

**South Gippsland Planning Scheme Amendment C131sgip
Planning Permit Application CP/2024/49**

Panel Report

Planning and Environment Act 1987

5 May 2025

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

South Gippsland Planning Scheme Amendment C131sgip

Planning Permit Application CP/2024/49

5 May 2025



Sarah Raso, Chair

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Glossary and abbreviations

Council	South Gippsland Shire Council
DEECA	Department of Energy, Environment and Climate Action
EMO1	Erosion Management Overlay Schedule 1
ESO2	Environmental Significance Overlay Schedule 2
GRZ1	General Residential Zone Schedule 1
LSIO	Land Subject to Inundation Overlay
PE Act	<i>Planning and Environment Act 1987</i>
permit application	Planning permit application CP/2024/49
Proponent	108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd
subject land	108 and 110 Parr Street, Leongatha

Overview

Summary

Amendment	South Gippsland Planning Scheme Amendment C131sgip
Permit application	Planning Permit Application CP/2024/49
Brief description	<p>Amendment: rezone 108 and 110 Parr Street, Leongatha from Farming Zone to General Residential Zone, delete Environmental Significance Overlay Schedule 2 and Erosion Management Overlay Schedule 1 and amend the application of Land Subject to Inundation Overlay</p> <p>Permit application subdivision of 108 and 110 Parr Street, Leongatha into 171 lots, native vegetation removal and the creation and removal of easements</p>
Subject land	108 and 110 Parr Street, Leongatha
Proponent	108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd
Planning Authority	South Gippsland Shire Council
Authorisation	18 September 2024, with conditions
Exhibition	7 November to 13 December 2024
Submissions	12

Panel process

The Panel	Sarah Raso
Supported by	Sarah Vojinovic, Project Support Officer, Planning Panels Victoria
Directions Hearing	By video, 5 March 2025
Panel Hearing	By video, 10 April 2025
Site inspections	Unaccompanied, 6 April 2025
Parties to the Hearing	<p>South Gippsland Shire Council represented by Ken Griffiths, Strategic Planning Coordinator</p> <p>108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd represented by Jason Kane of Counsel instructed by Spot Planning, calling expert evidence from:</p> <ul style="list-style-type: none"> - Valentine Gnanakone of One Mile Grid (Traffic) - Marc Noyce from Noyce Environmental Consulting (Stormwater and Drainage)
Citation	South Gippsland PSA C131sgip [2025] PPV
Date of this report	5 May 2025

Executive summary

This is a combined Planning Scheme Amendment and planning permit application process under section 96A of the *Planning and Environment Act 1987*.

South Gippsland Planning Scheme Amendment C131sgip (the Amendment) seeks to rezone land at 108 and 110 Parr Street, Leongatha (subject land) to facilitate future subdivision and residential development. The Amendment proposes to:

- rezone the land from Farming Zone to General Residential Zone
- delete the Environmental Significance Overlay Schedule 2 and Erosion Management Overlay Schedule 1
- amend the application of the Land Subject to Inundation Overlay.

Planning permit application CP2024/49 (permit application) seeks approval for the residential subdivision of the subject land into 171 lots, native vegetation removal and the creation and removal of easements.

From the public exhibition process, 12 submissions were received. Key issues raised included:

- traffic impacts
- lack of open space
- native vegetation removal
- flooding
- impact on the adjoining bus depot
- subdivision layout and design.

A one day Hearing was held to consider the Amendment, permit application and issues raised. The Panel heard from South Gippsland Shire Council and 108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd.

The Panel considers the Amendment is well founded, strategically supportable and should be approved. On balance, a permit should be granted for the residential subdivision of the subject land. It is consistent with the policy intent of the Planning Scheme, will extend the development of the existing residential area to the east of the subject land and provide for much needed housing opportunities.

Based on the reasons set out in this Report, the Panel recommends:

1. **Adopt South Gippsland Planning Scheme Amendment C131sgip as exhibited.**
2. **Issue Planning Permit CP/2024/49 as exhibited, subject to an amended condition 10(k) as follows:**

Any driveway crossovers as required by the Responsible Authority with all crossovers adjoining Parr Street and west of the internal access road designed as dual/shared crossovers.

