

Submissions - Recommendations and Details

CONTENTS

General topics or Multiple Locations pp.1-4

Carolyn Wilde
Department of Environment, Land, Water and Planning
(DELWP) EPA Victoria
Great Southern Rail Trail Committee of Management (GSRT
CoM) Isley Sutherland
South Gippsland Water (SGW)
Wellington Shire Council
West Gippsland Catchment Management Authority
(WGCMA) Transport Victoria
Country Fire Authority (CFA)

Arawata p.5

Lorraine Kirk

Bennison p.5

Thomas Durston

Buffalo p.6

Peter and Jenny Linley

Darlimurla pp.6-7

Mary and Harvey Beruldsen

Fish Creek pp.8-18

Alison Newman
David and Dorothy Christie
Susan Quinn and Tony Walker
Karen and Andrew Dorling
Arthur Dorling
Doug Knez for Fish Creek Roman Catholic Church
Parishioners Frank Smolders and Michaela Lein
Kelly Pruyn
Karena and Paul Kerr
Roger and Marie Naylor

Hedley pp.18-19

Ian and Michelle Conn
Stephen and Kerri Green
GSRT CoM
DELWP

Hoddle p. 20-23

David De Coite
Graeme and Gillian Nicoll
Lyn and Neil Loader

Jeetho pp. 23-25

Cliff Carson
Vanessa Tarr

Jumbunna pp.26-34

Jean and Eric Judd
Mark Burns
Angela Child
Arne Sorensen
Cheryl and Reginald Smith
Kellie Dean
Kerry Trewin
Shirley Cowling
Robyn Hill

Kongwak pp. 34-35

Ann Waycott
Lee Storti

Koonwarra pp.35-37

Brian Williams and Emily O'Brien
John Basile
Lisa and Wayne Kuhne

Meeniyan West pp.37-39

Stuart and Danielle Mackie

Mirboo pp.39-40

Rodney and Coral Donat

Mt Best p.40

Meryl Agars

Nyora p.40

Miryana Hranilovic

Outtrim pp.41-46

Brian, Yvonne and Karl Hess
Helen and Lindsay Broad
John and Margaret Freeland
Joey Whitehead of Beveridge Williams

Port Franklin pp. 46-48

Linda and Gerard Van Dyke

Port Welshpool 48-61

DELWP
Jeanette Causon
WGCMA
Brigid Watson
Kevin Alder and Patricia McCarthy
Nick and Julie Anedda
Owen and Sarinya Storrie
Paul and Penny Hamlett
Peter and Christina Delithodoris
Robin Hall
Tom and Dawn Robb

Strzelecki pp. 62-63

Bill and Jayne Richardson
Mark and Cara Sambell

Tarwin pp. 63-65

Glenn Morris

Toora pp.65-74

Basil Michos
Doug Catherall
Glenn Cumming
Scott Chapman
Joey Whitehead of Beveridge Williams

Venus Bay pp.74-78

Karen and Dale Foster
David and Gabrielle Pratt
Peng (Isaac) Wu
Sam Langford-Jones for Strathworks Pty Ltd

Walkerville pp. 78-87

Alison Lester
Anne Terrill on behalf Walkerville
Ratepayers and Residents Association
Cluny Ferguson Skinner
Ellen Koshland

Helen and Dennis Sweeney
Jack and Juneen Schulz
James Schneider
Jillian Bickford

Joan and Robert Liley
Kevin and Zoe Hibberson
Kristelle Sherwood
Lydia Van Embden
Margaret and Peter Robertson
Margaret Windisch
Michael Varrenti and Tilda Hum
Patricia Jelbart
Richard Turner
Rod Tayler and Catherine Shugg
Susan and Wilfred Fechner
Tess Deyl

Andrew Way
Bruce Filley and Sue Jobst

David Farrar
James and Cindy Gair joint submission with Mary Gair
Hollie Kerwin and Kerry Ford
James McCaughey
J. G. Wallace
Jo Wainer and Keith Hancock (joint submission of nearby neighbours)
John Paine and Linda Wostry
Kimbra and Terry White
Lex Dwyer
Linda and Ben Schulz
Margaret Smith
Merran Wilde
Neil and Kate Gracey
Peter and Anne Latreille
Rob Dabal and Emily Wright
Ross and Eleanor Mackinnon
Ted and Michelle Landy
Tim and Jane Jackson

Edward Barlow

Sarah Murphy

Winsome McCaughey

Isley Sutherland

Maggie Comrie Slane

Katherine McCaughey

Mary McCaughey Williams on behalf of the Walkerville Trust

John Landy
John and Jennifer Evans

Jacques Rich for Ansevata Nominees

Yanakie p.87

Margaret Atkins

General Submissions

Support or 'no objection' submissions noted:

- **Carolyn Wilde**
- **Department of Environment, Land, Water and Planning (DELWP)**
- **EPA Victoria**
- **Great Southern Rail Trail Committee of Management** – connections proposed to the Great Southern Rail Trail (GSRT) in the Agnes and Hedley Framework Plans at exhibited Clause 21.19.
- **Isley Sutherland** – general support, but also support for settlement boundaries (in Framework Plans) for Koonwarra and Walkerville in particular.
- **South Gippsland Water (SGW)** – no objection. Statement that SGW *does not have a list of priority towns that will be provided with reticulated sewer supply in the foreseeable future*. Support given to limiting the amount of development in Restructure Areas in the Declared Tarwin Water Catchment on grounds of positive environmental effect on the catchment area. (This applies to the McIlwaine Street and Dowds Road Restructure Plans). A water main easement would be required in the event land parcels in the Port Franklin Road Restructure Plan were consolidated.
- **Wellington Shire Council**
- **West Gippsland Catchment Management Authority (WGCMA)** – supports limiting growth in areas with an inappropriate flood hazard and with environmentally significant floodplains. Notes that multi-dwelling development and land subdivision is not supported in settlements where the only access road is subject to flood hazard. This applies to Port Welshpool, Sandy Point, Venus Bay, and Waratah Bay. Two further submissions provide detail on which Restructure Lots and land parcels in the Port Welshpool and Toora Coastal Restructure Plans are or are not supported for potential dwelling development on grounds of flood hazard to the land or its access.
- **Transport for Victoria** – Support plus a request to insert in the Overview of Clause 21.09 Transport.
- **Country Fire Authority** – Due to recent changes to the State Planning Policy Framework, in particular Clause 13.05 Bushfire, recommends that Council obtain expert assessment of bushfire risk in relation to Framework Plans and Restructure Plans, and to revise Local Policy and the Incorporated Document and any plans as relevant. In general supports limiting development opportunities in areas of fire risk and creation of larger lots.

Recommendations on changes requested

1. **DELWP request** - Update the name of the Department of Environment, Land, Water and

Planning throughout the Planning Scheme in provisions being amended by C90.

Recommend this occurs with the next General Amendment so that the change can be applied to all clauses for consistency.

2. **Great Southern Rail Trail Committee of Management request** – Request is supported by

Council's Economic Development Coordinator.

Recommend revise exhibited Clause 21.08 Tourism to include reference in the Overview, Objectives and Strategies to the GSRT and the Grand Ridge Rail Trail.

Recommend: Revise Clause 21.08-11 as shown below. (Insertions shown in red on a 'tracks accepted version' of the Clause).

21.08-11 Tourism

28/11/2013
Proposed
C90

Overview

Tourism is fast becoming a significant employer and generator of economic activity within the Shire. The region boasts one of the State's major icons, Wilsons Promontory National Park, and borders the internationally recognised Phillip Island. The quality of the Shire's rural landscapes, spectacular coastal areas and environmental features, and numerous historic and culturally significant sites are major tourism attractions. The South Gippsland region provides a diverse range of recreational and tourism related experiences, such as festivals, Coal Creek Community Park and Museum, Grand Ridge Road scenic drive, **the Great Southern Rail Trail, the Grand Ridge Rail Trail**, boutique food and beverage outlets and the Nyora Speedway. Growth opportunities exist in eco-tourism and various types of agricultural and farming activities can also provide services to the tourism industry through the development of agri-tourism.

21.08-12 Objectives and strategies

Objective 1

To encourage a diverse range of tourism opportunities.

Strategies

- 1.1 Encourage the development of eco-tourism and agri-tourism, building on the Shire's natural assets and agricultural land use.
- 1.2 Promote the development of new or expanding tourism enterprises that are ecologically sustainable.
- 1.3 Encourage outdoor education and adventure type tourism activities.
- 1.4 Encourage the development of tourism and education packages based on sustainable energy projects.
- 1.5 Support the development of larger scale tourism infrastructure capable of attracting year round visitation, such as conference centres and major accommodation venues, in appropriate locations, including within settlement boundaries at locations that are close to Wilsons Promontory.
- 1.6 Encourage the development of a variety of accommodation types in appropriate locations.

Objective 2

To recognise the importance of the Shire's natural environment and built form to the tourism industry.

Strategies

- 2.1 Protect and promote the Shire's heritage assets, coastline, environmental qualities, rural landscape and agricultural produce for their tourism value.
- 2.2 Encourage a high standard of streetscape amenity for residential and commercial centres within the Shire.

Objective 3

To promote and encourage tourism use and development in the Rural Activity Zone that is compatible with agricultural production and the environmental attributes of the area.

Strategies

- 3.1 Implement the policy contained in the *Economic Development and Tourism Strategy 2015-2020* and those aspects of the *Rural Land Use Strategy 2011* related to tourism.

Objective 4

To promote and encourage tourism use and development in association with the Great Southern Rail Trail and the Grand Ridge Rail Trail.

Strategies

- 4.1 Encourage provision of accommodation for rail trail users close to and accessible from the rail trails.
- 4.2 Encourage provision of public transport and flexible transport services appropriate for users of the rail trails.
- 4.3 Encourage provision of services and facilities appropriate for rail trail users in settlements along the rail trail.

21.08-13 Implementation

Strategies relating to tourism will be implemented by:

Policy guidelines

- Using the Local Policy at Clause 22.07 to encourage preferred tourism uses.

Applying zones

- Applying the Rural Activity Zone to areas relatively close to settlements where tourism use and development can be associated and/or compatible with agricultural production and environmental values.

3. Transport for Victoria requests insertion of reference to flexible transport options in the Clause 21.09 Transport Overview.

Recommendation: Revise Clause 21.09-1 Overview as follows (insertions shown in red on a 'tracks accepted version' of the Clause)

21.09 TRANSPORT

05/06/2014

Proposed C90

21.09-1 Transport

Overview

05/06/2014

Proposed C90

Many of the roads within the Shire are facing increased usage by large transport vehicles associated with agriculture, timber haulage and other industries. The ongoing development of freight transport opportunities is required for the future economic prosperity of the Shire. Future opportunities such as the reopening of the South Gippsland railway for freight transport and the development of a **deepwater** port and industrial precinct at Barry Point will improve access to national and international markets.

The current lack of public transport facilities within the Shire restricts the movement of residents within the municipality and impedes visitors to the region who do not have access to a vehicle.

Additional public transport facilities **and flexible transport options** are required to improve accessibility for both the resident population and the wider community. There is a need to ensure sustainable pedestrian and car parking facilities are provided across the Shire, in accordance with the needs of a regional area.

The Leongatha aerodrome is the only commercially operating airfield within the Shire, and has recently been subdivided to facilitate future aviation related development opportunities. The area surrounding the aerodrome needs to be protected to ensure that incompatible development does not restrict its future expansion.

4. Country Fire Authority – The CFA is still in the process of understanding the impact and

application of the new bushfire provisions to Planning Scheme Amendments, and to settlement and restructure planning in particular. The CFA recommends Council revise the Amendment in respect of the new State Planning policies at Clause 13.05

Recommendation: Council staff to accept CFA offer for further discussion and support to determine the type of assessment requested in greater detail.

Details: The latest state-wide amendment was gazetted on 12 December 2017 which is almost one month after Amendment C90 went on formal exhibition. Informal advice indicates that the Amendment will be a test case of how the new policies at Clause 13.05 will apply in relation to settlement plans, restructure plans and the associated local policies.

The CFA's draft submission to the Amendment was received very late – just as this report was being completed. The CFA has offered to meet to discuss the implications and to help Council direct its revisions to comply with the new policies.

The Amendment is required to comply with the State Planning Policies. The issue of bushfire risk and its impact on Restructure Plans has been raised by other submitters as well as the CFA. Consequently a Planning Panel would be considering this issue.

Arawata submissions

Support or 'no objection' submissions noted:

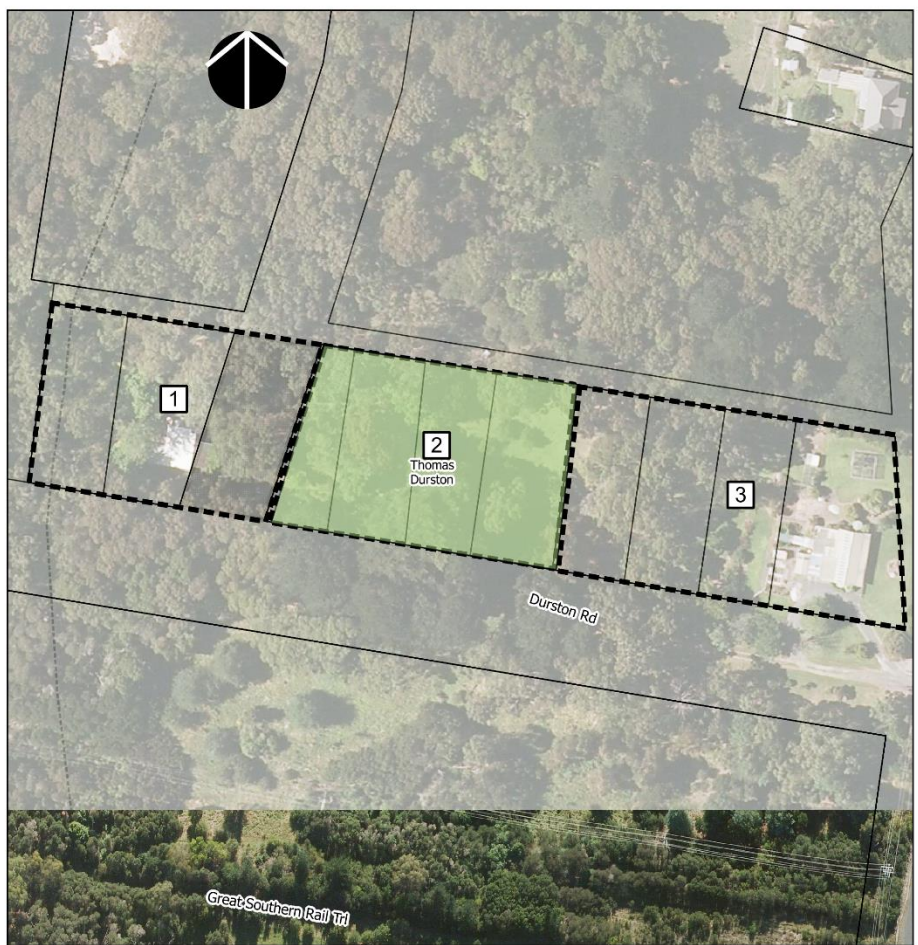
Lorraine Kirk - Arawata Framework Plan

Bennison submissions

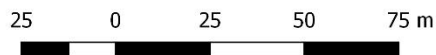
Support or 'no objection' submissions noted:






Tom Durston – Durston Road Restructure Plan – Bennison (Restructure Lot). See map below.

Durston Road Restructure Plan - Bennison - Submitter's property



Legend



-  Restructure Lot boundary
-  Close road reserve
-  Restructure Lot number
-  Watercourse
-  Submitter property

Only 1 dwelling may be permitted per Restructure Lot

Buffalo Submissions

Recommendations on changes requested

Peter and Jenny Linley of 51 Hall Road Buffalo request – Closure of an unused road reserve adjacent to their property's west boundary and allow them to acquire it.

Recommendation: As this relates to land outside of the Buffalo Framework Plan and the Buffalo Restructure Plan, it is not a matter relevant to Amendment C90. Council's Property Team have started work on this referred request.

Darlimurla Submissions

Recommendations on changes requested

1. Mary and Harvey Beruldsen of 2-6 Cornell Road Darlimurla – Request inclusion of an unused road reserve in Restructure Lot 6 which contains their house and pony paddock. See map next page.

Recommendation:

- **Refer road closure request to DELWP for assessment independent of the Cornell Road Restructure Plan; and**
- **Delete exhibited Restructure Lot 5 and renumber Restructure Lot 6 as Restructure Lot 5 and realign its south-west boundary to match the title boundary.**

Details:

The reserve is a Crown land asset, not Council's. Informal advice from DELWP indicates willingness to dispose of unused rural road reserves to interested landowners by the statutory process. Further negotiation with the submitter may result in preference to consolidate the road reserve with land the submitter owns on the east side of the road reserve and which are not included in the Restructure Plan.

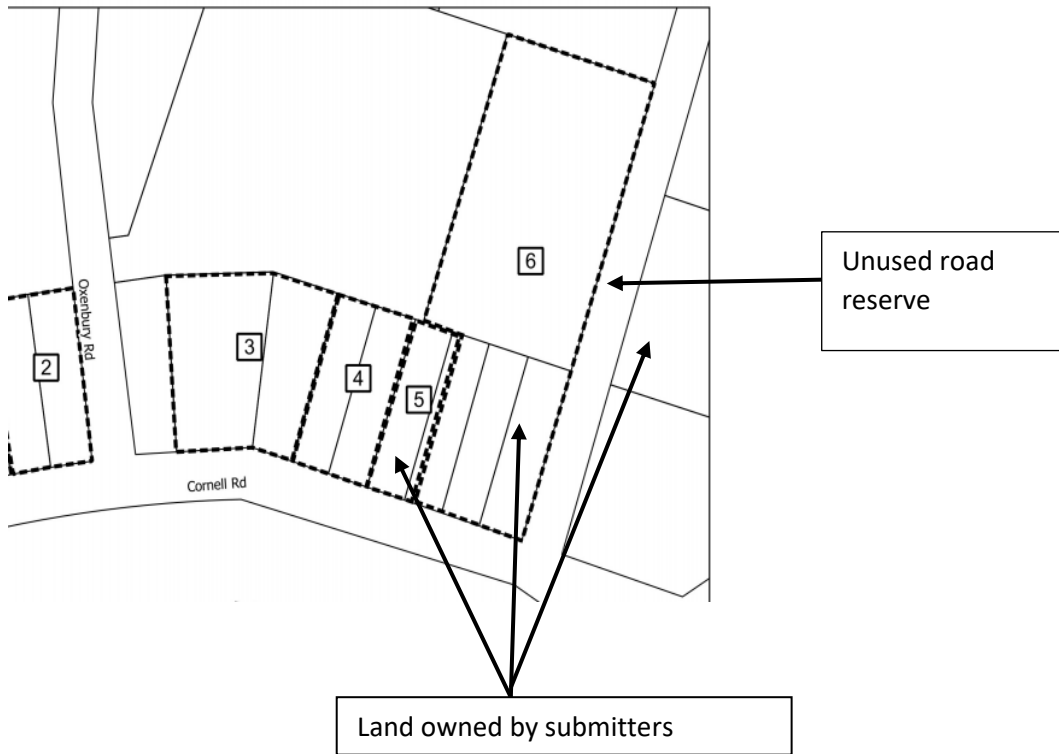
The Beruldsens may not realise that they do not have to actively consolidate their land parcels unless they want to redevelop the existing house on the property or extend it over land parcel boundaries.

