

PREPARED FOR 108 & 110 PARR STREET PTY LTD

# Planning Report

## *Section 96A of the Planning and Environment Act 1987*

Combined Planning Scheme Amendment and Subdivision Permit Application

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# Document Control Register

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B	05/05/2022	Final Planning Submission	SS	SS	SS
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E	15/01/2024	Final Planning Submission V4	SS	SS/BL	SS
F	15/01/2024	Final Planning Submission V5	SS	CF	SS

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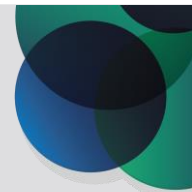
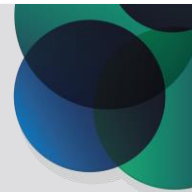


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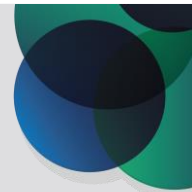
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Appendix J	Bushfire Management Plan / Concept Waterway Management Plan
Appendix K	Preliminary Risk Screen Assessment
Appendix L	Acoustic Report
Appendix M	Land Capability Memorandum
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# 1 Snapshot

Table 1.1 Application Details

Application Details	
Proponent	108 & 110 Parr Street Pty Ltd / C - SPOT PLANNING PTY LTD
Subject Land	Lot F on Plan of Subdivision 448885F and Lot 1 on Title Plan 615766W
Subject Address	108 and 110 Parr Street, Leongatha
Municipality	South Gippsland Shire Council
Proposal	Combined Planning Scheme Amendment and Subdivision Permit Application
Current Zone	Farming Zone
Current Overlays	Land Subject to Inundation Overlay Environmental Significance Overlay – Schedule 2 Erosion Management Overlay – Schedule 1
Proposed Zones	General Residential Zone – Schedule 1
Proposed Overlays	Land Subject to Inundation Overlay (amended) Removal of Environmental Significance Overlay – Schedule 2 Removal of the Erosion Management Overlay – Schedule 1
Strategic Document	Leongatha Structure Plan Southern Leongatha Outline Development Plan
Total Site Area	Approx. 22.59ha



## 2 Introduction

SPOT Planning has been commissioned by 108 & 110 Parr Street Pty Ltd to prepare and submit the following 'Combined Planning Scheme Amendment and Subdivision Permit Application' pursuant to *Section 96A of the Planning and Environment Act 1987* for 108 and 110 Parr Street, Leongatha (Lot F on Plan of Subdivision 448885F and Lot 1 on Title Plan 615766W).

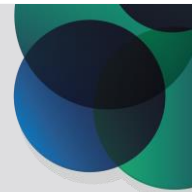
The purpose of this report is to provide detail and justification on the proposed Planning Scheme Amendment and multi-lot subdivision application. The application will refer where required to accompanying supporting material provided as appendices to this submission.

Specifically, this submission has been prepared to:

- Provide a description of the site and surrounding area.
- Outline the nature of the proposal.
- Demonstrate compliance with the relevant Planning and Local Policy Frameworks.
- Provide justification for the proposed planning controls forming part of this submission.
- Demonstrate compliance with the Southern Leongatha Outline Development Plan.

The following supporting information is provided to accompany this application:

- Current Certificate of Titles at **Appendix A**;
- Rezoning Plan at **Appendix B**;
- Subdivision Layout Plan at **Appendix C**;
- Clause 56 Assessment at **Appendix D**;
- Land Supply Assessment at **Appendix E**;
- Traffic Impact Assessment at **Appendix F**;
- Ecological Assessment at **Appendix G**;
- Arborist Report at **Appendix H**;
- Stormwater Management Strategy at **Appendix I**;
- Bushfire Management Plan at **Appendix J**;
- Preliminary Risk Screen Assessment at **Appendix K**;
- Acoustic Report at **Appendix L**;
- Land Capability Memorandum at **Appendix M**; and
- Approved Cultural Heritage Management Plan at **Appendix N**.



## 3 Site and Surrounds

### 3.1 Subject Site

The subject site is formally known as Lot F on Plan of Subdivision 448885F and Lot 1 on Title Plan 615766W. The street address is 108 and 110 Parr Street, Leongatha. The proponent (108 & 110 Parr Street Pty Ltd) owns 108 Parr Street and holds a caveat over 110 Parr Street for the purchase of the land.

108 Parr Street, Leongatha is known as the Lucinda Estate and contains a winery/vineyard. The winery included a restaurant that overlooked the vineyard and surrounding landscape/hillsides. The restaurant has now closed and is no longer in operation. There are outbuildings and a shed located to the south of the restaurant and the west of the vineyard. The site is accessed via the battle axe driveway along the western boundary connecting to Parr Street. There are electrical transmission lines that traverse across the driveway in the north-western corner of the site.

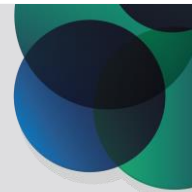
110 Parr Street, Leongatha contains an existing dwelling and outbuildings along the western property boundary. The remainder of the land is mostly vacant and used for agricultural (cropping) purposes. There are two declared waterways and a dam/lake in the south-east corner of the site.

The combined parcels are approximately 22.59ha in area and irregular in shape. There is a steep fall across the site towards eastern boundary approaching the Coalition Creek. The site provides a direct interface with Parr Street to the north, which will provide the main vehicle access for the residential development.



Figure 3.1 Current Aerial of Subject Site





The property directly to the west is known as Panorama Rise estate and is currently being development for residential purposes at a conventional density. The development will provide an ultimate local road connection into the subject site, and an open space reserve along the south-western interface.

The property directly to the south is known as Springs estate. This site is also being developed for residential purposes within the Low Density Residential Zone and will provide a transition in density at the edge of the township boundary. A road connection is also provided by the ultimate development to the south.

### 3.2 Regional Context

Leongatha is located within South Gippsland Shire and the Gippsland Region of Victoria. It is the largest urban settlement within the Shire. The township is located approximately 2 hours south-east of the Melbourne Central Business District, approximately 110km in distance. The township is generally located at the intersection of the Bass Highway, Strzelecki Highway and the South Gippsland Highway.

Leongatha is a major business, industry, education, leisure, recreation, entertainment, health, community and civic centre for the region. It is the major centre for the dairy industry in Victoria and surrounded by fertile agricultural land.

The Shire also includes a number of towns and surrounding settlements including Korumburra, Venus Bay, Loch and Foster. South Gippsland Shire's population in 2021 is estimated at approximately 30,460 persons, of which 5,850 persons reside in Leongatha.

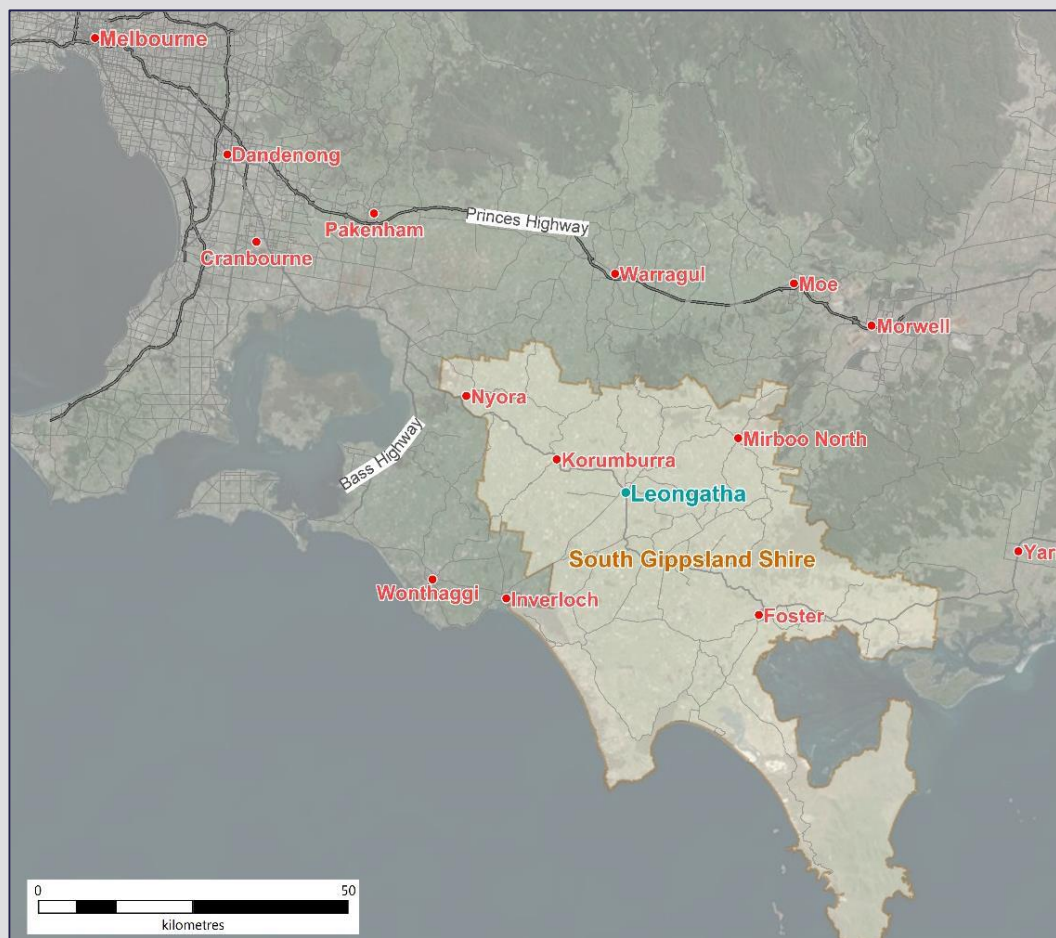
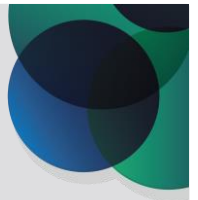


Figure 3.2 Leongatha Context Plan



### 3.3 Title

The land subject to this application is formally known as Lot F on Plan of Subdivision 448885F and Lot 1 on Title Plan 615766W.

The title for Lot F on Plan of Subdivision 448885F is owned by 108 Parr Street Pty Ltd.

The Plan of Subdivision contains multiple easements for consideration. These include E-4 as identified on the Plan of Subdivision for the purpose of the electrical transmission line traversing the battle axe driveway and E-6 and E-8 identified for drainage purposes.

The title for Lot 1 on Title Plan 615766W contains a caveat (AV414308J) relating to the purchase contract with 110 Parr Street Pty Ltd.

The Plan of Subdivision contains an easement nominated as E-1 for the purpose of the electrical transmission line traversing the north-western corner of the property and E-2 identified for drainage purposes in favour of South Gippsland Shire Council.

The proposal does not breach any restriction or covenant that applies to the subject land. Furthermore, the electrical transmission line easement has been integrated into the subdivision design and is proposed to be re-aligned along the western property boundary to the satisfaction of the electrical Authority.

The drainage easements will be removed/varied as part of the subdivision as the infrastructure works will provide for the ultimate drainage outcome required to service the development and surrounding catchment.

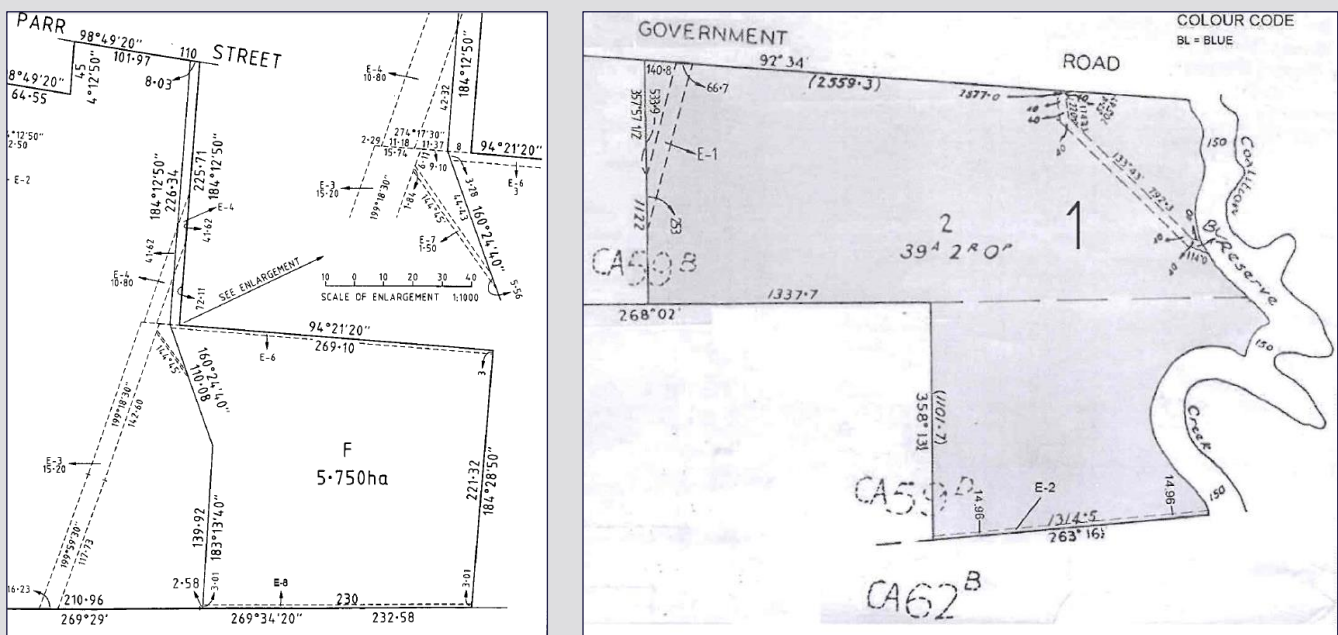
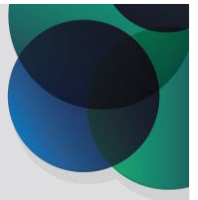


Figure 3.3 Lot F on Plan of Subdivision 448885F and Lot 1 on Title Plan 615766W.



## 4 Proposal

### 4.1 Summary

The application proposes a 'Combined Planning Scheme Amendment and Subdivision Permit Application' at 108 and 110 Parr Street, Leongatha (Lot F on Plan of Subdivision 448885F and Lot 1 on Title Plan 615766W). Approval is sought via *Section 96A* of the *Planning and Environment Act 1987* for the rezoning of land and the multi-lot residential subdivision.

A concurrent rezoning and subdivision permit application is sought for the following reasons:

- The proposal represents an opportunity to ensure a well coordinated planning outcome can be achieved;
- A concurrent permit will ensure the site is developed generally in accordance with the South Leongatha Outline Development Plan;
- The concurrent permit will provide Council with development certainty and comfort that an acceptable layout can be achieved;
- The subdivision will bring additional allotments to market to meet short term housing demand; and
- The *Section 96A* combined amendment and permit application will ensure an efficient planning process.

### 4.2 Planning Scheme Amendment

To facilitate the staged, multi-lot residential subdivision, the land must be rezoned from Farming Zone to the General Residential Zone – Schedule 1. It should be noted that the General Residential Zone is the preferred outcome of Council as it extends the existing residential zoning from the land to the west. Furthermore, the General Residential Zone allows for conventional residential development, consistent with the nature of the proposal and adjoining development.

The General Residential Zone is more favourable in this case than the Neighbourhood Residential Zone, as there is no existing Neighbourhood Residential Zone within the municipality.

The Planning Scheme Amendment reference number C131sgip has been suggested to follow C130sgip which was recently progressed and approved. All proposed statutory documentation prepared to accompany this application has been drafted initially to refer to 'C131sgip.'

