

South Gippsland Planning Scheme Review



Version 2
June 2026
[FINAL]

Planning and Environment Act 1987

Planning Scheme review pursuant to Section 12B of the Act

South Gippsland Planning Scheme

| Version | Author | Issue date |
|----------------|-----------------------|-------------------|
| 1.0 | Plan2Place Consulting | 17 April 2026 |
| 2.0 | Plan2Place Consulting | 5 June 2026 |

Abbreviations

Table 1: Abbreviations

| Abbreviation | Meaning |
|--------------|---|
| AEO | Airport Environs Overlay |
| AgVic | Agriculture Victoria |
| BMO | Bushfire Management Overlay |
| C1Z | Commercial 1 Zone |
| C | Council Amendment |
| DTP | Department of Transport and Planning |
| DEECA | Department of Energy, Environment and Climate Action |
| DDO | Design and Development Overlay |
| DPC | Department of Premier and Cabinet |
| DPO | Development Plan Overlay |
| DCPO | Development Contributions Plan Overlay |
| ESD | Environmentally Sustainable Development |
| ESO | Environmental Significance Overlay |
| EAO | Environmental Audit Overlay |
| EMO | Erosion Management Overlay |
| EPAV | Environment Protection Authority Victoria |
| FPSR | First Peoples State Relations |
| FO | Floodway Overlay |
| FZ | Farming Zone |
| GC | Group Council Amendment |
| GRZ | General Residential Zone |
| HO | Heritage Overlay |
| IN1Z | Industrial Zone 1 |
| IN3Z | Industrial Zone 3 |
| LSIO | Land Subject to Inundation Overlay |
| LGA | Local Government Area |
| LDRZ | Low Density Residential Zone |
| LPPF | Local Planning Policy Framework |
| MDFC | Ministerial Direction on the Form and Content of Planning Schemes |
| MPS | Municipal Planning Strategy |
| MUZ | Mixed Use Zone |
| NRZ | Neighbourhood Residential Zone |
| OWMS | Onsite Wastewater Management System |
| PG | Practitioner's Guide to Victoria's Planning Schemes |
| PPF | Planning Policy Framework |
| PPN | Planning Practice Note |
| PPV | Planning Panels Victoria |
| PUZ | Public Use Zone |
| PPRZ | Public Park and Recreation Zone |
| PCRZ | Public Conservation and Resource Zone |

| | |
|--|---|
| PO | Parking Overlay |
| PAO | Public Acquisition Overlay |
| PSR | South Gippsland Planning Scheme Review |
| RAP | Registered Aboriginal Party |
| RCZ | Rural Conservation Zone |
| RLZ | Rural Living Zone |
| RAZ | Rural Activity Zone |
| RO | Restructure Overlay |
| RXO | Road Closure Overlay |
| SRO | State Resource Overlay |
| SCO | Specific Controls Overlay |
| SGSC | South Gippsland Shire Council |
| SLO | Significant Landscape Overlay |
| SUZ | Special Use Zone |
| The Scheme, SGPS | South Gippsland Planning Scheme |
| TZ | Township Zone |
| TRZ | Transport Zone |
| VC | Victoria and Council Amendment |
| VCAT | Victorian Civil and Administrative Tribunal |
| VPP | Victoria Planning Provisions |
| Numeric Abbreviations | |
| ha | hectares |
| m | metre |
| m ² | metres square |
| % | percent |
| sqm | square metres |
| Related Legislation | |
| Environment Protection Act 2017 (EP Act 2017) | |
| Subdivision Act 1988 (Sub Act) | |
| Planning and Environment Act 1987 (P&E Act) | |
| Additional Legislation References | |
| Building Act 1993 | |
| Catchment and Land Protection Act 1994 | |
| Environment Effects Act 1978 | |
| Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) | |
| Fire Rescue Victoria Act 1958 | |
| Heritage Act 2017 | |
| Native Title Act 1993 (Cth) | |
| Public Health and Wellbeing Act 2008 | |

Contents

| | |
|---|------------|
| 1. Executive summary | 7 |
| 1.1. Why is the planning scheme being reviewed? | 7 |
| 1.2. Health check and findings | 7 |
| 1.3. Top priorities for Council | 8 |
| 1.4. Consolidated recommendations | 8 |
| 2. Introduction | 12 |
| 2.1. Purpose | 12 |
| 2.2. Methodology | 13 |
| 2.3. South Gippsland Context | 14 |
| 2.4. Existing Zones and Overlays applied in the South Gippsland LGA | 16 |
| 3. What's driving change | 20 |
| 3.1. Population, growth, and economy | 20 |
| 3.2. Climate change and other environmental risks | 20 |
| 3.3. Productive Agricultural Land | 21 |
| 3.4. Victorian government amendments and advice | 21 |
| 4. Previous planning scheme review | 24 |
| 4.1. Previous planning scheme review | 24 |
| 4.2. Progress since last review | 24 |
| 4.3. Outstanding work since last review | 26 |
| 4.4. Obsolete recommendations | 27 |
| 4.5. Findings | 28 |
| 5. Audit and assessment of current scheme | 29 |
| 5.1. Methodology | 29 |
| 5.2. Municipal Planning Strategy | 29 |
| 5.3. Planning Policy Framework | 33 |
| 5.4. Zones | 54 |
| 5.5. Overlays | 63 |
| 5.6. Particular provisions | 90 |
| 5.7. General provisions | 91 |
| 5.8. Operational provisions | 92 |
| 5.9. Recommendations | 96 |
| 6. Planning scheme performance | 97 |
| 6.1. Planning permit activity | 97 |
| 6.2. Planning Panels Victoria | 104 |
| 6.3. VCAT | 105 |
| 7. Stakeholder engagement | 109 |
| 7.1. Planner's feedback | 109 |
| 7.2. Internal staff | 110 |
| 7.3. Councillors and executive team | 111 |
| 7.4. Referral and notice agencies | 111 |
| 7.5. Summary of issues raised through engagement | 114 |

| | |
|--|------------|
| 8. New strategic work | 116 |
| 8.1. Council projects and documents | 116 |
| 8.2. Findings | 119 |
| 9. Work underway | 120 |
| 10. Key issues | 122 |
| 10.1. Population, growth and economy | 122 |
| 10.2. Climate change and other environmental risks | 122 |
| 10.3. Productive Agricultural land | 123 |
| 11. Further strategic work | 124 |
| Appendix 1 | 125 |
| Marked up ordinance with policy neutral and strategically justified changes to the planning scheme. | 125 |
| Appendix 2 | 126 |
| Further Strategic Work | 126 |
| Appendix 3 | 128 |
| State and regional planning scheme amendments and planning practice notes issued since last planning scheme review | 128 |
| New Planning Practice Notes and Guidance Materials | 136 |
| Appendix 4 | 141 |
| Responses from referral authorities and other stakeholders | 141 |

List of Figures and Tables

| | |
|---|-------------------------------------|
| Figure 1: Planning scheme review methodology..... | 13 |
| Figure 2: South Gippsland Shire Council Context | 15 |
| Figure 3: South Gippsland Planning Scheme – Zones | 16 |
| Figure 4: South Gippsland Planning Scheme - Overlay | 18 |
| Figure 5: South Gippsland Shire Council Organisational Structure | Error! Bookmark not defined. |
| Table 1: Recent Significant VC Amendment - Summary | 21 |
| Table 2: PPARs Permits Issued between 2023/24 and 2024/25 Financial Years | 97 |
| Table 3: Comparison of service performance against comparable councils | 99 |
| Table 4: Most Common Application Types in the Townships..... | 100 |
| Table 5: Decision outcome data from 2023 to 2025 | 101 |
| Table 6: Distribution of Applications from 2023-2024 and 2024-2025 | 102 |
| Table 7: Summary of Planning Scheme Amendments Proceeding to a Planning Panel | 104 |
| Table 8: Summary of Issues Raised Through Engagement | 114 |

1. Executive summary

1.1. Why is the planning scheme being reviewed?

Council as the planning authority for the South Gippsland Planning Scheme (SGPS) is required to review its planning scheme every four years under Section 12(B) of *the Planning and Environment Act 1987* (the Act). The review should be completed within one year of the completion of the first approved Council Plan after the election of a new Council.

Council last undertook a comprehensive review of the planning scheme in June 2023. The findings of this review were translated into the planning scheme via Amendment C129 which was gazetted on Thursday 17 October 2024.

Recently the planning scheme was restructured to insert a new Municipal Planning Strategy (MPS) and local Planning Policies to replace the former Local Planning Policy Framework. This occurred through Amendment C127 and was a policy neutral amendment undertaken by the Victorian Government.

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

1.2. Health check and findings

The SGPS was reviewed in 2023 and the recommendations provided by this review were implemented by the Council. Consequently, the planning scheme is generally sound and provides a robust policy basis for planning decision making within the Shire.

The MPS adequately describes the Shire's settlement hierarchy, landscape values, environmental management challenges, and housing and economic development goals. The Planning Policy Framework (PPF) provides local policy direction that broadly conforms with the thematic structure of the PPF and addresses key aspects of planning issues within the Shire such as rural land use, inland and coastal landscapes and natural hazards. A range of zones and overlays have also been applied to land to manage impacts of development and encourage new growth where appropriate. Operational provisions, such as incorporated documents and local referral and notice provisions are being used.

Having said that, there are aspects of the scheme that need review and correction. There are a range of zone and overlay schedules which are not formatted in accordance with the Ministerial Direction on Form and Content of Planning Schemes (MDFC). Most of the changes are minor and corrective in nature. Some require rewording for improved clarity and editing to elevate issues that are of a shire-wide application. Other provisions, such as overlay schedules, require complete rewriting to streamline the excessive numbers of objectives, remove redundant requirements or reword requirements for clarity.

Another key issue for the scheme is the amount of relatively minor applications being triggered for building and works within the environmental overlays and within the rural zones. These types of applications constitute a significant share of the overall permit applications received by Council and are resulting in significant referral to external authorities to support decision making.

In terms of planning permit assessments, this review finds that South Gippsland has less applications being determined within statutory timeframes than similar sized councils in its region, although the number of applications being determined within the statutory timeframe has increased by 20 per cent

over the review period to 53 per cent. Further improvements in streamlining of assessments processes should be explored so that Council's performance moves closer to the state average of 70 per cent.

In terms of strategic planning, there are several key issues that require progressing by Council. Some relate to projects that were identified under the previous review and included in the schedule to clause 74.02 Further strategic work in 2023. Implementing coastal planning measures is one such key strategic priority for council, although the influence of any state government directions on how to address this issue would be instrumental in this work.

A review of rural land use policy, potentially via a new rural land strategy, is also a key strategic project that should be progressed to assist with improved policy clarity when assessing proposals for additional dwellings in rural areas. In terms of urban growth within the Shire, implementing strategic planning for Nyora and developing a Development Contributions Plan for the Shire's growing townships are the key issues.

Additionally, review of the Environmental Management Overlays and the permit triggers for buildings and works applications in rural zones should be undertaken to determine if minor applications can be further reduced or streamlined via rewording of permit exemptions or creation of VicSmart permit categories which would assist with improving overall application assessment performance.

1.3. Top priorities for Council

The review has identified the following priorities for Council over the next four years:

- Review the clarity of purpose and scope of permit triggers within the Environmental Management Overlays, such as the Environmental Significance Overlays (ESOs) and the Significant Landscape Overlays (SLOs) to determine the effectiveness of these controls and the administrative burden generated by minor works applications being triggered by them.
- Review the Rural Land Use policies within the PPF and Council's strategic policy direction for housing outside of settlements and within rural and remote areas and determine if an updated Rural Land Use Strategy is required to coordinate this reform.
- Resolve coastal planning policy approaches and VPP responses, as per the recommendations of the adopted Coastal Strategy.
- Review the implications of the Victorian Government's housing targets and housing capacity with the Shire, particular in terms of growth planning for Nyora.
- Review the ability to streamline application assessments (including potential local VicSmart provisions) and assessment processes for the Statutory Planning team to achieve parity with state average assessment timeframes within the next four years.

1.4. Consolidated recommendations

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

- Planning scheme amendment recommendations
- Further strategic work recommendations
- Process improvement recommendations
- Advocacy recommendations
- Minister for Planning recommendation

1.4.1. Planning scheme amendment

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

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the MDFC. These are administrative matters and do not change the policy intent of the scheme.

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

Also, the planning permit audit and consultation with referral authorities and Council staff identified a range of concerns including interpretation of rural land policies, missing information in zone schedules, the breadth and scope of permit triggers and exemptions in ESOs and SLOs, and unnecessary or vague referral requirements relating to ESOs.

An audit of local and regional strategies and policies prepared since the previous planning scheme review has been completed, and relevant policy directions from these strategies have been incorporated into the planning scheme to a certain extent. The working documents that were used to undertake the analysis have been provided to Council officers for reference and a summary is included in chapter 7. These changes have been included in the supporting marked up Ordinance at **Appendix 1**.

Recommendation:

It is recommended that Council:

- 1. Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix 1 to:**
 - a) Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**

1.4.2. Further strategic work

Appendix 2 of this report outlines the further strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme have been identified and are included in the recommendations below. A number of existing and new items of further strategic work have been identified through this review and are there included in **Appendix 2**. The list below represents the further strategic work that is likely to result in the most positive impact for the municipality, the community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at **Appendix 1 and at Appendix 2**. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, what the priority projects that should be included in Clause 74.02 are for Council. Some of these priorities will evolve depending on budget cycles and potential funding and regional partnership opportunities that may emerge.

Recommendations:

It is recommended that Council:

2. Prepare the following further strategic work over the next four years to:

- a) **Apply planning controls that address land use risk from climate change in coastal areas and coastal townships, as required by the South Gippsland Coastal Strategy 2023. This may result in an update to the Housing and Settlement Strategy and the strategic directions of the PPF.**
- b) **Plan Nyora’s growth and infrastructure to orderly accommodate the expected intensification of density and growth in the area, including a review of the Housing and Settlement Strategy, implementation of the Nyora Development Strategy 2016 and consideration of further development overlays and flood risk controls.**
- c) **Prepare a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the DTP on key transport infrastructure issues.**
- d) **Prepare a Rural Landscapes Assessment and review the South Gippsland Rural Land Use Strategy 2011 to align planning controls with adopted policy to protect the Shire’s rural hinterlands and tourism routes from inappropriate development. This should provide further policy clarity on identification and protection of significant landscapes, preservation of agricultural land and dwellings within rural areas.**

1.4.3. Process improvements

The review has identified that the performance of Council’s planning scheme and planning functions are generally on par with those of similar councils within the Gippsland region and the assessment timeframes. These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

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

Recommendations:

It is recommended that Council:

3. Undertake the following process improvements:

- a) **Review necessity of referral agency responses required under clause 66.04 with particular focus on referrals triggered under the Environmental and Landscape Overlays.**
- b) **Review the potential for the creation of local categories of VicSmart applications where planning matters are relatively uncontroversial and application requirements can be reasonably pre-determined, to support further improvements in assessment timeframes.**
- c) **Identify resources required to complete further strategic work items listed above within the next four years.**

1.4.4. Advocacy

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions (VPP) or scope of the Planning and Environment

Act 1987. They are matters that Council may wish to discuss with the Victorian Government to highlight the issue and advocate for change.

Recommendations:

It is recommended that Council:

4. Undertake the following advocacy actions:

- a) **Continue to seek funding and support from the Victorian Government to implement planning scheme amendments to improve planning scheme responses to land use planning risks such as bushfire and coastal climate change, in recognition that rural councils face higher environmental risks and are less capable of funding complex implementation processes.**
- b) **Continue to advocate for improved direction from the Victorian Government on implementation of Coastal Strategy outcomes and identification of coastal inundation risk within the planning scheme.**

1.4.5. Minister for Planning

South Gippsland Shire Council, with funding from DTP and assistance from Plan2Place Consulting has prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act).

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

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

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

Recommendation:

It is recommended that Council:

- 5. Accept this Planning Scheme Review and forward it to the Minister for Planning as evidence South Gippsland Shire Council, as the planning authority for South Gippsland Planning Scheme, has met its obligations in accordance with Section 12B of the *Planning and Environment Act 1987* to review the planning scheme every four years.**

2. Introduction

2.1. Purpose

Council as the planning authority for the SGPS is required to review its planning scheme every four years under Section 12(B) of the Act.

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

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

Planning scheme reviews also provide the opportunity to:

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

Council last undertook a comprehensive review of the planning scheme in 2023. The findings of this review were translated into the planning scheme via amendment C129 which was gazetted on Thursday 17 October 2024.

Amendment C129 introduced new and revised local content in the MPS and the PPF, revised Schedule 1 to Clause 35.03 (Rural Living Zone), inserted new Schedules 2 and 3 to the Rural Living Zone (RLZ), amended the zone maps to designate all RLZ land as either RLZ1, 2 or 3 and removed onerous permit triggers in the rural zone schedules. It also amended the Schedule to Clause 72.02 to include land located outside the municipality as part of the area covered by the scheme, included several new background documents in the Schedule to Clause 72.08 and updated the list of Further Strategic Work in the Schedule to Clause 74.02.

In May 2022 the planning scheme was restructured to insert a new MPS and local planning policies to replace the former Local Planning Policy Framework (LPPF). This was undertaken via Amendment C127 as a policy neutral amendment undertaken by the Victorian Government. The changes implemented through Amendments C129 and C127 significantly restructured and updated the SGPS. This review does not seek to overturn any of this work but to refine and build on the policy framework that has been implemented.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 1** to this report. Council has the option to use the marked-up ordinance as a basis to prepare a 'policy positive' planning scheme amendment if it wants to make changes to the planning scheme that are more significant and require formal exhibition. Undertaking a policy positive amendment is a significant undertaking and will require funding, however it will provide more operational benefits and efficiencies and allow Council to resolve more complex changes required to some of its local provisions and Incorporated documents.

2.2. Methodology

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

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

Plan2Place Consulting was engaged by DTP to conduct Stages One to Four for the South Gippsland Shire Council.

Stage Five will involve a round of public consultation led by Council. Feedback from this consultation will support the motion to adopt the final form of the revised scheme ordinance. Stage Six will involve the submission of the proposed changes to the Minister for authorisation to prepare a planning scheme amendment. The community will also be consulted through the amendment exhibition process with submissions being invited from the public in accordance with the requirements of the *Planning and Environment Act 1987*. If submissions cannot be resolved, Council is obliged to ask the Minister for Planning to appoint an independent Planning Panel to consider submissions and make recommendations to the Minister.

Figure 1: Planning scheme review methodology



The timing for the project is:

| Stage | Timing |
|-----------------------|----------------------|
| Initiate | October 2025 |
| Analyse | January 2026 |
| Engage | January - March 2026 |
| Report | April - May 2026 |
| Consult and implement | From July 2026 |

This planning scheme review has been prepared in consideration to the following directions and guidance provided by DTP as well as those detailed, where relevant, in **Appendix 3**).

Ministerial directions:

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

Planning practice notes, advisory notes and further advice:

- A Practitioner’s Guide to Victoria’s Planning Schemes.
- PPN – 46 Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.
- Advisory Note, Planning Scheme Reviews, March 2026.

2.3. South Gippsland Context

South Gippsland Shire is a large rural municipality in southeast Victoria with a population of approximately 30,000 people spread across 26 settlements and 41 localities. The municipality’s estimated resident population of 30,577 is projected to grow to 33,930 by 2036. The Bunurong and Gunaikurnai people are the traditional inhabitants and custodians of the land and the two Registered Aboriginal Parties (RAP) associated with the municipality.

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

The municipality’s main industries are agriculture, alongside its associated industries including value-adding, food processing and dairying industries. Impacts of climate change over time will place added significance on the Shire’s agricultural land resources, which are predicted to benefit from comparatively secure annual rainfall. South Gippsland supports 11,157 jobs and generates an annual economic output of \$4.1 billion, with the Agriculture, Forestry and Fishing industry contributing the greatest share of economic output and employment.

Tourism in South Gippsland is mainly driven by the region’s outstanding natural and coastal environments, landscapes, and food and arts culture. Major attractions include Wilsons Promontory National Park, Corner Inlet, Shallow Inlet, Nooramunga Marine and Coastal Parks, and Cape Liptrap Coastal Park, all of which enhance South Gippsland as an appealing regional destination for tourism industry.

The context for the South Gippsland Shire Council (SGSC) Local Government Area (LGA) is shown in **Figure 2**.

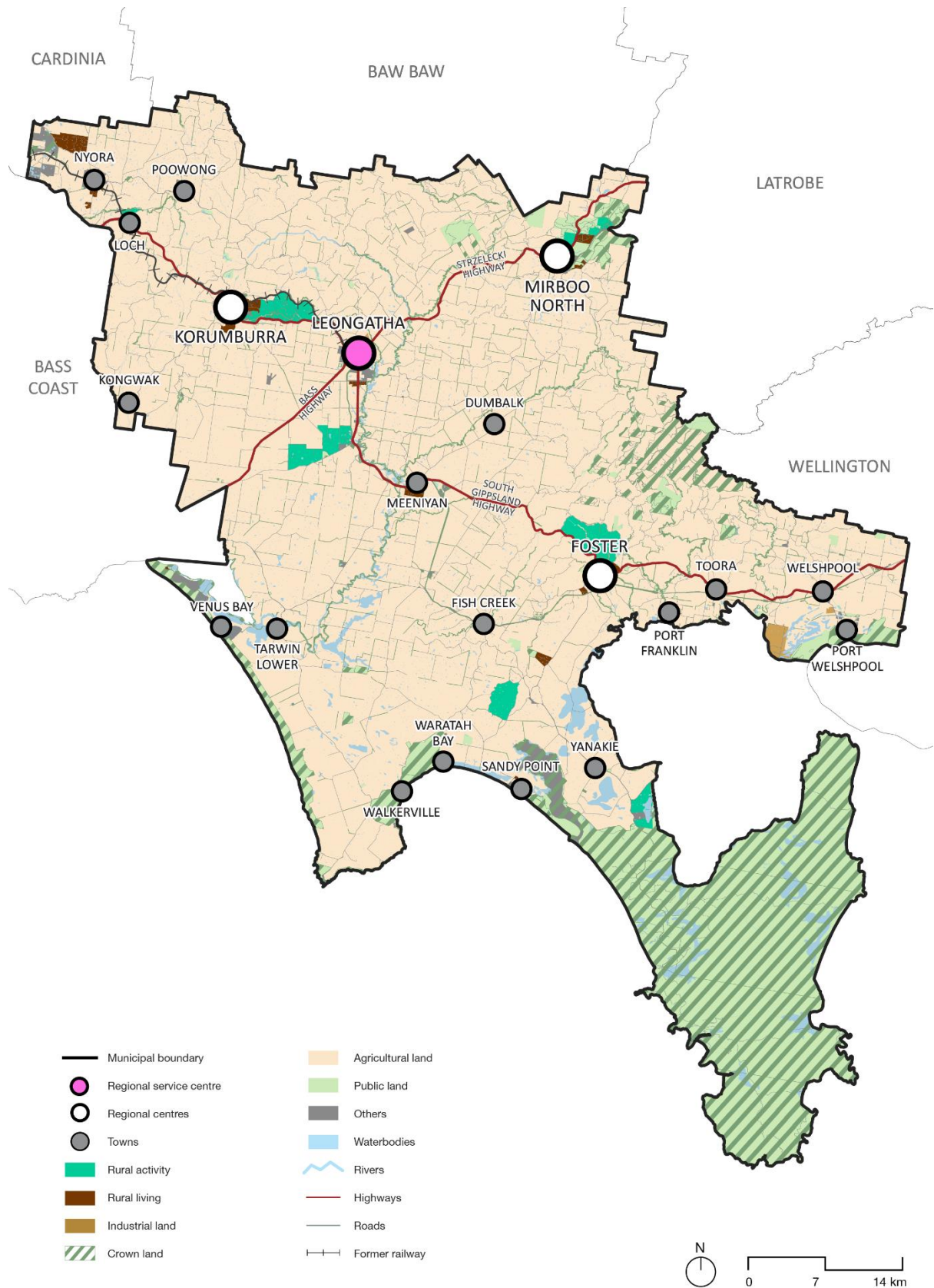


Figure 2: South Gippsland Shire Council Context

2.4. Existing Zones and Overlays applied in the South Gippsland LGA

The existing zones and overlays applied in the South Gippsland Local Government Area (LGA) that are currently included in the South Gippsland Planning Scheme (SGPS) and subject to this review are shown in **Figures 3 and 4**.

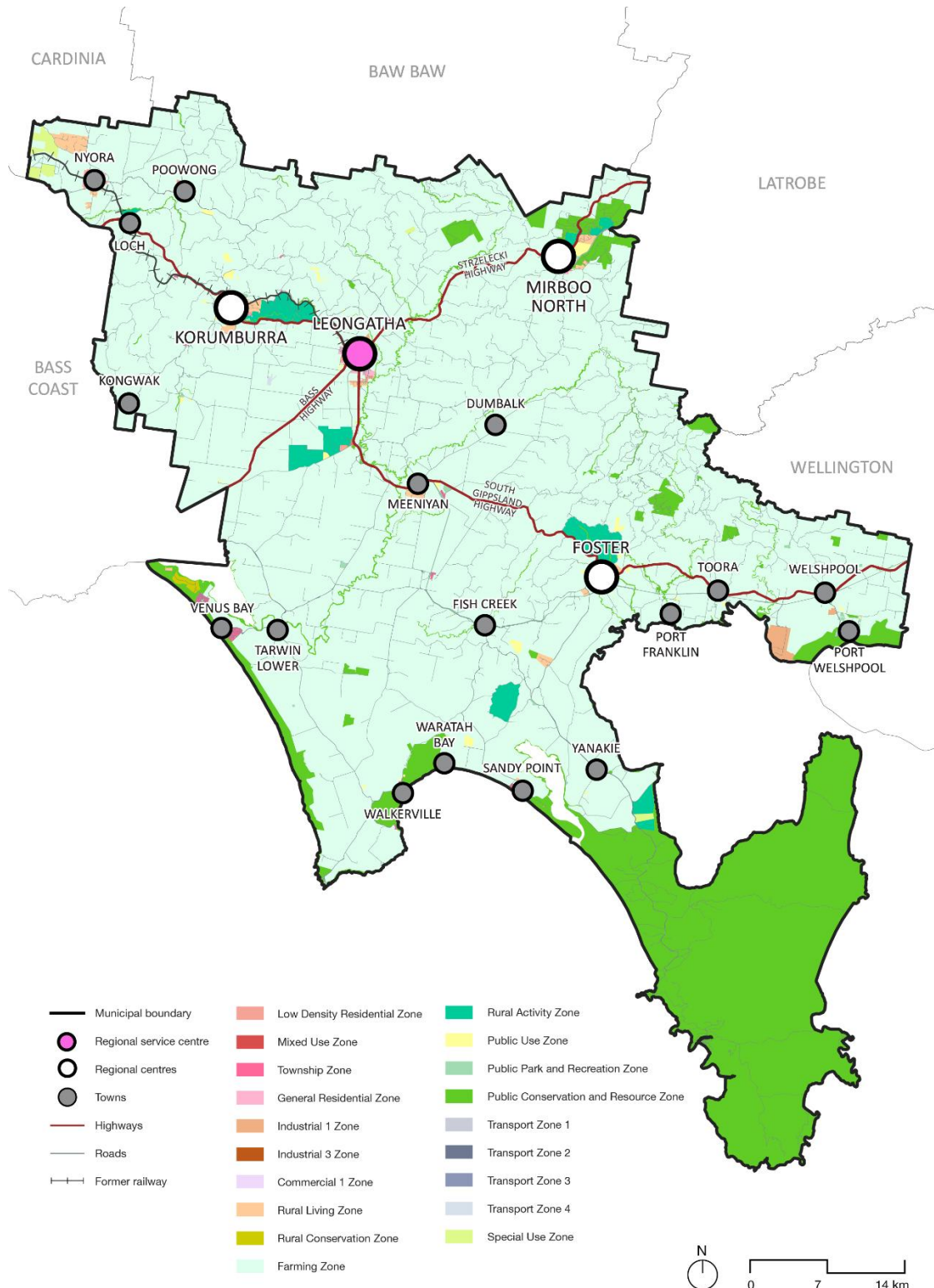


Figure 3: South Gippsland Planning Scheme – Zones

Zones within the South Gippsland LGA

There is a total of 16 zones in the South Gippsland Planning Scheme containing 24 separate schedules, as follows:

- Low Density Residential Zone (LDRZ - 1 schedules).
- Mixed Use Zone (MUZ - 1 schedules).
- Township Zone (TZ- 1 schedule).
- General Residential Zone (GRZ - 1 schedule).
- Industrial 1 Zone (IN1Z - 1 schedule).
- Industrial 3 Zone (IN3Z - 1 schedule).
- Commercial 1 Zone (C1Z - 1 schedule).
- Rural Living Zone (RLZ - 3 schedule).
- Rural Conservation Zone (RCZ - 1 schedules).
- Farming Zone (FZ - 1 schedule).
- Rural Activity Zone (RAZ - 1 schedule)
- Public Use Zone (PUZ - 1 schedule).
- Public Park and Recreation Zone (PPRZ - 1 schedule).
- Public Conservation and Resource Zone (PCRZ - 1 schedule).
- Transport Zone (TRZ - no schedule).
- Special Use Zone (SUZ - 8 schedules).