The Beruldsens have not commented on Restructure Lot 5 which they also own at 8 Cornell Road. Restructure Lot 5 was created to reflect the likely issue of the house at 8 Cornell Road being on or over the title boundary shared with 2-6 Cornell Road. However without a detailed survey, this is not certain. If the house at 8 Cornell Road is across the boundary and a property sale makes this an issue, a minor transfer and consolidation of land could be undertaken. The Restructure Plan is not required to address the matter.

See map extracts from the Cornell Road Restructure Plan showing the exhibited and recommended revision versions.

Exhibited version of Restructure Lots 5 and 6

Figure 17 - Cornell Road Restructure Plan - Darlimurla



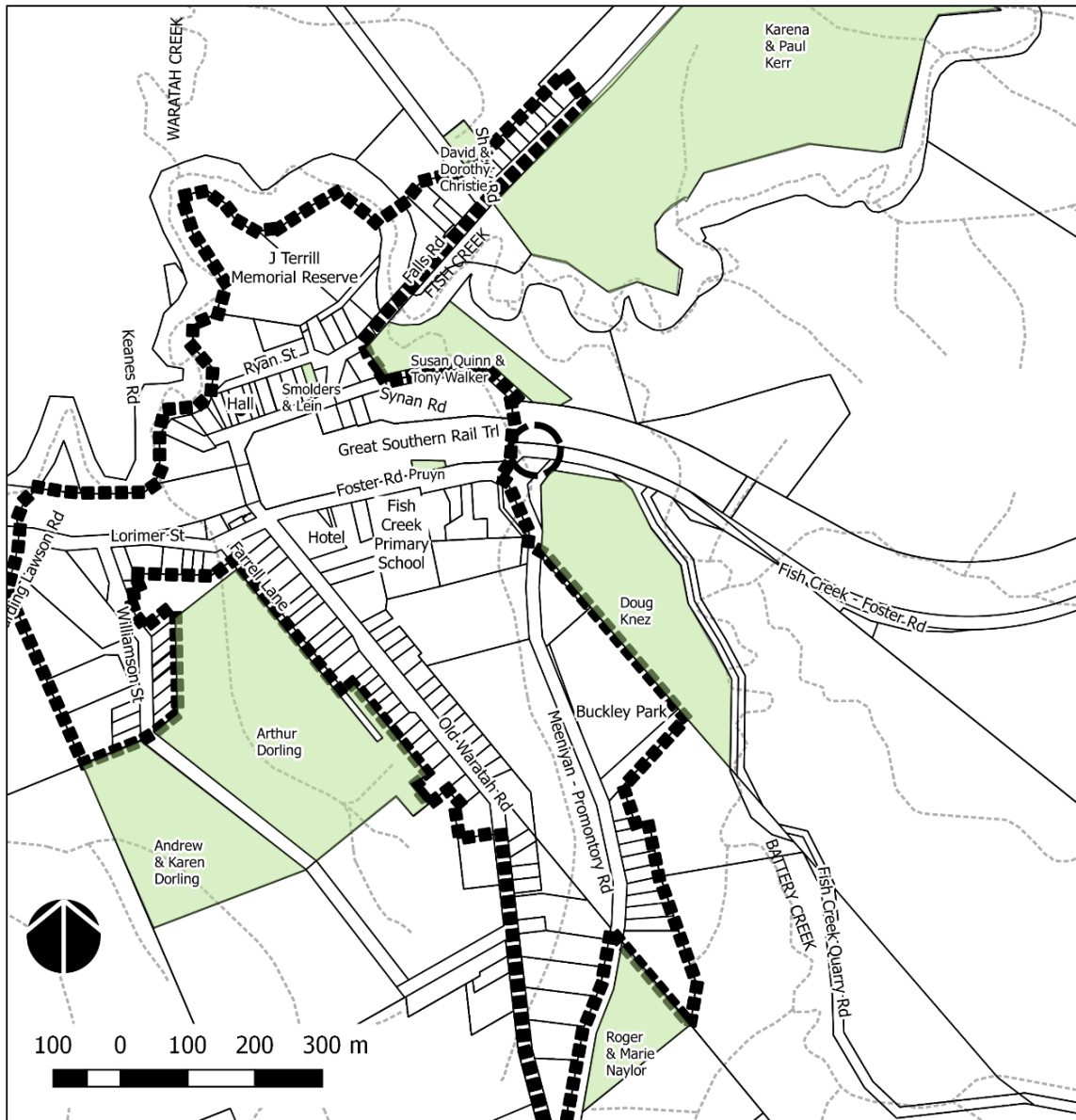
Revised version – exhibited Restructure Lot 5 deleted and Restructure Lot 6

Figure 17 - Cornell Road Restructure Plan - Darlimurla








Fish Creek Submissions

Fish Creek - Submitters properties



Legend

-  Settlement Boundary
-  Town Centre
-  Submitters properties - Requesting change
-  Settlement Gateway
-  Watercourse

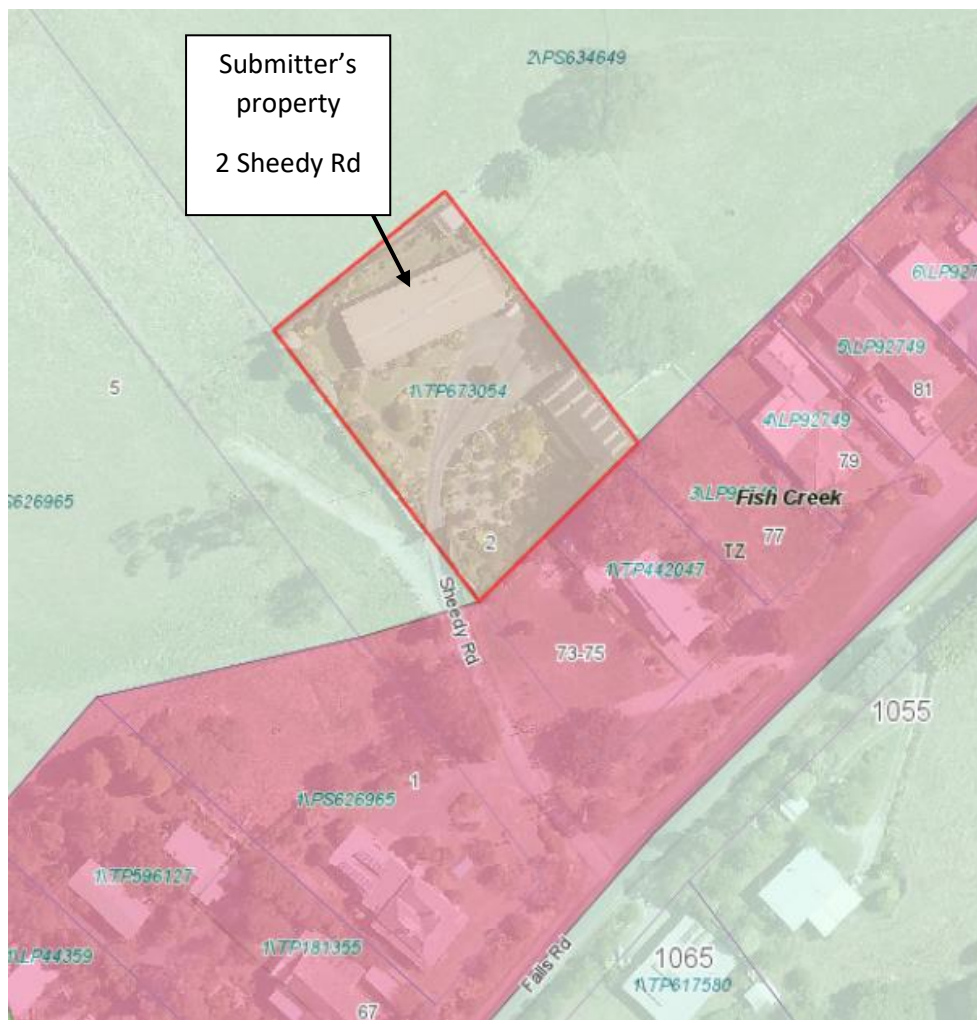
Support or 'no objection' submissions noted:

Alison Newman – general support Fish Creek Framework Plan

Recommendations on changes requested

- David and Dorothy Christie request** – Extend the Fish Creek Framework Plan settlement boundary to include their 2,350m² property at 2 Sheedy Road and rezone it from Farming Zone to Township Zone. Sheedy Road is off Falls Road at the north-east end of Fish Creek. The property is developed and used for low density residential purposes and is located adjacent to urban lots zoned Township. Absence of reticulated sewerage would most likely restrict further potential development to one additional single dwelling.

See map below.

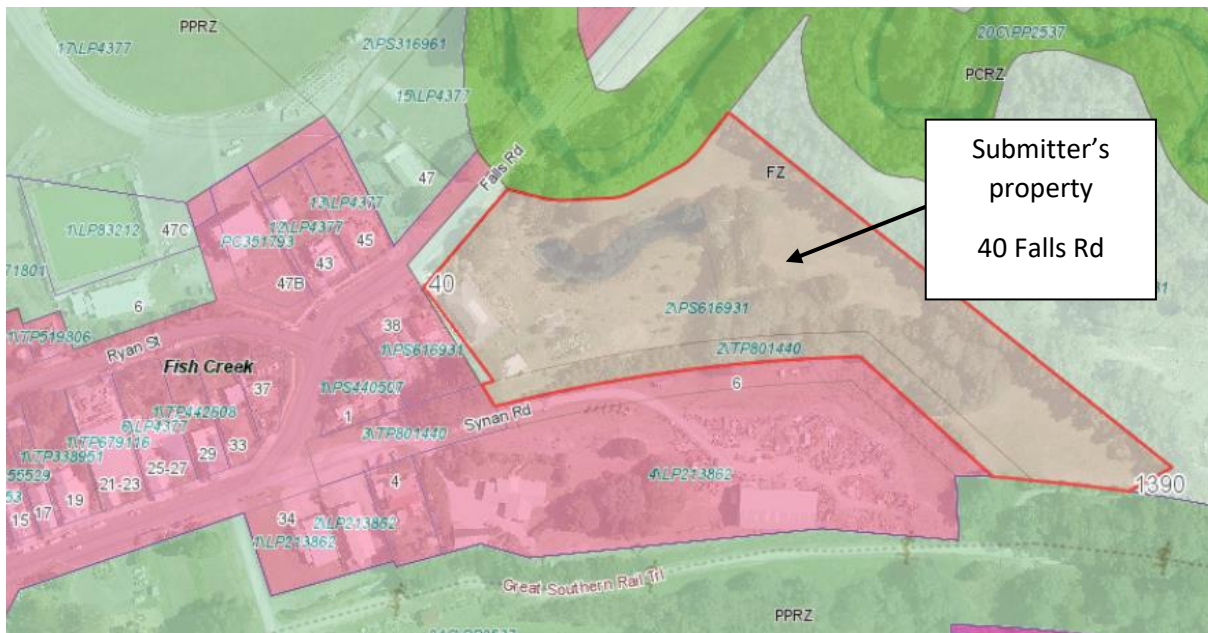


Recommendation: Modify the Fish Creek Framework Plan settlement boundary to include the submitter's property and rezone to Township Zone.

Details: The settlement boundary extension is minimal and appropriate for the property. The property is small and used for residential purposes. It is located adjacent to urban lots zoned

Township. Absence of reticulated sewerage is anticipated to restrict further development to an additional single dwelling. The change is minor and is not considered to have an adverse effect on nearby properties as the land use would not be changing. Rezoning would not remove land from agricultural production.

- 2. Susan Quinn and Tony Walker request** – Extend the Fish Creek Framework Plan settlement boundary to include their 1.81ha property at 40 Falls Rd and rezone from Farming Zone to Township Zone. The property is adjacent to Fish Creek and is divided by a tributary of the creek. The property is developed and used for low density / rural residential purposes and is located adjacent to land zoned Township. See map below.



Recommendation: No change to exhibited Framework Plan or rezoning as Fish Creek has not been designated for growth, and the environmental restrictions applying to the land make it unsuitable for urban subdivision and development.

Refer submission to a Planning Panel.

Details:

The Land Subject to Inundation Overlay applies to approximately 50% of the property including some of the frontage to Falls Road and the frontage to the unused road reserve that is the extension of Synan Road.

The Environmental Significance Overlay 5 – Areas Susceptible to Erosion applies to the entire property. Even accounting for the environmental constraints.

The property is large enough to have potential for at least two more dwellings if rezoned to Township Zone.

- 3. Karen and Andrew Dorling request** - Extend the Fish Creek Framework Plan settlement boundary to include their 4.55ha property at 24 Williamson St. The request does not include a rezoning proposal. The property is currently used for rural residential purposes. See map next page.



Recommendation: No change to exhibited Framework Plan as Fish Creek has not been designated for growth and the proposal is not supported by the exhibited policy at Clause 21.15-1 Small Towns – Fish Creek.

Refer submission to a Planning Panel.

Details: The settlement boundary is intended to limit growth of the urban area in the absence of reticulated sewerage. Although Council and Planning Scheme policy supports provision of reticulated sewerage to Fish Creek, the sewerage authority, South Gippsland Water, has advised that it does not have any plans to do so in the foreseeable future. Given the size of the land and the extensive existing supply of vacant land zoned Township, this proposal is premature and could lead to expectation to rezone it for urban or low density residential purposes prior to reticulated sewer infrastructure being made available. It would be relevant to review the settlement boundary if reticulated sewerage is provided to the town.

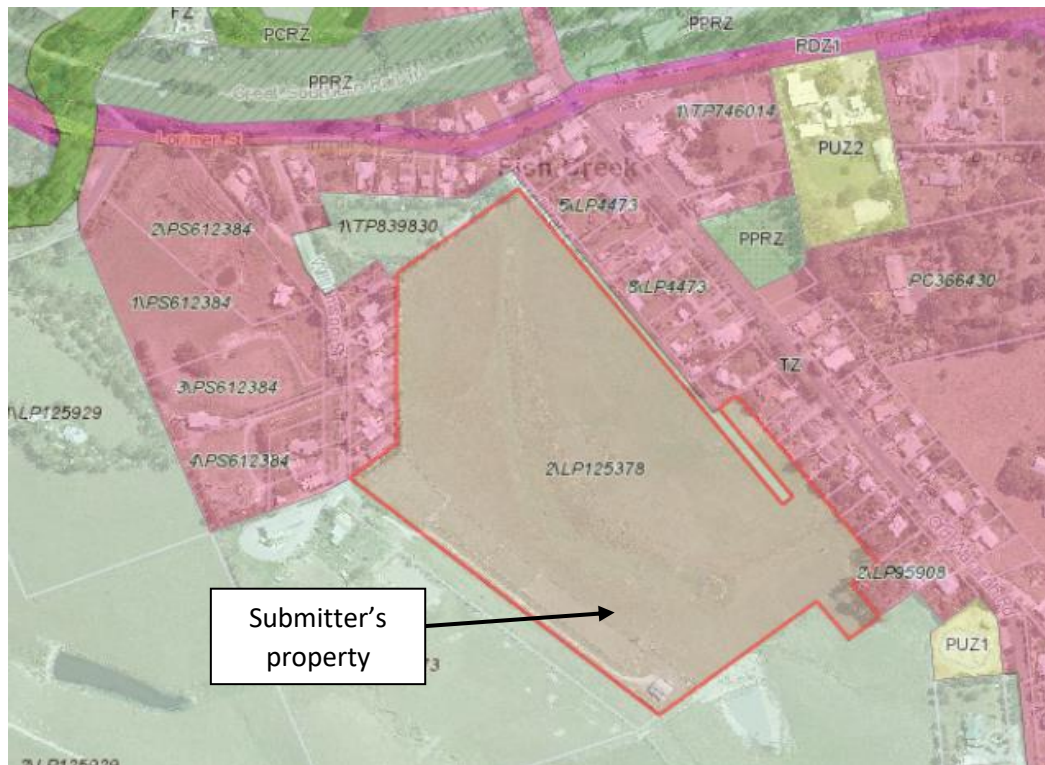
4. Arthur Dorling request - Extend the Fish Creek Framework Plan settlement boundary to include their 8.7ha property at 23 Williamson St. The request does not include a rezoning proposal. The property is currently used for grazing. See map next page.

Recommendation: No change to exhibited Framework Plan as Fish Creek has not been designated for growth and the proposal is not supported by the exhibited policy at Clause 21.15-1 Small Towns – Fish Creek.

Refer submission to a Planning Panel.

Details: The settlement boundary is intended to limit growth of the urban area in the absence of reticulated sewerage. Although Council and Planning Scheme policy supports provision of reticulated sewerage to Fish Creek, the sewerage authority, South Gippsland Water, has advised that it does not have any plans to do so in the foreseeable future. Given the size of the land and the extensive existing supply of vacant land zoned Township, this proposal is premature and could lead to expectation to rezone it for urban or low density residential purposes prior to reticulated sewer

infrastructure being made available. It would be relevant to review the settlement boundary if reticulated sewerage is provided to the town.

