**Matters for which a planning permit is required**

**East Gippsland Planning Scheme**

Starting from 1 December 2024, there are revised forms for notices of planning permits and decisions that must be used by Council. When you apply for a permit, give notice of an application, or get a decision (an approval or refusal), the specific Planning Scheme matter(s) for which a planning permit is required must be mentioned.

**How to Apply for a Permit:**

1. **Understand what you want to do:** Draft a proposal, sketch plan, concept business plan, or similar, to be clear of what you plan to do.
2. **Find your Zones and Overlays**: Use a Property Planning Report to see what zones and overlays apply to your property. You can get this report from the Department of Transport and Planning Property and Parcel Search: <https://www.land.vic.gov.au/maps-and-spatial/first-time-here/property-and-parcel-search>
3. **Overlays Areas**: If your proposal is not within the overlay area mapped to your land, you don't need a permit for that overlay.
4. **Particular Provisions**:Your proposal might require a permit for another reason, such as signs, car parking reduction, liquor licence, or alternatively might have a performance requirement to be met (the scale of the business, for example).
5. **Get Advice**: Some projects might not need a planning permit. It's best to ask an independent planning consultant or get written advice from the Council.
6. **Make the application**:Refer to Council’s website for the appropriate forms.

**Notice and Review Exemptions:**

Some planning permits don't need to be publicly notified or reviewed by third parties. In the table below:

* Always exempt matters are marked with an asterisk (\*).
* Conditionally exempt matters are marked with a plus (+).

**VicSmart Applications:**

If your application meets the 'VicSmart' criteria, it won't need public notice or third-party review.

**Matters for which a permit is required**

Throughout the assessment of your application, the ‘matters for which a permit is required’ will feature on documents such as public notice, and the decision made by Council. This is required by the *Planning and Environment Regulations* 2015 as amended 1 December 2024.

To ensure consistency, Council’s application forms are being updated to include an applicant’s declaration of which matters requiring a permit are sought by the application.

For an example, an application which proposes a ***two-lot subdivision and development of a second dwelling*** in Eagle Point is provided. The fictional property is covered by a bushfire management overlay and design and development overlay. In the past, the “description of the proposal” or “what the permit allows” would be the above description.

If you need assistance in filling in the “matters for which a permit is required” table, please call Council’s Planning Team on 03 5153 9500.

In the new forms, what is being proposed will appear in the following format (over):

***Form 2 – Notice of an Application for Planning Permit***

A application form with text and images

Description automatically generated

***Form 4 – Planning Permit***

A white and black form with black text

Description automatically generated

**Matters for which a permit is required – full East Gippsland Planning Scheme**

Within the East Gippsland Planning Scheme, the zones, overlays and particular provisions contain various permit requirements. This table provides the basic format of each permit requirement that will feature on documentation through the application process. This list does not include exemptions to where a permit is required, which are embedded within the Scheme. <https://planning-schemes.app.planning.vic.gov.au/East%20Gippsland/ordinance>

In the table below, wording in BLUE HIGHLIGHT are either variables in the wording (where the scheme language uses OR, or represent a placeholder for land use terms. The land use terms are outlined in Clause 73 of the East Gippsland Planning Scheme.

In the table below, wording in *italics* is necessary for interpretation of the control, but not required to be kept in the matter for which a permit is required list.

***This information current as at 24 January 2025, and is subject to change based on amendments to the East Gippsland Planning Scheme.***

