



A: Shop 3, 65B Back Beach Road, San Remo 3925

P: 03 5672 4173

E: laura@lauratuffconveyancing.com.au

W: www.lauratuffconveyancing.com.au

Vendor Statement

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act* 1962.

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

The vendor may sign by electronic signature.

The purchaser acknowledges being given this statement signed by the vendor with the attached documents before the purchaser signed any contract.

Land

920 Canavans Road, Mount Eccles 3953

Vendor's name

Gail Kathleen Page

Date
/ /

**Vendor's
signature**

**Purchaser's
name**

Date
/ /

**Purchaser's
signature**

**Purchaser's
name**

Date
/ /

**Purchaser's
signature**

1 FINANCIAL MATTERS

1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them)

(a) Their total does not exceed:

\$4,500.00

1.2 Particulars of any Charge (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge

	To	
--	----	--

Other particulars (including dates and times of payments):

1.3 Terms Contract

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

Not Applicable.

1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

Not Applicable.

1.5 Commercial and Industrial Property Tax Reform Act 2024 (Vic) (CIPT Act)

(a) The Australian Valuation Property Classification Code (within the meaning of the CIPT Act) most recently allocated to the land is set out in the attached Municipal rates notice or property clearance certificate or is as follows	AVPCC No.
(b) Is the land tax reform scheme land within the meaning of the CIPT Act?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(c) If the land is tax reform scheme land within the meaning of the CIPT Act, the entry date within the meaning of the CIPT Act is set out in the attached Municipal rates notice of property clearance certificate or is as follows	Date: OR <input type="checkbox"/> Not applicable

2 INSURANCE

2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

Not Applicable.

2.2 Owner Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner-builder within the preceding 6 years and section 137B of the *Building Act* 1993 applies to the residence.

Not Applicable.

3 LAND USE

3.1 Easements, Covenants or Other Similar Restrictions

- (a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered): -

Not Applicable.

3.2. Road Access

There is NO access to the property by road if the square box is marked with an 'X'

☐

3.3. Designated Bushfire Prone Area

The land is in a designated bushfire prone area under section 192A of the *Building Act* 1993 if the square box is marked with an 'X'

☒

3.4. Planning Scheme

The required specified information is as follows:

Name of planning scheme
Name of responsible authority
Zoning of the land
Name of planning overlay

SOUTH GIPPSLAND
SOUTH GIPPSLAND SHIRE COUNCIL
FARMING ZONE (FZ)
EROSION MANAGEMENT OVERLAY (EMO1), ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO2)

4 NOTICES

4.1. Notice, Order, Declaration, Report or Recommendation

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge:

Not Applicable.

4.2. Agricultural Chemicals

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

Not Applicable.

4.3. Compulsory Acquisition

The particulars of any notices of intention to acquire that have been served under section 6 of the *Land Acquisition and Compensation Act* 1986 are as follows:

Not Applicable.

5 BUILDING PERMITS

Particulars of any building permit issued under the *Building Act* 1993 in the preceding 7 years (required only where there is a residence on the land):

Not Applicable.

6 OWNERS CORPORATION

This section 6 only applies if the land is affected by an owners corporation within the meaning of the *Owners Corporations Act* 2006.

Not Applicable.

7 GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (“GAIC”)

Not Applicable.

8 SERVICES

The services which are marked with an ‘X’ in the accompanying square box are NOT connected to the land:

Electricity supply <input type="checkbox"/>	Gas supply <input checked="" type="checkbox"/>	Water supply <input checked="" type="checkbox"/> Tank Water	Sewerage <input checked="" type="checkbox"/> Septic	Telephone services <input type="checkbox"/>
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9 TITLE

Attached are copies of the following documents:

9.1 (a) **Registered Title**

A Register Search Statement and the document, or part of a document, referred to as the 'diagram location' in that statement which identifies the land and its location.

10 SUBDIVISION

10.1. **Unregistered Subdivision**

This section 10.1 only applies if the land is subject to a subdivision which is not registered.

Not Applicable.

10.2. **Staged Subdivision**

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act* 1988.

Not Applicable.

10.3. **Further Plan of Subdivision**

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act* 1988 is proposed.

Not Applicable.

11 DISCLOSURE OF ENERGY INFORMATION

(Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but may be included in this vendor statement for convenience.)

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act* 2010 (Cth)

- (a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and
- (b) which has a net lettable area of at least 1000m²; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not Applicable.

12 DUE DILIGENCE CHECKLIST

(The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.)

- ☐ Vacant Residential Land or Land with a Residence
- ☒ Attach Due Diligence Checklist (this will be attached if ticked)

13 ATTACHMENTS

(Any certificates, documents and other attachments may be annexed to this section 13)

(Additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)

(Attached is an "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 09949 FOLIO 106

Security no : 124128751964R
Produced 07/10/2025 03:42 PM

LAND DESCRIPTION

Lot 1 on Title Plan 135894M.
PARENT TITLE Volume 08783 Folio 184
Created by instrument P478920U 17/10/1989

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
GAIL KATHLEEN PAGE of 3 EPSOM STREET SOUTH DUDLEY VIC 3995
AY469500G 04/10/2024

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF238852D 30/07/2007
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP135894M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 920 CANAVANS ROAD MOUNT ECCLES VIC 3953

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
Effective from 04/10/2024

DOCUMENT END

Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	TP135894M
Number of Pages (excluding this cover sheet)	1
Document Assembled	07/10/2025 15:42

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The document is invalid if this cover sheet is removed or altered.

TITLE PLAN		EDITION 1	TP 135894M						
<div>Location of Land Parish: ALLAMBEE Township: Section: Crown Allotment: 91B (PT) Crown Portion: Last Plan Reference: Derived From: VOL 9949 FOL 106 Depth Limitation: 15.24 m</div>		<div>Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</div>							
<div>Description of Land / Easement Information</div>		<div>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 08/09/1999 VERIFIED: BC</div>							
<div><p>Hand-drawn title diagram showing a parcel with various boundary measurements in feet and inches, including bearings and distances. The diagram includes labels for 'ROAD' and 'GOVT.' and a central area marked '1' with '3.065ha'.</p></div>									
<table><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr><tr><td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td></tr><tr><td colspan="2">PARCEL 1 = CA 91B (PT)</td></tr></table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 91B (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 91B (PT)									
LENGTHS ARE IN METRES		<div>Metres = 0.3048 x Feet Metres = 0.201168 x Links</div>	Sheet 1 of 1 sheets						

DENIS DONOHUE & CO PTY. LTD.

ABN: 90 062 590 916

137 CAMERON STREET, WONTHAGGI VIC 3995.

Mobile: 0418 303 452

Email: denis.donohue@bigpond.com



Ref: 202500113

OWNER BUILDER INSPECTION REPORT

Prepared for use in Assessing a Proposal for Warranty Insurance to be issued under Section 137B (2)
(a) of the Building Act 1993

INSPECTION DETAILS

REGISTERED PRACTITIONERS NAME: Denis Donohue Private Building Surveyor

REGISTERED PRACTITIONERS ADDRESS: 137 Cameron Street, WONTHAGGI, VIC 3995

REGISTRATION NO: BS - U 1065

DATE OF INSPECTION: 02/10/2025

TIME OF INSPECTION: 2.00 pm

WEATHER CONDITIONS: Raining Cloudy Cold 11 C

DATE OF REPORT: 03/10/2025

DETAILS OF OWNER BUILDER(S)

NAME/S: Gail K Page

CONTACT ADDRESS: 3 Epsom Street, South Dudley, VIC.3995.

