland on grounds that a decision had not been made within 60 statutory days.

#### **4.3 Issues raised**

- Seven appeals were related to development of rural dwellings in the Farming Zone on lots less than 40ha and/or creation of lots that could be developed with a dwelling.
- Five appeals related to amenity conflict issues between existing or proposed rural businesses and their neighbours (both rural residents and farmers).
- Two appeals related to amenity concerns regarding recreation facilities in a rural zone.
- One appeal related to vegetation removal.
- One appeal related to the siting of a telecommunications facility affecting a scenic view.
- One appeal related to a drug rehabilitation facility in a Residential Zone.
- Four appeals related to protection of water quality and/or flood issues.

#### **4.4 Conclusions**

Although there appears to be some variation in how VCAT members interpret and apply the South Gippsland Planning Scheme in regards to development of rural dwellings on lots less than 40ha in the Farming Zone, the rural zones' principles and policies appear to be sufficiently robust and satisfactorily applied.

While there is a degree of conflict between the different users of the rural zones, the amount that results in VCAT review is relatively minimal.

With half of appeals being brought by objectors to permit approvals, the ability of the wider community to access the appeal process is working.

### **5.0 External Stakeholder Consultation**

External clients of the South Gippsland Planning Scheme comprise a mix of lay people (existing and prospective landowners, lessees, businesses and community groups) and professionals. The latter are divided between public land managers, referral authorities and private professionals ranging from planning consultants through to developers, builders, designers and real estate agents. Consequently the external users are a varied group with varying levels of experience and training in understanding the state planning system and in using a planning scheme. As users, they can provide valuable feedback about the Planning Scheme and their views were sought as part of the PS Review process.

#### **5.1 Government / Service Providers**

Twenty-four different government departments, agencies, service providers and Councils were invited by email to provide feedback for the PS Review. Twelve written responses were received which is a good response rate. Topics raised related to local policies about:

- Infrastructure
- Transport
- Catchments

- Referrals
- Heritage
- Industry
- Reference documents
- Advertising signs
- Zoning; and
- Public land management

Several of the requests are already proposed by Amendment C90 (implementation of the Housing and Settlement Strategy). The government / service provider users reported that Council provides a professional and helpful planning service.

A summary of the feedback from this group is contained in **CONFIDENTIAL ATTACHMENT 1 - Consultation Summary – External Agencies – Government Departments - Service Providers and Councils**

**Recommendations:**

- **Prepare a planning scheme amendment (for implementation during the upcoming review period) to implement the key zone, overlay and local policy planning scheme changes recommended in this Planning Scheme Review.**
- **Forward feedback relevant to other organisations.**

**5.2 Professional Practitioners**

Fifty-two businesses in the fields of planning consultancy, building, architecture, drafting/design, development, engineering and real estate which operate regularly in South Gippsland were invited to complete an online survey for professional practitioners for the PS Review. Eleven responses were received, which is a satisfactory number and similar to the number received for the previous Review. Topics addressed included:

- Development of dwellings on land in the Farming Zone
- Design and Development Overlays
- Permit triggers
- Tourism accommodation
- Subdivision in the Farming Zone
- Extent of the Farming Zone
- Water bores in Venus Bay
- Interaction with staff
- Online applications
- Planning scheme complexity; and
- Permit decision timeframes.

Some of these issues are not matters arising from planning permit processing or from application of the Local Planning Policy Framework. Some issues are being addressed in

current work or are flagged in future projects. In general, Council received praise for its planning and related services.

A summary of the feedback from this group is contained in **CONFIDENTIAL ATTACHMENT 2 – Consultation Summary – External Professional Practitioners**

**Recommendations:**

- **Consider the relevant matters raised during the next policy-positive MSS Review.**
- **Forward feedback relevant to other areas of Council or to other organisations.**

**5.3 Community**

Advertisement in the Council Noticeboard in local newspapers, Council's Facebook page and the Council web site all invited the wider community to participate in a survey for the PS Review. Seventeen responses were received which is a big improvement on the previous Review when no responses were received from the wider community. Topics covered a wide range. They included:

- The complexity of the planning process and the Planning Scheme
- Information required to be included with applications
- Permit decision timeframes
- Water bores
- Bushfire protection measures
- Interaction with staff
- Development of dwellings on land in the Farming Zone
- Design and Development Overlays
- Biodiversity policy
- Amending permits
- Objections
- Section 173 agreements on title
- Perceived bias
- Zonings
- Delegated decision-making; and
- Reticulated sewerage.

Some of the issues are not matters arising from planning permit processing or from application of the Local Planning Policy Framework. Some issues are already being addressed in current work. Council received a mix of praise and complaint in regards to its planning services.

A summary of the feedback and responses is contained in **CONFIDENTIAL ATTACHMENT 3 – Consultation Summary - Community.**

**Recommendations:**

- **Continue regular training in customer skills.**
- **Include a 'business' section in Council's online planning application information.**
- **Create a Design and Siting guide for development of a dwelling in coastal settlements if the State Government does not update the 1998 guide as intended in the Smart Planning program.**
- **Forward feedback relevant to other areas of Council or to other organisations.**

## **6.0 Internal Stakeholder Consultation**

Cumulatively, 29 internal responses were received. Numerous practical suggestions were received from the feedback.

### **6.1 Planning Department**

Topics raised by members of Council's Planning teams included matters that require State Government and Council consideration or introduction. Items included:

- Introducing live links in the planning scheme to take users to relevant sections
- Editing to remove complications and duplications
- Improved clarity in some places between 'Objectives' and 'Decision Guidelines'
- Introduction of policies for new concepts such as 'glamping'
- Increased policy relating to climate change impacts
- Online applications
- Complexity of the Bushfire Management Overlay
- Inclusion of email enquiry links on Council's online Statutory Planning pages; and
- Use of colour in the Framework Plan maps in the Local policies on settlements.

A summary of the feedback from Council's Planning Department is contained in **CONFIDENTIAL ATTACHMENT 4 – Consultation Summary – Internal Planning Teams.**

#### **Recommendations:**

- **Consider the relevant items raised in the next policy-positive MSS Review.**
- **Include Planning Enquiry email links on the Statutory Planning pages on Council's web site.**
- **Refer items raised that are relevant to State Government consideration to the Gippsland Planning DELWP Team.**

### **6.2 Other Internal Teams**

Other teams in Council that use the Planning Scheme include Environmental Health, Building, Rates and Valuation, Engineering, Community Strengthening, Economic Development and Local Laws. The staff using the Planning Scheme have a diverse

professional background and a wide variety of reasons for using the Planning Scheme. This ranges from helping community groups through to undertaking Council building projects. Internal staff always have access to advice from Council's Planning Department. Many non-planning staff are required to explain the Planning Scheme and the planning system to members of the community. These enquiries are often referred through either directly or indirectly to ensure accurate advice is given. Some of the Internal Teams' feedback is consistent with feedback provided by external users of the Planning Scheme.

Topics addressed in the feedback included:

- Complexity of the Planning Scheme
- Terms and layout
- Vegetation protection
- Roads classifications
- Internal referrals
- Heritage Overlay
- Standard permit conditions
- Land Subject to Inundation
- Alignment with Council Plan
- Public Open Space provision
- Explanation information for use with members of the community

A summary of the feedback from Council's other internal Teams is contained in **CONFIDENTIAL ATTACHMENT 5 Consultation Summary – Other Internal Council Teams.**

**Recommendations:**

- **Liaise with internal Council teams on the various issues raised and advise when relevant changes occur.**

## **7.0 Alignment with State Planning Policies**

Many of the State Planning Policies amended during the PS Review period have related to metropolitan circumstances and other locations not relevant to South Gippsland.

Generally, the Planning Scheme local policies align with the State policies. The VCAT outcomes and approval of Amendments during the Review period support this. Some minor updating of Reference documents and land use terms is required to align Local policies with similar updates in State Policies. Some of these were noted in PS Review submissions received from Government Departments/Agencies.

Amendment GC31 ESO2 Special Water Supply Catchment Areas in October 2016 included alignment with changes brought in by Amendment VC102 in October 2015 which in part updated reference guidelines for open potable water catchments.

Changes to State Policy at Clause 14.01 Agriculture on 31 March 2017 have been taken into account by the exhibited Amendment C90 (HSS).



Changes to Clause 13.05 Bushfire, which are also relevant to South Gippsland, was gazetted after Amendment C90 was exhibited. Depending on timing, Amendment C90 or the next MSS policy-positive review need to take these changes into consideration in terms of alignment with local policies.

Changes to VicSmart have not required local policy alterations to the Planning Scheme however provisions in the Schedule to the Parking Overlay at Clause 45.09 may require updating. This is planned in future work.

The State Government 'Planning in the Economic Growth Zone' (PEGZ- *promoting economic growth the Latrobe Valley*) is developing a number of planning scheme initiatives. One of these is to support Gippsland Councils to develop planning scheme policies, format and layout consistent with each other. A planning scheme template is being designed for this purpose. It is intended to make it easy to translate Gippsland planning schemes into the new format State version when released. Consistency will also help businesses interested in locating in Gippsland. Council is monitoring the work undertaken by PEGZ and depending on timing, will apply relevant learnings in the next policy-positive MSS review.

## 8.0 Alignment with Gippsland Regional Growth Plan

The Gippsland Regional Growth Plan (GRGP), the South Gippsland Planning Scheme and the Council Plan align well with each other. Agricultural land is identified as a precious resource to be protected, Leongatha is identified for 'promote growth' and a town centre revitalisation project. Korumburra is identified for 'support growth' and Foster and Mirboo North are listed as 'Support sustainable change' level of growth.

The GRGP, was launched in May 2014 as part of a series of regional growth plans for the State. Along with its background documents, it can be seen online at <https://www.planning.vic.gov.au/policy-and-strategy/regional-growth-plans/gippsland-regional-growth-plan>.

## 9.0 Alignment with Council Plan and Major Issues for the Municipality

The Council Plan 2017-2021 and the Planning Scheme are closely linked.

### 9.1 Council's Commitment to the Community

Eight out of 11 commitments can be directly related to Council's responsibilities as a Planning Authority and application of the South Gippsland Planning Scheme as illustrated in **Table 1** below.

