

Detailed response to DELWP comments

DELWP provided a comprehensive submission the recommendations of which are included in the tables below.
The blue text is the DELWP comment and direction.
The green comments are the consultant recommendations.
Recommendations are reflected as appropriate in the main report.

C42.01 Environmental Significance Overlay, Schedule 1 Areas of Natural Significance

Provision and Clause	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04 Amend through this review
	Clause 5 which seeks the views of the <i>Department of Natural Resources and Environment</i> Section 52(1)(c) Delete from Clause 5. Add into Clause 66.04s as recommending authority (see recommendation below in relation to decision guidelines)
Referral reference	If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change) DELWP to advise new department at authorisation
Clause 5 Decision guidelines Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.
Clause 5 Decision Guidelines Applications which immediately abut Crown Land.	Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay? If it is only related to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme. Delete as it is a duplication
Clause 5 Decision guidelines Applications which in the opinion of the responsible authority, may have an adverse impact, including visual impacts, on Crown Land	DELWP does not have visual amenity capability to make this type of assessment. Application requirements could require a visual assessment by a suitably qualified expert which also considers the impact on Crown land. Delete the decision guideline as DELWP no longer provides this service.
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).	Decision guidelines could be developed to address the following matters: <ul style="list-style-type: none">drainage onto Crown landaccess onto Crown landbuffer planting in the interface area on private land with Crown land It is recognised that the content of these proposed guidelines may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate Include as a further strategic work recommendation.
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may adversely affect on flooding	A Catchment Management Authority role / responsibility – not DELWP Include CMA as Clause 66.04s recommending authority for this matter
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land	DELWP does not have the capability to make this type of assessment. Over time machinery of government change has seen this capability removed from the current referral authority. Recommend a report be submitted as an information requirement at Clause 3 Add an application requirement: A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land. Delete the decision guideline as DELWP no longer provides this service
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.

C42.01 Environmental Significance Overlay, Schedule 3 *Coastal Settlements – non -residential areas*

Provision	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04 Amend through this review
	Clause 5 which seeks the views of the <i>Department of Environment, Land, Water and Planning</i> Section 52(1)(c) Delete from Clause 5. Add into Clause 66.06s as recommending authority (see recommendation below in relation to decision guidelines)
Referral reference	DELWP to advise new department at authorisation
Clause 3 Permit requirements	Buildings and works undertaken by or on behalf of the Department of Sustainability & Environment on coastal Crown land under relevant legislation If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change) DELWP to advise new department at authorisation Need to determine If this duplication is required as Crown land should be included in a public use zone which includes this exemption. Retain – no change. Too complex as ESO applies to public and private. Duplication is of no matter.
Clause 3 Permit requirements	Buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation. Need to determine If this duplication is required as Crown land should be included in a public use zone which includes this exemption. Retain – no change. Too complex as ESO applies to public and private. Duplication is of no matter
Clause 3 Permit requirements	All applications for development on Coastal Crown land, as defined under the <i>Coastal Management Act, 1995</i> , must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. If this text is retained, need to update superseded legislation reference to <i>Marine and Coastal Act 2018</i> This can facilitate streamlined approval under separate legislation Change the legislation to the <i>Marine and Coastal Act 2018</i> to reflect the up to date legislation.
Clause 5 Decision guidelines Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.
Clause 5 Decision Guidelines Applications which immediately abut Crown Land.	Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay? If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme. Delete as it is a duplication
Clause 5 Decision guidelines Applications which in the opinion of the responsible authority, may have adverse impact, on Crown Land	If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme. Delete as it is a duplication
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).	Decision guidelines could be developed to address the following matters: <ul style="list-style-type: none"> drainage onto Crown land access onto Crown land buffer planting in the interface area on private land with Crown land It is recognised that the content of these proposed guidelines may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate Include as a further strategic work recommendation.
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land	DELWP does not have the capability to make this type of assessment. Over time machinery of government change has seen this capability removed from the current referral authority Recommend a report be submitted as an information requirement at Clause 3 Add an application requirement: A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land. Delete the decision guideline as DELWP no longer provides this service

Provision	Comments
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.