1 Introduction

1.1 The Amendment and permit application

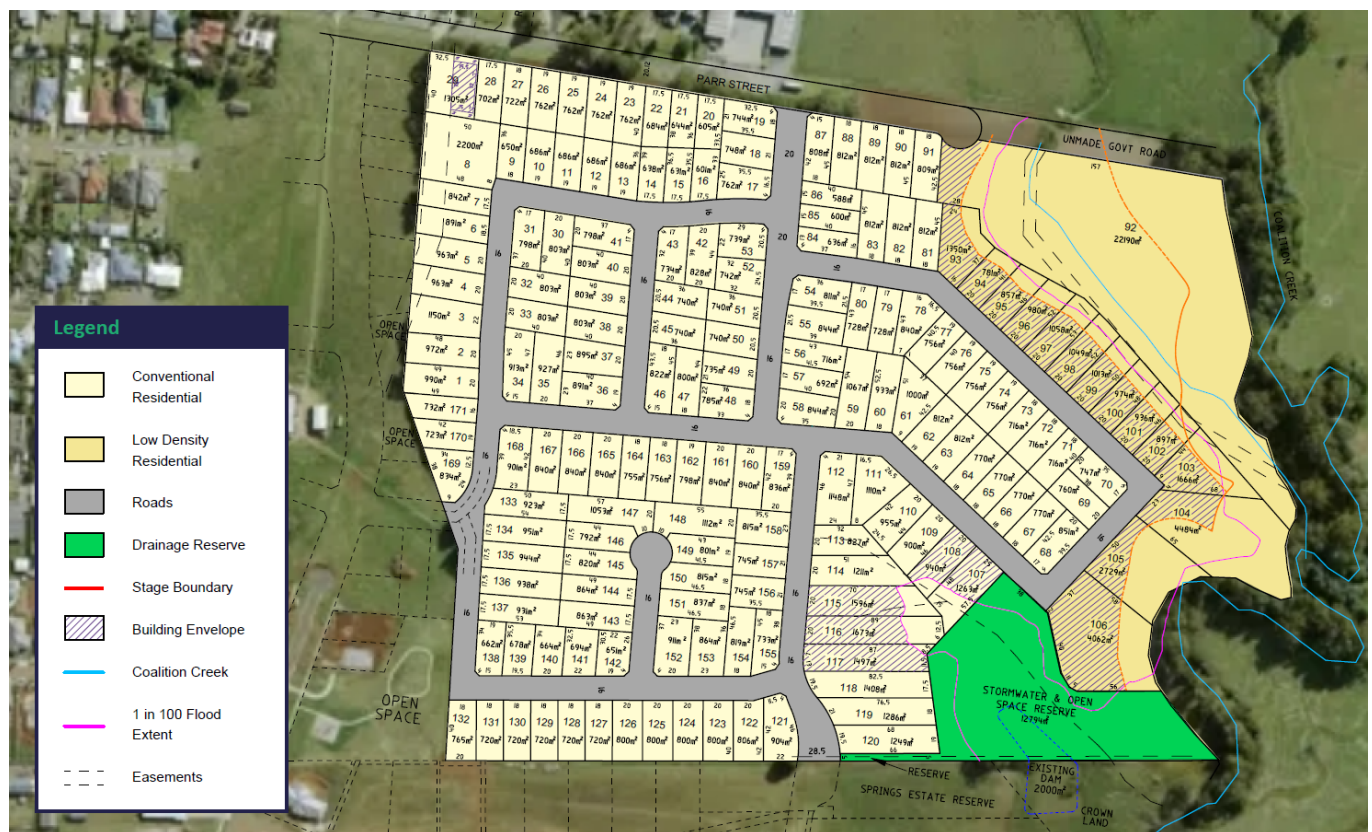
The Amendment seeks to rezone the subject land to facilitate future subdivision and residential development. Specifically, the Amendment proposes to:

- rezone the subject land from Farming Zone to General Residential Zone Schedule 1 (GRZ1)
- delete Environmental Significance Overlay Schedule 2 (ESO2) and Erosion Management Overlay Schedule 1 (EMO1)
- amend the application of Land Subject to Inundation Overlay (LSIO).

The permit application seeks approval for the subdivision of the subject land into 171 lots, native vegetation removal and the creation and removal of easements. See Figure 1.

South Gippsland Shire Council (Council) is the Planning Authority for the Amendment and responsible authority for the planning permit application. 108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd is the Proponent.

Figure 1 Proposed Plan of Subdivision



Source: Permit application

1.2 The subject land

The Amendment applies to land shown in Figure 2. Historically, the subject land has been used for cropping, a vineyard and livestock grazing. It consists of two separate titles and has a combined area of 22.46 hectares.

108 Parr Street contains a vineyard use with some buildings and no dwelling.

110 Parr Street has been used for agriculture including cropping and animal grazing. This property contains a dwelling, outbuildings and a farm dam. The dam has been utilised by stock. Part of the dam is located on Crown Land.

There are some scatter trees (mostly gum trees that have been planted) and vegetation across the subject land. Most of the trees and vegetation are along the Coalition Creek reserve (the eastern boundary of the subject land), around the dam, adjacent to Parr Street or have been planted as windrows.

The subject land falls from west to east. The fall in the eastern half of the subject land has an eight per cent slope.

An unnamed waterway runs adjacent to Coalition Creek. The eastern areas of the subject land are low lying and subject to flooding. This area is not suitable for residential use or for the provision of open space due to flooding, potential safety risks to humans and usability issues.