**Table 1 - Council Plan Commitments 2017-2021**

Commitment	Connection to Planning Scheme
1. Value the contribution made by everyone; to listen to you and each other	Community engagement with advertised applications and Amendments.
2. Value opportunities that come from change, keeping our focus on the	Climate change impacts New industries

future and our responses flexible for a constantly evolving world.	Changing agricultural land uses / products / practices Population growth / changing demographics
3. Value the community spirit, vibrancy and unique character of each of our towns and rural areas.	Enhancing / protecting settlement character Using art / culture / heritage to reflect spirit. Considering value of landscapes / vegetation
4. Value the depth and breadth of creative thinking and the outcomes that can be achieved from working closely with our communities, businesses, supporting agencies, government agencies and other councils.	Engaging with the community, Government departments, agencies, Gippsland / Rural Regional Councils, MAV and service providers in regards to planning applications, Amendments, strategic projects and the PS Review
5. Embrace and encourage community engagement, work collaboratively with others and establish partnerships that benefit our communities and the wider region.	As per 1 and 4 above
6. Value our reputation in the community and the region, and acknowledge that we are the guardians of community information.	Maintain staff skills / training Implement statutory requirements Maintain accurate records
7. Respect the trust placed in us by seeking to be as open and transparent in our decisions as the law allows, to help the community understand the decisions Council makes.	Support rights and opportunities of objectors to planning applications and Amendments.  Declaring potential conflicts of interest and using associated procedures.
8. Value constructive criticism that helps us understand how and where we need to improve.	Listen to responses to Planning Scheme Review and follow up recommendations. Listen to customer feedback.

## 9.2 **Strategic Objectives**

The four Council Plan strategic objectives are:

1. Strengthen Economic Growth & Prosperity
2. Build Strong Partnerships, Strengthen Arts & Culture & Deliver Equitable Outcomes
3. Improve South Gippsland's Built Assets & Value our Natural Environment
4. Enhance Organisational Development & Implement Governance Best Practice

The list of 'successful outcomes' for each strategic objective is listed at the next level of detail in the Council Plan.

### **1. Strengthen Economic Growth & Prosperity**

The Planning Scheme aligns well with this Objective's outcomes and has been a practical support in progressing them. Practical examples since July 2014 include:

- The retention of agricultural land for agricultural production being supported by permit conditions and planning scheme policies on rural subdivision and rural dwellings
- The value of developments that have obtained planning approval has increased
- Planning Scheme Amendments implementing the Leongatha Industrial Land Supply Study and the Nyora Development Strategy town centre recommendations (commercial rezoning and DDO)
- Application of the ESO8 amenity buffer around the Burra Foods factory in Korumburra
- Progress of the Housing and Settlement Strategy into Amendment C90
- Amendments for rezoning (not all have been approved at this stage) to:
  - Assistance with zoning / development of the children's centre in Korumburra;
  - Expansion of residential subdivisions around Leongatha, Korumburra and Mirboo North;
  - Support of expansion of the South Gippsland Water offices in Foster, Toora Tourist Park and Meeniyan Wastewater Treatment Plant;
  - Protecting the viability of the Venus Bay Caravan Park;
  - Assistance for creation of an agricultural support services precinct near the Koonwarra saleyards.
  - Rezoning of Council-owned land that Council has decided is no longer required.
  - Support for planned rejuvenation of Long Jetty and the proposed marina at Port Welshpool.
  - Amendment to secure water quality for town supply, agricultural use and the environment in the Tarwin Catchment with application of a new ESO2 layer.
- Participation in the State Resource Overlay Project in relation to the sand resources at Nyora.

Of the 10 'Strategies to achieve the objective', three have been progressed by strategic planning projects. These are:

- Amendment C90 (in progress) and the Leongatha and Korumburra Revitalisation projects intend to implement a *"vision for the future growth and development of the Shire in partnership with the community."*
- Land supply studies specifically at Leongatha, Nyora and Mirboo North, as well as generally across the Shire for the *Population Growth Study*, to ensure that the supply of *residential, commercial and industrial land...is adequate to support growth."*
- Development of a Local Policy to guide industrial land use in the Farming Zone and retention and protection of land in the Farming Zone for ongoing productive agricultural practices through planning permit decisions *"support our diversified agricultural sector."*

## **2. Build Strong Partnerships, Strengthen Arts & Culture & Deliver Equitable Outcomes**

Planning permit applications, planning scheme amendments and strategic planning projects all involve community engagement. Incorporation of arts / culture / heritage / community facilities are important elements in the built environment to express settlement character and support community needs.

Council's Strategic Planning Team are involved at varying levels in projects associated with the following 'Strategies to Achieve the Objective':

- Update and continue to implement the Blueprint for Social Community Infrastructure so that services and the associated supporting infrastructure are planned, ready for business and population growth.
- Review the Recreation Strategy.
- Review and update the Paths and Trails Strategy to determine where regional and local connections are required.
- Implement the Active Ageing Strategy.

### **3. Improve South Gippsland's Built Assets & Value our Natural Environment**

The Planning Scheme supports 'Strategies to Achieve the Objective' by:

- Applying environmental constraint overlays (inundation, bushfire etc.) and planning enforcement work which *"promote a safe and healthy community through...regulatory activities that meet our statutory obligations."*
- Encouraging sustainable design and siting of new development which facilitates, *"renewable energy ...and sustainable practices to reduce the Shire's carbon footprint."*
- Including policies (extended by Amendment C90) to advocate for *"sewerage infrastructure"* where it is supported by the community. (Note: In a submission to Amendment C90, South Gippsland Water noted that it did not have any budget in the foreseeable future to build extended or new reticulated wastewater services.)

The Strategic Planning team is mapping walkable access to a range of open spaces in Venus Bay. When complete, it will inform the Venus Bay public open space review. This fulfils another strategy for this Council Plan objective. The South Gippsland Open Space Strategy is also being revised.

### **4. Enhance Organisational Development & Implement Governance Best Practice**

Work by the Planning Department during the Review period in support of this objective's strategies includes:

- Work towards introducing the paperless office and online applications
- Conducting the PS Review
- Developing the *Siting and Design Guide – Dwellings and Associated Buildings in the Rural Activity and Farming Zone* in 2014.
- Producing planning application checklists for common categories such as Advertising signs, Dwellings in the Farming Zone, Extractive industry, Licenced premises, Subdivision, Vegetation removal and Removal of Covenant or easement in 2015.
- Publishing Fact Sheets on Use of Shipping Containers, Sheds, and Native Vegetation protection/removal.

- Introducing 'What Approvals Do I Need' online information for the topics of Dependent Persons Unit (Granny Flat), Carports/Garages, Change of Land Use, Dams, Dwellings, Events, Native vegetation Removal, Sheds, Signage, Swimming Pools and Spas, Subdivisions and Fences.

### 9.3 Major Issues in the Municipality

The Council Vision is: *South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.* This encapsulates what the Planning Scheme aims to achieve with State and Local Policies under the collective headings of Settlement, Built Environment, Housing, Local Areas, Environmental and Landscape Values, Environmental Risks, Natural Resource Management, Economic Development, Transport, Infrastructure and Community Services.

#### Maintaining Character of Settlements

Amendment C90 proposes insertion of policies which include protection of character for numerous smaller settlements in the municipality. Changes recommended by the HSS to further encourage sustainable design and siting, provision of a range of accommodation types to suit different household needs and designing for changing needs, are also proposed by Amendment C90 insertions to the Planning Scheme's Local Policies.

In its submission to the PS Review, Heritage Victoria recommends Council applies the Heritage Overlay (HO) as recommended by the South Gippsland Heritage Study 2004. Retention of heritage features is one way to contribute to settlement character. Application of the HO is a requirement of the Planning Scheme's State and Local policies.

#### Population Growth

Population increase overall in the municipality has remained steadily upward as the figures for the municipality's four largest towns and the total population between the Census dates in 2011 and 2016 show in Table 2.

**Table 2 – South Gippsland Population 2011 and 2016**

Town	2011 Population	2016 Population	Difference
Leongatha	5332	5735	+403
Korumburra	4373	4469	+96
Foster	1677	1842	+165
Mirboo North	1550	1697	+147
Whole of Shire	27,512	28,936	+1,424

(Source: Australian Bureau of Statistics)

The ABS official Estimated Resident Population of South Gippsland Shire as at 30 June 2017 was 29,124. Forecasts made in November 2017 by *.id population* predict that the municipality's population is expected to grow to 35,982 by 2036. The change predicted

between the estimated resident population of 29,522 in 2018 and the 2036 forecast represents a significant increase at 21.88%.

Council must clearly allow for and identify areas where residential growth can be sustainably supported and serviced. Amendment C90 clarifies this by identifying where expansion is supported and where growth is limited to infill within existing settlement boundaries. Potential for extensive rural residential development in old and inappropriate subdivisions is controlled by Restructure Plans to avoid negative impacts on agriculture, exposure to environmental risks and negative impacts on environmental values.

#### Supporting Economic Drivers

The Planning Scheme supports ongoing activity for the municipality's prime economic drivers, which are agriculture and the manufacturing of agricultural products. (Although not shown in the table below, dairying and dairy product manufacturing is the outstanding contributor to these sectors in South Gippsland and makes the Shire the outstanding leader in dairy production by municipality in Gippsland). The strength of dairying and dairy product manufacturing compared to other sectors in the economy applies is illustrated by Table 3.

**Table 3 - Economic Drivers in South Gippsland (Selection for comparison)**

Sector	Output \$ million and as % of total economy	Jobs	Wages & Salaries \$ million	Exports outside region \$ million	Expenditure in local economy \$ million	Value- added \$ million
<b>Agriculture Forestry Fishing</b>	610 (18.7%)	2307	44.5	375.6	198.3	240.9
<b>Manufacturing</b>	615.5 (18.9%)	925	73.6	409.8	251	121
<b>Agriculture &amp; Manufacturing Combined</b>	1,225.5 (37.6%)	3,232	118.1	785.4	449.3	361.9
<b>Construction</b>	385.4 (11.8%)	947	61.8	46.08	186.3	118.1
<b>Health Care &amp; Social Assistance</b>	145.6 (4.5%)	1227	90.2	4.2	20.1	106.2
<b>Retail Trade</b>	109.7 (3.4%)	1048	43.9	4.9	25.3	67
<b>Transport Postal &amp; Warehousing</b>	110.8 (3.4%)	460	27	26.3	34.3	48
<b>Arts &amp; Recreation Services</b>	27 (0.8%)	184	5.6	4.6	9.16	11.2

<b>Total all sectors in Shire (not just those above)</b>	3,262.5	11,157	658	1,097.7	1,003.4	1,447.8
--	---------	--------	-----	---------	---------	---------

Source: RemPlan Economic Modelling and Planning System *December 2017* (rounded)

*Note: Tourism and Transport not in individual categories.*

As the third highest economic contributor, construction (including bridges, roads etc.) is also significant, however it is less than one-third of the value of agriculture and related product manufacturing. The Planning Scheme supports protection of agriculture but a closer consideration of protection for agricultural product manufacturing is recommended in the next policy-positive MSS Review. The EPA's suggestion to apply industrial amenity buffers (similar to the overlay introduced around Burra Foods in Korumburra) around more factories would be a way to assist this major economic sector.