Overlays within the South Gippsland LGA

There is a total of 16 overlays in the South Gippsland Planning Scheme, with 46 schedules, as follows:

- Environmental Significance Overlay (ESO - 7 schedules).
- Significant landscape Overlay (SLO – 3 schedules)
- Heritage Overlay (HO - 1 schedule, covering 106 listed heritage places).
- Design and Development Overlay (DDO - 13 schedules).
- Development Plan Overlay (DPO - 11 schedules).
- Erosion Management Overlay (EMO - 1 schedule).
- Land Subject to Inundation Overlay (LSIO - 1 schedule).
- Bushfire Management Overlay (BMO - 2 schedules).
- State Resource Overlay (SRO – 2 schedules)
- Public Acquisition Overlay (PAO - 1 schedule).
- Airport Environs Overlay (AEO - 1 schedule).
- Environmental Audit Overlay (EAO - no schedule).
- Road Closure Overlay (RO – no schedule)
- Restructure Overlay (RXO – 1 schedule)
- Parking Overlay (PO – 1 schedule)
- Specific Controls Overlay (SCO - 1 schedule).

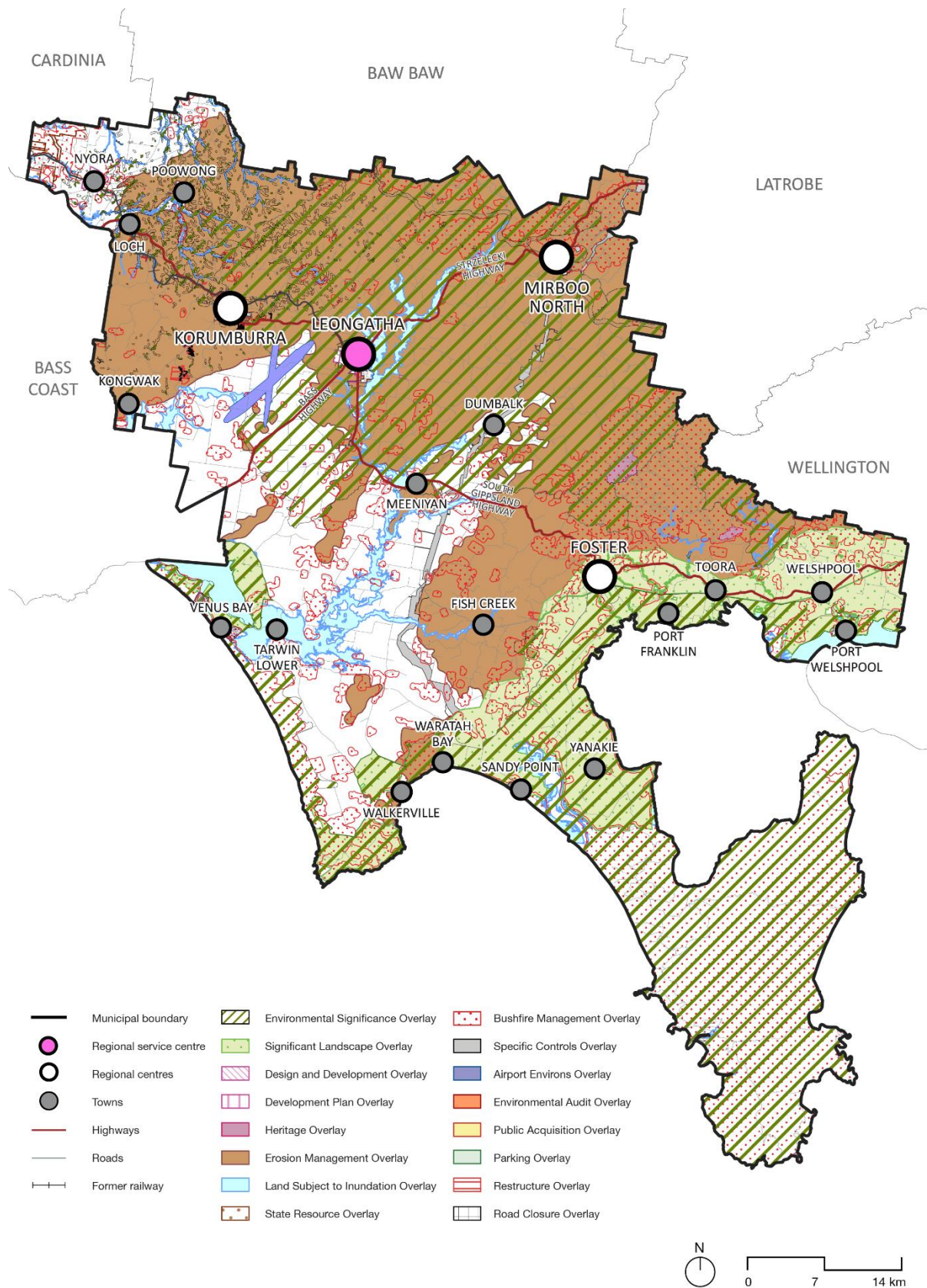


Figure 4: South Gippsland Planning Scheme - Overlay

3. What's driving change

3.1. Population, growth, and economy

The current resident population of the Shire is 30,577 people with a forecast population in 2036 of 33,930 people, an increase of approximately 3,350 additional residents. The population is dispersed across 26 settlements and 41 localities in a low-density, dispersed settlement pattern. Urban growth is steady and is primarily occurring in Leongatha, the regional service centre, and Nyora, an emerging growth district. The Shire's proximity to Melbourne is the primary driver for lifestyle migration and gradual population growth. Growth is projected to be steady and manageable, reinforcing the Shire's role as a productive agricultural region and lifestyle destination rather than a high-growth metropolitan fringe municipality. This is in part driven by the relocation of agricultural businesses from former rural land on Melbourne's urban fringe to the Shire's rural areas.

The Shire supports 11,157 jobs with an annual economic output of \$4.1 billion. The primary economic driver is agriculture, which includes forestry and fishing. As well as being the largest employment sector, agriculture is the largest contributor to economic output. The dairy industry is particularly significant as are various value-adding and food processing subsectors. Supply chain and service industries are also significant. Climate change projections indicate that South Gippsland's comparatively reliable annual rainfall may enhance the long-term value of its agricultural land, increasing its strategic importance within Victoria.

Tourism is a growing and important economic contributor, based on coastal and marine environments, national parks and rural landscapes which accommodate food, arts and cultural experiences. Key tourism assets include Wilsons Promontory National Park, Corner Inlet, Shallow Inlet, Nooramunga Marine and Coastal Park, Cape Liptrap Coastal Park. Tourism leverages the Shire's natural coastal environments and scenic hinterland landscapes.

3.2. Climate change and other environmental risks

South Gippsland is highly exposed to climate-related risks due to its extensive coastline, low-lying coastal inlets, its agricultural land base, its dispersed rural settlements and its bushfire-prone forested areas such as the Strzelecki Ranges. Projected climate impacts include, sea-level rise, coastal inundation and storm surge, increased erosion of beaches and dunes and cliff instability, increased bushfire risk, reduced water security and changing rainfall patterns and a greater frequency of extreme weather events, including highly destructive windstorms.

Some of the Shire's significant environmental assets are also climate-sensitive areas, such as Wilsons Promontory National Park, Corner Inlet, Shallow Inlet, Nooramunga Marine and Coastal Park, Cape Liptrap Coastal Park. The Shire's coastal settlements face sea level rise impacts, inundation risk, damage to marine and port infrastructure, and degradation of Ramsar wetlands and marine ecosystems. South Gippsland benefits from comparatively reliable annual rainfall while other regions experience increasing water scarcity, the Shire's productive land may grow in strategic importance. However, agriculture remains vulnerable to disrupted rainfall patterns, extreme wind and weather events, soil degradation and catchment scale impacts.

Key environmental pressures include habitat fragmentation, land and water degradation, soil erosion, pest species, declining water quality and salinity. Environmental risks are compounded by historic vegetation loss with only approximately 15% of pre-1750 native vegetation remaining and much of the Shire's remaining biodiversity occurs on private land, making land management critical. Planning for the Shire indicates that high-quality agricultural land should be protected to ensure long-term food

production and economic resilience and that development in high-risk coastal and rural areas should be avoided.

3.3. Productive Agricultural Land

South Gippsland features some of Victoria’s most productive areas of agriculture, especially regarding milk production but also beef, lamb and vegetables. This is largely due to the Shire’s rich agricultural soils, high rainfall and its relative proximity to Melbourne. Agricultural activity, including associated processing and service industry are the basis of the Shire’s economy. The future supply of high-quality agricultural land in the Shire must be carefully managed as this type of land is likely to be increasingly in demand. This is likely to be due to climate change impacts detrimentally affecting other areas of the state which may in turn impact the expansion of local agricultural uses through the supply of more viable undeveloped farming land.

The Shire’s rural landscapes are generally comprised of multi-lot farms, and this type of land tenure can support commercially viable production through the aggregation of smaller lots into larger agricultural operations. The presence of small lots within these rural locations however also invites competing interest from demand for rural dwellings. The Shire’s significant environmental and landscape assets make the area attractive for rural residential lifestyles and the competition from land uses that are often not compatible with intensive farming activities. The proliferation of inappropriate small lot subdivisions creates a constant challenge for land use planning to prevent the loss of productive agricultural land to rural residential development and agritourism.

3.4. Victorian government amendments and advice

The Victoria Planning Provisions are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner’s Guide and new planning practice notes. The full list of Victorian and Regional amendments that have been gazetted, and practice notes that have been released since the last review are included in **Appendix 3**.

A summary of recent key VC Amendments is provided in **Table 1** below. The way in which the SGPS through this review should respond and consider VPP changes at the local level is discussed below and in Appendix 3.

Table 1: Recent Significant VC Amendment - Summary

| Amendment # | Gazettal Date | Summary of Amendment |
|------------------------|----------------|---|
| Amendment VC242 | September 2023 | Introduced two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23 with the Minister for Planning as the responsible authority. |
| Amendment VC243 | September 2023 | Introduced state-wide changes to all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres |
| Amendment VC253 | December 2023 | Introduced a new land use term and siting, design and amenity requirements for a ‘small second dwelling’ into a range of residential and rural zones across Victoria. This replaced the land use term ‘dependent person’s unit’ and made the planning provisions more consistent and easier to build a small second |

| | | |
|------------------------|---|--|
| | | dwelling of 60 square metres or less that meets specified requirements. |
| Amendment VC257 | February 2025 | Introduced Clause 32.10 Housing Choice and Transport Zone (HCTZ) and Clause 43.06 Built Form Overlay (BFO) to support housing growth in and around activity centres and other well-serviced locations in line with Victoria’s Housing Statement, The Decade Ahead 2024-2034. |
| Amendment VC267 | March 2025 | Implemented new residential development planning assessment provisions to boost housing construction to meet future housing needs. Deemed to comply provisions were included in the residential standards at Clause 55 of all planning schemes statewide for the assessment of multi-residential developments of three storeys or less. Deemed to comply standards promoted faster and more certain permit processes exempt from third party appeal. |
| Amendment VC276 | April 2025 | Removed most local variations from residential zone schedules across planning schemes state-wide including landscaping, permeability, side and rear setbacks and walls on boundary. Local variations now limited to minimum street setback, site coverage, private open space and front fences and these can only be made more restrictive. |
| Amendment VC282 | August 2025 | Introduced state-wide changes to all planning schemes to revise and codify residential development standards for single dwellings on lots less than 300 square metres aligned with Amendment VC267. |
| Amendment VC283 | September 2025 | Introduced the <i>Plan for Victoria</i> into all Victorian planning schemes with significant changes to stage and regional planning policies for settlement and regional planning. Regional Growth Plans are now just planning scheme background documents. |
| Amendment VC288 | September 2025 | Introduced state-wide changes to all planning schemes to codify residential development for two dwellings and their subsequent subdivision and for applications to be assessed via VicSmart. |
| Amendment VC300 | March 2026 (operational 16 April 2026) | Implements the Mid-Rise Code into all planning schemes to introduce new deemed to comply assessment provisions for four to six storey residential development in residential zones. |

Planning for Housing

The introduction of more sophisticated schedules to the residential zones (through Amendment VC169), including the ability to include place-based objectives (essentially through preferred neighbourhood character statements), provides an opportunity for Council to introduce controls to manage built form in residential areas more effectively. Planning Practice Notes 90 – Planning for Housing and 91 – Using the Residential Zones provide the advice about how this should be done.

This will assist with achieving sustainability and neighbourhood character objectives, although it is noted that the role of neighbourhood character in determining residential development outcomes has been recently reduced through PPN90. Council has already identified that undertaking structure planning for the key townships is a priority, and the implementation of this work presents a good opportunity to take advantage of the flexibility afforded by the planning for housing reforms.

Plan for Victoria

The Victorian Government released Plan for Victoria in 2025 and implemented it into every planning scheme through Amendment VC283.

The Plan is structured around five pillars:

- Self-determination and caring for Country: underpinning and informing the other pillars.
- Housing for all Victorians: delivering sufficient affordable homes for all Victorians.
- Accessible jobs and services: making sure you have good access to facilities and good jobs.
- Great places, suburbs and towns: creating thriving places that are attractive, safe and welcoming for everyone.
- Sustainable environments: preserving the natural values of Victoria and addressing climate change.

The plan sets out housing targets for every local government area across Victoria, specifying their share of the extra 2.24 million homes that are forecast. The housing target that has been set for South Gippsland is an additional 8,000 dwellings by 2051. The plan also seeks to deliver more jobs near homes by planning for, protecting and readying commercial and industrial land for development in locations well-serviced with jobs, shops, public transport and community facilities and services.

As part the 2.24 million homes needed in Victoria by 2051, the Victorian Government has set a target to build 425,600 of those homes across the regions. There is a new \$1 billion Regional Housing Fund to deliver more than 1,300 new homes across regional Victoria. The new homes will include a mix of social and affordable housing. There is also a \$150 million Regional Worker Accommodation Fund to provide new housing options for regional communities to support key workers to find affordable places to live.

Housing Capacity Assessment Platform (HCAP)

DTP's HCAP is being delivered to support planning authorities with gauging housing capacity under different residential zoning scenarios and will inform the extent to which municipalities have achieved the housing target specified in the PPF and Plan for Victoria. HCAP incorporates the Access to Opportunities and Services (ATOS) tool which provides information about public transport access and the location of jobs and community facilities and services to identify areas where housing change is to be prioritised. Using HCAP will ensure a consistent approach to measuring planning scheme housing capacity across municipalities and this is expected to inform future settlement planning within South Gippsland. Council has sufficient land within our currently identified township boundaries to meet our HCAP target and 2051 housing target of 8,000 new dwellings.

Applying the Buffer Area Overlay

Amendment VC175 introduced the Buffer Area Overlay (BAO) into the VPP. The BAO is an amenity buffer planning tool that is designed to make sure sensitive land uses, such as schools and residences, are not affected by odour or dust from industries operating nearby. This control may be suitable for application around a range of infrastructure assets in the Shire, including wastewater treatment plants. This work is best led by the owners of those assets.

There may be other uses in the municipality where the BAO may be appropriate, such as mining operations, however no obvious ones were identified in this planning scheme review.

4. Previous planning scheme review

4.1. Previous planning scheme review

Council last undertook a comprehensive review of the planning scheme in 2023. The findings of this review were translated into the planning scheme via amendment C129 which was gazetted on Thursday 17 October 2024.

The review found that:

- South Gippsland Shire’s planning scheme is mature, and the organisation is aware of the significant challenges that face the municipality as the impacts of climate change become more pronounced, and the population continues to grow sharply due to regional migration that has occurred since COVID-19.
- This growth has perhaps been a bit unexpected and one of the key findings of this review is that the resourcing of the statutory planning function should be reviewed considering the findings that permit applications have increased significantly (by 30%) and processing times have dramatically increased.
- The three most significant planning challenges facing the municipality related to coastal planning, rural planning and managing the growth of Nyora as it transitions to a higher order township.

The previous review recommended 12 priority actions, most of which were address via Amendment C129. The review did however identify a significant amount of further strategic work, which continue to be implemented progressively and evolve depending on available resources, priorities, budget cycles and potential funding and regional partnership opportunities.

4.2. Progress since last review

4.2.1. Completed projects

Council has implemented the recommendations from the last review through Amendment C129, which was gazetted on 17 October 2024.

Amendment C129 introduced new and revised local content in the MPS and the PPF, revised Schedule 1 to Clause 35.03 (Rural Living Zone), inserted new Schedules 2 and 3 to the RLZ, amended the zone maps to designate all RLZ land as either RLZ1, 2 or 3 and removes onerous permit triggers in the rural zone schedules. It also amended the Schedule to Clause 72.02 to include several new background documents in the Schedule to Clause 72.08 and updated the list of Further Strategic Work in the Schedule to Clause 74.02.

Specifically, the amendment implemented the following actions recommended under the previous review:

1. Implemented the land use and development directions of Council’s adopted strategies and documents, including:
 - Council Plan 2022-2026 (South Gippsland Shire Council (SGSC), 2022)
 - South Gippsland Community Vision 2040 (SGSC, 2022)
 - South Gippsland Economic Development Strategy 2021-2031 (SGSC, 2021)

- South Gippsland Environmental Sustainability Framework 2021 (SGSC, 2021)
 - South Gippsland Social and Affordable Housing Strategy 2022 (Horsnby & Co, 2022)
 - South Gippsland Visitor Economy Strategy 2021-2031 (SGSC, 2021)
 - Gippsland Regional Plan 2020-2025 (Gippsland Regional Plan Leadership Group 2020).
2. Clarified and improved the style, format, language or grammatical form of content in accordance with the requirements of the MDFC and principles set out in A Practitioner’s Guide to Victoria’s Planning Schemes, June 2024 where the intended effect of that clause was not changed.
 3. Updated clause references, department names, legislation names, document references, terminology and statistical data.
 4. Deleted or adjusted content that conflicted with State planning policy and the VPP.
 5. Removed repetitive content.
 6. Removed or updated outdated content.
 7. Reinstated policies that were lost through the PPF translation process for rural planning, localities and strategic framework plans.
 8. Changed the designation of Nyora from ‘Small town’ to ‘Emerging district centre’ and updated the description of Nyora’s future role at Clause 02.03-1 (Settlement).
 9. Included policy at Clause 13.02-1L (Bushfire Planning) to improve the safety of development.
 10. Deleted the words ‘non-residential zones’ from the heading of ESO3, as the control relates to both residential and non-residential areas.
 11. Moved referral requirements to Clause 66.04s rather than being distributed through the ordinance.
 12. Included an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of the review.

Council also implemented the following resourcing related action from the previous review:

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

4.2.2. Projects underway

Council is currently undertaking the following strategic projects, which were not identified under the previous review:

- Regional Precinct and Partnership Plan – focus on Leongatha, Foster and the Barry Beach Marine Terminal and its locality.
- Waratah Bay Coastal Hazard Assessment
- Foster Structure Plan (on hold for completion of flood amendment C135)
- Mirboo North Bushfire Assessment and Structure Plan Implementation.
- Heritage Precinct Project – Loch, Korumburra, Fish Creek and Toora.

- Implementation of 10 completed flood studies by Amendment C135.
- South Gippsland Coastal Strategy planning controls implementation project.
- Nyora North LDRZ precinct development intensification investigation.

4.3. Outstanding work since last review

Items that remain outstanding from the last planning scheme review are:

1. Reduce the design objectives for DDO3 Sandy Point, DDO4 Waratah Bay, DDO5 Venus Bay, DDO6 Tarwin Lower and relocate buildings and work requirements.
2. Remove the subdivision permit trigger from DDO8 – DDO11 as it is not necessary to consider subdivision under the control.
3. Apply planning controls that address land use risk and climate change in coastal areas, including townships, as part of the Coastal Strategy. This may result in an update to the Housing and Settlement Strategy.
4. Review controls on residentially zoned land and, where necessary, undertake character assessments to inform new planning controls to manage development, considering the full suite of residential zones.
5. This should include:
 - Guidance about development on laneways, particularly in Korumburra and Leongatha relating to infill subdivision and development proposals.
 - Review of the existing ESOs and DDOs to ensure they are achieving what is expected from them, are applied at the right scale, have the correct permit triggers in them and sufficient detail to better aid applicant and decision makers.
 - Clearer urban design guidance to assist with balancing the tension between competing objectives and outcomes for the siting and design of buildings and works.
6. Prepare a Rural Landscapes Assessment and review the South Gippsland Rural Land Use Strategy 2011 to check that planning controls are protecting inland and rural hinterlands and transport / tourism routes from inappropriate development. This should address identification and protection of significant landscapes, preservation of agricultural land, and guidance for achieving development outcomes in keeping with scope of agricultural use.
7. This should include:
 - Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protection of local values with input from the community.
 - Review ESO1 Areas of Natural Significance and prepare a detailed statement of significance and reduce the objectives to one. This may require splitting the existing ESO1 into finer grained ESOs to address the specific issues of environmental significance or consider the benefits of translating to the SLP.
 - Review whether the S173 Agreement requirements detailed in the South Gippsland Rural Strategy 2011 can be incorporated into the planning scheme and if not, undertake further strategic work to identify other controls to address dwelling density in rural areas.

- Review rural dwellings and subdivision policy requirements to ensure consistency with State Planning Policy and protect local values, with input via community consultation.
 - Finalise and implement Council’s current review of planning permit triggers in the Shire’s rural areas.
8. Plan Nyora’s growth and infrastructure to accommodate the expected growth in the area and transition it successfully to a higher order town in South Gippsland Shire. This will require a minor review of the Housing and Settlement Strategy, implementation of the Nyora Development Strategy 2016 and may include urban character and flood risk controls.
 9. Facilitate the development of a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the Department of Transport on key transport infrastructure issues.
 10. Prepare the industrial land use strategy to ensure a sufficient, appropriately located supply of industrial land, particularly considering the impacts of offshore energy generation, and the changing needs of the agricultural industry.
 11. Implement the ‘Flood & Drainage Study for Foster and Surrounding Catchments – July 2019’ in partnership with the West Gippsland Catchment Management Authority.
 12. Update the 2004 South Gippsland Heritage Study as necessary and to apply the Heritage Overlay to all heritage places and precincts of local heritage significance.
 13. Apply the Environmental Audit Overlay to known sites of land contamination in accordance with previous Council initiative.
 14. Convert ESO4 Sewer Treatment Plants and Environs and ESO8 Manufacture of Milk Products Amenity to the Buffer Area Overlay (BAO).
 15. Update Clause 15.01-1L-02 (Signage) to provide clearer guidance in relation to the specific outcomes that are sought be achieved in relation to signage within the Shire, to provide clarity for the community and to help Council to refuse inappropriate proposals.

4.4. Obsolete recommendations

Some recommendations from the last review are obsolete or no longer supported. These include recommendations relating to:

1. Apply the Environmental Audit Overlay to known sites of land contamination in accordance with previous Council initiative.
2. Convert ESO4 Sewer Treatment Plants and Environs and ESO8 Manufacture of Milk Products Amenity to the Buffer Area Overlay (BAO).
3. Various drafting changes to SUZ4 and SUZ7, ESO2, ESO7 Coastal settlements and the Parking Overlay.
4. Develop an offset framework to enable appropriate relocation or replacement of habitat of the Giant Gippsland Earthworm resulting from planning decision and determine whether the impacts of hydrology changes on colonies and habitat should be undertaken as part of the assessment process to strengthen 42.01 ESO9 Giant Gippsland Earthworm and Habitat Protection.
5. Seek advice from DELWP about the appropriate tool to manage Special Water Catchments (ESO2).

6. Notify parties that strategic justification is required to facilitate the rezoning of land for future expansion of the Mirboo North Town Centre.

4.5. Findings

While the key priority actions under the previous review were addressed under Amendment C129, there remain several key strategic projects that still need to be initiated from the last review. It is noted that due to the timing of this review that only two years have elapsed between the adoption of the previous review and this one.

Developing a prioritised list of projects to progress through a risk management and community benefit lens will be beneficial to Council and will assist Council in allocating sufficient resources to deliver these projects in a timely way to maintain the useability and responsiveness of the planning scheme.

Several unactioned items from the last planning scheme review, indicated above, are no longer a priority for Council and these should be removed from the list of further strategic work if they no longer serve a purpose.

Findings:

Council should progress the following pieces of further strategic work as a priority:

- **Apply planning controls that address land use risk from climate change in coastal areas and coastal townships, as required by the Coastal Strategy. This may result in an update to the Housing and Settlement Strategy and the strategic directions of the PPF.**
- **Plan Nyora's growth and infrastructure to accommodate the expected growth in the area and transition it successfully to a higher order town in South Gippsland Shire, including a review of the Housing and Settlement Strategy, implementation of the Nyora Development Strategy 2016 and consideration of further development overlays and flood risk controls.**
- **Prepare a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the DTP on key transport infrastructure issues.**
- **Prepare a Rural Landscapes Assessment and review the South Gippsland Rural Land Use Strategy 2011 to align planning controls with adopted policy to protect the Shire's rural hinterlands and tourism routes from inappropriate development. This should provide further policy clarity on identification and protection of significant landscapes, preservation of agricultural land and dwellings within rural areas.**

5. Audit and assessment of current scheme

5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the MDFC, *A Practitioners' Guide to Victorian Planning Schemes* (August 2025) and relevant planning practice notes.

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

The detailed outcomes of the audit have been provided to Council officers, and changes that can be made without further strategic work have been made to the ordinance at **Appendix 2**.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up ordinance at **Appendix 2**. Others require further strategic work to justify the change and are listed as findings.

5.2. Municipal Planning Strategy

As well as the assessment outlined above, the MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

| | | Action |
|---------------------------|--|--|
| Clause no and name | Compliance or changes required | PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
| Word count (5000 or less) | The MPS currently comprises 4,845 words and revisions proposed through the PSR will not increase the MPS above the 5000-word limit. | PSR complies |
| 02.01 Context | As ABS 2021 is outdated and ABS 2026 is currently underway, the data should comply with Council Plan 2025-2029 to reflect the municipality's latest Census data. Make minor amendments to the Context (02.01) to update population and employment data. Update Census data source. | PSR policy neutral amendment |

| | | Action |
|----------------------------|---|---|
| | | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 02.02 Vision | <p>Update the Council Plan from 2022-2026 to 2025-2029 as following:</p> <p>“South Gippsland: celebrating our First Peoples, diverse populations, culture, heritage, environment, agriculture and industries. We support and empower positive change through education and action. We sustainably adapt to protect and enhance our unique natural environment, towns and villages through community-led planning and initiatives. We’re an inclusive community, a place where people come to visit and want to stay.”</p> | PSR policy neutral amendment |
| 02.03 Strategic directions | | |
| 02.03-1 Settlement | <p>Add comma before ‘particularly’: ‘Housing growth is mostly occurring in settlements near the South Gippsland Highway, particularly Leongatha, Korumburra and Nyora.’</p> <p>Delete ‘-in ‘un-serviced’: Revise to: ‘The Shire includes fully serviced, partly serviced and un-serviced settlements.’</p> <p>Under settlement hierarchy, replace ‘have been’ to ‘are’.</p> <p>Adjustments to settlement hierarchy as per Plan for Vic:</p> <ul style="list-style-type: none"> • Leongatha is a ‘regional service centre’. • Include a reference to the housing target for 11,000 dwellings to be delivered in the shire by 2050 <p>Include as per Plan for Victoria:</p> <ul style="list-style-type: none"> • Facilitate housing growth within established settlements to support achieving the municipal housing target of 11,000 dwellings by 2051. | PSR policy neutral amendment |

| | | Action |
|---|--|---|
| | | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 02.03-2 Environmental values and landscapes | Complies, no change required. | PSR complies |
| 02.03-3 Environmental risks and amenity | Add comma after 'which': 'South Gippsland relies on key industries such as agriculture and tourism, which are particularly vulnerable to climate change impacts.' | PSR policy neutral amendment |
| 02.03-4 Natural resource management | Complies, not change required. | PSR complies |
| 02.05 Built environment and heritage | Complies, not change required. | PSR complies |
| 02.03-6 Housing | <p>Under strategic directions, the following should be revised from 'Continuation of commercial agricultural in rural areas' to 'The continuation of commercial agriculture in rural areas'. Council has a Social and Affordable Housing Strategy 2022. However, the scheme does not have an objective to achieve affordable and social housing delivering in the municipality. Therefore, add new strategic directions:</p> <ul style="list-style-type: none"> • Support affordable and social housing being delivered in towns with good access to opportunities and services. • Ensure affordable and social housing stock meets community needs. | PSR policy neutral amendment |

| | | Action |
|---------------------------------|---|---|
| Clause no and name | Compliance or changes required | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 02.03-7 Economic development | <p>Correction: 'Value-adding manufacturing and processing plays an important part in the future economic growth opportunities in the Shire. The lower operational costs for businesses and the unique lifestyle that the Shire offers should be promoted to attract new employment opportunities and population growth.'</p> <p>Add comma before 'while': 'Growth opportunities exist in eco-tourism, while agricultural and farming activities can service the industry through the development of agri-tourism.'</p> | PSR policy neutral amendment |
| 02.03-8 Transport | Complies, no change required. | PSR complies |
| 02.03-9 Infrastructure | Add comma before 'as well as' after 'improvements': 'The location and management of waste disposal facilities, as well as the provision of reticulated water and sewerage services and stormwater drainage improvements, are necessary to minimise impacts on the environment and accommodate future population growth.' | PSR policy neutral amendment |
| 02.04 Strategic framework plans | <p>Currently, the mapping only shows the context of the LGA and does not set or display the strategic framework plan.</p> <p>The town hierarchy in the Framework Plan map does not comply with those in the Settlement section in clause 02.03-1. (e.g. the framework plan map only shows regional centres and towns, while clause 02.03-1 details a hierarchy of towns with principal centre, large district centre, emerging district centre, district towns, small towns, villages, coastal villages, hamlets and localities.)</p> | PSR Policy neutral amendment |