C42.01 Environmental Significance Overlay, Schedule 5 Areas Susceptible to Erosion

Provision and Clause	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04 Amend through this review
	Clause 5 which seeks the views of the <i>Department of Natural Resources and Environment</i> Section 52(1)(c) Delete from Clause 5. Add into Clause 66.06s as recommending authority (see recommendation below in relation to decision guidelines)
Referral reference	If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change) DELWP to advise new department at authorisation
Statement of Environmental Significance	The Department of Natural Resources and Environment has mapped certain areas in the Shire as susceptible to erosion. There are other areas within the Shire which have been specifically identified as prone to land slips. Whereas this overlay is applied to the areas susceptible to erosion as identified by the Department of Natural Resources and Environment , the Erosion Management Overlay is applied to the areas specifically identified as prone to land slips. Noting that DELWP would like to be removed as a referral authority for this matter, if retained the statement needs to better express the significance rather than the administrative arrangements of information resources. Delete the references to DELWP in the statement of significance. Edit as follows: The Department of Natural Resources and Environment has mapped certain areas in the Shire as susceptible to erosion. There are other areas within the Shire which have been specifically identified as prone to land slips and erosion. Whereas this overlay is applied to the areas susceptible to erosion as identified by the Department of Natural Resources and Environment, the Erosion Management Overlay is applied to the areas specifically identified as prone to land slips.
Clause 5 Decision guidelines	Any Land Capability Report Guidelines prepared by the Department of Natural Resources and Environment, Centre for Land Protection Resource . With machinery of government change over time this type of guidelines are not maintained by DELWP. Delete from decision guidelines.
Clause 5 Decision guidelines Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects	Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.
Clause 5 Decision Guidelines Applications which immediately abut Crown Land.	Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay? If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme Delete as it is a duplication
Clause 5 Decision Guidelines Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land	DELWP does not have the capability to make this type of assessment. Over time machinery of government change has seen this capability removed from the current referral authority Recommend a report be submitted as an information requirement at Clause 3 Add an application requirement: A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land. Delete the decision guideline as DELWP no longer provides this service

C42.01 Environmental Significance Overlay, Schedule 7 Coastal Settlements

Provision and Clause	Comments
52 or S55 status	NOTE: this is not a S55 referral under the mechanism at C66.04 Amend through this review

Provision and Clause	Comments
	<p>Clause 5 which seeks the views of the <i>Department of Sustainability and Environment</i></p> <p>Section 52(1)(c)</p> <p>Delete from Clause 5. Add into Clause 66.06s as recommending authority (see recommendation below in relation to decision guidelines)</p>
Referral reference	<p>If the provisions are retained the reference needs to be updated to <i>Department of Environment, Land, Water and Planning</i> (or its successor following the election, if there is a machinery of government change)</p> <p>DELWP to advise new department at authorisation</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which immediately abut Crown Land.</p>	<p>Need better definition of why adjacent Crown land needs to be considered in the application – is it contribution to wider environmental services linked to the objectives of the schedule to the overlay?</p> <p>If this only relates to matters of material detriment to adjoining Crown land this is addressed as a S52(1)(a) notice of application as is duplication within the provisions of the Scheme</p> <p>Delete as it is a duplication</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).</p>	<p>Decision guidelines could be developed to address the following matters:</p> <ul style="list-style-type: none"> drainage onto Crown land access onto Crown land buffer planting in the interface area on private land with Crown land <p>It is recognised that the content of these proposed guidelines may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate</p> <p>Include as a further strategic work recommendation.</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land</p>	<p>DELWP does not have the capability to make this type of assessment.</p> <p>Over time machinery of government change has seen this capability removed from the current referral authority</p> <p>Recommend a report be submitted as an information requirement at Clause 3</p> <p>Add an application requirement:</p> <p>A report of the impact the use or development will have on likelihood of erosion, land degradation and land stability on the land and adjoining land.</p> <p>Delete the decision guideline as DELWP no longer provides this service</p>
<p>Clause 5 Decision Guidelines</p> <p>Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance</p>	<p>Recommend this be elevated to a S55 recommending referral – allowing the opportunity to request further information to address environmental effects, particularly biodiversity matters</p> <p>Delete from Decision guidelines and include in Clause 66.04s as a recommending referral authority.</p>