### Environmental Risk Minimisation

The State Government's expansion of the Bushfire Management Overlay (BMO) in October 2017 was a significant change during the Review period to reduce risk to communities. Council's extensive and ongoing work to accurately identify properties subject to current or climate change-related inundation by implementing the LSIO into the Planning Scheme is another. (The WGCMA catchment area has been completed and the Melbourne Water region in progress). Work began during the PS Review period on improved identification of erosion and landslip risk areas. This project is ongoing.

## **10.0 Fulfilment of Scheme Objectives**

On the whole, the Planning Scheme's objectives are being fulfilled as evidenced by:

- The VCAT cases during the Review period largely supported Council's position and have not recommended changes to the Planning Scheme
- The audit supported the Planning Scheme's general application and policies
- Only 16 permit decisions were appealed to VCAT out of applications received during the Review period; and
- Not more than 2% of applications were refused.

The next policy-positive planning scheme review will continue the process of looking for improvements in consistency, simplicity and clarity in the LPPF. This Review will also implement the new format style being introduced across the State's planning schemes. C90 introduces the new layout in a number of the clauses. There is a significant amount of editing but the essential nature of the Scheme's objectives are retained.

## **11.0 Zones**

### **11.1 Rezoning in the Review Period**

A significant amount of rezoning occurred during the Review period as listed below. Six amendments rezoned land to a residential zone and applied extensive areas of Development Plan Overlay (DPO). (The DPO provides for anticipated and coordinated expansion around the rezoned area at a future time.)

#### Korumburra

- Amendment C52 (part 2) 13ha in Jumbunna Road rezoned from Farming Zone (FZ) to General Residential Zone 1 (GRZ1). *DPO7 applies to approximately 20ha.*
- Amendment C96 – 3ha at 35 and 65 Korumburra-Warragul Road rezoned from FZ to GRZ1. *DPO8 applies to approximately 3.8ha*

#### Leongatha

- Amendment C65 – 12ha at 77 Gibson St rezoned from FZ to GRZ1. *DPO9 applies to approximately 52ha.*
- Amendment C88 – 4ha at 5 Boags Road rezoned from FZ to Low Density Residential Zone (LDRZ)

#### Mirboo North

- Amendment C103 – 4.1ha at 941-945 Berrys Creek Road rezoned from LDRZ to GRZ1.

#### Nyora

- C97 FZ to GRZ1 – 50ha at 379 Lang Lang-Poowong Rd rezoned from FZ to GRZ1. *DPO10 applies to approximately 100ha.*

#### Other rezonings

- Agnes: Amendment C77 (Part 3) FZ to Rural Living Zone (existing, partly serviced settlement.)
- Koonwarra: Amendment C108 – 2 Hogans Rd FZ to Special Use Zone 6 (Koonwarra Agricultural Services precinct)
- Meeniyah / Stony Creek: Amendment C105 – 1879 South Gippsland Hwy – FZ to Public Use Zone (PUZ) 4 for the Meeniyah Wastewater Treatment Plant.
- Nyora: Amendment C110 – GRZ1 to Commercial 1 Zone (C1Z) in Nyora Town Centre.
- Corrections of errors and anomalies: Amendment C100 – multiple individual properties.

### **11.2 Land Supply and Future Zoning Needs**

The following information is based on work undertaken to date on the Land Supply Study which is being conducted internally and is not fully complete at the time of this report-writing.

#### Leongatha



Due to some live subdivision permits not having been acted on for residential zoned land in Leongatha, the real estate sector advises that there is an undersupply of flat, vacant greenfield sites in the township. Market pressures have a significant effect on whether rezoned land is brought to the point of sale. There is currently an excess of 15 years greenfield residential zoned land in Leongatha (as required by the State Government) however the cost of developing land, combined with the slow land take-up rate (less than forty new dwellings constructed per year) is a market impediment to the release of new residential land.

Leongatha will need more industrial land zoning within 15 years. Leongatha has a number of vacant commercial premises and residential properties in the Commercial 1 Zone. Further commercial rezoning is not anticipated to be needed.

#### Korumburra

Korumburra has in excess of 15 years residential land supply available. A number of large residential subdivision permits have been issued in recent years that are yet to be developed. Sloping land increases development costs and reduces land sale prices. This is a disincentive for some developers to act on their subdivision planning permits in the current real estate environment.

Korumburra has several sizable separate vacant land parcels zoned for industrial use, so supply is plentiful, should the development industry wish to bring lots to the market. There are also vacant commercial zoned properties and vacant Mixed Use Zone land at Korumburra for available commercial expansion.

#### Foster

Foster has 15 years residential land supply available. This includes land with subdivision permits not acted on as well as residential zoned land for which subdivision permits have not been sought. There is no shortage of industrial or commercial land supply as expansion areas have been identified and there are vacant infill properties, vacant premises and commercial zoned land with residences available for commercial development.

#### Mirboo North

When Amendment C103 (Berrys Creek Road rezoning) was gazetted in mid-2017, it was noted that *rezoning of the subject land will provide approximately 15 years residential land supply which accords with the requirements of the State Planning Policy.* This statement is supported by economic analysis undertaken in December 2016 for the Mirboo North Restructure Plan Refresh. This report also showed that there was significant vacant space available in the town centre that could be used in the future for commercial purposes.

### **11.3 Rural Residential Zoning**

One external submission urged Council to rezone more FZ land to the Rural Living Zone and another requested the removal of restrictions on building houses on FZ land of all sizes.

The State provisions of the Planning Scheme are a strong impediment to the rezoning of farming land for rural residential development. (The South Gippsland Planning Scheme is one of only two in the State that has special local policy allowing for limited rural dwelling development on smaller lots in the FZ.)

Land supply mapping reveals there is still sufficient rural living opportunities in the Farming Zone (vacant lots less than 4.1ha) to satisfy current land demand. These lots are historic legacies of past subdivision activity and are not all in locations that the rural lifestyle market prefers (close to a township, on a good road, view from dwelling) however they continue to provide a valuable alternative to developing land in a township or purchasing a former farm dwelling.

Rural land supply issues were addressed by both the Housing and Settlement Strategy 2013 (HSS) and the Rural Land Use Strategy (RLUS). The HSS reviewed areas requested or recommended for consideration for potential rezoning to Rural Living Zone (RLZ). With the exception of three precincts south and east of Nyora, the areas investigated were determined to be unsuitable for RLZ. The *Rural Land Use Strategy* extensively canvassed application of rural zonings, appropriate subdivision allowances and development of rural dwellings.

Since the HSS was adopted, the State Government has relaxed the provisions of the Farming Zone in regards to development of commercial and industrial land uses. However it has tightened the requirements before land can be rezoned from Farming Zone to another Zone. Strong justification is required in terms of evidence that there is insufficient existing land supply for the proposed alternative uses and that agricultural productivity will not be reduced through loss of land or restriction on farming practices through proximity to more sensitive uses.

Planning Practice Note 37 – Rural Residential Development (PPN37 - available at [https://www.planning.vic.gov.au/\\_data/assets/word\\_doc/0025/97171/PPN37-Rural-Residential-Development.doc](https://www.planning.vic.gov.au/_data/assets/word_doc/0025/97171/PPN37-Rural-Residential-Development.doc)) states “*Rural residential development is not appropriate on land that:*

- *is productive agricultural land*
- *is in a special water supply catchment area under the Catchment and Land Protection Act 1994*
- *has identified potential to be used for commercial forestry*
- *has identified potential for mineral and stone production*
- *is close to a major industrial facility such as a gas plant or wind energy facility.*

The Practice Note adds that, “*Issues such as tenure and infrastructure may change to support agricultural use in the future.*” As technology, climate and social views alter, vacant land in the FZ which was previously considered unsuitable for agriculture may become suitable for agriculture undertaken in a new way or for a different type of food production.

The above guidelines effectively discourage rezoning additional land out of the Farming Zone in South Gippsland for rural residential purposes, however this may be possible if sufficient justification is made.

## **12.0 Overlays**

There have been significant changes to the Planning Scheme's Overlays during the Review period.

The Environmental Significant Overlay 7, Giant Gippsland Earthworm Overlay was gazetted in November 2015. The Giant Gippsland Earthworm (GGE) has Federal environmental protection. One of the world's largest earthworms, the GGE is only found in habitats on steep, south or west facing slopes and near watercourses, in an area of approximately 40,000ha between Loch, Korumburra and Warragul.

In February 2016, Amendment C99 applied the ESO8 – Manufacture of Milk Products Amenity Buffer to 25 properties around the Burra Foods factory in Korumburra. (The PS Review submission from the EPA recommends introducing similar overlays around other EPA licensed industrial sites).

Amendment GC31 replaced the previous, generic ESO2 (Water Catchments) with a new ESO2 Special Water Supply Catchment Areas in October 2016. This amendment applied to the South Gippsland, Baw Baw and Latrobe Planning Schemes to protect water quality from cumulative development in potable water supply catchments. The introduction to the ESO2 Schedule states *"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."* The Decision guidelines for planning applications include a Section 55 referral to the relevant water supply authority unless a previous written condition/requirement is satisfied.

When the State Government expanded the Bushfire Management Overlay (Amendment GC13) in October 2017, South Gippsland Shire sent letters to 2,972 landowners advising of the change affecting their property. (A small number had the BMO reduced or removed).

Amendment C81 (November 2016) removed 15,572ha of land previously affected by the ESO6 (Land subject to Inundation) overlay.

## **13.0 Office Statistics**

### **13.1 Planning enquiries**

The number of external statutory planning enquiries has varied up and down since the previous review period. **Table 4** gives the statutory planning enquiry numbers by method of receipt.

**Table 4 - Statutory Planning Enquiries received by Method of Receipt**

Financial year	Total external enquiries	% by phone	% at counter	% by email
<b>Previous Review</b>				
<b>2012-2013</b>	4,119	-	-	-
<b>2013-2014</b>	4,180	-	-	-
<b>Current Review</b>				
<b>2014-2015</b>	4,505	70	21	9
<b>2015-2016</b>	3,986	64	25	11
<b>2016-2017</b>	5,438	65	25	10

Recording of internal enquiries for advice started with the 2016/2017 year, with 323 requests for information made by other Council teams or Councillors. This amount is being exceeded in the first half of 2017-2018 with 310 received.

### **13.2 Web site**

Council's web site has provided an increasing amount of information during the review period. The current Council web site went live in September 2015. Information about its use is available in a way that was not possible with the previous review. Checklists and information for planning permit applicants, applications currently being advertised and strategic planning scheme amendments and projects are all available online.