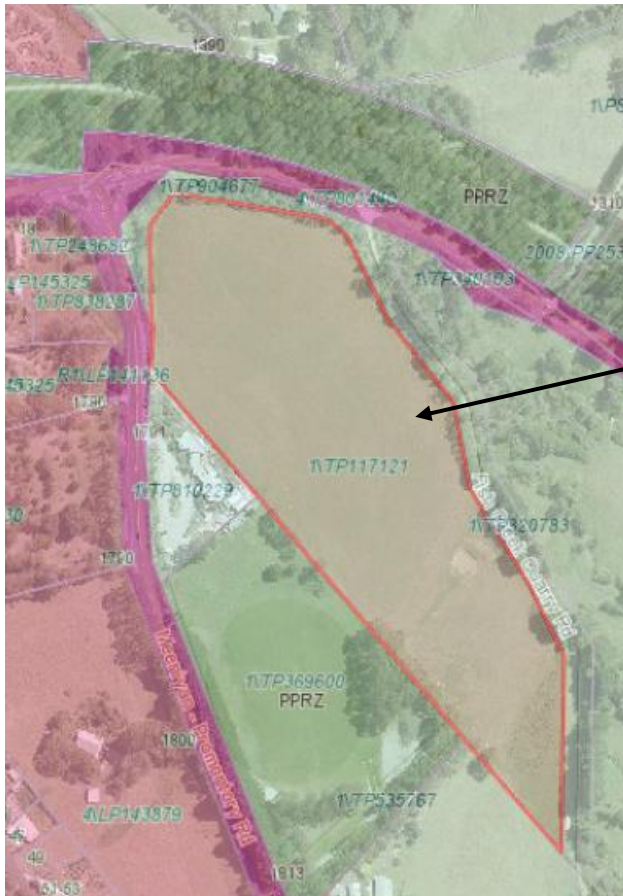


- 5. Doug Knez on behalf Fish Creek Roman Catholic Church parishioners request** - Extend the Fish Creek Framework Plan settlement boundary to include the church's 5.4ha property on the east side of the Meeniyah-Promontory Road. (There is no allocated rural road number. The property also abuts the east boundary of the Fish Creek Community Farm, is bounded on the east by Fish Creek Quarry Road and to the north by the Fish Creek-Foster Road.) The submitter also requests the property be rezoned from 'Zoned Rural Land' (Farming Zone) to an 'Urban Zone'. The property is currently used for grazing. See map next page.

Recommendation: No change to exhibited Framework Plan and no rezoning as Fish Creek has not been designated for growth and the proposal is not supported by the exhibited policy at Clause 21.15-1 Small Towns – Fish Creek.

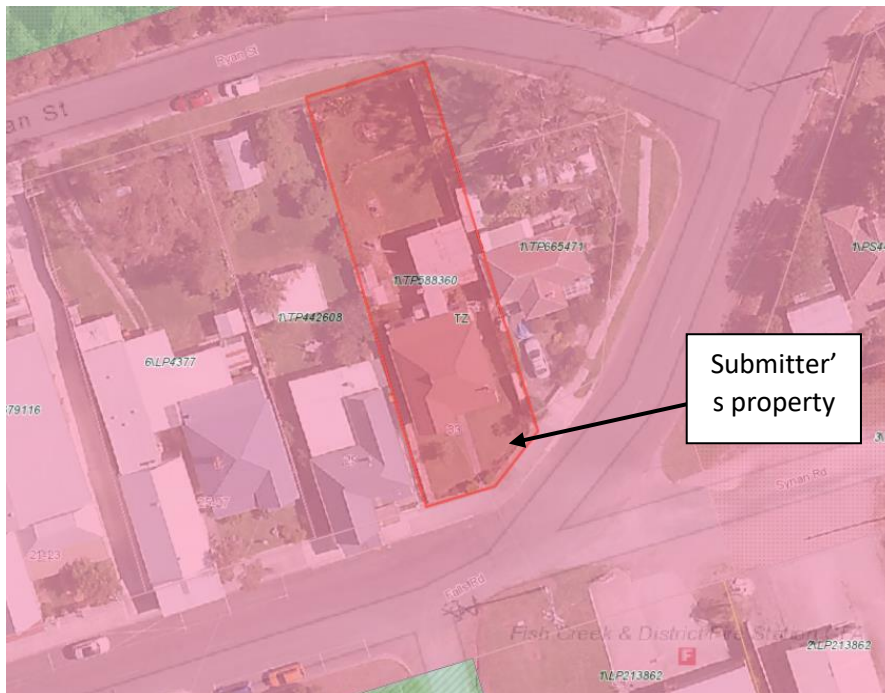
Refer submission to a Planning Panel

Details: If this property was rezoned and developed for urban purposes, it would be expanding the town across a main road and into an agricultural area, rather than infilling the existing vacant areas located between the strips of urban development radiating out from the town centre. Currently the proposal is premature and it is unlikely to be supported in the next future review of the town development. The proposal would remove land from agricultural use.



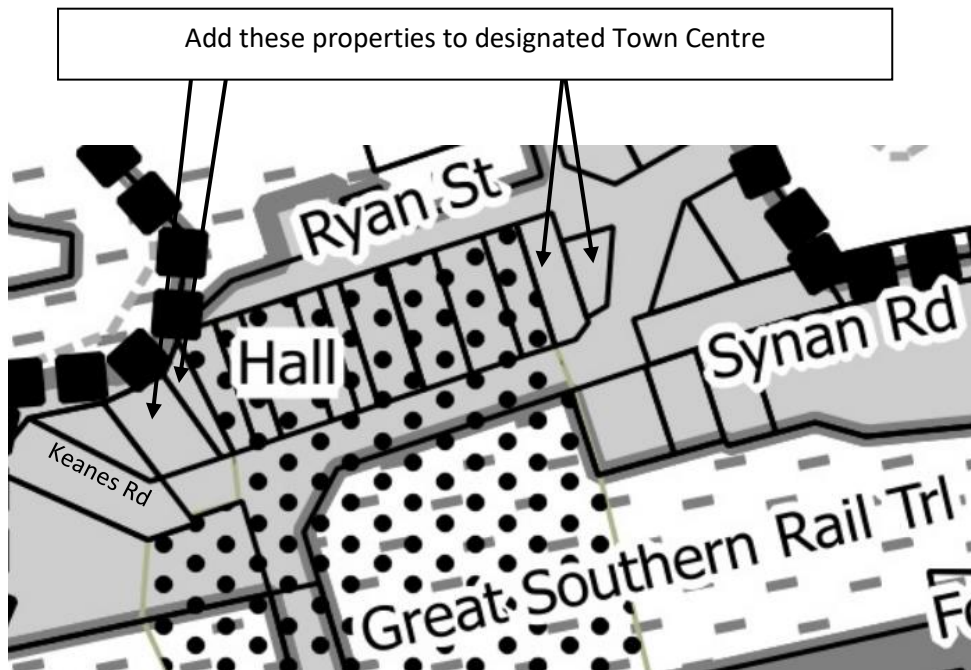
Submitter's property

6. Frank Smolders and Michaela Lein request – Extend the area designated as ‘Town Centre’ in the Fish Creek Framework Plan to include their 698m² property at 33 Falls Road. The property has an established dwelling but the submitter proposes to lease it for part or full commercial use. See map below.



Submitter's property

Recommendation: Extend the Fish Creek Framework Plan's Town Centre designation to include the all properties from 2-37 Falls Road on the ground that is a logical part of the Town Centre. See map extract below.

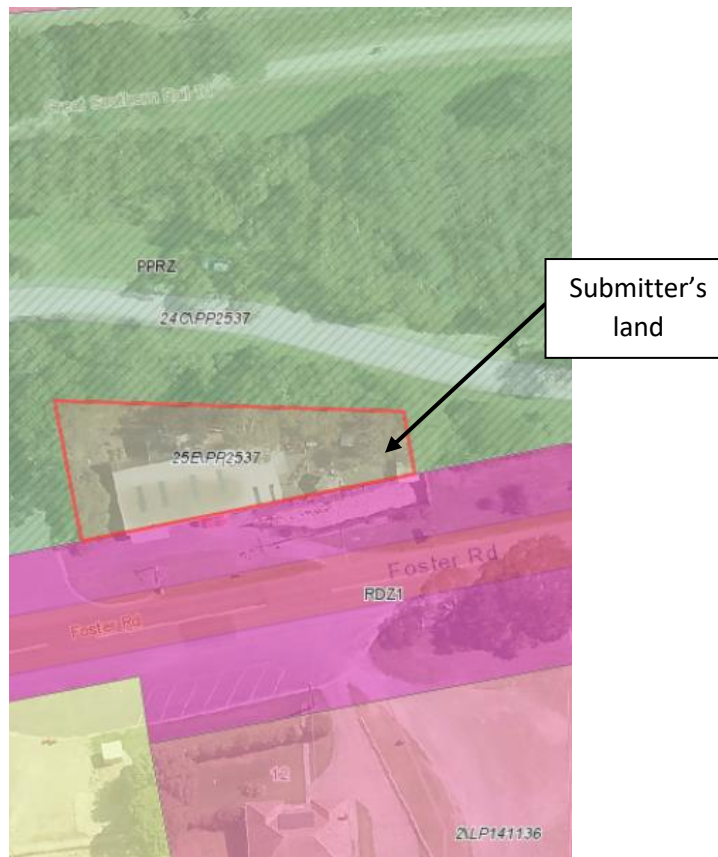


Details: This would add four Township Zone, urban-size land parcels, including the submitter's property, to the designated Town Centre. (See previous map). The 'Town centre' policy at exhibited Clause 21.15-1 Small Towns – Fish Creek would apply. The policy supports commercial use at Falls Road. It makes a logical grouping of potential commercial properties. Commercial activities would be subject to the capability of each individual site to cope with wastewater treatment and disposal associated with development/use proposals. As the provisions of the underlying Township Zone continue to apply, the change would not result in detriment to the amenity of nearby land users.

- 7. Kelly Pruyn request** – Rezone privately-owned 730m² property at 15 Foster Road from Public Park and Recreation Zone to an appropriate zone. The property is used for retail purposes (Prom View Nursery) and is surrounded on three sides by VicTrack land now used for the Great Southern Rail Trail.
See map next page.

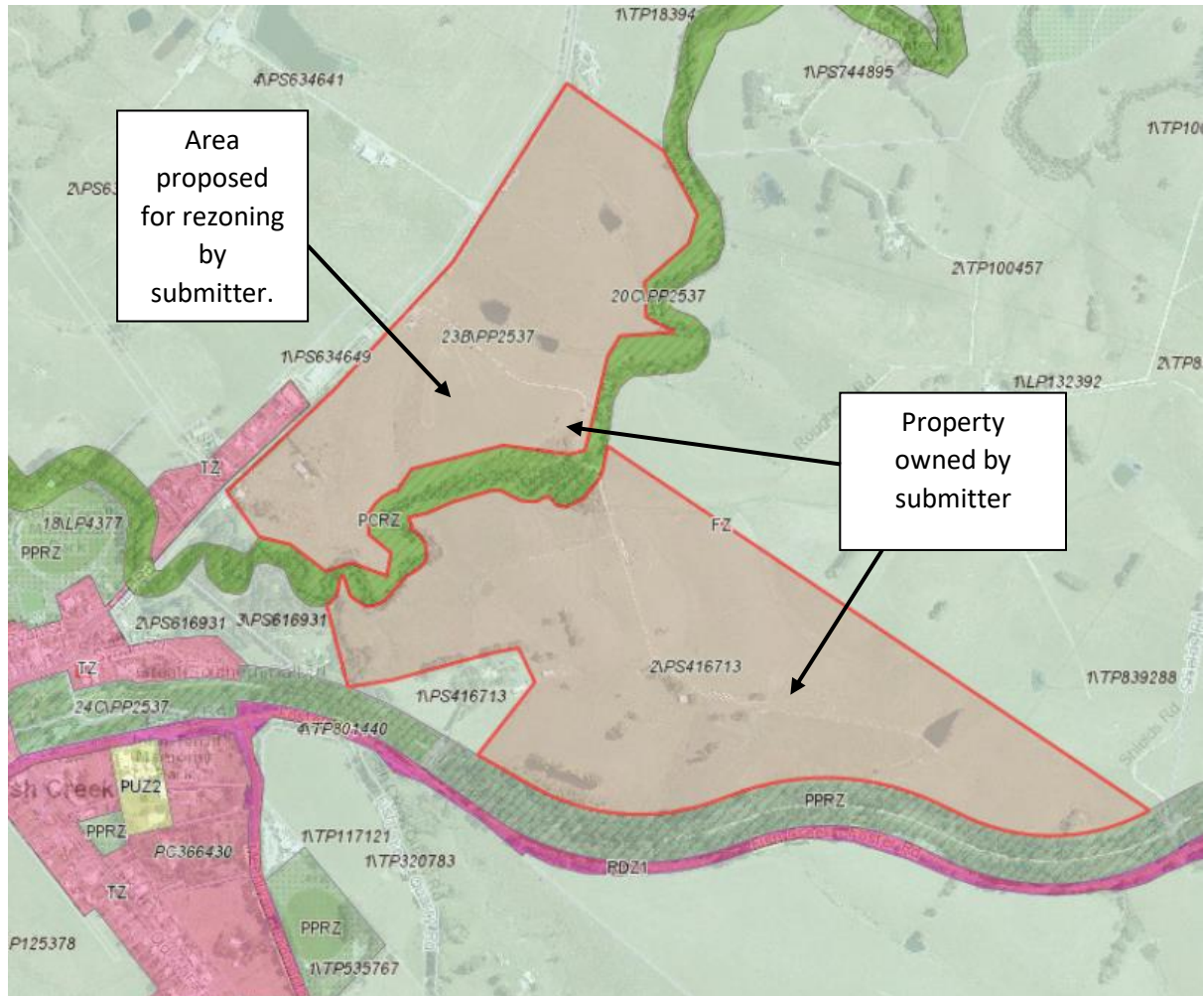
Recommendation: Rezone 15 Foster Road to Township Zone on the grounds it is a zoning anomaly and will not have a material effect on the use or amenity of nearby properties. Consider inclusion of the rezoning in a General Amendment or as an amendment associated with the Historical Risk and Potentially Contaminated Land project if further investigation indicates an Environmental Audit Overlay (EAO) is appropriate.

Details: The property may have been previously used as a panel beating workshop. Consequently investigation of historical use to confirm or otherwise is recommended prior to rezoning. If potential contamination is confirmed, an environmental assessment, and possibly an audit and remediation works, would be required prior to sensitive new development or redevelopment being approved. An EAO may be recommended for application at the same time as a rezoning.



- 8. Karena and Paul Kerr request** – This submission proposes some alternative options as requests. The first submission requests to rezone 10ha approximately [measured as 12.2ha using Council’s mapping resource] of a 27ha title at 1055 Falls Road from Farming Zone (FZ) to Rural Living Zone (RLZ). Alternatively, the submitter requests designation of this part of the property [presumably in the Fish Creek Framework Plan] as a Future Investigation Area for Residential/Rural Residential/Low Density [Residential] rezoning. In the second submission, the applicant clearly asks for ‘the Fish Creek side of the property to be rezoned rural living’. This land comprises the whole 27ha title at 1055 Falls Road.

The property is part of a 68.4ha farm held in two titles with the 27ha title containing a dwelling used for tourist accommodation, and sheds. The larger title is 41ha on the east side of Fish Creek, with frontage to the Fish Creek-Foster Road. A farm track that crosses Fish Creek is used to access both parts of the farm.
See map next page.



Recommendation: No change to the exhibited Amendment on the grounds that:

- **An evidential case has not been made in support of the requested rezoning as required by Planning Practice Note 37: Rural Residential Development**
- **The proposal would introduce higher density development to a new area (east of Falls Road and north of Fish Creek);**
- **The property does not abut existing urban or RLZ land;**
- **The proposal would remove 27ha from agricultural use, which is not supported by the objectives and strategies at Clause 21.10-3 Rural residential development, the provisions of the Farming Zone at Clause 35.07, its subdivision schedule or the Rural subdivision Local Policy at Clause 22.06.;**
- **Higher density development is not appropriate given the slope, erosion risk and proximity to declared waterways;**
- **Fish Creek has not been identified as a growth area**
- **The Housing and Settlement Strategy (HSS) concluded that exceptional circumstances would be required to support rezoning from FZ to RLZ due to the number of small lots already existing in the FZ; and**
- **Spot rezoning of a significant area of land to Rural Living Zone is not considered appropriate for inclusion in C90. It would better for this request to be assessed as a separate amendment applied for and financed by the proponent if they wish to progress it.**

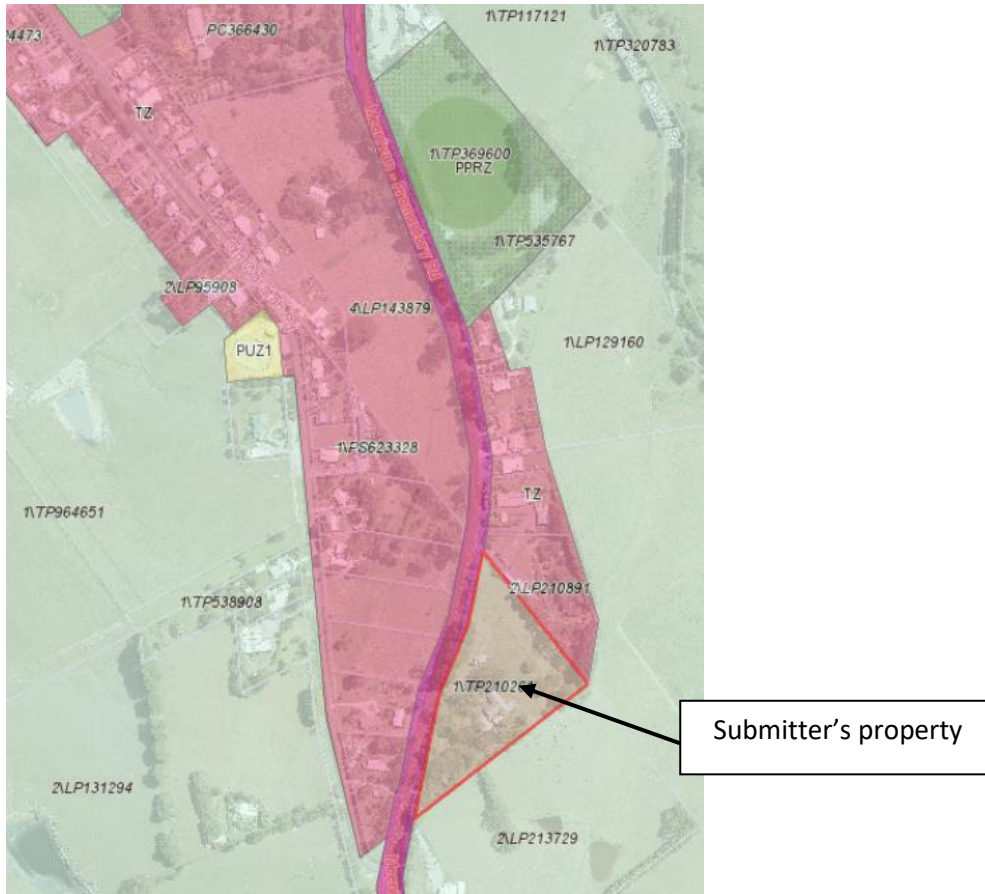
Refer submission to a Planning Panel.