C42.01 Environmental Significance Overlay, Schedule 9 Giant Gippsland Earthworm and Habitat Protection

Provision and Clause	Comments
S52 or S55 status	NOTE: this is a S55, determining referral under the mechanism at C66.04 for any application for development
	<p>Clause 5 which seeks the views of the <i>Department of Environment, Land, Water and Planning</i></p> <p>Section 52(1)(c)</p> <p>Delete from Clause 5. Already addressed under 66.04s</p>
Clause 3 Permit requirements	<p>A survey has been conducted by a suitably qualified person establishing that no buildings and works will negatively impact Giant Gippsland Earthworm numbers. This survey is to be completed to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning, and be in accordance with the <i>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document</i> (September 2015).</p> <p>Note: this document is appropriately listed on the South Gippsland Shire website as a local reference document and should be updated to reflect the new structure of the Scheme – noted that it is not listed as a background document at C72.08. Recommend its listing at this Clause.</p> <p>Include as background document at Clause 72.08</p>
To Clause 4 Application requirements	<p>An application must include the following information to the satisfaction of the responsible authority:</p> <ul style="list-style-type: none"> Clear and precise details of the buildings and/or works proposed, including the location of any wastewater treatment systems, dispersal fields, stormwater flow, driveways, ground disturbance, changes to hydrology or drainage. Description of the purpose for the development. Detailed scale map of the subject land showing: <ul style="list-style-type: none"> property boundaries and dimensions; location of proposed buildings and works site; all waterways, including creeks, streams, soaks, seepages or wetlands within or adjacent to works, and; the locality of Giant Gippsland Earthworm habitat affected by the proposal.

Provision and Clause	Comments
	<ul style="list-style-type: none"> An impact assessment of the proposal on Giant Gippsland Earthworm habitat conducted by a suitably qualified person and in accordance with the <i>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document</i> (September 2015). Details on how the application has attempted to avoid, minimise or offset negative impact on Giant Gippsland Earthworm habitat. <p>To facilitate good outcomes these provisions could also include the following requirements:</p> <ul style="list-style-type: none"> Consideration of an offsets – it is recognised that an offset framework in relation to this species may be beyond the scope of a S12B Review, however, a recommendation for future strategic work may be appropriate An expert report analysing the impact of hydrology changes on colonies and habitat <p>Include the two new recommendations as further strategy work.</p>
Background documents	<p><i>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document</i> (September 2015)</p> <p>This document is appropriately listed on the South Gippsland Shire website as a local reference document, however the reference should be updated to reflect the new structure of the Scheme – noted that it is <u>not</u> listed as a background document at C72.08. Recommend listing at this Clause</p> <p>Include as background document at Clause 72.08</p>



Department of Transport

120 Kay Street
Traralgon, VIC 3844 Australia
Telephone: 0411 015 962
www.transport.vic.gov.au
DX 219286

Ref: DOC/22/169521

Attention: Matt Britten
admin@redinkplanning.com.au

Dear Matt

SOUTH GIPPSLAND SHIRE COUNCIL PALNING SCHEME

Thank you for the opportunity to provide comment as part of the South Gippsland Shire Council planning scheme review.

The Department of Transport (DoT) offers the following comments for consideration:

Section 66.06 Notice of Permit Applications and Section 66.04 Requirement to refer to a Referral Authority

DoT has no comments on these two sections

Clause 2 of 'Schedule 6 to Clause 30.01'

Koonwarra Agricultural Services Precinct

A comprehensive traffic impact assessment prepared to the satisfaction of the responsible authority in consultation with the relevant road authority, that identifies the pattern a location of the arterial road network of the area including existing roads, and the location and detail of any required

- Road widening
- Access points
- Bus lanes and stops

Clause 3 of 'Schedule 4 43.04'

Development Planning Overlay – Western Leongatha Residential Growth Area

Planning permit applications for each residential subdivision stage must consider the views of DoT regarding the potential impact of additional traffic movements may have on the arterial road network.

