

SOUTH GIPPSLAND SHIRE COUNCIL

Planning Scheme Amendment C125sgip General Amendment



APPROVAL DOCUMENTS

EXPLANATORY REPORT

Doc Ref: D1325521

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME

AMENDMENT C125SGIP

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the South Gippsland Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of the South Gippsland Shire Council.

Land affected by the amendment

The Amendment applies to 43 sites across the municipality. A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The Amendment proposes to:

- Amend various provisions of the South Gippsland Planning Scheme to correct mapping anomalies, delete redundant controls, correct grammatical errors and make minor corrections to text.
- Rezone land at 293 Whitelaw Road, Korumburra from Farming Zone to General Residential Zone 1 to provide consistent zoning within a residential growth area, subject to the existing Development Plan Overlay (Schedule 5) to better provide for orderly land supply and development and reduce administrative burden on Council resources.
- Rezone Council owned land at 141-143 Jupiter Boulevard, Venus Bay from Township Zone to Public Use Zone 6 (Local Government) to formalise and improve public parking facilities in response to the *Venus Bay Tourism Precinct Plan (June 2020)*.

A full description of the changes proposed are included in the Background Report within **Attachment 2** to this Explanatory Report.

Specifically, the proposed amendment will:

- Amend 22 Zoning Maps to correct mapping anomalies
- Amend 11 Overlay Maps to correct mapping anomalies, remove redundant Public Acquisition Overlay 1 and redundant Development Plan Overlay 5.
- Amend Clause 21.17 Coastal Villages, sub-clauses 16 & 17 to include the *Venus Bay Tourism Precinct Plan (June 2020)* as a Background Document for consideration
- Amend Schedule 1 to Clause 35.03 Rural Living Zone to correct ordinance mapping
- Amend Schedule 1 to Clause 35.07 Farming Zone to remove redundant references
- Amend Schedule 1 to Clause 44.04 Land Subject to Inundation Overlay to correct grammatical errors
- Amend Schedule 2 to Clause 44.06 Bushfire Management Overlay to correct grammatical errors
- Amend Schedule 12 to Clause 43.02 Design and Development Overlay to correct ordinance mapping
- Amends the Schedule to Clause 72.08 Background Documents to include the *Venus Bay Tourism Precinct Plan (June 2020)*
- Rezone land 141-143 Jupiter Boulevard, Venus Bay from Township Zone to Public Use Zone 6
- Rezone land at 293 Whitelaw Road, Korumburra from Farming Zone to General Residential Zone 1 and remove the Environmental Significance Overlay Schedule 5.

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Strategic assessment of the amendment**Why is the amendment required?**

The Amendment ensures that the South Gippsland Planning Scheme provisions are correctly applied so that it can be properly administered by the South Gippsland Shire Council in accordance with the requirements of the *Planning and Environment Act 1987* (the Act).

The proposed amendment does not repeat provisions already in the scheme.

In addition, the amendment proposes to facilitate the rezoning of 293 Whitelaw Road, Korumburra to support its future development as residential land via the application of the General Residential Zone. The land is located within close proximity to the Korumburra Activity Centre.

This will result in land zoning which is consistent with the intensifying residential character of the land east of Whitelaw Road. Residential development in this area is consistent with the outcomes identified in strategic planning investigations and analysis which formed the Korumburra Structure Plan.

The amendment is supported by the objectives within the Structure Plan, and the Victorian Coastal Strategy 2007 which identifies Korumburra as a major regional growth area and identifies the site as 'Future Urban Residential Land'.

The re-zoning of the land which is governed by the planning scheme is the only appropriate means of responding to the aforementioned issues. This administrative efficiency potential has been acknowledged by Council and DELWP.

How does the amendment implement the objectives of planning in Victoria?

The Amendment implements the following objectives of planning in Victoria as outlined in section 4 (1) of the *Planning and Environment Act 1987*:

- to provide for the fair, orderly, economic and sustainable use, and development of land;
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- to facilitate development in accordance with the objectives set out above.

The rezoning of land at 293 Whitelaw Road, Korumburra seeks to improve the built environment and provide residential land offerings to current and future residents.

The amendment represents a progressive and appropriate planning outcome for the site, consistent with the objectives of planning in Victoria. It does this by proposing to facilitate a residential use of farming land which is increasingly less relevant in its locational context, and supporting urban development in a location that has been identified for residential urban land development for some time (the Korumburra Structure Plan was prepared in 2010 and updated in 2014).

The proposed land use zoning will ensure the change in land use is undertaken in a fair and orderly manner to deliver a pleasant, efficient and safe living and recreational environment that benefits both the present and future interests of residents and surrounding land uses.

Economic benefits to the local economy will be delivered through a substantial increase to the local consumer population, to support both existing and future commercial endeavours. It will further provide local employment opportunities as a result of the development of the land, as well as increasing the local workforce to support and benefit from the existing and future employment areas in the region.