The subject land also contains power transmission lines connecting the Bald Hills Wind Energy Facility to a substation at Horn Street, Leongatha. These cross both lots in the subject land's northwestern corner.

Figure 2 **Subject land**



Source: Explanatory Report

1.3 Background

Council provided a detailed background to the Amendment and permit application in its Part A submission, including a chronology of events which the Panel has summarised in Table 1.

Table 1 Chronology of events

Date	Event
January 2022	Proponent submitted a request to Council under Section 96A of the PE Act to: <ul style="list-style-type: none"> - rezone the subject land from Farming Zone to GRZ1 - delete ESO2 and EMO1 - amend the application of LSIO - subdivide the subject land, remove vegetation and create and remove easements
2022 to 2024	Council undertook agency and authority consultation and worked with the Proponent to resolve a final subdivision design
15 June 2022	Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment and planning permit application and refer any submissions to a Panel
18 September 2024	Authorisation of the Amendment approved subject to conditions
7 November to 13 December 2024	Exhibition of the Amendment and permit application
22 January 2025	Council requested a Panel
3 March 2025	Directions Hearing
6 April 2025	Unaccompanied site inspection of the subject land, adjoining land and street network
10 April 2025	Panel Hearing

1.4 Procedural issues

Westernport Roadlines, who run an existing transport operation at 131 Parr Street, Leongatha, was a party to this proceeding however withdrew on 2 April 2025. Victoria Kalapac was a party to this proceeding and withdrew on 4 April 2025. The Panel still considered the issues raised by both submitters as outlined in their original submissions filed with Council.

1.5 The Panel's approach

Key issues raised in submissions were:

- traffic impacts
- lack of open space
- native vegetation removal
- drainage and flooding
- impact on the adjoining bus depot
- subdivision layout and design.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the South Gippsland Planning Scheme (Planning Scheme).

The Panel considered all written submissions made in response to the exhibition of the Amendment and permit application, observations from its site visit, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Stormwater management
- Access and movement
- Other matters
- Resolution of the Amendment and permit.

2 Strategic issues

2.1 Planning context

This chapter identifies the planning context relevant to the Amendment.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 02.03 (Strategic Directions)
Planning Policy Framework	<ul style="list-style-type: none"> - Clauses 11.01-1S (Settlement), 11.01-1L-01 (Leongatha), 11.01-1L-02 (Southern Leongatha Growth Area), 11.02-1S (Supply of urban land), 11.02-3S (Sequencing of Development), 11.03-5S (Distinctive Areas and Landscapes) - Clause 12.01-2S (Native Vegetation Management) - Clauses 13.02-1S (Bushfire Planning), 13.04-1S (Contaminated and Potentially Contaminated Land), 13.05-1S (Noise Management) - Clause 14.02-1S (Catchment Planning and Management) - Clauses 15.01-3S (Subdivision design), 15.03-2S (Aboriginal Cultural Heritage) - Clause 16.01-1L (Housing Supply in South Gippsland), 16.01-2S (Housing Affordability) - Clause 18.01-2R (Transport System – Gippsland) - Clause 19.03-1S (Development and Infrastructure Contributions Plans)
Other planning strategies and policies	<ul style="list-style-type: none"> - Plan Melbourne Direction 4, Policies 4.1, 4.2 - Leongatha Structure Plan - Leongatha South Outline Development Plan
Planning scheme provisions	<ul style="list-style-type: none"> - General Residential Zone - Land Subject to Inundation Overlay - Clause 52.02 (Easements, Restrictions and Reserves) - Clause 52.17 (Native Vegetation) - Clause 53.01 (Public Open Space Contribution) - Clause 56 Subdivision - Clause 65 Decision Guidelines
Ministerial directions	<ul style="list-style-type: none"> - Ministerial Direction No 1 (Potentially Contaminated Land) - Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