Other Matters

- A minor edit around names (throughput full planning scheme) please delete 'major' from 'major arterial road' references.



To provide a clear indication that Council intends to undertake work around important growth areas in the municipality it is suggested that a reference is made in the planning scheme that Development Planning Overlays will be developed to cover growth areas:

- Leongatha South Precinct
- Jumbunna Road Precinct
- Nyora Township

Yours sincerely



Harvey Dinelli
Manager Transport Strategy - Gippsland

28 / 11 / 2022

17/10/2022, 16:58

Email - Matt Britten - Outlook


South Gippsland Planning Scheme Review - Leongatha Aerodrome

Nigel Hutchinson-Brooks <nutleydean@gmail.com>

Mon 17/10/2022 00:21

To: Matt Britten <Matt@redinkplanning.com.au>

Cc: was@dcsl.net.au <was@dcsl.net.au>; Ken Griffiths <Ken.Griffiths@southgippsland.vic.gov.au>

 4 attachments (13 MB)

SGPS Review re Leongatha Aerodrome.pdf; A.Nov 6 - 2007 083.jpg; DJI_0427.JPG; DJI_0429.JPG;

Dear Matt,

Please find attached a submission on behalf of Leongatha Aerodrome Users Pty Ltd, together with some photographs as mentioned in the letter to explain our position.

By way of background, I first flew out of Leongatha in 1985, and have been based here since 2003. However, I am not a shareholder in the Aerodrome owning company.

If you have any queries, please do not hesitate to contact me.

Kind regards,

Nigel

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Nigel Hutchinson-Brooks

BSc MRICS FAPI MPIA

0419 355 303

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16th October 2022.

Matt Britten
Matt@redinkplanning.com.au

Dear Matt

Re: South Gippsland Planning Scheme Review

I have been asked by Barry Foster, Director of Leongatha Aerodrome Users Pty Ltd, to respond to your email seeking feedback on the South Gippsland Planning Scheme review insofar as it impacts Leongatha Aerodrome.

The main issue is the relevance of having a private company being a Determining Referral Authority for planning applications within the Airport Environs Overlay. We argue that it is very definitely relevant and even imperative that it remain for the reasons set out below.

1. The Aerodrome was developed by the then Woorayl Shire Council in the mid 1960's.
2. The South Gippsland Shire Council (post amalgamations) resolved to sell the Aerodrome in 1999.
3. There were several businesses operating from the Aerodrome who formed a consortium to purchase the Aerodrome in order to protect their businesses.
4. At that time the Council was the Determining Referral Authority under the AEO, and this responsibility was passed on to the purchaser, Leongatha Aerodrome Users Pty Ltd, where it has remained for the last twenty-two years.
5. Existing activities at the Aerodrome include:-
 - a. Aerial Agriculture Spraying, Spreading and support
 - b. Aerial Fire Fighting aircraft and support systems
 - c. Aircraft maintenance workshops (2 - with both carrying out third party work)
 - d. Aircraft Spray Painting workshop
 - e. Flying Training, both General Aviation and Recreational Aviation Australia activities for Australian and Overseas students
 - f. Aircraft Charter services from the South Gippsland region
 - g. Specialised Agricultural Flying Training services
 - h. Aircraft Sales and Support
 - i. Gliding Club