**Table 5** below shows that the use of the planning pages on Council's web site.

The same topics appear in the top 12 each period in a slightly varying order of preference, although with the favourite three (*Planning and Building home page*, *Planning Fees information* and *Planning permit application forms*) remain the same as first, second and third most used respectively. The web report generates information for 100 different planning pages, and differentiates between the various paths taken to reach the same information, search enquiries for the same information, and downloads of the information. Consequently the data in the table below can be considered reasonable, but an under-reporting of the topics people are accessing.

**Table 5 – Viewing numbers of Council Web Pages - Planning Topics**

	<b>1 July 2016 to 30 June 2017</b>	<b>1 July 2017 to 31 Dec 2017</b>	<b>1 January 2018 – 31 March 2018</b>

Planning pages on web site	No. of different viewers	No. of different viewers	No. of different viewers
<b>Top 12 pages viewed</b>	<ol style="list-style-type: none"> <li>1. <i>Planning and Building Home page</i> - 7,294</li> <li>2. <i>Planning fees</i> – 1,113</li> <li>3. <i>Planning permit application forms</i> – 713</li> <li>4. <i>Illegal works</i> – 547</li> <li>5. <i>Planning and Building Information</i> – 544</li> <li>6. <i>Understanding permit conditions</i> - 441</li> <li>7. <i>Current strategic and social planning projects</i> - 427</li> <li>8. <i>Planning permits home page</i> - 415</li> <li>9. <i>Planning Scheme Amendments Home page</i> – 362</li> <li>10. <i>South Gippsland Planning Scheme home page link</i> – 343</li> <li>11. <i>Download planning application form</i> – 270</li> <li>12. <i>Planning fees (via a different route)</i> - 243</li> </ol>	<ol style="list-style-type: none"> <li>1. <i>Planning and Building Home page</i> – 3,722</li> <li>2. <i>Planning fees</i> – 664</li> <li>3. <i>Planning permits home page</i> – 420</li> <li>4. <i>South Gippsland Planning Scheme home page link</i> – 405</li> <li>5. <i>Leongatha Railway Site Transformation</i> – 389</li> <li>6. <i>Planning permit application forms</i> – 345</li> <li>7. <i>Current strategic and social planning projects</i> – 317</li> <li>8. <i>Download planning application form</i> – 271</li> <li>9. <i>Planning and Building information</i> – 268</li> <li>10. <i>Illegal works</i> – 246</li> <li>11. <i>Amendments home page</i> – 213</li> <li>12. <i>Planning and Building downloads</i> - 193</li> </ol>	<ol style="list-style-type: none"> <li>1. <i>Planning and Building Home page</i> – 2,141</li> <li>2. <i>Planning fees</i> – 387</li> <li>3. <i>Planning permits home page</i> – 216</li> <li>4. <i>South Gippsland Planning Scheme home page link</i> – 200</li> <li>5. <i>Planning and Building Information</i> – 181</li> <li>6. <i>Planning permits information</i> – 180</li> <li>7. <i>Current strategic and social planning projects</i> – 168</li> <li>8. <i>Illegal works</i> – 146</li> <li>9. <i>Download planning application form</i> – 128</li> <li>10. <i>Understanding permit conditions</i> – 118</li> <li>11. <i>Amendments home page</i> – 100</li> <li>12. <i>Leongatha Railway Site Transformation</i> – 96</li> </ol>
<b>Totals</b>	<b>12, 412 (full year)</b>	<b>7,453 (1/4 year)</b>	<b>4,061 (1/4 year incl. summer holidays)</b>

### 13.3 Staffing and Workload

A Planning Liaison Officer position was created in 2015 with the role being staffed in September 2015. This position has been a significant improvement for the Statutory Planning team's efficiency as officers assessing planning applications are less often interrupted by calls and counter enquiries. Unlike many Councils, South Gippsland does not have a subdivision officer, heritage consultant, strategic planning administration officer or dedicated planning enforcement officer. Nor does Council make regular use of consultants

or legal representatives at VCAT or Panel hearings. There is a Social Planner who contributes approximately 30% of the role to support of Strategic Planning work.

Planning enforcement is currently undertaken on 0.5EFT basis by a member of the Regulatory Services Directorate who also does building enforcement. Current resources restrict planning enforcement to following up complaints about illegal buildings/land uses/vegetation removal, nuisance or conditions not being complied with. This situation means Proactive auditing of planning permit conditions is unresourced.

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

#### **13.4 Planning Files Audit**

RSD Audit prepared a confidential report for Council's Audit Committee titled *South Gippsland Shire Council Internal Audit – Local Laws, Statutory Planning and Building and Planning Compliance and Enforcement, October 2017*.

Among other matters, the audit reviewed 10 planning application files and five enforcement files. The audit checked for legislative compliance, opportunities for fraud/corruption, regulatory compliance with issuing of permits and reputation management.

In summary, the report supported the operational practices of Council's statutory planning and planning enforcement services and did not find any notable issues. A small number of minor operational improvements were recommended.

See **CONFIDENTIAL ATTACHMENT 6 – Planning Files and Planning Enforcement Audit** for more information.

#### **13.5 Departmental Operational Costs**

The income to Council's Planning Department varies significantly depending on whether or not Government Grants are received for projects. Income and expenditure for a project are not necessarily in the same financial year. These variations have an impact on the net annual operating cost of Council's Planning Services, and consequently on the average net operating cost to Council per planning application received.

The State Government fee changes in 2016/17 resulted in an increase of the average fee for a planning application from \$410 in 2015/2016 to \$811 2016/2017. The Rural / Regional group of Councils average fee increased slightly more than SGSC during the same period. While the fee increase improves cost recovery for processing planning applications, it costs Council approximately \$2,000 more than the average fee received to process an application. Although ratepayers are funding much of the cost of assessing planning permit applications, there is a multiplier effect to the local economy from the multimillion dollar value in development and land use approved in the municipality.

See **CONFIDENTIAL ATTACHMENT 7 - Planning Department Expenditure and Income** for details.

### **13.6 Technology, Innovation, Improvement and Efficiencies**

During the Review period, Council's Planning Department has successfully integrated use of multiple new technologies into its daily operations. These technologies have provided significant improvements in practices since the previous PS Review. It has resulted in improved quality, innovative outcomes and efficiencies. Community engagement has benefited from better connection and input to strategic projects, with more, updated information able to be presented and distributed in illustrated and interactive ways. Several of the technologies can be integrated to cumulative advantage. Advances by Council's IT team has been instrumental in supporting the access to and use of the new technology. Savings were obtained by sharing software licences, minimising printing and being able to bring some previously contracted work in-house.

New technology introduced during the Review period includes:

- GIS aerial urban photography updates every 3 years including update to Council's Intramaps mapping system with February 2018 aerial runs now accessible
- Timeline aerial photography availability with Council's mapping system. (Use a slider to view comparative aerial photos over selected time periods – shows changing land use, developments and vegetation. Can also be used for planning enforcement)
- QGIS mapping software and map production
- Documents produced using In-Design and Adobe Professional software
- Online engagement via Facebook and Web pages
- Use of mobile telephones and other electronic devices for displays, meetings and linking photographs to Council's mapping database
- Skype 4 Business – allows for video conferencing internally and externally. Includes ability to show computer screen contents to others at remote locations. Improved telephone services for missed calls/messages. Allows texting as well as calls.
- In-house meeting room technology
- Use of Trimble geolocation device for ground-truthing and spatial design that interacts with Intramaps.
- Paperless office – progress towards accepting and processing planning permit applications electronically. To date has included introduction of Trapeze software (used for plan reading).

Efficiencies and improvements have also been gained by:

- Processing and encouraging applications in the fast-track VicSmart category
- Liaising with the Communications team to develop community engagement plans
- Undertaking training Community Engagement training with the IAP2 methodology
- Accessing the 2016 Census results and the Population id updates/future forecasts

Further upgrades to the planning modules in Council's Pathways software could deliver efficiencies to the statutory planning application processing.

**Recommendation:**

- **Resource upgrading of Pathways planning modules to support processing of planning applications.**
- **Review alignment of Freedom of Information requirements in relation to retention of paper versions of emails and other material when planning applications are made online and files have gone fully electronic.**

## **14.0 Business Plans**

Business Plans describe the work to be undertaken to support implementation of the Council Plan objectives. Many projects are developed and implemented over several years.

**CONFIDENTIAL ATTACHMENT 8 – Planning Department Business Plans** contains the list of projects in the Planning Department's Business Plans during the PS Review period.

## **15.0 Conclusions**

South Gippsland Planning Scheme is operating satisfactorily and has strong links to the Council Plan and to the State Planning Policy Framework. It could benefit from improvements to its content and layout which should be considered when updated formatting details are provided (in the near future) by the State Government. Zones are well applied and with relatively minor exceptions there is sufficient land supply available for a range of land uses. No widespread Council changes to zonings are anticipated in coming years. There has been significant progress with applying updated Overlays, with more underway.

The operation of Council's Statutory Planning services compares favourably to other rural regional municipalities. Improved software and refinement of Council's online planning information would be beneficial. Council continues to strive for positive interaction with planning scheme users, particularly people who are not regular users.

Recommendations made throughout the PS Review are merged together in **ATTACHMENT 6 - Consolidated Recommendations**.



## ATTACHMENT 1

### Current Status of Previous Review's Recommendations

#### Colour coding

Completed
Progress or partially completed (especially where multiple items are listed under the on heading)
Not done but implementation anticipated in the short term.
Not done and not resourced or anticipated in the near future
Pending a result from another project or State Government, or no longer relevant.