Details: The first submission request would require subdivision of the 27ha title in the Farming Zone into two lots comprising 12.2ha and 14.8ha, with the smaller lot rezoned Rural Living Zone and the balance lot in the Farming Zone. Subdivision in the Rural Living Zone in other locations in the Shire allows for creation of lots ranging between 1-4ha. Theoretically, the rezoning would allow the existing dwelling to be subdivided on a separate lot and two or more vacant lots created. The second submission requests a substantial rezoning, with the land theoretically subdividable into 6-20 lots. In either circumstance, the request would potentially result in removal of the entire 27ha from agriculture.

The property is across the road from a strip of urban sized lots zoned Township Zone. This association exists for approximately 200m of the land's one kilometre frontage to Falls Road. The property is otherwise separated from the majority of the town by Fish Creek and the Great Southern Rail Trail. The majority of the 12.2ha area requested for rezoning in the first submission is steep with slopes ranging from over 20% to over 40%. An Environmental Significance Overlay- Land Susceptible to Erosion applies. The land drains to Fish Creek and some tributaries.

Despite the submitter's contention that 'hobby farms' were not considered by the 'Housing and Settlement Plan', numerous areas were considered for potential rezoning to Rural Living Zone or Low Density Residential Zone as part of the *Housing and Settlement Strategy*. All but the precinct south of Nyora was rejected for this purpose. The submitters did not apply to have their land considered for Rural Living Zone rezoning or designation as an Investigation Area during the development of the *Housing and Settlement Strategy* although other land owners did apply. The submitter bought the land from a family member at the time of the HSS community consultation. Contrary to the submitter's view that there is a shortage of 'hobby farm' properties near Fish Creek, the Fish Creek vicinity in fact contains many hobby-farm sized lots – for example along Old Waratah Road, Harding-Lawson Road, Stewarts Road, the Meeniyen-Promontory Road, Mackins Road, Evans Road and Duncans Road.

- 9. Roger and Marie Naylor request** – Extend the Fish Creek Framework Plan settlement boundary to include their 1.64ha property at 1855 Meeniyen-Promontory Rd. The submitter foreshadows a future request for rezoning and subdivision if their property is included as requested. The property is used for rural residential purposes.
See map next page.



Recommendation: No change to exhibited Fish Creek Framework Plan as the proposal is not supported by the exhibited policy at Clause 21.15-1 Small Towns – Fish Creek. Refer submission to a Planning Panel.

Details: The settlement boundary is intended to limit growth of the urban area in the absence of reticulated sewerage. Although Council and Planning Scheme policy supports provision of reticulated sewerage to Fish Creek, the sewerage authority, South Gippsland Water, has advised that it does not have any plans to do so in the foreseeable future. Given the size of the land and the extensive existing supply of vacant land zoned Township, this proposal is premature and could lead to expectation to rezone it for urban or low density residential purposes prior to reticulated sewer infrastructure being made available. It would be relevant to review the settlement boundary if reticulated sewerage is provided to the town.

Hedley Submissions

Salmon Road Restructure Plan

Support or 'no objection' submissions noted

Ian and Michelle Conn (purchasers and lessees of the property)

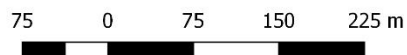
Stephen and Kerri Green (owners / sellers of the property)

See map below.

Salmon Road Restructure Plan - Hedley - support submitters x 2



- Legend**
- Restructure Lot boundary
 - Restructure Lot number
 - Close road reserve
 - Submissions property



Only 1 dwelling may be permitted per Restructure Lot

Hedley Framework Plan

Support submissions noted

Great Southern Rail Trail Committee of Management

Todds Road Restructure Plan

'No objection' submissions noted

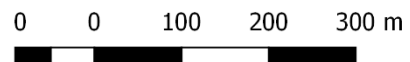
DELWP (land owner)


Hoddle - Lowrys Road Restructure Plan Submissions

Hoddle - Lowrys Road Restructure Plan - Submitters' properties



Legend



-  Restructure Lot boundary
-  Close unused road reserve
-  Restructure Lot number
-  Submitters' properties

Only 1 dwelling may be permitted per Restructure Lot

Support or 'no objection' submissions noted

David De Coite (Restructure Lot 1)

Recommendations on changes requested

1. **Graeme and Gillian Nicoll request** (Restructure Lots 4, 5 and 6) – Increase the number of Restructure Lots proposed on their property at 10 - 24 Lowrys Road / 788 Fish Creek-Foster Rd Hoddle, from three Restructure Lots of 1.6ha, 1.3ha and 34ha approximately, to five evenly-sized Restructure Lots of 7ha each approximately. (The submitted plan differs somewhat from the submitted words). Including the unused Crown road reserves, the property exceeds 36ha approximately and has 54 individual land parcels. The land is in the Farming Zone and is used as part of a larger commercial farm that is not in the Restructure Area. See map below.



Recommendation: No change to the exhibited Lowrys Road Restructure Plan (two small Restructure Lots and one large balance Restructure Lot on the grounds the submitter's proposal creates a de facto Rural Living Zone (RLZ) and proposes a level and layout of development that is not supported by the Planning Scheme at:

- Clause 14.01-1 Protection of agricultural land;

- **The purpose of the Farming Zone at Clause 35.07;**
- **The issues to be considered for dwellings in the Farming Zone at Clause 35.07-6;**
- **The existing and exhibited Rural dwellings policies at Clause 21.07-3 and Clause 22.05.**

Refer the submission to a Planning Panel convened for C90.

Details: The submitter's proposal would remove the whole 36ha property from commercial agriculture and result in the development of a cluster of rural residential dwellings. The *Housing and Settlement Strategy* (HSS) directed the old Hoddle settlement Crown subdivision to be restructured, not rezoned to Rural Living Zone. The aim of the restructuring is to minimise the number of new dwellings and to create balance agricultural lots where possible by balancing a recognition of existing numerous land parcels with the purpose, objectives and policies of the underlying zone – in this case the Farming Zone. The presence of rural residential dwellings (permitted prior to the State Government temporarily removing planning powers for rural dwellings from Council) on existing small, scattered lots in the vicinity is not a valid reason for extending that type of development into an old Crown subdivision and is not supported by the Planning Scheme.

2. Lyn and Neil Loader (Restructure Lot 3) request:

- Increasing the number of Restructure Lots on their 5.8ha property at 70 Lowrys Road from one Restructure Lot to two relatively Restructure Lots (3.2ha and 2.6ha approximately; and
- Removing potential access along an unused road reserve from Lowrys Road to the proposed Restructure Lot 4 owned by the previous submitter.

The land is used for grazing and is south of the submitter's rural residential property which is not part of the Crown subdivision and is not included in the Restructure Area.

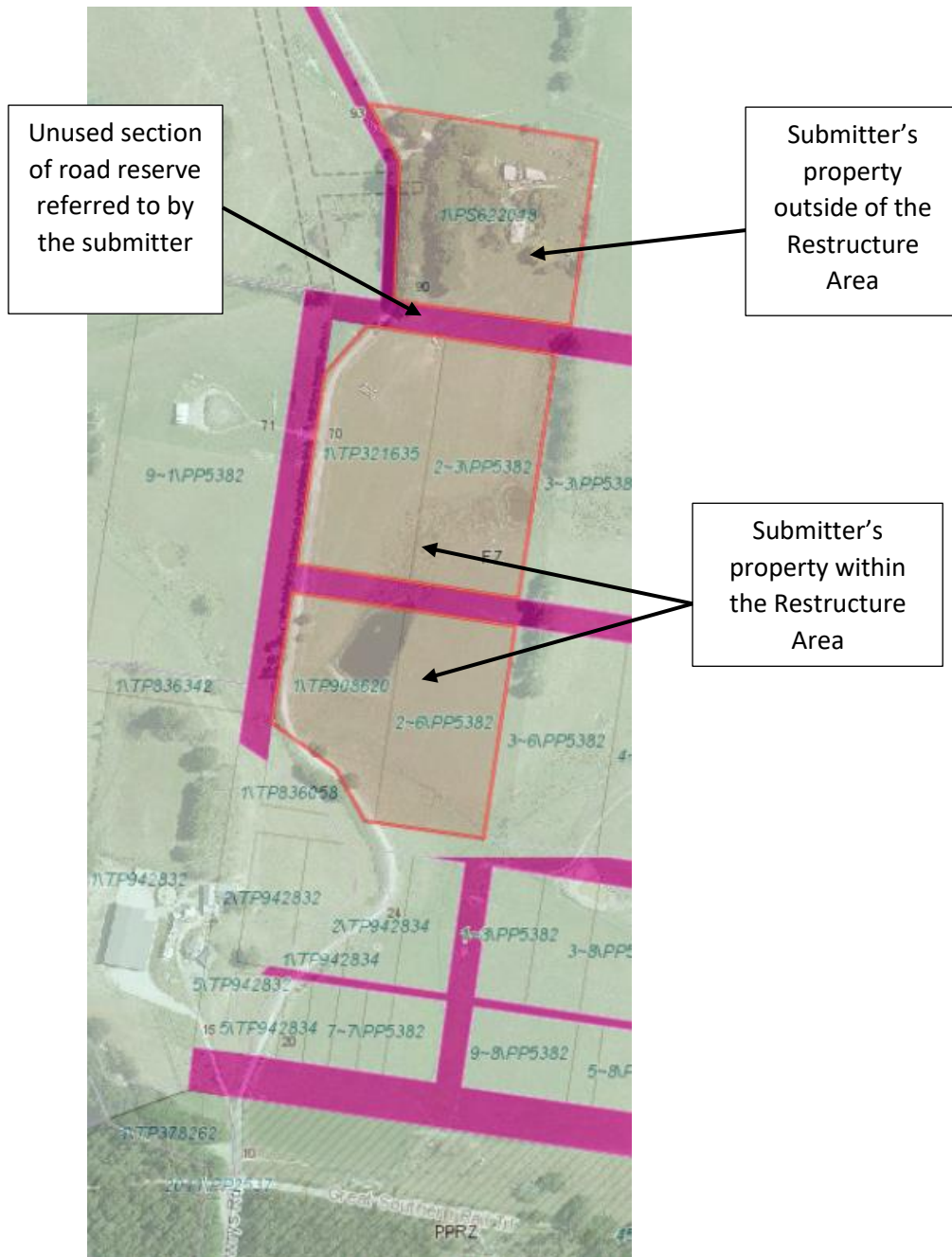
See map next page.

Recommendation: No change to the exhibited Lowrys Road Restructure Plan on the grounds the submitter's proposal and proposes a level and layout of development that is not supported by the Planning Scheme at:

- **Clause 14.01-1 Protection of agricultural land;**
- **The purpose of the Farming Zone at Clause 35.07;**
- **The issues to be considered for dwellings in the Farming Zone at Clause 35.07-6;**
- **The existing and exhibited Rural dwellings policies at Clause 21.07-3 and Clause 22.05.**

Refer the submission to a Planning Panel convened for C90.

Details: The unused road reserve already exists and is entitled to be requested to be formally opened and used for access. However the Amendment is not starting a road opening process. It is simply not recommending formal closure of that section of road reserve. The Restructure Plan did not identify the western section of the road reserve for closure and consolidation into an adjoining Restructure Lot so that access could potentially be provided to the land further east. Although that land has frontage to the Fish Creek-Foster Road, VicRoads has provided informal comment that it does not support access being obtained from that frontage on safety grounds.



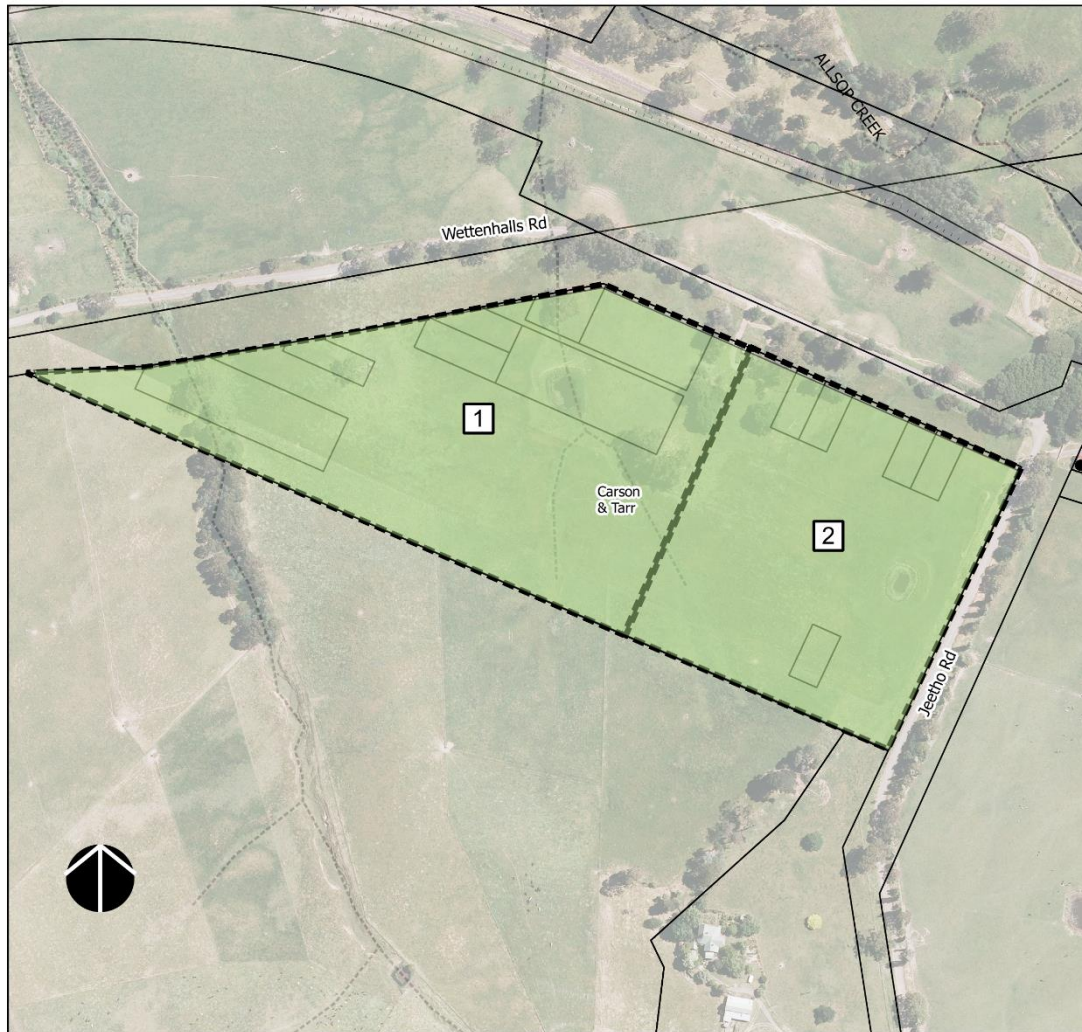
Jeetho - Wettenhalls Road Restructure Plan - submissions

Cliff Carson and Vanessa Tarr (Restructure Lots 1 and 2) identically request:

- Minor adjustment to the location of the boundary between the two exhibited Restructure Lots to allow for continued use of existing gates and vehicle crossovers, to make the lot sizes more even. This would alter Restructure Lot 1 from 5.7ha to 5.06ha, and Restructure Lot 2 from 4.5ha to 4.63ha.
- Revision of the Wettenhalls Road Restructure Plan details to reflect the above request.
- Correction to table in Incorporated Document listing number of land parcels within the Restructure Area.






See maps next pages.

Wettenhalls Road Restructure Plan - Jeetho as exhibited - Submitters' property



Legend



-  Restructure Lot boundary
-  Former railway line
-  Restructure Lot number
-  Watercourse
-  Submitter objection properties

Only 1 dwelling may be permitted per Restructure Lot

Recommendation: Revise the Wettenhalls Road Restructure Plan as requested (see map next page) on the grounds it makes no material difference to the level of development or the capacity of the Restructure Lots to sustain development.

Details: The change is minor and would also reflect the existing ownership of land parcels held by the two related family members. The change would not have an adverse impact on neighbouring properties and does not change the development density of the Restructure Area.