5.3. Planning Policy Framework

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

| Clause no. and name | Changes required | Action |
|-----------------------|---|---|
| SETTLEMENT | | |
| 11.01-1L-01 Leongatha | <p>Leongatha Framework Plan: The plan needs to label and establish the extent of the Southern Leongatha growth area, since the map is referenced later in Clause 11.01-1L-02.</p> <p>Settlement policy guidelines: The first Settlement policy guideline contains two verbs while defining a future strategic action. ‘Zoning’ is also not in the approved list of verbs from the practitioner’s guide. Replace ‘Encouraging the rezoning of’ with ‘Support the development of.’</p> <p>Also, if rezoning is desired this should be put in as future strategic work in Clause 74.02.</p> <p>Settlement policy guidelines: The third policy guideline duplicates the DPO provisions. Policy guidelines also cannot define procedures or future actions. Consider turning this policy guideline into a strategy that states the following: ‘Encourage new residential estates to be integrated with existing residential areas and provide active transport connections to the town centre and amenities.’ Such a strategy can form the basis for a DPO. Consider future work that applies the DPO to all areas identified as ‘urban residential expansion areas’ in the framework plan.</p> <p>Economic Strategies: This phrase in the 5th strategy contains two ideas. Split this strategy into two separate strategies: 1.) ‘Establish a bulky goods retail precinct on the western side of the South Gippsland</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> <p>PSR policy neutral amendment</p> |

| Clause no. and name | Changes required | Action |
|--|--|---|
| | <p>Highway, towards the southern entry of the township’ and 2.) ‘Establish a commercial use precinct at the southern entry of the town, along the eastern side of the South Gippsland Highway, for uses that should be located away from the town centre.’</p> <p>Economic strategies: The 7th strategy contains two verbs: ‘Promote the expansion of industrial uses into the land north and west of the golf course recreation reserve while integrating the potential for heavy vehicle connectivity to the South Gippsland Highway.’ Replace ‘promote the expansion of’ with ‘direct’.</p> <p>Infrastructure strategies: In the first strategy, ‘strong’ should be removed since it does not signify a clear desired outcome. It may also be useful to name the specific community assets.</p> <p>Infrastructure strategies: The second strategy has been duplicated in other settlement policy frameworks like the one in Korumburra. Consider making this strategy as one that applies for the entirety of the Shire and relocate the strategy to a new local policy under Clause 18.01-1S: Land Use and Transport Integration.</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 11.01-1L-02 Southern Leongatha growth area | <p>Bulky goods retail area & Highway frontage commercial area policy guidelines: Land-use related policy guidelines for both areas should be implemented through zoning instead (i.e. C1Z, C2Z) via a future PS amendment related to the Southern Leongatha Growth Area – could be put in Clause 74.02- Future Strategic Work.</p> <p>Bulky goods retail area strategies: Amend these strategies:</p> | <p>PSR policy neutral amendment</p> |

| Clause no. and name | Changes required | Action |
|---------------------|--|---|
| | <p><i>Encourage large floor-plate developments/uses defined as Restricted retail premises to the Bulky Goods Area.</i></p> <p><i>Discourage commercial or community uses that may detract from the primacy of the Town Centre.</i></p> <p><i>Discourage uses, such as industrial uses, that may detrimentally affect the amenity of surrounding sensitive land uses.</i></p> <p>Bulky goods retail area strategies: Also remove phrase ‘such as industrial uses’ from third strategy. A proposed commercial area, implemented through zoning, should preclude industrial uses on its own. A commercial zone has yet to be applied as of now so this should be included as future strategic work.</p> <p>Urban expansion areas strategies: The wording of the third strategy is unclear. Change to: ‘Avoid the creation of residential lots in the Coalition Creek flood plain, unless the proposed development and any proposed accessways are above the flood level.’</p> <p>Strengthen the meaning of the fourth strategy: ‘Avoid residential lots with boundaries adjoining the highway frontage commercial uses.’</p> <p>Landscape and built form policy guideline: The second policy guideline could be achieved by selecting a residential zone with an appropriate maximum height or allows for a schedule that specifies a maximum height or via a built form overlay. This policy should be removed, and the desired outcome should be achieved through future strategic work.</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |

| Clause no. and name | Changes required | Action |
|------------------------|--|---|
| | <p>Infrastructure strategies: Clarification of wording also needed in the 7th strategy.’ Split into separate directions:</p> <p>“Ensure reticulated sewerage assets are provided to allow for the (full / final / complete) development of surrounding land so that asset duplication and incremental upgrades are avoided.”</p> <p>Infrastructure policy guidelines: Both policy guidelines could be achieved with a DPO that requires applications for subdivisions to provide open space with the prescribed specifications. These policies should be removed, and the desired outcome should be achieved through future strategic work.</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 11.01-1L-03 Korumburra | <p>Settlement strategies: The first strategy presumes an action/measure (re-zoning) that should be implemented through further strategic work. Since mention of the 15-year supply is used to justify the rezoning, this justification should also be removed. Reword to: ‘Manage the availability and development of residential land by directing development to areas identified in the Korumburra Framework Plan.’ If rezoning is desired this should be put in as future strategic work in Clause 74.02</p> <p>Settlement strategies: The second strategy can make use of bullet points, as below:</p> <p>‘Encourage new residential developments to:</p> <ul style="list-style-type: none"> - Be integrated with existing residential areas and infrastructure. - Provide pedestrian and cycling connectivity to the Town Centre and key community features. - Protect the environmental values of the land, especially the waterways.’ | <p>PSR policy neutral amendment</p> |

| Clause no. and name | Changes required | Action |
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| | <p>Settlement strategies: Adjust wording in third strategy: ‘Promote higher density residential development and retirement living on land within inner township residential areas <i>that have</i> convenient pedestrian access to the Town Centre.’</p> <p>Settlement strategies: Clarify what the ‘the “manufacture of milk products” operations’ is in the 6th strategy (i.e. naming it ‘the dairy factory’ as this is what’s written on the framework plan).</p> <p>Landscape and built form strategies: The first strategy should be relocated to Clause 15.01-1L-01.</p> <p>Infrastructure strategies: identify and name the community assets stated in the first strategy to provide greater specificity or delete strategy.</p> <p>Infrastructure strategies: Remove second strategy (see comments for similar strategy in Leongatha)</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 11.01-1L-04 Korumburra Town Centre | <p>Economic strategies: It is unclear as to what ‘active retail uses’ mean in the second strategy. This should be removed.</p> <p>Economic strategies: In the third strategy, the strategic justification to accommodate large floor space developments is unclear. There are state policies that support the consolidation of commercial areas but not the consolidation of commercial lots. Reword to “Support consolidation of sites to accommodate a Preferred Major Retail Use as indicated on the town centre strategic map.”</p> <p>Landscape and built form strategies: More concise wording is needed for the first bullet point of the second strategy. Remove ‘fine grain’. Reword to: ‘Provide smaller specialty retail shops and active, pedestrian-friendly frontages along Commercial Street.’</p> | <p>PSR policy neutral amendment</p> |

| Clause no. and name | Changes required | Action |
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| | <p>Remove duplication of intent regarding maintenance of views in the 4th under strategy / 2nd dot point.</p> <p>Intention of the 4th strategy is unclear. The significance of the Bridge/Commercial Street site is not highlighted within the framework plan, zoning nor any overlay. This strategy should be removed unless the significance of the location can be justified.</p> <p>Infrastructure strategies: The first strategy is too long. Reword to: ‘Encourage developments to provide passive surveillance to public open spaces and identified pedestrian access routes to enhance pedestrian safety.’</p> <p>The second strategy should be reworded for clarity.</p> <p>Remove railway underpass strategy as no longer relevant.</p> <p>Infrastructure policy guideline: Remove strategy and reference the existing 2013 parking strategy or flag a revised parking strategy for Korumburra Town Centre as part of future strategic work and add to Clause 74.02.</p> <p>Korumburra Community Hub strategies: Remove all hub strategies.</p> <p>Korumburra Town Centre Strategic Framework Plan: The Framework plan is incorrectly referred to across the clause, should be referred to as ‘Korumburra Town Centre Framework <u>Strategic</u> Plan’ instead. Rename plan “Korumburra Town Centre framework plan”</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 11.01-1L-05 District towns – Foster and Mirboo North | <p>General strategies: Remove the first and second strategies given that it does not expand on state level policy nor the MPS.</p> <p>General strategies: The fourth strategy contains two ideas: densities and</p> | <p>PSR policy neutral amendment</p> |

| Clause no. and name | Changes required | Action |
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| | <p>development staging. Split this into two separate strategies.</p> <p>General strategies: The fifth strategy should be relocated to a new local policy under Clause 19.02-6S: Open Space.</p> <p>Foster strategies: The second strategy is unclear. ‘Areas close to the township’ may be interpreted as areas located immediately outside of the settlement boundary or areas contiguous from the TZ. Reword for clarity.</p> <p>Relocate 3rd strategy to 15.01-3L: subdivision design.</p> <p>Relocate 6th strategy to 17.04-1L: Tourism – South Gippsland as a locally specific strategy.</p> <p>Mirboo North economic strategies: Relocate 4th strategy to 17.04-1L in Tourism- South Gippsland.</p> <p>Mirboo North access strategies: Relocate 1st strategy to Clause 15.01-3L Subdivision design – South Gippsland.</p> <p>Mirboo North access strategies: Relocate 2nd strategy to a new local policy under 18.01-2S: Transport System.</p> <p>Mirboo North access strategies: Relocate 3rd strategy to a new local policy under 18.01-3S: Sustainable and safe transport</p> <p>Mirboo North landscape and built form strategies: Relocate the first strategy to 15.01-2L-01 Building design – residential.</p> <p>Delete first strategy</p> <p>Relocate the second, third and fourth strategies to Clause 15.01-1L-01 Urban Design. For the third strategy, consider replacing term ‘high-quality’ with something more specific (e.g. walkable, amenable, compact).</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |

| Clause no. and name | Changes required | Action |
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| | <p>Mirboo North landscape and built form strategies: Relocate the last strategy to 12.01-1L: Biodiversity or delete strategy.</p> <p>Mirboo North Open space strategies: Remove the first strategy since it does not expand on any state level policies.</p> <p>Mirboo North Open space strategies: The second strategy should be relocated to a new local policy under Clause 19.02-6S: Open Space or delete strategy in favour of state policy directions.</p> <p>Mirboo North Open space policy guideline: Move policy guideline to Clause 19.02-6S: Open Space or delete strategy in favour of state policy directions.</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| <p>11.01-1L-06 Small towns – Fish Creek, Loch, Meeniyan, Nyora, Poowong and Toora</p> | <p>General strategies: Relocate the first strategy to Clause 19.03-2L: Infrastructure design and provision – South Gippsland.</p> <p>General strategies: Remove the second strategy given that it does not expand on the MPS or any state strategy.</p> <p>General strategies: Delete 12th as this duplicates previous strategies.</p> <p>General strategies: Reorder strategies so that all use strategies all environmental strategies and all infrastructure strategies are grouped and can be read sequentially.</p> <p>Loch Strategies:</p> <p>The first dot point of the second strategy duplicates direction under 19.03-2L Infrastructure design. The second bullet point of the second strategy invokes the need for future strategic work which should be relocated to Clause 74.02: Future Strategic Work.</p> <p>Meeniyan strategies:</p> <p>The 2nd strategy refers to a ‘town centre precinct’ which is not defined on the framework plan. Additionally, this direction corresponds with the allocation of the C1Z</p> | <p>PSR policy neutral amendment</p> |

| Clause no. and name | Changes required | Action |
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| | <p>and therefore is somewhat redundant. The Third strategy does not define what are ‘appropriately zoned locations on the South Gippsland Highway’ – Delete.</p> <p>Nyora strategies: 1st dot point under 1st strategy duplicates direction under 19.03-2L Infrastructure design. 3rd bullet point under 1st strategy: Policy cannot define procedures or application requirements. This sentence invokes a requirement to provide a ‘comprehensive assessment, feasibility study and costing’ should be removed.</p> <p>Nyora strategies: Fourth and fifth bullet point under first strategy: invokes the need for future strategic work. Implementation of a DPO in places where they have not been applied yet, should be added to Clause 74.02. Implementation of a DCPO should also be added as future strategic work. The two sentences regarding the DCPO and DPO should be removed since it pre-empts future strategic action.</p> <p>Nyora economic strategies: Fix grammar and simplify the sentence of the first strategy. Reword to: ‘Encourage light industry to be located within the designated industrial area on Watts Road.’</p> <p>Nyora economic strategies: The fifth strategy specifies a procedure on approving subdivision proposals that is counter to the operation of the zone as subdivision can be approved separately from development. Delete.</p> <p>Nyora infrastructure strategies: Policy documents are mentioned in the first strategy are either not incorporated or are not background documents (Council’s Paths and Trails Strategy and Melbourne Water’s Shared Pathway Guidelines (January 2009)).’</p> <p>Include these documents as policy guidelines.</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |

| Clause no. and name | Changes required | Action |
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| | <p>Nyora town centre strategies: For the second bullet point under the first strategy, replace ‘appear low rise’ with ‘a low-rise appearance’.</p> <p>Nyora town centre strategies: For the third bullet point of the 4th strategy, ‘integrate’ should be past tense.</p> <p>Nyora town centre strategies: For the fourth bullet point of the 4th strategy, rephrase to: ‘Located on building frontages and verandahs, where protrusions above verandahs, roof lines or parapets are avoided.’</p> <p>Nyora town centre strategies: For the final strategy, remove capitalisation for sign types.</p> <p>Poowong strategies: Remove ‘the’ before ‘Poowong Ranceby Road’ in second strategy</p> <p>Toora strategies: In the last strategy, replace the first ‘the’ with ‘its’.</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 11.01-1L-07 Villages – Koonwarra and Welshpool | <p>Welshpool strategies: Rephrase third strategy to refer to character, not image.</p> | <p>PSR policy neutral amendment</p> |
| 11.01-1L-08 Coastal Village – Port Welshpool, Sandy Point, Tarwin Lower, Venus Bay, Walkerville, Waratah Bay and Yanakie | <p>Add an ‘s’ to the end of ‘village’ in the title of strategy.</p> <p>General strategies: First strategy: meaning of ‘low-scale’ unclear- Low density? Low building height? Small building mass? Consider “Maintain the low-density scale by discouraging further subdivision”.</p> <p>General strategies: Fourth strategy: rephrase to: ‘Design development to minimise impact on the viewshed of key viewing locations, particularly town approaches and areas of higher elevation in the coastal landscape.’</p> <p>Port Welshpool strategies: Second strategy can benefit from clearer wording. Rephrase to: ‘Encourage medium-scale tourism that is compatible with any environmental</p> | <p>PSR policy neutral amendment</p> |

| Clause no. and name | Changes required | Action |
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| | <p>constraints in the tourism area identified in the Port Welshpool Framework Plan.’</p> <p>Tarwin Lower strategies: Remove ‘the’ from the final strategy.</p> <p>Venus Bay strategies: Remove ‘projected’ from the first strategy</p> <p>Venus Bay strategies: The second strategy mentions that commercial development should be in accordance with the ‘Venus Bay Tourism Precinct Plan’. Consider implementing directions from the Precinct Plan as policy guidelines for Venus Bay, adding the Plan as a policy document, and removing reference to the plan from the strategy. The ‘Commercial 1 Zone Investigation Area’ should also be identified in the Venus Bay Estate 1 Framework Plan. Once identified, the strategy should be rephrased to: ‘Direct commercial services and facilities to the Commercial 1 Zone and the Commercial 1 Zone Investigation Area identified in the Venus Bay Estate 1 Framework Plan.’ Or Include reference to the ‘Venus Bay Tourism Precinct Plan (South Gippsland Shire Council, June 2020) as a policy guideline.</p> <p>Venus Bay Strategies: Delete the fourth strategy as it is not clear ‘what kinds of style are each estate supposed to have?’</p> <p>Venus Bay Estate 1 framework plan: Make the change suggested above.</p> <p>Walkerville strategies: For the second strategy, add a comma after ‘Walkerville South’, replace the first ‘which’ with ‘that’ and remove the second ‘which’. Consider using better wording to explain what ‘(non-retail commercial facilities that can) be readily confined to a house or residential property’ means. IF this means home based business then delete as this is a use allowed under the zone.</p> | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |

| Clause no. and name | Changes required | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
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| | <p>Walkerville strategies: Add ‘the’ behind ‘flora and fauna’ for the third strategy.</p> <p>Walkerville strategies: Fourth strategy: Add ‘that’ after ‘ensure’ and remove ‘is controlled to’. In subsequent bullet points update verb conjugation (e.g. change ‘minimise’ to ‘minimises’)</p> <p>Walkerville strategies: Delete – what kinds of style are each estate supposed to have?</p> <p>Waratah Bay strategies: replace reference to ‘hamlet’ with ‘village’. Fifth strategy: insert a reference to “Coastal Spaces Landscape Assessment Study (Planisphere, December 2006)”.</p> <p>Yanakie strategies: Remove ‘the’ before ‘Meeniyah Promontory Road’</p> | |
| 11.01-1L-09 Hamlets – Bena, Buffalo, Dumbalk, Jumbunna, Kongwak, Mirboo, Port Franklin, Ruby and Stony Creek | <p>Stony Creek strategies: For the first strategy, replace ‘proliferation of rural dwellings’ to ‘rural dwelling developments’. Remove ‘where’.</p> <p>Noting that there are no strategies for ‘Ruby’ although there is a Framework Plan.</p> | PSR policy neutral amendment |
| 11.01-1L-10 Localities – Agnes, Arawata, Darlimurla, Hedley, Kardella, Nerrena, Strzelecki | <p>All localities strategies: All four strategies should be removed since it does not expand on the state level settlement strategy nor the MPS.</p> <p>Arawata, Darlimurla, Hedley, Nerrena & Strzelecki strategies: Regarding the strategy: ‘Encourage multiple uses of community facilities to maximise efficient use of the asset’, it is better to specify the exact community facility the strategy is referring to so that the strategy can expand on state policy. Consider moving this strategy to ‘all localities strategy’ given the number of duplications.</p> <p>Darlimurla & Hedley policy guidelines:</p> <p>Directly state the relevant strategy/direction on parcel consolidation from the restructure</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
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| | <p>plan – i.e. “Support consolidation of small Crown lots.”</p> <p>Hedely strategies: the lots must be in proximity to the rail trail as it is currently or as it is proposed.</p> <p>Arawata & Kardella Strategies: Remove the strategies regarding the Giant Earthworm since it duplicates the strategy in Clause 12.01-1L.</p> | |
| 11.01-1L-11 Other localities | <p>Settlement strategies: Both strategies should be removed since it does not expand on the state level settlement strategy nor the MPS.</p> <p>Replace the reference to ‘sense of place’ with ‘Enhance the sense of arrival at’ – for consistency of intent across all localities.</p> <p>Landscape and built form strategies: Rephrase the second strategy to ‘Promote ecologically sustainable, sympathetically designed and well-located development that complements the environmental, topographical and landscape values of the surrounding area.’</p> <p>Environmental strategies: Remove the first strategy since it duplicates the strategy in Clause 12.01-1L.</p> <p>Infrastructure strategies: The strategy should be removed since it does not expand on the state level settlement strategy nor the MPS.</p> | PSR policy neutral amendment |
| ENVIRONMENT VALUES AND LANDSCAPES | | |
| 12.01-1L Biodiversity | <p>The strategies, 1.) ‘Retain and enhance areas of remnant vegetation within urban areas’ and 2.) Protect and enhance areas of indigenous and native vegetation where possible in development can be combined into one strategy.</p> <p>Combine the two strategies to: ‘Retain and enhance areas of remnant and native</p> | PSR policy neutral amendment |

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| | | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| Clause no. and name | Changes required | |
| | vegetation within existing urban areas and in future development sites’. | |
| 12.05-2L-01 Coastal and hinterland landscapes | Complies, no change required. | PSR complies |
| 12.05-2L-02 Significant landscape character area | Complies, no change required. | PSR complies |
| ENVIRONMENTAL RISKS AND AMENITY | | |
| 13.01-1L Natural hazards and climate change – South Gippsland | Complies, no change required. | PSR complies |
| 13.02-1L Bushfire Planning – South Gippsland | Complies, no change required. | PSR complies |
| 13.07-1L Land use compatibility – South Gippsland | Complies, no change required. | PSR complies |
| NATURAL RESOURCE MANAGEMENT | | |
| 14.01-1L-01 Rural dwellings | <p>The sentence ‘The dwelling is necessary for the operation of and secondary to the use of the land for agriculture.’ duplicates the meaning of a part of another strategy - ‘The dwelling is proposed in association with agriculture, is genuinely required to carry out a long-term agricultural activity on the land and will provide a net benefit to agricultural productivity.’</p> <p>In policy guidelines, the first dot point is contrary to the objective of the clause in specifying a rural residential lot of 4.1 hectares and should be reviewed and/or deleted.</p> <p>Delete the following strategies that are duplicated above:</p> | PSR further strategic work |

| Clause no. and name | Changes required | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
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| | <p><i>Avoid dwellings in association with agricultural uses (other than Grazing animal production or calf rearing) unless:</i></p> <ul style="list-style-type: none"> ■ <i>The dwelling is necessary for the operation of and secondary to the use of the land for agriculture.</i> ■ <i>Any proposed agricultural use does not compromise the operation of adjacent or nearby agricultural activities.</i> ■ <i>The agricultural use cannot be reasonably managed from an off-site location.</i> <p>Incorporate the last dot point into the first strategy:</p> <p><i>Avoid dwellings unless:</i></p> <ul style="list-style-type: none"> ■ <i>The agricultural activity requires the presence of a resident land manager and cannot be reasonably managed from an off-site location.</i> <p>Policy Guidelines:</p> <p>Reword 2nd dot point to align with definition used in clause 14.01-1L-03:</p> <p>A lot that is predominantly occupied by remnant native vegetation is a lot that is at least 50 per cent covered by remnant native vegetation or regrowth over 15 years old.</p> <p>Revise clause with new Rural Land Use Strategy.</p> | |
| 14.01-1L-02 Second and subsequent dwellings in rural areas | Revise clause with new Rural Land Use Strategy through further strategic work. | PSR complies |
| 14.01-1L-03 Rural dwellings on lots with remnant native vegetation | Revise clause with new Rural Land Use Strategy through further strategic work. | PSR complies |

| Clause no. and name | Changes required | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
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| 14.01-1L-04 Land use and dwellings in the Rural Activity Zone | <p>Planners feedback indicates there is conflicting direction within this policy.</p> <p>Review whether policy guidelines are allowed to specify which use should be encouraged or discouraged in the RAZ. Verify whether the clause aligns with the objectives of the RAZ.</p> <p>The list of land use encouraged and discouraged sometimes conflicts with the section 1, 2 and 3 uses within the RAZ provisions. Cattle feedlot is discouraged in the strategy but feedlots with less than 1000 cattle are a section 1 use. Check all land uses to see if any more conflict based on more recent VC Amendments.</p> <p>Consider whether specifying a rural residential lot of 4.1 hectares is appropriate in the RAZ.</p> <p>Revise with new Rural Land Use Strategy through further strategic work.</p> | PSR further strategic work |
| 14.01-1L-05 Subdivision in the Farming and Rural Activity Zones | <p>The following bullet pointed sentence is too long and also is confusing:</p> <p>‘(If) it is a re-subdivision of existing land titles where that potential exists. Land from former road reserves, lots under the minimum lot size specified under the schedule to the zone created by consolidation or other subdivision process and historic lots on former inappropriate Crown settlements and townships cannot be used for this purpose.’</p> <p>Recommend these caveats be deleted as it is not clear why any land, as described above, cannot be used for a boundary realignment / re-subdivision, as this would create larger lots without dwellings for agricultural purposes as is supported in the strategy below. Further justification for this is needed.</p> | PSR further strategic work |

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| Clause no. and name | Changes required | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| | <p>Consider whether specifying a rural residential lot of 4.1 hectares is appropriate in the FZ and RAZ.</p> <p>Revise with new Rural Land Use Strategy through further strategic work.</p> | |
| 14.01-2L-01 Sustainable agricultural land use – South Gippsland | Complies, no change required. | PSR complies |
| 14.01-2L-02 Marine industry and farm forestry | <p>Duplicate verbs - ‘support’ and ‘facilitate’ both used in each strategy. Select one only.</p> <p>Minor wording changes for clarity:</p> <p>Support the development of farm forestry in appropriate locations, such as land which is less suited to higher value agricultural production, including diary and crop raising.</p> | PSR policy neutral amendment |
| BUILT ENVIRONMENT AND HERITAGE | | |
| 15.01-1L-01 Urban design | Remove the last strategy as it duplicates the 2 nd strategy. | PSR policy neutral amendment |
| 15.01-1L-02 Signs | <p>Reword 1st strategy:</p> <p>Discourage signs, such as third-party promotion signs, that do not relate to the use or development of the land on which they are sited.</p> | PSR policy neutral amendment |
| 15.01-2L-01 Building design - residential | Complies, no change required. | PSR complies |
| 15.01-2L-02 Industrial development design | <p>Strategies</p> <p>1st strategy is quite general – repurpose this as a new objective.</p> <p>3rd strategy is confusing – how would height and bulk of the development enhance amenity? Rephrase this strategy to preserve or not impact the amenity.</p> <p>Provide a new strategy discouraging fences along site frontages.</p> <p>The policy guideline ‘Siting and designing buildings to maximise the use of natural</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
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| | <p>light and solar energy’ functions better as a strategy.</p> <p>The policy guideline ‘Encouraging north-facing windows to maximise solar efficiency’ should use a clearer verb such as ‘utilise’ so as to read ‘Utilise north-facing windows to maximise solar efficiency’.</p> <p>The following policy guidelines are counter to other direction within the PPF on maximising ground water penetration and site permeability:</p> <ul style="list-style-type: none"> ■ Sealing car parking and access areas, including loading & unloading areas, with an all-weather surface, such as asphalt, concrete or brick pavement. ■ Surfacing external storage areas in either a gravel or all-weather surface such as asphalt or concrete. <p>Recommend these be deleted.</p> | |
| 15.01-3L Subdivision design – South Gippsland | ‘Restructure’ is not an approved verb in the practitioner’s guide. Change to ‘Facilitate the restructuring of...’ or choose another approved verb like ‘consolidate’. | PSR policy neutral amendment |
| 15.01-6L Open farmed landscapes | <p>This clause may benefit from an ‘application’ section (i.e. all land in the FZ and RAZ).</p> <p>Delete 1st strategy as it is not definable or measurable.</p> | PSR policy neutral amendment |
| 15.03-1L Heritage | Remove reference to alternative uses only being allowed where permitted by the zoning or the schedule – this is unnecessary and the schedule only refers to ‘prohibited’ uses not ‘alternative’ ones. | PSR policy neutral amendment |
| HOUSING | | |
| 16.01-1L Housing supply in South Gippsland | <p>Strategies:</p> <p>Remove unnecessary qualification in the 4th strategy “for diverse and special household needs (including low-income households, people with disabilities)”.</p> | PSR policy neutral amendment |

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| Clause no. and name | Changes required | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| | <p>Remove unnecessary qualification in the 5th strategy “for younger people”.</p> <p>Update ‘nursing home accommodation’ to ‘residential aged care facility’ to align with land uses in Clause 73.03 in 6th strategy and remove confusing reference to ‘aged care services’ and replace with ‘community’ services.</p> <p>In 6th strategy update terminology on settlement hierarchy to align with the strategic framework plan.</p> <p>In 7th strategy update reference to ‘hostel accommodation’ to ‘rooming houses’ as per clause 73.03.</p> <p>Policy guideline is essentially a restatement of the 2nd strategy – incorporate within strategy.</p> | |
| 16.01-2L Housing affordability – South Gippsland | <p>The clause doesn’t expand on the parent provision. The clause should be kept only if the strategies provide more specificity (i.e. provide affordable and social housing within walking distance of identified commercial or civic areas of each town).</p> <p>Consider whether further details from the referenced policy document could be provided as strategies within this clause.</p> | PSR further strategic work |
| ECONOMIC DEVELOPMENT | | |
| 17.01-1L Diversified economy – South Gippsland | <p>The following strategy can benefit from greater specificity: ‘Encourage opportunities for the expansion of industry and the provision of related infrastructure.’</p> <p>Is the provision of related infrastructure linked to the expansion of industry? Which areas or places should expansion of industry be encouraged in? This also somewhat conflicts with the direction to ‘Direct industrial uses to within existing industrial precincts’. Both of these strategies do not appear to offer much</p> | PSR further strategic work |

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| Clause no. and name | Changes required | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| | value above and beyond the allocation of the Industrial Zone – recommend deletion. New Industrial Land Use Strategy Needed. | |
| 17.02-1L Commercial, office and retail uses | Repurpose the policy guideline as an objective and remove the second ‘supply’. Does the following provision: ‘encourage the redevelopment of existing retail facilities within town centres’ expand on any existing state provisions? Consider defining ‘town centre’ as ‘commercial or town centre areas identified in settlement framework plans’. | PSR policy neutral amendment |
| 17.03-1L Industrial land supply | Repurpose the policy guideline. Clarification needed on the term ‘value add industries’. Consider stating the exact type of industry encouraged (e.g. ‘food processing industries’), otherwise it is best to remove this reference. Remove reference to ‘dairy and value add’ replace with more general wording. ‘ | PSR policy neutral amendment |
| 17.04-1L Tourism – South Gippsland | Consider whether other strategies from Clause 11.01-1L should be included in this clause. Add generic tourism strategies from 11.01-1L-05 | PSR policy neutral amendment |
| TRANSPORT | | |
| 18.02-1L Walking – South Gippsland | Objective added. Consider whether other strategies from Clause 11.01-1L should be included in this clause. Add generic access related strategies from 11.01-1L-05 | PSR policy neutral amendment |
| 18.02-4L Road system – South Gippsland | Consider whether other strategies from Clause 11.01-1L should be included in this clause. Rail strategies from 11.01-1L-01 and 11.01-1L-03 added. | PSR policy neutral amendment |

