



AGENDA APPENDIX
Council Meeting
Wednesday 24 August 2016

AGENDA ITEM FOR SEPARATE DISTRIBUTION TO COUNCILLORS AND
EXECUTIVE LEADERSHIP TEAM DUE TO DOCUMENT SIZE.

THE ITEM IS ACCESSIBLE VIA THE COUNCIL WEBSITE OR BY
CONTACTING COUNCIL ON 03 5662 9200.

**E.9 PLANNING SCHEME AMENDMENT C90 HOUSING AND
SETTLEMENT STRATEGY - ADOPTION OF POLICIES AND
STRATEGY REVISIONS FOR AUTHORISATION AND EXHIBITION**

- Appendix 4 – Incorporated Document 'Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2016'



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle

**Restructure Plans for
Old and Inappropriate Subdivisions
in South Gippsland Shire
August 2016**

This document is incorporated in the South Gippsland Planning Scheme, pursuant to Clause 81, as **Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2016**

Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2016

1.0 Preamble

This document is incorporated in the South Gippsland Planning Scheme, pursuant to Clause 81, as **Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2016**. It is to be used when assessing applications under the Restructure Overlay (Clause 45.05) in the South Gippsland Planning Scheme.

If there is any inconsistency between this incorporated document and any other provision of the South Gippsland Planning Scheme, this incorporated document will prevail.

2.0 Statement of key issues for the restructure of old and inappropriate subdivisions in South Gippsland Shire

Application of the Restructure Overlays to old and inappropriate subdivisions is a means of managing existing subdivided areas which if not appropriately managed, would have serious environmental, servicing and social impacts as well as the potential for amenity conflict with existing agricultural uses. Most of the old and inappropriate subdivisions in the Shire are the remnants of former railway townships (e.g. Jeetho, Whitelaw, and Hoddle) and / or former coal mining townships like Jumbunna and Outtrim which boomed for a short period before slowly declining.

The Restructure Overlay identifies the location of Restructure Plan areas. Restructure Plans may apply to large or small land parcels and to both urban and rural zoned land. The individual Restructure Plans direct how the existing lots must be consolidated to create new lots of a size and configuration suitable (in most instances) for use and development of a single dwelling while protecting the agricultural, environmental and landscape qualities of the area. Each Restructure Plan area has its own unique constraints and the Restructure Lots identified in this document respond to a broad range of site-specific factors accounting for the variations in the size and number of Restructure Lots identified for each specific area.

3.0 Objectives to be achieved through the use of Restructure Plans

The objectives of the Restructure Plans under the Restructure Overlay are to minimise adverse environmental effects and risks, impacts on agricultural and landscape values, and community servicing inefficiencies, resulting from rural residential and residential development in old and inappropriate subdivisions.

Strategies to achieve the objectives are:

- Identify old and inappropriate subdivisions in rural areas and small rural settlements which are inappropriate for development with a dwelling on each lot.
- Prepare and apply Restructure Plans for old and inappropriate subdivisions that create a more sustainable density of development consistent with the capacity of the area to absorb such development without adverse impact, and which identify lots not suitable for dwelling development
- Ensure that siting and design of development on Restructure Lots is sensitive to agricultural, environmental and landscape values.
- Encourage the closure of redundant, unused road reserves and their subsequent consolidation into adjoining agricultural land or Restructure Lots as appropriate.
- Assist affected landowners to achieve restructure of their lots.

4.0 Requirements of Restructure Plans

The Restructure Plans apply to all land in a Restructure Overlay.

The individual Restructure Plans show how each old and inappropriate subdivision must be restructured to create lots which are suitable for the conditional development of one dwelling, with the exception of Restructure Lots that are identified as not suitable for development with a dwelling.

No site within these Restructure Plans shall be developed for a house and its ancillary works unless the consent of the Responsible Authority is obtained.

Dwelling requirements

In deciding whether an application to construct a dwelling is in accordance with any Restructure Plan listed in this Incorporated Document the Responsible Authority must be satisfied that the following requirements will be met:

- The number of dwellings on land shown as a Restructure Lot (with the exception of Restructure Lots designated as 'no dwelling development') is limited to a maximum of one.
- All land within the Restructure Lot will be consolidated into one lot prior to construction of a dwelling being commenced.
- Risks (including contamination of land) associated with remnant or abandoned mine sites or railway use have been identified and addressed prior to construction of a dwelling.
- Development has been sited and designed to separate residential use from agricultural land use and infrastructure by means of distance, landform and barriers such as ridges, watercourses, vegetation and roads.
- Development will not have a detrimental impact on the continuing or potential use of land for agricultural purposes.
- The Restructure Lot has legal abuttal to a road and practical access from a road.
- Development has been sited and designed to minimise risks associated with (as appropriate) erosion, landslip, bushfire, flooding and inundation.
- Development has been sited and designed to minimise impact on native vegetation and impact on Giant Gippsland Earthworm habitat.
- Development and use will not detrimentally affect water quality, including groundwater quality.
- Development has been sited and designed to minimise impact on the landscape character of the area.