In addition to the rezoning of land, the Planning Scheme Amendment seeks to remove the designation of the Environmental Significance Overlay – Schedule 2 and the Erosion Management Overlay - Schedule 1 from the subject site.

Schedule 2 to the Environmental Significance Overlay is applied to 'Special Water Supply Catchment Areas' outside of the existing residentially zoned land within Leongatha. The intent of this schedule is to exempt typical planning permit requirements for residential allotments connected to reticulated sewerage and only apply a permit trigger for developments seeking to provide an alternative sewerage solution, such as a septic tank. Given the proposed subdivision includes the provision of infrastructure to connect each allotment to reticulated sewerage, the Environmental Significance Overlay is not required to be applied to the land.

Furthermore, as noted within the Southern Leongatha Outline Development Plan:





*The Environmental Significance Overlay Schedule 5 'Areas Susceptible to Erosion' (ESO5) currently affects all of the land in the Farming Zone across the ODP area. The overlay was applied without specific regard to topography or soil form in this area.*

The Environmental Significance Overlay - Schedule 5 was recently replaced by the Erosion Management Overlay – Schedule 1 via Amendment C119sgip, with the Explanatory Report noting the Erosion Management Overlay as a more appropriate planning control to identify potential erosion and soil stability issues. However, it is noted that the Environmental Significance Overlay - Schedule 5 was originally introduced into the South Gippsland Planning Scheme in 1999 to manage farming practices and is not necessary applicable in the current context.

Given the transition from Farm Zone to General Residential Zone and the concurrent urbanisation of land via the approval for residential development, the application of the Environmental Significance Overlay – Schedules 2 and Erosion Management Overlay – Schedule 1 are not considered to be necessary planning controls to apply to the land.

For clarity, below are the planning controls proposed as part of the Planning Scheme Amendment that are further detailed in the draft Instruction Sheet and draft Explanatory Report:

- Rezone the subject site from Farming Zone to General Residential Zone – Schedule 1.
- Remove the Environmental Significance Overlay – Schedule 2 from the subject site.
- Remove the Erosion Management Overlay – Schedule 1 from the subject site.
- Amend the Land Subject to Inundation Overlay to reflect the 1 in 100 flood extent as provided by the West Gippsland Catchment Management Authority.

A proposed Rezoning Plan has been provided as **Appendix B** to this planning submission.

A draft Instruction Sheet, draft Explanatory Report, draft Notice of Intent to Prepare an Amendment and Combined Planning Permit and draft Planning Permit has also been supplied to Council separately for review and refinement as part of the proposed Planning Scheme Amendment.

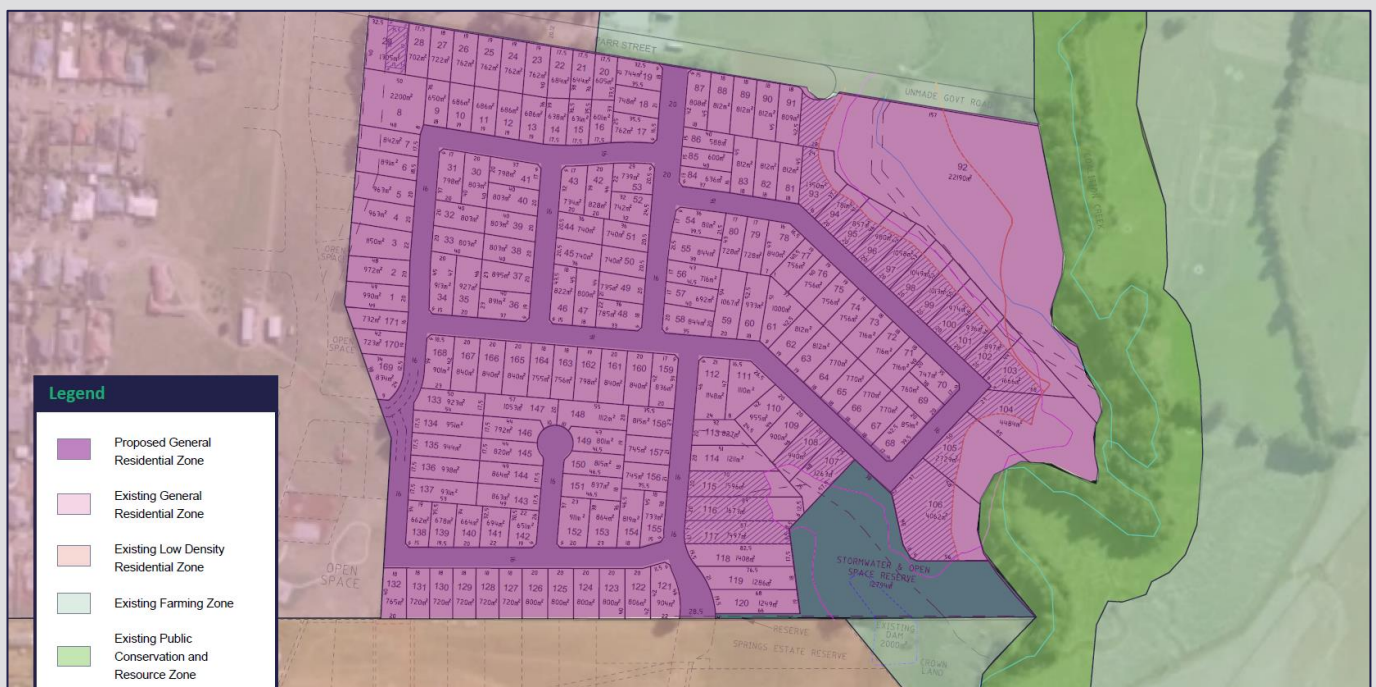
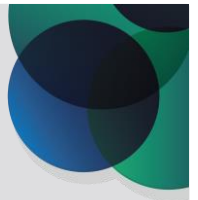


Figure 4.1 Rezoning Plan



### 4.3 Multi-lot subdivision

In addition to the rezoning request, it is proposed to subdivide the land as identified on the Subdivision Layout Plan provided as **Appendix C**. Specifically, the planning application proposes a 'staged, multi-lot residential subdivision, removal of native vegetation and the creation/removal of easements and restrictions.' The proposal seeks to deliver 171 residential allotments, most of which are conventional density, with larger low density allotments located along the Coalition Creek.

Building envelopes have been applied to particular allotments affected by the 1 in 100 flood extent to ensure there are no permanent structures constructed within this area. In addition, a building envelope has been applied to the allotment facing Parr Street and adjoining the proposed re-aligned electrical transmission easement in order to demonstrate an acceptable building footprint can be achieved.

The residential development will be accessed via a single 20m wide intersection with Parr Street. This intersection is sufficient to accommodate the vehicle traffic generated by the development. The road network provides for multiple integrated access points into the adjoining estates, maximising site permeability and connectivity.

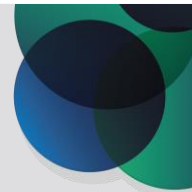
A wetland/retarding basin and sediment basin have been designed within the drainage reserve in the south-east corner of the site to provide a suitable stormwater solution. Overland flow from the northern catchment will run through the road network before being treated by the sediment basin and wetland before being discharged into the Coalition Creek. Similarly, overland flow within the southern catchment will fall toward the southern linear drainage reserve and be treated by the sediment pond and wetland before being discharged into the Coalition Creek.

The subdivision has been designed to integrate with the topography and maximise view lines towards the Coalition Creek and surrounding hillsides. This will be a significant feature of the estate and will assist in establishing the local character and identity of the development.

The subdivision will be staged in a manner to ensure a logical and coordinated delivery of required infrastructure. A staging plan will be provided as a condition of the planning permit.



Figure 4.2 Subdivision Layout Plan



Preliminary discussions between Council and the relevant Authorities have been ongoing from December 2021, with the intention to resolve any significant issues and concerns ahead of the formal submission.

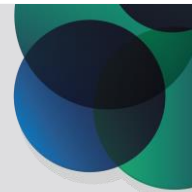
Some of the matters discussed and resolved as part of these preliminary discussions include (but are not limited to):

- Road connections points to Parr Street;
- Provision of open space;
- Re-alignment of electrical transmission line;
- Width of roads internal to the subdivision;
- Density and size of allotments adjoining the Coalition Creek;
- Interface to the Coalition Creek;
- Bushfire management requirements;
- Stormwater management; and
- Acoustic treatment and mitigation
- Infrastructure delivery.

Following multiple submissions and refinement to the plan, general 'in-principle' support was provided by Council based on Version 16, subject to an agreed Stormwater Management Strategy. The Subdivision Layout Plan has been further refined due to multiple supporting aspects and Version 29 has been finalised as part of this submission.

Discussions with the relevant Agencies have also indicated that there are no anticipated issues that would prevent the Amendment and subdivision from proceeding, with many Authorities providing a response as part of the preliminary assessment phase. Authorities will have a further opportunity to make a submission if required, during the formal exhibition phase.





## 5 Planning Context

Areas of policy considered of most relevance to this application are identified in the table below and detailed in the following sections:

Table 5.1 Planning Provisions, Policies and Controls

Relevant Planning Controls	
Municipal Planning Strategy, Planning and Local Policy Framework	Clause 02.03-1 – Strategic Directions – Settlement Clause 11.01-1R – Settlement – Gippsland Clause 11.01-1L-02 – Leongatha Clause 11.01-1L-03 – Southern Leongatha Growth Area Clause 11.02-1S – Supply of Urban Land Clause 11.02-3S – Sequencing of Development Clause 11.03-5S – Distinctive Areas and Landscapes Clause 12.01-2S – Native Vegetation Management Clause 13.02-1S – Bushfire Planning Clause 13.04-1S – Contaminated and Potentially Contaminated Land Clause 13.05-1S – Noise Management Clause 14.02-1S – Catchment Planning and Management Clause 15.01-3S – Subdivision design Clause 15.03-2S – Aboriginal Cultural Heritage Clause 16.01-1L – Housing Supply in South Gippsland Clause 16.01-2S – Housing Affordability Clause 18.01-2R – Transport System – Gippsland Clause 19.03-1S – Development and Infrastructure Contributions Plans
Proposed Zone	Clause 32.08 – General Residential Zone
Proposed Overlays	Clause 44.04 - Land Subject to Inundation Overlay
Particular Provisions	Clause 52.02 – Easements, Restrictions and Reserves Clause 52.16 – Native Vegetation Clause 53.01 – Public Open Space Contribution and Subdivision Clause 56 – Residential Subdivision
General Provisions	Clause 65 - Decision Guidelines

### 5.1 Municipal Planning Strategy, Planning and Local Policy Framework

The following are the relevant planning policies with regards to this application:

#### Clause 02.03-1 – Strategic Directions - Settlement

##### Principal Centre – Leongatha

Council seeks to:

- Promote Leongatha as the principal regional service centre in the Shire.
- Support housing growth, the provision of higher level community services and economic development.

- Maintain the Town Centre as the hub for retail and service uses.

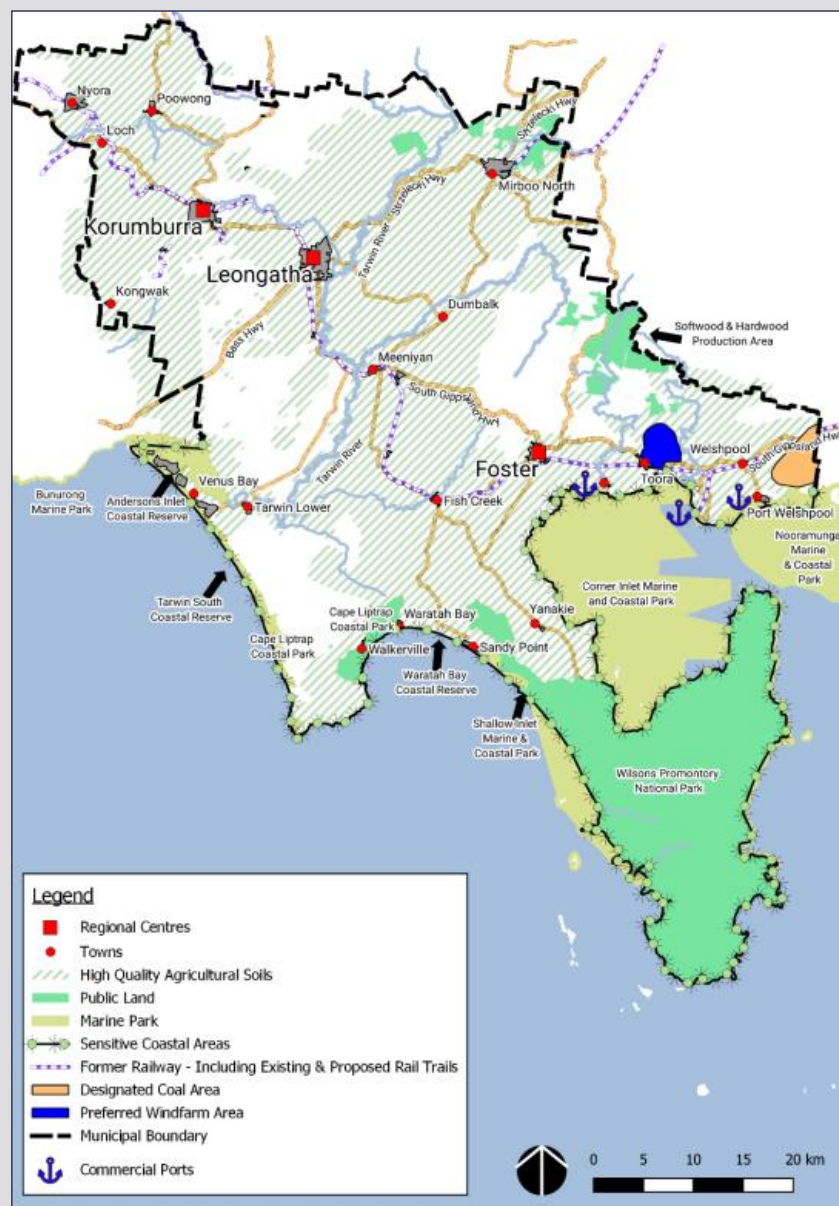


Figure 5.1 South Gippsland Shire Council Framework Plan

### Clause 11.01-1R – Settlement – Gippsland

The general strategies for settlement within South Gippsland Shire include:

- Support 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.
- Support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed.
- Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.



- Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.
- Provide regional social infrastructure in the regional city and regional centres.
- Plan for increased seasonal demand on services and infrastructure in towns with high holiday home ownership.