Revised Wettenhalls Road Restructure Plan - Jeetho - Submitters' property




Legend

50 0 50 100 150 m




 Restructure Lot boundary

 Former railway line

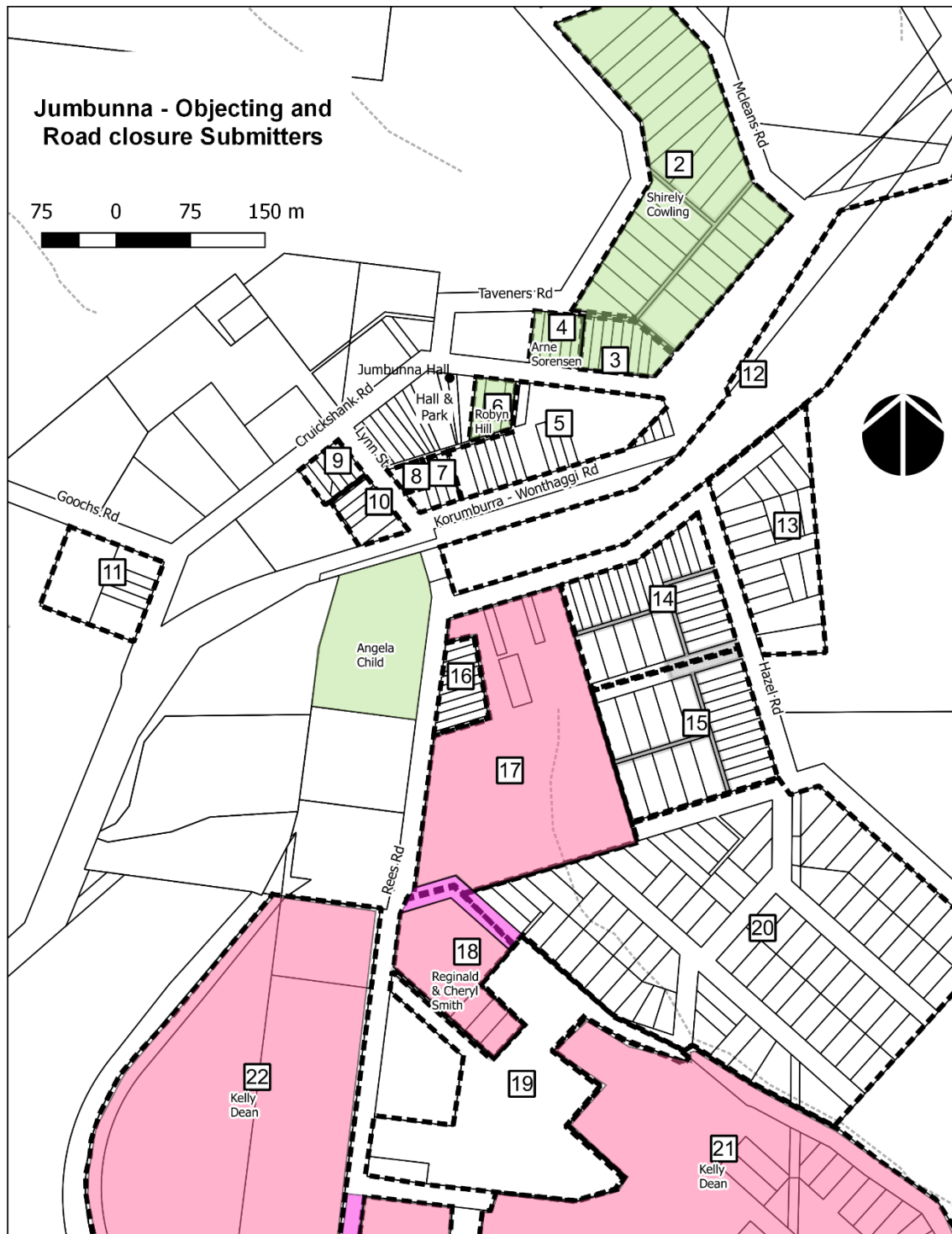
 Restructure Lot number

 Watercourse

 Submitter objection properties

Only 1 dwelling may be permitted per Restructure Lot

Jumbunna Submissions



Legend

- Restructure Lot boundary
- Objecting Submitter
- Road Closure Submitter
- Requested Road Closure
- Restructure Lot number

Jumbunna Restructure Plan

Support or 'no objection' submissions noted:

Jean and Eric Judd

Mark Burns – mapping error comments. (Response: The northern extension of Lynn Street is a carriageway easement so is not shown as a road on the maps. This issue does not affect the Amendment assessment).

Recommendations on changes requested

1. **Angela Child at 14 Rees Road** is a neighbour overlooking the exhibited Restructure Area (Restructure Lots 13-17). The submitter's property is used for rural residential purposes. The submission objects to potential dwelling development of Restructure Lots 13, 14, 15 and 16 on the grounds that it will have a negative impact on rural views, pollute waterways, could be used for multiple dwelling accommodation types and commercial activities, and will result in land use conflicts with agriculture. Restructure Lot 17 is already developed with a dwelling. See map at start of this section.

Recommendation: No change to the exhibited Jumbunna Restructure Plan on the grounds that the zoning is not being changed and planning permits would be required for any of the developments the submitter has suggested may occur.

Details:

The Restructure Plan reduces the number of land parcels from 69 plus road reserves down to three which significantly minimises potential development effects.

The Restructure Plan does not change the provisions of the underlying zone in terms of the types of developments permitted. The advertisement of planning applications through the planning permit process is the correct means of dealing with objections to specific proposals. Conditions would be applied to any permit granted requiring wastewater to be treated and disposed of within the site. Council's Environmental Health Team has advised that the Restructure Lots are large enough for this to be achievable.

There is no established right to a view from a property, and three potential dwellings on a 6ha area on the far side of a small valley is not considered to destroy the submitter's rural view. Conditions requiring vegetation screening could be applied if a planning permit for a dwelling is granted. The submitter has not objected to Restructure Lot 16 which is a vacant property both opposite and closest to the submitter's property. Siting of potential dwellings can be used to minimise land use conflicts. Currently the agriculture undertaken in the vicinity is grazing.

2. **Arne Sorensen at 30 Cruickshank Road (Restructure Lot 4) appears to object** to Restructure Lots 1, 2, 3 and 4 on the grounds of Taveners Road being unsuitable for extra traffic, more vehicles using Cruickshank Road, noise, dust and a precedent for future development. See map at start of this section.

Recommendation: No change to the exhibited Jumbunna Restructure Plan on the grounds that only two new dwellings could be developed and the Restructure Plan reduces development potential of 43 land parcels down to four. Further, the Restructure Plan is a specific control for old

and inappropriate subdivisions and does not set a precedent for generalised development of small rural lots.

Details: The submitter does not appear to realise that two of the four Restructure Lots already have existing houses, one of which is his own on Restructure Lot 4. Access to Restructure Lot 1 would be by Mcleans Road (extended to Council standards at the developer's expense in the event a dwelling is approved), and access to Restructure Lot 3 is proposed from the existing formed part of Taveners Road.

- 3. Cheryl and Reginald Smith at 41 Rees Road (Restructure Lot 18) – request closure and acquisition of unused road reserve/s located between their rural residential property and neighbours' properties at Restructure Lot 17 (27 Rees Rd) and Restructure Lot 20 (rear of part of 51 Hazel Rd). See map at start of this section.**

Recommendation: Refer the request to Council's Assets team to start the road closure process under the Local Government Act. Note that one adjoining neighbour also requests a share of the road reserve if it is to be closed.

Details:

The Restructure Plan shows the unused road reserve being divided equally between both landowners with property abutting the northern and the southern sides. The other landowner (submitter Kerry Trewin) abutting the road reserve has also requested that the road reserve be closed and shared between the abutting landowners. The landowner of Restructure Lot 20 at the east end of the road reserve has not made a submission but would be contacted via the closure process. It is common to share a road reserve equally between adjoining landowners when they are interested in acquiring a closed road reserve.

The road reserve alongside the submitter's property has been maintained as a lawn, an extension of the submitter's garden. It does not appear to have been used as rear access for the paddock which is part of the commercial farm at 51 Hazel Road. (A watercourse would make access difficult.) If Restructure Lot 20 is to be developed with a dwelling, access would be required from Hazel Road as it is already formed and located on high ground. As far as the Amendment is concerned, there is no reason not to close the unused road reserve/s and share them equally between interested adjoining landowners. Cost allocation issues, volunteer maintenance, neighbour disputes and long term informal use of a road reserve for non-access purposes are not relevant matters for Amendment assessment.

- 4. Kellie Dean for MJ and KA Dean Pty Ltd – In relation to an almost 50ha farm at 76 Rees Road (Restructure Lots 21 and 22), the submitter requests:**
- i. Revision of the Restructure Plan to align with a planning permit 2017/273 for [re]subdivision and development of a dwelling, issued on 17 January 2018.
 - ii. Closure of unused road reserve which is the extension of Rees Road, south of the intersection with Morris Road. (Morris Road is in fact the correct name for the east-west orientated section of road normally referred to as Rees Road even though in practice it is a 90-degree extension of Rees Road).

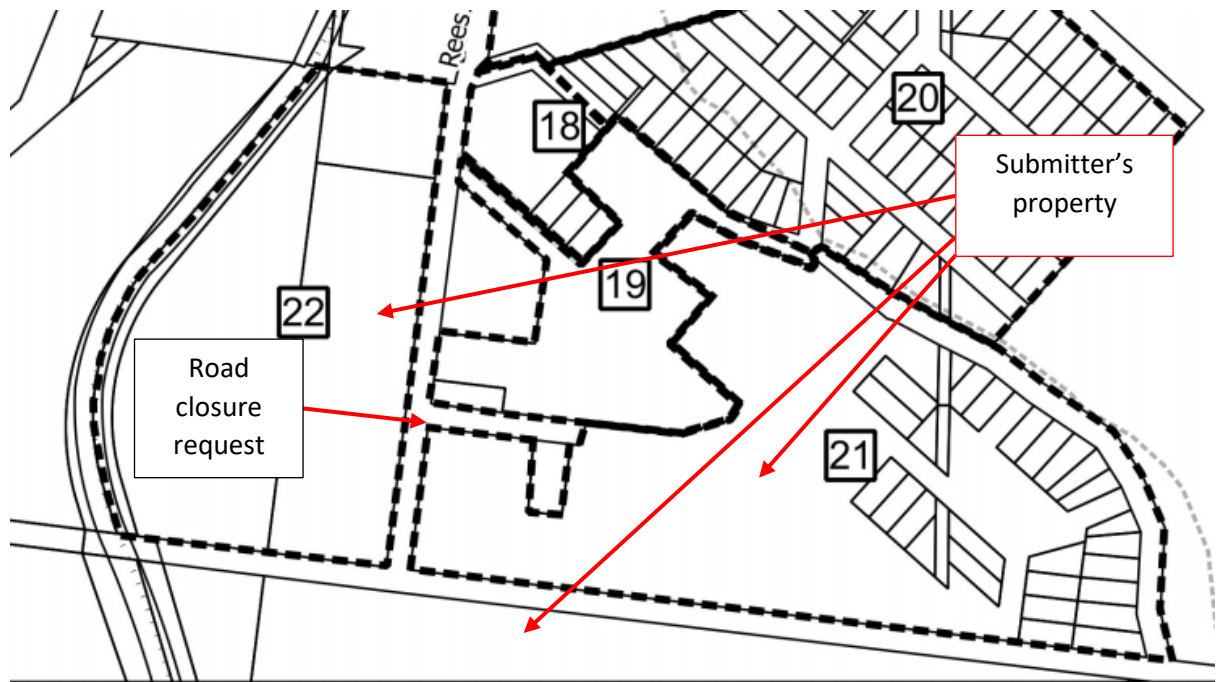
See maps next pages.

Recommendation:

- i. **Revise the Jumbunna Restructure Plan to realign the boundaries of Restructure Lots 21 and 22 in accordance with the re-subdivision/consolidation of multiple titles approved**

- with planning permit 2017/273 and revise the Restructure Plan details in the Incorporated Document accordingly. (See comparative maps below and next page).
- ii. Refer the road reserve closure request for the extension of Rees Road (south of Morris Road) to Council's Assets team to start the formal road closure process.

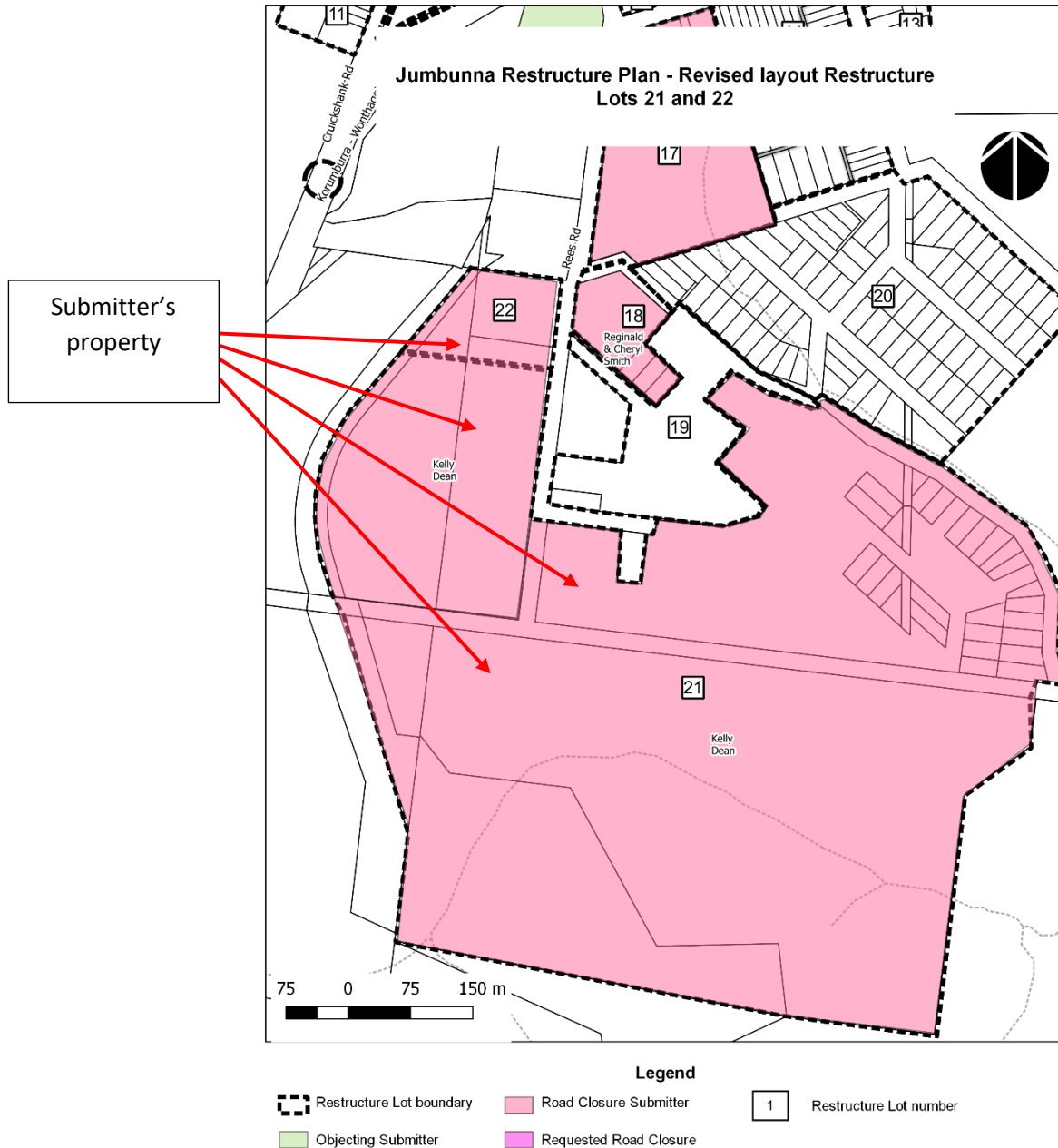
Exhibited Restructure Plan for Restructure Lots 21 and 22



Details:

This property is one that has a significant area both inside and outside of the Restructure Plan area. This property was partially included in the Jumbunna Restructure Plan as it contains multiple land parcels and mining reservations from the historic subdivision, railway and coal mining activities at Jumbunna.

The submitter is the recent purchaser of the property (on behalf of a two-generation family) who supported consolidation of the multiple titles contained with the entire landholding, into two new titles. One title of 1.6ha located near other rural residential properties on Rees Road, and a balance title of 48ha. This compares favourably to the exhibited Restructure Lots of 8.9ha and 12.1ha and the balance area outside of the Restructure Plan. It is considered that the submitter's proposal is a better outcome for long term agricultural land use and aligns with the spirit of the Restructure Plan's objectives. As half of the property was outside of the Restructure Area, this positive result could not be directly achieved through the Restructure Plan. Previous applicants seeking planning permits for the land (a deceased estate) sought several developable lots across the landholding.



If consolidation of the land parcels according to the planning permit is completed prior to requesting the Minister for Planning to approve the Amendment, Council would be recommended to remove the property currently described as 76 Rees Road from the Jumbunna Restructure Plan.

All of the titles with legal frontage to the unused section of Rees Road are owned by the submitter and are to be consolidated into a single title. Consequently no other landowner or land manager has the need to use this road reserve section for access and it can be referred for the road closure process under the Local Government Act. The Gippsland Planning office of DELWP has informally advised that the Local Government Act process is favoured over the process of amending the Planning Scheme with a Road Closure Overlay.

It is noted that a second unused road reserve orientated east-west and located at the southern end of the Rees Road unused reserve - and which also divides the property – is a Crown land asset. The submitters are encouraged to consult with DELWP about closure and acquisition of that road reserve.

5. **Kerry Trewin at 27 Rees Road (Restructure Lot 17)** – supports the Jumbunna Restructure Plan in relation to her property and supports closure of the road reserve between Restructure Lots 17 and 18 with the land divided between the two properties. See map at start of this section.

Recommendation: Refer the road closure request to Council’s Assets Team to start the road closure process. Note that one adjoining neighbour also requests a share of the road reserve if it is to be closed.