Planning Scheme Review 2014-2018 - General recommendations	
High Priority	
1.	<p>Review and amend application of Overlays and associated schedules (especially Environmental Significance Overlays, Significant Landscape Overlays, and Design and Development Overlays and Parking Overlay.). Especially ESOs 2, 5, 6, EMO, LSIO and DDOs 3-6</p> <ul style="list-style-type: none"> <li>- Improve Overlay mapping accuracy and associated application by the Planning Scheme.</li> <li>- Complete Amendment C81 Land Subject to Inundation Overlay and deletion of ESO6. <i>GC31 gazetted 13-10-2016 Replaced previous ESO with ESO2 Special Water Supply Catchment for potable catchments. Achieved in liaison with two other Gippsland Councils and the relevant water Authorities.</i></li> </ul> <p><i>C81 LSIO gazetted 17-11-2016 ESO6 deleted and LSIO applied in line with latest storm surge modelling information for Corner Inlet and Andersons Inlet. Steep slopes project work done and Amendment C112 work in progress. Amendment C116 underway for Melbourne Water Catchment LSIO update. Work still to be done on DDOs and ESO 3 and ESO 7.</i></p>
2.	<p>Develop an Environmental Significance Overlay to protect habitat of the Giant Gippsland Earthworm. <i>Done. Amendment C107 gazetted 13-10-2016</i></p>
3.	<ul style="list-style-type: none"> <li>• Conduct a policy-positive review of the Municipal Strategic Statement and Local Planning Policies <i>Clauses 21-01 to 21.16 and Clauses 22.05-22.07 have been reviewed as part of Amendment C90 which is still in progress. (Exhibition completed). Clauses 21.01-21.04 were extensively edited and re-written in the new format layout and content. Clauses 21.05 to 21.16 have been checked with numerous errors to be corrected by Amendment C90. A full policy-positive review is proposed to occur in the next planning scheme review period.</i></li> <li>• Consider all suggestions/issues raised by stakeholders. <i>Done, but not all achievable actions implemented.</i></li> <li>• Conduct regular 'tidy-up' reviews. <i>C100 done. Items being listed for next General Amendment.</i></li> <li>• Review cl.22.07 in relation to development of a dwelling not in association with a tourism use/development. <i>Not done.</i></li> </ul>

	<ul style="list-style-type: none"> <li>Update as required after Council adopts the Municipal Domestic Wastewater Management Plan 2012-2017. <i>Done and more contained in Amendment C90 which is in progress.</i></li> </ul>
4.	Review resources available for compliance checking and enforcement in association with fire risk reduction conditions on planning permits. <i>Resources have not been available.</i>
5.	Continue voluntary inclusions of heritage features in the Heritage Overlay. <i>Some included in Amendment C100 (General Amendment) and more proposed as part of Amendment C115 Mirboo North Restructure Plan Refresh. This is an ongoing process with inclusions to occur when the opportunity arises.</i>
6.	Review and update (focusing on technical corrections) the South Gippsland Heritage Study 2004 <i>Not done</i>
7.	Undertake a general tidy up amendment to implement quick fix errors identified by stakeholders <i>Done. Amendment C100 gazetted 8-2-2018</i>
8.	Subject to clarification of State policy, complete developer contributions scheduling. <i>State Government completed its Infrastructure Contributions Reform implementation in May 2018. The implications of the new provisions can now be considered.</i>
<b>Medium priority</b>	
9.	Consider inclusion of local policy guidelines for development of tourist facilities in the Rural Activity Zone and Farming Zone. <i>Still on future projects list and recommended by Council's Economic Development and Tourism Team. Note that the Farming Zone has become less constrictive in terms of what is permitted or may be applied for.</i>
10.	Consider scheduling local VicSmart planning application categories <i>No longer required as the State Government has expanded the categories of application that can be applied for by VicSmart.</i>
11.	Consider development of policies in areas currently not addressed but which are likely in the new format planning scheme. <i>On hold pending full new format introduction for planning schemes.</i>
12.	Monitor the rate, type and distribution of industrial and commercial developments in the FZ and explore the need for additional policy guidance. Industrial uses in the Farming Zone policy adopted by Council in 2016. Implementation of the policy is currently in <i>progress</i>
13.	Consider introduction of a Vegetation Protection Overlay to protect trees of significance as well as vegetation clusters of significance. <i>In progress. Council to consider planning scheme amendment implementation provisions at its June 2018 Ordinary Council Meeting.</i>
14.	Monitor rural land ownership patterns for emerging trends and changes in land use patterns. <i>Done through the Population Growth Study and rural land supply analysis.</i>
15.	Produce information for professional practitioners and the public to explain planning scheme changes and FAQs about planning applications. <i>Partly done. More to do.</i>
16.	Request VicRoads as proponent to re-gazette highway routes in South Gippsland and tidy up inaccuracies in Public Acquisition Overlays. <i>Done – Amendment C100. However more road zone areas to identify. One found at Kardella with work on C90.</i>
17.	Hold regular (possibly annual) Planning Scheme and planning staff familiarisation sessions and provide educational updates (probably electronically) about planning application procedures and strategic planning changes. Relevant to external practitioners and agencies as appropriate.

	E.g. DELWP, CMA, SGW <i>Updates done at team meetings and by email circulation of changes. CMA regular visits to discuss changes or issues. DELWP GippsPlan Forums and also regular DELWP visits to Council for planning changes / issues discussions. CFA visited for education / discussion about BMO changes and the science behind the changes as well as a GippsPlan presentation.</i>
18	On completion of voluntary Heritage Overlay inclusions, consider a general HO amendment, subject to detailed community and landowner consultation. <i>Some industrial heritage proposals to be included in the Historic Risk / Contaminated land project. A few properties had voluntary HO applied by Amendment 100 (General Amendment) and more under consideration in association with the Mirboo North Refresh. Requires review of South Gippsland Heritage Study 2006 first.</i>
19	Update land use and development hazard mapping (coastal inundation, inland flooding, fire, and landslip) as new information becomes available and resource prioritising allows. <i>State Government updated the BMO 3-10-2017. Amendment C112 Erosion Management Overlay (landslip type areas) in progress. LSIO updated by Amendment C81 and in progress with Amendment C116. (Different catchment authorities).</i>
<b>Low priority</b>	
20	Update public land zonings and DDO 1 as recommended by Review 2010. <i>Incorrect PCRZ along creeks (where land is in private ownership) being included in Amendment C116. Priority needs increasing as has become a problematic issue for a number of properties and was identified in the Planning Scheme Review 2010. Other public land zoning anomalies to be included in the next General Amendment (several identified during Amendment C90 work).</i>
21	Review alignment and duplication of Planning Scheme and Local Laws provisions. <i>Identified for future work.</i>
22	Work with Gippsland councils and the state government on effective implementation of the key recommendations of the Gippsland Regional Growth Plan into the Planning Scheme. <i>Undertaken by the GippsPlan Forum meetings and DELWP meetings. Participation / liaison with the all-Gippsland work associated with Planning for the Economic Growth Zones (Latrobe Valley) to standardise the Local Planning Policy Framework sections of Gippsland planning schemes, policy-positive MSS reviews and standardised planning permit conditions.</i>
23	Consider use of new DDOs or new Residential Zone provisions for settlements. <i>DDO done for Nyora; Development Plan Overlays (DPOs) used for other subdivisions. General Residential Zone schedule changes proposed for Mirboo North.</i>
24	Review ESO 3 and ESO 7 both titled 'Coastal Settlements' <i>Not done. Potential to form part of the project scope for the currently proposed Coastal Strategy.</i>
25	Review alignment of Parking Overlay schedule provisions with VicSmart provisions. <i>Anticipated later this year.</i>
26	Seek interest from other Gippsland Councils in cooperative strategic investigations and amendments of mutual interest. <i>Done and ongoing. GC31 (gazetted 13-10-2016) Special Water Supply Catchment Area Amendment with Baw Baw and Latrobe, Koala habitat work in Strzelecki Ranges commenced, State Resource Overlay in progress with DEDJTR and Giant Gippsland Earthworm Amendment C107 assisted by Baw Baw Shire cooperation.</i>
27	Investigate improved mapping of Coastal Acid Sulphate Soil risk. <i>No resources but may form part of the currently proposed Coastal Strategy.</i>
<b>Recommendations related to Statutory Planning functions (no priority order)</b>	

28	Continually improve pre-application meeting processes, especially for applications with multiple planning scheme issues such as DDOs, BMO, wastewater etc. Include tick box for yes/no pre-app meeting notes required and copy of any notes to applicant. <i>Tick box not included in application processing sheet but follow up emails with information following pre-application meetings for complicated applications are sent to the applicant and also recorded with a link to the property in the TRIM/CM9 records system. The Planning Liaison Officer adds notes on property records about advice provided to enquirers. The Statutory Planning Coordinator advises that the Statutory Planning Team are 'always striving' to improve explanations to applicants. A pre-application 'meeting' can include telephone calls and counter enquiries which may or may not be linked to a specific property or may be made by someone who is not the actual applicant. (E.g. the consultant or the landowner may be the applicant but the 'other' may make the enquiry/obtain planning advice. Council's system relies on notes being linked to individual properties.</i>
29	Review Request for Further Information process to explore ways to reduce RFIs. <i>Employment of the Planning Liaison Officer, increased refusal to accept incomplete applications and introduction of the application checklists for applicants and other material available on Council's web site has assisted with this issue.</i>
30	Review causes and solutions for applications being received with insufficient or sub-standard information both initially and in response to RFIs. Continue to consult with referral authorities to improve quality of information supplied to all parties. <i>A firm stand has been taken on what level of information can be accepted with a planning application. Sub-standard applications are returned and advice provided on quality and type of information required for them to be successfully lodged. Sessions held with regular application submitters. Material sent to referral authorities has improved but further improvement emphasised via Statutory Team Meeting discussion.</i>
31	Identify improvements to internal referral processes to assist prompt distribution of referral information to external parties (where required), or prompt commencement of permit notification - advertising. <i>The list of Planning Applications received is now circulated to Council's Building Department so they can identify applications that will need a Report and Consent, so that applicants can be alerted to conduct the process concurrently. Receipt of information from internal Engineering referrals has improved but would benefit from greater consistency in timeliness.</i>
32	Review response times from Biodiversity Team. <i>Standardized conditions have been agreed which reduces the Biodiversity Team's workload.</i>
33	Review process for condition wording to provide clarity and enforceability of conditions. <i>Feedback from Planning Enforcement has resulted in changes made to wording of standard conditions. The Gippsland Councils are working together to develop a list of standard planning permit conditions with the Planning for the Economic Growth Zone DELWP team.</i>
34	Review reasons why planning permit amendments are required (common themes) and potential solutions to reduce the need for amendments. <i>Most amendments are associated with new land owners wanting to develop a different proposal from what has been approved by a permit obtained by the previous land owner. Some applicants progressively change their proposals during the application process rather than having their proposals fully developed prior to lodging their application. Liaison with Council's Building Team in regards to the Report and Consent issue and with Council's Environmental Health Team</i>