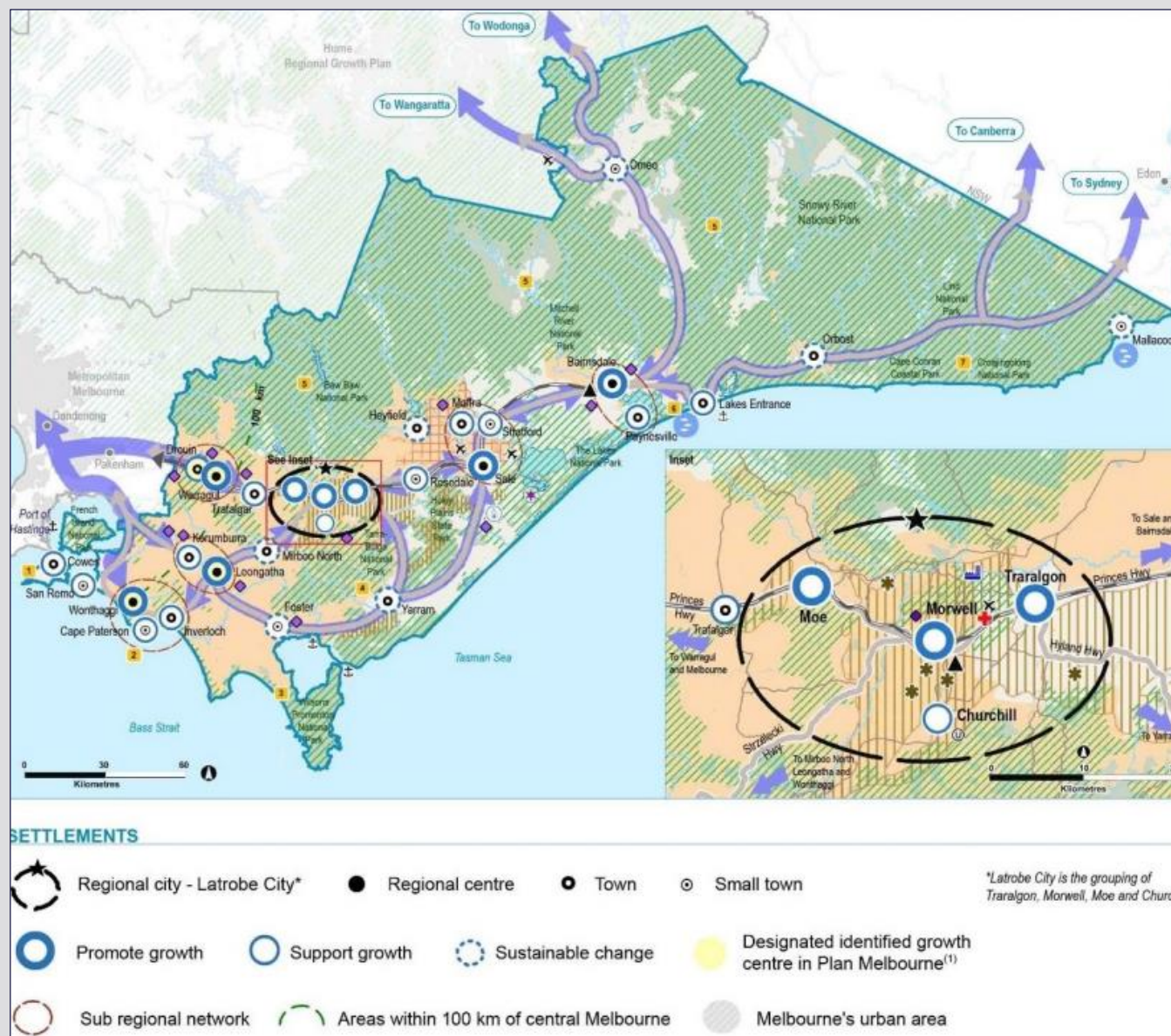


Figure 5.2 Gippsland Regional Growth Plan

**Clause 11.01-1L-02 – Leongatha**

The settlement strategies of this policy state:

- Promote higher density residential development and retirement living close to the Town Centre.
- Support residential and highway frontage commercial development in the Southern Leongatha Growth Area.



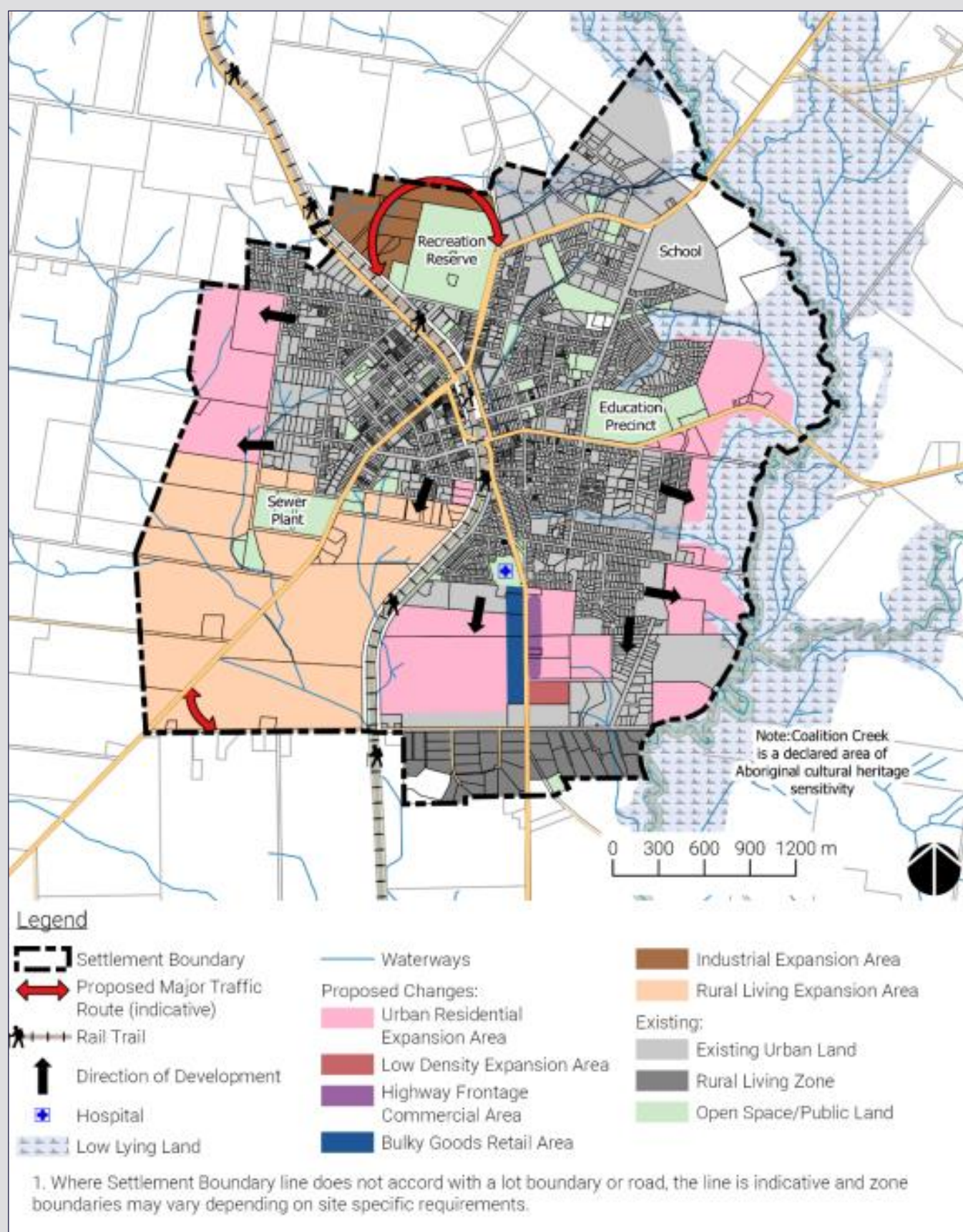
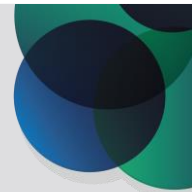


Figure 5.3 Leongatha Framework Plan

**Clause 11.01-1L-03 – Southern Leongatha Growth Area**

The strategies for urban expansion in this policy include:

- Promote the subdivision of land to maximise the efficient use of land across a range of lot sizes.
- Promote the staged and sequential rezoning and subdivision of General Residential Zoned land that integrates with the existing road network and infrastructure to the north, and avoids the creation of development that is isolated or has poor connectivity to the north.
- Avoid the creation of residential lots in the Coalition Creek flood plain, except where the potential exists for dwellings to be located within lots above the flood level and associated access to and within the lot is above the flood level.
- Minimise the number of residential lots with boundaries adjoining the highway frontage commercial uses.
- Encourage the creation of wide, landscaped road reserves that create a residential sense of place in residential areas accessed through commercial areas.

**Clause 11.02-1S – Supply of Urban Land**

The main objective of this to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

**Clause 11.02-3S – Sequencing of Development**

The main objective of this Clause is to manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

**Clause 11.03-5S – Distinctive Areas and Landscapes**

The main objective of this Clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

**Clause 12.01-2S – Native Vegetation Management**

The main objective of this Clause is recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

**Clause 13.02-1S – Bushfire Planning**

The main objective of this Clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

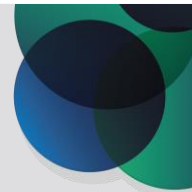
**Clause 13.04-1S – Contaminated and Potentially Contaminated Land**

The main objective of this Clause is to ensure that contaminated and potentially contaminated land is used and developed safely.

**Clause 13.05-1S – Noise Management**

The main objective of this Clause is to assist the management of noise effects on sensitive land uses.

**Clause 14.02-1S – Catchment Planning and Management**



The main objective of this Clause is to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

#### **Clause 15.01-3S – Subdivision design**

The main objective of this Clause is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

#### **Clause 15.03-2S – Aboriginal Cultural Heritage**

The main objective of this Clause is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

#### **Clause 16.01-1L – Housing Supply in South Gippsland**

The strategies for housing supply in this policy include:

- Encourage medium density housing close to the commercial centres of Leongatha, Korumburra, Foster and Mirboo North.
- Locate dwellings on flat land close to retail, community and health services.
- Design dwellings so that they can be adapted to meet changing lifecycle circumstances and the needs of diverse households.
- Encourage the development of social housing where medical and community services are available, for diverse and special household needs (including low income households, people with disabilities) in Leongatha, Korumburra, Foster, Mirboo North and Meeniyan.
- Support housing options with convenient access to secondary and further education, employment and transport for younger people.
- Encourage nursing home accommodation in Principal, Large District and District towns where medical and aged care services are readily available.
- Encourage the development of retirement villages, hostel accommodation and medium density housing to accommodate an ageing population.

#### **Clause 16.01-2S – Housing Affordability**

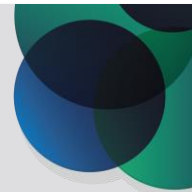
The main objective of this Clause is to deliver more affordable housing closer to jobs, transport and services.

#### **Clause 18.01-2R – Transport System - Gippsland**

The main strategy of this Clause is to support timely improvements to the road, rail and public transport networks within and beyond Gippsland as population and economic growth increases to improve access to services and employment.

#### **Clause 19.03-1S – Development and Infrastructure Contributions Plans**

The main objective of this Clause is to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.



## Response

Leongatha is nominated as a principal centre within South Gippsland Shire. The Gippsland Regional Growth Plan nominates the township as a regional centre of Victoria and seeks to promote growth. The Leongatha Framework Plan identifies the subject site as a 'urban residential expansion area' with development to progressively advance to the east towards the Coalition Creek.

The proposal seeks to deliver residential development within the nominated growth area as identified within the Leongatha Framework Plan and the Southern Leongatha Outline Development Plan. The subdivision will bring a variety of affordable housing product to the market to meet the short-medium term demand.

The proposal is considered to be a logical expansion to the approved development to the west and the south. The overall masterplan provides for a permeable and logical road network with connections to the adjoining properties and the main adjoining roads. The design of the subdivision seeks to maximise view lines towards the surrounding landscape, including Coalition Creek and hillsides.

An Ecological Assessment has been completed to ensure existing native vegetation is considered and any removal/impact is suitably mitigated and offset. The proposal seeks to remove four large trees and some patches of 'assumed lost' vegetation due to the subdivision allotment sizes, whilst retaining five large trees within an area of Swampy Riparian Woodland along the waterway.

The land is located within a Bushfire Prone Area. A Bushfire Management Plan has been in support of the proposal. The document includes a bushfire hazard and landscape hazard assessment and appropriate bushfire protection measures to address identified bushfire risk. Development will be in accordance with the Bushfire Management Plan. Furthermore, the submission includes a Concept Waterway Management Plan to demonstrate the ongoing private management requirements for Lot 92 containing the declared waterway.

A Preliminary Risk Screen Assessment has been completed to consider the potential environmental contamination of the land and the suitability for the proposed residential land use. In accordance with the Planning Practice Note 30 (July 2021) and based on the site history, the assessment concluded that the site has a low potential for contamination and that an environmental audit is not required for the site.

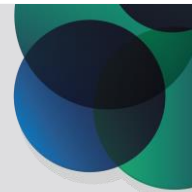
An Acoustic Report has been prepared to consider the impact of the adjoining Bus Depot north of Parr Street. The findings demonstrate that some nearby allotments may be impacted by the existing operation and thus acoustic mitigation measures have been recommended for particular dwellings.

A Stormwater Management Strategy has been prepared to provide a drainage solution for the proposed development. The strategy involves the delivery of sediment basins to service separate catchments and a retarding basin/wetland. The implementation of the strategy will result in the removal of the two declared waterways due to the drainage works forming part of the strategy. The declared waterway in the north-east of the site will be retained and enhanced with a Waterway Management Plan to be provided as a condition of the planning permit and to be implemented via controls on the individual private allotment.

A Cultural Heritage Management Plan has been prepared and approved by the Bunurong Land Council Aboriginal Corporation. The approved Cultural Heritage Management Plan applies recommendations for the development to comply as part of the subdivision works. No recommendations impact the layout proposed.

Council requires a Section 173 Agreement to be entered into prior to the Amendment being formally 'adopted.' The Agreement will seek to facilitate the collection of development contributions for the delivery of surrounding infrastructure that will support the Leongatha South growth area. Discussions relating to this Agreement are ongoing.





## 5.2 Zone

The subject site is currently within the Farming Zone as shown below.

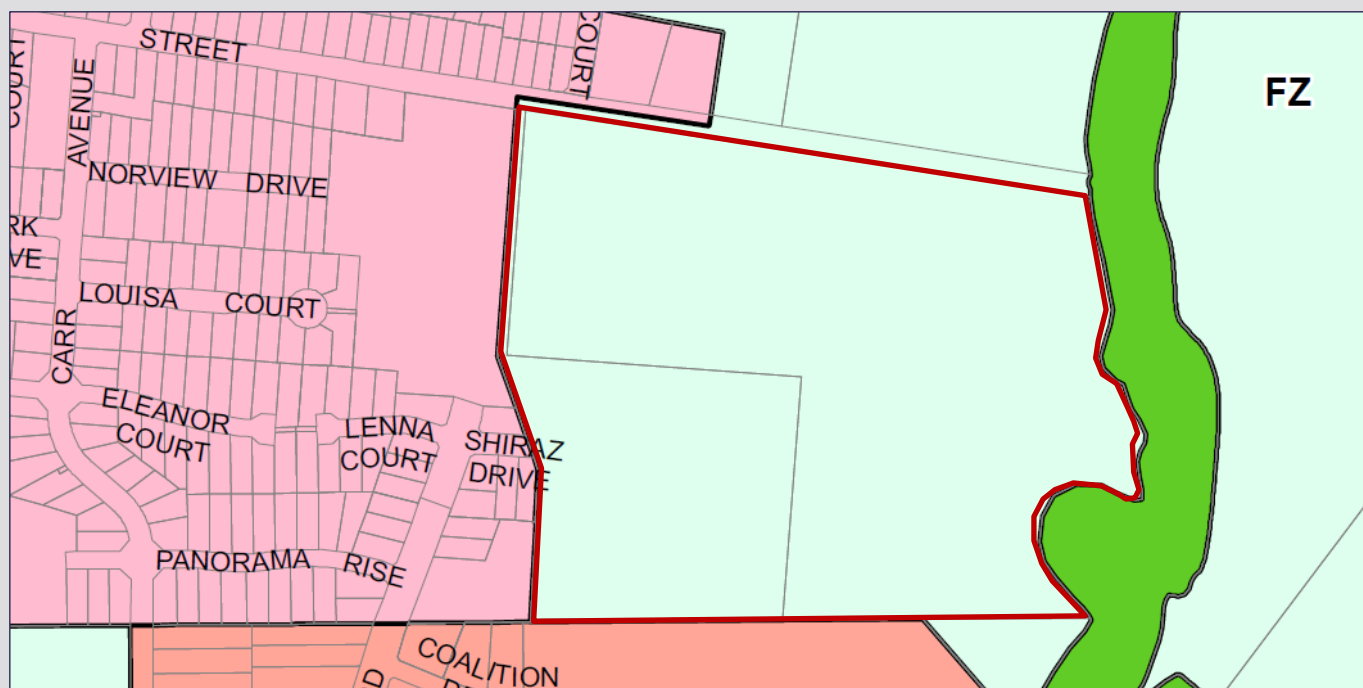


Figure 5.4 Existing Zones

The land is proposed to be rezoned from Farming Zone to General Residential Zone as part of the Planning Scheme Amendment.