MOBILE: 0493 260 939

EMAIL: Kathleen191263@yahoo.com

OWNER BUILDER PROPERTY LOCATION

STREET/ROAD NO: 920

STREET: Canarvans Road

SUBURB/TOWN: Mount Eccles

POSTCODE: 3953

MUNICIPAL DISTRICT: SOUTH GIPPSLAND SHIRE COUNCIL

BUILDING APPROVAL DETAILS

BUILDING WORK: Class 1a[i]

BUILDING PERMIT NUMBER: Not Sighted

SUMMARY OF RESIDENTIAL BUILDING WORKS

SUMMARY OF BUILDING WORKS COVERED BY THIS REPORT:

- Replacement of handrails on the rear veranda and side landing.
- Installation of vinyl plank flooring to dining room and Passage.

INSPECTION DETAILS

Side Street:

Property Falls to: North East

CONSTRUCTION DETAILS

Footings:	Concrete & Timber	Stumps:	Concrete & Timber
Floor:	Timber	Wall Structure:	Timber
Roof Shape:	Gable	Wall Lining (Int):	Plaster board
Roof Frame:	Timber	Wall Cladding (Ext):	Rendered Flat sheet
Roof Cladding:	Steel	Ceiling Lining:	Plaster board
Window Frames:	Timber	Number of Storeys:	Split level

SERVICES/FACILITIES

Septic	Y	Gas:		Water:	Y
Hot Water System:	Y	Heating:	Y	Ducted Vac:	
Intercom:		Air Cond:		Smoke Alarms:	Y
Electricity:	Y	Security Alarm:			

ROOMS/STRUCTURES COVERED BY THIS REPORT

Entry Hall:		Kitchen:		Veranda:(Hand Railing)	Yes
Passage:	Y	Laundry:		Waterproof Deck:	
Lounge/Living:		Bedrooms:		Balcony:	
Dining:	Y	Bathroom:		Pergola:	
Family Room:		Toilet/Powder Room:		Shed/Garage/Carport:	
Rumpus Room:		En Suite		Retaining Walls:	

DEFECTS IN THE RESIDENTIAL BUILDING WORKS

- No Major Defects Apparent

INACCESSIBLE AREAS AT THE TIME OF INSPECTION

- None

SECONDHAND MATERIALS USED (AS CONFIRMED BY OWNER BUILDER & VISUALLY)

- None

CONDITIONS & STATUS OF INCOMPLETE WORK

- The building work reported on is structurally complete.

Comment

In my opinion the works carried out as reported did not need a Building Permit. The reason being is that they could be considered to be "repairs, renewal or maintenance". These works are exempted by the Building Regulations 2018, Schedule --3, Exemptions from building works and buildings, Column 1, Item 3.

Firstly the Handrails have been neatly and accurately fitted .They are the correct height [1000 mm] and the balustrades are the right spacing[less than 125 mm apart]. They are securely fixed to the veranda posts. A coat of paint would be beneficial.

Secondly the Vinyl plank flooring to the dining room and the passage has been neatly laid with quad fitted around the perimeters.

Overall the works reported on have been performed in a "tradesman like manner".

CONDITIONS OF INSPECTION AND REPORT

This report has been prepared by Denis Donohue BS-U 1065 for Denis Donohue & Co. Pty. Ltd. for the Client to whom it is addressed [client] and the Building Surveyor accepts no responsibility to other persons.

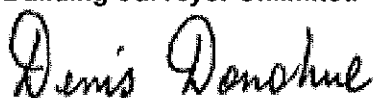
This Report has been prepared by a Registered and qualified Building Surveyor with reasonable care subject to the following conditions;

1. This Report is not a guarantee but a professional opinion on the condition of the inspected

- property. The Report is only valid for 6 months from the date of the inspection.
2. The Report is based on the condition of the property and prevailing structural, soil, and weather conditions at the time of the inspection.
 3. The Report is based on a visual inspection of such parts of the premises as the Report states the Building Surveyor has been able to have reasonable access to. The Report will not disclose defects in inaccessible areas or latent defects which may in weather conditions which differ from those at the time of the inspection.
 4. The Building Surveyor does not profess to have expertise in pest infestation, however if noticed by visual inspection it will be noted. Clients wishing to have a full pest inspection should arrange for a separate report from an expert in that field.
 5. The Report does not cover identification of asbestos related products.
 6. The Report does not cover the condition or operation of swimming pools, spas, BBQs, stoves, ovens, heaters, air-conditioners, solar panels, security systems, smoke alarms and fans or similar fixtures.
 7. The Report will not disclose defects which not arisen. Changes of Use can cause defects and abuse of the premises is likely to do so also.
 8. This Report does not cover all maintenance items, particularly those such as jamming doors, windows, catches or decorative finishes and hairline or slight cracks.
 9. This Report is not an Occupation , Health and Safety Report.
 10. The Report is not a Swimming Pool or Spa Safety Barrier Certification.
 11. This Report is not a Certification of the Buildings to the "Access to Premises Standard" [Disabled accessibility throughout] and facilities.
 12. The Report is not a Bushfire Assessment or Certification of the Buildings B A L Rating.
 13. The Building Surveyor does not accept responsibility for services other those provided in the Report.
 14. Unless stated otherwise, this Report does not cover enquiries or comments by other competent authorities.
 15. The Building Surveyor accepts no liability with respect to advice given in this Report beyond a refund of the Inspection fee.

Denis Donohue BSU-1065
Building Surveyor Unlimited

03/10/2025



Created at 29 September 2025 03:33 PM

PROPERTY DETAILS

Address: **920 CANAVANS ROAD MOUNT ECCLES 3953**

Lot and Plan Number: **Lot 1 TP135894**

Standard Parcel Identifier (SPI): **1\TP135894**

Local Government Area (Council): **SOUTH GIPPSLAND**

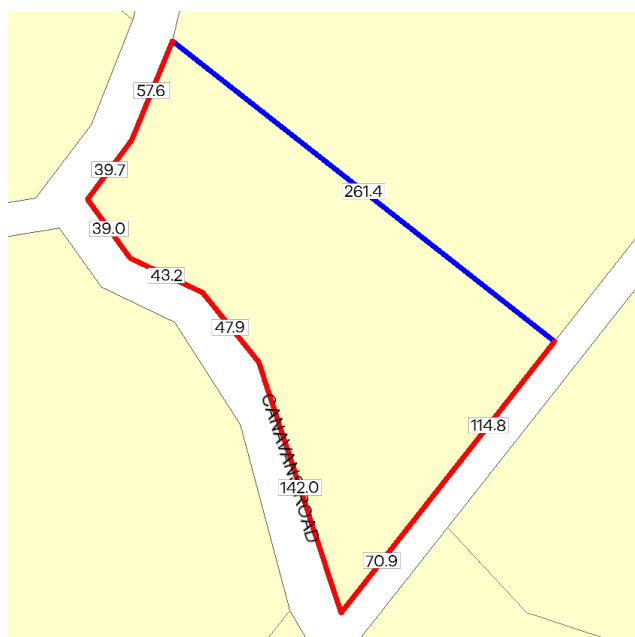
Council Property Number: **193714**

Directory Reference: **Vicroads 96 H7**

www.southgippsland.vic.gov.au

SITE DIMENSIONS

All dimensions and areas are approximate. They may not agree with those shown on a title or plan.