| **Planning Scheme Clause** | **Matter for which a permit is required** |
| --- | --- |
| **ZONES** | |
| **Low Density Residential Zone (LDRZ)** | |
| 32.02-1 (LDRZ) | Use of land for INSERT USE |
| 32.03-3 (LDRZ) | Subdivide land |
| 32.03-4 (LDRZ) | Construct or carry out a building or works for INSERT USE |
| **Mixed Use Zone (MUZ)** | |
| 32.04-2 (MUZ) | Use the land for INSERT USE |
| 32.04-4 (MUZ)\* | Subdivide land |
| 32.04-5 (MUZ) | Construct one dwelling on a lot less than 300 square metres |
| 32.04-6 (MUZ) | Construct or extend a small second dwelling on a lot of less than 300 square metres. |
| 32.04-7 (MUZ) | Construct two or more dwellings on a lot |
| 32.04-7 (MUZ) | Construct a dwelling where there is at least one dwelling existing on the lot |
| 32.04-7 (MUZ) | Extend a dwelling where there are two or more dwellings on the lot |
| 32.04-7 (MUZ) | Construct or extend a dwelling that is on common property |
| 32.04-7 (MUZ)+ | Construct or extend a residential building |
| 32.04-7 (MUZ)+ | Construct or Extend a front fence associated with 2 or more dwellings on a lot or a residential building within 3 metres of a street exceeding maximum height of xx |
| 32.04-10 (MUZ) | Construct a building and carry out works for a residential aged care facility |
| 32.04-11 (MUZ) | Construct a building or construct or carry out works for a SECTION 2 USE |
| **Township Zone (TZ)** | |
| 32.05-2 (TZ) | Use of the land for INSERT USE |
| 32.05-5 (TZ) | Subdivide land |
| 32.05-6 (TZ) | Construct or extend one dwelling one on lot less than 300 square metres |
| 32.05-6 (TZ) | Construct or extend a front fence associated with one dwelling on a lot less than 300 square metres within 3 metres of a street exceeding maximum height of xx |
| 32.05-7 (TZ) | Construct or extend a small second dwelling on a lot of less than 300 square metres. |
| 32.05-8 (TZ) | Construct two or more dwellings on a lot |
| 32.05-8 (TZ) | Construct a dwelling where there is at least one dwelling existing on the lot |
| 32.05-8 (TZ) | Extend a dwelling where there are two or more dwellings on the lot |
| 32.05-8 (TZ) | Construct or extend a dwelling that is on common property |
| 32.05-8 (TZ) | Construct or extend a residential building |
| 32.05-8 (TZ) | Construct or extend a front fence associated with 2 or more dwellings on a lot or a residential building within 3 metres of a street exceeding maximum height of xx |
| 32.05-10 (TZ) | Construct a building and carry out works for a residential aged care facility |
| 32.05-11 (TZ) | Construct a building or construct or carry out works for a SECTION 2 USE |
| **General Residential Zone 1 (GRZ1)** | |
| 32.08-2 (GRZ1) | Use of the land for INSERT USE |
| 32.08-3 (GRZ1)+ | Subdivide land |
| 32.08-5 (GRZ1) | Construct one dwelling on a lot less than 300 square metres |
| 32.08-5 (GRZ1) | Construct or extend a front fence associated with one dwelling on a lot less than 300 square metres within 3 metres of a street exceeding maximum height of xx |
| 32.08-6 (GRZ1) | Construct or extend a small second dwelling on a lot of less than 300 square metres. |
| 32.08-7 (GRZ1) | Construct two or more dwellings on a lot |
| 32.08-7 (GRZ1) | Construct a dwelling where there is at least one dwelling existing on the lot |
| 32.08-7 (GRZ1) | Construct or extend a dwelling that it is on common property |
| 32.08-7 (GRZ1) | Extend a dwelling where there are two or more dwellings on the lot |
| 32.08-7 (GRZ1)+ | Construct or extend a residential building |
| 32.08-7 (GRZ1)+ | Construct or extend a front fence associated with 2 or more dwellings on a lot or a residential building within 3 metres of a street exceeding maximum height of xx |
| 32.08-9 (GRZ1) | Construct a building and carry out works for a residential aged care facility |
| 32.08-10 (GRZ1) | Construct a building or construct or carry out works for INSERT USE |
| **Industrial Zone 1 (INZ1)** | |
| 33.01-1 (INZ1) | Use of the land for INSERT USE |
| 33.01-3 (INZ1)+ | Subdivide land |