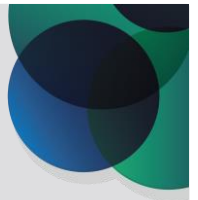
### Clause 32.08 – General Residential Zone

The purpose of the General Residential Zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Before deciding on an application, Council are required to consider the following general and subdivision Decision Guidelines under the General Residential Zone:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in the schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*



- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56*

A planning permit is required pursuant to Clause 32.08-3 for the subdivision of land.

## Response

The General Residential Zone – Schedule 1 is proposed to be applied to the subject site. The application of this zone within the residential fringe of the township seeks to ensure a consistent character is achieved with conventional development adjoining the land to the west.

The nature of the subdivision seeks to deliver standard/conventional residential allotments extending from the surrounding approved subdivisions adjacent the western and southern property boundaries, with larger low density allotments adjacent the Coalition Creek to appropriately respond to the floodplain.

The subdivision has been designed to integrate with the topography and maximise view lines towards the surrounding landscape, with particular interest towards the Creek and hillsides.

To further protect the desired character of the subdivision, restrictive covenants will be applied to all allotments (other than Lot 8) to limit development to a single dwelling per property.

## 5.3 Overlays

The subject site is currently within the Land Subject to Inundation Overlay as shown below. In addition, the entire site is affected by the Environmental Significance Overlay – Schedule 2 and the Erosion Management Overlay - Schedule 1.

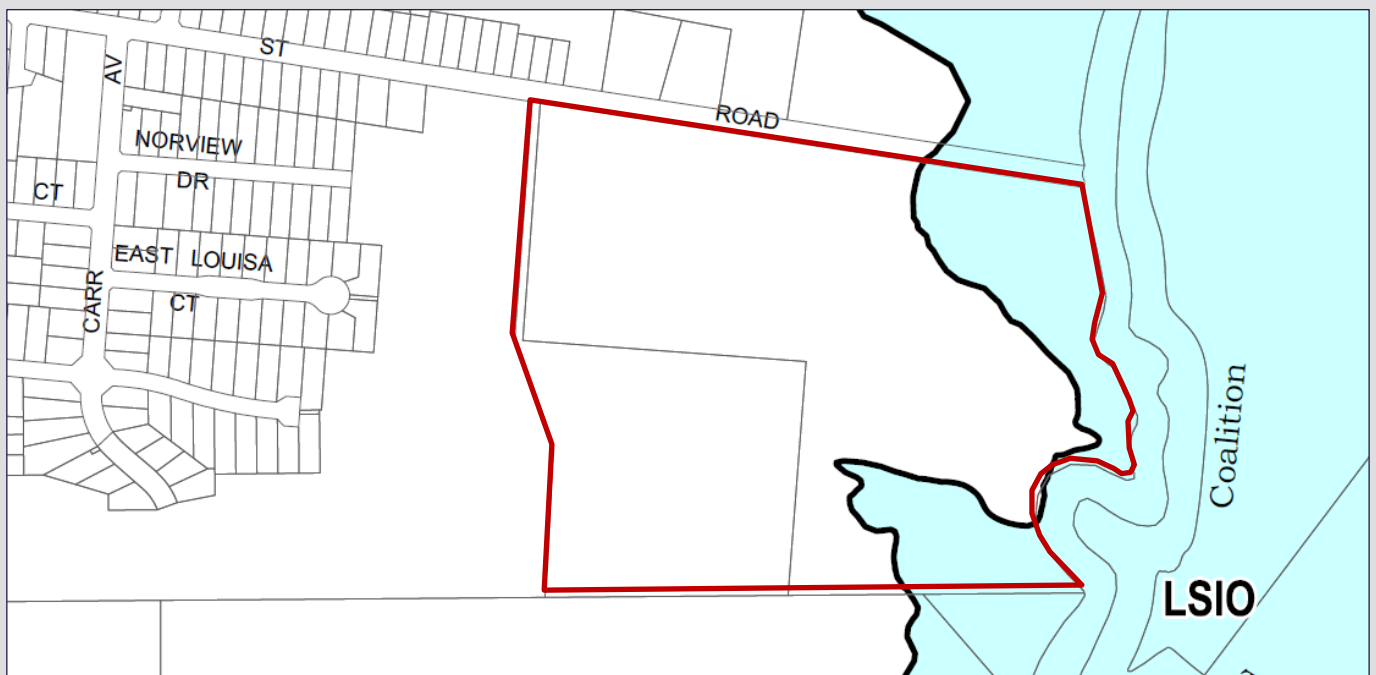
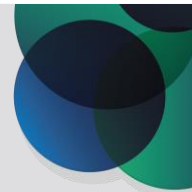


Figure 5.5 Land Subject to Inundation Overlay



### Clause 44.04 - Land Subject to Inundation Overlay

The purpose of the Land Subject to Inundation Overlay is as follows:

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

A planning permit is required pursuant to Clause 44.04-3 for the subdivision of land.

### Response

The Land Subject to Inundation Overlay is applied predominately to the eastern and southern portion of the site, proximate to the Coalition Creek. The 1 in 100 (1 per cent Annual Exceedance Probability) year flood extent provided by the West Gippsland Catchment Management Authority slightly differs to the mapping of the Land Subject to Inundation Overlay. The Planning Scheme Amendment seeks to amend the Land Subject to Inundation to reflect the correct 1 in 100 flood extent.

The Subdivision Layout Plan has deliberately been designed to provide larger and deeper low density allotments adjoining the Coalition Creek. This is to minimise the extent of landholdings containing the waterway.

Building envelopes have been applied to allotments significantly impacted by the 1 in 100 flood extent to ensure no permanent buildings/structures are constructed in this area. The building envelopes have been identified on the Subdivision Layout Plan and will be implemented on title via restrictions/covenants.

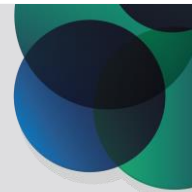
Furthermore, a Stormwater Management Strategy has been prepared in support of the development. The strategy outlines the proposed upgrades to drainage infrastructure to enable development to occur without increasing flooding to the adjacent properties.

## 5.4 Particular Provisions

### Clause 52.02 – Easements, Restrictions and Reserves

The purpose of this clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.





## Response

It is noted that both titles are impacted by an electrical transmission line easement and drainage easements.

The electrical transmission lines are proposed to be re-aligned within the subject site, along the western boundary. The re-alignment would allow for a more regular and logical development outcome. Preliminary discussion with AusNet Services have indicated support for the re-alignment. Costings are being prepared for the works to occur as part of the subdivision.

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.

Service easements will be required to be applied to some residential lots created for the extension of services. The service easements will be identified on the Functional Layout Plans and formal Plans of Subdivision to be submitted on a stage by stage basis, following the issue of the planning permit.

Furthermore, restrictions such as Building Envelopes and single dwelling covenants may be applied to the Plan of Subdivision to implement the required built form controls.

## Clause 52.17 – Native Vegetation

The purpose of Clause 52.17 is as follows:

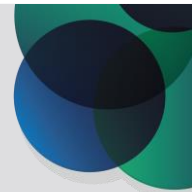
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
  1. Avoid the removal, destruction or lopping of native vegetation.
  2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply if the table to Clause 52.17-7 specifically states that a permit is not required.

## Response

A permit is required for the removal of native vegetation and the application must demonstrate compliance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).

An Ecological Assessment and Native Vegetation Removal Report has been completed by Okologie Consulting and provided as **Appendix G**.



A site assessment was undertaken on 30 May 2022 to determine the extent of native vegetation present and ascertain the presence of any threatened flora species habitat.

The assessment identified the native vegetation present was predominately introduced vegetation, planted vegetation and some Swampy Riparian Woodland along the creek and some Large Scattered Trees.

The proposed subdivision results in the removal of 0.493ha of Swampy Riparian Woodland, two large trees in a patch and two large scattered trees. The removal of trees 1-4 is required to ensure an adequate building envelope can be achieved on the land. Other areas of Swampy Riparian Woodland removal are required for defensible space requirements, and to accommodate the drainage solution for the development. It should be noted that five large trees within patches of Swampy Riparian Woodland will be protected within private property and a large area of Swampy Riparian Woodland along the Coalition Creek.

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

It is noted that the extent of removal of native vegetation is less than 0.5 hectares in a location category 2 and will not have a significant impact on any habitat for a rare or threatened species. Therefore, the application is categorised as an 'Intermediate Pathway' under the Guidelines and a referral to the Department of Environment, Land, Water and Planning is not required according to Clause 66.02 of the South Gippsland Planning Scheme.

The native vegetation offsets required to be secured as part of the removal of native vegetation are outlined below.

<b>General Offset amount <sup>1</sup></b>	<b>0.183 General Habitat Units</b>
Minimum strategic biodiversity value score <sup>2</sup>	0.465
Large Trees	4
Vicinity	West Gippsland CMA or SOUTH GIPPSLAND SHIRE LGA

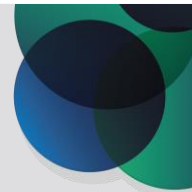
Figure 5.6 Offsets

The intention is to secure the offset upon a planning permit being issued.

It is therefore considered acceptable under the provisions of the South Gippsland Planning Scheme to approve the request to remove native vegetation forming part of this proposal.

### Clause 53.01 – Public Open Space Contribution

It is noted that Clause 53.01 of the South Gippsland Planning Scheme may require a public open space contribution in accordance with *Section 18 of the Subdivision Act 1988*.



## Response

The Schedule to Clause 53.01 of the Southern Planning Scheme, specifically nominates all residential, commercial or industrial land to provide a public open space contribution of 5%.

Through the analysis of the surrounding residential developments during the preliminary planning phase, it was determined that a sufficient amount of public open space has been provided in proximity to the subject site. Discussions with Council officers confirmed that no public open space is required to be provided by this development.

It is proposed to provide some additional land surrounding the drainage reserve for additional amenity/open space. A cash contribution will also be provided to top up the public open space requirement equivalent to 5% of the net developable area value of the land. This obligation is suggested to be imposed as a condition of the planning permit and can be paid progressively prior to the issue of statement of compliance for each stage of subdivision.

## Clause 56 – Subdivision

The purpose of this clause is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

The provisions of this clause contain:

- *Objectives. An objective describes the desired outcome to be achieved in the completed development.*
- *Standards. A standard contains the requirements to meet the objective.*

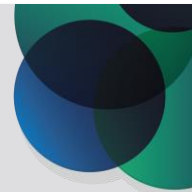
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

A development:

- *Must meet all of the objectives of this clause that apply to the application.*
- *Should meet all of the standards of this clause that apply to the application.*

## Response

The requirements of Clause 56 have been considered during the preparation of the development proposal and have been addressed as part of the comprehensive assessment provided in **Appendix D**.



## 5.5 General Provisions

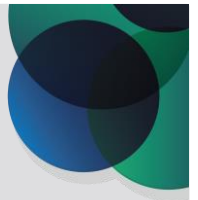
### Clause 65 - Decision Guidelines

The decision guidelines for the approval of an application or plan are contained in general provision Clause 65.01. The decision guidelines include:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or 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.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

### Response

Clause 65 sets out general decision guidelines for all development applications and plan approvals. The application is generally in accordance with the guidelines in this clause and is considered suitable for approval.



## 6 Strategic Justification

From a strategic perspective, the site represents a logical location to accommodate residential growth, given its existing interface to residential zones on the southern, western and north-western boundaries. The Leongatha Structure Plan and the Leongatha South Outline Development Plan are key Council strategic documents that further justify the proposed Section 96A application.

### 6.1 Leongatha Structure Plan

The purpose of the Leongatha Structure Plan is to provide a strategic framework for the future development of Leongatha, whilst providing a broader assessment of opportunities and issues that will need to be considered as growth occurs.

The Structure Plan outlines the vision for the township, as well as planning, design or development objectives to be pursued in order to attain the vision.

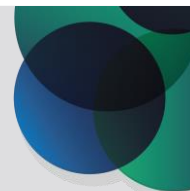
The strategic document provides the foundation for Council's decision making and more detailed statutory planning provisions, amendments to the Planning Scheme as well as design and development initiatives for specific areas and activities in the town.

Specifically, the Local Structure Plan identifies:

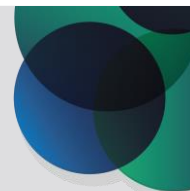
- Areas in and around Leongatha that are considered suitable for future residential, industrial and commercial development.
- Existing areas of Leongatha where opportunity exists to change or intensify development.
- Current and future pedestrian, cycle, traffic and transport links, routes and facilities.
- Areas of environmental importance.
- Leongatha's Town Centre and the specific issues and opportunities it faces, recognising the critical and ongoing social, economic and environmental roles that the Town Centre will have in the future of Leongatha.

A key focus of the Structure Plan is to identify a sustainable population growth strategy for Leongatha, as well as key roles and functions for the town in order to meet the needs of its local community and the broader region.

An assessment against the Structure Plans objectives and strategies for residential growth are provided below:



Objectives	Description	Response
O1	To ensure that there is sufficient amount of appropriately located and zoned land to meet the expectations of current and future residents of Leongatha including those who wish to live close to the Town Centre and those who wish to live in a lower density residential development further from the Town Centre.	<p>A Land Supply Assessment has been prepared to support the application. The report concludes that the total zoned residential supply is sufficient to accommodate between 7 and 9 years of residential demand, however when excluding lots with considerable uncertainty regarding their future development potential, the residential lot supply can support between 5 and 6 years. Furthermore, Clause 11.01-1L-02 of the South Gippsland Planning Scheme encourages:</p> <p><i>'The rezoning of areas identified in the Leongatha framework plan to maintain a 15 year residential land supply'.</i></p> <p>The proposed rezoning and urban development are required in order to maintain this land supply as outlined within the South Gippsland Planning Scheme.</p>
O2	To ensure that all future residential development is well connected to existing residential areas, the Town Centre and other key facilities and services in the town.	The proposed 96A Amendment seeks to subdivide the land in a coordinated manner, to the satisfaction of the Responsible Authority. A considerable amount of preliminary discussions and refinements to the plan have occurred to ensure an acceptable outcome is permitted.
Strategies	Description	Response
S1	Monitor the availability and development of residential land, and rezone appropriate areas identified in the Structure Plan to maintain a supply to meet 10 years of anticipated residential demand, catering both for residents seeking urban or sustainable rural residential lifestyles.	As noted above, a Land Supply Assessment has been prepared in support of this submission. The report concludes additional zoned residential land is required to ensure the residential market continues to operate efficiently and competitively.
S2	Prefer higher density residential development with two or more dwellings on an urban residential site, on sites within a 400m radius of the Town Centre.	The subject site is located outside of this 400m catchment and thus a conventional density is proposed.
S3	Require the preparation of Outline Development Plans for all residential subdivisions to ensure that the design of new estates relate to the existing access and infrastructure systems, protect and retain existing vegetation and natural features and will enable future development stages to occur in logical and efficient manners.	The Southern Leongatha Outline Development Plan has been prepared and adopted by Council. The submission further considers this strategic document below.