- j. Business and Private Flying and Recreational Aviation activities.
- k. The aerodrome is regularly used by:-
 - i. Police Air Wing
 - ii. CFA aerial assets
 - iii. Air Ambulance
 - iv. RFDS
 - v. Pipeline and Powerline inspection aircraft
 - vi. Itinerant aircraft and helicopters
 - vii. Etc.
- 6. It is unfortunately a fact that a large number of airports around Australia have been developed in greenfield locations, only to have, over time, newcomers complain about the noise associated with aviation activities.
- 7. This has often resulted in curtailment of hours of operation, and in some cases cessation of the airport altogether.
- 8. The need to ensure the continued operation 24/7 of Leongatha Aerodrome is important for the following reasons.
- 9. Leongatha Aerodrome (known by its international identifier as YLEG) is a vital part of the nation's transport infrastructure.
- 10. Since the closure of Phillip Island airport, it is the only airport to service both the Bass Coast and South Gippsland Shire areas, serving a population of around 80,000 people, and covers all the area south of the Strzelecki Ranges.
- 11. The nearest airport that also has all weather capability is Latrobe Valley airport at Traralgon.
- 12. In 2020 YLEG was the recipient of a Federal Government grant of close to \$1m to upgrade the Aerodrome to a fully surfaced all weather airfield.
- 13. The grant was on a \$ for \$ basis, so the YLEG community themselves contributed \$1m in cash and kind. They do not want to see that, together with their original investment and other improvements over the last 22 years, put at risk.
- 14. Of the 60 Regional airports who received the Regional Airport Program grants in 2020, 57 were publicly owned – mostly by local Councils. Three were privately owned.
- 15. The grant enabled:
 - a. The resealing of the main runway (which had not been touched since it was built in the 60's).
 - b. The full construction and sealing of the cross runway.
 - c. The resealing of the main apron, (which was seriously degraded).
 - d. The provision of a large concrete refuelling apron with state of the art swipe card refuelling bowsers for piston, turbine and jet aircraft and helicopters.
 - e. The full construction and sealing of the main taxiway servicing the hangar buildings.
- 16. As a result of selling YLEG in 2000, the South Gippsland community and ratepayers have enjoyed the facility provided as outlined above without the

ratepayers having a large capital investment tied up, with the attendant operating, maintenance and insurance costs. The least the Council can do is to ensure that the facility is protected.

17. Attached to this letter by email are three photographs. The first was taken in November 2007. The second two were taken in April 2022. As you will see there has been significant development in that time. All the vacant hangar lots are spoken for, and will be built out once the land dries out, by about May of 2023.
18. There are several reasons for this growth, amongst which are:
 - a. the recent dissuasion of non-commercial operations at Moorabbin Airport.
 - b. The fact that YLEG is now an all-weather Aerodrome.
 - c. The availability 24/7 of swipe card fuel for both piston and jet aircraft and helicopters.
 - d. The increase in the popularity of recreational aviation following the establishment of the Recreational Aviation Australia management system.
19. In addition to the issue of Determining Referral Authority status, the other matter that a review of the Planning Scheme should include as it relates of YLEG is the matter of its underlying zoning.
20. We recently carried out a study of the zoning status of 25 regional airports in Victoria (there are many more). We found that the vast majority of them are PUZ 4 (Transport), PUZ 6 (Council) or SUZ (in many different forms).
21. When the Aerodrome was owned by Council, the zoning of the land was PUZ 4 – Transport. This zoning has been left in place and is considered perhaps no longer appropriate if the aerodrome is to expand as an employment centre. A form of mixed-use zone, e.g. Special Use Zone, would be most appropriate, to allow commercial, industrial and residential uses, as happens at many other airports around Australia. Or amend the allowable uses in the current PUZ4.
22. Examples in Victoria include West Sale airport, (Wellington Shire Council Planning Scheme Special Use Zone 1) and Yarrawonga airport, (Moirra Shire Council Planning Scheme Public Use Zone 4) which allow these activities.
23. The Aerodrome has a limited amount of accommodation on site for students undergoing training, both Australian and from overseas. There is also accommodation for security purposes which is occupied by a shareholder of the company. This situation needs to be formalised and to allow further on-site accommodation for which there is a small but identifiable demand.
24. Leongatha Aerodrome Users Pty Ltd would like to work collaboratively with Council to investigate the opportunities for the economic development of the Aerodrome to be expanded from its existing base to develop its full potential as an employment centre and supplier of aviation services. However, we would be looking for sufficient flexibility to allow non-aviation users to be supported where appropriate.