The rezoning of Council owned land at 141-143 Jupiter Boulevard, Venus Bay, is appropriate for publicly owned land and will support the tourism industry, providing for additional parking in peak times.

Proposed road reserve zoning changes will ensure greater consistency of zone application across the road network.

How does the amendment address any environmental, social and economic effects?

There are no adverse social, economic or environmental effects arising from this Amendment, as the Amendment is generally for the correction of mapping and textual errors in the South Gippsland Planning Scheme.

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The rezoning of 293 Whitelaw Road, Korumburra will create more residential land supply and housing and employment opportunities for the local community as well as future residents and visitors. The amendment will also ensure orderly and proper planning and rectifies an otherwise illogical application of planning zones. There are no high-quality environmental values on the subject site.

Does the amendment address relevant bushfire risk?

The Amendment does not enable any material change to residential density or proximity to vegetation, being that it proposed the correction of mapping anomalies, deletion of redundant controls, correction of grammatical errors and minor corrections to text. On this basis, the amendment meets the objective and gives effect to the strategies to address Bushfire risk in the Planning Policy Framework (PPF) (Clause 13.02 of the planning scheme) in that the Amendment will not increase the bushfire risk to life, property, community infrastructure or the natural environment.

The land at 293 Whitelaw Road, Korumburra is located within a designated Bushfire Prone Area, however it is not subject to the Bushfire Management Overlay. It is not expected that future development will increase the bushfire risk in this area.

Council did not consult the Country Fire Authority to seek their advice and comments on this amendment prior to authorisation. Their comments will be sought during exhibition.

Does the amendment meet the objective and give effect to the strategies to address Bushfire risk in the Planning Policy Framework (PPF) (Clause 13.02 of the planning scheme) Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the Ministerial Direction No. 10 on the Form and Content of Planning Schemes, under section 7(5) of the Act.

Pursuant to Section 12 of the Planning and Environment Act 1987, the amendment complies with the following (applicable) Ministerial Directions:

- Ministerial Direction No. 11 - Strategic Assessment of Amendments;
- Ministerial Direction No. 15 - The Planning Scheme Amendment Process; and
- Ministerial Direction No.19 - The Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment, supports and implements the Planning Policy Framework in a number of ways.

It supports the Purpose of the Planning Scheme (Clause 01) in that it proposes to rectify an inconsistent framework by making changes that are minor, through correcting anomalies or undertaking administrative changes. This will better allow for the making of clear decisions.

Additionally, it:

- Improves Council's ability to take "full advantage of existing settlement patterns" (Clause 11) and ensures that "an appropriate quantity, quality and type of housing is provided" (Clause 16.01-1S) within established settlement boundaries (Clause 11.01-1S) by supporting a proponent led proposal to rezone land from Farming Zone to General Residential Zone.
- Provides a diversity of housing that caters for different household types close to jobs and services in the Korumburra area (Clause 11 and 17) and enables the consolidation, redevelopment and intensification of Korumburra (Clause 11.02-1 S).
- Provides a diversity of housing that caters for different household types close to jobs and services in the Korumburra area (Clause 11 and 16).
- Applies the principles of good urban environmental design to the Schedule to the DPO (Clause 15.01 -1 S).
- Adapts to site development within LSIO that seeks to 'minimise risk to life, property ... from natural hazards' (Clause 13.01-1S). It adjusts the boundary of the LSIO to ensure that it accurately identifies "land affected by flooding" (Clause 13.03-1S) by proposing the removal of LSIO in response to newly amended land elevation data as risk has been reduced.

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- Protects “existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively (Clause 13.07-1S) by proposing to rezone land to C1Z, IND1 and remove split zoning on settlement boundaries and rezone to GRZ1 or TZ.
- Ensures the “use or development of land is compatible with adjoining and nearby land uses” (Clause 13.07-1S).
- Ensures “the form, scale, and appearance of development enhances the function and amenity of the public realm” (Clause 15.01-2S) by proposing to amend DDO12 to correct setback from boundary to be consistent with gazetted policy wording (Amendment C110).
- Retains and encourages conservation and restoration of elements that “contribute to the importance of a heritage place” (Clause 15.03-1S) by extending the HO18 to include all of brick subway tunnel
- Ensures that “land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities” to improve the open space network and in particular, “Provide new parkland in growth areas and in areas that have an undersupply of parkland” (Clause 19.02-6S) by rezoning land reserved for open space to PPRZ
- Reserves “land for strategic transport infrastructure” (Clause 18.01-2S) by rezoning land to RDZ1 where incorrectly zoned.
- Provides “an adequate supply of car parking ... that is appropriately designed and located” through consolidation of car parking facilities and allocating “land to be set aside for car parking” (Clause 18.02-4S) by and rezoning Council owned land from TZ to PUZ6.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is supported by the Local Planning Policy Framework (LPPF). The relevant sections of the LPPF are:

- Clause 21.02 - Settlement
- Clause 21.03 - Environmental and Landscape Values
- Clause 21.04 - Environmental risks
- Clause 21.06 - Built Environment and Heritage
- Clause 21.07 - Housing
- Clause 21.10 - Infrastructure
- Clause 21.13 - Large district centre - Korumburra
- Clause 21.19 - Localities

As the Amendment makes changes that are minor, through correcting anomalies or undertaking administrative changes, there are no implications for the Local Planning Policy Framework.