2.2 Statutory considerations

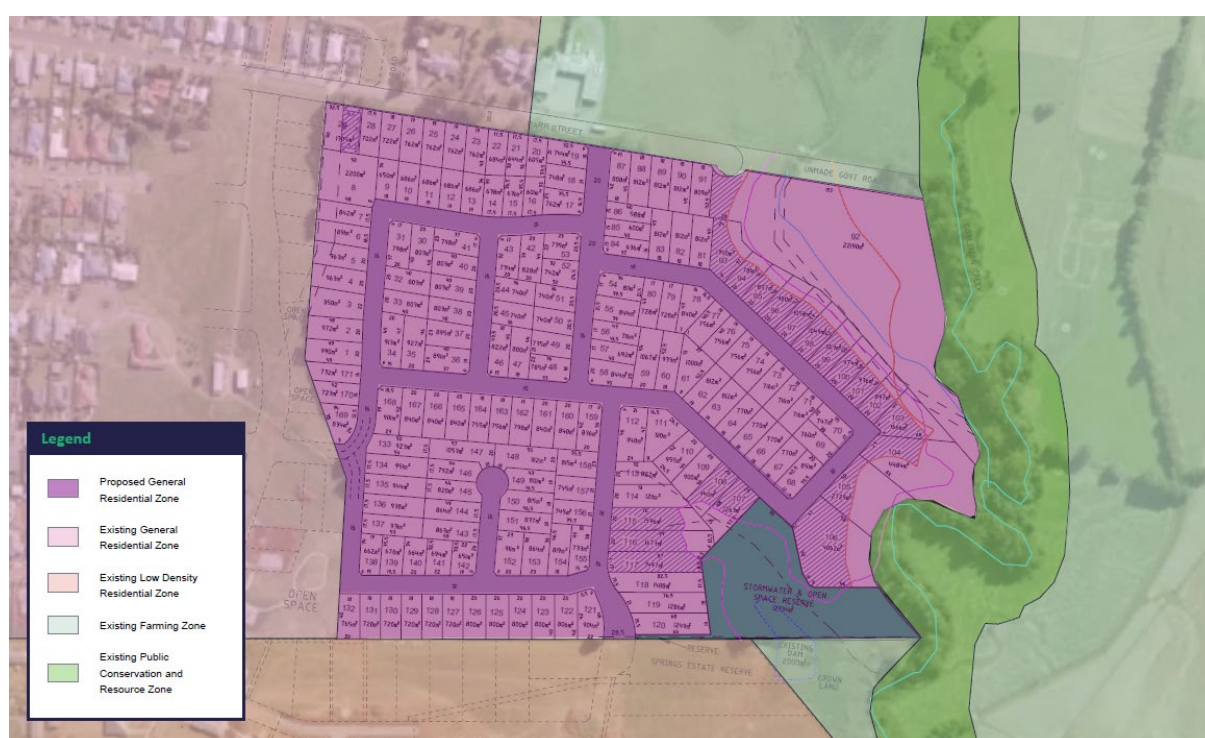
(i) Zones

The subject land is currently within the Farming Zone and is proposed to be rezoned to GRZ1, the relevant purposes of which are:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Figure 3 highlights that the areas surrounding the subject land to the east are generally within the General Residential Zone, with land directly to the south generally within the Low Density Residential Zone. Land to the east remains within the Public Conservation and Resource Zone.

Figure 3 Zoning context



Source: Permit application

(ii) Overlays

The LSIO applies to the eastern and southern portion of the subject land, proximate to the Coalition Creek, the purposes of which are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989. To protect water quality and waterways as natural resources by managing urban stormwater,

protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and ground water.

- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

The 1 in 100 (one per cent Annual Exceedance Probability) year flood extent provided by the West Gippsland Catchment Management Authority differed slightly to the mapping of the LSIO. The Amendment seeks to correct this. The updated LSIO is shown in Figure 1 using a purple line.

Building envelopes are proposed for some of the lots which will be registered on the title as a restriction (see Figure 1). The building envelopes seek to ensure:

- any future dwelling will not be constructed within the 1 in 100 flood zone
- there will be adequate spacing between future dwellings and provide opportunities for landscaping and visual separation of built form
- adequate defensible space is provided between future dwellings and the Coalition Creek corridor and stormwater infrastructure.

The subject land is also affected by the ESO2 and the EMO1, both which are proposed to be deleted as they will be no longer required.

(iii) Particular and other provisions

Development of the permit land must have regard to the following particular and other provisions:

- Clause 52.02 – Easements, restrictions and reserves
- Clause 52.17 – Native vegetation
- Clause 53.01 – Public open space contribution and subdivision
- Clause 56 – Residential subdivision
- Clause 65.02 – Approval of an application to subdivide land.

2.3 Strategic justification

(i) Evidence and submissions

There was no dispute amongst the parties and submitters that the Amendment is strategically justified.

Council submitted the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework. Council indicated that while the proposed development generally reflects a development found within a Neighbourhood Residential Zone, the Neighbourhood Residential Zone is not currently used in the Planning Scheme.

Consideration was also given to whether a Development Plan Overlay is required. Council submitted some municipalities have begun to apply the Development Plan Overlay as a “backstop” to capture key site issues in the event that the permit issued through the section 96A process is not acted on. Council indicated that while the subject land does have some design challenges, it ultimately chose not to pursue a Development Plan Overlay.

In terms of land supply, Council submitted it has a “chronic” undersupply of residential land and the rezoning of the subject land would go some way to assisting in the provision of well needed housing stock.

Council submitted that the ESO2 is being removed with the support of South Gippsland Water who is responsible for management of the Tarwin Catchment. It submitted:

- all new dwellings on the subject land will be connected to reticulated sewer so there is no reason to retain the ESO2
- if the subdivision does not occur after the ESO2 is removed, the catchment values will still be protected by the *Catchment and Land Protection Act 1994* which triggers a referral to South Gippsland Water for planning permit applications in the Catchment pursuant to the referral provisions at Clause 66.02-5 of Planning Scheme.