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| | | PSR complies. |
| | | PSR further strategic work. |
| | | PSR policy neutral amendment. |
| | | PSR full amendment. |
| Clause no. and name | Changes required | |
| 18.02-6L Ports – South Gippsland | Complies, no change required. | PSR complies |
| 18.02-7L Leongatha Aerodrome/Airport | Complies, no change required. | PSR complies |
| INFRASTRUCTURE | | |
| 19.01-2L Alternative energy sources – South Gippsland | <p>The meaning and application of ‘character’ in the first strategy is unclear. Presuming that the term is referring to landscape character, it may be helpful to define the kinds of places which the character of the area can be detrimentally affected by renewable energy structures, such as in view corridors or ridgelines.</p> <p>Consider integrating the following two strategies: 1.) ‘Discourage structures associated with alternative energy production that detrimentally affect the character of the area’ and 2.) ‘Discourage tall structures on ridgelines or in view corridors.’</p> | PSR policy neutral amendment |
| 19.02-1L Health facilities – South Gippsland | <p>Duplicate verbs - ‘support and promote’. Delete promote.</p> <p>Delete policy document reference to now expired Municipal health and wellbeing plan</p> | PSR policy neutral amendment |
| 19.02-2L Education facilities – South Gippsland | Complies, no change required. | PSR complies |
| 19.02-4L Community facilities – South Gippsland | <p>Complies, no change required.</p> <p>Consider whether other strategies from Clause 11.01-1L should be included in this clause.</p> | PSR complies |
| 19.03-2L Infrastructure design and provision – South Gippsland | <p>Consider expanding on the meaning of a ‘consistent approach’.</p> <p>Include sewerage system strategy from Clause 11.01-1L-06.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|--|
| | Reference to Infrastructure Design Manual (Local Government Infrastructure Design Association, 2022) – does this version need to be '(as amended)' as per other instances such as in overlay schedules or updated to 2025? | |
| 19.03-3L Integrated water management – South Gippsland | <p>Consider referencing the settlement hierarchy in the following strategy to provide more specificity: 'Support provision of reticulated sewerage to un-serviced townships.'</p> <p>Unclear what 'new technology' means in the following strategy: 'Promote the use of new technology in wastewater system design, testing and management.'</p> <p>Delete the first and third strategies:</p> <p>Support provision of reticulated sewerage to un-serviced townships.</p> <p>Promote the use of new technology in wastewater system design, testing and management.</p> | PSR policy neutral amendment |
| 19.03-4L Telecommunications conduits – South Gippsland | Complies, no change required. | PSR complies |
| 19.03-5L Waste management – South Gippsland | Complies, no change required. | PSR complies |

5.4. Zones

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

| Clause no. and name | | Changes required (if relevant) | Action | | |
|--------------------------------------|---|--------------------------------|---|-----------|-----------------------------|
| | | | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> | | |
| RESIDENTIAL ZONES | | | | | |
| 32.03s1 Low Density Residential Zone | Complies, no change required. | | PSR complies | | |
| 32.04s1 Mixed Use Zone | Complies, no change required. | | PSR complies | | |
| 32.05s1 Township Zone | Complies, no change required. | | PSR complies | | |
| 32.08s1 General Residential Zone | Complies, no change required. | | PSR complies | | |
| INDUSTRIAL ZONES | | | | | |
| 33.01s Industrial 1 Zone | Complies, no change required. | | PSR complies | | |
| 33.03s Industrial 3 Zone | Complies, no change required. | | PSR complies | | |
| COMMERCIAL ZONES | | | | | |
| 34.01s Commercial 1 Zone | Complies, no change required. | | PSR complies | | |
| RURAL ZONES | | | | | |
| 35.03s1 Rural Living Zone | <p>The maximum floor area for extension of a building used for agriculture is not specified – consider specifying an area (greater than 100 sqm) to activate this exemption for smaller extensions.</p> <p>Consider providing minimum setback distances for the following:</p> <ul style="list-style-type: none"> ○ The setback from any other road or boundary specified in the schedule to this zone. ○ The distance from a dwelling not in the same ownership specified in the schedule to this zone. <p>These must be provided within the schedule as the template does not provide this minimum default setback. Consider replicating the Farming Zone schedule:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Any other road</td> <td style="width: 50%;">20 metres</td> </tr> </table> | | Any other road | 20 metres | PSR further strategic work. |
| Any other road | 20 metres | | | | |

| Clause no. and name | Changes required (if relevant) | | Action |
|---------------------------------|--|------------|---|
| | | | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| | Any other boundary | 5 metres | |
| | Any dwelling not in the same ownership | 100 metres | |
| 35.03s2 Rural Living Zone | As above | | PSR further strategic work. |
| 35.03s3 Rural Living Zone | As above | | PSR further strategic work. |
| 35.06s1 Rural Conservation Zone | <p>In column 2 under clause 1.0 '150 square metres', and '200 square metres' need to be moved to the third column – area/dimensions/number. Insert a description of the land subject to these requirements or insert 'all land'.</p> <p>The maximum floor area for extension of a building used for agriculture is not specified – consider specifying an area (greater than 100 sqm) to activate this exemption for smaller extensions.</p> | | PSR further strategic work. |
| 35.07s1 Farming Zone | <p>Consider applying a maximum area for which no permit is required for timber production – this issue has been raised in the survey comments as a concern relating to future fire risk to townships. Note that 40ha is used under the RAZ where an SLO applies.</p> <p>As per MDFC - Need to add the section 'Minimum setback from a waterway, wetlands or designated flood plain (metres)' into the schedule with 'None specified' included.</p> <p>The maximum floor area for extension of a building used for agriculture is not specified – consider specifying an area (greater than 100 sqm) to</p> | | PSR further strategic work. |

| Clause no. and name | Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|--|
| | activate this exemption for smaller extensions. | |
| 35.08s1 Rural Activity Zone | As per MDFC - Need to add the section 'Minimum setback from a waterway, wetlands or designated flood plain (metres)' into the schedule with 'None specified' included. | PSR policy neutral amendment. |
| PUBLIC LAND ZONES | | |
| 36.01s Public Use Zone | Complies, no change required. | PSR complies |
| 36.02s Public Park and Recreation Zone | Complies, no change required. | PSR complies |
| 36.03s Public Conservation and Resource Zone | Complies, no change required. | PSR complies |
| SPECIAL PURPOSE ZONES | | |
| 37.01s1 Special Use Zone | <p>Section 1 "Extensive animal husbandry" is not a defined land use in VPPs. Replace with "Grazing animal production"?</p> <p>Section 2 "Animal keeping", "extensive animal husbandry" and "animal boarding" are not defined land use terms – now included under animal husbandry and domestic animal husbandry and domestic animal boarding.</p> <p>Animal boarding also no longer used in VPPs.</p> <p>Dependant persons unit is no longer a term used in the VPPs.</p> <p>Delete the following unconditional uses:</p> <ul style="list-style-type: none"> • Caretaker's house • Landscape gardening supplies • Manufacturing sales • Materials recycling | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--------------------------|--|--|
| | <ul style="list-style-type: none"> Refuse disposal | |
| 37.01s2 Special Use Zone | <p>Section 1</p> <p>“Dependent person’s unit” is no longer a defined VPP use.</p> <p>“Extensive animal husbandry” is not a defined land use in VPPs. Replace with “Grazing animal production”?</p> <p>“Road” is not a defined VPP land use term and does not need to be exempted as per clause 62.01 – remove from table.</p> <p>“Search for Stone” is not a defined use – replace with stone exploration noting that ‘costeaining and bulk sampling’ also cannot be excluded.</p> <p>Section 2</p> <p>“Search for Stone” is not a defined use – replace with stone exploration noting that ‘costeaining and bulk sampling’ also cannot be excluded.</p> <p>“Dependent person’s unit” as this is no longer a defined VPP use.</p> <p>Insert ‘ Any other use not in Section 1 or 3’ – can delete this</p> <p>Delete the following unconditional uses:</p> <ul style="list-style-type: none"> Restaurant function centre <p>Section 3</p> <p>Delete “Any other use not in Section 1 or 2” and review uses to include all those uses that must be prohibited.</p> | PSR policy neutral amendment |
| 37.01s3 Special Use Zone | <p>Section 1</p> <p>Delete ‘railway’.</p> <p>Delete ‘road’.</p> <p>Delete ‘search for stone’ and replace with ‘stone exploration’.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--------------------------|--|--|
| | <p>Delete duplicate reference to 'tramway'.</p> <p>Section 3</p> <p>Delete "Any other use not in Section 1 or 2" and review uses to include all those uses that must be prohibited.</p> | |
| 37.01s4 Special Use Zone | <p>Section 1</p> <p>"Dependent person's unit" is no longer a defined VPP use.</p> <p>"Extensive animal husbandry" is not a defined land use in VPPs. Replace with "Grazing animal production"</p> <p>Section 2</p> <p>Group 'Exhibition centre', 'Food and drink premises', 'Function centre', 'Interpretation centre', 'Museum' and 'Restaurant' into the same cell to remove duplication of the condition.</p> <p>Insert' Any other use not in Section 1 or 3"</p> <p>Section 3</p> <p>Delete "Any other use not in Section 1 or 2" and review uses to include all those uses that must be prohibited.</p> <p>Use of Land</p> <p>Review reference to "tourist accommodation cabin" – is there a VPP defined land use we can use instead?</p> | PSR policy neutral amendment |
| 37.01s5 Special Use Zone | <p>Section 1</p> <p>Correct typo: 'Depot 2013Incorporated'</p> <p>Section 2</p> <p>Section 2 uses cannot be tied to Section 1 uses – the MD doesn't allow a condition to be applied to this instruction.</p> <p>Section 3</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--------------------------|---|--|
| | Delete “All other uses” and / or review uses to include all those uses that must be prohibited. Correct typo for category. | |
| 37.01s6 Special Use Zone | <p>Section 1</p> <p>Delete “animal keeping”, “intensive animal husbandry” and “extensive animal husbandry - replace with animal husbandry or animal production.</p> <p>Section 2</p> <p>Delete the following unconditional uses:</p> <ul style="list-style-type: none"> • Equestrian supplies • Horse stables • Primary produce sales • Road freight terminal • Service station • Utility installation • Veterinary centre <p>4.0 Buildings and works</p> <p>Application Requirements</p> <p>Direction on built form and development outcomes is being provided within application requirements.</p> <p>A Direction on maximum building height and landscaping from the decision guidelines could be provided in the following manner as required under the MD:</p> <p>“The following requirements apply to construct a building or construct or carry out works: [insert requirements].”</p> <p>Include the following requirements:</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--------------------------|--|--|
| | <p>No building shall exceed a maximum building height of 10 metres above natural ground level.</p> <p>Development must include canopy tree plantings that, at maturity, will soften the visual impact of new development when viewed from within and outside the development area, especially adjoining and distant views to the site from the highway.</p> <p>The first application requirement to be reworded to:</p> <p>The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.</p> <p>Maintenance</p> <p>The requirement for maintenance of buildings is not in conformance with the MDFC. However, this requirement is included within the Commercial Zones in the same manner.</p> <p>Delete the requirement to ensure compliance with the MDFC.</p> | |
| 37.01s7 Special Use Zone | <p>Rename schedule to “Venus Bay Caravan Park (113A Jupiter Blvd, Venus Bay)” to indicate which caravan park it applies to / improve legibility and clarity of schedule application.</p> <p>Purpose</p> <p>Reference Venus Bay Caravan Park within purpose of the schedule.</p> <p>Section 1</p> <p>Delete “extensive animal husbandry” and replace with animal husbandry or animal production.</p> <p>Delete ‘search for stone’ and replace with ‘stone exploration’.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--------------------------|--|--|
| | <p>Delete instruction “See Section 1 of 37.01-1 for relevant provisions”.</p> <p>Section 2</p> <p>Delete reference to “extensive animal husbandry”.</p> <p>Delete the following unconditional uses:</p> <ul style="list-style-type: none"> • Hostel • Minor sports and recreation facility • Restaurant • Restricted recreation facility • Take away food premises • Renewable energy facility <p>Delete the instruction “See Section 2 of 37.01-1 for relevant provisions”.</p> <p>Buildings and works</p> <p>Delete the first decision guideline, The capability of each lot and/or area of common property to treat and retain all wastewater on-site in accordance with the State Environment Protection Policy (Waters of Victoria) as the SEPP no longer exists.</p> | |
| 37.01s8 Special Use Zone | <p>Section 1</p> <p>“Animal keeping”, “extensive animal husbandry” and “animal boarding” are not defined land use terms – now included under animal husbandry and domestic animal husbandry (which is nested under the former) and domestic animal boarding.</p> <p>Section 2</p> <p>Delete the following unconditional uses:</p> <ul style="list-style-type: none"> • Caretaker’s house • Landscape gardening supplies | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | Action |
|---------------------|---|--|
| | <ul style="list-style-type: none"> • Manufacturing sales • Materials recycling • Refuse disposal | PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |

5.5. Overlays

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

| Clause no. and name | Changes required (if relevant) | ACTION |
|--|--|--|
| ENVIRONMENTAL AND LANDSCAPE OVERLAYS | | |
| 42.01s1 Environmental Significance Overlay - Areas of Natural Significance | <p>2.0 Environmental objective to be achieved</p> <p>Schedule 1 has five objectives, while the template allows a maximum of one objective - Reduce to one objective to comply with the template.</p> <p>3.0 Permit requirement</p> <p>Remove this unnecessary exemption covered under clause 62.02:</p> <p>Buildings and works (including vegetation removal, destruction or lopping) undertaken by, or on behalf of a municipality or public authority which are necessary to control flooding, fight fires, abate fire risk or preserve public safety.</p> | PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|---|---|
| | <p>DEECA questions the meaning of 'Applications which may adversely affect wildlife habitat and sites of biological or zoological significance' referenced in clause 66.04 with regard to this overlay and suggests rewording for clarity.</p> <p>Similarly, DEECA also questions the necessity/effectiveness of referrals for 'Applications to subdivide land into more than four lots or any subdivision application which may have adverse environmental effects'.</p> | |
| 42.01s2 Environmental Significance Overlay - Special Water Supply Catchment Areas | <p>2.0 Environmental objective to be achieved</p> <p>Schedule 2 has eight objectives, while the template allows a maximum of one objective.</p> <p>Reduce to one objective to comply with the template.</p> <p>Revise wording of permit requirement for works for a dwelling regardless of impact on the catchment, as per statutory planning feedback.</p> <p>Remove redundant exemptions for public authority emergency works.</p> <p>Reword 'solar units' to 'solar energy systems' as per PPN88.</p> <p>Reword application requirements for clarity.</p> | PSR policy neutral amendment |
| 42.01s3 Environmental Significance Overlay – Coastal Settlements | <p>2.0 Environmental objective to be achieved</p> <p>Schedule 3 has four objectives, while the template allows a maximum of one objective.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|--|
| | <p>Reduce to one objective to comply with the template.</p> <p>DEECA feedback has indicated that referral to the Secretary under clause 66.04 is a duplicate requirement and should be removed, given the requirement for coastal marine crown land under S.61 of the Act.</p> <p>DEECA questions the meaning of ‘Applications which may adversely affect wildlife habitat and sites of biological or zoological significance’ referenced in clause 66.04 with regard to this overlay and suggests rewording for clarity.</p> <p>Similarly, DEECA also questions the necessity/effectiveness of referrals for ‘Applications to subdivide land into more than four lots or any subdivision application which may have adverse environmental effects’.</p> <p>Substitute ‘gross floor area’ for ‘floor area’ all ESOs as per planner’s feedback.</p> | |
| 42.01s4 Environmental Significance Overlay – Sewage Treatment Plant and Environs | <p>5.0 Decision guidelines</p> <p>Remove the decision guidelines:</p> <p><i>The views of the Environment Protection Authority of Victoria.</i></p> <p><i>The views of the relevant water authority responsible for operating the sewage treatment facility.</i></p> <p>These should be included in the schedule to Clause 66.06.</p> | PSR policy neutral amendment |
| 42.01s7 Environmental Significance Overlay – Coastal Settlements | <p>2.0 Environmental objective to be achieved</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|--|
| | <p>Schedule 7 has four objectives, while the template allows a maximum of one objective. – Reduce to one objective to comply with the template, as per Schedule 3.</p> <p>Remove redundant of duplicative decision guidelines.</p> <p>DEECA feedback indicates that the ESO5 is no longer an applicable control in the planning scheme and the referral requirement under clause 66.04 should be removed.</p> <p>DEECA questions the meaning of ‘Applications which may adversely affect wildlife habitat and sites of biological or zoological significance’ referenced in clause 66.04 with regard to this overlay and suggests rewording for clarity.</p> | |
| 42.01s8 Environmental Significance Overlay – Manufacture of Milk Products Amenity Buffer | <p>1.0 Statement of environmental significance.</p> <p>Remove discussion on operation of the overlay with regard to approvals under the zone or responsibilities of operator under other regulations.</p> <p>2.0 Environmental objective to be achieved</p> <p>Schedule 8 has four objectives, while the template allows a maximum of one objective. – Reduce to one objective to comply with the template.</p> <p>3.0 Permit Requirement:</p> <p>Delete the clarification “in relation to these uses” – this is redundant.</p> <p>‘%’ should be revised to ‘per cent’ in permit requirement.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|---|--|
| | <p>EPA comments request removal from referral responsibility under this overlay within Clause 66.04.</p> <p>This schedule includes the following decision guideline:</p> <p><i>The views of the manufacture of milk products company.</i></p> <p>Which should be removed and included in the schedule to Clause 66.06.</p> | |
| 42.01s9 Environmental Significance Overlay – Giant Gippsland Earthworm and Habitat Protection | <p>3.0 Permit Requirement:</p> <p>Reword the list of exemptions for clarity to:</p> <p>Where a survey has been conducted in accordance with the <i>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document</i> (September 2015) by a suitably qualified person to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action, establishing that no buildings and works will negatively impact Giant Gippsland Earthworm numbers.</p> <p>Works that comply with a Giant Gippsland Earthworm Land Management Plan approved by the Department of Energy, Environment and Climate Action and the responsible authority.</p> <p>Emergency works are already exempt under clause 62.02</p> <p>5.0 Decision guidelines</p> <p>The ‘objectives of the schedule’ is redundant.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|---|
| | <p>'The views of the Department of Energy, Environment and Climate Action' should be removed and included in the schedule to Clause 66.06 (Note: review against DEECA's response to PSR)</p> <p>Reword the four dot points to focus on instruction to avoid, minimise and manage impacts and delete the following:</p> <p>"For example, can the proposal be accommodated on land not considered to contain Giant Gippsland Earthworm habitat?"</p> <p>Delete the reference to the opportunity to offset impact given an offsets scheme is no longer proposed to be established?</p> | |
| 42.03s1 Significant Landscape Overlay – Venus Bay Peninsula and Anderson Inlet | <p>2.0 – Landscape character objectives to be achieved</p> <p>Schedule 1 has twelve objectives, while the template allows a maximum of five objectives - Reduce to five objectives to comply with the template.</p> <p>3.0 – Permit requirement</p> <p>Add a 'd' to 'require for:'</p> <p>Add a full stop to dot point three 'works undertaken by...'</p> <p>Review the requirement for 'non-reflective muted tones' as per stat planning feedback</p> <p>Remove permit requirements under this section (except for vegetation and fences.)</p> <p>Reword requirement to:</p> | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|---|--|
| | <p><i>A permit is not required to remove:</i></p> <p><i>Vegetation that is dead.</i></p> <p><i>The minimum extent of vegetation necessary for the maintenance of existing fences.</i></p> <p><i>Vegetation that is less than 7.5 metres in height.</i></p> <p><i>Vegetation that is within a garden.</i></p> <p><i>Vegetation that forms part of senescent tree rows outside a garden.</i></p> <p>Review 'muted tones' exemption.</p> | |
| 42.03s2 Significant Landscape Overlay – Cape Liptrap to Waratah Bay | <p>2.0 – Landscape character objectives to be achieved</p> <p>Schedule 2 has eighteen objectives, while the template allows a maximum of five objectives - Reduce to five objectives to comply with the template.</p> <p>Review 'muted tones' exemption.</p> | PSR policy neutral amendment |
| 42.03s3 Significant Landscape Overlay – Corner Inlet Amphitheatre | <p>2.0 Landscape character objectives to be achieved</p> <p>Schedule 3 has fourteen objectives, while the template allows a maximum of five objectives - Reduce to five objectives to comply with the template.</p> <p>Review 'muted tones' exemption.</p> | PSR policy neutral amendment. |
| HERITAGE AND BUILT FORM OVERLAYS | | |
| 43.01s Heritage Overlay | Complies, no change required. | PSR complies |
| 43.02s1 Design and Development Overlay – Township Approach | Rename the Schedule – “Township Approach – Leongatha” to indicate where it applies. | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|--|
| | <p>1.0 Design objectives</p> <p>Delete the second objective as this is not being delivered by the provisions of the schedule.</p> <p>2.0 Buildings and works</p> <p>Consider revising the following direction “Buildings should be constructed with a setback of 6 metres from any road.” To indicate this is a minimum or maximum setback not an absolute one.</p> <p>Consider revising the fourth dot point to improve clarity of direction. Include a minimum setback of 3.5m, which is what applies to the minimum height of 4 under the formula - and add a separate instruction for walls over 4 metres which relies on the formula.</p> <p>6.0 Decision guidelines</p> <p>The first two guidelines duplicate other regulations and don’t relate to the purposes of the overlay – delete.</p> <p>The last three guidelines prescribe development requirements and should be moved up to section 2.0</p> | |
| 43.02s2 Design and Development Overlay – Burchell Lane Industrial Precinct | <p>2.0 Building and works</p> <p>This section exempts development that conforms with design requirements from requiring a permit – but it doesn’t provide any requirements for assessing an application that does not comply with these. If these are the desired requirements then these should be required under an application.</p> <p>5.0 Application requirements and 6.0 Decision guidelines</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|--|
| | 'Responsible Authority' should be in lower case as per practitioner's guide. | |
| 43.02s3 Design and Development Overlay – Sandy Point | <p>1.0 Design objectives</p> <p>Schedule 3 has fifteen objectives, while the template allows a maximum of five objectives – Reduce to a maximum of five objectives to comply with the template.</p> <p>The sub-heading 'Landscaping and Environment' should be bolded like other sub-headings.</p> <p>2.0 – Buildings and works</p> <p>'Responsible Authority' should be in lowercase as per practitioner's guide.</p> <p>3.0 Subdivision</p> <p>The subdivision requirements should be permit required based rather than stating it as 'is considered to meet the design objectives'.</p> <p>As per MDFC - reword subdivision requirements to: "A permit to subdivide land must meet the following requirements: [insert specific requirement/s]."</p> <p>5.0 Applications requirements and 6.0 Decision guidelines</p> <p>'responsible authority' should be in lowercase as per practitioner's guide.</p> | PSR policy neutral amendment. |
| 43.02s4 Design and Development Overlay – Waratah Bay | <p>1.0 Design objectives</p> <p>Schedule 4 has twenty-three objectives, while the template allows a maximum of five objectives – Reduce to a maximum of five objectives to comply with the template.</p> | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|--|
| | <p>Replace references to 'hamlet' with 'coastal village' as per clause 11.</p> <p>2.0 Buildings and works</p> <p>Remove cross references to zones operating in other parts of the scheme and include a map of the town to differentiate the specific precincts.</p> <p>'Responsible Authority' should be in lowercase as per Practitioner's Guide.</p> <p>3.0 Subdivision</p> <p>The subdivision requirements should be permit required based rather than stating it as 'is considered to meet the design objectives'.</p> <p>As per MDFC - reword subdivision requirements to: "A permit to subdivide land must meet the following requirements:</p> <p>[insert specific requirement/s]."</p> <p>5.0 Applications requirements and 6.0 Decision guidelines</p> <p>and 'Responsible Authority' should be in lowercase as per Practitioner's Guide.</p> | |
| 43.02s5 Design and Development Overlay – Venus Bay | <p>1.0 Design objectives</p> <p>Schedule 5 has twenty-two objectives, while the template allows a maximum of five objectives – Reduce to a maximum of five objectives to comply with the template.</p> <p>2.0 Buildings and works</p> <p>Remove cross references to zones operating in other parts of the scheme</p> | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|--|--|
| | <p>and include a map of the town to differentiate the specific precincts.</p> <p>‘Responsible Authority’ should be in lowercase.</p> <p>3.0 Subdivision</p> <p>The subdivision requirements should be permit required based rather than stating it as ‘is considered to meet the design objectives’.</p> <p>As per MDFC - reword subdivision requirements to: “A permit to subdivide land must meet the following requirements:</p> <p>[insert specific requirement/s].”</p> <p>5.0 Applications requirements and 6.0 Decision guidelines</p> <p>‘Responsible Authority’ should be in lowercase as per Practitioner’s Guide.</p> | |
| 43.02s6 Design and Development Overlay – Tarwin Lower | <p>1.0 Design objectives</p> <p>Refine objectives to a maximum of 5 objectives.</p> <p>Replace references to ‘hamlet’ with ‘coastal village’ as per clause 11.</p> <p>Use term ‘commercial precinct consistently.</p> <p>The commercial precinct objectives indicate these buildings should be built to the front and side boundaries – however the permit requirements indicate that less than a 3-metre side setback and less than 7.5 m front setback will trigger a permit.</p> <p>2.0 Buildings and works</p> | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|--|
| | <p>Repurpose some of the more explicit and directive design objectives into requirements for permits under this section.</p> <p>Remove cross references to zones operating in other parts of the scheme so that the DDO is self-contained in its operation OR include a map of the town in the schedule to differentiate the specific precincts.</p> <p>'Responsible Authority' should be in lowercase.</p> <p>3.0 Subdivision</p> <p>Delete requirements or relocate to the design objectives section or reword as decision guidelines.</p> <p>As per MDFC - reword subdivision requirements to: "A permit to subdivide land must meet the following requirements: [insert specific requirement/s]."</p> <p>5.0 Applications requirements</p> <p>Insert "a detailed reports that shows:" and nest other information requirements under this.</p> <p>'Responsible Authority' should be in lowercase.</p> <p>6.0 Decision guidelines</p> <p>'Responsible Authority' should be in lowercase.</p> | |
| 43.02s7 Design and Development Overlay – Korumburra Industrial Area Highway Precinct | <p>2.0 Buildings and works</p> <p>Site layout and buildings</p> <p>Delete the following ambiguous requirement:</p> | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|---|--|
| | <p><i>Buildings should be designed in a contemporary and creative manner.</i></p> <p>4.0 Signs</p> <p>Reword land description as an area or location as per the MDFC:</p> <p>Where sign requirements are specified insert:</p> <p>“Sign requirements are at Clause 52.05. All land located within [insert land/area/precinct] is in Category [insert sign category].</p> <p>“Totem signs” are not a defined type of sign within clause 73.02 – should this location direction be extended to all signs?</p> <p>6.0 Decision guidelines</p> <p>Consider clarifying what ‘business display area’ means – is this an area for signage or an outdoor area for parking cars or machinery for sale? – also what would be an appropriate location for these areas? Industrial development strategy or guidelines may be needed to assist.</p> <p>‘Responsible Authority’ should be in lowercase.</p> | |
| 43.02s8 Design and Development Overlay – Emergency Medical Services Helicopter Flightpath Area: Leongatha Hospital (Inner Area) | <p>1.0 Design objectives:</p> <p>The second objective is redundant as it just restates the first.</p> <p>2.0 Buildings and works</p> <p>Does a mandatory height limit need to be implemented within this schedule to ensure that the purposes are met?</p> <p>5.0 Applications requirements</p> | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|--|---|
| | Insert “a detailed reports that shows:” and nest other information requirements under this. ‘Responsible Authority’ should be in lowercase. 6.0 Decision Guidelines ‘Responsible Authority’ should be in lowercase. | |
| 43.02s9 Design and Development Overlay – Emergency Medical Services Helicopter Flightpath Area: Leongatha Hospital (Outer Area) | 2.0 Buildings and works Does a mandatory height limit need to be implemented within this schedule to ensure that the purposes are met? 5.0 Applications requirements Insert “a detailed reports that shows:” and nest other information requirements under this. 6.0 Decision Guidelines ‘Responsible Authority’ should be in lowercase. | PSR policy neutral amendment. |
| 43.02s10 Design and Development Overlay – Emergency Medical Services Helicopter Flightpath Area: Foster Hospital (Inner Area) | 2.0 Buildings and works Does a mandatory height limit need to be implemented within this schedule to ensure that the purposes are met? 5.0 Applications requirements ‘Responsible Authority’ should be in lowercase. 6.0 Decision Guidelines ‘Responsible Authority’ should be in lowercase. | PSR policy neutral amendment. |
| 43.02s11 Design and Development Overlay – Emergency Medical Services | 2.0 Buildings and works | PSR policy neutral amendment. |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|--|
| Helicopter Flightpath Area: Foster Hospital (Outer Area) | <p>Does a mandatory height limit need to be implemented within this schedule to ensure that the purposes are met?</p> <p>5.0 Applications requirements</p> <p>Insert “a detailed reports that shows:” and nest other information requirements under this.</p> <p>‘Responsible Authority’ should be in lowercase.</p> <p>6.0 Decision Guidelines</p> <p>‘Responsible Authority’ should be in lowercase.</p> | |
| 43.02s12 Design and Development Overlay – Nyora Town Centre | <p>1.0 Design objectives</p> <p>Delete “(existing and future)” as development can only respond to what exists or what is planned in a strategy referenced in this provision.</p> <p>2.0 Buildings and works</p> <p>Delete reference to ‘country styles’ as the material choices are stated here.</p> <p>4.0 Signs</p> <p>According to the MDFC all signage requirements must specify the category of signs that apply – which would be category 1 under the C1Z.</p> <p>Delete “In addition to the requirements of the zone.”</p> <p>Delete the hyphen in internally illuminated signs.</p> | PSR policy neutral amendment |
| 43.02s13 Design and Development Overlay – Mirboo North Town Centre | <p>1.0 Design objectives</p> <p>Delete “(existing and future)” as development can only respond to what</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|---|
| | <p>exists or what is planned in a strategy referenced in this provision.</p> <p>Reword “closely space, compact built commercial form”</p> <p>Clarify which other commercial uses are being specified with reference to the shop or food and drink premises.</p> <p>Reword the requirement for fences and security grilles to be ‘visually transparent’ to ‘visually permeable’.</p> <p>6.0 Decision Guidelines</p> <p>‘Responsible Authority’ should be in lowercase.</p> | |
| 43.04s1 Development Plan Overlay – Korumburra Entrance Node | <p>5.0 Requirements for development plan</p> <p>Consider relocating or adding the following requirement:</p> <p><i>“A notation specifying that all buildings and works on site must be:</i></p> <p><i>Carried out in accordance with relevant EPA guidelines for sediment pollution control.</i></p> <p><i>Constructed using materials of muted and non-reflective tones.</i></p> <p>to Clause 3.0 and reword these as conditions for permits.</p> | PSR policy neutral amendment |
| 43.04s2 Development Plan Overlay – Waratah Bay | ‘Responsible Authority’ should be in lowercase. | PSR policy neutral amendment |
| 43.04s3 Development Plan Overlay – Murray Goulburn Leongatha Factory | <p>1.0 Design objectives</p> <p>Remove the reference to the 10-year staged implementation period for the Murray Goulburn Co-Operative Co. Masterplan. Alternatively, if the</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|--|
| | <p>implementation plan is complete or was abandoned then delete this schedule.</p> <p>5.0 Requirements for development plan</p> <p>Delete first dot point “Detailed plans and supporting information that addresses relevant planning and environmental issues to the satisfaction of the South Gippsland Shire Council, relevant agencies, and the local community.” This is far too broad and general, and it prescribes an approval process.</p> <p>Reword third dot point to include “Detailed plans and supporting information” describing the proposed development.</p> | |
| 43.04s4 Development Plan Overlay – Low Density Residential Zone Development Plan – Simons Lane | <p>4.0 Requirements for development plan</p> <p>Reword requirements as follows to make them more directive and remove superfluous verbs:</p> <p>A development plan must include the following requirements:</p> <p>Provide A subdivision layout plan that allows for:</p> <p>the creation of two road access points onto Simons Lane to service the future residential development of the land to the north of the Low-Density Residential Zone avoiding, where possible, creation of cross type intersections with existing roads south of Simons Lane.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|--|
| | <p>A western road access point should be located more than 150m west of the intersection of Ditchley Court.</p> <p>An eastern access point should be located at least 80m east of the ridge line (road crest) east of Ditchley Court</p> <p>A description of the relationship of developments proposed on the land to existing and proposed developments on adjoining land.</p> <p>A description of any sites of conservation, heritage or archaeological significance and the means by which they will be managed.</p> <p>A description of arrangements for the provision of necessary physical infrastructure.</p> <p>A Stormwater Management Plan detailing how stormwater will be managed within each lot to be created and between the subject land and declared waterways, including off site physical infrastructure where required.</p> <p>Identify <i>The staging (if proposed) and anticipated timing of development.</i></p> <p>Provide <i>A subdivision layout that does not compromise the future provision of a shared pedestrian / cycle path on the northern side of Simons Lane in front of the land to be subdivided.</i></p> | |
| 43.04s5 Development Plan Overlay – Nyora Residential Development Transition Area | <p>2.0 requirement before a permit is granted</p> <p>Reword to comply with MDFC:</p> <p>“A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|--|
| | <p>development plan has been prepared to the satisfaction of the responsible authority.”</p> <p>4.0 Requirements for development plan</p> <p>Reword dot point two under Road and Pedestrian Network Plan to require submission of this plan as part of the development plan and indicate that a safe and convenient pedestrian and cycling network should be provided within the DP.</p> | |
| 43.04s6 Development Plan Overlay – Korumburra Residential Growth Areas | <p>4.0 Requirements for development plan</p> <p>Delete “The development plan must be prepared to the satisfaction of the responsible authority” as this is redundant.</p> <p>Delete the ‘Decision guidelines for development plan’ as these do not conform with the MDFC or the Practitioners Guide OR reword these as specific requirements to be reflected in the development plan.</p> <p>Rename this section “Implementation Plan”</p> <p>Delete “The approved development plan may be amended to the satisfaction of the Responsible Authority.” As this is redundant.</p> <p>Delete “Process and Outcomes” and “the development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority” and “The approved development plan may be amended to the satisfaction of the Responsible Authority” as these kinds</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|--|--|
| | of instructions do not conform with the MD. | |
| 43.04s7 Development Plan Overlay – Jumbunna Road Residential Area | <p>4.0 Requirements for development plan</p> <p>Delete the ‘Decision guidelines for development plan’ as these do not conform with the MDFC or the Practitioners Guide OR reword these as specific requirements to be reflected in the development plan.</p> <p>Rename this section “Implementation Plan”</p> <p>Delete “The approved development plan may be amended to the satisfaction of the Responsible Authority.” As this is redundant.</p> <p>Delete “Process and Outcomes” and “the development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority” and “The approved development plan may be amended to the satisfaction of the Responsible Authority” as these kinds of instructions do not conform with the MD.</p> <p>‘Responsible Authority’ should be in lowercase.</p> | PSR policy neutral amendment |
| 43.04s8 Development Plan Overlay – Residential Growth Area (Northwest Korumburra) | <p>4.0 Requirements for development plan</p> <p>Delete the ‘Decision guidelines for development plan’ as these do not conform with the MDFC or the Practitioners Guide OR reword these as specific requirements to be reflected in the development plan.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|--|--|
| | <p>Rename this section “Implementation Plan”</p> <p>Delete “The approved development plan may be amended to the satisfaction of the Responsible Authority.” As this is redundant.</p> <p>Delete “Process and Outcomes” and “the development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority” and “The approved development plan may be amended to the satisfaction of the Responsible Authority” as these kinds of instructions do not conform with the MD.</p> <p>‘Responsible Authority’ should be in lowercase.</p> | |
| 43.04s9 Development Plan Overlay – Western Leongatha Residential Growth Area | <p>3.0 conditions and requirements for permits</p> <p>The requirement:</p> <p>“Planning permit applications for each residential subdivision stage must consider the views of the Department of Transport and Planning in regard to the potential impact of additional traffic movements on the major arterial road network.”</p> <p>This should be linked to a notice requirement under the schedule to clause 66.06.</p> <p>4.0 Requirements for development plan</p> <p>The provision for requiring a ‘Whole of site development plan’ – as opposed to a ‘Development plan’ seems somewhat confusing and potentially redundant.</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---------------------|---|---|
| | <p>Recommend that it be made a requirement of the Development Plan that it must apply to the whole of the site.</p> <p>Delete “(at minimum)” as these are absolute requirements not minimum standards.</p> <p>Delete the ‘Decision guidelines for development plan’ as these do not conform with the MD or the practitioners guide OR reword these as specific requirements to be reflected in the development plan.</p> <p>Rename this section “Implementation Plan”</p> <p>Delete “The approved development plan may be amended to the satisfaction of the Responsible Authority.” As this is redundant.</p> <p>Delete “Process and Outcomes” and “the development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority” and “The approved development plan may be amended to the satisfaction of the Responsible Authority” as these kinds of instructions do not conform with the MDFC.</p> <p>‘Responsible Authority’ should be in lowercase.</p> | |