| 33.01-4 (INZ1)+ | Construct a building or construct or carry out works |
| **Industrial Zone 3 (INZ3)** | |
| 33.03-1 (INZ3) | Use of the land for INSERT USE |
| 33.03-3 (INZ3)+ | Subdivide land |
| 33.03-4 (INZ3) | Construct a building or construct or carry out works |
| **Commercial 1 Zone (C1Z)** | |
| 34.01-1 (C1Z) | Use of the land for INSERT USE |
| 34.01-3 (C1Z)+ | Subdivide land |
| 34.01-4 (C1Z)+ | Construct a building or construct or carry out works |
| **Commercial 2 Zone (C2Z)** | |
| 34.02-1 (C2Z) | Use of the land for INSERT USE |
| 34.02-3 (C2Z)+ | Subdivide land |
| 34.02-4 (C2Z)+ | Construct a building or construct or carry out works |
| **Rural Living Zone (RLZ) (Schedules 1-5)** | |
| 35.03-1 (RLZ) | Use of the land for INSERT USE |
| 35.03-3 (RLZ) | Subdivide land |
| 35.03-4 (RLZ) | Construct a building or carry out works associated with a SECTION 2 USE |
| 35.03-4 (RLZ) | Carry out earthworks as specified in a schedule to the Rural Living Zone |
| 35.03-4 (RLZ) | Construct a building within nominated setbacks |
| 35.03-4 (RLZ) | Construct a building or carry out 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. |
| **Rural Conservation Zone (RCZ)** | |
| 35.06-1 (RCZ) | Use of the land for INSERT USE |
| 35.06-3 (RCZ) | Subdivide land |
| 35.06-5 (RCZ) | Construct a building or carry out works associated with a SECTION 2 USE |
| 35.06-5 (RCZ) | Carry out earthworks as specified in a schedule to the Rural Living Zone |
| 35.06-5 (RCZ) | Construct a building within nominated setbacks |
| 35.06-5 (RCZ) | Construct a building or carry out 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. |
| **Farming Zone (FZ) (Schedules 1-4)** | |
| 35.07-1 (FZ) | Use of the land for INSERT USE |
| 35.07-3 (FZ) | Subdivide land |
| 35.07-4 (FZ) | Construct or carry out a building or works for use of a SECTION 2 USE |
| 35.07-4 (FZ) | Carry out earthworks as specified in a schedule to the Rural Living Zone |
| 35.07-4 (FZ) | Construct a building within nominated setbacks |
| 35.07-4 (FZ) | Construct a building or carry out 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. |
| 35.07-4 (FZ) | 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. ANDOR A dwelling not in the same ownership. ANDOR A residential or urban growth zone. |
| 35.07-4 (FZ) | 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. |
| **Public Use Zone (PUZ) (Schedules 1-7)** | |
| 36.01-1 (PUZ) | Use of land for INSERT USE |
| 36.01-2 (PUZ) | Construct a building or construct or carry out works for INSERT SECTION 2 USE. |
| 36.01-2 (PUZ) | Subdivide land |
| **Public Park and Recreation Zone (PPRZ)** | |
| 36.02-1 (PPRZ) | Use of land for INSERT USE |
| 36.02-2 (PPRZ) | Construct a building or construct or carry out works |
| 36.02-2 (PPRZ)+ | Subdivide land |
| **Public Conservation and Resource Zone (PCRZ)** | |
| 36.03-1 (PCRZ) | Use of land for INSERT USE |
| 36.03-2 (PCRZ) | Construct a building or construct or carry out works |
| 36.03-2 (PCRZ)+ | Subdivide land |
| **Transport Zone (TRZ) (Schedules 1-3)** | |
| 36.04-1 (TRZ) | Use of land for INSERT USE |
| 36.04-2 (TRZ) | Construct a building or construct or carry out works for INSERT SECTION 2 USE. |
| 36.04-2 (TRZ) | Subdivide land |
| **Special Use Zone (SUZ) (Schedules 1-4)** | |
| 37.01-1 (SUZ)+ | Use of land for INSERT USE |
| 37.01-3 (SUZ)+ | Subdivide land |
| 37.01-4 (SUZ)+ | Construct a building or construct or carry out works |
| **Comprehensive Development Zone (CDZ) (Schedule 1)** | |
| 37.02-1 (CDZ)+ | Use of land for INSERT USE |
| 37.02-3 (CDZ)+ | Subdivide land |
| 37.02-4 (CDZ)+ | Construct a building or construct or carry out works |
| **OVERLAYS** | |
| **Environmental Significance Overlay (ESO) (Schedules 1-3, Schedule 1 has many sub-schedules)** | |
| 42.01-2 (ESO)+ | Construct a building or construct or carry out works. |
| 42.01-2 (ESO)+ | Construct a fence |
| 42.01-2 (ESO)+ | Construct bicycle pathways and trail |
| 42.01-2 (ESO)+ | Subdivide land |
| 42.01-2 (ESO)+ | Remove, destroy or lop any vegetation, including dead vegetation. |