<b>S4</b>	Ensure that residential subdivision occurs in a logical and contiguous fashion with clear linkages to existing residential areas, road infrastructure, services, pedestrian and cycle access ways.	The subdivision has been designed to connect to the existing and approved surrounding road network to allow for integration with the adjoining estates.
<b>S5</b>	Give preference to development of existing R1Z areas prior to the rezoning of rural land for residential purposes.	Noting the outcomes of the Land Supply Assessment, the rezoning is required in order to ensure the residential land market continues to operate efficiently and competitively.
<b>S6</b>	Ensure that rural residential subdivisions are environmentally sustainable, self sufficient in regards to infrastructure, services, drainage and waste disposal.	The development proposes a conventional residential subdivision with the application of the General Residential Zone to ensure consistency with development to the west. All residential allotments will be connected to required services.
<b>S7</b>	Ensure that rural residential development and subdivisions will not disrupt or restrict existing agricultural and rural activities from operating and legitimately expanding.	As above, the development proposes a conventional residential subdivision with the application of the General Residential Zone to ensure consistency with development to the west.
<b>S8</b>	Ensure that residential subdivision proceeds in a fashion that recognises and protects existing environmental features, large stands of trees, native vegetation areas, native animal habitats and movement corridors, water courses and drainage areas and provides appropriate interfaces with public land and rural activities.	The subdivision has been designed to provide larger allotments adjoining the Coalition Creek to minimise the amount of land affecting the waterway in private ownership. Furthermore, building envelopes have been applied to ensure any dwellings/buildings are constructed outside the 1 in 100 flood extent.
<b>S9</b>	Ensure that the staging of future subdivision proceeds in an efficient and logical manner and rezoning and subdivision approvals have regard to the locations relative proximity to, and linkages with, the Town Centre and its capacity to integrate with existing services, facilities and established residential areas.	The proposed subdivision will be staged in a manner to ensure the coordinated delivery of infrastructure. The staging will proceed in a logical order and a staging plan will be approved as a condition of the planning permit.
<b>S10</b>	Consider specific initiatives that accord with the strategies for the following areas (see Structure Plan map):	Further consideration to the Structure Plan map is provided below.



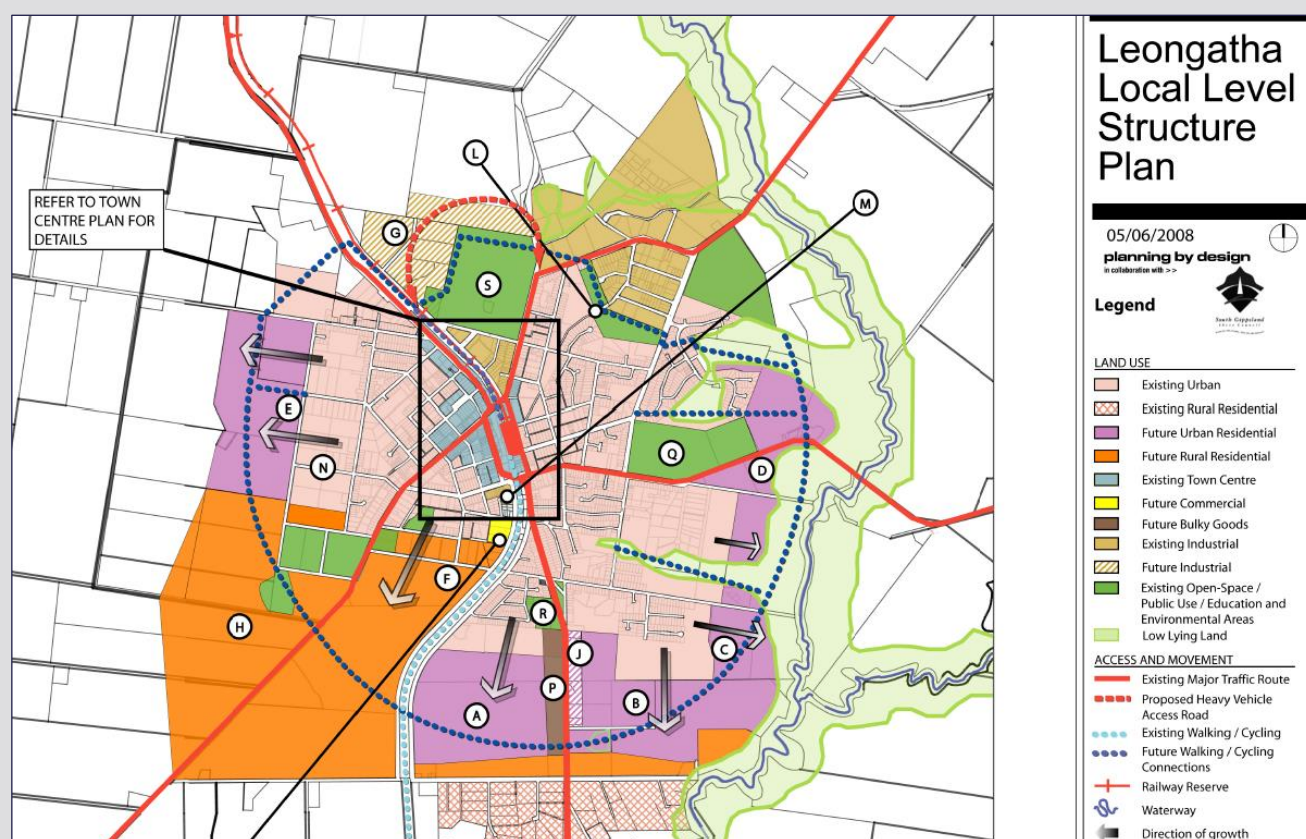


Figure 6.1 Leongatha Structure Plan

The Leongatha Structure Plan designates the subject site as a **'Future Urban Residential'** area and described as Area C below:

Plan Ref.	Description	Comments
<b>C</b>	Current Farming zoned land on the eastern edge of the town, south of Parr Street.	Vacant land located between existing residential areas and the floodplains of the Coalition Creek. Urban development should commence from the west integrated with existing residential areas off Parr Street.

The Section 96A Amendment is generally consistent with the envisaged outcomes of the Leongatha Structure Plan, as the proposal seeks to rezone the land from Farming Zone to General Residential Zone and allow for urban development to integrate with the existing residential land to the west.

## 6.2 Leongatha South Outline Development Plan

The Southern Leongatha Outline Development Plan was initially adopted by Council on 24 August 2011, and implemented into the Planning Scheme by Planning Scheme Amendment C76.





The purpose of the Southern Leongatha Outline Development Plan is to provide a guiding framework for medium-long term growth of the township. The strategic document is used to inform decision-making and clarify Council's expectations from a land-use and development perspective.

The Southern Leongatha Outline Development Plan identifies multiple potential rezoning sites, consistent with the directions of the Leongatha Structure Plan resulting in a total of:

- Approximately 14ha in a commercial land zone – adjoining both sides of the Highway.
- Approximately 188ha in an urban residential zone of which 41ha is already zoned Low Density Residential.

Based on the ultimate implementation of the Southern Leongatha Outline Development Plan, the anticipated growth of the precincts identified could accommodate approximately 1,470 conventional residential allotments and 67 low density lifestyle allotments (including the existing low density development allotments in this precinct).

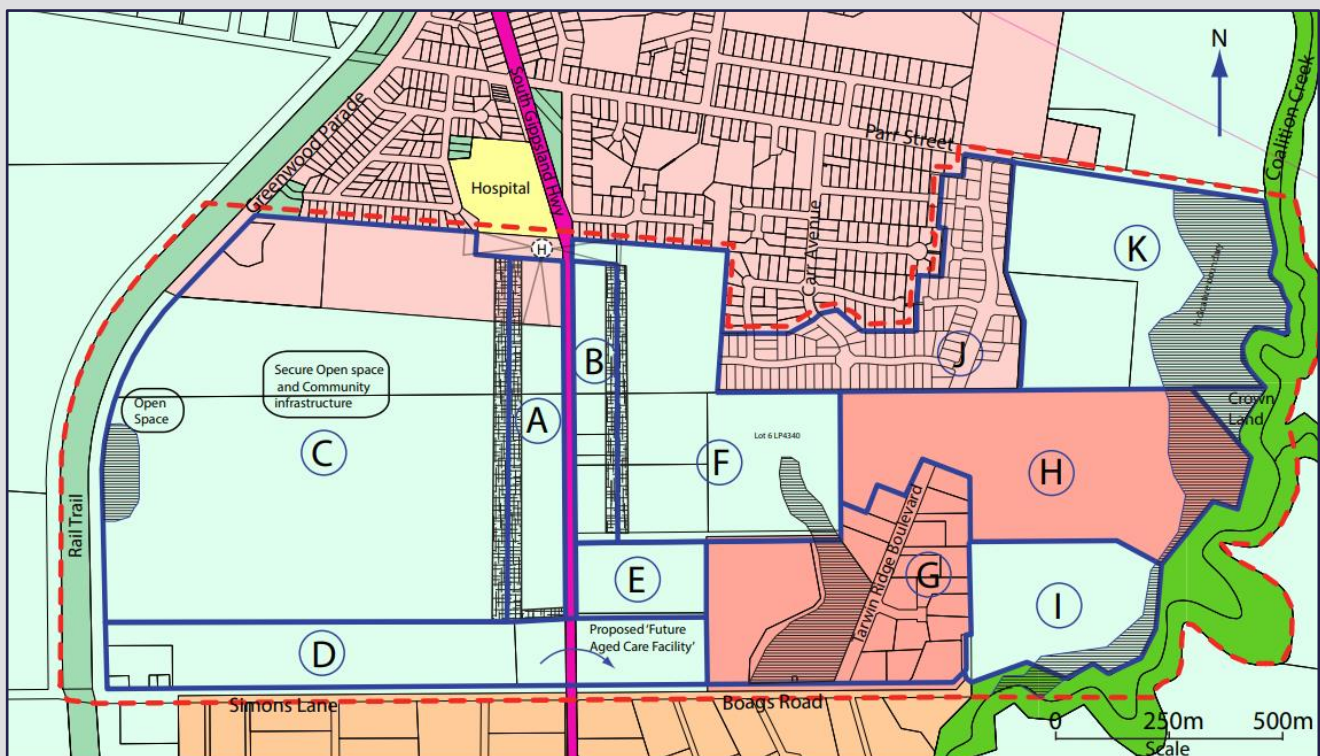
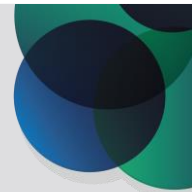


Figure 6.2 Southern Leongatha Outline Development Plan

The subject site is nominated as Area K in the Southern Leongatha Outline Development Plan. Area K is described as follows:

***Currently in the Farming Zone, the land is identified in the Leongatha Structure Plan as 'Future Urban Residential'. Subject to consideration of inundation (as per Area H & I) the land is suitable for application of the Residential 1 Zone. Application of the Low Density Residential Zone or Rural Living Zone in the area adjoining Coalition Creek may be required in response to inundation issues.***

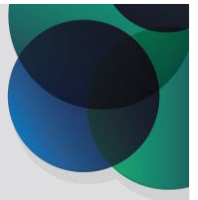


***Part of this area is used as a vineyard. It is not the purpose of this Outline Development Plan to either encourage or discourage via planning measures the continuation of this use. It is noted however that legitimate operational requirements of the vineyard (e.g. machinery operation, chemical spraying etc) may generate amenity concerns for future adjoining residents and these concerns may place operational pressures on the vineyard. The potential for conflict is evident and future rezoning and subdivision applications will benefit from open discussion and understanding on how these matters may be considered.***

The proposal to rezone the land for residential purposes is consistent with the intent of the Southern Leongatha Outline Development Plan. The development will provide for a logical extension of the approved subdivision to the west and allow for the Coalition Creek to provide a more defined township boundary.

The infrastructure and services required to facilitate the development will be delivered as part of the subdivision works. Any required external works will be outlined within the final planning permit being refined by Council.

It is understood that a Section 173 Agreement will be required to be entered into in order to facilitate infrastructure delivery that will service the wider Leongatha area. Discussions with Council are ongoing and it is anticipated that an Agreement will be executed ahead of Council formally 'adopting' this Planning Scheme Amendment.



## 7 Supporting Information

### 7.1 Land Supply Assessment

A Land Supply Assessment has been prepared by Ethos Urban in support of the submission and provided as **Appendix E**. The Land Supply Assessment has been prepared in order to consider Clause 11.01-1L-02 of the South Gippsland Planning Scheme which encourages:

*'The rezoning of areas identified in the Leongatha framework plan to maintain a 15 year residential land supply'.*

The Land Supply Assessment considers both the proposed Gibson Street and Parr Street (subject site) rezoning to ensure a holistic review of the availability of future residential land.

The report concludes:

- Leongatha's supply of residential lots is constrained with an assessment of zoned residential land finding a supply 490 lots exists.
- This supply is reduced by approximately 330 lots when those that have considerable development uncertainty are excluded (eg. vacant lots in established urban area and land associated with a proposal for a Lifestyle Village).
- The future average residential lot demand in Leongatha is estimated to be between 55 lots (Base Case scenario) and 70 lots (High Growth scenario) per annum over the period 2022 to 2037.
- The total zoned residential supply is sufficient to accommodate between 7 and 9 years of residential demand.
- When excluding lots where considerable development uncertainty exists, the residential lot supply can support between 5 and 6 years.
- At present, only 117 existing and future lots remain unsold or reserved within Leongatha's four main greenfield estates. Based on the forecast demand for 55 to 70 dwellings a year, these lots only account for around two years supply.
- Having regard for the time it takes to rezone land and then construct and release lots to the market – a period of at least two years - it is considered that additional zoned residential supply is required to ensure the residential land market continues to operate efficiently and competitively.
- The rezoning process should be expedited sooner rather than later.

### 7.2 Transport Impact Assessment

There have been several traffic related issues raised as part of the preliminary discussions. The preliminary discussions have resulted in multiple refinements to the Subdivision Concept Plan to minimise any significant concerns with the formal submission. It is noted that the final Subdivision Concept Plan has adopted a single intersection with Parr Street, with a 20m wide entrance cross section. The traffic analysis concludes that this single entrance is sufficient in order to cater for the anticipated traffic created by this residential development.

A Traffic Impact Assessment has been prepared by TTM Consulting in support of the submission and provided as **Appendix F**. The report concludes:



- The plan is generally as would be expected, with appropriate levels of connectivity and no concentrations of likely vehicle movements such that residential amenity would be impacted negatively beyond reasonable expectations.
- No ameliorating works are necessary at the intersection of Parr Street and South Gippsland Highway consequent to the subject development
- No ameliorating works are necessary at the intersection of McDonald Street and Ogilvy Street consequent to the subject development
- Appropriate traffic related amenity levels in both Parr Street and McDonald Street will not be exceeded consequent to the development of the land that is the subject of the rezoning proposal and the existing approved but undeveloped or vacant developed land in the vicinity of the subject land.
- There is no traffic engineering or related reasons for refusal of the sought Planning Scheme Amendment and permit to allow development of the subject land.