| | | ACTION |
|---|--|---|
| Clause no. and name | Changes required (if relevant) | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 43.04s10 Development Plan Overlay – Nyora Urban Residential Growth Area (South of Glovers Road) | <p>4.0 Requirements for development plan</p> <p>Delete the ‘Decision guidelines for development plan’ as these do not conform with the MDFC or the Practitioners Guide OR reword these as specific requirements to be reflected in the development plan.</p> <p>Decision Guidelines for development plan</p> <p>“the responsible authority must consider the views of the Country Fire Authority, Melbourne Water, the Department of Energy, Environment and Climate Action, the Department of Transport and Planning”.</p> | PSR policy neutral amendment |
| 43.04s11 Development Plan Overlay – Berrys Creek Road Residential Development Area | <p>4.0 Requirements for development plan</p> <p>Delete “The development plan must be prepared to the satisfaction of the responsible authority” as this is redundant.</p> <p>Delete the ‘Decision guidelines for development plan’ as these do not conform with the MDFC or the Practitioners Guide OR reword these as specific requirements to be reflected in the development plan.</p> | PSR policy neutral amendment |
| LAND MANAGEMENT OVERLAYS | | |
| 44.01s1 Erosion Management Overlay – Area Susceptible to Erosion | <p>5.0 Decision guidelines</p> <p>Add the word ‘through’ and add a colon at the end of the following sentence or undertake other rewording:</p> <p>‘(...) that would avoid risk to life and property from erosion and would</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|---|
| | minimise the extent of vegetation removal and site works through:' | |
| 44.04s1 Land Subject to Inundation Overlay | <p>3.0 Permit Requirement</p> <p>Remove capitalisation from 'Replacement dwelling'</p> <p>4.0 Application requirements</p> <p>Update referenced clause numbers in the Application Requirements. The preamble references Clause 44.01 when it should be Clause 44.04</p> <p>Under 'referral of applications', add the phrase 'The application' in front of each of the following bullet pointed sentences:</p> <p>1.) The application is accompanied by the relevant floodplain management authority's written approval (...). 2.) The application is in accordance with an adopted local floodplain development plan (...). 3.) Complies with a building envelope, filling levels and floor levels (...).</p> | PSR policy neutral amendment |
| 44.06s1 Bushfire Management Overlay – Venus Bay, Wakerville BAL-29 Areas | <p>Correct typo in titles of both BMO schedules from 'Wakerville' to 'Walkerville'</p> <p>8.0 Mandatory condition</p> <p>If the only mandatory conditions that needs to be included in a permit are the ones specified in 44.06-5, then this section should just say 'none specified'.</p> <p>9.0 Referral of application not required</p> <p>The section under 'Referral of Application not Required' may need to be written in the form prescribed by the MDFC:</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|--|---|--|
| | <p>'An application under this overlay is not required to be referred to the relevant fire authority under Section 55 of the Act.'</p> <p>Spacing issue also needs to be addressed.</p> <p>11.0 Decision guidelines</p> <p>No decision guidelines are specified. Replace the entire section with 'none specified'.</p> | |
| <p>44.06s2 Bushfire Management Overlay – Foster, Meeniyar, Mirboo North/Baromi, Port Welshpool, Tarwin Lower, Venus Bay, Wakerville BAL-12.5 Areas</p> | <p>Correct typo in titles of both BMO schedules from 'Wakerville' to 'Walkerville'</p> <p>6.0 Substitute approved measures for Clause 53.02</p> <p>Adjust spacing issue</p> <p>8.0 Mandatory condition</p> <p>If the only mandatory conditions that need to be included in a permit are the ones specified in 44.06-5, then this section should just say 'none specified'.</p> <p>9.0 Referral of application not required</p> <p>The section under 'Referral of Application not Required' may need to be written in the form prescribed by the MDFC: 'An application under this overlay is not required to be referred to the relevant fire authority under Section 55 of the Act.'</p> <p>11.0 Decision guidelines</p> <p>No decision guidelines are specified. Replace the entire section with 'none specified'.</p> | <p>PSR policy neutral amendment</p> |

| | | ACTION |
|--|--|---|
| Clause no. and name | Changes required (if relevant) | <p>PSR complies.</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |
| 44.07s1 State Resource Overlay – Strategic Extractive Resource Areas | Complies, no change required. | PSR complies |
| 44.07s2 State Resource Overlay – Protecting extractive industries | Complies, no change required. | PSR complies |
| OTHER OVERLAYS | | |
| 45.01s Public Acquisition Overlay | Remove PAO 5 & 6 - they have been removed from the mapping however have not been removed from the schedule. | PSR policy neutral amendment |
| 45.02s2 Airport Enviros Overlay | Complies, no change required. | PSR complies |
| 45.05s Restructure Overlay | <p>Update all references to the '2017' document to '2019'.</p> <p>As per Council advice:</p> <p>Update titles of restructure plan as per names within the RO doc.</p> <p>Remove RO14.</p> <p>Include new RO22 for 12 Walkerville Road, Walkerville.</p> | PSR policy neutral amendment |
| 45.09s1 Parking Overlay | <p>7.0 Design standards for car parking</p> <p>Avoid use of 'encourage' and 'discourage' for requirements. Replace 'are discouraged' with 'must not be located' in the following design standard: 'Open lot car parks are discouraged on all principal frontages.'</p> <p>8.0 Decision guidelines for car parking plans</p> <p>Remove 'by the satisfaction of' in the following sentence: '(...) in addition to those specified in Clause 45.09 and elsewhere in the scheme which must be</p> | PSR policy neutral amendment |

| Clause no. and name | Changes required (if relevant) | ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---------------------------------|--|--|
| | <p>considered, as appropriate, by the satisfaction of the responsible authority'</p> <p>Ensure that each guideline starts with a definite term. (I.e. The potential for shared parking)</p> <p>9.0 Background document</p> <p>Background document (Leongatha CBD Parking Strategy, 2013) not included in the schedule to Clause 72.08 - Background Documents.</p> | |
| 45.12s Special Controls Overlay | Complies, no change required. | PSR complies |

5.6. Particular provisions

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

| Clause no. and name | Is it applied? Changes required (if relevant) | Action |
|---|--|--|
| | | PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
| 51.01s Specific sites and inclusions | Complies, no change required. | PSR complies |
| 52.02s Easements, restrictions, and reserves | Complies, no change required. | PSR complies |
| 52.05s Signs | Complies, no change required. | PSR complies |
| 52.16s Native vegetation precinct plan | Complies, no change required. | PSR complies |
| 52.17s Native vegetation | Reintroduce reference to VicRoads Native Vegetation exemptions plan (as an incorporated document) introduced under C74 and deleted under C121. Update reference for former Murray Goulburn factory to Saputo Dairy Australia – as per council direction | PSR policy neutral amendment |
| 52.27s Licenced premises | Complies, no change required. | PSR complies |
| 52.28s Gaming | Complies, no change required. | PSR complies |
| 52.32s Wind energy facility | Delete apostrophe on “Wilson’s” | PSR policy neutral amendment |
| 52.33 Post boxes and drystone walls | Complies, no change required. | PSR complies |
| 53.01s Public open space contributions and subdivision. | Complies, no change required. | PSR complies |
| 53.06s Live music entertainment venues | Complies, no change required. | PSR complies |
| 53.15s Statement of underlying provisions | Complies, no change required. | PSR complies |

| Clause no. and name | Is it applied? Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|--|--|
| 59.15s Local VicSmart applications | Complies, no change required. | PSR complies |
| Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications | Complies, no change required. | PSR complies |

5.7. General provisions

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

| Clause no. and name | Is it applied? Changes required (if relevant) | Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
|---|--|--|
| 66.04s Referral of permit applications under local provisions | Insert South Gippsland Water and Gippsland Water as determining referral authorities, as per initial consultation feedback regarding ESO4. Remove 'The Secretary Administering the Coastla Management Act 1995' under ESO3 as per DEECA's feedback. | PSR policy neutral amendment |
| 66.06s Notice of permit applications under local provisions | Review the schedule and the notice requirements indicated under: <ul style="list-style-type: none"> ▪ ESO4 (DEECA) ▪ ESO9 (DEECA) ▪ DPO9 notice requirements (VicRoads / the Department of Transport and Planning) ▪ DPO10 notice requirements (Country Fire Authority, Melbourne Water, the Department of Energy, Environment and Climate Action, the Department of Transport and Planning) Insert new notice requirement: <ul style="list-style-type: none"> ▪ ESO8 (EPA) | PSR policy neutral amendment |

5.8. Operational provisions

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

| | | | Recommendations |
|--|--|--|---|
| Clause | Name | Considerations | PSR Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment. |
| ADMINISTRATION AND ENFORCEMENT OF THIS SCHEME | | | |
| 72.01s | Schedule to Responsible Authority for this Planning Scheme | Complies, no change required. | PSR complies |
| 72.02s | Schedule to What Area is Covered by this Planning Scheme? | Complies, no change required. | PSR complies |
| 72.03s | Schedule to What Does this Scheme Consist of? | Maps should be reordered so that overlay maps are in numeric-alphabetical order. | PSR policy neutral amendment |
| 72.04s | Schedule to Documents Incorporated in this Planning Scheme | <p>Include the following updated and new document references:</p> <ul style="list-style-type: none"> • Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction (Standards Australia Limited, 2015) in clause 45.02 Schedule 2-Airport Environs Overlay • Marinus Link Project (Department of Transport and Planning, June 2025) in clause 45.12 Schedule -Specific Controls Overlay • Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire (August 2019) in clause 45.05 Schedule – Restructure Overlay | PSR policy neutral amendment |

| | | | Recommendations |
|---------------------------------|---|--|--|
| Clause | Name | Considerations | <p style="color: green;">PSR Complies</p> <p style="color: red;">PSR further strategic work.</p> <p style="color: orange;">PSR policy neutral amendment.</p> <p style="color: blue;">PSR full amendment.</p> |
| | | <ul style="list-style-type: none"> SPI Electricity Pty Ltd Leongatha Depot 2013 (July 2013) – in clause 37.01 Schedule 5 - Special Use Zone Wilsons Promontory Cruises Facility (April 2017) – in clause 51.01 Schedule Specific Sites and Exclusions Statement of Significance, "Aroyn" (July 2021) – in clause 43.01 Schedule Heritage Overlay 2.0 table as HO159 <p>Vegetation Removal Exemption Plan South Gippsland Highway Realignment</p> | |
| 72.08s | Schedule to Background Documents | Complies, no change required. | PSR complies |
| STRATEGIC IMPLEMENTATION | | | |
| 74.01s | Schedule to Application of Zones, Overlays and Provisions | <p>1.0 Application of zones, overlays and provisions</p> <p>Zones</p> <p>Zone dot points 2 and 6 – Township zone is mentioned twice. Perhaps it is better to consolidate them into one dot point.</p> <p>Zone dot point 11 – “Road Zones” should be updated to “Transport Zones” to align with the correct term used in the scheme.</p> <p>Public Park and Recreation Zone are missing in the schedule for MPS implementation.</p> | PSR policy neutral amendment |

| Clause | Name | Considerations | Recommendations |
|--------|------|---|--|
| | | <p>Special Use Zone is missing for MPS implementation in the schedule.</p> <p>Public Conservation and Resource Zone are missing for MPS implementation in the schedule.</p> <p>Overlays</p> <p>Overlay dot points 1-5 – Environmental Significance Overlay should be listed by schedules. There are five ESO listed in the schedule however there are seven ESO schedules in the scheme which should all be listed in clause 74.01 schedule.</p> <p>Significant Landscape Overlay is missing for MPS implementation in the schedule.</p> <p>Heritage Overlay is missing for MPS implementation in the schedule.</p> <p>Overlay dot point 6 - Only Design and Development Overlay Schedule 13 Mirboo North town centre is mentioned. (but “schedule 13” is not written in the clause 74.01 schedule) All DDO schedules should be listed in clause 74.01 schedule.</p> <p>Development Plan Overlay is missing for MPS implementation in the schedule.</p> <p>Erosion Management Overlay is missing for MPS implementation in the schedule.</p> <p>Land Subject to Inundation Overlay is missing for MPS implementation in the schedule.</p> <p>Bushfire Management Overlay is missing for MPS implementation in the schedule.</p> | <p>PSR Complies</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |

| Clause | Name | Considerations | Recommendations |
|--------|------|--|--|
| | | <p>State Resource Overlay is missing for MPS implementation in the schedule.</p> <p>Public Acquisition Overlay is missing for MPS implementation in the schedule.</p> <p>Airport Environs Overlay is missing for MPS implementation in the schedule.</p> <p>Environmental Audit Overlay is missing for MPS implementation in the schedule.</p> <p>Road Closure Overlay is missing for MPS implementation in the schedule.</p> <p>Parking Overlay is missing for MPS implementation in the schedule.</p> <p>Provisions</p> <p>Delete 'a development contributions policy to guide infrastructure provision.' And add to further strategic work.</p> <p>Insert:</p> <p>Clause 51.01 Specific Sites and Exclusions apply to Tidal River, Wilson Promontory and to old and inappropriate subdivisions at 21 locations within South Gippsland Shire.</p> <p>Clause 52.02 Easements, Restrictions and Reserves applied to eight sites to vary or remove a restriction under Section 23 of the Subdivision Act 1988.</p> <p>Apply Clause 52.17 to 9 specific sites to exempt permit requirements for native vegetation removal and generally wherever the south Gippsland highway realignment is occurring in Korumburra.</p> | <p>PSR Complies</p> <p>PSR further strategic work.</p> <p>PSR policy neutral amendment.</p> <p>PSR full amendment.</p> |

| | | | Recommendations |
|--------|------------------------------------|--|--|
| Clause | Name | Considerations | <p style="color: green;">PSR Complies</p> <p style="color: red;">PSR further strategic work.</p> <p style="color: orange;">PSR policy neutral amendment.</p> <p style="color: blue;">PSR full amendment.</p> |
| | | <p>Apply clause 52.32 to prohibit wind energy facilities in 'All land within five kilometres of the high-water mark of the coast west of Wilson's Promontory.'</p> <p>Apply schedule to clause 53.01 to all residential, commercial and industrial land to require a minimum 5% contribution for public open space.</p> | |
| 74.02s | Schedule to further strategic work | <p>The schedule has a word count of 551 words which exceeds the maximum of 500 words – refine the word count to a maximum of 500 and update based on template A5 and R3.</p> <p>Update to include references to other current strategic projects.</p> <p>Include new items for:</p> <ul style="list-style-type: none"> • Southern Leongatha Growth Area commercial area. • Waratah Bay Coastal Hazard Assessment. • Foster Structure Plan. • Bushfire Assessment Planning Recommendations for Foster and Mirboo North. • local signage policy | PSR policy neutral amendment |

5.9. Recommendations

6. Amend the MPS, local PPF policies and schedules to include policy neutral improvements identified in the audit of the planning scheme review and shown on the marked-up ordinance at Appendix 1.

6. Planning scheme performance

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

6.1. Planning permit activity

6.1.1. Number of permits assessed

Evidence

Table 2 shows the number of permit applications received in the 2023/2024 and 2024/2025 financial years, over 2 consecutive years.

Table 2: PPARs Permits Issued between 2023/24 and 2024/25 Financial Years

| Permits (including refusals) | 2023/2024 | 2024/2025 |
|------------------------------|-----------|-----------|
| Received | 415 | 398 |
| NOD | 4 | 2 |
| New / Amended Permit | 400 | 384 |
| Refusal | 11 | 12 |

Source: PPARS

Discussion

Over the two financial years, 813 applications were received, and there was a total of 813 permit decision outcomes. There were 17 fewer applications in 2024-2025 compared to 2023-2024, representing a slight decrease. This indicates that Council's statutory planning function is determining the same number of applications that are received. The proportion of successful and refused permits have remained around the same in the last two financial years. The permit refusal rate is 2% in 2023-2024 and 3% in 2024-2025, which is typical for rural municipalities.

6.1.2. Service performance

Evidence

Table 3 sets out data against four different indicators for SGSC against other comparable councils. This includes Bass Coast Shire, Baw Baw Shire and Wellington Shire, which are all categorised as 'Large Shires' by the Victorian Government. These Council areas have a similar population size and are all located adjacent to South Gippsland Shire.

Discussion

The benchmarking indicates that South Gippsland Shire Council performs well in terms of the cost of statutory planning services. While there is some variation in the timeliness of decision-making on planning applications, this is often closely linked to resourcing constraints.

- **Time taken to decide planning applications:** South Gippsland Shire generally takes 19 to 59 days longer to decide on planning applications compared to the state average, but this is comparable to Baw Baw Shire and Bass Coast Shire. Significantly, the median number of days it took to decide planning applications in South Gippsland Shire decreased from 139 days in 2023-2024 to 91 days in 2024-2025. This improvement is also observed on the state level, and in Bass Coast and Baw Baw Shires as well. Bass Coast saw an improvement from 127 to 95 days, and Baw Baw Shire saw an improvement from 117 to 111 days respectively. The improvement in South Gippsland's decision-making is the greatest when compared with the state median and other Councils. This indicates that the time taken by Council to process applications is improving.
- **Planning applications decided within required timeframes:** Overall, fewer applications are decided within the required timeframe in South Gippsland Shire than in other Council areas. The proportion of timely outcomes is lower by 15%-35% in South Gippsland compared to the rest of the state. Other comparable councils also make more timely planning decisions, with Bass Coast and Wellington Shire experiencing a punctuality rate 20-60% higher than South Gippsland Shire. Despite this, assessment times for permit applications between 2023-2024 and 2024-2025 improved substantially in South Gippsland, where the proportion of applications decided on time rose by 21.1%. Baw Baw Shire, Wellington Shire and the state overall only experienced a marginal increase in the proportion of timely decisions (1-2% increase). Although the proportion of applications decided within required timeframes is still below average in South Gippsland, the data shows that the Council is improving on this aspect.
- **Cost of statutory planning service per planning application.** Costs of statutory planning services in South Gippsland Shire are similar to the state average and are lower than other comparable Council areas except for Wellington Shire. This indicates that statutory planning services in South Gippsland incur costs in the average range compared to the surrounding region and the state. Between 2023-2024 and 2024-2025, these costs have dropped by an average of \$331.56 per application. In Baw Baw Shire and Bass Coast Shire Councils, costs have fallen by a similar amount to South Gippsland. This contrasts with increasing statutory planning costs statewide and in Wellington Shire, which experienced increases per annum of \$340.81 and \$892.31, respectively. These costs are likely a reflection of Council's resources expended on their planning services and are subject to staff vacancies.
- **Council planning decisions upheld at VCAT:** The proportion of Council planning decisions upheld at VCAT increased from 60% in 2023/2024 to 100% in 2024/2025. Between 2023-2024 and 2024-2025, there was a decline in the proportion of Council decisions being upheld across the state, including in both Bass Coast Shire and Baw Baw Shire. In South Gippsland, the improvement in the proportion of Council decisions upheld is likely due to there being only one case in 2024-2025, which was determined in Council's favour. This compares to there being 6 VCAT cases in the previous financial year. Given statewide trends, this metric's reflection of Council's service performance may not be accurate. Nevertheless, the proportion of decisions upheld in 2023-2024 (60%) is still around the same as the state average, meaning that Council is generally making good planning decisions.

Table 3: Comparison of service performance against comparable councils

| Measure description | Council | 2023-2024 | 2024-2025 |
|---|-----------------------|------------|------------|
| Time taken to decide planning applications (days). This is the median number of days between receiving a planning application and a decision on an application | South Gippsland Shire | 139 | 91 |
| | Bass Coast Shire | 127 | 95 |
| | Baw Baw Shire | 117 | 111 |
| | Wellington Shire | 36 | 47 |
| | Statewide average | 80.6 | 72.5 |
| Planning applications decided within required time frames | South Gippsland Shire | 32.2% | 53.3% |
| | Bass Coast Shire | 60.5% | 76.8% |
| | Baw Baw Shire | 59.0% | 58.4% |
| | Wellington Shire | 90.6% | 92.2% |
| | Statewide average | 67.7% | 69.7% |
| Cost of statutory planning service per planning application | South Gippsland Shire | \$3,611.85 | \$3,280.29 |
| | Bass Coast Shire | \$3,766.30 | \$3,332.92 |
| | Baw Baw Shire | \$4,438.17 | \$4,015.31 |
| | Wellington Shire | \$1,212.97 | \$2,105.28 |
| | Statewide average | \$3,554.68 | \$3,895.49 |
| Council planning decisions upheld at VCAT | South Gippsland Shire | 60% | 100% |
| | Bass Coast Shire | 90.9% | 58.8% |
| | Baw Baw Shire | 41.7% | 84.2% |
| | Wellington Shire | 100% | 100% |
| | Statewide average | 62.4% | 59.4% |

Source: www.knowyourdata.vic.gov.au

6.1.3. Most common permit triggers

Evidence

As shown in **Table 4**, applications for sheds and the use and development of single dwellings were the most common application type in 2023-2024. This remains the same in 2024-2025.

Table 4: Most Common Application Types in the Townships

| Application type | | |
|---|-----|-----|
| Sheds and outbuildings | 109 | 141 |
| Dwellings - use and development of single dwelling | 107 | 79 |
| Dwellings- building extensions | 78 | 53 |
| Subdivision | 46 | 44 |
| Change or extension of use | 24 | 19 |
| Commercial/industrial/other | 17 | 19 |
| Other | 10 | 8 |
| Alterations and works | 7 | 12 |
| Liquor licence | 7 | 4 |
| Native vegetation removal | 4 | 7 |
| Dwellings- use and development of 2 or more dwellings | 3 | 7 |
| Signage | 3 | 5 |

Source: PPARS

Discussion

Generally, applications related to sheds and dwellings are the most common type of application. In the last two financial years, dwelling-related applications formed 49% of all applications while 30% of all applications are related to sheds and outbuildings. Within dwelling related applications, most of these are permit applications for use and development of single dwellings or extensions to dwellings. Applications for the use and development of 2 or more dwellings and applications for signs are the least common types of applications received. Applications for subdivisions form 11% of all permit applications.

Between 2023-2024 and 2024-2025, the number of applications for sheds and outbuildings rose by 29%, while applications for the use and development of dwellings decreased by 26%. Applications for dwelling extensions also decreased by 32%. Although the number of applications for the use and development of 2 or more dwellings is comparatively small, applications for this category doubled between the last two financial years. The number of applications related to subdivision, non-dwelling related developments and uses, alterations and works, liquor licences, native vegetation removals and dwellings remained similar between the two financial years. There is a small decrease in the number applications for a change or extension of use. Altogether, the data suggests that no significant changes apart from an increase in applications for sheds and outbuildings.