Area: 30596 sq. m (3.06 ha)

Perimeter: 817 m

For this property:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

Calculating the area from the dimensions shown may give a different value to the area shown above

For more accurate dimensions get copy of plan at

[Title and Property Certificates](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**

Urban Water Corporation: **South Gippsland Water**

Melbourne Water: **Outside drainage boundary**

Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**

Legislative Assembly: **GIPPSLAND SOUTH**

PLANNING INFORMATION

Property Planning details have been removed from the Property Reports to avoid duplication with the Planning Property Reports from the Department of Transport and Planning which are the authoritative source for all Property Planning information.

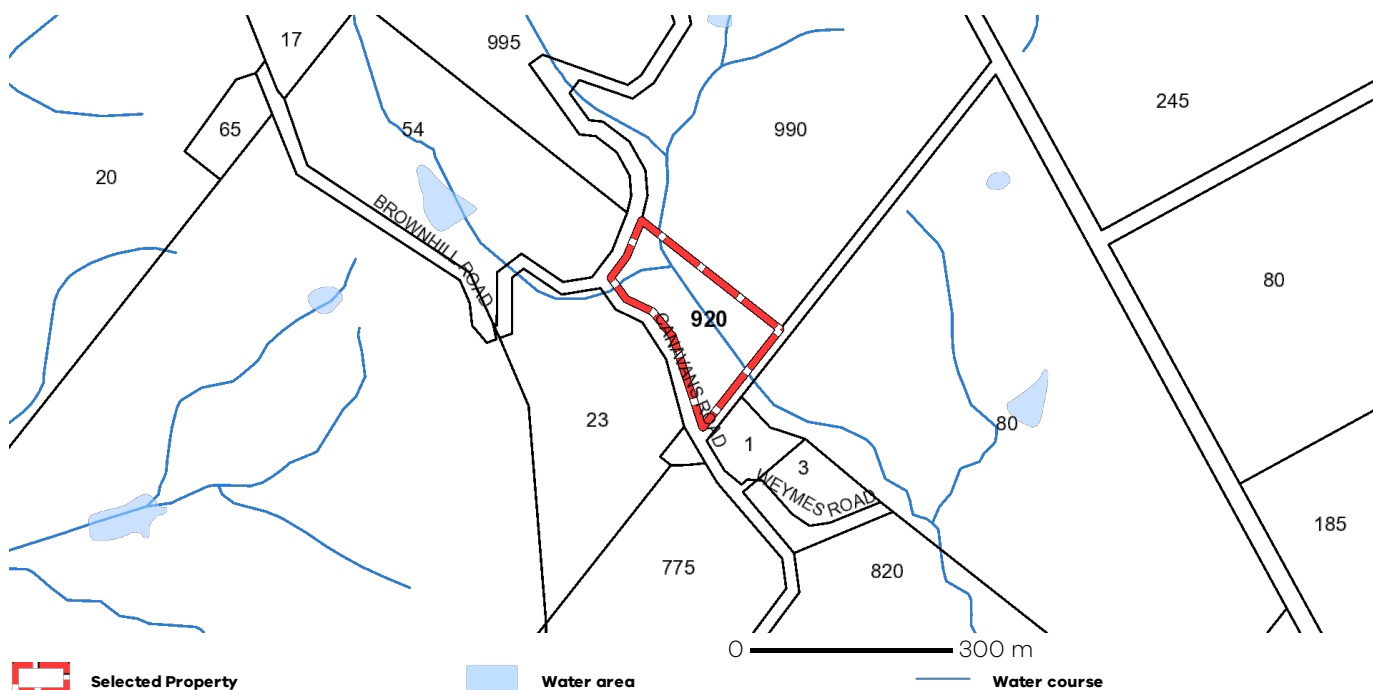
The Planning Property Report for this property can found here - [Planning Property Report](#)

Planning Property Reports can be found via these two links

Vicplan <https://mapshare.vic.gov.au/vicplan/>

Property and parcel search <https://www.land.vic.gov.au/property-and-parcel-search>

Area Map



PLANNING PROPERTY REPORT



Department
of Transport
and Planning

From www.planning.vic.gov.au at 29 September 2025 03:34 PM

PROPERTY DETAILS

Address: **920 CANAVANS ROAD MOUNT ECCLES 3953**
Lot and Plan Number: **Lot 1 TP135894**
Standard Parcel Identifier (SPI): **1\TP135894**
Local Government Area (Council): **SOUTH GIPPSLAND**
Council Property Number: **193714**
Planning Scheme: **South Gippsland**
Directory Reference: **Vicroads 96 H7**

www.southgippsland.vic.gov.au

[Planning Scheme - South Gippsland](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Urban Water Corporation: **South Gippsland Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

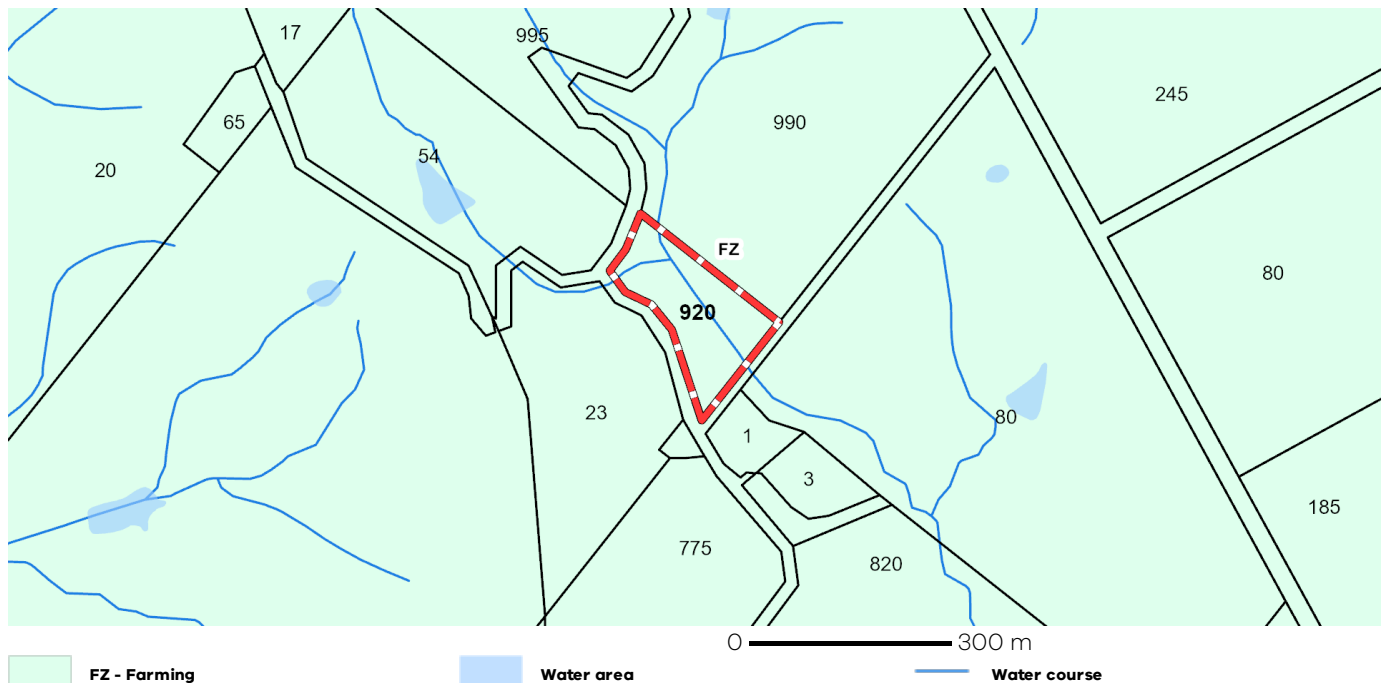
Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **GIPPSLAND SOUTH**
OTHER
Registered Aboriginal Party: **Bunurong Land Council**
Aboriginal Corporation
Country Fire Authority
Fire Authority:

[View location in VicPlan](#)

Planning Zones

[FARMING ZONE \(FZ\)](#)

[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

Planning Overlays

EROSION MANAGEMENT OVERLAY (EMO)

EROSION MANAGEMENT OVERLAY - SCHEDULE 1 (EMO1)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2 (ESO2)



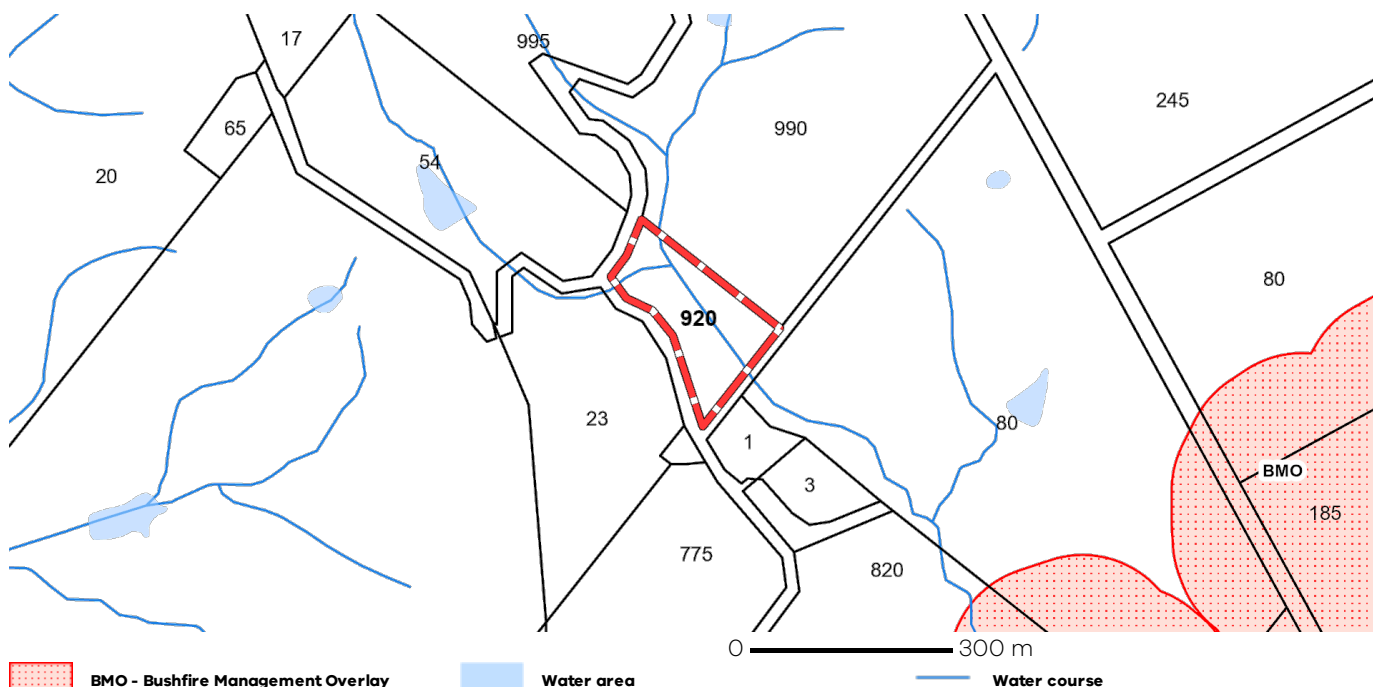
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

BUSHFIRE MANAGEMENT OVERLAY (BMO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 25 September 2025.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.vic.gov.au/vicplan/>

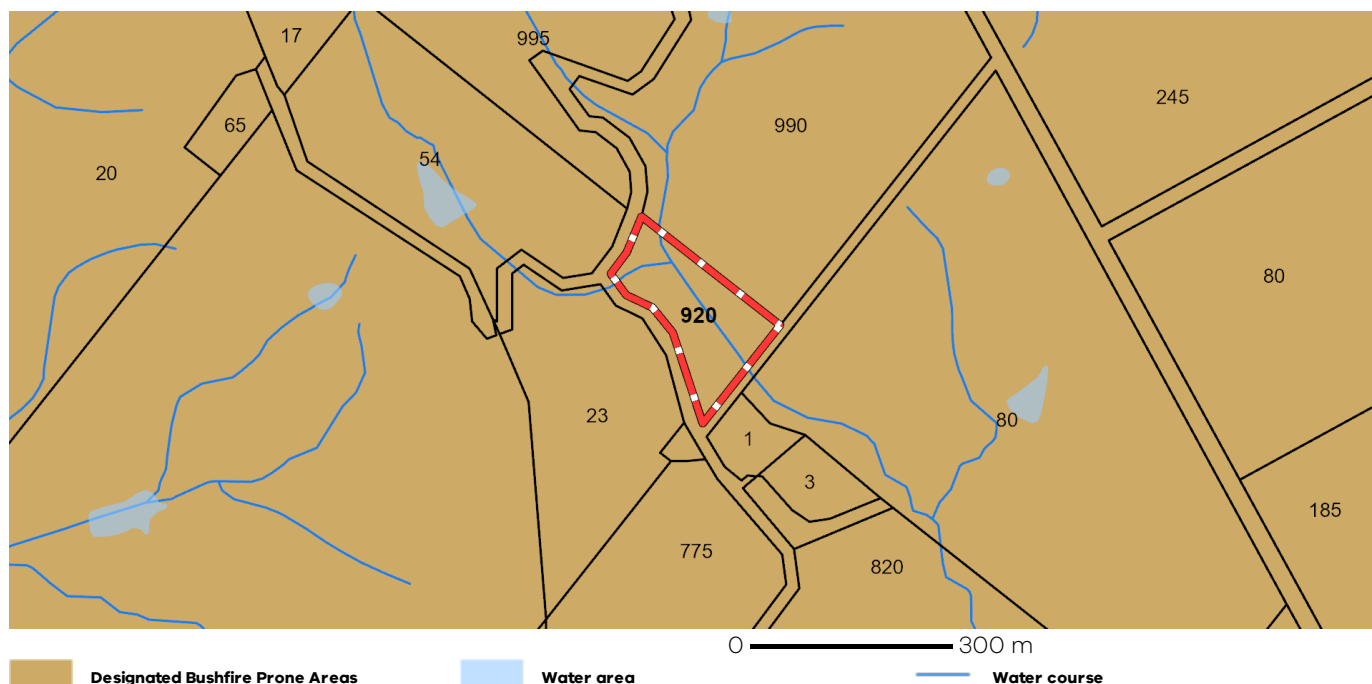
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

Native plants that are indigenous to Victoria and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Regulations Map (NVR Map) <https://mapshare.vic.gov.au/nvr/> and [Native vegetation \(environment.vic.gov.au\)](http://nativevegetation.environment.vic.gov.au) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](http://naturekit.environment.vic.gov.au)

35.07
31/07/2018
VC148

FARMING ZONE

Shown on the planning scheme map as **FZ** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