	<i>about wastewater treatment and disposal practicalities has helped to steadily minimise the number of applications being amended.</i>
35	Collect data on planning applications to assess the number and types of applications being triggered where assessment is not considered to add planning value – especially in relation to overlays with permit triggers related to increases in floor area. <i>Partly done. The Steep Slopes Project / ESO5 addressed this issue. This has not been done for ESO3 Coastal Settlements but may form part of a future Coastal Strategy.</i>
36	Review the decision process for application notification (advertising). <i>Relisted by this Review as Council continues to advertise planning applications with potential material detriment at a slightly higher rate than other rural regional Councils.</i>
37	Review checking (peer review) methods to ensure accuracy of planning permits prior to issue. <i>Done</i>
38	Consider methods to improve wording of Section 173 agreements required by planning permit conditions. <i>Done. Legal advice obtained. Some poorly worded s173 agreements are historical.</i>
39	Consider peer review of VCAT submissions prior to hearings. <i>Done when resources permit.</i>
40	Continue participation in the progressive development and implementation of the Council Plan and relevant documents that flow from the Plan, such as the Annual Plan, the Economic Development and Tourism Strategy and the like, so that the Planning Scheme remains aligned and responsive to the aspirations of Council and its community. <i>Ongoing.</i>
41	Draft a work plan for the period 2015-2018 to work through the preferred recommendations of the Planning Scheme Review 2014. <i>Not formally done however most key project targets attained. .</i>
42	Consider improvements to planning application registration dating accuracy. <i>Some improvement done and more anticipated when the online application system goes live.</i>
43	Consider Council's records system including the planning permit application consultant's contact details if different to the applicant and/or owner. <i>Improvement anticipated when the online application system goes live.</i>
44	Consider monitoring site inspection-recording processes to assess quality and availability of information, including photo documentation, in hard copy and electronic records. <i>This has greatly improved both with introduction of the Trapeze software and with staff being trained in a procedure of saving in folders in the TRIM/CM9 software that can be linked to the property.</i>
45	Complete reasons for requiring a planning permit in the record sheet for initial/early application. <i>Done by the Planning Liaison Officer when applications are received and re-checked by the Planning Coordinator prior to allocating the file to an assessing officer.</i>
46	Document reasons for variations to permit conditions at any stage in the process but especially between the Delegation Report and the issuing of the planning permit. <i>Documentation of conditions variations is now a decision task in the Pathways processing software. Variations can result if an applicant submits amended information at a late stage in the process.</i>
47	Cooperate with Governance Team to benchmark and simplify the Deed of Delegation. <i>Done</i>
48	Review solutions to reduce time period from the receipt of all information requested and the date a decision is made (Delegation report signed off). <i>Some improvement achieved but further work required.</i>
49	Keep files in date order and use dividers to highlight important items.



	Review practice of bringing documents forward when permit amendment sought or a VCAT appeal is lodged. <i>Files going paperless. This is no longer relevant.</i> <i>Introduction of Trapeze software assists with tracking of revised plans and information.</i>
50	Reminder for file notes to be typed or printed, and meaningful to others. <i>Files going paperless.</i>
51	Review use of dividers and template sheets in files. <i>Divider use was trialled and abandoned as not helpful. With files going paperless, this is no longer relevant. More templates have been set up via Pathways software and are required to be used for different stages/requests.</i>
52	Review retention of email print outs in files and ensure correct registration of emails in the (TRIM/CM9) electronic system. <i>FOI obligations require all such emails be kept in paper still. Will be a retention issue as files going paperless. TRIM records system upgrade allows emails to easily be added to Council's electronic records system.</i>
53	In Gippsland Water catchment area (Mirboo North region), only refer applications to Gippsland Water where there is a documented environmental or public health issue. <i>Council is obliged by the Planning Scheme mechanism to send statutory referrals and cannot distinguish on basis requested by GW.</i>
<b>Recommendations related to Strategic Planning functions (no priority order)</b>	
54	Ensure consistency with existing provisions in parallel circumstances when developing policies for Design and Development Overlays; Also consider impact on subdivision. <i>DPOs used rather than DDOs. New DPOs have been written with comparative DPOs kept alongside to check consistency.</i>
55	Conduct the next Planning Scheme Review on a financial year basis. Suggest 2014/15 to 2018/19. <i>Timing is tied to 12 months from new Council Plan adopted.</i>
56	Consider policy wording advice contained in VCAT reviews (South Gippsland and Red Dot decisions) when updating or inserting Local Policies. <i>VCAT decisions for South Gippsland applications have not been especially relevant to this recommendation.</i>
57	Consider methods to improve wording of Section 173 agreements required in relation to planning scheme amendments or amendment/permit combinations. <i>Legal advice is typically obtained in relation to each individual Section 173 agreement entered into.</i>
58	Continue participation in the progressive development and implementation of the Council Plan and relevant documents that flow from the Plan, such as the Annual Plan, the Economic Development and Tourism Strategy and the like, so that the Planning Scheme remains aligned and responsive to the aspirations of Council and its community. <i>Ongoing. Same as for recommendation 40 above.</i>
59	Review planning application Delegation Reports from last two years to assess frequency and type of duplication/conflicts between SPPF and LPPF when policy-positive LPPF review conducted. <i>Pending policy positive review.</i>
60	Share Planning Scheme Review with other Gippsland Councils. <i>Done. Bass Coast Shire Council reciprocated.</i>
<b>Forward comments to State Government (no priority order)</b>	
61	Request State Government to consider increasing and indexing planning fees and charges. <i>Done via MAV. Successful in obtaining improved cost recovery via fee increases.</i>
62	Request State Government to consider development of assessment guidelines for tourism applications in the rural zones. <i>Done through recommendations of the Planning Scheme Review submitted to the Minister for Planning.</i>

63	Request State Government to review permit triggers for setbacks from features such as a watercourse, road zone etc. to minimise number of applications where assessment does not add planning value. <i>Done through Council's VicSmart submission to DELWP and recommendations of the Planning Scheme Review submitted to the Minister for Planning.</i>
64	Request State Government to consider definition improvements to the following: <ul style="list-style-type: none"> <li>- Agricultural activity –which works are included/excluded</li> <li>- Brothel</li> <li>- Home occupation</li> <li>- Accommodation (removability)</li> <li>- Animal keeping</li> </ul> <i>Done via feedback to the State Government review of Land Use Terms in planning schemes.</i>
65	Advise State Government that lack of transition provisions and Bushfire Management Plan template is causing difficulties for applicants (especially where amending permits) and Council. <i>Done.</i>
66	Advise State Government of cl. 52.05-10 anomaly, with signage requiring illumination in Category 4 High amenity area. <i>Achieved through recommendations of the Planning Scheme Review submitted to the Minister for Planning.</i>
67	Advise State Government of cl.66.01-1 need for clarity re: Telecommunications mandatory condition. <i>Done through the VicSmart submission to DELWP and the recommendations of the Planning Scheme Review submitted to the Minister for Planning.</i>
68	Advise State Government that shared trenching policy has impracticality issues (cl. 56.09-1) – forward South Gippsland Water comments. <i>Done through recommendations of the Planning Scheme Review submitted to the Minister for Planning. South Gippsland Water needs to approach State Government regarding this issue directly.</i>
69	Advise State Government of VicRoads' comments re: land adjacent to a Road Zone category cl. 52.29. <i>Achieved through recommendations of the Planning Scheme Review submitted to the Minister for Planning and the VicSmart submission to DELWP.</i>
70.	Request State Government to consider development of a standard phrase to retain currency to Reference documents and references to government departments/agencies as referral bodies. <i>Achieved through recommendations of the Planning Scheme Review submitted to the Minister for Planning.</i>
<b>Seek State Government funding</b>	
	To assist with joint review (especially expert geo-technical consultancy) of Erosion Management Overlay (EMO) and Areas Susceptible to Erosion Overlay (ESO 5). <i>Decision was made to stay with the best available data which is the ESO5 boundary.</i>
	To assist with accurate mapping and Overlay development for areas with Coastal Acid Sulphate Soils. <i>Not done. May form part of the Coastal Strategy.</i>
	To assist with compliance checking and enforcement of planning permit conditions (including Fire Management Plans) to reduce fire risk in areas where the Bushfire Management Overlay applies. <i>Not done.</i>
	To assist with implementation of PS Review 2011-2014 recommendations generally. May include use of DELWP flying squad. <i>Flying squad funding for this form of work is not currently available.</i>

**ATTACHMENT 2****Amendments and Projects January 2015 - March 2018**

*Note: VC (Victoria-wide) and GC (generally applied) Amendments are included where there was a significant work impact for Council's Planning Department, whether through liaison or contributory work, providing information to the public or internal training in new requirements.*

<b>Planning Scheme Amendments</b>			
	<b>Amendment Number</b>	<b>Topic</b>	<b>Gazettal (approval) date</b>
<b>2015</b>			
1.	C83 (part 2)	Removes the Public Acquisition Overlay Schedule 3 from 5 Little Princes Street, Korumburra. Rezones land required for the Korumburra Integrated Children's Learning Centre to Public Use Zone 3.	9-4-2015
2.	C52 (Part 2)	Rezones land on Jumbunna Road, Korumburra from the Farming Zone to the General Residential Zone Schedule 1. Applies the Development Plan Overlay Schedule 1 to the land and deletes the Environmental Significance Overlay Schedule 5 from the land. Rezones Lot 1 TP868143 from the Farming Zone to the Public Use Zone 2 (Education).	16-4-2015  Planning Panel
3.	C96	Rezones 3ha of land at 65 Korumburra-Warragul Road to the General Residential Zone Schedule 1 and removes the Environmental Significance Overlay Schedule 5 from the land being rezoned. Introduces and applies Schedule 8 to the Development Plan Overlay to the land being rezoned and to 35 Korumburra-Warragul Road, Korumburra.	16-4-2015
4.	C77 (Part 3)	The Amendment rezones land at 5465–5475 and 5483–5495 South Gippsland Highway, Agnes, from Farming Zone to Rural Living Zone, introduces the South Gippsland Eastern District Urban Design Frameworks January 2012 as a Reference Document at Clause 21.16, makes a correction to HO142 mapping to match the heritage features of the site, makes technical corrections to Clauses 21.02, 21.03 and 21.16.	15-10-2015  Planning Panel
5.	C105	Rezones land at 1879 South Gippsland Highway, Stony Creek from Farming Zone to Public Use Zone, Service and Utility for the Meeniyan Waste Water Treatment Plant, applies Schedule 4 of the	12-11-2015