Council submitted that removal of the EMO5 is typical when land is rezoned for urban development. It noted that the subject land is not steep and the building permit process will appropriately assess any site specific issues.

The Proponent submitted there is a clear and undisputed strategic vision for the subject land to be rezoned for residential purposes. It said the subject land will ultimately deliver:

- a high-quality residential community
- much *needed additional land supply* for Leongatha
- residential zoned land that is consistent with the vision for the subject land contained in the Leongatha Framework Plan (at Clause 11.01-1L-02) , local, regional and state policies
- a range of residential lot sizes
- housing diversity and additional housing opportunities within existing settlement boundaries
- a stormwater/drainage reserve
- the protection and enhancement of the Coalition Creek
- road/pathway connections to the surrounding subdivisions.

(ii) Discussion

Planning policy clearly supports residential development in this area of Leongatha. The rezoning of the subject land is supported by the strategic vision for the area as contained in local, regional and state policies. For example, at:

- Clause 11.01-1L-02: The Leongatha Framework Plan
- Clause 11.01-1L-03: Southern Leongatha Growth Area
- Clause 11.01-1S: Settlement which seeks “*sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi*”
- Clause 11.01-1R: Settlement – Gippsland that supports “*urban growth in Latrobe City as Gippsland’s regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns*”.

The proposed zoning for the subject land will be consistent with the established pattern of development of the surrounding area. The residential densities proposed in the permit application are similar to the adjoining General Residential Zone land to the east and north. Larger lots are then proposed along the Coalition Creek interface to respond to the potential for this area of land to flood and require the location of dwellings outside the LSIO area.

Importantly, the subject land:

- is a large landholding within the settlement boundary of Leongatha
- has direct access to Parr Street

- does not possess any unmanageable development constraints, and each lot can be readily connected to all services.

The proposed subdivision:

- is consistent with the surrounding pattern of subdivision and will integrate with the adjacent residential subdivision
- will provide a unique opportunity to provide additional and diverse housing within the Leongatha Township.

It is appropriate the ESO2 and EMO5 are removed from the subject land. South Gippsland Water support the removal of the ESO2 given all new dwellings will be connected to reticulated sewer. Equally, removal of the EMO5 is appropriate given the proposed urban rezoning of the land. The amended LSIO is appropriate to manage the future use and development of the low lying section of the subject land. Importantly, West Gippsland Catchment Management Authority supports the use of the amended LSIO in this area to correctly reflect the one per cent Annual Exceedance Probability flood extent.

Clause 71.02-3 (Integrated decision making) of the Planning Scheme requires the Amendment and permit application to be assessed against the principles of net community benefit and sustainable development. The Amendment and permit application are strategically justified and will result in a net community benefit and sustainable development outcome. They will:

- provide a residential community on land that is well located in terms of access to the Leongatha Town Centre, community facilities, schools and the broader road network
- provide a range of housing opportunities where housing is actively sought and needed
- provide connector roads and shared pathways that provide vehicle/pedestrian connections to the surrounding residential estates and open space
- manage stormwater through the construction of a retarding basin/wetland that will be a community asset
- protect an area of Swampy Riparian Woodland.

The Panel considers the Amendment and proposed subdivision will assist in implementing policy objectives set out in section 4 of the PE Act by providing for the rezoning and subdivision of land to achieve an orderly, well-planned outcome consistent with the strategic direction of Leongatha.

(iii) Conclusions

The Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Stormwater management

3.1 The issue

The issue is whether the removal of the existing farm dam for stormwater management is acceptable.

3.2 Evidence and submissions

The Proponent relied on the stormwater and drainage evidence of Mr Noyce, as well as Mr Noyce's Stormwater Management Plan, which requires the removal of an existing farm dam from the south-east corner of the subject land.

The Proponent explained:

A natural low point exists where the existing farm dam is located towards the southeast corner of the subject land. Most of the stormwater currently flows to the farm dam. Any overflow flows into the Coalition Creek.

The existing farm dam was initially considered as the drainage reserve for the subdivision. However, Mr Noyce determined that the farm dam did not meet best practice standards for safety for use as passive open space, water quality treatment and impacts on Coalition Creek.

It is proposed to remove the existing dam from within the subject land and replace it with a best practice stormwater management and treatment reserve.

The reserve will contain stormwater storage, sediment basins and a wetland retarding basin. The reserve will be constructed so that future residents can enjoy passive open space opportunities. The proposed stormwater management treatment will greatly improve water quality. The revegetation along Coalition Creek will further improve the water quality that flows into this waterbody.

Some submitters, including the National Trust, opposed removal of the farm dam. The National Trust submitted:

- the dam may form part of an oxbow lake and therefore have higher environmental and heritage values for the site
- the stormwater treatment system should be relocated to Lot 106 and the dam retained.