If you have any queries on any of the matters raised in this submission, please do not hesitate to contact me by email or phone on 0419 355 303.

Kind regards,

Nigel Hutchinson-Brooks

Nigel Hutchinson-Brooks

Director

BSc, MRICS, FAPI, MPIA







12 October 2022

Matt Britten
Associate
Redink Planning
56 Walkers Lane
BRIGHT VIC 3741



Our Ref: REQ002609

RE: SOUTH GIPPSLAND PLANNING SCHEME REVIEW

Thank you for the opportunity to provide advice in relation to the South Gippsland Planning Scheme Review, referred to EPA via email dated 22 September 2022.

EPA has reviewed the following documents of relevance:

- Referral email to EPA dated 22 September 2022;
- Referred provisions including:
 - Schedule 1 to Clause 66.04 Referral of permit applications under local provisions;
 - Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4) - Sewage Treatment Plant and Environs; and
 - Schedule 8 to Clause 42.01 Environmental Significance Overlay (ESO8) - Manufacture of Milk Products Amenity Buffer.

Ministerial Direction 19 (MD19)

The recognition of the preventative value of EPA's early involvement in strategic land use planning is reflected in Ministerial Direction 19 (MD19), which requires planning authorities to seek early advice from EPA when undertaking strategic planning processes that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste.

EPA's consideration and advice on relevant planning matters is intended to support decisions made by planning authorities in the early stages of the planning process.

It is in this context that we provide the following comments.

Our Understanding of the Proposal

EPA understand Redink Planning is acting on behalf of South Gippsland Shire Council (Council) in undertaking a review of the South Gippsland Planning Scheme. Specifically, EPA comment has been requested on the following provisions in the South Gippsland Planning Scheme as part of the review:

- Clause 1.0 of Schedule 1 to Clause 66.04;
- Clause 5.0 of Schedule 4 to Clause 42.01 (ESO4) ('Sewage Treatment Plant and Environs'); and
- Clause 3.0 and 5.0 of Schedule 8 to Clause 42.01 (ESO8) ('Manufacture of Milk Products Amenity Buffer').

epa.vic.gov.au

Environment Protection Authority Victoria
GPO Box 4395, Melbourne VIC 3001
1300 372 842



EPA AdviceSchedule 1 to Clause 66.04 Referral of permit applications under local provisions

EPA have no comments in relation to Clause 1.0 of Schedule 1 to Clause 66.04 - Referral of Permit Applications Under Local Provisions.

ESO4 Sewage Treatment Plant and Environs and ESO8 Manufacture of Milk Products Amenity Buffer*Observations*

- The purpose of ESO4 'Sewage Treatment Plant and Environs' is to protect sewage treatment plants from the encroachment of incompatible development and to provide for a buffer area around the plant.
- The purpose of ESO8 'Manufacture of Milk Products Amenity Buffer' is to protect a milk products facility (manufacture) from the incremental encroachment of sensitive land uses and protect surrounding development from the impact of adverse amenity impacts.
- Both ESO4 and ESO8 appear to restrict 'Accommodation, childcare, education, office, place of assembly and retail', by requiring a permit to construct a building, or construct or carry out works for the use of the land for these purposes.
- EPA note that the ESO8 contains exemptions from permit requirements to some buildings and works in relation to the above listed uses that are not listed in ESO4.

Based on the information outlined above, it would appear that the purpose of these overlays is to provide for a buffer around industry, to separate or manage incompatible land uses (industrial uses and sensitive uses), protect industry from encroachment of sensitive uses and protect sensitive uses from unintended offsite impacts from the facilities.