On the basis that the proposed changes are ‘policy neutral’ in nature, they are consistent with both the current Municipal Strategic Statement and the proposed new Municipal Planning Strategy.

Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment corrects errors and anomalies in the application of the Victoria Planning Provisions in the South Gippsland Planning Scheme. Correction of these errors and anomalies will ensure that the South Gippsland Planning Scheme is accurate, efficient in administration and meets legislative requirements.

The rezoning of 293 Whitelaw Road, Korumburra makes proper use of the Victoria Planning Provisions by applying the GRZ1. The proposed zoning reflects the anticipated future land uses within 293 Whitelaw Road.

How does the amendment address the views of any relevant agency?

Where proposed changes directly affect land owned or managed by a public authority, consultation has been undertaken and consent has been obtained to proceed with the proposed changes.

In particular, the views of the EPA were sought prior to authorisation and the amendment addresses the following issues and matters raised by the authority:

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- A Phase 1 Environmental Site Assessment has been prepared for the site located at 293 Whitelaw Road, Korumburra. This assessment considered the potential for contamination of land at 293 Whitelaw Road, Korumburra from past agricultural uses with respect to the proposed rezoning of land for residential uses. It determined that further investigation is not required to meet the requirements of *Planning and Environment Act (1987)*.
- EPA advised that a formal referral of the amendment is recommended. Exhibition notice will be given to EPA for comment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is not affected by the requirements of the Transport Integration Act 2010.

Resource and administrative costs**What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

As this amendment proposes only policy neutral changes with no technical implications, the Amendment will not place any unreasonable resource or administrative costs on the South Gippsland Shire Council.

The planning permit applications lodged as a result of the rezoning of 293 Whitelaw Road, Korumburra will not incur an additional resource or administrative cost to Council as their processing will be covered by existing operational resources.

Where you may inspect this amendment

The amendment can be inspected free of charge at the South Gippsland Shire Council website at www.southgippsland.vic.gov.au/C125

The amendment is available for public inspection, free of charge, at the following places:

- South Gippsland Shire Council, Planning Counter, 9 Smith Street, LEONGATHA VIC 3953 during office hours;
- at www.southgippsland.vic.gov.au/C125; or
- The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

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ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Buffalo	Buffalo-Tarwin Road	South Gippsland C125sgip 003znMaps23_26 Exhibition
Dumbalk	38 Farmers Road (1\TP551546)	South Gippsland C125sgip 018ho_d-esoMap19 Exhibition
Dumbalk	40 Farmers Road, (1\TP532469, 1\TP618655)	South Gippsland C125sgip 018ho_d-esoMap19 Exhibition
Dumbalk	926A Meeniyah-Mirboo North Road (1\PS616954)	South Gippsland C125sgip 018ho_d-esoMap19 Exhibition
Dumbalk	2 Dollar Road (1\LP122106)	South Gippsland C125sgip 018ho_d-esoMap19 Exhibition
Dumbalk	4 Dollar Road (2\LP122106)	South Gippsland C125sgip 018ho_d-esoMap19 Exhibition
Dumbalk	6 Dollar Road (2\TP753819, 1\TP753819)	South Gippsland C125sgip 018ho_d-esoMap19 Exhibition
Dumbalk	4 Farmers Road (1\TP377728, 2\LP142495)	South Gippsland C125sgip 018ho_d-esoMap19 Exhibition
Foster	11 Reserve Street Foster (14~22\PP5296)	South Gippsland C125sgip 006znMap29 Exhibition
Jumbunna	Korumburra – Wonthaggi Road, Jumbunna	South Gippsland C125sgip 27znMap11 Exhibition
Jumbunna	Korumburra – Wonthaggi Road, Jumbunna (north of Jumbunna settlement)	South Gippsland C125sgip 28znMap11 Exhibition
Jumbunna	Korumburra – Wonthaggi Road, Jumbunna	South Gippsland C125sgip 29znMap10 Exhibition
Korumburra	6 Hislops Lane (CA 20 SQ Parish of Korumburra Township)	South Gippsland C125sgip 009znMap14 Exhibition
Korumburra	19 Hislops Lane (CA 19 SQ Parish of Korumburra Township)	South Gippsland C125sgip 009znMap14 Exhibition
Korumburra	10 Green Valley Rise (CA 14 SQ Parish of Korumburra Township)	South Gippsland C125sgip 009znMap14 Exhibition
Korumburra	8 Green Valley Rise (CA 13 SQ Parish of Korumburra Township)	South Gippsland C125sgip 009znMap14 Exhibition
Korumburra	6 Green Valley Rise (CA 12 SQ Parish of Korumburra Township)	South Gippsland C125sgip 009znMap14 Exhibition
Korumburra	4 Green Valley Rise (CA 11 SQ Parish of Korumburra Township)	South Gippsland C125sgip 009znMap14 Exhibition
Korumburra	2 Green Valley Rise (CA 10 SQ Parish of Korumburra Township)	South Gippsland C125sgip 009znMap14 Exhibition
Korumburra	293 Whitelaw Road, Korumburra (1\PS313150L Parish of Korumburra)	South Gippsland C125sgip 012zn_d-esoMaps10_14 Exhibition
Korumburra	Mair Crescent, Korumburra (identified as a road)	South Gippsland C125sgip 013znMap14 Exhibition