The Responsible Authority may only permit a dwelling to be constructed on land which does not conform with a Restructure Lot as shown on a Restructure Plan where all of the following conditions have been met:

- There is a practical purpose for the variation to the satisfaction of the Responsible Authority, such as inclusion or exclusion of structures, infrastructure, vegetation or the like associated with a specific ownership or land use, or for a minimal boundary readjustment to recognise consolidation of a closed road reserve with a Restructure Lot;
- The variation to the Restructure Plan is a minor variation and does not compromise the implementation of the broader Restructure Plan.
- There will not be an increase in the number of dwellings allowed on all restructure lots within the Restructure Plan.
- The parcels on which the dwelling is to be constructed will be consolidated into one lot before construction of the dwelling is commenced.
- The variation Restructure Lot has the demonstrated capacity to sustain the land use and development without adverse impact on agricultural, environmental or landscape values.

Outtrim – Special Restructure Area

The Outtrim Restructure Plan identifies an area of land west of the Outtrim-Moyarra Road as a 'Special Restructure Area'. Unlike the other Restructure Plan areas identified in this Incorporated document, it is not practical for the Responsible Authority to identify Restructure Lots for this area because of a range of factors including fragmented ownership patterns, very

steep and potentially unstable land, a proliferation of unused road reserves, difficulties in identifying current owners of titles, the occupation (use) of lots and road reserves by parties who are not the owners, and existing access to dwellings that is not contained in road reserves.

An application may be made for a dwelling in the *Special Restructure Area* provided that the applicant has identified a Restructure Lot with a minimum area of 8 hectares that also meets the following requirements to the satisfaction of the Responsible Authority

- A 400 square metre development envelope with a natural ground slope not exceeding 15% has been identified within the Restructure Lot where the proposed dwelling and ancillary buildings and structures will be located, and where the proposed development will not intrude above the ridgeline.
- Vehicular access can be legally and practically provided to the Restructure Lot, and within the Restructure Lot to the development envelope, without creating slope instability or significant visual intrusion on the landscape.
- Creation of the Restructure Lot will not result in more than eight Restructure Lots being created in the Special Restructure Area.

Application requirements

An application for a dwelling must include:

- A site analysis outlining notable features of the Restructure Lot site and surrounding area including topography (two-metre contour interval required on maps), vegetation, proposed and existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features.
- A statement explaining how the proposed siting and design of the development:
 - Will not have a detrimental impact on the continuing or potential use of adjacent land for agricultural purposes.
 - Applies the principles contained in the *South Gippsland Shire Council Siting and Design Guide – Dwellings and associated buildings in the Rural Activity and Farming Zones*
 - Avoids or minimises impact on the environment including (where relevant) existing indigenous vegetation, soil stability, water quality and Giant Gippsland Earthworm habitat
 - Avoids or minimises impact (where relevant) on an area of potential Aboriginal Cultural Sensitivity;
 - Avoids or minimises impact on the landscape; and
 - Avoids or minimises (where relevant) environmental risks (such as erosion, landslip, bushfire, flooding and inundation) and (where relevant) from historic land uses.
- A land capability assessment, prepared by a suitably qualified assessor, that identifies and assesses site risks and recommends a wastewater treatment system and management plan that would adequately service the proposed development and maintain water quality to the satisfaction of the Responsible Authority.
- Where the slope of the Restructure Lot is equal to or greater than 20 per cent, a report prepared by a suitably qualified geotechnical engineer that identifies and assesses any risks associated with the site's suitability for the proposed development and recommends measures to prevent erosion and/or landslip arising from the site's development and land use.
- Evidence of practical access from and abuttal to a legal road.

- Evidence of a Consolidated Plan title or evidence of ownership approval for all relevant lots to be consolidated in accordance with the relevant Restructure Plan listed in the Schedule to Clause 45.05.

5.0 Restructure Plans incorporated in the Restructure Overlay

Restructure Overlay No. and Figure No.	Locality of Restructure Plan
RO1/Figure 1	Land located at Venus Bay on Juno Road and Mercury Drive
RO2/Figure 2	Land located at Venus Bay on Atkinson Avenue
RO3/Figure 3	Land located at Venus Bay on Black Avenue
RO4/Figure 4	Land located at Jeetho on Wettenhalls Road
RO5/Figure 5	Land located at Outtrim on Beard Street, Cross Street, Hegarty Street, Lomagnos Road, Main Street, Outtrim-Moyarra Road and Rileys Road
RO6/Figure 6	Land located at Whitelaw on Korumburra-Bena Road
RO7/Figure 7	Land located at Jumbunna on Cruickshank Road, Gooches Road, Herring Lane, Lynn Street, Mcleans Road, Tavener Road, Hazel Road and Rees Road
RO8/Figure 8	Land located at Tarwin on Dowds Road, the South Gippsland Highway and Tarwin Lower Road
RO9/Figure 9	Land located at Meeniyon West on McIlwaine Street and the South Gippsland Highway
RO10/Figure 10	Land located at Newcastle on Scott and Faheys Road and the South Gippsland Highway
RO11/Figure 11	Land located at Hoddle on Lowrys Road and Fish Creek-Foster Road
RO12/Figure 12	Land located at Bennison on Durston Road and Port Franklin Road
RO13/Figure 13	Land located at Port Franklin on Port Franklin Road and Lower Toora Road
RO14/Figure 14	Land located at Hedley on Salmon Road and the South Gippsland Highway

Restructure Plans

The following Restructure Plans show how land within the Restructure Overlay must be restructured.

[Please note that the maps below will be re-drafted to an improved reproduction quality prior to exhibition]



