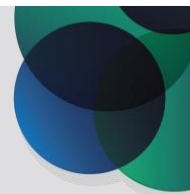
### 7.3 Ecological Assessment

An Ecological Assessment has been prepared to address the requirements of Clause 52.17 in accordance with the 'Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).' The Ecological Assessment and Native Vegetation Removal Report has been completed by Okologie Consulting and provided as **Appendix G**.

The assessment identified the native vegetation present was predominately introduced vegetation, planted vegetation and some Swampy Riparian Woodland along the creek and some Large Scattered Trees.



Figure 7.1 Ecological Assessment



The proposed subdivision results in the removal of 0.493ha of Swampy Riparian Woodland, two large trees in a patch and two large scattered trees. Five large trees within patches of Swampy Riparian Woodland will be protected within private property and a large area of Swampy Riparian Woodland along the Coalition Creek.

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

## 7.4 Arborist Report

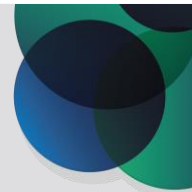
A Tree Assessment Report has been prepared by Clean Cut Tree Services in support of the submission and provided as **Appendix H**. The purpose of the report is to provide an assessment of the four large native trees proposed for removal.

TREE NO	COMMON NAME	BOTANICAL NAME	AGE	HEIGHT (M)	WIDTH (M)	DBH (CM) e=estimate	TREE HEALTH & CONDITION	TREE STRUCTURE	TREE FORM	HAZARD RATING	ULE	COMMENTS -
174	Swamp gum	<i>Eucalyptus ovata</i>	Mature	20	24	93	Good	Fair	Fair	L	Medium	Tree is located on the east side near the river, large tree, some deadwood.
175	Swamp gum	<i>Eucalyptus ovata</i>	Mature	19	17	157	Good	Poor	Poor	M-H	Medium	Tree is located on the east side near the river, significant decay pockets and hollows, limbs had failed previously
243	Manna Gum	<i>Eucalyptus viminalis</i>	Semi mature	11	6	43	Fair	Fair	Fair	L	Medium	Tree is located, on the bottom corner of the riverbend inside the fenceline.
244	Swamp gum	<i>Eucalyptus ovata</i>	Mature	14	27	92	Fair	Poor	Poor	M-H	Low	Tree is located in the middle of the paddock between the dam and the river, tree is in poor condition, decay/deadwood and frass seen at base.

Figure 7.2 Arborist Assessment

The Tree Assessment Report concludes:

- Of the four trees for removal, three are Swamp Hums and one is a Manna Gum.
- All trees are mature/semi mature in age.
- The trees are in Fair-Good health.
- The trees have a Poor-Fair structure.
- The trees have a Low-Medium hazard rating.



## 7.5 Stormwater Management Strategy

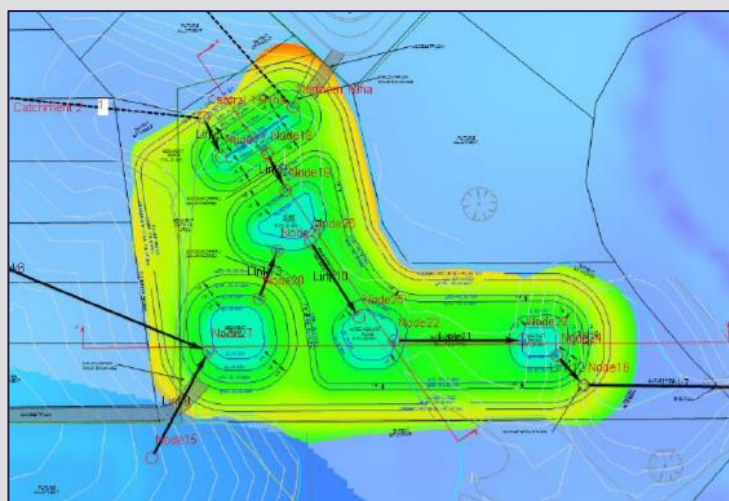
A Stormwater Management Strategy has been prepared by Noyce Environmental Consulting in support of the development and provided as **Appendix I**.

The key stormwater strategies to be employed on the development include:

### Conveyance

- A 5 year piped drainage system will convey all residential and street flows to a central wetland/retarding basin in the south east corner of the site.
- The road network will split flows into the wetland/RB and enter via two sedimentation ponds initially before entering the wetland/RB system.
- Flow from the Western catchment will be directed to a drainage reserve south of Lot 113 to allow piped and overland flows to enter the wetland/RB system.
- The drainage reserve south of Lot 113 will join the proposed Municipal Reserve to the south in the Springs Estate.
- All treatment of stormwater will be located below the applicable 1 in 100 year AEP line to avoid loss of floodplain storage.
- Retarded flows will be released from the wetland/RB into Coalition Creek as pre-developed flows.

### Water Quality Treatment



- All lots will be required to install 5kl rainwater tanks for toilet flushing and irrigation use to maximise water reuse at the lot scale and to be implemented via restrictions/covenants.

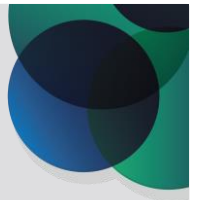
- Two sediment ponds are required to take initial flush of sediment before overflowing into a wetland/retarding basin within the LSIO area.

- WGCMA were consulted and have indicated that there is no objection with location of the wetland within the base of the LSIO area.

- The wetland will provide water quality treatment.

Figure 7.3 Hydraulic Model

The strategy demonstrates that the basin flows are retarded to below pre-development levels for the 1 in 5 year flood levels. In addition, peak flood flows are significantly reduced as a result of the drainage assets configuration. This will significantly benefit the land downstream. Furthermore, all targets for water quality will be met and exceeded.



Implementation of the Stormwater Management Strategy would result in the removal of the southern designated waterways within the subject site, and the enhancement of the north-eastern designated waterway. Removal of the southern designated waterways will also minimise drainage reserves that would typically be required to be managed and maintained by Council. It is therefore considered impractical to maintain the southern designated waterways given there is no environmental benefit and developed conditions will result in these depressions being filled and made redundant. Enhancement of the north-eastern designated waterway will occur within the private landholdings and will be implemented via a Waterway Management Plan to be approved as a condition of the planning permit.

The Stormwater Management Strategy makes the following overall recommendations which are adopted as part of the development:

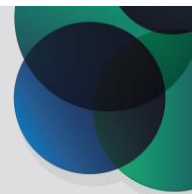
- All Lots to be required to install 5kl rainwater tanks to maximise on-site water reuse and provide a 9% reduction in flow volume to minimise the development impact on the environment;
- Creation of a sediment basin and wetland/retarding basin in cut for treatment at the low point of the site to meet Best Practice Environmental Management Guidelines;
- A minimum area of 3,500m<sup>2</sup> of constructed wetland be provided to treat flows to Best Practice Environmental Management standards as described in this report;
- Provision of a retarding function in cut to retard developed flows to below pre-development levels for all storm events up to and including the 100year AEP event;
- Removal of two small designated waterways within the site on the basis that they are no longer providing environmental services and will be redundant in the developed scenario;
- Consideration be given to re-design of the existing Lake into a regional wetland/RB that provides function for two estates and minimises the ongoing maintenance and liability on Council; and
- Implementation of the recommended stormwater strategy will demonstrate benchmark environmental performance and integrated stormwater management.

## 7.6 Bushfire Management Plan

A Bushfire Management Plan has been prepared by Euca Planning Pty Ltd in support of the submission and provided as **Appendix J**, along with a Concept Waterway Management Plan prepared by Blom Design. The Bushfire Management Plan includes a bushfire hazard assessment and provides recommendations to be adopted as part of the development in order to manage the bushfire risk. The subdivision provides for the following design elements as outlined within the Bushfire Management Plan:

- It provides an access network that facilitates connection to the broader street network.
- A boundary road exists along the northern side of the development.
- A maximum radiant heat exposure of 12.5KW/m<sup>2</sup> is achieved for all lots.
- There is egress away from the immediate bushfire hazard (grassland) with easy access to an area that meets the BAL-LOW definition.
- Opportunity exists to develop the land in stages, and manage the larger lots to the east.
- Landscaping and future management by Council of the basin reserve can be undertaken to not introduce fire threat to the settlement.





- The Concept Waterway Management Plan that has been prepared by Blom Design 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.

Through the implementation of the above measures and the standard bushfire conditions to be applied to the planning permit, the report concludes that no further modification of the proposed Subdivision Layout Plan is required. The proposal adequately responds to the bushfire considerations of the South Gippsland Planning Scheme and does not increase the risk of bushfire to the Leongatha Township.

## 7.7 Preliminary Risk Screen Assessment

A Preliminary Risk Screen Assessment has been undertaken by EHS Support Pty Ltd to consider the potential for environmental contamination of the land. The Preliminary Risk Screen Assessment is provided as **Appendix K**. The contamination assessment includes a history review, site inspection, historical imagery and soil sampling to provide a definitive recommendation for the land.

The Preliminary Risk Screen Assessment has been completed in accordance with the Potentially Contaminated Land Planning Practice Note (July 2021) and has been completed by an Environmental Auditor appointed pursuant to the Environment Protection Act 2017. The findings demonstrate that the land is suitable for the proposed sensitive land use and that an Environmental Audit is not required.

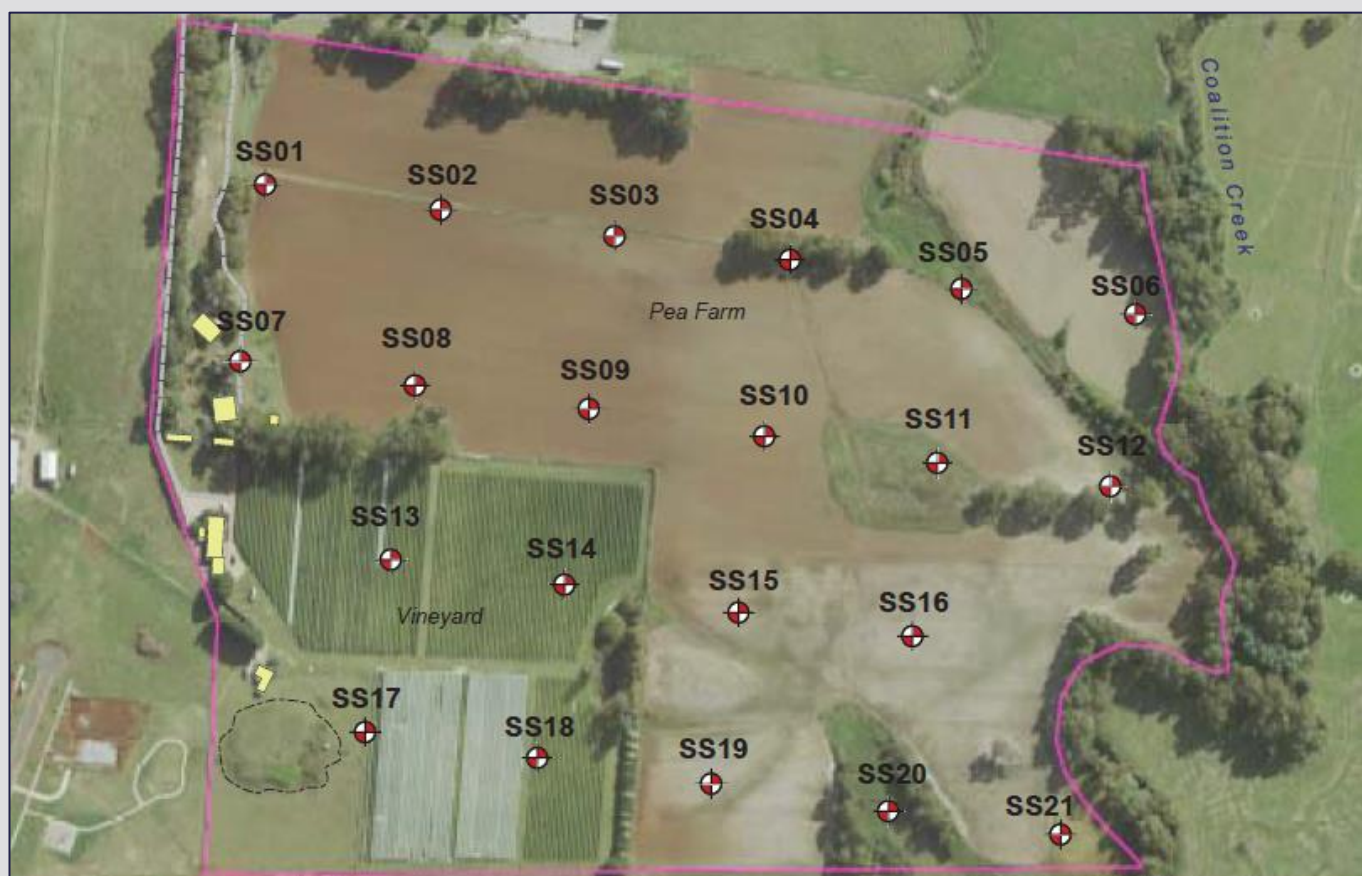
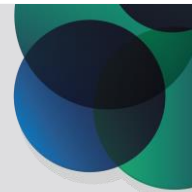


Figure 7.4 Soil Samplings

## 7.8 Acoustic Report





An Acoustic Report has been prepared by Enfield Acoustics and provided as **Appendix L**. The purpose of the Acoustic Report is to consider the amenity/noise impact of the adjoining bus depot north of Parr Street. It is understood that the Bus Depot operates under existing use rights.

A site inspection and installation noise monitors for recording eight consecutive days of audio was undertaken/installed on 7 August 2023.

The analysis identified dwellings currently impacted by the bus depot operations under the existing conditions. Therefore, there is already a precedent set for the proximity of residential dwellings to the depot, and an obligation of the depot to manage noise impacts on neighbouring properties.

Based on the measurement results, the bus depot would comply with the Noise Standards/Protocol for operations between 7am-6pm, however would exceed the noise limit during the 6:30am-7am startup period in which it is understood there is a single school bus departure during this time.

Two options were considered for noise attenuation: building (glazing) controls or an acoustic fence along Parr Street. In discussions with Council, the preferred option to adopt as part of the development response is to utilise building controls, which will be enforced under a Section 173 Agreement or restrictive covenant on land.

The mitigation requirements for the building controls have been modelled and the following is recommended to ensure reasonable internal noise amenity during the pre-7am bus service:

- Leq noise target of 16dB(A), which would be equivalent to the external noise limit minus 20dB, as required at Clause 90 of the Noise Protocol (noting that this would likely mean that the noise source would be inaudible in practice); and
- Lmax noise target to be no greater than 50dB(A), consistent with best practice sleep disturbance targets.

A Noise Attenuation Plan has been prepared as part of the Acoustic Report to visually demonstrate the required acoustic measures described within the report.

The building controls will be applied via a restrictive covenant and/or Agreement as determined by the Council draft planning permit conditions.