Mr Noyce explained that the drainage strategy is dictated by the topography of the land and the requirement to provide drainage facilities that achieve Best Practice stormwater management objectives for water quality and retardation of peak flows back to pre-development levels. He said the removal of the existing dam and its replacement with functioning sediment collection basins and wetland treatment to current standards would provide a greater water quality outcome that could be maintained and enjoyed by the public in a safe manner.

The West Gippsland Catchment Management Authority supported the removal of the farm dam and did not consider it to be an oxbow lake. It supported Mr Noyce's Stormwater Management Plan. In its referral, the Authority noted that:

... the construction of the proposed stormwater sediment pond and wetland/retarding basin will result in the loss of two small tributary waterways and the existing dam. The Authority supports this loss provided that a significant improvement in waterway health is achieved through other aspects of the subdivision, such as enhanced revegetation or a significant over-treatment of water quality. sediment collection basins and wetland treatment to current standards will provide a greater water quality outcome that can be maintained and enjoyed by the public in a safe manner

The West Gippsland Catchment Management Authority recommended conditions to be included in the Permit. The Proponent and Council did not oppose any of these.

The Proponent submitted the Panel should endorse Mr Noyce's Stormwater Management Plan *"which is the result of extension discussions and negotiations with the West Gippsland Catchment Management Authority"*.

3.3 Discussion and conclusion

It is clear that the Proponent has worked alongside Council and the West Gippsland Catchment Management Authority to ensure appropriate measures will be provided to manage stormwater and flooding risks. It is clear that the removal of the existing farm dam and its replacement with functioning sediment collection basins and wetland treatment to current standards will provide a far superior outcome in water quality and its impacts on Coalition Creek. The Panel relies on the position of the West Gippsland Catchment Management Authority that the dam is just that, a dam, and not an oxbow lake.

The Panel concludes:

- The removal of the existing farm dam for stormwater management is acceptable.

4 Access and movement

4.1 The issue

The issue is whether the traffic engineering implications of the proposed subdivision are acceptable.

4.2 Evidence and submissions

Many submitters were concerned the development, which increases the number of dwellings in the area, would place a significant burden on the surrounding road network leading to:

- localised traffic congestion with the local road network being unable to accommodate additional traffic
- reduced amenity and safety.

Westernport Roadlines took issue with the location of the proposed intersection connecting the subdivision with Parr Street. Westernport Roadlines is a local bus service provider with a bus depot operating directly opposite the subject land at 131 Parr Street, Leongatha. The depot houses buses that run services throughout Leongatha, though primarily for the schools to the north. It was concerned the proposed access street, which sits opposite its site, could impact access to its land and the operation of its business, and impact use of Parr Street for staff car parking.

The Proponent relied on the traffic evidence of Mr Gnanakone who concluded:

The proposed development includes upgrading the eastern end of Parr Street, impacting only activities within the road reserve, not operations internal to the bus depot. In fact, this could be considered an improvement, as it will provide a properly constructed roadway for access to and from the depot.

Given these considerations, I believe the impacts on Westernport Roadlines are reasonable and does not represent a compromised position for the bus operator.

Mr Gnanakone said:

- once the Parr Street extension and the new access street are constructed, traffic to and from the bus depot will be required to give way to through traffic. This was consistent with standard access arrangements for any lot, and he did not anticipate significant delays at the bus depot exit
- he expected the peak traffic generation from the proposed development to occur outside the peak morning and afternoon periods when buses enter and exit the Westernport land
- the traffic generated by the development will have minimal impact on Westernport Roadlines' operations, given the limited overlap in movement patterns.

Mr Gnanakone said that while the proposed upgrades to Parr Street will remove the informal street parking opportunities that currently exist, parking could be accommodated on the bus depot land itself, specifically in the large gravel area at the rear of the buildings.

More generally, Mr Gnanakone said:

- the proposed subdivision design is generally in accordance with the development expected within the Leongatha Framework Plan

- the subdivision road network has been designed in accordance with Clause 56 requirements of the Planning Scheme and the rural and regional Infrastructure Design Manual guidelines
- the surrounding road network has sufficient capacity to accommodate the development generated traffic volumes, even allowing for significant growth along the South Gippsland Highway
- the traffic generation rates will not trigger a requirement to upgrade the intersection of Parr Street and the South Gippsland Highway.

Council submitted it was satisfied that the local traffic network can appropriately manage the demand. Council was also supportive of the proposed access to and from Parr Street, the roads that integrate with the surrounding subdivisions and the road/pedestrian network within the subdivision.