The 'other' category of applications form 2% of all applications submitted. Applications in this category include ones related to restrictive covenants and easements; vesting of reserves; and access to transport zones. Applications relating to commercial, industrial or other uses are mostly for works or development associated with rural industry, agriculture, recreational or community facilities and telecommunication facilities. Some of these also include applications for a reduction of car parking spaces.

6.1.4. VCAT matters

Evidence

South Gippsland does not regularly appear at VCAT. Seven planning applications were decided at VCAT in 2023 -2025:

- 1 x Appeal against refusal of permit
- 6 x Appeals against conditions

The level of VCAT activity is low given the number of applications, Council processes and its rural location.

Table 5 shows the types of outcomes determined for all planning applications.

Table 5: Decision outcome data from 2023 to 2025

| Application for review type | 2023-2024 | 2024-2025 |
|--|-----------|-----------|
| Appeal against refusal (s. 77) | 1 | 0 |
| Appeal against decision to grant (s. 82) and conditions (s.80) | 5 | 1 |

Source: Council supplied data

Discussion

The data shows that most applications (97.4%) resulted in permits or notices of decisions determined by Council, while only 2.6% of all permit applications were refused. Only 7 application decisions (0.8%) were determined by VCAT, which includes permits and refusals. The high proportion of application decisions made under delegation further highlights the absence of contested cases in South Gippsland Shire. The small number of applications that are forwarded to VCAT indicates satisfaction towards the statutory decisions made during the past two financial years.

Council staff have requested that additional wording be added under this review to Clause 13.02-1L Bushfire Planning to ensure that rural lots and LDRZ lots resulting from subdivision can fully contain defensible space required for existing and future dwellings. This is in response to the recent VCAT decision P883/2024 at 11 Grey Road Mirboo North which considered this issue.

New policy advice will need to be provided in Clause 13.02-1L to guide subdivision outcomes in bushfire prone areas.

6.1.5. Geographic spread of applications

Evidence

Table 6 shows the number of applications in each locality.

Table 6: Distribution of Applications from 2023-2024 and 2024-2025

| Locality | Number of Applications between 2023/24 – 2024/25 | Percentage (%) |
|-----------------|--|----------------|
| Venus Bay | 89 | 10.95 |
| Korumburra | 66 | 8.12 |
| Foster | 60 | 7.38 |
| Leongatha | 57 | 7.01 |
| Mirboo North | 51 | 6.27 |
| Fish Creek | 32 | 3.94 |
| Sandy Point | 27 | 3.32 |
| Leongatha South | 26 | 3.20 |
| Port Welshpool | 24 | 2.95 |
| Nyora | 23 | 2.83 |
| Poowong | 20 | 2.46 |
| Toora | 18 | 2.21 |
| Yanakie | 18 | 2.21 |
| Buffalo | 13 | 1.60 |
| Dumbalk | 13 | 1.60 |
| Koonwarra | 13 | 1.60 |
| Stony Creek | 13 | 1.60 |
| Tarwin Lower | 13 | 1.60 |
| Loch | 12 | 1.48 |
| Meeniyan | 12 | 1.48 |

| Locality | Number of Applications between 2023/24 – 2024/25 | Percentage (%) |
|-----------------|--|----------------|
| Mirboo | 11 | 1.35 |
| Waratah Bay | 11 | 1.35 |
| Hallston | 9 | 1.11 |
| Nerrena | 9 | 1.11 |
| Welshpool | 9 | 1.11 |
| Bena | 7 | 0.86 |
| Kardella South | 7 | 0.86 |
| Ranceby | 7 | 0.86 |
| Walkerville | 7 | 0.86 |
| Agnes | 6 | 0.74 |
| Berrys Creek | 6 | 0.74 |
| Jumbunna | 6 | 0.74 |
| Kongwak | 6 | 0.74 |
| Leongatha North | 6 | 0.74 |
| Port Franklin | 6 | 0.74 |
| Wooreen | 6 | 0.74 |
| Foster North | 5 | 0.62 |
| Hedley | 5 | 0.62 |
| Kardella | 5 | 0.62 |
| Mardan | 5 | 0.62 |
| Outtrim | 5 | 0.62 |
| Ruby | 5 | 0.62 |
| Toora North | 5 | 0.62 |

| Locality | Number of Applications between 2023/24 – 2024/25 | Percentage (%) |
|------------------|--|----------------|
| Hazel Park | 4 | 0.49 |
| Mount Best | 4 | 0.49 |
| Allambee South | 3 | 0.37 |
| Baromi | 3 | 0.37 |
| Dumbalk North | 3 | 0.37 |
| Koorooman | 3 | 0.37 |
| Mount Eccles | 3 | 0.37 |
| Poowong North | 3 | 0.37 |
| Arawata | 2 | 0.25 |
| Dollar | 2 | 0.25 |
| Inverloch | 2 | 0.25 |
| Korumburra South | 2 | 0.25 |
| Pound Creek | 2 | 0.25 |
| Trida | 2 | 0.25 |
| Turtons Creek | 2 | 0.25 |

| Locality | Number of Applications between 2023/24 – 2024/25 | Percentage (%) |
|---------------------|--|----------------|
| Walkerville South | 2 | 0.25 |
| Whitelaw | 2 | 0.25 |
| Wild Dog Valley | 2 | 0.25 |
| Wilson's Promontory | 2 | 0.25 |
| Wonga | 2 | 0.25 |
| Boorool | 1 | 0.12 |
| Darlimurla | 1 | 0.12 |
| Jeetho | 1 | 0.12 |
| Lang Lang | 1 | 0.12 |
| Middle Tarwin | 1 | 0.12 |
| Poowong East | 1 | 0.12 |
| Tarwin | 1 | 0.12 |
| Wonyip | 1 | 0.12 |
| Woorarra West | 1 | 0.12 |

Source: PPARS / Council supplied data

Discussion

Table 8 shows that in the 2023-2024 and 2024-2025 financial years, the location of permit applications is distributed across the Shire, which is expected for a predominantly rural LGA with a population distributed across multiple townships. Most applications are found in the Shire's larger towns such as Leongatha and Korumburra, as well as holiday or tourism-based localities such as Venus Bay.

Venus Bay is the locality with the largest number of permit applications (89), forming 10.95% of all applications in the two financial years. This is followed by Korumburra (66), Foster (60), Leongatha (57) and Mirboo North (51). There are a considerable number of applications in localities identified as

'Coastal Villages' within 11.01-1L-06 of the existing South Gippsland Planning Scheme. This includes Venus Bay, but also Port Welshpool (24 applications) and Sandy Point (27 applications). This suggests that a substantial amount of planning applications is related to holiday homes and coastal tourism. A considerable number of applications are also made in localities identified as 'Small Towns', including Fish Creek (32 applications), Poowong (20 applications) and Nyora (23 applications).

6.2. Planning Panels Victoria

6.2.1. Summary of planning scheme amendments

Council has undertaken three 'C' planning scheme amendments since the last planning scheme review. A detailed analysis of these has been provided to Council officers. Those that were referred to a Planning Panel are summarised in **Table 7**.

Table 7: Summary of Planning Scheme Amendments Proceeding to a Planning Panel

| Amendment number | In operation from | Description | Type | Status | Planning Panel? | Does this require assessment in Part Two? |
|------------------|-------------------|---|-----------------------------------|----------|-----------------|---|
| C133 | 8 May 2026 | Rezones part of 14 Radovick Street, Korumburra from Public Use Zone to Commercial 1 Zone, and rezones part of the Victoria Street road reserve from Public Use Zone to General Residential Zone - Schedule 1, to facilitate the sale of surplus land. | Site specific | Approved | Yes | No |
| C131sgip | 14 November 2025 | Rezones 108 and 110 Parr Street, Leongatha from Farming Zone to General Residential Zone Schedule 1, and makes changes to overlays affecting the land. | Site specific | Approved | Yes | No |
| C119sgip | 15 August 2024 | ESO5 to EMO1 | Policy Related | Approved | Yes | No |
| C129sgip | 17 October 2024 | The amendment implements recommendations of the South Gippsland Planning Scheme Review (2023) and the | Policy Related/ Administrative | Approved | Yes | Yes |

| | | | | | | |
|--|--|---|--|--|--|--|
| | | South Gippsland Permit Triggers Review Report (2023). | | | | |
|--|--|---|--|--|--|--|

6.2.2. C129 and Compliance with the MDFC

Evidence

Amendment C129 implemented recommendations of the South Gippsland Planning Scheme Review (2023) and the South Gippsland Permit Triggers Review Report (2023). The amendment introduced new and revised local content in the MPS and the PPF, and by amending the schedules to zones, overlays, general provisions and operational provisions.

The amendment updated the SGPS to ensure it was consistent with the MDFC. The amendment revised Schedule 1 to Clause 35.03 (Rural Living Zone, RLZ), inserted new Schedules 2 and 3 to the RLZ, amended the zone maps to designate all RLZ land either RLZ1, 2 or 3 and removed onerous permit triggers in the rural zone schedules. It also amended the Schedule to Clause 72.02, included several new background documents in the Schedule to Clause 72.08 and updated Further Strategic Work in the Schedule to Clause 74.02.

Discussion

Further updates are still required to bring some planning scheme provisions into conformance with the MDFC.

Findings

Council must undertake further updates to the scheme provisions to bring the scheme overall into conformance with the MDFC.

6.3. VCAT

6.3.1. VCAT cases reviewed

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

- Vickers v South Gippsland SC [2023] VCAT 813
- Suddards v South Gippsland SC [2023] VCAT 891
- Wallis v South Gippsland SC [2023] VCAT 1180
- Jones v South Gippsland SC [2024] VCAT 156
- Boutros v South Gippsland SC [2024] VCAT 395
- Giardino v South Gippsland SC [2024] VCAT 818
- Prom Country Developments Pty Ltd v South Gippsland SC [2024] VCAT 1015
- Houben v South Gippsland SC [2024] VCAT 1219
- Vitetta v South Gippsland SC [2025] VCAT 583
- Schuhmann v South Gippsland SC [2025] VCAT 676
- Attenborough v South Gippsland SC [2025] VCAT 776

- Peacock-Stony Pty Ltd V South Gippsland SC [2025] P747/2025
- McGrath v South Gippsland SC [2026] VCAT 13

6.3.2. Policy issues raised at VCAT

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

- Dwellings in the Farming Zone and impacts on agricultural uses and amenity.
- Policy on development along laneways (Note: this relates to the item of further strategic work under the schedule to Clause 74.02.).
- Bushfire risk and the management of defendable space on adjoining land - as per Clause 53.02.
- Native Vegetation Removal - Clause 42.01 (ESO) and Clause 43.02 (DDO).
- Underdevelopment of a site - Clause 32.08-7 (GRZ).
- Conversion of agricultural land into rural residential lots - Clause 14.01-1L-05 (Subdivision in the Farming and Rural Activity Zones).
- Subdivision of Farming Zone land subject to the BMO (Clause 44.06).

6.3.3. Dwellings in the Farming Zone

Summary

The Tribunal determined that a lack of information on compliance with stocking requirements under the guidelines as per clause 53.16, as well as decision guidelines of the ESO, prompted refusal of the application. The Tribunal indicated that determination of compliance against guidelines via a permit condition was inappropriate.

Discussion

Further policy on dwellings and amenity in Farming Zone and ‘agent of change’ principle.

Findings

Develop further policy on dwellings and amenity in Farming Zone and ‘agent of change’ principle through further strategic work as indicated in the schedule to Clause 74.02.

6.3.4. Development along Laneways

Summary

The Tribunal found that subdivision of the lot into two to create a rear lot with sole access from the laneway was supported on policy grounds for urban consolidation and location of development and that existing policy on neighbourhood character was not sufficient to support refusal. Issues of access for waste collection, traffic on the laneway and pedestrian safety were dismissed.

Discussion

The proposal involved a two-lot subdivision with laneway access in an established inner area of a regional service centre. Key issues included neighbourhood character and vehicular access, which were found to be acceptable and supported by local policy.

Findings

Develop further policy on development along laneways through further strategic work as indicated in the schedule to Clause 74.02.

6.3.5. Bushfire Risk and Defendable Space

Summary

Issues around access and road widths were resolved through an amended subdivision plan, and conditions that might apply to a permit. The issue of defendable space within the adjoining Crown reserve was determined to be unsatisfactory regarding Clause 53.02 and provision of the defendable space within the subdivision was required via an amended permit condition.

Discussion

Bushfire risk management of defendable space on adjoining land Clause 53.02.

Findings

Consider the application of a BMO schedule or additional local policy to clarify BAL compliance requirements and formalise the Tribunal's position on the provision of defendable space within a subject lot.

6.3.6. Native Vegetation Removal

Summary

The Tribunal found that, while the proposed subdivision would result in development that satisfies site servicing, bushfire risk and flood risk considerations, vegetation removal, landscape character and density of the proposed dwellings was incompatible with the requirements of ESO7 and DDO3.

Discussion

Native Vegetation Removal Clause 42.01 and Clause 43.02.

Findings

Further guidance could be provided to clarify how landscape assessments are to accommodate the application of a BMO.

6.3.7. General Residential Zone

Summary

The Tribunal found that, while the proposed subdivision would result in development that satisfies site servicing, bushfire risk and flood risk considerations, vegetation removal, landscape character and density of the proposed dwellings was incompatible with the requirements of ESO7 and DDO3.

Discussion

- The application involved consideration of the issue of underdevelopment of a site subject to Clause 32.08-7 (GRZ) within the inner area of the Shire's regional service centre.

- The Tribunal found that Council’s determination to refuse the application on the grounds of the proposal being an underdevelopment in terms of the site’s potential was flawed due to:
 - the form of the development being undertaken on the site,
 - the policy context encouraging a moderate increase in the provision of housing, with only general targets being provided,
 - the conventional zoning and established low rise/low intensity housing character, and
 - no planning scheme imperative for a change to higher rise built form or a higher dwelling density.

Findings

Review the town structure plans and align policy setting / zoning options and the application of the built form controls to more clearly articulate a built form vision for growth settlements.

6.3.8. Conversion of Agricultural Land into Rural Residential Lots

Summary

The Tribunal found that, while the proposed subdivision would result in development that satisfies site servicing, bushfire risk and flood risk considerations, vegetation removal, landscape character and density of the proposed dwellings was incompatible with the requirements of ESO7 and DDO3.

Discussion

- Application involved consideration of a key policy issue - Dwellings in the Farming Zone.
- The Tribunal found that the proposal would directly lead to the loss and fragmentation of agricultural land, contradictory to clear and established planning policy.
- Applicable for any review of the Rural dwelling policy at Clause 14.01-1L-01.

Findings

The policy intent of Clause 14.01-1L-01 is clear and does not require further amendment regarding the preservation of agriculture land use in favour of rural residential development in this zone.

7. Stakeholder engagement

This section contains an overview and analysis of stakeholder engagement that has informed the Planning Scheme Review. It includes data collected as part of a Council planner survey, responses from key referral agencies and external stakeholders as well as feedback provided by planning staff, key internal staff, and Councillors through a series of workshops.

The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives. The findings of this engagement help refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

7.1. Planner's feedback

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

Council officers raised numerous matters influencing the operation of the SGPS that may be grouped under the following headings:

- Conflicts with the Farming Zone and the Rural Activity Zone.
- DPOs need to include reference to bushfire risk.
- ESOs and SLOs require urgent review.
- Consider a review of the RAZ to reconcile bushfire risk against the BMO.
- DDO built form directions could be improved – particularly regarding further clarity on the use of 'muted tones' for building materials.
- LDRZ schedule error)
- Schedule to the LDRZ doesn't specify dimensions for an outbuilding.
- SLOs needs to be reviewed considering VCAT findings (as per legal advice).
- Distinctive areas and landscapes policy to align with the Significance Landscape Overlay – these areas need to be mapped properly.
- Settlements policies are now redundant with the new provisions for major towns.
- Protection of existing large-scale dairy and piggery operations and the ability for expansions and the need to ensure protection for biosecurity.

Feedback from the initial planner survey provided the basis for a workshop with Council planners held on 31 March 2026. The workshop expanded on the issues raised in the Planners' survey and analysed planning scheme performance more broadly.:

Matters raised in this workshop that echo the survey results include:

- Development within rural areas, including group accommodation for farm workers off site and dwellings within the Farming Zone especially on lots between 4.1 ha and 40 ha.
- Lack of guidance on tourism type uses such as hotels within the RAZ.
- Sewerage systems in townships, and the performance of septic systems on existing lots.

- BMOs and their application to timber plantations near towns.
- Need for additional bushfire guidance within DPO schedules.
- Need for ESO2 permit triggers to focus on buildings and works that generate wastewater.
- Applications received under ESO8 and the role of referral authorities in decision making.
- The need to progress strategic work for Nyora in response to development pressure.
- Clarity of mapping for landscape character areas.
- Operation and structure of the DDOs for smaller towns and guidance for preferred types of development, including side fences.
- Further clarity needed on 'muted and non-reflective tones'.

7.2. Internal staff

Council staff identified as having an interaction with the SGPS, either in an internal referral capacity or as an administrator of its policies, were contacted to provide feedback via the planner's survey.

Matters raised by internal staff include:

- For the Environmental Health team applications for extensions and alterations to existing dwellings within declared water catchment areas generally take the longest to determine. Due to the need for a comprehensive assessment of the existing onsite wastewater management system (OWMS) to ensure it remains adequate for the proposed development and continues to protect water quality.
- In many cases, the necessary documentation and system details are not provided upfront by the applicant, resulting in requests for further information and extended assessment timeframes.
- VicSmart applications raise several concerns for the Environmental Health Team, particularly where they relate to onsite wastewater matters. The prescribed timeframes are extremely tight, which can result in these applications either not being referred or being referred with insufficient time for a thorough assessment.
- The Environmental Health Team would welcome the introduction of a more streamlined process to identify planning applications that are connected to reticulated sewerage, rather than requiring the Team to manually verify this information and provide a response in each instance.
- Applications for development in unsewered areas should be required to provide detailed information outlining how onsite wastewater will be treated and retained within the boundaries of the subject land at the time of lodgement, rather than awaiting a request for further information through the Environmental Health referral process.
- Requiring applicants to submit an adequate onsite wastewater management response at the time of application would streamline internal referrals, reduce assessment timeframes, and support more informed decision-making early in the planning process.
- Rising groundwater is of particular concern for the Environmental Health Team in coastal areas characterised by sandy soils, such as Venus Bay and Sandy Point. Consideration of these factors within the planning scheme will be increasingly important to ensure long-term land capability and environmental sustainability.

- The Environmental Health Team is currently finalising the Onsite Wastewater Management Plan (OWMP) and associated policy, which is due for adoption in mid-2026. The new OWMP will introduce end-of-life standards for all onsite wastewater management systems (OWMS) installed within the South Gippsland municipality, establishing clearer expectations for system upgrades, performance, and replacement. These changes are likely to have planning implications, particularly in relation to development in unsewered areas, system capacity assessments for dwelling extensions, and long-term land capability considerations.

Findings

Several issues identified by planners and internal staff through internal stakeholder process have been addressed within the audit or the scheme under this review. Additional strategic work is needed to address several of the growth management issues. A policy positive suite of planning controls is proposed to be prepared to address issues with the operation of ESOs, SLOs and DDOs and clarify the requirements for muted and non-reflective materials. However, these policy positive planning scheme changes are beyond the scope of a policy neutral amendment for implementing the findings of this scheme review. If policy positive ordinance changes are proposed, they need to be considered in detail by Council independently from the recommendations of this report.

7.3. Councillors and executive team

The Executive Team and Councillors participated in a briefing on the planning scheme review on 10 December 2025. The briefing introduced the planning scheme review, discussed the objectives of planning in Victoria, and included a summary of preliminary analysis findings to date with an opportunity to ask questions and highlight issues.

The Councillors raised several matters, including:

- Planning for food security, micro-farms, market gardens and food bowl issues in the context of the loss of high value agricultural land.
- Areas of biodiversity and the isolation of flora and fauna.
- Legacy/historical planning issues and having more fit for purpose planning controls.
- The impact of timber plantations on bushfire hazard and farming and the role of conservation covenants and carbon farming.
- Bushfire risks and landscape assessments.
- Dwelling excisions in the rural areas and their impacts.
- The role of renewable energy zones.
- Advocating for land brokering related to the lack of licensing of activities and value-added exported goods.

These matters have been considered as part of the broader discussion about key planning issues in the municipality and in relation to the proposed further strategic work program.

7.4. Referral and notice agencies

All relevant referral and notice agencies and Registered Aboriginal Parties were invited to provide their written comments and feedback regarding the current performance of the South Gippsland Planning Scheme, in relation to their specific area(s) of responsibility.

A summary of referral and notice agency responses are included in **Appendix 4**.

Agriculture Victoria

AgVic highlighted the government's response made in 2025 to the Parliamentary Inquiry *Securing the Victorian food supply* which included commitments to strengthen protections for all productive agricultural land across Victoria in the PPF, remove ambiguous terms like 'strategic significance' and 'economic importance' and to recognise all productive agricultural land as valuable, and decisions will continue to be guided by integrated decision-making principles.

The implications of this for the planning scheme review are to recognise that there are likely to be changes to the PPF in coming years and should be considered in determining the timing for the review of the Rural Land Strategy.

Country Fire Authority

The CFA highlighted the need to ensure that any potential policy changes are prepared through the lens of Clause 13.02-1S. This will assist in ensuring that the update will not have any undue policy impacts that influences bushfire outcomes, or increase/change bushfire risk, hazards or policy responses.

The implications for the planning scheme review could include updating DPO Schedules to include bushfire requirements, ensuring that pre 2017 strategy, plans, policy or associated mapping recognise bushfire policy and are adapted where necessary.

Department of Premier & Cabinet (DPC), First Peoples State Relations (FPSR) - Gippsland Heritage Programs

DPC highlighted the need to better inform land users of the risk to harming Aboriginal cultural heritage, including Ancestral Remains, during ground disturbing works at Venus Bay. This could include notifying FPSR of applications for two-lot subdivision, construction of a dwelling, and other developments involving significant earthworks within the Venus Bay Peninsula. The issue of single and two lot subdivision being an exempt activity under the Regulations is a significant barrier to addressing this issue via a Cultural Heritage Management Plan (CHMP).

This planning scheme review examined possibilities to address this serious issue occurring in Venus Bay. At this time this review did not identify any existing controls where the appropriate inclusion of a referral to DPC under the schedule to Clause 66.06 could be captured. This review identifies that this is an issue that is worth further strategic investigation however it is better to be led and funded by the State to consider how, or in what circumstances applications should be referred to First Peoples State Relations.

Department of Energy, Environment and Climate Action

DEECA requested that the 'Secretary administering the Coastal Management Act 1995' is removed as a referral authority for applications for development on Coastal Crown Land, as defined under the Coastal Management Act, 1995 in relation to Schedule 3 to Clause 42.01 (ESO3) – Coastal Settlements. The ESO5 is no longer an applicable control in the planning scheme, and this referral provision should be removed.

DEECA also indicated that there is ongoing ambiguity and confusion between planning officers and DEECA over what type of applications that 'adversely affect wildlife habitat and sites of biological or zoological significance'. Additionally, DEECA questioned the 'necessity and effectiveness of referrals for 'Applications to subdivide land into more than four lots or any subdivision application which may have adverse environmental effects'.

DEECA recommended that the wording of the schedule be updated to clarify what constitutes these types of applications although DEECA did not provide alternative wording. Subsequent meetings with DEECA officers on these matters also did not result in any proposed alternative wording.

The implications for the planning scheme review are primarily to remove DEECA as a referral authority for ESO5 and secondarily to further define what kind of applications would result in development that will 'adversely affect wildlife habitat and sites of biological or zoological significance' or have 'environmental impacts'. These issues will require further review by Council beyond the scope of this review.

EPA Victoria

EPA Victoria points to how the schedule to Clause 66.04 identifies the EPA as a recommending referral authority for the ESO8. The EPA states that they do not support being a referral authority for this Clause. They also point to previous advice from 2022 where they recommend Council use the BAO to identify amenity buffers, instead of ESOs.

The implications for this planning scheme review are to consider relocating this referral requirement to the schedule to clause 66.06 so that notice is required instead when an application is submitted.

Council do not agree that removal of EPA as referral authority under ESO8 and have noted that, according to its permits database, there is potentially only one previous application that has been referred to the EPA under ESO8, indicating that the regulatory burden of this referral requirement is very low. Another implication is to scope the possibility of utilising BAOs in the Shire to maintain amenity buffers. The use of BAOs has also been recommended as further strategic work in the previous planning scheme review.

Gippsland Water

Gippsland Water raised concerns about how ESO2 does not align with its Special Water Supply Catchment boundary, resulting in applications being sent to neither water corporation. Gippsland Water also note that a small pocket of the Tarwin River catchment falls within their catchment area. They note that they have been referring applications in this small pocket to South Gippsland Water.

The implications for this planning scheme review are to align the extent of the ESO2 with Gippsland Water's Special Water Supply Catchment Boundary, and to ensure that the correct water authority is identified under Clause 44.06.

West Gippsland Catchment Management Authority

The WGCMA indicated that it is working together with Council to introduce new flood controls, and any required changes to the scheme relevant to them will be addressed through Amendment C135sgip. They raised a concern about there being no referral authority to consider the impact of greenfield development on waterway health, and they welcome the opportunity to become a local referral authority under relevant DPO or UGZ schedules.

The implications for this planning scheme review are to continue supporting the introduction of new flood overlays through C135sgips, and that the WCGMA would like to take an active role in shaping greenfield development.

Agencies that did not respond included:

- The Department of Jobs, Skills, Industry and Regions (DJSIR)
- The Department of Transport and Planning (DTP)
- Heritage Victoria
- Melbourne Water
- Parks Victoria
- South Gippsland Water
- Bunurong Land Council Aboriginal Corporation
- Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)

7.5. Summary of issues raised through engagement

Table 8 prioritises the various matters raised during the Stakeholder Engagement phase of the review and recommends appropriate actions.

Table 8: Summary of Issues Raised Through Engagement

| Issue | Planners | Internal staff | Crs and Executive | Referral Agencies |
|---|----------|----------------|-------------------|-------------------|
| Development in the Farming Zone and Rural Activity Zone | ☑ | ☑ | ☑ | |
| Useability of Overlays | ☑ | | | |
| Protection of Productive Agricultural Land | ☑ | ☑ | ☑ | |
| Bushfire hazards | ☑ | | ☑ | ☑ |
| Heritage | ☑ | | ☑ | ☑ |
| Significant landscapes and environmental issues | ☑ | | ☑ | ☑ |

| Issue | Planners | Internal staff | Crs and Executive | Referral Agencies |
|---|----------|----------------|-------------------|-------------------|
| Developer contribution requirements | ☑ | | | |
| Wastewater treatment | | ☑ | | ☑ |
| Design of new dwellings | ☑ | | ☑ | |
| Affordable housing | ☑ | | ☑ | |
| Environmentally Sustainable Development | | ☑ | | |
| Risk management between plantations and residential land. | ☑ | | ☑ | |
| Renewable energy infrastructure | | | ☑ | |
| Coastal inundation and climate change risk | ☑ | ☑ | ☑ | ☑ |

8. New strategic work

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

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

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

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

8.1. Council projects and documents

8.1.1. Documents reviewed

The following documents that have been prepared since the 2023 planning scheme review were reviewed for relevance to the South Gippsland Planning Scheme:

- South Gippsland Shire Council Plan (2025 – 2029)
- South Gippsland Shire Council Community Health and Wellbeing Plan (2025-2029)
- South Gippsland Renewable Energy Impact and Readiness Study (Urban Enterprise, 2024)
- South Gippsland Coastal Strategy 2023

8.1.2. Documents with policy implications

South Gippsland Shire 2025-29 Council Plan - The Shaping South Gippsland Community Vision 2040

The Council Plan 2025-2029 proposed “South Gippsland: celebrating our First Peoples, diverse populations, culture, heritage, environment, agriculture and industries. We support and empower positive change through education and action. We sustainably adapt to protect and enhance our unique natural environment, towns and villages through community-led planning and initiatives. We’re an inclusive community, a place where people come to visit and want to stay.”

Implications for the planning scheme include strategies under the theme “Developing a Sustainable Future” to clause 02.03-1 Settlement in the scheme: Provide clarity through our Planning Scheme in areas such as township boundaries, preservation of township identity and heritage, protection of agricultural land and identify areas for future growth including industrial land.

South Gippsland Shire Council Community Health and Wellbeing Plan (2025-2029)

The Plan coordinates a vision, outcomes and actions relating to community health and wellbeing. It incorporates the “Council Plan community vision: Community Vision 2040 Our Vision Statement South Gippsland: celebrating our First Peoples, diverse populations, culture, heritage, environment, agriculture and industries. We support and empower positive change through education and action. We sustainably adapt to protect and enhance our unique natural environment, towns and villages through community-led planning and initiatives. We’re an inclusive community, a place where people come to visit and want to stay.”

Implications for the planning scheme include a proposed objective at clause 16.01-2L Housing affordability - South Gippsland: “To increase access to affordable and social housing”. Strategies could also be included such as: “Ensure affordable and social housing are included in residential developments” and “Ensure affordable and social housing is provided within walking distance of services and amenities”.

South Gippsland Coastal Strategy 2023

The Coastal Strategy provides strategic direction for the planning of South Gippsland’s coastal areas. Relevant directions include updating Council’s local planning policy on coastal climate risk to more clearly set out the long-term risks posed to our townships. It also suggests removing all coastal township greenfield residential growth areas from the planning scheme framework plan maps and retain the township boundaries consistent with the current application of each township’s urban land zoning. By exploring the strategic justification for Council, it restricts or discourages the development of more than one dwelling per lot and the subdivision of land which increases dwelling development potential. Supporting existing state planning policy also retains coastal townships to within their existing urban zoned boundaries.