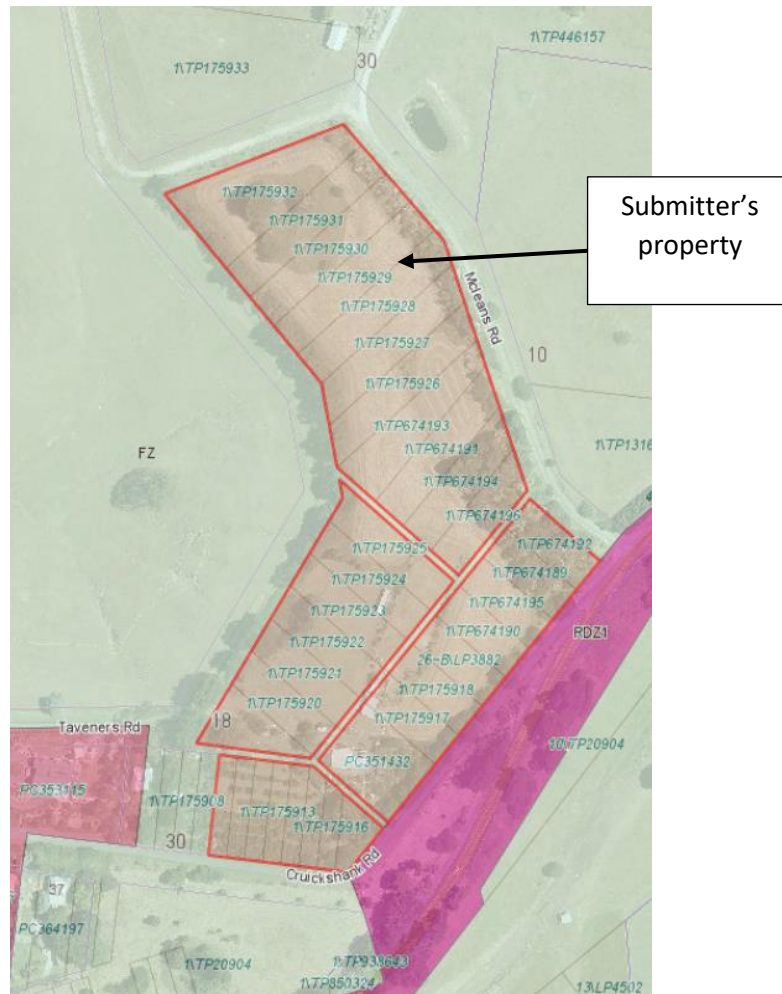
Details: This is the same unused road reserve that submitters Cheryl and Reginald Smith have requested to be formally closed. See details provided with that recommendation.

6. **Shirley Cowling at 18 Taveners Road (Restructure Lots 2 and 3)** – objects to the exhibited Restructure Plan in relation to her 4.3ha (approximately) property. The submitter requests the Restructure Plan be changed to increase the number of Restructure Lots from two to four, with access obtained from Mcleans Road. No map was submitted to illustrate layout however the requested lot sizes are given as (converted from acres) three Restructure Lots of 1.2ha approximately each, and one Restructure Lot of 0.6ha approximately. The submitter did not advise which lot might contain the existing house.

Grounds of objection are as follows:

- In the past additional Restructure Lots have been discussed and proposed;
- A past planning application for a subdivision would have succeeded except for a neighbour objecting and the objection being upheld at the Victorian Civil and Administrative Tribunal (VCAT);
- The neighbours 100 acre property has been subdivided;
- The submitter needs to sell land to finance a proposed Riding for the Disabled business;
- Drainage, seepage, erosion and traffic visibility would be problems for a Restructure lot accessing from Cruickshank Road;
- Mcleans Road is a maintained Council road suitable for safe access to Korumburra-Wonthaggi Road and the submitter has permitted access from it;
 - The property has had a satisfactory percolation test.

See map next page.



Recommendation: No change to the exhibited Jumbunna Framework Plan on the grounds that the proposal is contrary to the policies of the Planning Scheme at Clause 14.01-1 Protection of agricultural land and Clause 22.05 Rural dwellings, and the decision guidelines for dwellings in the Farming Zone at Clause 35.07-6. In particular:

- **The proposed number of Restructure Lots would result in a cluster of rural residential dwellings in the Farming Zone;**
- **There would be increased opportunity for land use conflict with agricultural activities as the potential dwellings would be located between two commercially farmed properties (east and west);**
- **VicRoads have provided informal advice that it opposes increased traffic volumes using Macleans Road because of poor visibility at the intersection with the Korumburra-Wonthaggi Road;**

Details:

The Restructure Plan proposes two Restructure Lots – one of 4.1ha containing the existing house and grazing paddocks, and the other of 0.4ha currently used as a garden. The larger Restructure Lot would continue to use its access from Taveners Road and the smaller Restructure Lot is envisaged to obtain access from Taveners Road via a currently unused road reserve located south of the submitter's driveway.

The Amendment is assessed in the context of the current planning controls. Some parts of the *Housing and Settlement Strategy* have been revised as a result.

The neighbour's subdivision occurred on land in the Township Zone, not land in the Farming Zone.

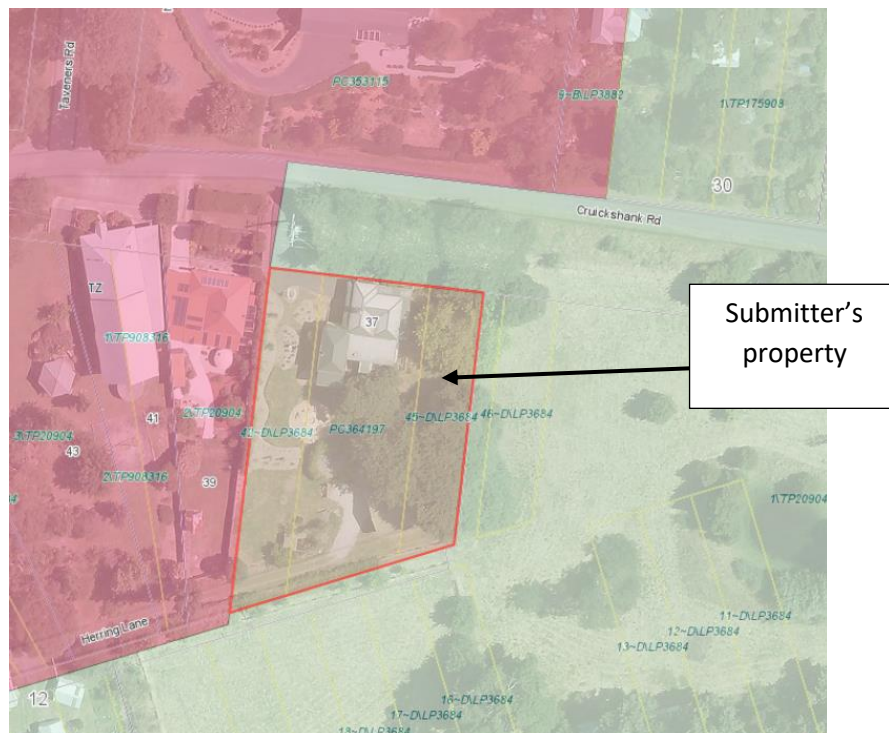
Financial matters are not relevant in assessment of an Amendment.

Jumbunna Rezoning/Other Overlays

7. Robyn Hill at 37 Cruickshank Road (Restructure Lot 6)

- Objects to exhibited rezoning of her three lot 2,264m² residential property from Farming Zone (FZ) to Township Zone (TZ) on the grounds it will affect her ability (via Local Laws in relation to land in the Township Zone) to keep animals and a local laws permit will be required; and
- Objects to land at the side and rear (Restructure lot 5 at 28 Korumburra-Wonthaggi Road) being rezoned to allow multiple dwellings on grounds of spoiling the amenity and increasing traffic.

See map below.



Recommendation: No change to exhibited rezoning at Jumbunna or to the Jumbunna Restructure Plan.

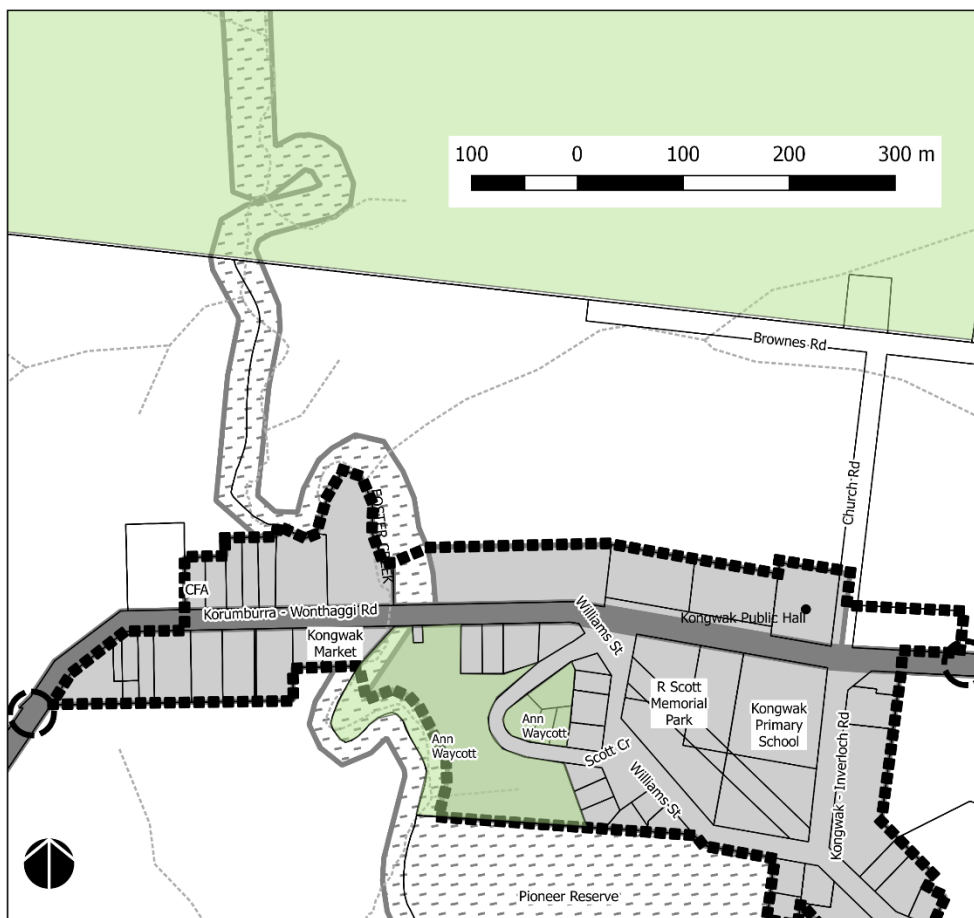
Details:

- The property is used and developed as residential purposes, is located within the exhibited Jumbunna Framework Plan settlement boundary, and is located immediately east and south of land in the Township Zone. The property is also in a small cluster of properties proposed for rezoning from FZ to TZ for practical purposes. The Local law allows several animals/12 poultry to

- be kept. The need to obtain a Local Laws permit is a concern to the submitter but it does not override the planning reason for rezoning the property to a more appropriate zone.
- The submitter misunderstands the proposal for the neighbour’s vacant land at Restructure Lot 5. That property is not being rezoned. The exhibited Restructure Plan requires consolidation of all 11 land parcels in the one ownership if a dwelling is to be developed. Consequently there is no multiple dwelling development.

Kongwak Submissions

Kongwak Framework Plan - submitters' properties



Legend

- | | | |
|---------------------|-------------------|------------------------|
| Settlement Boundary | Rural zoned land | Watercourse |
| Settlement Gateway | Public zoned land | Submitters' properties |
| Urban zoned land | Major route | |

- Ann Waycott of 5 Scott Crescent** – various comments. The only one relevant to the Kongwak Framework Plan is the request to not show the unopened section of Scott Road on the Framework Plan map. See map at start of this section.

Recommendation: No change on the grounds road reserves are shown on the mapping regardless of whether they are open or unopened reserves.

Detail: The applicant’s other requests have been forwarded to relevant teams within Council for response.

As there are subdivided lots in the Township Zone with frontage to the closed section of Scott Crescent, a road reserve closure is not recommended.

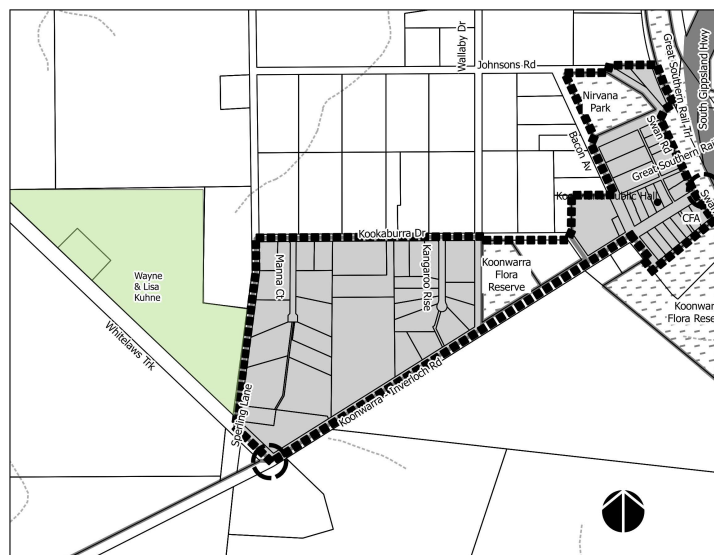
- Lee Storti of 44 Brownes Road** requests correction of a zoning anomaly. The length of Foster Creek through this and numerous other properties is zoned as Public Conservation and Resource Zone although the creek is part of private land, not Crown Reserve. See map at start of this section.

Recommendation: Refer the zoning anomaly to the next General Amendment as there are numerous properties affected by this zoning anomaly.

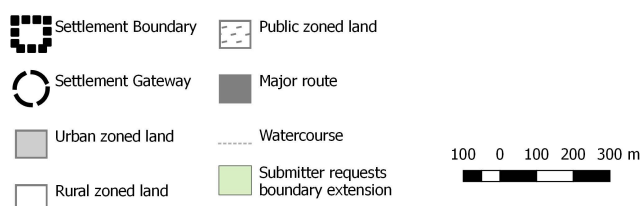
Detail: The circumstances of this zoning anomaly are relevant to a General Amendment, not to Amendment C90. The submitter’s property is not affected by the Kongwak Framework Plan.

Koonwarra Framework Plan Submissions

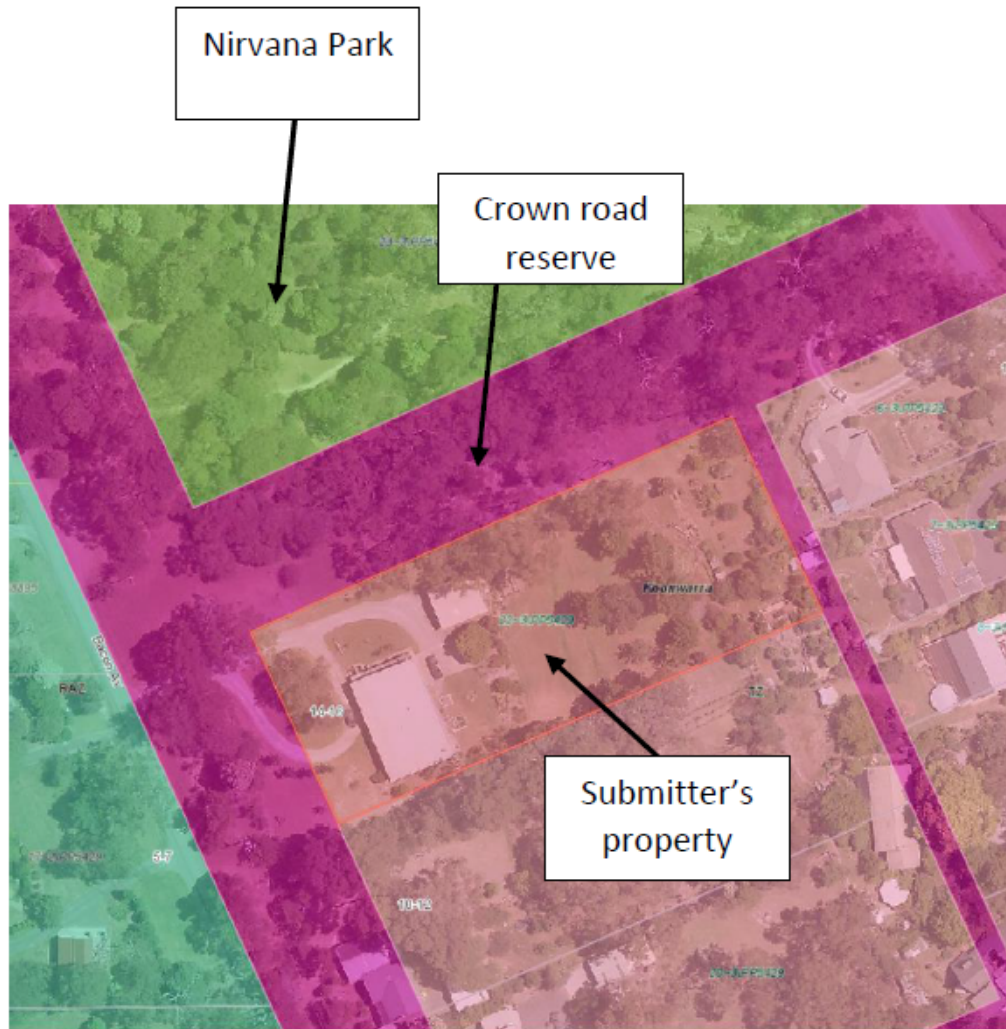
Koonwarra Framework Plan - submitter request extension



Legend



- Brian Williams and Emily O'Brien of 14-16 Bacon Avenue** request closure and acquisition of (part) of an unused Crown Road Reserve located between their northern property boundary and Nirvana Park. The submitters have a licence to use the and use it for dog runs. See map below.



Recommendation: Refer the request to DELWP as it is a Crown road reserve.

It is noted that:

- The community may be interested in the full length of the road reserve being shared or consolidated with Nirvana Park as it is well vegetated and retention of the park was raised many times during phone calls about Amendment C90.
- The neighbour to the east also appears to use the Crown road reserve alongside their property.

2. John Basile of 38 Johnsons Road requests:

- The east side of Nirvana Park remain as a park and not be changed; and
- That Koonwarra not be expanded and that no further subdivision occur.

Recommendation:

Update the Koonwarra Framework Plan to reflect approval of Amendment C100 which included rezoning of the east part of Nirvana Park from Township Zone to Public Conservation and Resource Zone.

Details:

Now the park is one zoning, the designation on the Framework Plan map will show consistently across the whole park. The rezoning confirms Council's intention to retain the park.

The submitter is supporting the Koonwarra Framework Settlement boundary and Amendment C90 local policy for Koonwarra as the settlement is not identified for growth and no properties within the settlement boundary are rezoned by the Amendment.