35.07-1
15/08/2025
VC290

Table of uses

Section 1 – Permit not required

Use	Condition
Abattoir	<p>Must be used in conjunction with Animal production on the same land or contiguous land in the same ownership.</p> <p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not slaughter or process animals, including birds, at a designed throughput of greater than 120 tonnes of product per year.</p> <p>Must not exceed a wastewater design or actual flow rate of greater than 5,000 litres per day. Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The land must be at least 100 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone, Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance.</p>
Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)	
Automated collection point	<p>Must meet the requirements of Clause 52.13-3 and 52.13-5.</p> <p>The gross floor area of all buildings must not exceed 50 square metres.</p>
Bed and breakfast	<p>No more than 10 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p>

SOUTH GIPPSLAND PLANNING SCHEME

Use	Condition
	<p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> ▪ A permit for a wind energy facility; or ▪ An application for a permit for a wind energy facility; or ▪ An incorporated document approving a wind energy facility; or ▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>. <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
Cattle feedlot	<p>Must meet the requirements of Clause 53.08.</p> <p>The total number of cattle to be housed in the cattle feedlot must be 1000 or less.</p> <p>The site must be located outside a special water supply catchment under the <i>Catchment and Land Protection Act 1994</i>.</p> <p>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</p>
Domestic animal husbandry (other than Domestic animal boarding)	<p>Must be no more than 5 animals.</p>
Dwelling (other than Bed and breakfast)	<p>Must be the only dwelling on the lot.</p> <p>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> ▪ A permit for a wind energy facility; or ▪ An application for a permit for a wind energy facility; or ▪ An incorporated document approving a wind energy facility; or ▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>. <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
Grazing animal production	
Home based business	

SOUTH GIPPSLAND PLANNING SCHEME

Use	Condition
Informal outdoor recreation	
Poultry farm	<p>Must be no more than 100 poultry (not including emus or ostriches).</p> <p>Must be no more than 10 emus and ostriches.</p>
Primary produce sales	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
Racing dog husbandry	<p>Must be no more than 5 animals.</p>
Railway	
Rural industry (other than Abattoir and Sawmill)	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> ▪ The threshold distance, for a purpose listed in the table to Clause 53.10. ▪ 30 metres, for a purpose not listed in the table to Clause 53.10. <p>Must not:</p> <ul style="list-style-type: none"> ▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022. ▪ Require a notification under the Occupational Health and Safety Regulations 2017. ▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011. ▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.
Rural store	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
Rural worker accommodation	<p>The number of persons accommodated at any time must not be more than 10.</p> <p>Must be used in conjunction with Agriculture on the same land or contiguous land in the same ownership.</p> <p>Must be used exclusively for accommodating workers engaged on the same land or contiguous land in the same ownership.</p>

SOUTH GIPPSLAND PLANNING SCHEME

Use	Condition
	<p>Must be the only accommodation other than a dwelling on the same land or contiguous land in the same ownership.</p> <p>Must be on the same lot as an existing dwelling.</p> <p>The lot must be at least the area specified in a schedule to this zone for which no permit is required to use land for a dwelling. If no area is specified, the lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> ▪ A permit for a wind energy facility; or ▪ An application for a permit for a wind energy facility; or ▪ An incorporated document approving a wind energy facility; or ▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i> . <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .</p>
Small second dwelling	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> ▪ A permit for a wind energy facility; or ▪ An application for a permit for a wind energy facility; or ▪ An incorporated document approving a wind energy facility; or ▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i> . <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .</p>
Timber production	<p>Must meet the requirements of Clause 53.11.</p> <p>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</p> <p>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</p> <p>The plantation must not be within 100 metres of:</p> <ul style="list-style-type: none"> ▪ Any dwelling in separate ownership.

SOUTH GIPPSLAND PLANNING SCHEME

Use	Condition
	<ul style="list-style-type: none"> Any land zoned for residential, commercial or industrial use. Any site specified on a permit which is in force which permits a dwelling to be constructed. <p>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</p>

Tramway

Any use listed in Clause 62.01 Must meet requirements of Clause 62.01.

Section 2 – Permit required

Use	Condition
Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)	
Broiler farm - if the Section 1 condition to Poultry farm is not met	Must meet the requirements of Clause 53.09.
Camping and caravan park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot – if the Section 1 condition is not met	<p>Must meet the requirements of Clause 53.08.</p> <p>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</p>
Cemetery	
Crematorium	
Domestic animal boarding	
Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met	Must meet the requirements of Clause 35.07-2.
Emergency services facility	
Freeway service centre	Must meet the requirements of Clause 53.05.
Group accommodation	
Host farm	
Industry (other than Automated collection point and Rural industry)	

SOUTH GIPPSLAND PLANNING SCHEME

Use	Condition
Landscape gardening supplies	
Leisure and recreation (other than Informal outdoor recreation)	
Manufacturing sales	
Market	
Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)	
Primary school	
Racing dog husbandry – if the Section 1 condition is not met	Must meet the requirements of Clause 53.12.
Renewable energy facility (other than Wind energy facility)	Must meet the requirements of Clause 53.13.
Residential hotel	
Restaurant	
Rice growing	
Rural worker accommodation – if the Section 1 condition is not met	Must meet the requirements of Clause 35.07-2.
Sawmill	
Secondary school	
Timber production – if the Section 1 condition is not met	Must meet the requirements of Clause 53.11.
Trade supplies	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse (other than Rural store)	
Wind energy facility	Must meet the requirements of Clause 52.32.
Winery	
Any other use not in Section 1 or 3	

Section 3 – Prohibited**Use**

Accommodation (other than Bed and breakfast, Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential hotel, Rural worker accommodation and Small second dwelling)

Amusement parlour

Cinema based entertainment facility

Education centre (other than Primary school and Secondary school)

Nightclub

Office

Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)

Small second dwelling – if the Section 1 condition is not met

35.07-2
14/12/2023
VC253

Use of land for a dwelling, small second dwelling or rural worker accommodation

A lot used for a dwelling, small second dwelling or rural worker accommodation must meet the following requirements:

- Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling, small second dwelling or rural worker accommodation must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

35.07-3
14/12/2023
VC253

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.

- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> ▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone. ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change. ▪ The land is not used for Rural worker accommodation 	
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone where the land is not used for Rural worker accommodation.	Clause 59.12

35.07-4
14/12/2023
VC253

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
 - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres.
 - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres.
 - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres. The building must not be used to keep, board, breed or train animals.
 - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
 - The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road specified in a schedule to this zone or, if no setback is specified, 50 metres.
 - The setback from any other road or boundary specified in a schedule to this zone.
 - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
 - 100 metres from a small second dwelling not in the same ownership.

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- 100 metres from a waterway, wetlands or designated flood plain or, the distance specified in the schedule to this zone. Any distance specified must be less than 100 metres.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
 - A waterway, wetland or designated flood plain.
 - A dwelling or small second dwelling not in the same ownership.
 - A residential or urban growth zone.
- A building or works associated with accommodation located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or
 - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to \$500,000.	Clause 59.13
Any works must not be earthworks specified in the schedule to the zone.	
Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to \$500,000 where:	Clause 59.13
<ul style="list-style-type: none"> ■ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry, Rural industry or Rural worker accommodation. ■ The land is not within 30 metres of land (not a road) which is in a residential zone. ■ The building or works are not associated with accommodation located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> – A permit for a wind energy facility; or – An application for a permit for a wind energy facility; or – An incorporated document approving a wind energy facility; or – A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>. ■ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on 	

Class of application**Information requirements and decision guidelines**

which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Any works must not be earthworks specified in the schedule to the zone.