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Korumburra	24 Commercial Street, Korumburra (1C~2\PP5434)	South Gippsland C125sgip 017hoMap14 Exhibition
Korumburra	2 Victoria Street, Korumburra	South Gippsland C125sgip 031znMap14 Exhibition South Gippsland C125sgip 031d-paoMap14 Exhibition
Leongatha	22-24 Hughes Street, Leongatha (1\TP102102)	South Gippsland C125sgip 001znMap16 Exhibition
Leongatha	Tarwin Ridge Boulevard, Leongatha (RES1\PS820131)	South Gippsland C125sgip 014znMap16 Exhibition
Leongatha	50 Panorama Rise, Leongatha (RES1\PS820131)	South Gippsland C125sgip 015znMap16 Exhibition
Leongatha	37 MacDonald Street, Leongatha (1\TP199094, RES1\PS524426, RES1\LP135549, RES1\PS347774)	South Gippsland C125sgip 016znMap16 Exhibition
Loch	Intersection at South Gippsland Highway and the Loch-Poowong Road	South Gippsland C125sgip 007znMap04 Exhibition
Meeniyan	Tompkins Road Meeniyan (2017\PP5513)	South Gippsland C125sgip 022znMap20 Exhibition
Mirboo North	Boolarra-Mirboo North Road	South Gippsland C125sgip 002znMaps08_09 Exhibition
Mirboo North	6 Brennan Street, Mirboo North (PC375463 Parish of Mirboo North Township)	South Gippsland C125sgip 005znMap09 Exhibition
Nyora	South Gippsland Highway, Loch (Road Reserve) South Gippsland Highway, Loch (1\TP835995)	South Gippsland C125sgip 023znMap01 Exhibition
Nyora	17 Cornishs Road (1\PS715873)	South Gippsland C125sgip 024d-dpoMap2 Exhibition
Nyora	19 Cornishs Road (2\PS715873)	South Gippsland C125sgip 024d-dpoMap2 Exhibition
Nyora	23 Cornishs Road (3\PS715873)	South Gippsland C125sgip 024d-dpoMap2 Exhibition
Nyora	27 Cornishs Road (4\PS715873)	South Gippsland C125sgip 024d-dpoMap2 Exhibition
Nyora	31 Cornishs Road (5\PS715873)	South Gippsland C125sgip 024d-dpoMap2 Exhibition
Port Welshpool	Lewis Street, Port Welshpool (35G~B\PP3790 and 1H\PP5652)	South Gippsland C125sgip 008znMap33 Exhibition
Sandy Point	39 Harbour View Road, Sandy Point (L1 LP502532S Parish of Waratah North)	South Gippsland C125sgip 004zn Map38 Exhibition South Gippsland C125sgip 004 eso_d-esoMap38 Exhibition South Gippsland C125sgip 004 d-sloMap38 Exhibition
Sandy Point	41 Harbour View Road, Sandy Point (L1 PS502533Q Parish of Waratah North)	South Gippsland C125sgip 004zn_eso_d-eso_d-sloMap38 Exhibition

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		South Gippsland C125sgip 004d-sloMap38 Exhibition South Gippsland C125sgip 004eso_d-eso_d-sloMap38 Exhibition
Sandy Point	6 Sandy Point Road, Sandy Point (L1 LP120355 Parish of Waratah North)	South Gippsland C125sgip 010IsioMap38 Exhibition
Venus Bay	141-143 Jupiter Boulevard Venus Bay (22\LP52658 and 23\LP52658)	South Gippsland C125sgip 030znMap24 Exhibition

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ATTACHMENT 2 – Background Report

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