3. Lisa and Wayne Kuhne request extension of the Koonwarra Framework Plan settlement boundary to include their 17ha grazing property at 20 Whitelaws Track. (See map on page 35). The land is in the Rural Activity Zone (RAZ) and is located on the far side of Spelling Lane from land in the Low Density Residential Zone.

Recommendation: No change to the Koonwarra Framework Plan on the grounds it is not supported by:

- **The exhibited policy at Clause 21.16 Villages – Koonwarra and Welshpool; and**
- **The purpose and subdivision provisions for the Rural Activity Zone at Clause 35.08 and its associated Schedule.**

Details: Spelling Lane provides a logical boundary to the Koonwarra settlement. There is opportunity for infill development within the settlement boundary. Growth is not supported as the settlement has a distinct rural, vegetated landscape character and is not sewered. If the submitter's property was included it would significantly increase the area within the settlement boundary and would lead to expectations of future subdivision of this property. It would also be likely to set a precedent for pressure to rezone and subdivide other RAZ land surrounding Koonwarra. Land in the RAZ must be a minimum of 80ha before it can be subdivided into two lots. The zone's main purpose is to provide for the use of land to agriculture.

Meeniyan West – Mcllwaine Street Restructure Plan – submissions

1. Stuart and Danielle Mackie of 26 Mcllwaine Street Meeniyan (West)

- Object to application of the Mcllwaine Street Restructure Plan to their 2.5ha property. The Restructure Plan designates the property's eight land parcels and a Crown road reserve that divides the property as Restructure Lot 2. The objection is on the grounds that a planning permit for development of a dwelling (now constructed) also requires consolidation of the land parcels. The Restructure Overlay and Plan is perceived as applying additional restrictions beyond those of the underlying zone and existing overlays.
- Request rezoning of the property to Rural Living Zone.

The property is used for rural residential purposes.

***Note:** The development of the new dwelling and the recent re-naming and re-numbering of sections of Mcllwaine Street has resulted in this property's address changing three times. It is currently described in Council records as 26 Mcllwaine Street Meeniyan.*

See map next page.

Recommendation:

- **No change to the Mcllwaine Street Restructure Plan at this stage on the grounds that until the**

planning permit's title consolidation condition has been met, the Restructure Overlay and Restructure Plan cautions any prospective purchasers of the vacant land parcels that they would not be able to develop a dwelling.

- The requested rezoning is not supported on the grounds that Meeniyah has a significant amount of vacant land in the Rural Living Zone around the town, some of which can be connected to reticulated sewer.



Details:

After a Certificate of Occupancy was issued in 2013, Council sent a Planning Enforcement inspection letter to the submitters in mid-2014 advising that a breach of planning conditions was to be audited. The applicant then appealed to VCAT against the conditions on the permit for land consolidation and for removal of an existing older dwelling once the new dwelling had been completed.

On 11 March 2015, VCAT amended the permit conditions to read as follows:

Within six (6) months of the date of the issue of the amended permit the owner of the land must provide a title to the Responsible Authority that demonstrates that Crown Allotments 9 to 16 (inclusive) of Section 9 Township of Meeniyah Parish of Nerrena have been consolidated into a single lot. And

Within six (6) months of the date of the issue of the amended permit, the owner of the land must demolish or remove the 'existing dwelling', i.e. the dwelling located on Crown Allotment 11 of Section 9 Township of Meeniyah Parish of Nerrena, to the satisfaction of the Responsible Authority.

The older dwelling has been removed however as at 21 February 2018 the land parcel consolidation has not occurred, which is well outside of the timeframe ordered by VCAT. Council has recently issued a further planning enforcement letter requiring consolidation of the land parcels.

Since there is an existing dwelling, the Restructure Plan will not place additional controls on use of the land beyond requiring consolidation in the event the new house is to be replaced or extended across a land parcel boundary. The existing controls of the Farming Zone and other overlays continue to apply.

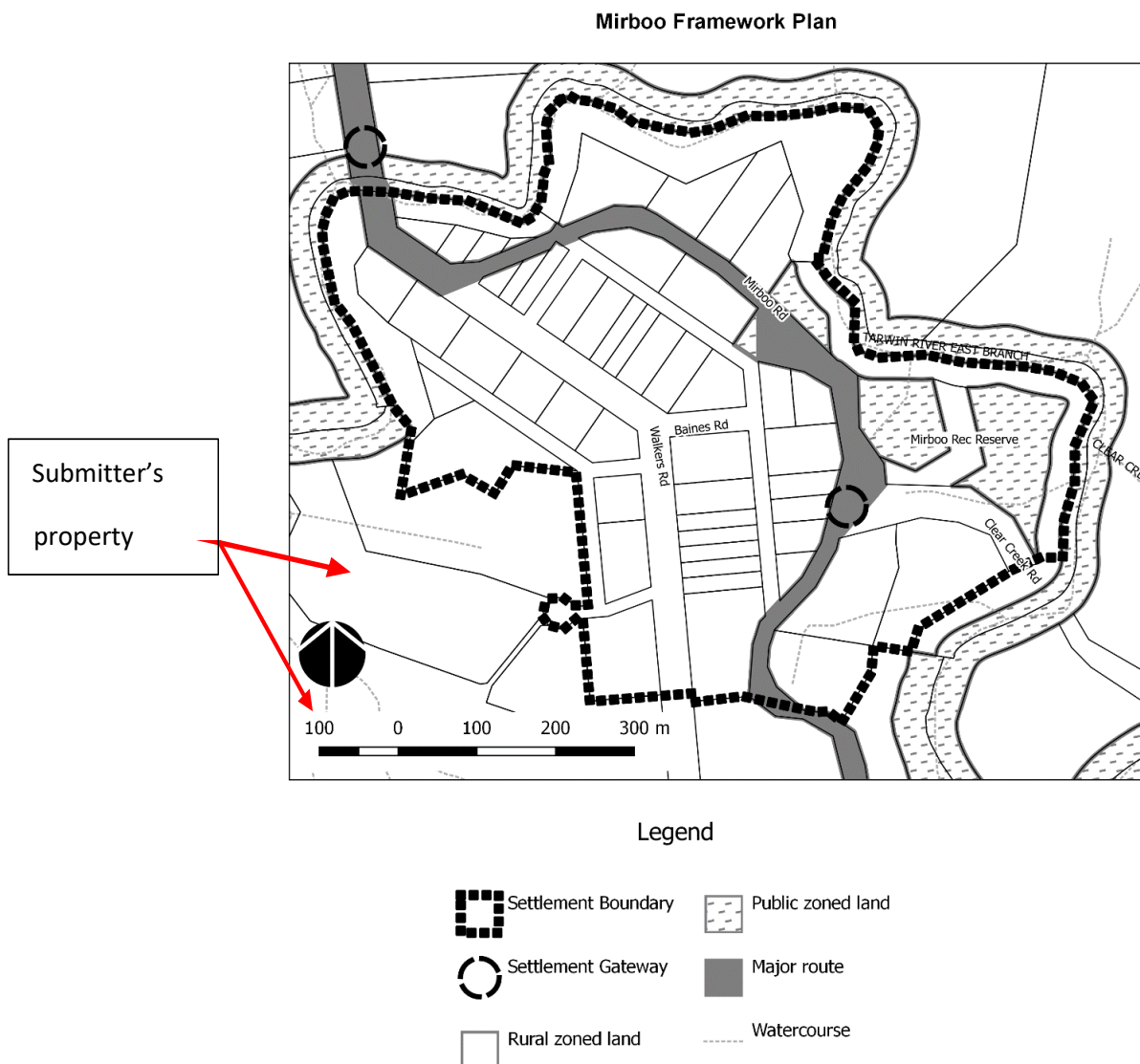
South Gippsland Water have advised they do not have plans to extend Meeniyan’s reticulated sewerage scheme in the foreseeable future. If the property was rezoned and additional dwellings were proposed it would be an issue with the Tarwin Declared Water Catchment, an area where SGW advised they want the number of dwellings limited. It would also increase the number of dwellings in the vicinity of commercial farms both north and south of the submitter’s property and place pressure on the neighbouring property – identified in the McIlwaine Street Restructure Plan as Restructure Lot 1 – also being rezoned and extra dwellings developed.

Mirboo Submissions

1. Rodney and Coral Donat of 15 Hankinson Crt Mirboo – Object to the Mirboo Framework Plan on the grounds:

- They want to be able to build a dwelling on both of their titles (4ha and 2ha) which are part of a 90ha land holding; and
- That Council approved the subdivision.

See map right.



Recommendation: No change to the Mirboo Framework Plan on the grounds that it is not changing planning controls in relation to development of dwellings on the submitter's land, and is not rezoning or restructuring the submitter's land.

Details: The submitter's land is outside the Mirboo Framework Plan settlement boundary. The submitter has misunderstood the purpose and effect of the Framework Plan. The Framework Plan is not changing anything in relation to what they have objected to. The settlement boundary simply indicates that if the submitter wanted to request an Amendment to rezone and subdivide their property for a higher density zone, the proposal would not be accepted as Mirboo is a no-expansion settlement. Mirboo a settlement with very few services in a rural zone, is in the Tarwin Declared Water Catchment and does not have reticulated sewerage.

Mt Best Submissions

1. Meryl Agars requests:

- i. Include a Framework Plan for Mt Best / Toora North
- ii. Allow development of rural dwellings on land >4.1ha and <40ha without requiring agricultural justification for the dwelling.

Recommendation: No change to the Amendment.

- i. Inclusion of a Framework Plan for Mt Best was considered both as part of Amendment C77 – Eastern District urban Design Frameworks, and again for C90 in Clause 21.19 Localities, however due to the scattered nature of development, lot sizes and the rural zoning, a Framework Plan would not be able to provide useful strategic land use direction suitable for inclusion in the planning scheme. Community aspirations and proposed actions for these locations are better expressed in a different document, for example a community plan.
- ii. Amendment C90 makes some minor revision of the Rural Dwellings policy at Clause 22.05, however it is not revisiting the *Rural Land Use Strategy 2011* implemented by Amendment C63 in March 2012. The submitter's request also contradicts State Planning Policy strategy at Clause 14 Natural Resource Management which seeks to:

Limit new housing development in rural areas, including:

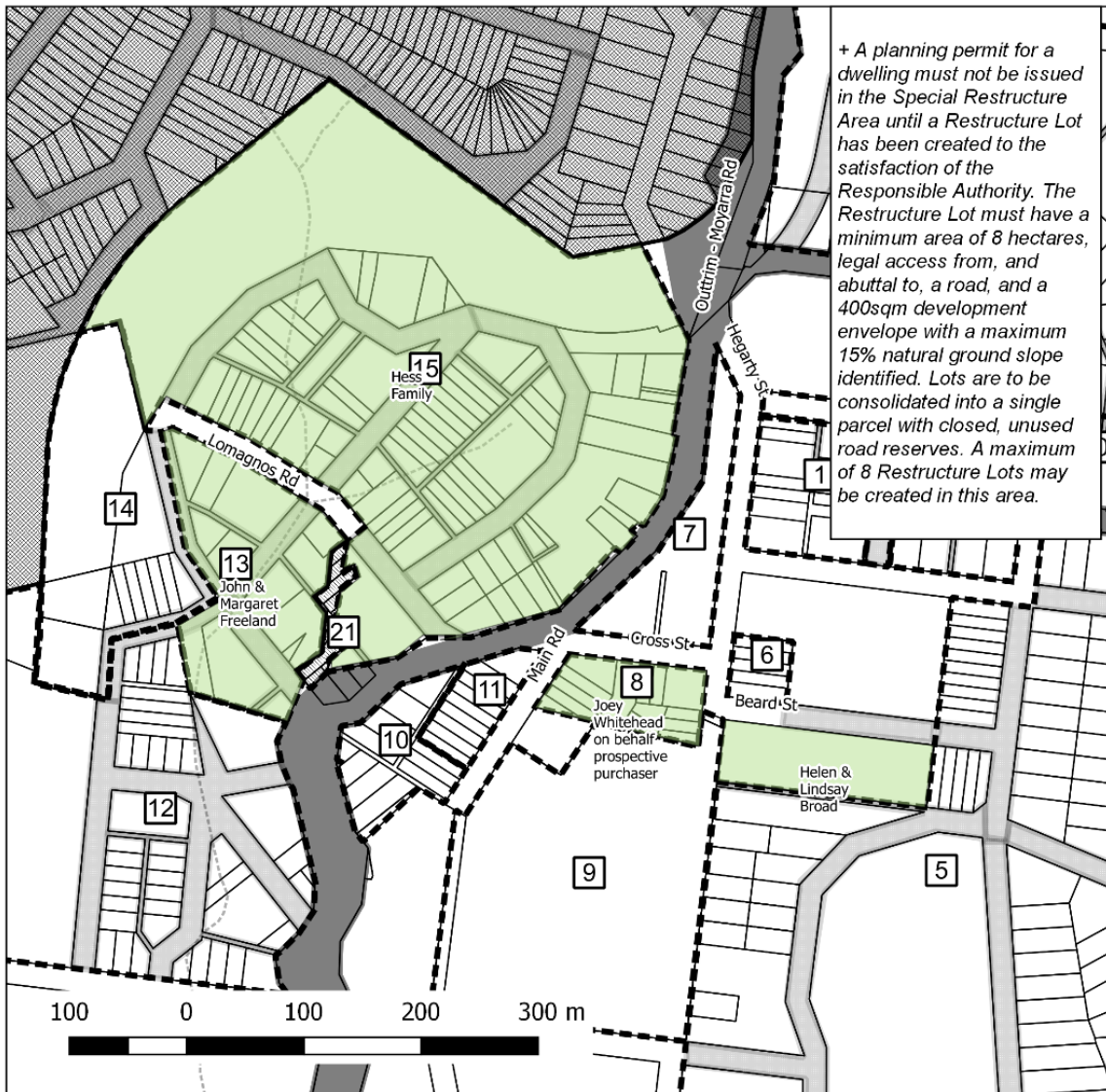
- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*

Nyora Submissions








Miryana Hranilovic of 175 Henrys Road has no objection to proposed insertion of a Rural Living Zone Investigation Area into the Nyora Framework Plan map.

Outtrim Restructure Plan Submissions

Outtrim Restructure Plan - Submitters' properties



Legend

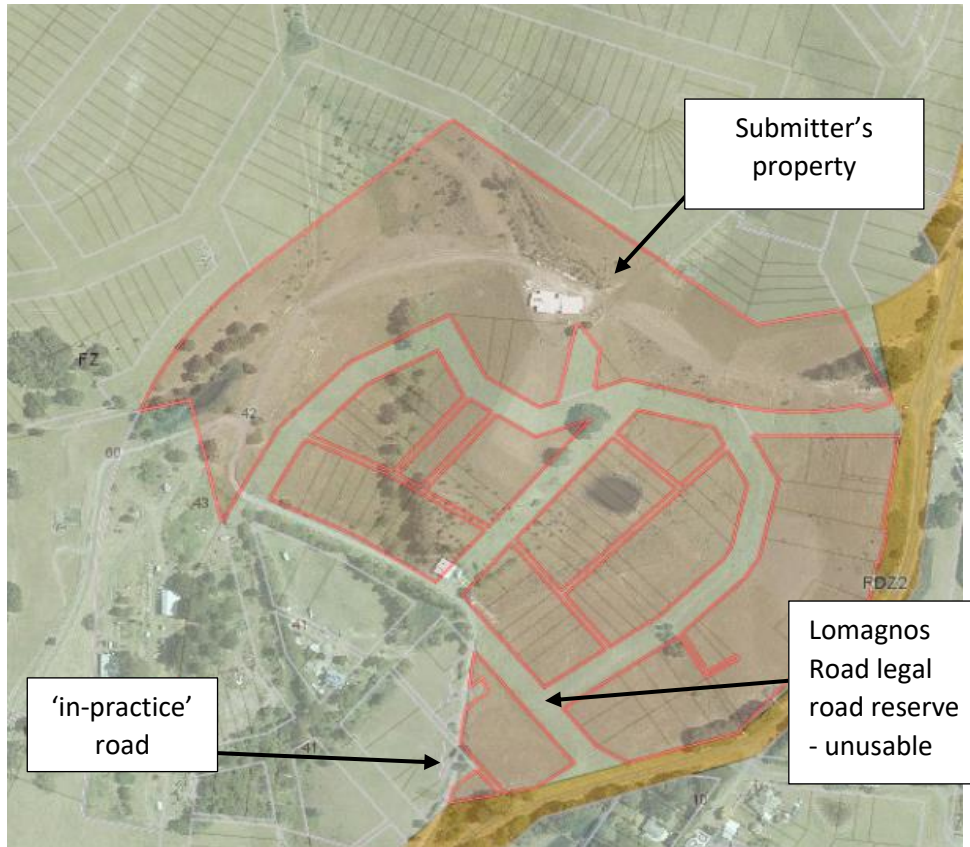
-  Restructure Lot boundary
-  Close road reserve
-  "No dwelling development" Restructure Lot
-  Restructure Lot number
-  Special Restructure Area+
-  Watercourse
-  Submitters' properties

Only 1 dwelling may be permitted per Restructure Lot

Recommendations on changes requested

- 1. Brian, Yvonne and Karl Hess at 42 Lomagnos Road (Restructure Lot 15) request** – revision of the Outtrim Restructure Plan to increase the number of Restructure Lots on the 12.2ha rural residential property from one to three lots. The additional two proposed Restructure Lots would

be approximately 0.5-2ha and accessed from Lomagnos Road. The balance lot, containing the existing dwelling, would be in the range of 8-11ha. The submitter has not provided a map or reasons in support of the request. The submitter also asks Council to formalise Lomagnos Road. See map below.