4.3 Discussion and conclusions

The Panel is satisfied that the traffic engineering implications of the proposed subdivision are acceptable. The design of the road network within the subdivision is well thought out and in accordance with the Clause 56 requirements and the Leongatha Framework Plan. The internal roads have been designed to ensure safe vehicle movements and safe vehicle access between roads and lots. There are appropriate sightlines when vehicles enter/exit the subdivision from Parr Street. This will ensure that vehicles will enter/exit in a safe and efficient manner.

A safe and efficient pedestrian and cycling network will be provided throughout the subdivision. The network will link to the adjoining subdivision and public park. The pedestrian path will appropriately be extended along Parr Street to connect to the existing footpath network.

It is clear from Mr Gnanakone's comprehensive assessment that the surrounding road network has sufficient capacity to accommodate the development generated traffic volumes in a safe and efficient manner.

In relation to the Westernport Roadlines position, it is worth noting that the bus depot land is located within the Farming Zone where the use is a prohibited use and no planning permit or section 97N Certificate of Compliance has been issued. The subdivision will not unduly affect the depot's operations, save for the need for staff to find off-street car parking which appears abundant from the Panel's own site inspection of the bus depot land. Buses entering and exiting the Westernport land will need to give way to through traffic, however this is consistent with standard access arrangements for any land parcel.

The Panel concludes:

- The design of the subdivision road network is in accordance with the Clause 56 requirements and the Infrastructure Design Manual guidelines.
- The surrounding road network can accommodate the increased traffic.
- The proposed development will not unreasonably impact the existing operations of Westernport Roadlines.

5 Other matters

5.1 Native vegetation

An ecological assessment accompanied the permit application.¹ The assessment was undertaken by a desktop analysis and field work. The assessment concluded the subject land:

- was highly modified which reduced and/or eliminated habitat values
- was largely devoid of native vegetation
- did not contain habitats for listed threatened flora or fauna species and no listed threatened flora or fauna species were found on the subject land
- contained a small, modified cover of Swampy Riparian Woodland along the eastern boundary
- a referral under the *Environment Protection Biodiversity Conservation Act 1999* was not required.

The Proponent submitted that while the subdivision layout has focused on avoiding the removal of native vegetation, some must be removed to facilitate the subdivision layout and drainage reserve. It highlighted that most native vegetation to be removed is exempt from a planning permit. This is supported by the Arborist Report² that found:

Practically all of the trees that were assessed were previous planted windrows, with an estimated variance in age between 5-60 years or more.

The removal of 0.493 hectares of Swampy Riparian Woodland and four large trees will require a planning permit under Clause 52.17. The vegetation removal will be required to be offset.

A number of scattered trees are what is considered 'assumed loss' due to being located within allotments less than 4,000 square metres. The general offset amount is 0.183 general habitat units and four large trees. The offset must have a minimum strategic biodiversity value score of 0.465 and be within the West Gippsland Catchment Management Authority area or South Gippsland Shire Council. The offset has been sourced as an allocated credit extract through an accredited offset broker.

There is an area of Swampy Riparian Woodland that intersects with the proposed lots along the eastern boundary. This area is currently fenced off and will be retained as part of the subdivision.

Both Council and the Department of Energy, Environment and Climate Action (DEECA) supported the proposed native vegetation removal. Council submitted:

Critically from Council's viewpoint, the retention of the Swampy Riparian Woodland adjoining the dam would necessitate retention of the dam and for the dam land to be placed under Council management. If the dam were to be included on private land (as a means to protect it) the vegetation would still be considered 'lost' and require offset.

...

There are no feasible opportunities to further avoid removal or minimise impacts to native vegetation without compromising the development design.

The Panel considers the proposed native vegetation removal is acceptable and can be appropriately offset.

¹ Ecological Assessment, Okologie Consulting, 27 October 2023

² Tree Assessment Report, Clean Cut Tree Services, 1 April 2022

5.2 Bushfire

The subject land is located within a Bushfire Prone Area but is not subject to a Bushfire Management Overlay.

A Bushfire Management Statement was prepared by the Proponent and concluded:

- the subject land has a low vulnerability to bushfire events
- the topography and extent of grassland vegetation near the development presents a low risk of bushfire
- there is no fire history in the area
- the bushfire mitigation measures can be easily dealt with for all lots by a planning permit condition and the Bushfire Management Plan (Appendix 3 to the Bushfire Management Statement)
- the Concept Waterway Management Plan (Appendix 2 to the Bushfire Management Statement) is vital for managing the future bushfire risk from the east
- the application of building envelopes and defensible space on the eastern lots reinforces the interface and are appropriate bushfire mitigation measures in the Bushfire Management Plan
- the lots in the subdivision have quick and convenient access to the external road network in the event of a bushfire.

The CFA supported the Amendment and permit application and did not seek any changes to the exhibited documents. The CFA has recommended that conditions are included in the Permit that require:

- the enforcement of the Bushfire Management Plan
- the implementation and maintenance of defensible space contained in the endorsed Bushfire Management Plan.

The Proponent confirmed it support such conditions.