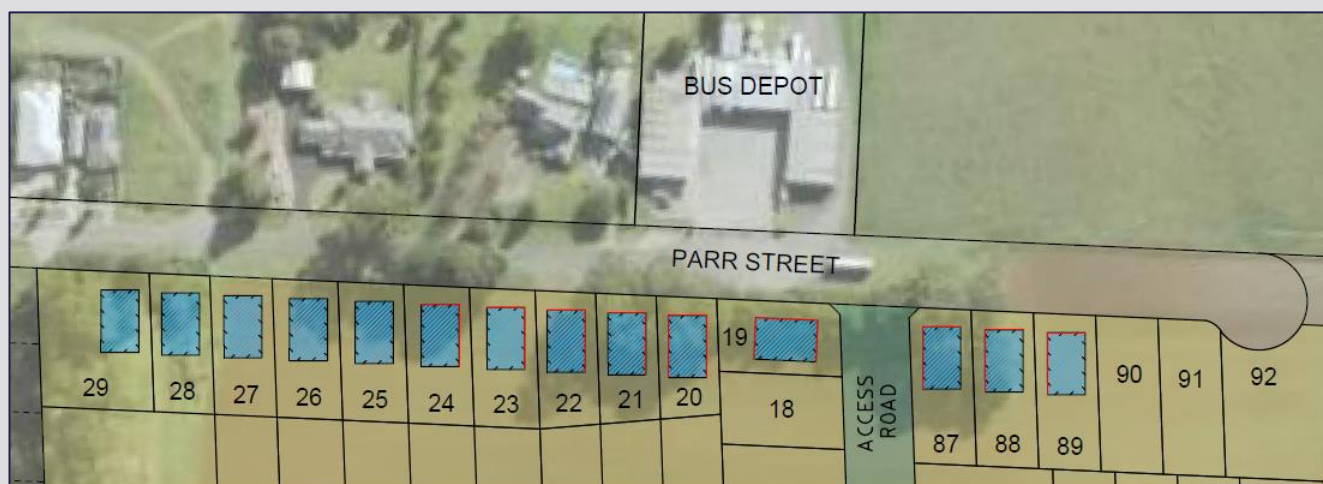
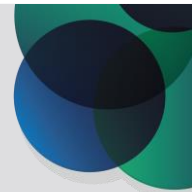


Figure 7.5 Acoustic Mitigation Dwellings



## 7.9 Land Capability Memorandum

Noting the existing Environmental Significance Overlay – Schedule 2 and the Erosion Management Overlay – Schedule 1 applying to the land, a Preliminary Land Capability Memorandum has been prepared by Intrax Consulting Engineers and provided as **Appendix M** in support of this submission.

The intent of the Memorandum is to provide commentary on the existing geotechnical considerations and the appropriateness of the removal of these planning controls given urban development would be occurring as part of the approval. Whilst further standard geotechnic investigations are recommended as part of the future detailed engineering phase of the subdivision, the report comes to the following conclusions:

- The Thorpdale Volcanic Group at the site is considered a stable unit, generally not prone to erosion. The Quaternary Alluvium could be subjected to erosion where poor land practices coupled with surface water processes (waterways, overland flows etc);
- Surface waters where managed by storm water systems within the development, in lieu of overland flow, can reduce erosion effects;
- Earthworks will be completed in accordance with the geotechnical recommendations (to be completed), which will ensure safe practice and stability of slopes during construction and long term; and
- In the final condition, where residences are developed, erosion risk is considered to be minimal, as each property will locally control storm water around the buildings and within the property in line with Water Act 2007 requirements. Overland flows emanating from road reserves will be collected at roadway drainage and flow to the proposed stormwater basin at the south of the site.

## 7.10 Cultural Heritage Management Plan

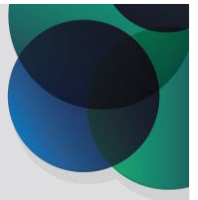
The main purposes of the Aboriginal Heritage Act 2006 are to:

- Provide for the protection of Aboriginal Cultural Heritage and Aboriginal intangible Heritage in Victoria.
- Empower Traditional Owners as protectors of their Cultural Heritage on behalf of Aboriginal People and all other peoples.
- Strengthen the ongoing right to maintain the distinctive spiritual, cultural, material and economic relationship of Traditional Owners with the land and waters and other resources with which they have a connection under traditional laws and customs.
- Promote respect for Aboriginal Cultural Heritage, contributing to its protection as part of the common heritage of all peoples and to the sustainable development and management of land and of the environment.

The Aboriginal Regulations 2018 generally give effect to the Aboriginal Heritage Act 2006.

Pursuant to regulation 11 of the Aboriginal Regulations 2018, a cultural heritage management plan is required for an activity if —

- (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and
- (b) all or part of the activity is a high impact activity.



The subject site is partially affected by cultural heritage sensitivity. Consequently, a mandatory Cultural Heritage Management Plan is required to be prepared and approved by the relevant Registered Aboriginal Party prior to a planning permit being issued.

A Cultural Heritage Management Plan (18671) has been prepared by Unearthed Heritage and provided as **Appendix N**. Cultural Heritage Management Plan (18671) was approved by the Bunurong Land Council Aboriginal Corporation on 18 October 2023. The approved Cultural Heritage Management Plan includes a Desktop, Standard and Complex Assessment. The recommendations of the approved Cultural Heritage Management Plan will be adhered to as part of the development and subdivision works. There are no recommendations that impact the Subdivision Layout Plan.

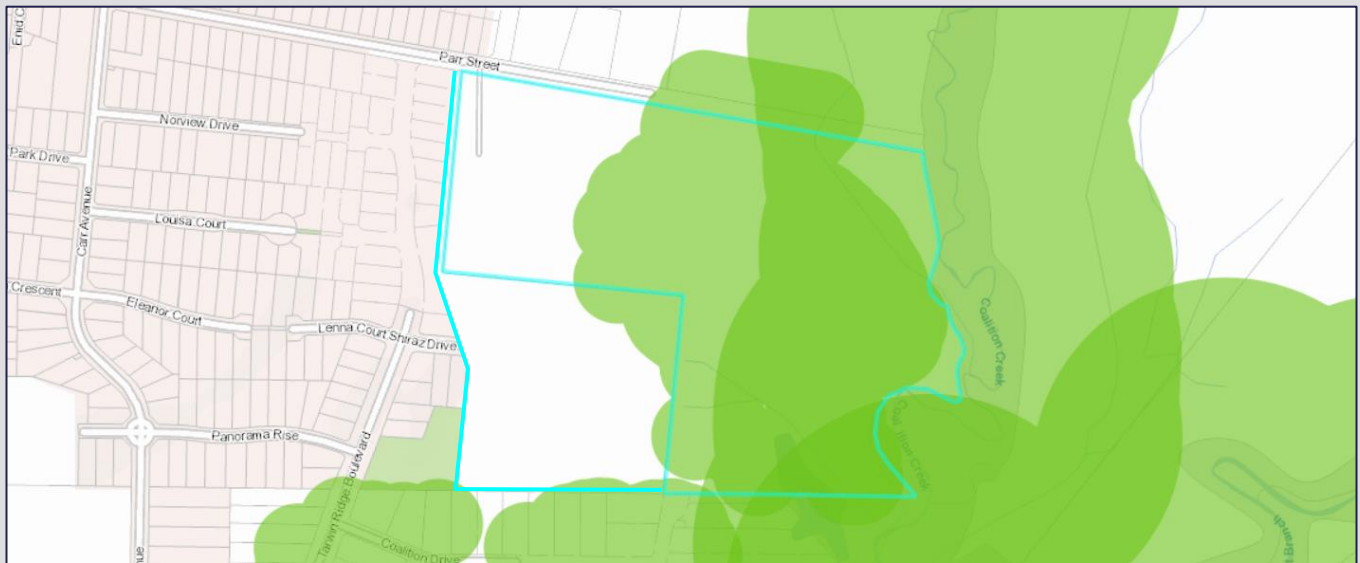
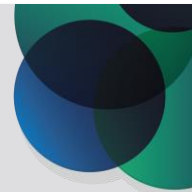


Figure 7.6 Cultural Heritage Sensitivity



## 8 Conclusion

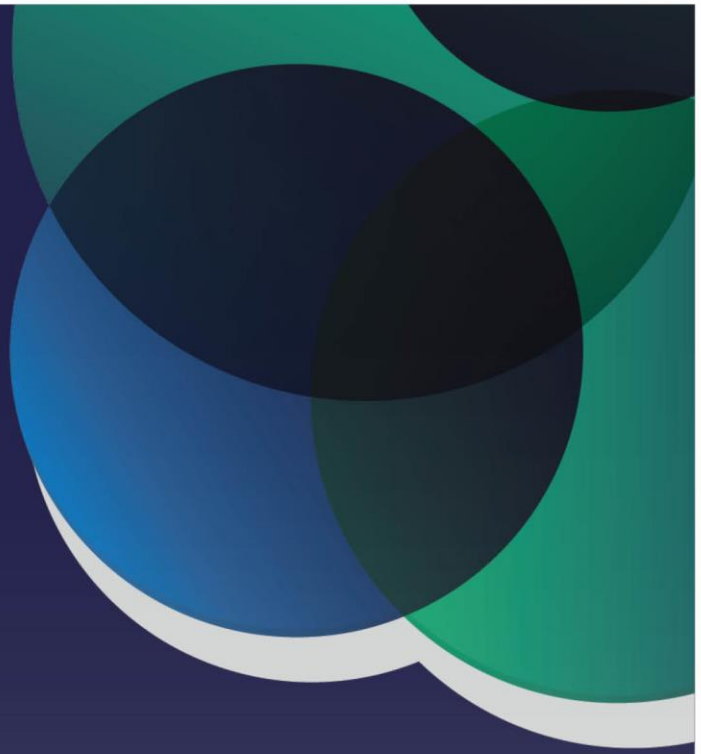
This proposal has been assessed against the Planning and Local Planning Policy Framework, the purpose of the zone, overlays and the particular provisions of the South Gippsland Shire Planning Scheme, and the applicable strategic documents being the *Leongatha Structure Plan* and the *Southern Leongatha Outline Development Plan*.

The proposed 'Combined Planning Scheme Amendment and Subdivision Permit Application' is considered to provide a positive planning outcome for the following reasons:

- The proposal accords with the objectives of the PPF, LPPF and has appropriate regard to the existing and proposed Zone and Overlay provisions;
- The proposal is consistent with the strategic document: Leongatha South Outline Development Plan;
- The proposal will provide Council the comfort on rezoning the land whilst achieving an acceptable urban design outcome;
- The development will seek to deliver additional residential land supply within Leongatha; and
- The development will assist in bringing an affordable residential product to market.

It is therefore considered that the proposal is an acceptable outcome having regard to the provisions of the South Gippsland Shire Planning Scheme and thus support for the 'Combined Planning Scheme Amendment and Subdivision Permit Application' should be provided.

To progress the *Section 96A* application, it is respectfully requested that Council accept the submission and seek authorisation from the Planning Minister to prepare the formal amendment documentation for public exhibition.



SECTION 96A OF THE PLANNING AND ENVIRONMENT ACT 1987

## Appendix A      Certificate of Title

PREPARED FOR 108 & 110 PARR STREET PTY LTD

**SPOT Planning Pty Ltd**

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## Appendix B      Rezoning Plan

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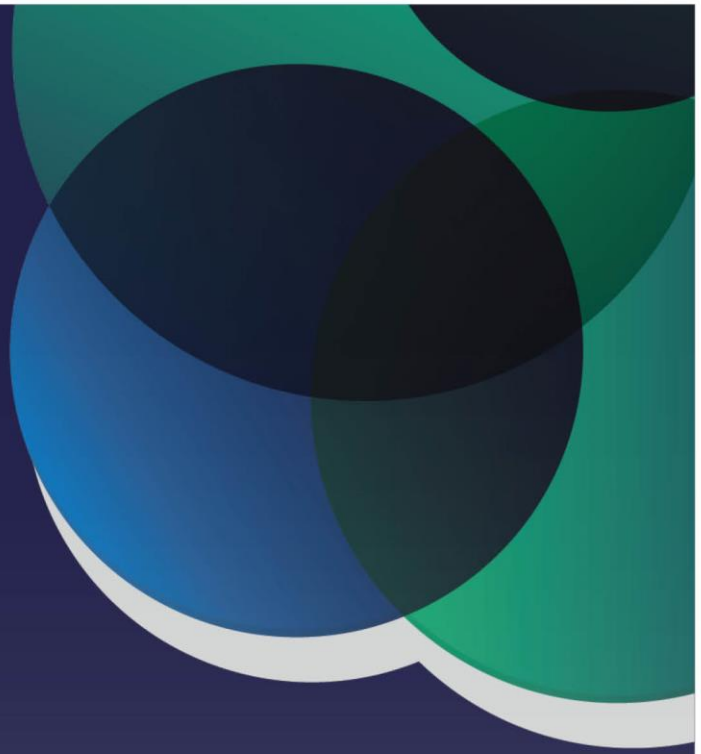
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## Appendix C      Subdivision Layout Plan

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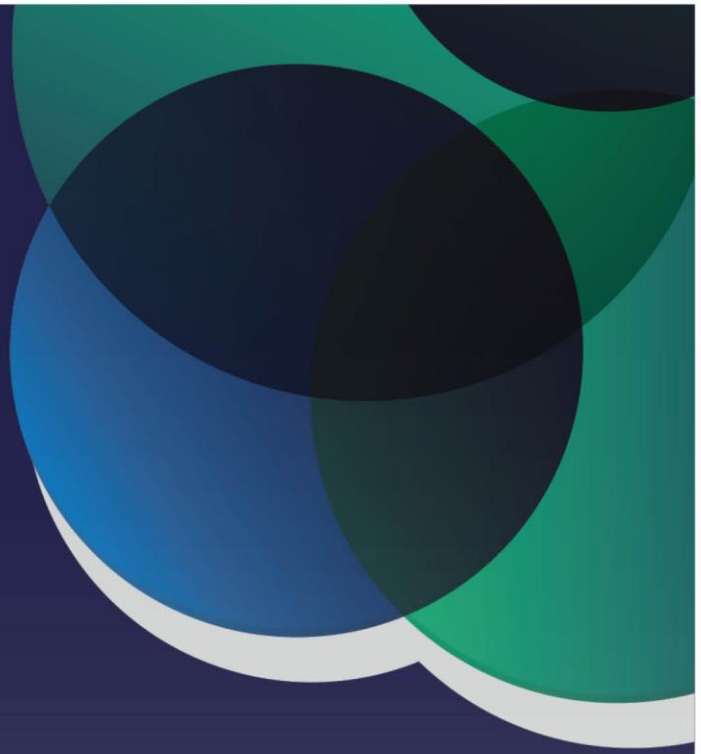
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## Appendix D      Clause 56 Assessment