35.07-5

19/01/2006
VC37

Application requirements for dwellings

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

35.07-6

22/03/2022
VC219

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
 - The nature and scale of the agricultural use.
 - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

Accommodation issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
- The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or
 - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or

SOUTH GIPPSLAND PLANNING SCHEME

- A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978* .
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990* .

35.07-7

31/07/2018
VC148

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.

SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONEShown on the planning scheme map as **FZ or FZ1**.**Subdivision and other requirements**

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	All land	80 hectares
Minimum area for which no permit is required to use land for a dwelling (hectares).	All land	40 hectares
Maximum area for which no permit is required to use land for timber production (hectares).	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	None specified	None specified
Minimum setback from a road (metres).	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> ▪ The Head, Transport for Victoria is the acquiring authority; and ▪ The purpose of the acquisition is for a road. 	None specified
	A Transport Zone 3 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> ▪ The Head, Transport for Victoria is not the acquiring authority; and ▪ The purpose of the acquisition is for a road. 	40 metres
	Any other road	20 metres
Minimum setback from a boundary (metres).	Any other boundary	5 metres

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	Land	Area/Dimensions/Distance
Minimum setback from a dwelling not in the same ownership (metres).	Any dwelling not in the same ownership	100 metres

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary.	None specified
Earthworks which increase the discharge of saline groundwater.	None specified

44.0106/09/2021
VC171**EROSION MANAGEMENT OVERLAY**

Shown on the planning scheme map as **EMO** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

44.01-131/07/2018
VC148**Erosion management objectives and statement of risk**

A schedule to this overlay may contain:

- Erosion management objectives to be achieved.
- A statement of risk.

44.01-214/12/2023
VC253**Buildings and works**

A permit is required to construct a building or construct or carry out works, including:

- Roadworks (other than roadworks constructed or carried out by or on behalf of the Head, Transport for Victoria).
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Any other matter specified in Clause 62.02-2 if specified in a schedule to this overlay.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05
Construct a building or construct or carry out works for:	Clause 59.05
<ul style="list-style-type: none"> ▪ A carport, garage, pergola, verandah, deck, shed or similar structure. ▪ A rainwater tank. 	
The buildings and works must be associated with a dwelling or a small second dwelling.	

44.01-331/07/2018
VC148**Vegetation removal**

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 44.01-4 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

Table of exemptions

The requirement to obtain a permit does not apply to:	
Emergency works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Extractive industry	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.</p>
Fire protection	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</p> <ul style="list-style-type: none"> fire fighting; planned burning; making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres; making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>); is ground fuel within 30 metres of a building and is vegetation other than native vegetation; in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> section 87 of the <i>Fire Rescue Victoria Act 1958</i>; section 65 of the <i>Forests Act 1958</i>; or section 41 of the <i>Country Fire Authority Act 1958</i>. keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the <i>Electricity Safety Act 1998</i>; minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the <i>Road Management Act 2004</i>. <p><i>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</i></p>
Geothermal energy exploration and extraction	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i>.</p>
Greenhouse gas sequestration and exploration	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.</p>

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The requirement to obtain a permit does not apply to:

Land management or directions notice	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <i>Catchment and Land Protection Act 1994</i> .
Land use conditions	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i> .
Mineral exploration and extraction	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the <i>Mineral Resources (Sustainable Development) Act 1990</i> :</p> <ul style="list-style-type: none"> ▪ that is low impact exploration within the meaning of Schedule 4A of the <i>Mineral Resources (Sustainable Development) Act 1990</i> ; or ▪ in accordance with a work plan approved under Part 3 of the <i>Mineral Resources (Sustainable Development) Act 1990</i> . <p><i>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</i></p>
Noxious weeds	Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the <i>Catchment and Land Protection Act 1994</i> . This exemption does not apply to Australian Dodder (<i>Cuscuta australis</i>).
Pest animal burrows	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.</p> <p>In the case of native vegetation the written agreement of an officer of the department responsible for administering the <i>Flora and Fauna Guarantee Act 1988</i> is required before the vegetation can be removed, destroyed or lopped.</p>
Planted vegetation	Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
Railways	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Regrowth	<p>Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:</p> <ul style="list-style-type: none"> ▪ bracken (<i>Pteridium esculentum</i>) ; or ▪ within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. <p>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).

The requirement to obtain a permit does not apply to:

Stone exploration	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 1 hectare of vegetation which does not include a tree. ▪ 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the <i>Surveying Act 2004</i>) using hand-held tools to establish a sightline for the measurement of land.</p>
Traditional owners	<p>Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p> <ul style="list-style-type: none"> ▪ a natural resources agreement under Part 6 of the <i>Traditional Owners Settlement Act 2010</i> ; or ▪ an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i> as those sections were in force immediately before the commencement of section 24 of the <i>Traditional owners Settlement Amendment Act</i> in 2016 (1 May 2017).
Tram stops	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.</p>
Transport land	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.</p>

44.01-5
31/07/2018
VC148

Subdivision

A permit is required to subdivide land.

44.01-6
31/07/2018
VC148

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.
- Any other application requirements specified in a schedule to this overlay.

44.01-715/09/2022
VC225**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

44.01-814/01/2025
VC237**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Regional Catchment Strategy (*Catchment and Land Protection Act 1994*).
- *Civil Construction, Building and Demolition Guide* (Publication 1834, Environment Protection Authority, November 2020).
- *Control of Erosion on Construction Sites* (Michael Ransom and Soil Conservation Authority, 1984).
- *Your Dam: an Asset or a Liability* (Department of Conservation and Natural Resources and Rural Water Corporation Victoria, 1993).
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Energy, Environment and Climate Action.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- Any technical information or reports required to be provided by a schedule to this overlay.
- Any other matters specified in a schedule to this overlay.

15/08/2024
C119sgip

SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO1**.

AREAS SUSCEPTIBLE TO EROSION

1.0
15/08/2024
C119sgip

Erosion management objectives to be achieved

To ensure buildings and works are located and designed to avoid risk to life and property from erosion.

To ensure that environmental values are protected in areas susceptible to erosion.

To retain existing vegetation and encourage new plantings to prevent and minimise erosion.

2.0
15/08/2024
C119sgip

Statement of risk

None specified.

3.0
15/08/2024
C119sgip

Permit requirement

A permit is not required to:

- Construct a building or carry out works, including buildings and works associated with a small second dwelling, where the difference between finished ground level and natural ground level does not exceed 1 metre.
- Construct a domestic above ground swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot where the difference between finished ground level and natural ground level does not exceed 1 metre.
- Construct roadworks provided the roadworks are undertaken by or on behalf of a public land manager.
- Remove, destroy or lop non-native vegetation in a domestic garden.

A permit is required to:

- Construct a bicycle pathway or trail where the difference between finished ground level and natural ground level exceeds 1 metre.