Council is currently undertaking a project to implement the directions of the adopted coastal strategy, in collaboration with DTP. A consultant has been appointed to lead this work for Council.

South Gippsland Renewable Energy Impact and Readiness Study (Urban Enterprise, 2024)

The strategy was undertaken in partnership with Latrobe City Council with support from Regional Development Australia to understand and strategically plan for long term renewable energy investment to optimise economic benefits and mitigate any potential issues that may arise from project facilitation and delivery. Relevant actions include incorporating and embed economic development objectives for the renewable energy sector into regional and local planning policy to establish a supporting policy context to attract and facilitate investment. It also aims to incorporate supporting for key worker housing into local policy and strategy. Planning for a long-term supply of greenfield residential land supply in Leongatha, Korumburra and Foster also helps accommodate ‘business as usual’ housing demand in addition to any potential increase in demand that results from renewable energy projects. Planning urban expansion opportunities assists in addressing the scarcity of vacant residential zoned land.

In terms of implications for the planning scheme, additional or revised strategic directions support for renewable energy investment that does not impact on landscape, and amenity is provided within the MPS and this position is further reflected within the PPF at clause 19.01-2L. Other planning implications relate to the supply of housing for key workers engaged in energy infrastructure projects. associated objective and strategies could be included in a regional policy under the state policy in clause 14.

8.1.3. Regional projects and documents

8.1.4. Documents reviewed

The following regional documents were reviewed and are considered to be relevant to the South Gippsland Planning Scheme:

- Gippsland Regional Climate Change Adaptation Strategy (2022)
- Gippsland Regional Economic Development Strategy (2022).

8.1.5. Documents with policy implementations

Gippsland Regional Climate Change Adaptation Strategy (2022)

This DELWP coordinated strategy aims to take a place-based approach and develop a regional adaptation strategy as a community owned document, where regional stakeholders have the opportunity to identify and prioritise strategic adaptation actions within their region to guide collaboration and planning future adaptation needs. Key strategic directions included the following:

- Assess key infrastructure vulnerability to inform adaptation planning:
 - Assess vulnerability of key regional infrastructure and the impacts of failure (responsible agencies and asset owners).
 - Agencies to collaboratively develop an understanding of asset interdependence and the impacts of failure/s on surrounding and dependent infrastructure and systems.
 - Responsible agencies to develop a greater understanding of higher risk areas and implement adaptation measures to reduce risk.
- Build understanding of coastal asset vulnerability:
 - Support landowners, land managers and asset owners along the coast to adapt or make a planned retreat in areas impacted by sea level rise and storm surge.
 - Assess the level of impacts likely on Gippsland coastal assets (ports, sea walls, jetties, boat ramps) to enable effective adaptation planning.
- Provide connected and resilient transport networks
 - Assess where changes to transport networks will enable the provision of robust and efficient connection of industries, communities and markets into, within and out of Gippsland.
- Promote and encourage adaptation and resilience measures within urban environments
 - Investigate blue-green infrastructure opportunities, such as integrating urban forestry and stormwater management, to enhance and implement new green spaces and mitigate urban heat island effects.
 - Support and encourage the improvement of thermal efficiency of public, rental and owner occupied current (retrofit) and new housing stock. Priority to be given to the vulnerable and disadvantaged members of the community.
 - Investigate and support opportunities to provide climate safe spaces within the community.
- Enable agents of change such as government, community groups, organisations and industry to implement effective adaptation.

- Define and clarify regional responsibilities and identify practicalities related to adaptations regarding responsibility for public and private spaces.
- Provide support for local government and community adaptation activities and projects.

In terms of implications for the planning scheme, strategies could be included in a regional policy under the relevant state planning policies, but this would need to be discussed further with DTP and other LGAs in the region.

Gippsland Regional Economic Development Strategy (2022)

The Gippsland Regional Economic Development Strategy uses data and evidence to profile the region's economy and identify key strategic directions to drive economic growth. Key strategic directions included the following:

- Maximise the role of the food and fibre industry in the local economy.
- Accelerate advanced manufacturing capabilities in the region.
- Pursue opportunities emerging from energy industry transition, including in clean and renewable energy and earth resources.
- Support growth and diversification in the visitor economy.
- Enhance regional specialisation in health care and social assistance.

In terms of implications for the planning scheme, strategies could be included in a regional policy under the relevant state planning policies, but this would need to be discussed further with DTP and other LGAs in the region.

8.2. Findings

Key findings from the review of local and regional strategies include the following:

- **Implement the South Gippsland Shire 2025-29 Council Plan into Council's MPS.**
- **Implement the South Gippsland Shire Council Community Health and Wellbeing Plan (2025 - 2029) at clause 16.01-2L Housing affordability - South Gippsland of the PPF.**
- **Undertake a review of the Rural Land Strategy through further strategic work at the schedule to clause 74.02.**
- **Implement the South Gippsland Economic Development Strategy (2021 - 2031) within the MPS vision or include an associated objective at clause 17.01-1L.**
- **Consider implementation of the South Gippsland Coastal Strategy 2023 into the SGPS through further strategic work at the schedule to clause 74.02.**
- **Implement the South Gippsland Renewable Energy Impact and Readiness Study (Urban Enterprise, 2024) within the MPS infrastructure section and/or include an associated objective and strategies in a regional or local policy under clause 19.01-2S to establish a supporting policy context to attract and facilitate energy investment.**
- **Discuss with DTP and other LGAs in the region how the Gippsland Regional Sustainability Strategy (2022) and the Gippsland Regional Economic Development Strategy (2022) could be implemented into relevant state planning policies of the PPF.**

9. Work underway

The following planning scheme amendments are underway.

Amendment C133

Amendment C133 has recently been approved (April 2026). The Amendment is site specific and is not of strategic significance, rezoning part of 14 Radovick Street, Korumburra from Public Use Zone to Commercial 1 Zone, and part of Victoria Street road reserve from Public Use Zone to General Residential Zone - Schedule 1 to facilitate the sale of surplus land.

Amendment C135

The WGCMA is currently working with Council's strategic planners to amend and introduce new flood controls through the Land Subject to Inundation Overlay and Floodway Overlay and associated Schedules. The WGCMA is satisfied that any required changes to the planning scheme relating to our function as the relevant floodplain management authority will be addressed through this amendment (C135sgip). Council is currently preparing the following strategic planning projects.

Coastal Strategy Implementation

Council is currently undertaking a project to implement the directions of the adopted coastal strategy, in collaboration with DTP. A consultant has been appointed to lead this work for Council. The project seeks to apply planning controls that address land use risk and climate change in coastal areas, including townships, as part of the Coastal Strategy. This work may also result in an update to the Housing and Settlement Strategy and have implications for policy direction for coastal towns within the Shire.

Planning for Nyora's Growth

Council has commenced planning for anticipated growth and infrastructure in Nyora and transitioning it to a higher order town in the LGA. A consultant has been appointed to lead this work for Council. This work will require a minor review of the Housing and Settlement Strategy, implementation of part of the Nyora Development Strategy 2016 and may also entail consideration of urban character and flood risk for the town.

Regional Precinct and Partnership Plan

Council is engaged in planning work to support continued industrial land use and infrastructure investment at Barry Beach through a Commonwealth Government funded Regional Precinct and Partnership Plan. This work will support decommissioning the existing offshore infrastructure and support future renewable energy projects. The project will have a focus on residential land release in Leongatha and Foster as a means to provide affordable housing for the workforce anticipated to be associated with the energy transition sector. ***Waratah Bay Coastal Hazard Assessment***

Council is currently undertaking a project with funding from the Victorian Government, to assess coastal hazard risk for Waratah Bay. The project is funded and a consultant has been appointed. This project seeks to implement a direction of the adopted Coastal Strategy and progress risk mapping and policy changes in response to anticipated impacts from sea level rise on townships within the bay.

Updated Heritage Study

Council is undertaking a heritage precinct review of four key locations: Loch, Fish Creek and Toora town centres, and the Radovick Street residential area in Korumburra. The project is currently out for public consultation.

There are no implications from this current suite of strategic project work that directly impacts the planning scheme review. These projects are partly derived from items already within the further strategic work items identified under the 2023 PSR, however, references to the Waratah Bay Coastal Hazard Assessment and the Barry Beach Marine Terminal project are recommended for inclusion within the schedule to Clause 74.02.

While there will certainly be planning scheme outcomes generated by this suite of strategic projects, it is too early to determine the scope of these implementation measures or the way this review must respond to articulate any spatial planning outcomes.

10. Key issues

This section expands on the key issues that have emerged from the Planning Scheme Review, as well as other less significant matters that have emerged and require discussion.

10.1. Population, growth and economy

10.1.1. Issue

South Gippsland Shire's population is predicted to increase to 33,930 people by 2036, and this increase needs to be planned for appropriately.

10.1.2. Discussion

The Shire's population is dispersed across 26 settlements and 41 localities in a low-density, dispersed settlement pattern. Growth of the Shire's population is steady rather than rapid and is expected to occur primarily in established towns, such as Nyora. The Shire's proximity to Melbourne is the primary driver for lifestyle migration and its gradual population growth needs to be managed with regard to, the Shire's role as a productive agricultural region and lifestyle destination, rather than a high-growth metropolitan fringe municipality.

At the state level, Plan for Victoria sets out housing targets for every LGA across Victoria, specifying their share of the extra 2.24 million required. The housing target that has been set for South Gippsland is for an additional 8,000 dwellings by 2051. Urban growth needs to be directed to the appropriate locations, being the Shire's growing towns, so that efficient use of existing infrastructure and services are maximised, investment in additional infrastructure can be apportioned and any impacts on the environmental and agricultural values of the Shire's rural areas are minimised.

10.1.3. Recommendation

- **Plan Nyora's growth and infrastructure to accommodate the expected growth in the area. This will require a minor review of the South Gippsland Housing and Settlement Strategy 2013, implementation of the Nyora Development Strategy 2016 and may include urban character and flood risk controls.**
- **Prepare a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the DTP on key transport infrastructure issues.**

10.2. Climate change and other environmental risks

10.2.1. Issue

South Gippsland Shire is exposed to climate related risk due to its low-lying topography, extensive coastline and bushfire vulnerability.

10.2.2. Discussion

South Gippsland Shire is vulnerable to climate change. Projected climate impacts in the Shire include sea-level rise, coastal inundation and storm surge, increased erosion of beaches and dunes and cliff instability, increased bushfire risk, reduced water security and changing rainfall patterns and a greater frequency of extreme weather events. Sea level rise threatens the Shire's environmental assets,

coastal settlements and port and marine infrastructure. Environmental risks are compounded by vegetation and biodiversity loss, a lot of which occurs on private land.

Coastal townships in the shire are areas of continued development with vulnerable locations such as Venus Bay receiving significant proportion of overall permit applications. The Coastal Strategy provides a policy basis for addressing this issue, noting that State government leadership on this matter important for informing how the planning system should respond to coastal risk.

10.2.3. Recommendation

- **Apply planning controls that address land use risk from climate change in coastal areas and coastal townships, as required by the Coastal Strategy. This may result in an update to the Housing and Settlement Strategy and the strategic directions of the PPF.**

10.3. Productive Agricultural land

10.3.1. Issue

Productive agriculture is a key land use consideration for the Shire, as the local economy is highly dependent on this sector and the productive capacity of the Shire's agricultural sector is of high-very high quality. Strategic planning for the Shire must ensure that the supply of viable high quality agricultural land is not compromised in favour of competing demands for rural residential development. Further fragmentation of the already highly fragmented rural areas of the Shire needs to be avoided. Concurrently it must be recognised that these landscapes also support tourism and other valued adding economic activities associated with broad scale agriculture.

10.3.2. Discussion

Permit applications for sheds are the most common type of application received by Council, with single dwellings being the second most common. While the geographic spread of applications received indicates that the Shire's coastal locations and major towns are the focus of development, demand for rural residential style lifestyle remains strong and these types of applications present significant policy challenges for Council. While numerous policies need to be balanced for net community benefit, the protection of agricultural land to support viable high quality agricultural land that is not compromised in by incompatible, competing land uses is paramount.

10.3.3. Recommendation

- **Prepare a Rural Landscapes Assessment and review the South Gippsland Rural Land Use Strategy 2011 to update and align planning provisions with adopted policy to protect the Shire's rural hinterlands and tourism routes from inappropriate development. This should provide further policy clarity on identification and protection of significant landscapes, preservation of agricultural land and dwellings within rural areas.**

11. Further strategic work

Appendix 2 of this report outlines content for the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 1**. This has included reviewing this list and removing any projects that are no longer required.

The list below represents the further strategic work that are likely to have the most positive impact for the South Gippsland community and the efficient functioning of the Council's planning function.

Only work that can be completed in the next four years should be included in the schedule to Clause 74.02 of the SGPS. A recommended schedule to Clause 74.02 is included in the marked-up ordinance at **Appendix 1**. This should be further considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

Recommendations:

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

7. **Apply planning controls that address land use risk and climate change in coastal areas, including townships, as part of the *South Gippsland Coastal Strategy 2023* implementation. This may result in an update to the *South Gippsland Housing and Settlement Strategy 2013*.**
8. **Plan Nyora's growth and infrastructure to accommodate the expected growth in the area and transition it successfully to a higher order town in South Gippsland Shire. This will require a minor review of the *South Gippsland Housing and Settlement Strategy 2013*, implementation of the *Nyora Development Strategy 2016* and may include urban character and flood risk controls.**
9. **Prepare a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the Department of Transport and Planning on key transport infrastructure issues.**
10. **Prepare a Rural Landscapes Assessment and review the *South Gippsland Rural Land Use Strategy 2011* to check that planning controls are protecting inland and rural hinterlands and transport / tourism routes from inappropriate development. This should address identification and protection of significant landscapes, preservation of agricultural land, and guidance for achieving development outcomes in keeping with scope of agricultural use.**

Appendix 1

Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.

Attachment is provided under separate cover.

Appendix 2

Further Strategic Work

The following is a comprehensive list of all the further strategic work that has been identified through this planning scheme review and proposed to be included in the South Gippsland Planning Scheme in the Schedule to Clause 74.02. The highest priorities have been identified and included in Chapter 10 of the report. The remaining projects on this list need to be prioritised by Council on an ongoing basis and as determined through future budgeting and resourcing considerations.

The following further strategic work has been identified through this review:

- Apply planning controls that address land use risk and climate change in coastal areas, including townships, as part of the South Gippsland Coastal Strategy 2023 implementation. This may result in an update to the South Gippsland Housing and Settlement Strategy 2013.
- Review controls on residentially zoned land and, where necessary, undertake character assessments to inform new planning controls to manage development, considering the full suite of residential zones and overlays.
- Prepare a Rural Landscapes Assessment and review the *South Gippsland Rural Land Use Strategy 2011* to check that planning controls are protecting inland and rural hinterlands and transport / tourism routes from inappropriate development. This should address identification and protection of significant landscapes, preservation of agricultural land, and guidance for achieving development outcomes in keeping with scope of agricultural use.
- Plan Nyora's growth and infrastructure to accommodate the expected growth in the area. This will require a minor review of the South Gippsland Housing and Settlement Strategy 2013, implementation of the Nyora Development Strategy 2016 and may include urban character and flood risk controls.
- Facilitate the introduction of a Development Contributions Plan for key urban growth areas in Leongatha, Korumburra, Nyora, Mirboo North and Foster, in consultation with the Department of Transport and Planning (DTP) on key transport infrastructure issues.
- Prepare and implement the Industrial Land Use Strategy to ensure a sufficient, appropriately located supply of industrial land, particularly considering the impacts of emerging offshore energy generation, and the changing needs of the agricultural industry and implement planning measures for the Barry Beach Marine Terminal as required under the Regional Precinct and Partnership Plan.
- Continue implementation of new and updated flood mapping where supported by the relevant floodplain management authority.
- Apply the Heritage Overlay to locally significant heritage precincts and continue implementation of the South Gippsland Heritage Study with the support of the community.
- Review planning controls for the Southern Leongatha Growth Area to support residential development and highway frontage commercial development in this locality.
- Implement the recommendations of the Heritage Precinct Project 2026.
- Implement the Waratah Bay Coastal Hazard Assessment.
- Undertake the Foster Structure Plan.

- Implement the Bushfire Assessment Planning Recommendations for Foster and Mirboo North.
- Implement a local signage policy.

Appendix 3

State and regional planning scheme amendments and planning practice notes issued since last planning scheme review

VC (Victorian) and GC (group of council) amendments.

Since the last planning scheme review in 2023, 46 VC and 3 GC Amendments have introduced new policy and provisions into the SGPS and many are directly relevant to this review as shown in **Table 8**.

Table 8: VC and GC Amendments to South Gippsland Planning Scheme from 2023

| Amendment number | In operation from | Brief description |
|------------------|-------------------|--|
| VC229 | 20 MAR 2023 | Made changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. Impact on South Gippsland Planning Scheme: Administrative in nature. |
| VC231 | 6 APR 2023 | Amended the VPP and 60 planning schemes in Victoria by amending existing planning permit exemption thresholds for dwelling extensions, out-buildings and buildings used for agriculture in clauses 35.03 (Rural Living Zone), 35.07 (Farming Zone) and 35.08 (Rural Activity Zone). Impact on South Gippsland Planning Scheme: Reduced permit requirements for some rural zones in the municipality. |
| VC234 | 4 JUL 2023 | Clarified noise requirements for wind energy facilities and the responsible authority for enforcement matters. Clause 52.32 was revised to refer to Division 5 Part 5.3 of the Environment Protection Regulations 2021. Impact on South Gippsland Planning Scheme: Clarified requirements but has minimal impact on land in the municipality. |
| VC238 | 3 AUG 2023 | Amended clause 52.13, Victoria's container deposit scheme by revising the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces. Impact on South Gippsland Planning Scheme: Administrative in nature. |
| VC236 | 14 AUG 2023 | Supported renewable hydrogen gas production and distribution and made the Minister for Planning the responsible authority for large-scale production of hydrogen gas. Impact on South Gippsland Planning Scheme: Supports renewable energy but currently is of no impact on land in the municipality. |
| VC242 | 20 SEP 2023 | Introduced two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23. It also changed the RGZ, GRZ and NRZ to allow retail premises and offices subject to specific land use conditions. Impact on South Gippsland Planning Scheme: Had significant impact on residential and commercial land in the municipality for the provision of affordable and social housing as well as retailing and commercial premises. Made the Minister for Planning the responsible authority for applications subject to these two clauses. |
| VC243 | 22 SEP 2023 | Supported the delivery of housing in Victoria by codifying residential development standards, implementing the Future Homes project across Victoria, removed permit requirements for single dwellings on lots of 300 square metres or more and introduced VicSmart permits for single dwellings on lots less than 300 square metres. Impact on South Gippsland Planning Scheme: |

| Amendment number | In operation from | Brief description |
|------------------|-------------------|--|
| | | Had significant impact on residential land in the municipality for the provision of all types of housing and their assessment. |
| VC246 | 26 SEP 2023 | Introduced new land use controls to improve facilitation of Victoria's Container Deposit Scheme by introducing a new land use term, Container deposit scheme centre, nested under Transfer station and corrections to ordinance in clause 52.13. Impact on South Gippsland Planning Scheme: Administrative in nature but supports recycling in the municipality. |
| VC247 | 6 OCT 2023 | Extended planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and made corrections to ordinance introduced in VC246 related to Container deposit scheme centres. Impact on South Gippsland Planning Scheme: Administrative in nature and had minimal impact on land in the municipality. |
| VC241 | 17 OCT 2023 | The amendment removed prohibitions for specified sign types for a Freeway service centre, Service station and Open sports ground in a zone where Category 4 - Sensitive areas sign controls apply. Impact on South Gippsland Planning Scheme: Had some impact on signage at Freeway service centres, service states and open sports grounds in the municipality by removing the prohibitions on signage where Category 4 signage controls apply. |
| GC231 | 28 NOV 2023 | Amendment GC231 changes Manningham, Southern Grampians and South Gippsland planning schemes by introducing and removing land from the Bushfire Management Overlay (BMO). The amendment ensures the BMO mapping reflects where the vegetation meets the criteria as set out in Planning Advisory Note 46 - Bushfire Management Overlay Mapping Methodology and Criteria. Impact on South Gippsland Planning Scheme Revised land subject to Bushfire management Overlay (BMO) to reflect the vegetation criteria. |
| VC217 | 1 DEC 2023 | The amendment changed the VPP and all planning schemes to implement the decriminalisation of sex work. Impact on South Gippsland Planning Scheme: Had some impact on land use in the municipality by removing the regulation of brothels and sex work and categorising them as businesses for the purposes of the planning scheme. |
| VC253 | 14 DEC 2023 | The amendment introduced a new land use term and siting, design and amenity requirements for a small second dwelling into the VPP and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling. Impact on South Gippsland Planning Scheme: Significant and will have a large impact on land in the municipality for the provision of small second dwellings. |
| VC250 | 1 JAN 2024 | The amendment supported Victoria's Gas Substitution Roadmap (Victorian Government, 2022) by prohibiting new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required. Impact on South Gippsland Planning Scheme: Will have ongoing impact for the municipality. |
| VC249 | 15 JAN 2024 | Revised the VPP and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |

| Amendment number | In operation from | Brief description |
|------------------|-------------------|---|
| VC254 | 12 FEB 2024 | Revised the VPP and all planning schemes related to the Birrarung-Bolin Framework Plan, proof of continuous use, signs in the Transport Zone and State projects. Impact on South Gippsland Planning Scheme: Impacted signs in the Transport Zone and made changes to proof of continuous use requirements in the municipality. |
| VC256 | 15 MAR 2024 | Revised the VPP and all planning schemes to ensure provisions are current and accurate by correcting obvious or technical errors to ensure consistency with current formatting, numbering and naming conventions, legislation, policy documents and guidelines. Impact on South Gippsland Planning Scheme: Administrative in nature and had minimal impact. |
| VC259 | 28 MAR 2024 | Changed the VPP and all planning schemes in Victoria by extending the transitional arrangements for a dependent person's unit for a period of 12 months. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |
| VC261 | 4 APR 2024 | Expanded the operation of the existing Development Facilitation Program (DFP) planning provisions that fast-track the assessment of significant economic development by enabling an application for renewable energy facility, utility installation and associated subdivision to be assessed. Impact on South Gippsland Planning Scheme: Potentially has ongoing impact for applications in the municipality. |
| VC252 | 26 APR 2024 | Changed the VPP and 64 planning schemes in Victoria by correcting obvious or technical errors and by making consequential changes to local schedules to align with Amendment VC243 and Amendment VC253. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |
| VC255 | 3 MAY 2024 | Changed the VPP and 52 planning schemes in Victoria by correcting obvious or technical errors and made consequential changes to local schedules to align with Amendment VC243 and Amendment VC253. Impact on South Gippsland Planning Scheme: Administrative in nature and had minimal impact. |
| VC262 | 16 AUG 2024 | Exempted applications to remove, destroy or lop vegetation that comply if a fire prevention notice has been issued under the Fire Rescue Victoria Act 1958. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |
| VC270 | 11 OCT 2024 | Extended the outdoor dining planning exemptions under clause 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) for a further 12 months. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |
| VC263 | 22 NOV 2024 | Made changes to state policy relating to special water supply catchments and water quality, as well as improving references to the Catchment and Land Protection Act 1994 and updating references to policy documents. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |
| VC269 | 3 DEC 2024 | Made changes to the VPP and all planning schemes to improve the operation of clause 53.24 Future Homes. Impact on South Gippsland Planning Scheme: Administrative in nature and had minimal impact on residential land in the municipality. |

| Amendment number | In operation from | Brief description |
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| VC272 | 18 DEC 2024 | Modified the timeframes at clause 52.10 (Reconstruction After an Emergency) from 5 to 7 years. Impact on South Gippsland Planning Scheme: Administrative in nature and had minimal impact. |
| VC273 | 19 DEC 2024 | Made changes to clause 52.20 to apply to housing development that are wholly or partly funded by the Victorian or Commonwealth governments. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |
| VC237 | 14 JAN 2025 | Made changes to the VPP and all planning schemes in Victoria by introducing a permit exemption for a remote sellers packaged liquor licence under Clause 52.27, replaced references to EPAs Recommended Separation Distances for Industrial Residual Air Emissions document with the new Separation Distance Guideline and Landfill Buffer Guideline, replaced existing references to superseded state and regional waste and resource recovery plans with the new Victorian Recycling Infrastructure Plan, corrected typographical errors, updated formatting and ensured language and references are accurate and up to date. Impact on South Gippsland Planning Scheme: Administrative in nature and updated references to EPA guidelines and waste policy documents without affecting local planning policy. |
| VC257 | 25 FEB 2025 | Introduced changes to the VPP and all planning schemes to introduce Clause 32.10 Housing Choice and Transport Zone (HCTZ) and Clause 43.06 Built Form Overlay (BFO) to support housing growth in and around activity centres and other well-serviced locations in line with Victoria's Housing Statement, The Decade Ahead 2024-2034. Impact on South Gippsland Planning Scheme: Introduced new zone and overlay tools to support housing in activity centres but has no immediate effect as the new provisions are not currently applied in the LGA. |
| VC274 | 28 FEB 2025 | Introduced the Precinct Zone (PRZ) at Clause 37.10 to support housing and economic growth in priority precincts across Victoria in line with Victoria's Housing Statement, The Decade Ahead 2024-2034 and the Victorian Government's vision for priority precincts, including Suburban Rail Loop precincts. Impact on South Gippsland Planning Scheme: Administrative in nature and has no immediate impact, as the Precinct Zone is not currently applied in the LGA. |
| VC266 | 03 MAR 2025 | Extended the timeframe for the temporary planning provisions that allow for the use and development of land for a Dependent person's unit (DPU) by one year to 28 March 2026. The amendment also updated the permit requirements for DPU proposals affected by particular overlays. Impact on South Gippsland Planning Scheme: Extended existing temporary provisions for dependent person's units and may affect permit requirements in residential and rural areas. |
| VC219 | 22 MAR 2025 | The Amendment changes the VPP and all planning schemes in Victoria to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation. Impact on South Gippsland Planning Scheme: Has an impact on land used for extractive industry and land used for sensitive uses surrounding extractive industry. |
| VC267 | 31 MAR 2025 | Implemented new residential development planning assessment provisions to boost housing construction to meet the housing needs of Victorians. Impact on South Gippsland Planning Scheme: Introduced a deemed-to-comply assessment pathway at Clause 55 that limits third-party review rights for eligible medium-density housing. Will have a large effect on the assessment of residential multi-dwelling applications. |

| Amendment number | In operation from | Brief description |
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| VC276 | 02 APR 2025 | <p>Introduced changes to the VPP and all planning schemes to amend all residential zone schedules and Neighbourhood Character Overlay schedules to implement the new residential development planning assessment provisions and correct technical errors resulting from Amendment VC267.</p> <p>Impact on South Gippsland Planning Scheme: Updated residential zone and Neighbourhood Character Overlay schedules and corrected technical errors resulting from Amendment VC267.</p> |
| VC280 | 07 APR 2025 | <p>Introduced the Great Design Fast Track into the VPP and all planning schemes in Victoria. The Great Design Fast Track implements a new planning assessment pathway to facilitate the delivery of high-quality townhouse and apartment developments.</p> <p>Impact on South Gippsland Planning Scheme: Introduced a fast-track assessment process for high-quality townhouse and apartment developments in suitable urban locations and could improve design outcomes in the LGA.</p> |
| VC281 | 14 April 2025 | <p>Revised the VPP and 34 planning schemes by amending clause 12.03-1R (Yarra River protection) to implement stage one of Burndap Birrarung burndap umarkoo, the Yarra Strategic Plan 2022-2032, February 2022. The amendment also introduced clause 51.06 to ensure responsible public entities have regard to the principles specified in the Yarra River Protection (Wilip-gin Birrarung murron) Act 2017.</p> <p>Impact on South Gippsland Planning Scheme: Had no impact on land in the municipality.</p> |
| VC251 | 17 APR 2025 | <p>The amendment changed the VPP, Melbourne and Yarra planning schemes by implementing the recommendations of the World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Transport and Planning, 2024) through policy and built form controls to improve the protection and management of the World Heritage listed Royal Exhibition Building and Carlton Gardens.</p> <p>Impact on South Gippsland Planning Scheme: Had no impact on land in the municipality.</p> |
| VC275 | 27 JUN2025 | <p>The amendment introduced a planning exemption for outdoor dining on public land.</p> <p>Impact on South Gippsland Planning Scheme: Had a minimal impact on land in the municipality.</p> |
| VC286 | 01 JUL 2025 | <p>The Amendment changes the VPP and all planning schemes in Victoria by removing the requirement for a planning permit for licensed premises.</p> <p>Impact on South Gippsland Planning Scheme: Will have a significant impact on land used for licensed premises in the municipality.</p> |
| VC258 | 04 JUL 2025 | <p>The amendment improves the operation of the existing Development Facilitation Program (DFP) planning provisions at clauses 53.22 and 53.23 and expands the program eligibility to include gas projects and saleyards.</p> <p>Impact on South Gippsland Planning Scheme: Potentially could have a significant impact on applications in the municipality not being determined by Council as the responsible authority.</p> |
| VC290 | 15 AUG 2025 | <p>The Amendment changes the VPP and 63 planning schemes in Victoria by making Abattoir a section 1 use in the Table of Uses where specified siting, design and amenity conditions are met in clause 35.04 Green Wedge Zone, clause 35.07 Farming Zone and clause 35.08 Rural Activity Zone.</p> <p>Impact on South Gippsland Planning Scheme: Largely administrative in nature. May reduce the need for some permits if conditions are met.</p> |
| VC279 | 21 AUG 2025 | <p>The amendment makes changes to the land use definition of Minor utility installation in the Victoria Planning Provisions and all planning schemes to ensure the appropriate planning assessment of large battery storage systems.</p> |