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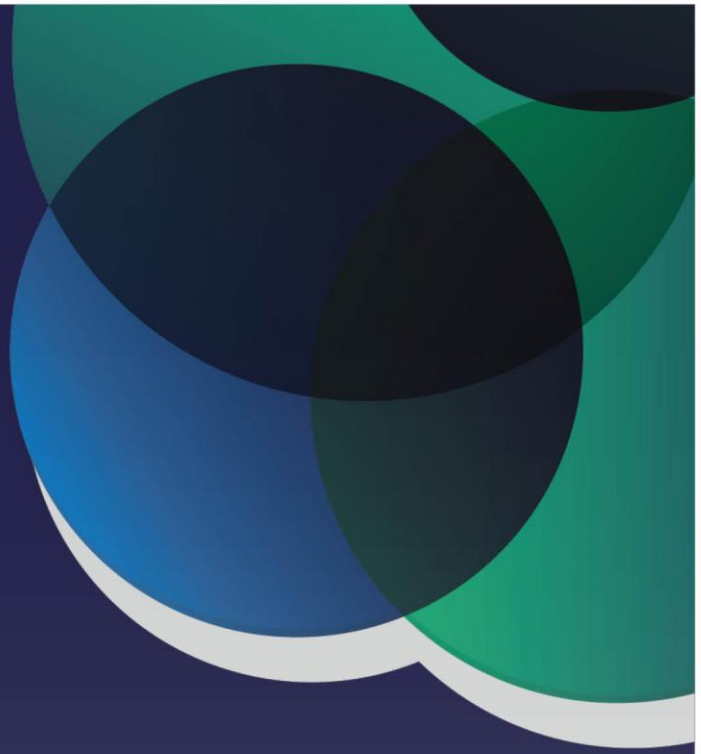
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## Appendix E Land Supply Assessment

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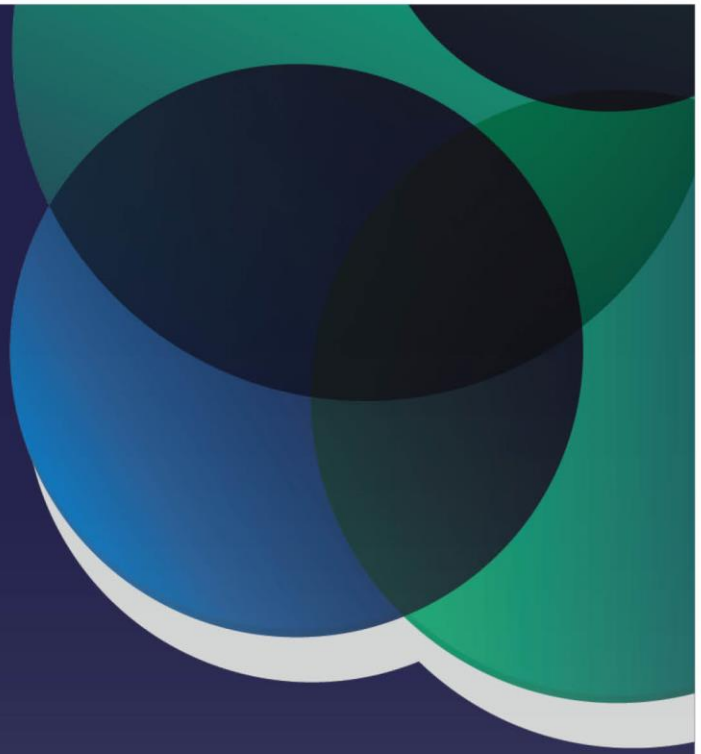
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## Appendix F Traffic Impact Assessment

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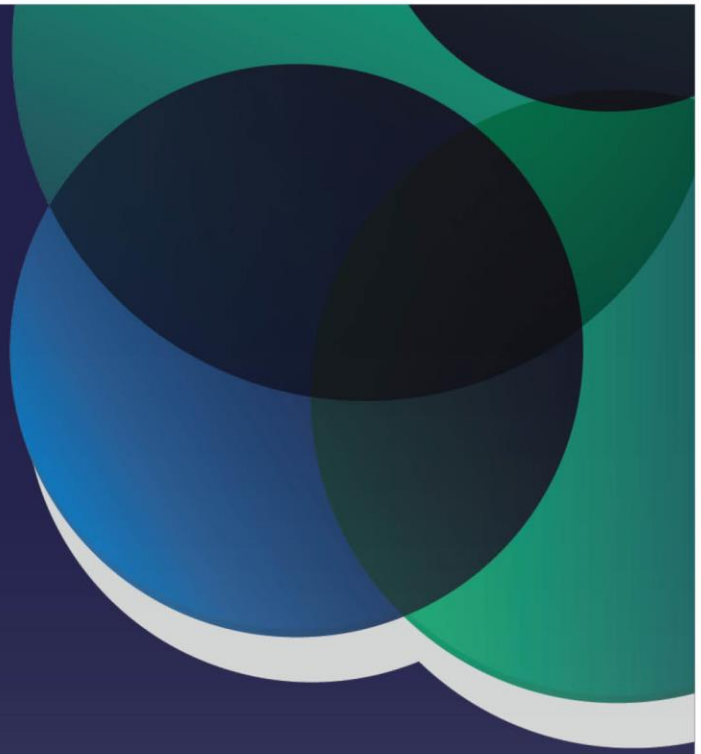
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## Appendix G      Ecological Assessment

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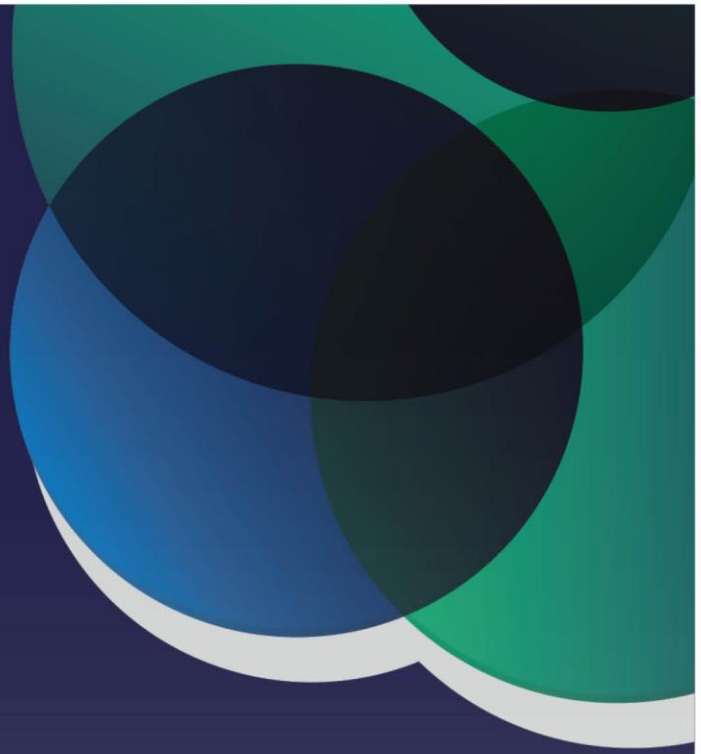
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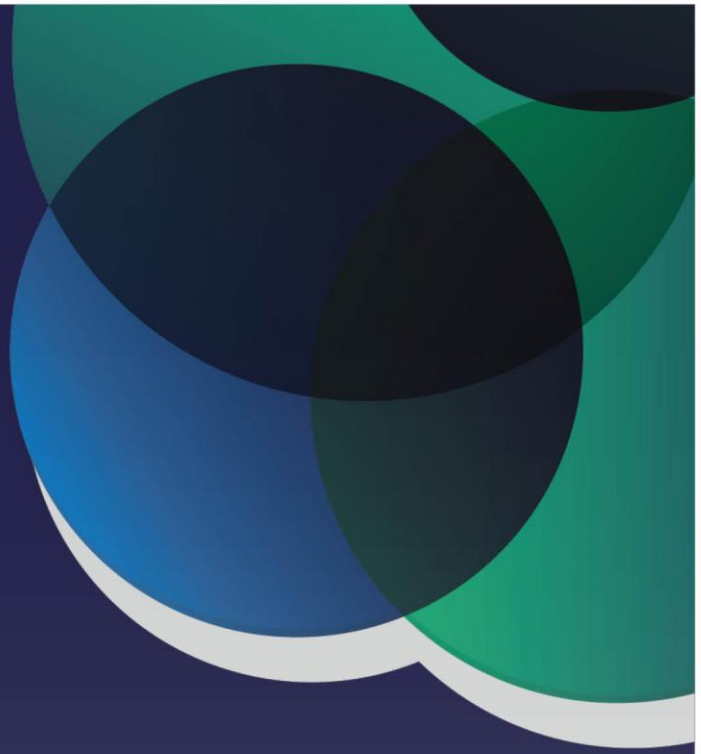
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## Appendix H      Arborist Report

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# Appendix I      Stormwater Management Strategy

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## Appendix J

# Bushfire Management Plan / Concept Waterway Management Plan

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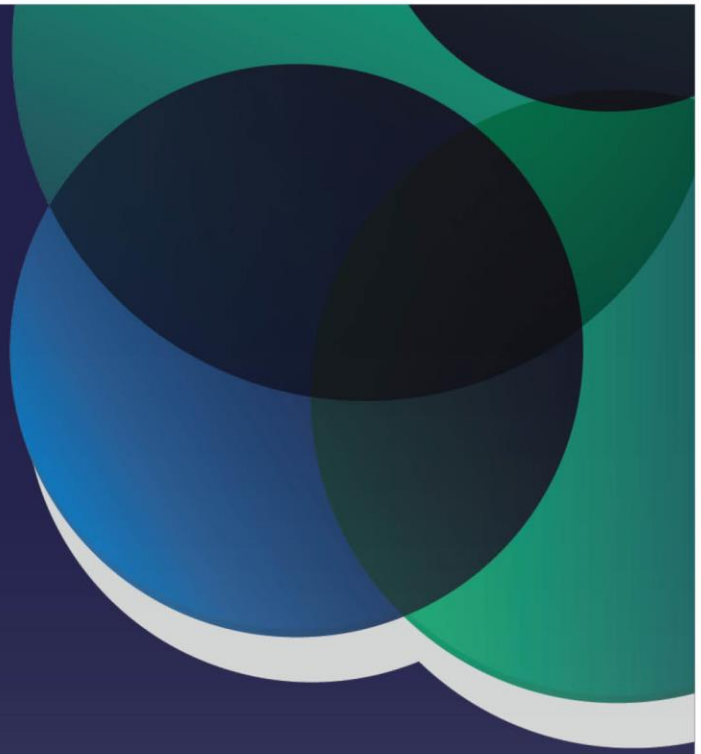
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## Appendix K Preliminary Risk Screen Assessment

PREPARED FOR 108 & 110 PARR STREET PTY LTD

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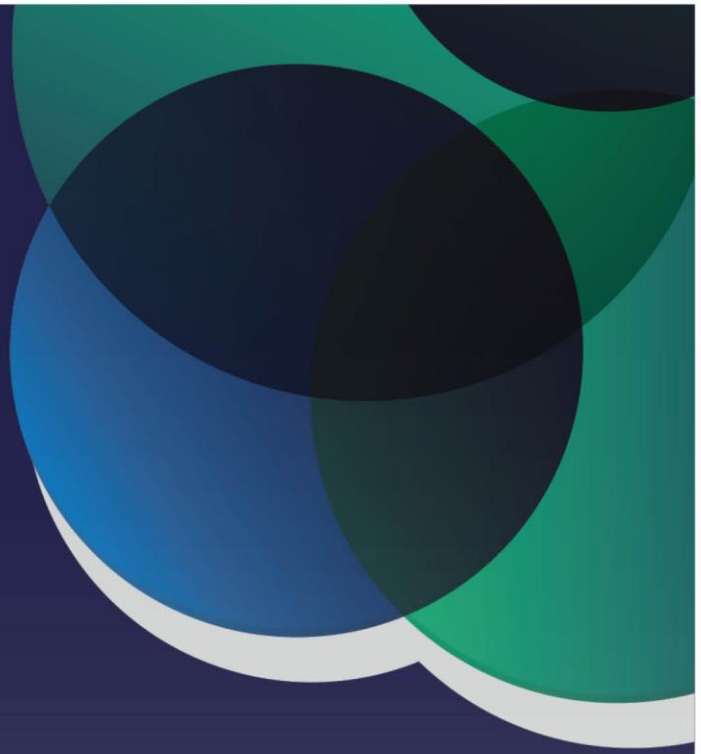
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## Appendix L      Acoustic Report

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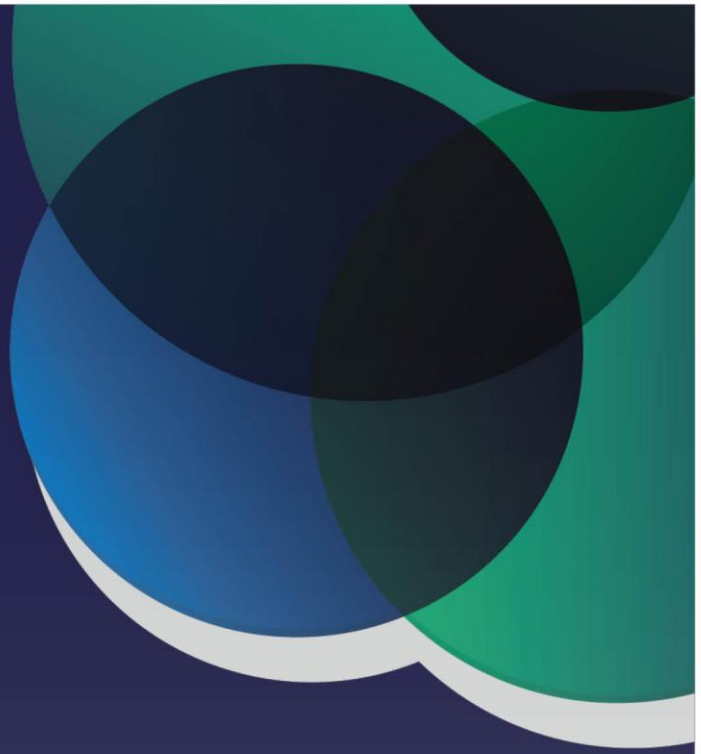
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## Appendix M

# Land Capability Memorandum

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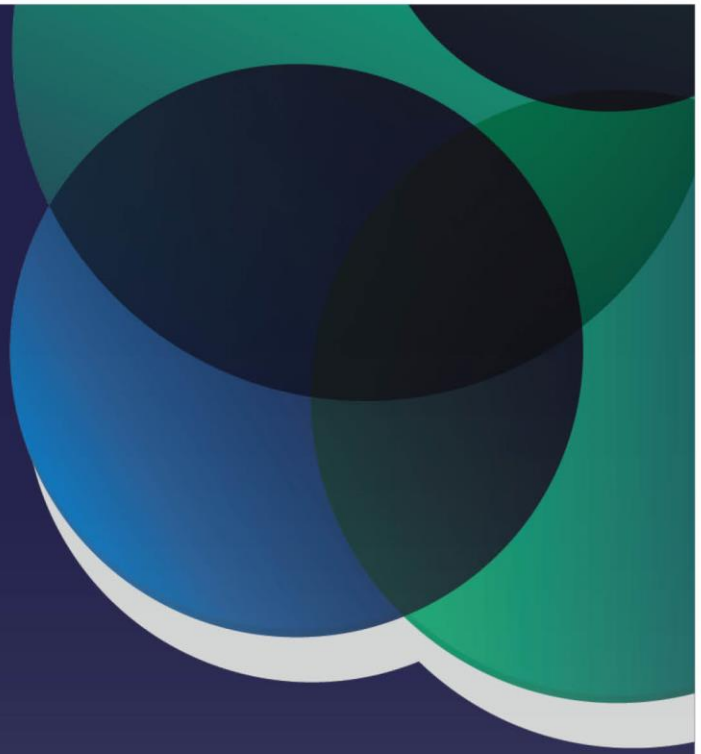
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## Appendix N      Approved Cultural Heritage Management Plan

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# Section 96A of the Planning and Environment Act 1987

Combined Planning Scheme Amendment and Subdivision Permit Application

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