4.0
15/08/2024
C119sgip

Application requirements

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

- All applications to include:
 - Any existing buildings and works including cut and fill, access or driveways, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines, water tanks, dams and any otherwise identified geotechnical hazards on both the subject lot(s) and adjacent land.
 - Elevations and/or cross sections which depicts the extent of the cut and fill.
 - 1 metre contours in the vicinity of proposed buildings and works or vegetation removal.
 - Details and location of existing vegetation, including any vegetation to be removed.
 - Details of the proposed accessways or driveways, including cut and fill requirements.
 - Details of any retaining walls.
- Subdivision applications to include:

SOUTH GIPPSLAND PLANNING SCHEME

- Location and details of the slope of the building envelope/s, including the slope across the building envelope.
- Details of any retaining walls or the extent of cut and fill, likely required if buildings and works were carried out.
- Dam applications to include:
 - Detailed plans, including cross sections, drawn to scale and with dimensions, showing:
 - Length, depth and width of the dam.
 - Capacity of the dam in megalitres.
 - Width at base of dam wall.
 - Width at top of dam wall.
 - Slope of the dam wall batters.
 - Details of the wall of the dam, including the material it will be constructed from, the slope of the wall batters, and how the wall will achieve stability and be watertight.
 - Details of the spillway including proposed materials.
 - Diversion mechanisms.
 - Erosion protection measures.
 - Native vegetation protection measures.
- Geotechnical Assessment report; or a completed Geotechnical Declaration and Verification Form (Form A of Appendix D of AGS 2007c (as amended/updated)) prepared by a suitably qualified Geotechnical Practitioner.

Geotechnical Practitioner means a specialist Geotechnical Engineer or Engineering Geologist who is degree qualified, is a member of a professional institute, and who has achieved chartered professional status as a:

 - Chartered Professional Engineer (CPEng); or
 - Chartered Professional Geologist (CPGeo); or
 - Registered Professional Geologist (RPGeo);

with experience in the management of slope stability problems and landslip risk as core competence to the satisfaction of the responsible authority. The Geotechnical Assessment report should state whether or not a Landslip Risk Assessment is required and if the buildings and works should be approved and specify what conditions should be included in the permit.
- A Landslip Risk Assessment report must be prepared by a Geotechnical Practitioner in accordance with AGS 2007c, if required by the Geotechnical Assessment.
- A completed Geotechnical Declaration of Minor Impact (Form D of Appendix D of AGS 2007c (as amended/updated)) prepared by a Geotechnical Practitioner to justify why a Geotechnical Assessment is not required, if applicable.
- A written Geotechnical Assessment, Landslide Hazard Assessment or Landslip Risk Assessment (as appropriate) is not required where, in the opinion of the responsible authority, the application for subdivision or buildings and works will not adversely increase the landslip risk to life or property affecting the subject lot(s) or adjoining or nearby land.
- The responsible authority may require an independent peer review of any application documentation, at the applicant's cost.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified in Clause 44.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent of earthworks and its likelihood to cause erosion.
- The risk to life, property and the environment.
- Whether there is any reasonable alternative site for the proposed building and works outside of the overlay area, or any alternative land management practices or construction methods, that would better meet the objectives of this schedule, that would avoid risk to life and property from erosion and would minimise the extent of vegetation removal and site works.
 - The use of appropriate design responses such as stumps and split levels.
 - Whether the buildings and works follow the contours and step down along slopes to minimise the need for earthworks.
- The grade of any access ways or driveways to ensure safe and efficient access by vehicles or machinery.
- The soil type, slope and the proposed development's likely impact on soil and slope stability.
- Any known erosion present in the vicinity and landslip that has occurred in the past.
- Possible impacts on any nearby waterways.
- The proposed remediation of the site including planting schedule, sediment control and stabilisation methods.
- Whether the proposal avoids and minimises vegetation removal.
- Whether the subdivision layout responds to topography, is an appropriate size and considers the design and grade of road access.
- Whether the subdivision requires building envelopes.
- The impact the construction of a dam could have on erosion, river and stream stability, environmental flows and water quality.
- The recommendations of the Geotechnical Assessment, Landslip Risk Assessment and any other information accompanying the application.
- The advice of any Geotechnical Practitioner who has peer reviewed the application.
- The risks associated with the development requiring ongoing monitoring and maintenance of all mitigation measures.
- The impacts of the building or works associated with the development of a wastewater system.

42.0131/07/2018
VC148**ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

42.01-131/07/2018
VC148**Environmental significance and objectives**

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

42.01-214/12/2023
VC253**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
 - If a schedule to this overlay specifically states that a permit is not required.
 - If the table to Clause 42.01-3 specifically states that a permit is not required.
 - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change. 	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> ▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. 	Clause 59.02

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. 	
Subdivide land into 2 lots if:	Clause 59.02
<ul style="list-style-type: none"> The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. Has started lawfully. The subdivision does not create a vacant lot. 	
Construct a fence.	Clause 59.05
Remove, destroy or lop one tree provided:	Clause 59.06
<ul style="list-style-type: none"> A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months. There is no other current VicSmart application to remove, destroy or lop a tree on the same land. 	
Construct a building or construct or carry out works for:	Clause 59.05
<ul style="list-style-type: none"> A carport, garage, pergola, verandah, deck, shed or similar structure. A rainwater tank. <p>The buildings and works must be associated with a dwelling or a small second dwelling.</p>	

42.01-3
16/08/2024
VC262

Table of exemptions

The requirement to obtain a permit does not apply to:	
Emergency works	<p>Vegetation that is to be removed, destroyed or lopped:</p> <ul style="list-style-type: none"> in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Extractive industry	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.</p>
Fire protection	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</p> <ul style="list-style-type: none"> fire fighting;

The requirement to obtain a permit does not apply to:

	<ul style="list-style-type: none"> ▪ planned burning; ▪ making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres; ▪ making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>); ▪ is ground fuel within 30 metres of a building and is vegetation other than native vegetation; ▪ in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> – section 87 of the <i>Fire Rescue Victoria Act 1958</i>; – section 65 of the <i>Forests Act 1958</i>; or – section 41 of the <i>Country Fire Authority Act 1958</i>. ▪ keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the <i>Electricity Safety Act 1998</i>; ▪ minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the <i>Road Management Act 2004</i>. <p><i>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</i></p>
Geothermal energy exploration and extraction	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i> .
Greenhouse gas sequestration and exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .
Land management or directions notice	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <i>Catchment and Land Protection Act 1994</i> .
Land use conditions	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i> .
Mineral exploration and mining	<p>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the <i>Mineral Resources (Sustainable Development) Act 1990</i>:</p> <ul style="list-style-type: none"> ▪ that is low impact exploration within the meaning of Schedule 4A of the <i>Mineral Resources (Sustainable Development) Act 1990</i>; or ▪ in accordance with a work plan approved under Part 3 of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. <p><i>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</i></p>

SOUTH GIPPSLAND PLANNING SCHEME

The requirement to obtain a permit does not apply to:

Noxious weeds	Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the <i>Catchment and Land Protection Act 1994</i> . This exemption does not apply to Australian Dodder (<i>Cuscuta australis</i>).
Pest animal burrows	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the <i>Flora and Fauna Guarantee Act 1988</i> is required before the vegetation can be removed, destroyed or lopped.
Planted vegetation	Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
Railways	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Regrowth	Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is: <ul style="list-style-type: none"> ■ bracken (<i>Pteridium esculentum</i>); or ■ within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. <p>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Stone exploration	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following: <ul style="list-style-type: none"> ■ 1 hectare of vegetation which does not include a tree. ■ 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ■ 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Surveying	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the <i>Surveying Act 2004</i>) using hand-held tools to establish a sightline for the measurement of land.

The requirement to obtain a permit does not apply to:

Traditional owners	<p>Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p> <ul style="list-style-type: none"> ▪ a natural resources agreement under Part 6 of the <i>Traditional Owners Settlement Act 2010</i> ; or ▪ an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i> as those sections were in force immediately before the commencement of section 24 of the <i>Traditional owners Settlement Amendment Act</i> in 2016 (1 May 2017).
Tram stops	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure.