| **Vegetation Protection Overlay (VPO) (Schedules 1-8)** | |
| 42.02-2 (VPO) | Remove, destroy or lop vegetation |
| **Significant Landscape Overlay (SLO) (Schedules 1-6)** | |
| 42.03-2 (SLO) | Construct a building or construct or carry out works. |
| 42.03-2 (SLO) | Construct a fence |
| 42.03-2 (SLO) | Remove, destroy or lop vegetation |
| **Heritage Overlay (HO) (many schedules – 1 per heritage place)** | |
| 43.01-1 (HO) | Subdivide land. |
| 43.01-1 (HO)+ | Demolish or remove a building. |
| 43.01-1 (HO)+ | Construct a building or construct or carry out works |
| 43.01-1 (HO)+ | Externally alter a building by structural work, rendering, sandblasting or in any other way. |
| 43.01-1 (HO)\* | Construct or display a sign. |
| 43.01-1 (HO)+ | Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply. |
| 43.01-1 (HO)+ | Externally paint an unpainted surface. |
| 43.01-1 (HO)+ | Externally paint a building if the painting constitutes an advertisement. |
| 43.01-1 (HO)\* | Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply. |
| 43.01-1 (HO)\* | Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials. |
| 43.01-1 (HO)+ | Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. |
| 43.01-2 (HO) | Subdivide a heritage place which is included in the Victorian Heritage Register. This includes the subdivision or consolidation of land including any building or airspace |
| **Design and Development Overlay (DDO) (Schedules 2, 4, 5-8, 10, 11)** | |
| 43.02-2 (DDO) | Construct a building or construct or carry out works |
| 43.02-2 (DDO) | Construct a fence *(if specified)* |
| 43.02-3 (DDO) | Subdivide land |
| **Incorporated Plan Overlay (IPO) (Schedule 1)** | |
| *Note, there are requirements before a permit is granted, but no standalone permit requirements in the IPO.* | |
| **Development Plan Overlay (DPO) (Schedules 1-5, 7-9)** | |
| *Note, there are requirements before a permit is granted, but no standalone permit requirements in the DPO.* | |
| **Erosion Management Overlay (EMO) (Schedule)** | |
| 44.01-2 (EMO)\* | Construct a building or construct or carry out works |
| 44.01-3 (EMO)\* | Remove, destroy or lop any vegetation |
| 44.01-5 (EMO)\* | Subdivide land |
| **Salinity Management Overlay (SMO) (Schedule)** | |
| 44.02-2 (SMO)\* | Construct a building or construct or carry out works |
| 44.02-3 (SMO)\* | Subdivide land |
| 44.02-4 (SMO)\* | Remove, destroy or lop any vegetation |
| **Land Subject to Inundation Overlay (LSIO) (Schedule)** | |
| 44.04-2 (LSIO)\* | Construct a building or construct or carry out works |
| 44.04-3 (LSIO)\* | Subdivide land |
| **Bushfire Management Overlay (BMO) (Schedule 1 & 2)** | |
| 44.06-2 (BMO)\* | Construct a building or construct or carry out works |
| 44.06-2 (BMO)\* | Subdivide land |
| **Public Acquisition Overlay (PAO)** | |
| 45.01-1 (PAO)\* | Use land for any Section 1 or Section 2 use in the zone |
| 45.01-1 (PAO)\* | Construct a building or construct or carry out works |
| 45.01-1 (PAO)\* | Damage, demolish or remove a building or works |
| 45.01-1 (PAO)\* | Damage, remove, destroy or lop any vegetation |
| 45.01-1 (PAO)\* | Subdivide land |
| **Environmental Audit Overlay (EAO)** | |
| *There is no specific permit requirement in the EAO, but the provision sets standards for sensitive land uses.* | |
| **Restructure Overlay (RO) (Schedule)** | |
| 45.05-1 (RO)\* | Subdivide land |
| 45.05-2 (RO)\* | Construct or extend a dwelling or other building |
| **Development Contribution Plan Overlay (DCPO) (Schedule)** | |
| *Note, there are requirements before a permit is granted, but no standalone permit requirements in the DCPO.* | |
| **Specific Control Overlay (SCO)** | |
| *There are no permit requirements in the SCO. The Specific Control (Incorporated Document) may provide exemptions to other matters in the scheme.* | |
| **PARTICULAR PROVISIONS** | |
| **52.02 Easements, Restrictions and Reserves** | |
| 52.02 | Proceeding under Section 23 of the *Subdivision Act* 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant. |