EPA Comment

EPA consider sensitive land uses to be land uses sensitive to emissions from industry and other uses due to their impact on amenity and human health, as outlined in *Managing buffers for land use compatibility: Planning Practice Note 92, (DELWP, March 2021)* (PPN92) and *Recommended Separation Distances for Industrial Residual Air Emissions* (Publication 1518, March 2013).

EPA do not typically consider *office or retail* to be land uses that are sensitive to off-site impacts. As such, Council may wish to seek clarification with other parties relevant to the ESO4 and the ESO8, regarding their definition of sensitive land uses and whether it is appropriate to restrict these land uses.

Furthermore, it would appear that the ESO8 contains some logical exemptions from the permit requirements. As such, Council may wish to consider including similar exemptions in the ESO4.

After saying that, EPA wish to advise Council that transitioning the ESO4 and ESO8 (and potentially other ESO's within the South Gippsland Planning Scheme that implement buffers) to the Buffer Area Overlay (BAO) (Clause 44.08) may be appropriate. The BAO is the fit for purpose planning tool used for the management of buffers and can be used to identify areas where there is the potential for offsite impacts on safety and human health or significant offsite impacts on amenity.

In applying the BAO, particular criteria must be met, and certain information must be provided. PPN92 contains guidance on planning for land use compatibility and the requirements in planning provisions relating to the management of buffers, including the process for applying the BAO. PPN92 sets out the

steps to be taken when considering its application, and EPA can provide assistance if there are any specific questions.

Summary and recommendations

The recommendations outlined in this letter can be summarised as follows:

1. Consult other relevant parties regarding what are considered sensitive land uses;
2. Consider applying the exemptions from ESO8 to ESO4; and
3. EPA recommend that Council consider transitioning ESO to BAO as the fit for purpose planning control in the VPP.

Closing

This letter outlines the comments sought from EPA by Redink Planning and Council to consider in the review of the South Gippsland Planning Scheme. EPA's specific recommendations have been discussed above.

EPA thanks Council for the opportunity to provide input into this review and extends an invitation to meet further for discussions if necessary.

If you need additional information or would like to discuss this matter further, please contact Ana Mitrov on 1300 EPA VIC (1300 372 842), or at stratplan@epa.vic.gov.au.

Yours sincerely,



Trisha Brice
Team Leader, Strategic Planning Advisory
Development Advisory
Environment Protection Authority Victoria

11/12/2022, 18:21

Re: Gippsland Water Response - South Gippsland Planning Scheme Review [SEC=OFFICIAL] - Matt Britten - Outlook

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Re: Gippsland Water Response - South Gippsland Planning Scheme Review [SEC=OFFICIAL]

Matt

From: StatPlanning@gippswater.com.au <StatPlanning@gippswater.com.au>
Sent: 07 October 2022 13:37
To: Matt Britten <Matt@redinkplanning.com.au>; StatPlanning@gippswater.com.au <StatPlanning@gippswater.com.au>
Cc: Shannon.Dwyer@gippswater.com.au <Shannon.Dwyer@gippswater.com.au>
Subject: Gippsland Water Response - South Gippsland Planning Scheme Review [SEC=OFFICIAL]

Hi Matt

Thank you for providing us with the opportunity to provide comment to the South Gippsland Planning Scheme. While we do not have any strategic justifications to request changes to schedule 2 of Clause 42.01, we do request that it is considered to add the Central Gippsland Region Water Corporation (Gippsland Water) to Clause 1.0 - Schedule 1 of Clause 66.04. However if it is possible to have it flagged that it is only for the Mirboo North catchment, as this is the only catchment managed by Gippsland Water within an ESO2 in South Gippsland (the Little Morwell River (Mirboo North) Catchment).
Can you advise if you have had any feedback from South Gippsland Water and what that might be?

Kind regards,

Danielle

Statutory Planning

P (03) 5175 7488

55 Hazelwood Road Traralgon VIC 3844



We acknowledge the Traditional Owners of the Gippsland Water area, the Gunaikurnai people and the Bunurong people, and recognise their strong cultural connection to the land and waterways. We pay our respect to their Elders, past and present.