42.01-4
31/07/2018
VC148

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

42.01-5
31/07/2018
VC148

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay.

SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO2** .

SPECIAL WATER SUPPLY CATCHMENT AREAS**1.0**25/07/2019
C121sgip**Statement of environmental significance**

Approximately 30 percent of land in South Gippsland Shire is located in a water catchment that are used to provide water for human consumption, domestic use, agriculture and industrial activities. These catchments are declared as 'Special Water Supply Catchment Areas' as defined in the *Catchment and Land Protection Act 1994* .

Special Water Supply Catchments cover large areas with water take-off points occurring in the lower parts of catchments. Land use or development within Special Water Supply Catchments and in close proximity of the water take-off points should be managed carefully to minimise the impact on water quality.

Cumulative use or development in catchments over extended time periods has the potential to gradually diminish water quality and increase risk to human health. The management of use or development in catchments must focus on the long term protection of the natural asset and strongly encourage the implementation of measures to avoid detrimental impacts on water quality and quantity.

2.025/07/2019
C121sgip**Environmental objective to be achieved**

To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.

To ensure that development activity and land management practices are consistent with environmental values and the long term conservation of potable water supply resources.

To minimise the impact of residential development and intensive farming activity in Special Water Supply Catchment areas, particularly near water supply take-off points and storage reservoirs.

To encourage retention of native vegetation and the establishment of new vegetation cover, particularly within 30 metres of a waterway.

To consider the cumulative impact of use and development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments .

To minimise the impact of development in townships without reticulated sewerage, particularly having regard to small lot sizes, existing water contamination levels and the long term expectation that small towns will remain unsewered.

To ensure new development proposals meet best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.

To protect public health from the risk of waterborne diseases.

3.025/07/2019
C121sgip**Permit requirement**

A permit is not required for the following:

- Buildings, works, subdivision of land, or to remove, destroy or lop any vegetation where reticulated sewer is connected to the lot.
- Buildings and works associated with the use of the land for a single dwelling on a lot of 40 hectares or greater.
- Buildings and works where they are located more than 100 metres from a waterway or more than 300 meters from a water supply reservoir or potable water supply take-off structure, other than:

- Buildings and works that will generate waste water or effluent requiring permissions under Section 53L of the *Environment Protection Act 1970* (to construct, install or alter a septic tank system).
- Buildings and works associated with the use of land for intensive animal husbandry or industry.
- Buildings and works associated with 'informal outdoor recreation' or a 'telecommunication facility' provided it does not require permanent onsite waste water or effluent treatment.
- 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.
- The removal, destruction or lopping of vegetation which is non-native to Victoria except where the vegetation is within 30 metres of a waterway, wetland, flood plain¹ or water reservoir².
- Earthworks associated with timber production that meets all the relevant requirements of the *Code of Practice for Timber Production 2007* (as amended).
- A subdivision by a public authority, or a utility provider, provided the subdivision does not create a new lot within 100 metres of a waterway, wetland, flood plain¹ and/or within 300 metres of a water supply reservoir² or potable water supply take-off structure.
- An outdoor sign/structure.
- Buildings and works specifically identified in a whole farm plan approved by the responsible authority and water supply authority.
- Windmills and solar units.

Permit requirement explanatory notes:

Flood plain¹. For the purpose of this schedule a flood plain is land included in a planning scheme overlay flood control and land affected by the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) recognised and mapped by the relevant floodplain management authority.

Water supply reservoir². The requirement for a planning permit within 300 metres of a water supply reservoir (measured from the full supply level) does not apply to proposals on land outside of the water supply reservoir capture slope (downhill of the reservoir) or any circumstance where the water supply reservoir is an above ground structure.

4.0
17/10/2024
C129sgip

Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Land Capability Assessment (in accordance with the background document *EPA Publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management* (as amended) demonstrating the land is capable of absorbing sewage and sullage effluent generated on the lot in accordance with the background document *EPA Code of Practice - Onsite Wastewater Management (Publication 891.3)* (as amended).
- A report, prepared by a suitable qualified person, demonstrating that:
 - The design of any wastewater treatment system will ensure that nutrients, pathogens or other pollutants from wastewater will not enter any waterway, wetland, flood plain or water supply reservoir or otherwise detrimentally affect the designated beneficial uses of groundwater or surface water.
 - How activities will be carried out and maintained to prevent erosion and the siltation of any waterway or wetland in accordance with *EPA Victoria publication - Construction*

Techniques for Sediment Pollution Control 1991 or any superseding document(s).

- Any removal, destruction or lopping of native vegetation will not compromise the quality of water within proclaimed catchment areas.
- The siting of buildings and wastewater treatment systems will not compromise the quality of water within declared catchment areas.
- Details of slope (including contours at an appropriate scale), soil type, extent of excavation and vegetation including details of new plantings to occur.
- A revegetation plan where buildings or works are proposed within 30 metres of a waterway.

5.0
17/10/2024
C129sgip

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The likely impacts of the proposed development on water quality and quantity in the water supply catchment.
- The potential cumulative impact of development on the quality and quantity of water in the water supply catchment over extended periods of time.
- Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants reaching streams, surface water bodies and groundwater.
- Whether subdivision and intensive farming activities in water supply catchments, especially in the lower areas of water supply catchments near takeoff points are appropriate.
- Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the *Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas* or any superseding document.

Due diligence checklist

What you need to know before buying a residential property

Before you buy a home, you should be aware of a range of issues that may affect that property and impose restrictions or obligations on you, if you buy it. This checklist aims to help you identify whether any of these issues will affect you. The questions are a starting point only and you may need to seek professional advice to answer some of them. You can find links to organisations and web pages that can help you learn more, by visiting the [Due diligence checklist page on the Consumer Affairs Victoria website](http://consumer.vic.gov.au/duediligencechecklist) (consumer.vic.gov.au/duediligencechecklist).

Urban living

Moving to the inner city?

High density areas are attractive for their entertainment and service areas, but these activities create increased traffic as well as noise and odours from businesses and people. Familiarising yourself with the character of the area will give you a balanced understanding of what to expect.

Is the property subject to an owners corporation?

If the property is part of a subdivision with common property such as driveways or grounds, it may be subject to an owners corporation. You may be required to pay fees and follow rules that restrict what you can do on your property, such as a ban on pet ownership.

Growth areas

Are you moving to a growth area?

You should investigate whether you will be required to pay a growth areas infrastructure contribution.

Flood and fire risk

Does this property experience flooding or bushfire?

Properties are sometimes subject to the risk of fire and flooding due to their location. You should properly investigate these risks and consider their implications for land management, buildings and insurance premiums.

Rural properties

Moving to the country?

If you are looking at property in a rural zone, consider:

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?

Can you build new dwellings?

Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

Is there any earth resource activity such as mining in the area?

You may wish to find out more about exploration, mining and quarrying activity on or near the property and consider the issue of petroleum, geothermal and greenhouse gas sequestration permits, leases and licences, extractive industry authorisations and mineral licences.

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

You should consider whether past activities, including the use of adjacent land, may have caused contamination at the site and whether this may prevent you from doing certain things to or on the land in the future.

Land boundaries

Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

Planning controls

Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

Safety

Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites, or other potential hazards.

Building permits

Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

Utilities and essential services

Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

Buyers' rights

Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights.

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