		Environmental Significance Overlay to the rezoned land and land within 200-230 metres of the main treatment lagoon	
<b>2016</b>			
6.	C99	Introduces and applies Schedule 8 to the Environmental Significance Overlay over land surrounding Burra Foods in Korumburra and amends Clause 61.03 to include the new mapping. Amends Clause 21.15-2 to implement the changes to the 'Korumburra Structure Plan' and includes the Structure Plan in Clause 21.16. Amends Clause 66.04 to include the Environment Protection Authority as a Recommending referral authority.	11-2-2016  Planning Panel
7.	C97	Rezones part of the land at 379 Lang-Lang Poowong Road, Nyora from the Farming Zone to the General Residential Zone Schedule 1. Introduces and applies Schedule 10 to the Development Plan Overlay to 951 Yannathan Road, 30 Glovers Road and 379 Lang Lang-Poowong Road, Nyora. Amends Clause 21.5-15 Local Areas, Nyora.	16-6-2016
8.	C65	Rezones part of 77 Gibson Street, Leongatha (Lot 1 PS404151) from the Farming Zone to the General Residential Zone (GRZ1); inserts Schedule 9 to the Development Plan Overlay (DPO9); applies DPO9 to the rezoned land as well as adjoining Lot 2 PS404151, Lot 1 PS330446 and part of Lot 2 PS330446; removes the Environmental Significance Overlay (ESO5 and 6) from the land.	11-8-2016  Planning Panel
9.	C107	Introduction and application of Schedule 9 to the Environmental Significance Overlay (Giant Gippsland Earthworm). Amends Clauses 21.06 and 21.16 to reference the Giant Gippsland Earthworm. Amends the Schedules of Clause 61.03 and 66.04 to reflect changes to mapping and referral authorities.	13-10-2016
10.	GC31	The Amendment replaces Schedule 2 to the Environmental Significance Overlay (ESO2) to land within a Special Water Supply Catchment Area in the South Gippsland, Baw Baw and Latrobe Planning Schemes, excluding land in the Special Use Zone Schedule 1 of the Latrobe Planning Scheme and land in the Rural Living Zone and the residential zones of unsewered areas in Mirboo North, Korumburra, Leongatha, Meeniyan, Stoney Creek, Kardella, Koonwarra and Dumbalk in the South Gippsland Planning Scheme. The Amendment also removes ESO2 from land not within a Special Water Supply Catchment Area in the Baw Baw and Latrobe	13-10-2016

		Planning Schemes and amends Clause 21.03 and Clause 21.07 in the South Gippsland Planning Scheme.	
11.	C81	Amends Local Planning Policy at Clauses 21.07, 21.15, and 21.16 to include the recommendations of the Corner Inlet Dynamic Storm Tide Modelling Assessment and amends Land Subject to Inundation Overlay mapping accordingly. Deletes Schedule 6 to the Environmental Significance Overlay from the Planning Scheme.	17-11-2016  Planning Panel
<b>2017</b>			
12.	VC110	Implements the government's response to the recommendations of the Managing Residential Development Advisory Committee by amending Clause 72 to introduce a new general term, "garden area" and amending the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone.	27-3-2017
13.	VC135	The amendment introduces additional classes of application into the VicSmart provisions, and increases the 'cost of development' threshold of some existing VicSmart buildings and works classes of application.	27-3-2017
14.	C113  NB This was a Ministerial Amendment	Amends the Schedules to Clause 52.03 and Clause 81.01 to include a new Incorporated Document titled 'Wilson's Promontory Cruises Facility, April 2017' in the South Gippsland Planning Scheme, to enable a pleasure boat facility involving boat tour operations to operate at Tidal River, Wilson's Promontory.	4-5-2017
15.	C88	Rezoned land at 5 Boags Road, Leongatha from the Farming Zone to the Low Density Residential Zone, deletes the Environmental Significance Overlay (Schedule 5) from the rezoned land, and amends the Schedule to Clause 66.04 to correct local provision referral requirements.	11-5-2017
16.	C103	The Amendment rezones land at Berrys Creek Road, Mirboo North, from the Low Density Residential Zone to the General Residential Zone (Schedule 1), applies the Development Plan Overlay (Schedule 11) to the land to be rezoned, and amends Clause 21.15-3 of the Municipal Strategic Statement to identify the subject land as an 'Infill Residential Development Area'.	22-6-2017
17.	VC137	The amendment introduces additional classes of application into the VicSmart provisions for residential zones.	27-7-2017

18.	C108	The Amendment rezones 2 Hogans Road and part of 590 South Gippsland Highway, Leongatha South, from the Farming Zone to the Special Use Zone Schedule 6 (SUZ6); introduces SUZ6 at Clause 37.01, and updates Clause 21.15-14 to reflect the development of the Koonwarra Agricultural Services Precinct.	3-8-2017
19.	C110	The Amendment implements the Nyora Development Strategy (2016) town centre recommendations by: rezoning land at 2-12 Hewson Street and 29-31 Davis Street, Nyora, from the General Residential Zone to the Commercial 1 Zone; introducing and applying the Design and Development Overlay (DDO12) to Commercial 1 Zone and Public Use Zone land in the Nyora Town Centre; amending Clause 21.15-5; amending Clause 21.16 to include the Nyora Development Strategy as a reference document; and amending Clause 61.03 to introduce the new DDO12.	10-8-2017
20.	GC13	The Amendment updates the mapping and ordinance for the Bushfire Management Overlay across Victoria by: <ul style="list-style-type: none"> <li>- Inserting updated BMO maps into 64 planning schemes.</li> <li>- Inserting schedules to Clause 44.06 in 47 planning schemes</li> <li>- Deleting redundant references to the Wildfire Management Overlay (WMO)</li> <li>- Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46.</li> <li>- Amending schedules to clause 61.03 for planning schemes to update the maps listed in the scheme.</li> </ul>	3-10-2017
21.	VC140	The Amendment makes the State Planning Policy Framework for Bushfire clearer and more directive to enable a resilient response to settlement planning for bushfires. The Amendment makes changes to the Victoria Planning Provisions and all planning schemes by: <ul style="list-style-type: none"> <li>- Inserting an updated State Planning Policy Framework at Clause 10 Operation of the State Planning Policy Framework</li> <li>- Inserting an updated State Planning Policy Framework at Clause 13 Environmental Risks</li> </ul>	12-12-2017
<b>2018</b>			

22.	VC142	The Amendment includes a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.	16-1-2018
23.	C100	The amendment makes corrections to the application of zones and overlays, and applies the Heritage Overlay to land at 175 Ameys Track, Foster.	8-2-2018
<b>Other Strategic Planning Projects</b>			
24.	Seasonal Population Impacts on Coastal Towns Plan 2015		2015
25.	Environmental Overlay Review & Building on Steep Slopes Guidelines		2015-2016
26.	Nyora Development Strategy		2016
27.	Amendment C89 - 2075 Walkerville Road, Walkerville. Rezone land from FZ to SUZ and RLZ. Council vote not to proceed		2015-2016
28.	Leongatha Town Centre Upgrade / Streetscape Master Plan		2014-2016
29.	Korumburra Streetscape Master Plan		2015-2016
30.	Amendment C90 Housing and Settlement Strategy		2015-2018
31.	Rezoning FZ to GRZ1 Parr St Leongatha – proponent action required		2016 -
32.	Foster Community Infrastructure Plan		2015-2016
33.	Municipal Early Years Plan		2015-2016
34.	Rezoning FZ to GRZ1 - Southern Leongatha – proponent action required		2015-2017
35.	Rezoning FZ to GRZ1 and SUZ Southern Leongatha – proponent action required		2016-2017
36.	Bena Road Development Plan - Korumburra		2016
37.	Gippsland Regional Floodplain Management Strategy		2016-2017
38.	Korumburra Supermarket Development / Council Land Sale Engagement Plan		2017
39.	Mirboo North Structure Plan Refresh		2016-2018
40.	Significant Tree Register Implementation – review - project input		2016-2018
41.	South Gippsland Open Space Strategy		2016-2018
42.	Smart Planning – State project liaison / submission		2016
43.	State Resource Overlay		2017-2018
44.	Korumburra Revitalisation project		2017
45.	Nyora Precinct Development Plan – Davis St/Grundy Ave		2017
46.	Turtons Creek Tourist Corridor Landscape		2014-2017
47.	Leongatha and Korumburra Railway Site Environmental Assessments and Master Plans		2017-
48.	Nyora Development Plan (DPO10) Lang Lang –Poowong Road		2017-
49.	Venus Bay Precinct Plan (Activity Centre Plan)		2018
50.	Health and Wellbeing Plan 2017-2021		2016-2018
51.	Census date update / web site project		2017-2018

52.	Rezone FZ to GRZ Simons Lane Leongatha – ongoing discussions – proponent action required	2015-
53.	Bushfire Management Overlay Schedule (Wilson's Promontory)	2015-
54.	Residential Commercial Industrial Land Supply Strategy	2017-2018
55.	Contour Mapping - Lidar	2016-2018
56.	Risk Analysis and Historical Land Use	2016-2018
57.	Liquor and Gambling Strategy	2016-2018
58.	Population Growth Study	2017-2018
59.	Planning Scheme Review 2018	2017-2018
60.	Port Welshpool Marine Precinct Plan	2016-2018
61.	Coastal Strategy project	2017-2018
62.	Amendment C109 – Rezoning Venus Bay Caravan Park – pending Minister's approval	2015-2018

**ATTACHMENT 3****Planning Permit Application Performance – South Gippsland Summary**

Category	1 July 2017 – 31 March 2018 <b>Note: ¾ financial year</b>	1 July 2016 – 30 June 2017	1 July 2015 - 30 June 2016	1 July 2014 - 30 June 2015	Totals for Review Period (where useful)
<b>Total Applications Received</b>	312	446	427	580	<b>1,765</b>
<b>New Applications</b>	287	378	373	452	-
<b>Amending Applications</b>	25	54	73	127	-
<b>VicSmart Applications</b>	40	16	5	N/A	61
<b>Further Information Request</b>	160	232	224	72	-
<b>Public Notice Given</b>	206	301	288	68	<b>863</b>
<b>Submissions Received</b>	24	38	34	3	-
<b>External Referrals</b>	178	278	275	56	<b>787</b>
<b>Withdrawn / Lapsed / Permit Not Required</b>	18	21	25	55	<b>119</b>
<b>Approvals / Notices of Decision</b>	313	414	395	520	<b>1,642</b>
<b>Refusals</b>	6	11	7	5	<b>29</b>
<b>Decisions in 60 Statutory days</b>	74%	77%	77%	82%	<b>Average 78%</b>
<b>Median days to RA decision</b>	65	62	60	61	-
<b>VicSmart decisions in 10 days</b>	97%	100%	40%	N/A	-
<b>Types of Applications</b>					

<b>Alterations / Extensions to existing houses / buildings</b>	20	61	87	13	<b>181</b>
<b>Single new Dwellings</b>	74	108	88	23	<b>293</b>
<b>2 or more Dwellings</b>	3	4	6	2	<b>15</b>
<b>Land Use Expansion / Extension / Change</b>	36	52	44	8	<b>140</b>
<b>Subdivision *</b>	43	36	31	6	<b>116</b>
<b>Value of Approved Works</b>	\$54,698,080	\$55,484,081	\$45,053,276	\$69,698,520	<b>\$222,933,957</b>
<b>Average cost of works per permit issued</b>	\$174,754	\$134,344	\$108,720	\$90,892	-
<b>Average fee per application received</b>	\$946	\$811	\$410	\$367	-