| 52.02 | Proceeding under Section 24A of the *Subdivision Act* 1988. *(reserves and other similar land)* |
| 52.02 | Proceeding under Section 36 of the *Subdivision Act* 1988 to acquire or remove an easement or remove a right of way. |
| **52.05 Signs** | |
| 52.05-2 | Construct or put up for display a SIGN TYPE FROM SECTION 2 |
| **52.06 Car Parking** | |
| 52.06-3+ | Reduce the number of car parking spaces required to x from y |
| 52.06-3+ | Provide some or all of the car parking spaces required on another site |
| 52.06-3+ | Provide more than the maximum parking provision specified in a schedule to the parking overlay. |
| **52.08 Earth and Energy Resources Industry** | |
| 52.08-1 | Use and develop land for earth and energy resources industry (SPECIFY ACTIVITY) |
| **52.11 Home Based Business** | |
| 52.11-2 | A home based business which allows no more than three people who do not live in the dwelling to work in the business at any one time |
| 52.11-2 | A home based business which has a floor area of xxx square metres *(not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.* |
| 52.11-2 | A home based business which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time. |
| **52.15 Heliport and Helicopter Landing Site** | |
| 52.15-1 | To use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land |
| **52.16 Native Vegetation Precinct Plan** | |
| 52.16-3 | Remove, destroy or lop native vegetation, including dead native vegetation |
| **52.17 Native Vegetation** | |
| 52.17-1 | Remove, destroy or lop native vegetation, including dead native vegetation |
| **52.19 Telecommunications Facility** | |
| 52.19-1+ | Construct a building or construct or carry out works for a telecommunications facility |
| **52.21 Private Tennis Court** | |
| 52.21-2+ | Construct, use or illuminate a private tennis court where the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are not met |
| 52.21-2+ | Construct, use or illuminate a private tennis court where the land is in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, an Urban Floodway Zone, a Floodway Overlay or a Land Subject to Inundation Overlay and a permit is required to construct a building or construct or carry out works OR to remove, destroy, prune or lop a tree or vegetation. |
| **52.25 Crematorium** | |
| 52.25 | Develop and use a crematorium on land that is used for cemetery purposes |
| **52.27 Licenced Premises** | |
| 52.27 | Use land to sell or consume liquor |
| **52.28 Gaming** | |
| 52.28 | Install or use a gaming machine |
| **52.29 Land adjacent to the principal road network** | |
| 52.29-2\* | Create or alter access to a road in a Transport Zone 2/Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road. |
| 52.29-2\* | Subdivide land adjacent to a road in a Transport Zone 2/Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road. |
| **52.32 Wind Energy Facility** | |
| 52.32-2 | Use and develop land for a wind energy facility |
| **52.33 Post boxes and dry stone walls** | |
| 52.33 | Demolish or remove a post box constructed before 1930. |
| 52.33 | Demolish, remove or alter a dry stone wall constructed before 1940 on specified land |
| **52.34 Bicycle Facilities** | |
| 52.34-2\* | Vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6 |
| **63.05 (Existing Use) Section 2 and 3 Uses** | |
| 63.05 | Building or works are constructed or carried out for a use in Section 2 or 3 of a zone for which an existing use right is established |
| **63.08 (Existing Use) Alternative Use** | |
| 63.08 | Use the land for an alternative use which does not comply with this scheme |
| **63.10 (Existing Use) Damaged or destroyed buildings or works** | |
| 63.10 | Continue an existing use, and to construct or carry out buildings or works |
| **64.03 Subdivision of land in more than one zone** | |
| 64.03 | Create one lot smaller than specified in the scheme where the lot is in more than one zone and cannot comply with the minimum lot area |