| Amendment number | In operation from | Brief description |
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| | | <p>Impact on South Gippsland Planning Scheme: Introduced a new definition but is administrative in nature and has minimal impact.</p> |
| VC283 | 02 SEP 2025 | <p>The Amendment changes the Victoria Planning Provisions and all planning schemes in Victoria to implement Plan for Victoria (Department of Transport and Planning, 2025), update and introduce policy, remove reference to Plan Melbourne 2017-2050: Metropolitan Planning Strategy and make general drafting improvements and clarifications.</p> <p>Impact on South Gippsland Planning Scheme: Is significant as introduced a housing target for South Gippsland into the scheme and references to settlement boundaries as well as removal of Loddon Mallee North Regional Growth Plan from Clause 11.01-1R.</p> |
| VC268 | 05 SEP 2025 | <p>Amendment VC268 is required to give effect to the Victorian Transmission Plan and update strategies to facilitate renewable energy development in declared renewable energy zones. Changes to references to the Climate Action Act 2017 are required to ensure that planning schemes are accurate.</p> <p>Impact on South Gippsland Planning Scheme: Administrative in nature giving effect to the Victorian Transmission Plan in clause 19.01-1S (Energy supply) and clause 19.01-2S (Renewable energy) and updated strategies to facilitate renewable energy development in declared renewable energy zones. South Gippsland is not currently in a renewable energy zone.</p> <p>Is administrative in nature and has minimal impact.</p> |
| VC282 | 08 SEP 2025 | <p>The amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by introducing a new clause 54 (One dwelling on a lot or a small second dwelling on a lot), making consequential changes to give effect to the new residential development planning assessment provision and correcting technical errors made by Amendment VC267.</p> <p>Impact on South Gippsland Planning Scheme: Corrected errors from Amendment VC276.</p> |
| VC292 | 11 SEP 2025 | <p>Amendment VC292 makes changes to the Victoria Planning Provisions (VPP) and all planning schemes to include reference to the Neighbourhood Character Overlay (NCO) in the 'Application' section of clause 54 that was inadvertently omitted by Amendment VC282.</p> <p>Impact on South Gippsland Planning Scheme: Corrected errors from Amendment VC282.</p> |
| GC217 | 12 SEP 2025 | <p>Amendment GC217 facilitates the use and development of the Victorian land-based portion of the Marinus Link project by applying a Specific Controls Overlay (SCO3) to the land and introducing a new incorporated document titled Marinus Link Project (Department of Transport and Planning, June 2025).</p> <p>Impact on South Gippsland Planning Scheme: Applying a Specific Controls Overlay Schedule 3 (SCO3) to support the Marinus Link Project.</p> |
| VC289 | 15 SEP 2025 | <p>Amendment VC289 introduces a planning permit requirement to remove, destroy or lop a canopy tree in residential areas at clause 52.37 (Canopy trees) into the Victoria Planning Provisions (VPP) and all planning schemes. Minimum canopy tree replacement requirements will apply to an application to remove a canopy tree. The amendment is required to implement Action 12 of Plan for Victoria to protect and enhance canopy trees.</p> <p>Impact on South Gippsland Planning Scheme: Administrative in nature but could have a positive cumulative impact.</p> |
| VC288 | 16 OCT 2025 | <p>Amendment VC288 extends the streamlined VicSmart assessment process to include planning permit applications for the construction of two dwellings on a lot and the subdivision of land into two lots.</p> |

| Amendment number | In operation from | Brief description |
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| | | Impact on South Gippsland Planning Scheme: Administrative improvement for planning permit application processing time. |
| VC296 | 17 OCT 2025 | Amendment VC296 reinstates the operation of the existing coronavirus (COVID-19) pandemic and recovery exemption planning provisions until 30 June 2027. Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact. |
| VC294 | 27 OCT 2025 | Amendment VC294 reforms sign provisions to exempt specified signs from planning permit requirements and remove mandatory permit expiration dates for most signs. Impact on South Gippsland Planning Scheme: Administrative in nature for sign requirements and has minimal impact. |
| VC291 | 30 OCT 2025 | Amendment VC291 updates the Victoria Planning Provisions and all planning schemes to replace the Guidelines for the removal, destruction or lopping of native vegetation, 2017 with the version published in 2025 and amend clause 66.01 (Subdivision Referrals) to enable the direct referral of planning applications to Fire Rescue Victoria for the existing fire hydrant referral matter. Impact on South Gippsland Planning Scheme: Administrative in nature and has a minimal impact. |
| VC295 | 07 NOV 2025 | The amendment changes the VPP and all planning schemes to align the provisions with the new name for Major Road Projects Victoria (MRPV) to VIDA Roads. Impact on South Gippsland Planning Scheme: Administrative in nature and has an impact on new name for road projects. |
| VC297 | 19 NOV 2025 | Amendment VC297 creates an efficient approvals pathway for permits to facilitate the assessment of minor projects to support the delivery of the broader Suburban Rail Loop Authority transport program, including Suburban Rail Loop East. Impact on South Gippsland Planning Scheme: Administrative in nature and has a minimal impact. |
| VC301 | 21 NOV 2025 | Amendment VC301 corrects Clause 52.37 table of permit exemptions to ensure public authorities and municipal councils do not require a permit to remove, destroy or lop a canopy tree to construct or maintain the transport system. Impact on South Gippsland Planning Scheme: Revised permit exemptions for councils to not require a permit for tree works to construct or maintain transport system. |
| VC298 | 25 NOV 2025 | Amendment VC298 updates Clause 52.03 to reflect the Level Crossing Removal Project (LXRP) name change to Victorian Infrastructure Delivery Authority (VIDA) Rail and expand the clause application to projects carried out by or on behalf of VIDA Rail. The amendment also updates reference to the Guidelines for removal, destruction or lopping of native vegetation (DEECA, 2025). Impact on South Gippsland Planning Scheme: Administrative in nature and has a minimal impact. |
| VC277 | 18 DEC 2025 | Amendment VC277 amends car parking requirements to align car parking rates with demand and reduce the number of car parks required in locations well-served by public transport. Impact on South Gippsland Planning Scheme: Parking requirement clauses to be revised to ensure the number of car parking spaces adjacent to public transport stations in South Gippsland aligns with the amendment. |
| VC278 | 20 JAN 2026 | Amendment VC278 applies Significant Landscape Overlays (SLOs) to 17 waterways within the Yarra (Birrarung) and Waterways of the West catchments. The controls |

| Amendment number | In operation from | Brief description |
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| | | <p>preserve the unique landscape character, cultural values, amenity and ecological health of each waterway. The amendment also strengthens state policy for waterways and includes updates to existing SLOs within the Waterways of the West and Rivers of the Barwon catchments.</p> <p>Impact on South Gippsland Planning Scheme: SLOs to be implemented to waterways in South Gippsland.</p> |
| VC265 | 04 FEB 2026 | <p>Amendment VC265 makes corrections and updates to the Victoria Planning Provisions and all planning schemes to ensure they are current and accurate.</p> <p>Impact on South Gippsland Planning Scheme: Administrative in nature and has a minimal impact.</p> |
| VC271 | 06 FEB 2026 | <p>The amendment supports the provision of energy-related infrastructure by facilitating the creation of new smaller lots for utility installations that transmit, distribute or store electricity in the Farming Zone and Rural Activity Zone.</p> <p>Impact on South Gippsland Planning Scheme: Largely administrative in nature in Farming Zone and Rural Activity Zone in the municipality.</p> |
| VC245 | 13 FEB 2026 | <p>Amendment VC245 makes changes to give effect to the Surf Coast Statement of Planning Policy (SPP) and Bellarine Peninsula SPP. The amendment improves the clarity of the VPP and Macedon Ranges Planning Scheme by removing the particular provision at Clause 51.07 (Macedon Ranges SPP). The amendment also makes administrative changes to the Greater Geelong Planning Scheme.</p> <p>Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact.</p> |
| GC269 | 24 FEB 2026 | <p>Amendment GC269 corrects obvious or technical errors and makes consequential changes to local schedules to align with VC286.</p> <p>Impact on South Gippsland Planning Scheme: Correct errors from Amendment VC286 through administrative corrections</p> |
| VC304 | 23 MAR 2026 | <p>Extends the expiry date of the Dependent Persons Unit temporary provisions.</p> <p>Impact on South Gippsland Planning Scheme: Administrative in nature and has minimal impact.</p> |
| VC300 | 16 April 2026 | <p>Amendment VC300 changes the VPP and all planning schemes in Victoria by implementing the Mid-Rise Code to introduce new deemed to comply assessment provisions for four to six storey residential development in residential zones.</p> <p>Impact on South Gippsland Planning Scheme: New residential code to be implemented for medium density apartments for four to six storeys.</p> |
| VC308 | 17 April 2026 | <p>Amendment VC308 changes the VPP and all planning schemes in Victoria to update all schedules to the Mixed-Use Zone, Township Zone and Residential Growth Zone to align with the operation of the Mid-Rise Code introduced by Amendment VC300 and to correct technical errors associated with Amendment VC300.</p> <p>Impact on South Gippsland Planning Scheme: Administrative in nature and relates to the gazettal of Amendment VC300.</p> |

New Planning Practice Notes and Guidance Materials

Since the last planning scheme review in 2023, several Planning Practice Notes (PPNs) and guidance materials have been introduced which impact the strategic directions and drafting of the SGPS and there are others that have ongoing effect as shown in **Table 9**.

Table 9: New or Updated Ministerial Directions and Planning Practice Notes From 2023

| Resource | Summary of Document | Implications for SGPS |
|---|--|---|
| Planning Scheme Reviews, Advisory Note, March 2026 | <p>This Advisory Note provides guidance about how a planning scheme review should be undertaken and what matters it must specifically consider.</p> <p>A review must enhance the effectiveness and efficiency of the planning scheme and ensure that it:</p> <ul style="list-style-type: none"> • Is consistent with the Ministerial Direction on the Form and Content of Planning Schemes. • Sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies. • Makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives. <p>The Advisory Note sets out the matters to be addressed in a review undertaken in 2026 including for:</p> <ul style="list-style-type: none"> • Local policy and planning tools • Housing and residential development • Settlement boundaries • Green wedges • Form and content • Removing roadblocks to improvement • Environmental risks. | <p>This Advisory Note details how a planning scheme review should be undertaken and what matters it must specifically consider.</p> <p>The relevant matters that are required to be assessed have been done so through this planning scheme review.</p> |
| A Practitioner's Guide to Victorian Planning Schemes, August 2025 (Version 6) Practitioners Guide | <p>The guide applies to the preparation and application of a planning scheme provision in Victoria. It is primarily intended for use by practitioners considering or preparing a new or revised provision for a planning scheme. The guide sets out and explains:</p> <ul style="list-style-type: none"> • The principles that should underpin the creation, selection and application of a planning scheme provision. • How a planning scheme relates to the VPP. • Rules and advice about how the various components of a planning scheme operate. • How to select, write and apply various elements of a planning scheme. | <p>This guide establishes the VPP principles and good drafting conventions and examples. It must be followed when preparing a planning scheme policy or provision and has been updated and in operation since the last review.</p> |
| Strategic Assessment Guidelines (Planning Practice Note 46) | <p>Planning Practice Note 46 – <i>Strategic Assessment Guidelines</i>, requires a planning authority to evaluate and determine how an amendment addresses strategic considerations and what</p> | <p>This PPN is critical in terms of determining the strategic basis for an amendment and the level of strategic justification and</p> |

| Resource | Summary of Document | Implications for SGPS |
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| Planning-Practice-Notes | should be considered as part of the Ministerial Direction 11. The PPN outlines a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes. The appropriate application of these outcomes is a requirement of the authorisation process for a planning scheme amendment. | information requirements for a planning scheme amendment. |
| Ministerial Direction on the Form and Content of Planning Schemes, Am VC300, 19 March 2026 Ministerial directions (planning.vic.gov.au) | This Direction provides the schedule template for zone, overlay, particular provision and general provision schedules and how local planning schemes are to be prepared based on the VPP. It includes requirements and parameters about how State provisions can be applied at the local level and how local provisions can be given effect. | These templates can change from time to time and have been used as the basis for the preparation of schedules in the planning scheme. |
| Ministerial Direction 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health October 2018 The role of the Minister (planning.vic.gov.au) | This Direction requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The Direction applies to any strategic plan or its review that forms the basis of a planning scheme amendment relating to the use or development of land within a buffer area or separation distance of industry and specified industrial uses. | This Direction is triggered for any planning scheme amendment or a planning scheme review. |
| Ministerial Direction 20 – Major Hazard Facilities October 2018 The role of the Minister (planning.vic.gov.au) | This Direction aims to minimise potential human and property exposure from the risk of incidents that may occur at a major hazard facility and ensure their ongoing viability. The Direction requires planning authorities to seek and have regard to the views of WorkSafe Victoria and the Minister for Economic Development when preparing a planning scheme amendment which rezones land for, or is within the threshold distance of, a major hazard facility. | This Direction is triggered for any planning scheme amendment that relates to a threshold distance for a major hazard facility. |
| Ministerial Direction 22 – Climate Change Consideration The role of the Minister (planning.vic.gov.au) | This Direction aims to ensure that climate change considerations are formally undertaken by a planning authority having regard to requirements for minimising greenhouse gas emissions and increasing resilience to climate change risks through the preparation of a planning scheme or amendment to a planning scheme. Such considerations should inform future directions or measures relevant to strategic or precinct-scale responses. This must aim for the minimisation of greenhouse gas emissions and increasing resilience to climate change risks that respond appropriately to sections 5a) to d) and 6 a) to c) of the Ministerial Direction. | This Direction is triggered for the preparation of a planning scheme or any planning scheme amendment (including a planning scheme review) and specifies the matters relating to climate change considerations for a planning authority |

| Resource | Summary of Document | Implications for SGPS |
|---|---|---|
| <p>Activity Centre Zone Mapping Style Guide</p> <p>Activity Centre Zone and boundaries (planning.vic.gov.au)</p> | <p>The guidelines assist in the production of Framework Plans and Precinct Maps to be included in an Activity Centre Zone Schedule. It explains what needs to be shown on the maps, how to best represent this, the importance of accuracy, cartography and legibility and the relationship to planning scheme provisions. The principles can be applied universally to mapping preparation.</p> | <p>The mapping style guide provides useful tips in the preparation of maps for planning scheme strategic framework plans and schedules.</p> |
| <p>PPN32 – Review of Planning Schemes (Updated 2025)</p> | <p>This PPN explains processes and good practice for reviewing planning schemes, including how planning authorities should assess elements of their scheme, articulate policy objectives and format their schemes for useability and consistency. These practices and principles need to be implemented in this review and in future reviews of the planning scheme.</p> | <p>The PPN has ongoing effect for planning scheme reviews, although it has not been updated with recently updated guidelines.</p> |
| <p>PPN37 – Rural Residential Development (2025)</p> | <p>Guidance is provided on issues relating to rural residential development, land capability, environmental considerations and natural hazard avoidance.</p> | <p>The Shire is an area that is under significant pressure for additional rural residential development and the need to maintain productive agriculture within the Shire is a key planning issue in relation to rural residential development.</p> |
| <p>Applying the Rural Zones, (Planning Practice Note 42)</p> | <p>This PPN provides guidance to planning authorities about the:</p> <ul style="list-style-type: none"> • Strategic work required to apply the Farming Zone, Rural Activity Zone, Rural Conservation Zone, Green Wedge Zone, Green Wedge A Zone and Rural Living Zone. • Purposes and features of each zone and where they may be applied. <p>The PPN seeks to ensure that the most appropriate rural zones are used to achieve a planning authority’s rural strategic planning objectives.</p> | <p>This PPN provides direction about the drafting and application of the rural zones in planning schemes.</p> <p>It requires strategic planning objectives for rural land to be implemented through appropriate use of the rural zones and schedules.</p> <p>The PPN requires planning authorities to think strategically about their farming areas and rural settlement patterns, so that sustainable farming is promoted and potential conflicts between farming and other land uses are avoided. This emphasises farming as the dominant land use and all other land uses as subordinate to farming.</p> |
| <p>PPN55 – Planning in Open Drinking Water Catchments (Published June 2024)</p> | <p>Guidance is provided on land use, planning permit considerations and protections for open drinking water catchments (as defined in the <i>Catchment and Land Protection Act 1994</i>) including environmental safeguards for water quality and effluent management.</p> | <p>Large areas of land in the Shire are located in proclaimed water catchments used to provide water for human consumption, domestic use, agriculture and industrial activities. Land use or development in these areas should be managed carefully to</p> |

| Resource | Summary of Document | Implications for SGPS |
|--|---|---|
| | | minimise the impact on water quality and risks to human health. |
| <p>Role of Mandatory Provisions in Planning Schemes (Planning Practice Note 59)</p> <p><u>Planning-Practice-Notes</u></p> | <p>This PPN outlines the role of mandatory provisions in planning schemes where mandatory provisions are to provide certainty and ensure a preferable and efficient outcome with an overall net community benefit.</p> <p>It outlines the principle of the performance-based approach of the VPP and that good planning outcomes should not be compromised by a mandatory planning scheme control.</p> <p>The PPN provides criteria for the assessment of whether a provision should be mandatory or not and how to draft a mandatory provision if that is included.</p> | <p>This PPN provides guidance for the use of mandatory provisions and in the drafting of mandatory controls such as built form controls.</p> <p>Mandatory controls should be based on achieving a clear strategic outcome that are unable to be achieved with discretionary controls.</p> |
| <p>Planning for Housing and Using the Residential Zones (Planning Practice Notes 90 and 91) December 2026</p> <p><u>Planning-Practice-Notes</u></p> | <p>Information and guidance is provided about how to plan for housing growth to meet municipal housing targets and ensure planning schemes have sufficient capacity for new homes. The PPN details how to plan for a municipality's housing needs and best practice approaches in applying strategy, policy and tools that are aligned with state planning policy and local housing strategies.</p> <p>Key to providing a plan for housing is the development of a residential development framework that aims to provide for a range of housing opportunities across a municipality that meets housing targets. This usually comprises a local housing strategy, analysis from the DTP's Housing Capacity Assessment Platform tool (HCAP) and Access to Opportunities and Services tool (ATOS), as well as an assessment of other pieces of strategic work (e.g. heritage, landscape, environment, neighbourhood character or land capability studies).</p> <p>Change areas are identified and categorised into minimal, incremental and substantial change areas or a greater breakdown where there is a strong strategic basis. Built form outcomes are driven by the application of specific types of residential zones to deliver appropriate levels of housing.</p> | <p>The principles established through these PPNs are sound and need to be nuanced to settlement hierarchies based on a housing and settlement strategy and other relevant inputs for residential areas. These PPNs have been in operation since the last review and have now been updated to strengthen housing outcomes.</p> |
| <p>Managing buffers for land use compatibility (Planning Practice Note 92)</p> <p><u>Planning-Practice-Notes</u></p> | <p>The PPN provides guidance about planning for land use compatibility and the PPF and planning requirements relating to the management of buffers such as Clause 53.10 - Uses and activities with potential adverse impacts and Clause 44.08 - Buffer Area Overlay (BAO).</p> <p>The BAO supports implementation of the objective and strategies in Clause 13.07-1S - Land use compatibility. The BAO complements Clause 53.10 to help ensure that industry establishes appropriately and addresses the</p> | <p>This PPN relates to Amendment VC175 which was prepared after the last review in 2019. It provides clearer guidance for industrial uses and maintaining separation distances to sensitive uses and how to apply the BAO to industrial facilities.</p> |

| Resource | Summary of Document | Implications for SGPS |
|---|---|--|
| | <p>reverse situation so that land use and development around existing industry is appropriate.</p> <p>Buffers can be used to manage both land use and development and should be applied to address different issues of risk and land use compatibility.</p> | |
| <p>Implementing a Strategic Settlement Boundary (Planning Practice Note 99)</p> <p><u>Planning-Practice-Notes</u></p> | <p>This PPN provides guidance on how to introduce or change urban limits in regional Victoria. Advice aims to manage outward urban sprawl, while also protecting the state’s valuable natural and agricultural assets. It clarifies how logical and enduring boundaries should be applied to settlements and how these boundaries operate to ensure that housing and infrastructure are delivered in an integrated, compact and sustainable manner.</p> | <p>This PPN supports the existing strategic work that has been undertaken for the Shire’s townships. Any new town structure plans will need to be consistent with the guidance provided in the PPN, particularly the strategic settlement boundary principles.</p> |
| <p>EPA Landfill Buffer Guidelines 2024</p> <p><u>Separation distance and landfill buffer guidelines Environment Protection Authority Victoria</u></p> | <p>These guidelines provide advice on recommended separation distances between industrial land uses that emit odour or dust and sensitive land uses. They include new separation distances and risk management approaches for a range of uses, including landfills.</p> | <p>Guidelines provide buffer distances for industries (including landfills and transfer stations) to avoid conflicting land uses.</p> |
| <p>EPA Supporting information for separation distance and landfill buffer guidelines 2024</p> <p><u>Separation distance and landfill buffer guidelines Environment Protection Authority Victoria</u></p> | <p>This information outlines the Separation Distance and Landfill Buffer Guidelines, providing a comparison of separation distances with other jurisdictions, methods for measuring odour and dust impacts, and data from EPA investigations on priority areas. It also summarises key changes to separation distances, offering clear information on the basis for these guidelines and ensuring they align with current environmental management practices.</p> | <p>Information supports the landfill buffer guidelines and buffer distances for industries to avoid conflicting land uses.</p> |

Appendix 4

Responses from referral authorities and other stakeholders

Country Fire Authority (8 April 2026)

We understand that you are assisting Council with their Planning Scheme Review and are seeking our advice.

At this initial stage, CFA recommends that any potential policy changes are prepared through the lens of Clause 13.02-15. This will assist in ensuring that the update will not have any undue policy impacts that influences bushfire outcomes, or increase/change bushfire risk, hazards or policy responses.

For South Gippsland, this could include the following:

- Existing Development Plan Overlay Schedules that currently don't contain bushfire requirements.
- Council strategies, plans or policy that were prepared prior to 2017 that may be at odds with bushfire policy that may relate to growth areas, land use such as tourism, vulnerable uses or rural residential land, etc.
- Any potential anomaly/error mapping fixes identified as part of this process to ensure there are no unintended consequences from a bushfire perspective.

Department of Energy, Environment and Climate Action (4 December 2025)

The Secretary of DEECA is identified as having the following referral and notice roles (in accordance with Sections 55 of the Planning and Environment Act 1987) in the South Gippsland Planning Scheme:

| Clause | Kind of Application | Referral Authority | RA Type |
|---|--|--|--------------|
| Schedule 1 to Clause 42.01 (Environmental Significance Overlay) | Applications to subdivide land into more than four lots or any subdivision application which may have adverse environmental effects. Applications which may adversely affect wildlife habitat and sites of biological or zoological significance. | Department of Energy, Environment and Climate Action Recommending | Determining |
| Schedule 3 to Clause 42.01 (Environmental Significance Overlay) | An application for development on Coastal Crown Land, as defined under the Coastal Management Act, 1995 | The Secretary administering the Coastal Management Act, 1995 | Determining |
| Schedule 3 to Clause 42.01 (Environmental | Applications to subdivide land into more than four lots or any subdivision application which may have | Department of Energy, Environment and Climate Action Recommending | Recommending |

| | | | |
|---|--|--|--------------|
| Significance Overlay) | adverse environmental effects. Applications which may adversely affect wildlife habitat and sites of biological or zoological significance. | | |
| Schedule 5 to Clause 42.01 (Environmental Significance Overlay) | Applications to subdivide land into more than four lots or any subdivision application which may have adverse environmental effects. | Department of Energy, Environment and Climate Action | Recommending |

DEECA has undertaken a high-level review of the planning provisions and provides the following comments in respect of prescribed local referral roles, as identified above.

Schedule 3 to Clause 42.01 (ESO3) – Coastal Settlements

DEECA recommends that the ‘Secretary administering the *Coastal Management Act 1995*’ is removed as a referral authority for applications for development on Coastal Crown Land, as defined under the *Coastal Management Act, 1995*.

Consent is required for works on coastal Crown land under the *Marine and Coastal Act 2018*, and the *Planning and Environment Act 1987* already accounts for this requirement in Section 61(3) which prevents the responsible authority from granting a permit if consent has not been obtained under the Marine and Coastal Act. The referral requirement under the ESO3 is a duplicate process that does not add value to the statutory planning considerations.

Schedule 5 to Clause 42.01 (ESO5)

The ESO5 is no longer an applicable control in the planning scheme, and this referral provision should be removed.

Other comments

There is ongoing ambiguity and confusion between planning officers and DEECA over what type of applications ‘adversely affect wildlife habitat and sites of biological or zoological significance’. Similarly, DEECA question the necessity/effectiveness of referrals for ‘Applications to subdivide land into more than four lots or any subdivision application which may have adverse environmental effects’.

DEECA recommend the wording is updated to for clarity or parameters are set for what constitutes these types of application. DEECA would be happy to discuss this in further detail with Council, however at this stage do not have recommended alternative wording given the timeframes for response.

Environment Protection Authority (4 December 2025)

Previous EPA advice

It is noted that EPA last provided advice regarding the Review on 12 October 2022 (EPA Reference: REQ002609, see attached). EPA's views remain relevant; however, EPA provides further comments regarding Clause 66.04:

EPA Comments: Clause 66.04

The Schedule to Clause 66.04 identifies EPA as a recommending referral authority for planning permit applications to construct a building, or construct or carry out works, or subdivide land, on land subject to Schedule 8 to Clause 42.01 (Environmental Significance Overlay, ESO).

The purpose of ESO8 'Manufacture of Milk Products Amenity Buffer' is understood to be to protect a milk products facility from the incremental encroachment of sensitive land uses and protect surrounding development from the impact of potential adverse amenity impacts from this facility. Some exemptions from planning permit requirements for buildings and works apply.

EPA does not support being a referral authority under Clause 66.04 of the South Gippsland Shire Planning Scheme in this case. EPA therefore respectfully recommends removing the requirement for EPA consultation from these provisions. Any planning permit applications subject to the ESO8 may be referred to EPA for advice in accordance with section 52 of the *Planning & Environment Act 1987*, if required.

Department of Premier and Cabinet - First Peoples – State Relations (3 December 2025)

Poor protection and unauthorised harm of Aboriginal cultural heritage at Venus Bay remains a growing concern for FPSR, given our lack of visibility of the scale and nature of development occurring.

For context, Venus Bay is extremely sensitive for Aboriginal ancestral remains and other types of Aboriginal cultural heritage. Aboriginal ancestral remains have been identified at Venus Bay, most recently in September 2020 during construction of a dwelling. DPC has identified at least 21 known burials of Aboriginal ancestors at Venus Bay and nearby Tarwin in South Gippsland. Aboriginal ancestral remains in Venus Bay are often impacted by residential development through the construction of dwellings and installation of services to dwellings.

The current legislative and planning controls do not work effectively to prevent harm to Aboriginal cultural heritage at Venus Bay. The historical planning legacy of residential subdivision at Venus Bay means that statutory authorisations that would normally protect and preserve Aboriginal cultural heritage, such as a cultural heritage management plan, are not required under either the Aboriginal Heritage Act 2006 or the Planning and Environment Act 1987. Consequently, Aboriginal places are inadvertently being harmed by the construction of dwellings and other works and are often detected only once works have commenced which can cause unnecessary delays and costs.

FPSR would like to explore with South Gippsland Shire Council options to better inform land users of the risk to harming Aboriginal cultural heritage, including Ancestral Remains, during ground disturbing works at Venus Bay. This could include notifying FPSR of applications for two-lot subdivision, construction of a dwelling, and other developments involving significant earthworks within the Venus Bay Peninsula.

While the addition of FPSR as a recommending referral authority in Clause 66.04 offers a potential pathway, it's our understanding it would not adequately capture all developments that pose potential harm to cultural heritage and risk to development.

We are available to discuss further details and explore whether the trigger to refer applications to FPSR could be more effectively developed through zones, overlays, or another planning control.

Gippsland Water (15 December 2025)

Re: Clause 66.04 - REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

We are listed as a determining authority for all permit applications within the Mirboo North Water Supply Catchment.

According to the state dataset on VicPlan and Mapshare, there is an area of SGSC that falls within our footprint, is covered by an ESO but NOT a SWSC, leaving any applications in this area being sent to neither water corporation.

There was an update undertaken to align ESO and SWCS boundaries a few months ago, but we are not sure whether SGSC are using this or the existing dataset shown below. I will follow up with SGSC on this matter, but if they are using the existing dataset, then I'd like to see GW listed alongside SGW as a referral authority under Schedule 2 to Clause 42.01 (ESO) (top line in table below).

There is a small pocket of the Tarwin River catchment that falls into our area, but if we received an application referral for any development, I'd be referring it to SGW as it impacts on their catchment/water supply, not ours.

Re: Clause 66.06 - NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

We would be covered for notifications of any surrounding developments by the specifications in 66.05, I can't think of any additional example for specific identification in 66.06, so no changes or updates required here.

West Gippsland Catchment Management Authority (4 December 2025)

The WGCMA is currently working with Council's strategic planners to amend and introduce new flood controls through the Land Subject to Inundation Overlay and Floodway Overlay and associated Schedules.

The WGCMA is satisfied that any required changes to the planning scheme relating to our function as the relevant floodplain management authority will be addressed through this amendment (C135sgip).

The WGCMA also has a role in the protection of waterway health. WGCMA supports the existing provisions in clause 12.03-1S and 14.02-1S in relation to protection and enhancement of catchments and waterways, however we note that there is no identified referral authority to consider the impacts of development on waterway health, particularly impacts arising from greenfield development on land containing waterways.

Where the WGCMA has included requirements for waterway management through a Development Plan or Precinct Structure Plan, we would welcome the opportunity to become a local referral authority under the relevant Development Plan Overlay or Urban Growth Zone Schedules.