From: Matt Britten <Matt@redinkplanning.com.au>
Sent: Thursday, 22 September 2022 4:30 PM
To: Statutory Planning <StatPlanning@gippswater.com.au>
Subject: Email sent to SGW 4/10 - South Gippsland Planning Scheme Review

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1/1

11/12/2022, 18:23

RE: OFFICIAL: RE: South Gippsland Planning Scheme Review- ESO2 Special Water Catchments. - Matt Britten - Outlook

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RE: OFFICIAL: RE: South Gippsland Planning Scheme Review- ESO2 Special Water Catchments.

From: SGW Development <development@sgwater.com.au>

Sent: 06 October 2022 14:52

To: Matt Britten <Matt@redinkplanning.com.au>

Subject: OFFICIAL: RE: South Gippsland Planning Scheme Review- ESO2 Special Water Catchments.

Hi Matt,

Our internal discussions on Special Water Catchments have highlighted the following issues:

- General lack of understanding as to purpose of ESO2 and why it is in place
- We get a lot of permits for Domestic Shed use more than 30m from waterway and that do not have any proposed internal plumbing facilities – we do not need these to be referred to us as we do not place any specific conditions!
- Highlight the issue of tourist-type multi unit accommodation (Glamping tents or cabins) on a single property (we would like to severely restrict these due to their loading and potential risk when they fail!)
- The requirement for a “suitably qualified person” to produce LCA is a challenge as there is no formal consensus or accreditation as to who can produce these.
- Where works are required it would be good to be able to require that appropriate revegetation be completed along waterway. It would be good to be able to require upgrade of septic in a more formal fashion too.
- With regard to Clause 4.0 of Schedule 5 of Clause 37.01 (SUZ) – as long as a building permit would be triggered if a occupied facility (i.e office with a toilet) or a trade waste generator (truck wash etc) were to be constructed thereby allowing us to enforce connection to reticulated sewer with appropriate controls, we do not need any clause that specifically refers to South Gippsland Water in the planning scheme under SUZ5.

We would like to work with you to determine appropriate wording to resolve issues above, would you like to send through an MS Teams invite to discuss further?

Kind regards

Lucy

Lucy Allsop
Development Manager

South Gippsland Water

14 - 18 Pioneer Street, Foster VIC 3960 | P.O. Box 102 Foster VIC 3960

P 0356820451 | M 0438173917 | F 03 5682 1199 | E lallsop@sgwater.com.au

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www.sgwwater.com.au



OFFICIAL



WGCMA Ref: WGCMA-F-2022-00824
Document No: 1
Date: 5 October 2022

Matt Britten
Redink Planning
admin@redinkplanning.com.au

Dear Matt,

Planning Permit Application No.: South Gippsland Shire Planning Scheme Review

I refer to your correspondence regarding the above matter, received at the West Gippsland Catchment Management Authority ('the Authority') on 22 September 2022.

The Authority welcomes the opportunity to provide input to the current review of the South Gippsland Shire Planning Scheme. It is noted that the specific provisions you are seeking feedback on is Clause 4.0 (Application requirements) of Schedule 1 to Clause 44.04 (LSIO).

Coastal Development

The Coastal Development application requirements at Clause 4.0 of Schedule 1 to the LSIO may now be adequately addressed by policy introduced at Clause 13.01-2S (Coastal Inundation and Erosion) of the Planning Policy Framework. As such, these application requirements could be considered redundant.

The Authority kindly requests that consideration be given to whether the Coastal Development Application requirements are still required in light of the above.

Should you have any queries, please do not hesitate to contact Ben Proctor on 1300 094 262 or email planning@wgcm.vic.gov.au. To assist the Authority in handling any enquiries please quote **WGCMA-F-2022-00824** in your correspondence with us.

Yours sincerely,



Adam Dunn
Executive / Manager - Statutory Planning

ABN 88 062 514 481

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 | Facsimile (03) 5175 7899 | Email westgippy@wgcm.vic.gov.au | Website www.wgcm.vic.gov.au
Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953