6 Resolution of the Amendment and Permit

6.1 The Amendment

The Panel has reviewed the General Residential Zone and notes no party or submitter raised issues with its application to the subject land, nor its structure or format. The Panel agrees it is the appropriate zone for the land and will provide for the opportunity to deliver a new residential area that provides for greater housing offer.

The Panel considers it is appropriate the ESO2 and EMO1 are removed from the subject land.

6.2 The planning permit

(i) Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area
- factors likely to cause or contribute to land degradation, salinity or reduce water quality
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate
- the degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Other matters to be considered include:

- submissions
- comments and decisions of referral authorities
- other matters a Responsible Authority must and may take into account under section 60 of the PE Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

(ii) Discussion and conclusions

Council's Part A submission provided a comprehensive summary of the relevant State and local planning policy permit triggers and the application and referral requirements for the permit application. This was also highlighted through the Proponent's submissions. The Panel was assisted by these submissions in its deliberations.

The key issues and impacts required to be considered in the decision guidelines have been discussed in this Report and in more detail in the Clause 56 assessment. The proposed subdivision:

- is site responsive
- provides a diversity of lot sizes
- protects the trees and vegetation along Coalition Creek
- ensures dwellings will not be constructed in a flood plain
- orientates lots in a manner to maximise solar access which will promote energy efficient homes
- creates lots large enough to provide future residents with ample secluded private open space
- provides an appropriate response to the existing and emerging pattern of subdivision to the north, south and west.

Council does not support public open space along Coalition Creek due to the safety and useability risks associated with flooding. A condition has been included in the Permit for financial contribution pursuant to Clause 53.01 of the Planning Scheme. Nonetheless, the local area is well served by public open space and future residents will have convenient access to local parks. There will also be passive open space opportunities around the stormwater drainage reserve.

A Landscape Master Plan for the subdivision is required to be prepared by a condition of the permit.

The subject land is impacted by an electrical transmission line easement and drainage easements. The electrical transmission lines are proposed to be re-aligned within the subject land, along the western boundary. The re-alignment would allow for a more regular and logical development outcome. AusNet Services did not express concern in relation to the re-alignment. The existing drainage easement along the declared waterway will be varied to be in accordance with the current waterway alignment. The remaining drainage easements will be removed as part of the subdivision, with the required drainage infrastructure to service the development to be delivered as part of the subdivision works.

Council and the Proponent indicated they were comfortable with the exhibited permit conditions. The Proponent provided an updated condition 10(k) in response to the evidence of Mr Gnanakone which the Panel supports. The amended condition requires that the lots with direct access to Parr Street are designed with combined crossovers to limit the interaction with Parr Street and the bus depot. Mr Gnanakone considered that whilst this not entirely necessary, noting the low levels of traffic generated, he was comfortable with the outcome and supported the inclusion of a condition requiring this. Council also indicated its support for this condition.

On balance, the Panel considers that the Permit should be granted. It is consistent with the policy intent of the Planning Scheme. It will extend the development of the existing residential area to the east of the subject land and provide for increased housing opportunities.

6.3 Recommendations

The Panel recommends:

- 1. Adopt South Gippsland Planning Scheme Amendment C131sgip as exhibited.**

2. **Issue Planning Permit CP2024/49 as exhibited, subject to an amended condition 10(k) as follows:**

Any driveway crossovers as required by the Responsible Authority with all crossovers adjoining Parr Street and west of the internal access road designed as dual/shared crossovers.

Appendix A Document list

No	Date	Description	Provided by
1	30 Jan 2025	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2	7 Mar 2025	Panel Directions and Hearing Timetable	PPV
3	12 Mar 2025	Submitter location map [CONFIDENTIAL]	South Gippsland Shire Council (Council)
4	21 Mar 2025	Hearing Timetable version 2	PPV
5	28 Mar 2025	Part A submission	Council
6	28 Mar 2025	Attachment to Part A submission	Council
7	2 Apr 2025	Expert witness statement of Marc Noyce	108 Parr Street Pty Ltd and 110 Parr Street Pty Ltd (Proponent)
8	2 Apr 2025	Expert witness statement of Valentine Gnanakone	Proponent
9	2 Apr 2025	Email - withdrawal from hearing process	Westernport Roadlines
10	3 Apr 2025	Late submission from DEECA: a) Covering email b) Letter from DEECA to Council (27 Nov 2024) c) Letter from DEECA to Council (6 Mar 2025) d) Letter from DEECA to Council (31 Mar 2025)	Council
11	4 Apr 2025	Email - withdrawal from hearing process	Victoria Kalapac
12	7 Apr 2025	Distribution list (version 2) and Hearing timetable (version 3)	PPV
13	7 Apr 2025	Submission	Proponent
14	10 Apr 2025	Draft permit with suggested modifications	Proponent
15	17 Apr 2025	Response to proposed permit conditions	Council