\*Includes subdivision of titles, buildings, boundary realignments, change to easements, restrictions and covenants & title consolidations

Source: PPARS

**ATTACHMENT 4****Planning Department Workload**

Data from Planning Permit Activity Report	2016/2017				2015/2016			
	Council		Rural Regional		Council		Rural Regional	
	No.	%	No.	%	No.	%	No.	%
<b>Total applications lodged</b>	<b>446</b>		<b>54,801</b>		<b>427</b>		<b>56,551</b>	
Total number of decisions on applications lodged	414	93%	48,189	86%	395	92%	48,419	86%
• Permit / NoD	11	2%	2,483	4%	7	2%	2,393	4%
• Refusal	21	5%	5,587	10%	25	6%	5,597	10%
• Withdrawn / lapsed								
Average fee per application received	\$811		\$911		\$410		\$436	
<b>Other workload information</b>	<b>Council</b>		<b>Rural Regional</b>		<b>Council</b>		<b>Rural Regional</b>	
	No.	%	No.	%	No.	%	No.	%
Number of planning enquiries	>5,438	-	N/A	-	3,986	-	N/A	-
Number of requests to amend plans / planning permits	54	12%	9,032	16%	73	17%	9,969	18%
Number of planning scheme amendments gazetted	5	KPI = 5	N/A	-	4	KPI = 5	N/A	-
Number of Planning Panels / Advisory Committees	2	-	N/A	-	2	-	N/A	-



## ATTACHMENT 5

## VCAT Appeals January 2015 to March 2018

Case Name and Date	Type of Appeal	Decisions	Other details
Council representation	Location Subject	and Planning scheme issue	and Online link to VCAT report
<b>Mackie v SGSC 11/3/2015</b>  Council self-represented	Appeal by applicant against conditions.  Meeniyam - New dwelling development	Council decision upheld but time extension given to landowner to carry out the permit conditions.  Issues:  Development of rural dwellings on small lots in the FZ.  Consolidation of small rural lots associated with dwelling development.  Compliance with permit conditions.	Planning enforcement now being applied to failure to enact one of the conditions.  <a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2015/257.html?context=1;query=v%20South%20Gippsland%20%202015;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2015/257.html?context=1;query=v%20South%20Gippsland%20%202015;mask_path=au/cases/vic/VCAT</a>
<b>Moretti v SGSC 28/7/2015</b>  Council self-represented	Objector appeal against approval decision.  Yanakee – Removal of vegetation	Council decision upheld.  Issues:  Types of vegetation that require a permit if they are to be removed.  The powers and responsibilities of the public land manager in relation to vegetation removal and the need for a planning permit.	Council ordered to pay a small part of objector's costs.  <a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2015/1141.html?context=1;query=v%20South%20Gippsland%20%202015;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2015/1141.html?context=1;query=v%20South%20Gippsland%20%202015;mask_path=au/cases/vic/VCAT</a>  and  <a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2015/1415.html?context=1;query=v%20South%20Gippsland%20%202015;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2015/1415.html?context=1;query=v%20South%20Gippsland%20%202015;mask_path=au/cases/vic/VCAT</a>

			<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/1984.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT">t=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT</a>
<b>Clarke v SGSC 11/2/2016</b>  Council self-represented	Objectors appeal against approval decision.  Nyora – skate ramp / recreation facility	Council decision upheld but permit conditions varied.  Issues:  Intensity of development.  Impact on amenity  Impact on the environment (drainage and vegetation)	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/1984.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/1984.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT</a>
<b>Hillard v SGSC 24/3/2016</b>  Council self-represented	Objectors appeal against approval decision.  Strzelecki - Host farm / cabins	Council decision overturned.  Issues:  Water catchment /wastewater treatment capacity.  Accommodation density.  Relationship between tourism accommodation and agriculture.	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/449.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/449.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT</a>
<b>Waters v SGSC 20/5/2016</b>  Council self-represented	Objector appeal against approval decision.  Nyora – Telecommunications facility	Council decision upheld but permit conditions varied.  Issues:  Acceptable level of visual impact  Appropriateness of siting  Balancing benefits and impacts	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/825.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/825.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT</a>

<p><b>Wiseman v SGSC</b> <b>15/6/2016</b></p> <p>Council self-represented</p>	<p>Applicant appeal against refusal to extend permit time.</p> <p>Dumbalk – New dwelling development</p>	<p>Council decision overturned.</p> <p>Issues:</p> <p>The level of development that comprises a reasonable start on the development.</p> <p>Circumstances that reasonably prevent a development being started and completed within the permit timeframe conditions.</p> <p>Application of the Kantor principles.</p>	<p>Kantor principle interpretation.</p> <p><a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/974.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/974.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT</a></p>
<p><b>Murcott v SGSC</b> <b>1/7/2016</b></p> <p>Council self-represented</p>	<p>Objectors appeal against approval decision.</p> <p>Nyora - commercial chicken shed and free range facility.</p>	<p>Council decision upheld but permit conditions varied.</p> <p>Issue:</p> <p>Amenity impacts of commercial poultry production</p>	<p><a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/1105.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/1105.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT</a></p>
<p><b>Hamm v SGSC</b> <b>27/7/2016</b></p> <p>Council represented by a consultant</p>	<p>Objectors appeal against approval decision.</p> <p>Loch – Drug rehabilitation centre</p>	<p>Council decision overturned.</p> <p>Issue:</p> <p>Amount and consistency of detail about the proposed development provided with the application.</p>	<p>Lack of detail provided by applicant makes some amenity measures impossible to assess.</p> <p><a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/1253.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2016/1253.html?context=1;query=v%20South%20Gippsland%20%202016;mask_path=au/cases/vic/VCAT</a></p>
<p><b>WGCMA v SGSC</b> <b>10/1/2017</b></p>	<p>Catchment authority appeal against approval decision.</p> <p>Toora North – New dwelling development</p>	<p>Council decision overturned.</p> <p>Issues:</p> <p>Sole access way affected by inundation</p>	<p><a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/63.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/63.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a></p>

		Removal of land from potential for agriculture	
<b>Tuckett v SGSC 29/3/2017</b>	Objectors appeal against approval decision.  Leongatha – Commercial glasshouses and works	Council decision upheld but permit conditions varied.  Issues:  Visual amenity of buildings  Earthworks and drainage  Amenity impacts from horticulture	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/424.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/424.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a>
<b>Chalmers v SGSC 17/5/2017</b>	Applicant appeal against permit refusal.  Fish Creek – re-subdivision.	Council decision upheld.  Issues:  Definitions of boundary realignment and re-subdivision.  Creation of small lots in the FZ.	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/704.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/704.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a>
<b>Fitzpatrick v SGSC 13/6/2017</b>	Applicant appeal against permit refusal.  Poowong – New dwelling development	Council decision overturned.  Issues:  Removal of land from potential agriculture.  Dwelling development on small lots in the FZ.  Proliferation of rural dwellings.	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/843.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/843.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a>
<b>Boyle v SGSC 7/7/2017</b>	Applicant appeal against permit refusal.  Stony Creek – motorcycle training facility	Council decision overturned.  (Version approved by VCAT is not the same proposal as presented to Council by the	A different version (size reduced) and an acoustic report brought to VCAT by the applicant.  <a href="http://www8.austlii.edu.au/cgi-">http://www8.austlii.edu.au/cgi-</a>

		<p>applicant and requested information that had not been provided was given at VCAT).</p> <p>Issues:</p> <p>Noise emissions.</p> <p>Intensity of development in the FZ.</p> <p>Provision of information with the planning application.</p>	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/998.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">bin/viewdoc/au/cases/vic/VCAT/2017/998.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a>
<b>Jenkin v SGSC 3/8/2017</b>	<p>Objector appeal against approval decision.</p> <p>Korumburra – contractor’s depot expansion</p>	<p>Council decision upheld but permit conditions varied.</p> <p>Issues:</p> <p>Amenity impacts from a rural industry in the FZ.</p> <p>Intensity of expansion and land use activity.</p>	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/1191.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/1191.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a>
<b>Jefferis v SGSC 12/9/2017</b>	<p>Applicant appeal against permit refusal.</p> <p>Poowong - new dwelling development</p>	<p>Council decision upheld.</p> <p>Issues:</p> <p>Dwelling development on small lots in the FZ.</p> <p>Proliferation of rural dwellings.</p> <p>Definition of what constitutes a land parcel. (Road dividing two parts of a parcel can result in separate titles being issued.)</p>	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/1428.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/1428.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a>
<b>Langdon v SGSC 19/9/2017</b>	<p>Applicant appeal against refusal decision.</p>	<p>Council decision upheld.</p> <p>Issues:</p> <p>Protection of sand resource potential.</p>	<a href="http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/1454.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT">http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2017/1454.html?context=1;query=v%20South%20Gippsland%20%202017;mask_path=au/cases/vic/VCAT</a>

	Nyora – New dwelling development.	Dwelling development on small lots in the FZ.  Need for onsite accommodation to support property management including indigenous vegetation.	<a href="#">ppsland%20%202017;mask_path=au/cases/vic/VCAT</a>
--	-----------------------------------	--	---

## ATTACHMENT 6

### Consolidated Recommendations

1. Prepare a planning scheme amendment (for implementation during the upcoming review period) to implement the key zone, overlay and local policy planning scheme changes recommended in this Planning Scheme Review.
2. Continue to implement practices to reduce the number of applications requiring Further Information Requests.
3. Refine the layout and content of planning information on Council's web site.
4. Forward Planning Scheme Review 2018 feedback relevant to other areas of Council or to other organisations.
5. Liaise with internal Council teams on the various issues raised in the Planning Scheme Review 2018 feedback and advise when relevant changes occur that.
6. Continue regular training in customer service skills.
7. Include a 'business' section in Council's online planning application information.
8. Create a Design and Siting guide for development of a dwelling in coastal settlements if the State Government does not update the 1998 guide as intended in the Smart Planning program.
9. Include Planning Enquiry email links on the Statutory Planning pages on Council's web site.
10. Consider additional resourcing for planning enforcement duties so that proactive auditing of planning permit conditions, especially for bushfire risk reduction, can be undertaken.
11. Resource upgrading of Pathways planning modules to support processing of planning applications.
12. Request the State Government to develop a policy or Practice Note for guiding public notice request decisions.
13. Review alignment of Freedom of Information requirements in relation to retention of paper versions of emails and other material when planning applications are made online and files have gone fully electronic.
14. Refer items raised that are relevant to State Government consideration to the Gippsland Planning DELWP Team.