Recommendation: No change to the exhibited Outtrim Restructure Plan (one Restructure Lot at 42 Lomagnos Road) on the grounds that the submission proposal of three Restructure Lots would:

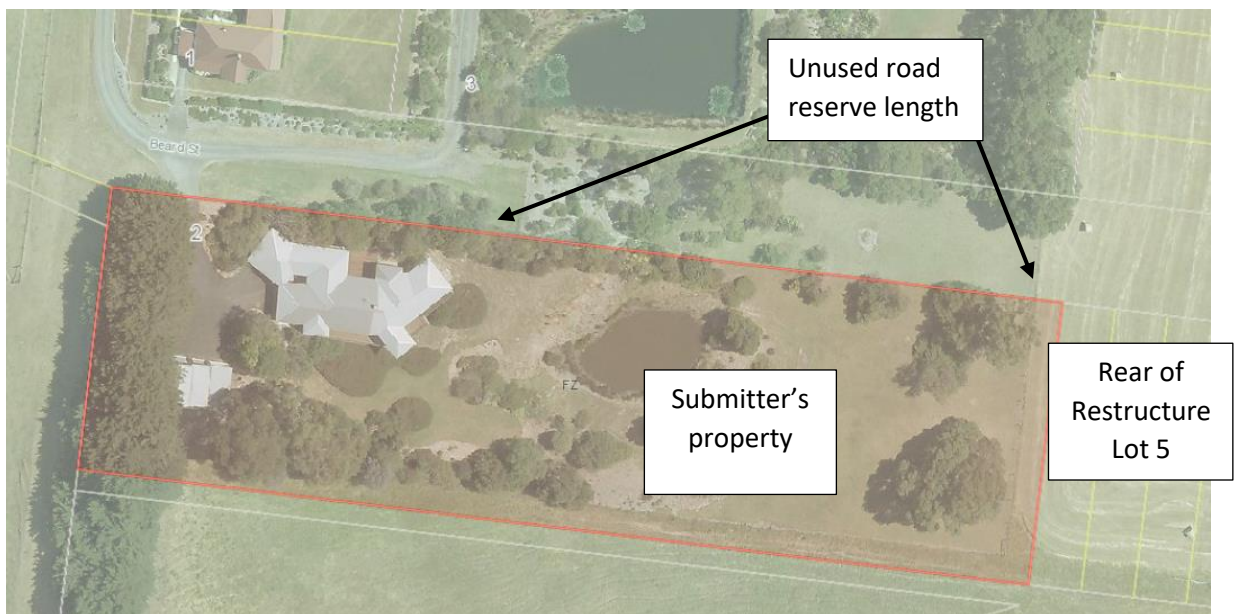
- **Increase the number of rural residential properties in the Farming Zone;**
- **Create lots on unsuitable terrain;**
- **Create a proliferation of dwellings;**
- **Increases the likelihood of land use conflicts with commercial agriculture; and**
- **Create lots without access that is both legal and practical.**

Details: If the land in the unused Crown Road Reserves is included, the property is approximately 14.4ha and contains 60 land parcels. Much of it is steep to very steep, and the Environmental Significance Overlay 5 – Areas susceptible to erosion applies. Coal mining has occurred on this property in the past, leaving the potential for contaminated land. A commercial farm abuts the property on the north and west boundaries.

Access to the current driveway and the two proposed extra Restructure Lots is problematic as the section Lomagnos Road 'in practice' which provides access to the property from the Outtrim-Moyarra Road is not within a legal road reserve 2nd crosses private property. Access from legal

frontages to the Outtrim-Moyarra Road and the Lomagnos Road unopened road reserve are impractical due to the terrain. The Outtrim Restructure Plan provides for a 'no development' Restructure Lot 21 to secure land for the purpose of assisting the 'in practice' section of Lomagnos Road to be formalised at a future time. Two previous attempts at negotiation between Council and the residents to formalise access along Lomagnos Road have failed because agreement could not be reached.

Helen and Lindsay Broad at 2 Beard St (not in Restructure Plan) request – closure and acquisition of an unused road serve (extension of Beard St) along their north boundary eastwards from the driveway to 3 Beard Street. See map below.



Recommendation: Refer the road closure request to Council's Assets Team for consideration of formal closure according to the requirements of the Local Government Act.

Details: None of the other landowners with property abutting or accessing from this road reserve has made a submission. The reserve has not been used in recent years, if at all, for rear access to the property at Restructure Lot 5 which has an existing house accessed from Rileys Road and is part of a much larger commercial farm. Slope and drainage would not be insurmountable issues if this road reserve was required to be developed for access, however it does not appear to be needed for access purposes. Matters relating to neighbour disputes and vegetation removal are not relevant in assessment of the Amendment. The submitter's property is not included in the Restructure Plan.

2. John and Margaret Freeland at 41 Lomagnos Road (Restructure Lot 13) object – to their property being included in the Outtrim Restructure Plan as on the grounds that they do not see any benefit in amalgamating their titles, some of the titles are on the far side of Lomagnos Road,

and they have undertaken revegetation work to heal the property from its previous use for coal mining. See map below.



Recommendation: No change to the exhibited Outtrim Restructure Plan on the grounds that the Restructure Plan will effectively prevent vacant land parcels being sold off to buyers with the expectation that they will be able to build a dwelling on small rural land parcels in an old and inappropriate subdivision in the Farming Zone on land which is also likely to have potential for contamination from historic mining use.

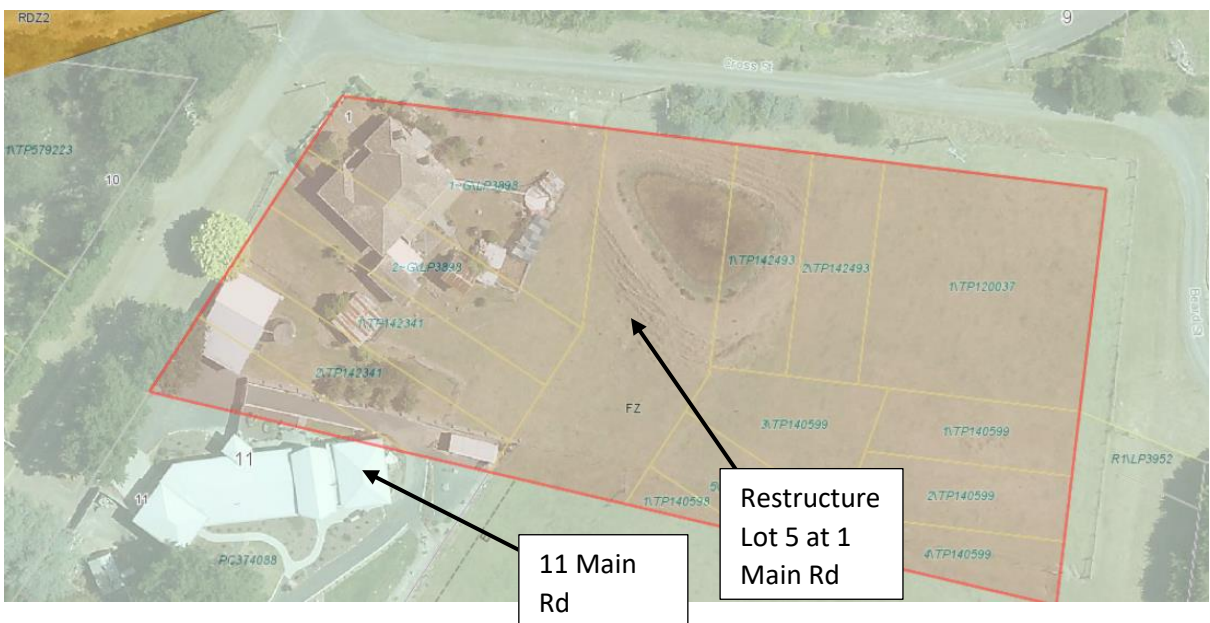
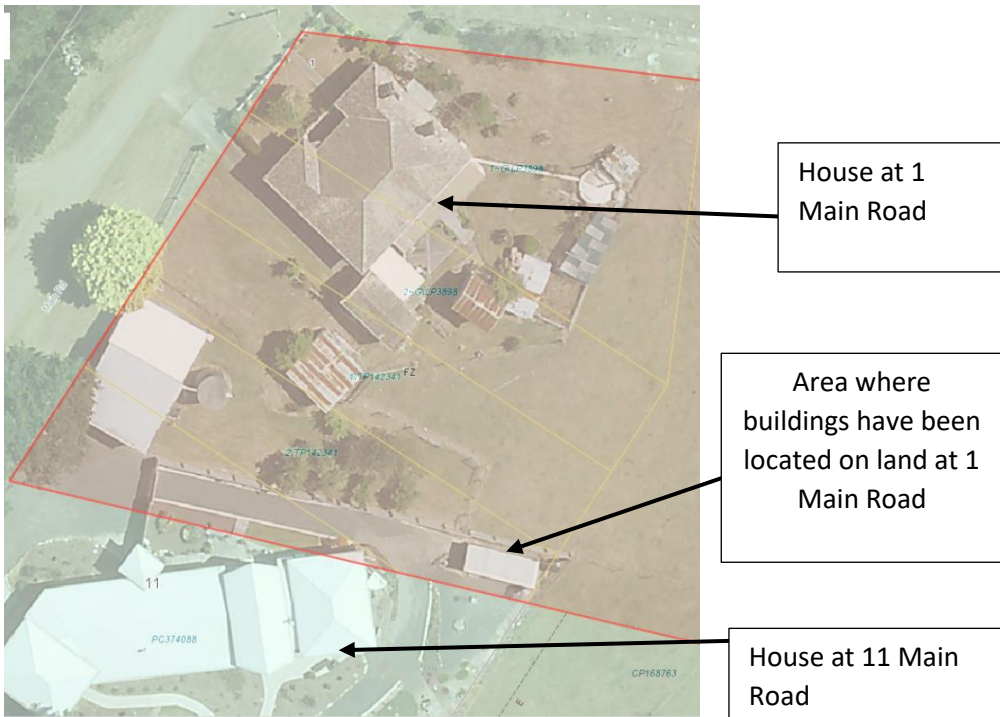
Details: The submitter's property is developed with a dwelling, so the only trigger for consolidation of land parcels would be if they wish to redevelop the dwelling (which is 11 years old) or extend it over land parcel boundaries, or develop additional outbuildings over parcel boundaries. This is not an unreasonable situation. If consolidation was required it would be a minimal cost compared to the cost of new developments.

The Restructure Lot has been configured so that land within or on the far side of the 'in practice' Lomagno Road is not included in the Restructure Lot 13 containing the dwelling. This assists with the future possibility of the in-use road being formalised and is practical in the event the property is sold.

Revegetation and other property improvements undertaken by submitters increases the value of their land and is not a matter relevant to the restructuring process.

3. Joey Whitehead on behalf of prospective purchaser (owner of 11 Main Rd Outtrim) re: 1 Main Road requests – revision of the Outtrim Restructure Plan to:

- Exclude two land parcels from the south west corner of Restructure Lot 8 so they can be consolidated instead with the neighbouring property at 11 Main Road. The reason is because a shed, water tank, driveway and carport associated with the dwelling at 11 Main Road have been built over the property boundary - into the property at 1 Main Road.
- Reconfigure the 'resultant' Restructure Lot 8 into two Restructure Lots. One of 0.2ha approximately comprising three land parcels containing the existing dwelling and ancillary buildings on the south east corner of Main Rd and Cross St. The other a vacant Restructure lot (used for grazing) of 0.4ha approximately containing nine land parcels, with frontages to Cross St and Bead St. See maps below.



Recommendation: No change to the exhibited Outtrim Restructure Plan (at this stage) on the grounds that:

- **Until the landowner at 11 Main Road purchases the two titles containing buildings and improvements associated with his property, it is premature to change the Restructure Plan.**
- **It is inappropriate to create two Restructure Lots from exhibited Outtrim Restructure Plan - Restructure Lot 8 on the grounds that:**
 - i. **It is not supported by the policies at Clause 14.01 Protection of agricultural land and the purpose of the Farming Zone at Clause 35.07;**
 - ii. **It would create a vacant rural residential lot less than 50 metres from a commercial farm, therefore increasing the likelihood of land use conflicts with agricultural production;**
 - iii. **The purpose of the Restructure Overlay application at Outtrim is to restrict the number of rural residential dwellings in an old and inappropriate subdivision due to lack of services (including retail, health, education, community and social services), relative isolation from services; and cumulative impact of development on environmental and landscape values.**
 - iv. **The submitter has not included all of the property east of the dwelling at 1 Main Road in either of the proposed revised Restructure Lots, leaving an area of 0.1ha approximately - containing a dam – unaccounted – as an individual lot.**

Details: In the event the two parcels (part of Lot 1 TP120037 and Lot 2 TP142341) containing the improvements associated with 11 Main Road are purchased by the owner of 11 Main Road, the Incorporated Document can be revised to include 11 Main Road and those two parcels as an additional Restructure Lot. If Amendment C90 is still in process, the revision can be undertaken prior to requesting approval from the Minister for Planning. If the Amendment has been approved including the Outtrim Restructure Plan, the revision could be undertaken as part of the next General Amendment.

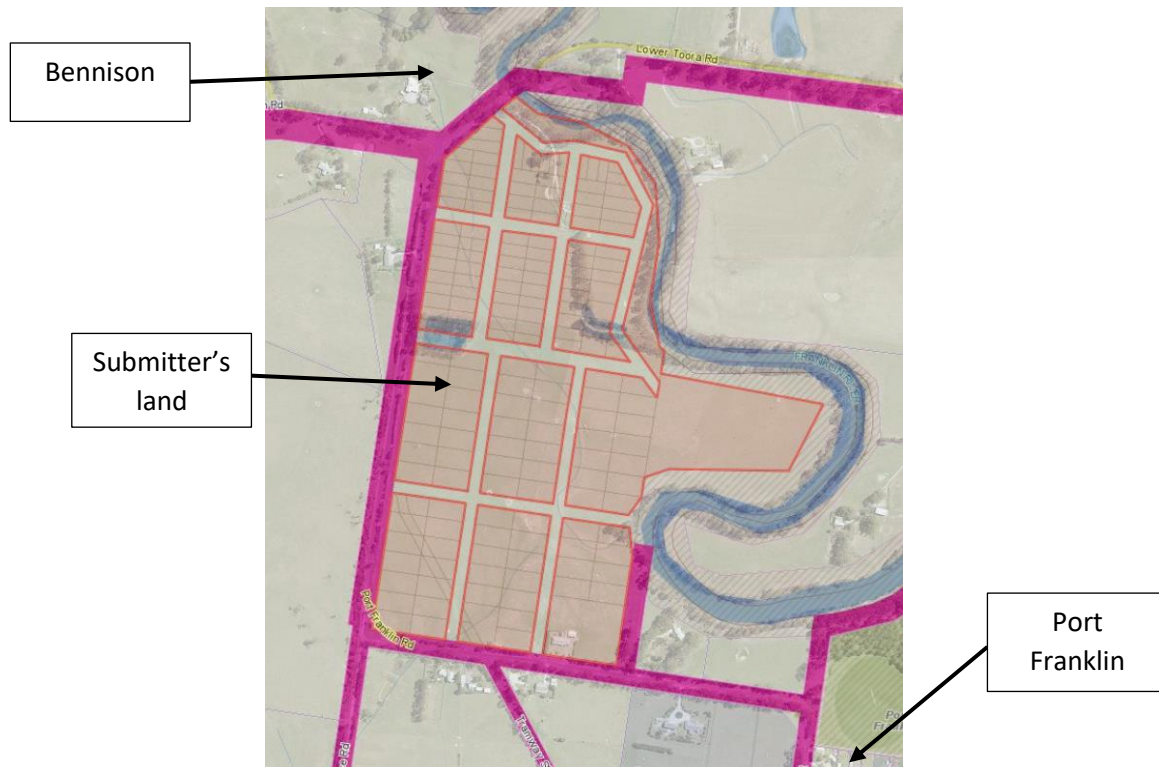
If the owner of 1 Main Road no longer wants to maintain or use the paddocks at the rear of the dwelling, they could potentially be leased by neighbouring landowners for grazing, especially given there is a dam. If Restructure Lot 5 is split into two smaller restructure lots, it sets a precedent for creating other de facto rural residential developments in the Farming Zone both at Outtrim and other old and inappropriate subdivisions in the municipality. Since there are three road frontages, there could be pressure to split it into more than two Restructure Lots. Cumulative development results in increased traffic volumes – with the formed part of roads such as Cross St and Beard St as narrow as a driveway, road widening and increased maintenance would be required. This old subdivision is not identified for growth. The reasons are location within an area generally used for productive agriculture; lack of shops and community facilities; relative isolation from the nearest towns; narrow winding gravel roads; steep land subject to erosion that drains to Giant Gippsland Earthworm habitat and land subject to inundation; effects of historic mining; and high visibility from the surrounding area to the south.

Port Franklin - Port Franklin Road Restructure Plan Submissions

Recommendations on changes requested

Linda and Gerard Van Dyke of 465 (and 505) Port Franklin Road request - revision of the Port Franklin Road Restructure Plan to increase the number of Restructure Lots from three to seven on

the grounds that the 30ha grazing property and its location is suitable for rural residential land use, having service infrastructure available (including mains water) and being close to facilities at Port Franklin and Foster. The submitters also advise that sale of the small acreage lots would assist their retirement and the land would not be desired by neighbouring commercial farmers. The map accompanying the submission indicates six small rural residential lots of approximately 1-2ha and a balance lot in the 18-25ha size range. See map below.



Recommendation: No change to the Port Franklin Road Restructure Plan (three vacant Restructure Lots) on the grounds that an additional four small rural lots (total of seven Restructure Lots) would result in:

- **A proliferation of dwellings in the Farming Zone;**
- **An inappropriate removal of land from agricultural production;**
- **Adversely affect the open rural landscape of an area designated as Significant Landscape Overlay 3 – Corner Inlet Amphitheatre and defined as an Environmentally Significant Overlay – Coastal Settlements; and**
- **Increasing the chance of land use conflict with agricultural production.**
- **Details:** Including the road reserves, the Restructure Plan contains approximately 35ha with 182 land parcels. The owners' house is on an adjacent 1.2ha parcel of formerly consolidated titles that were part of the original 'Liverpool' subdivision but which has not been included in the Restructure Plan.
- The revised version of the Restructure Plan proposes a row of six small rural lots (with potential for dwellings) on the only road leading into Port Franklin. This would result in a continual line of houses on small rural lots from Port Franklin to Bennison, noticeably changing the open landscape in a flat rural landscape. Commercial agriculture occurs on land on the west side of Port Franklin Road opposite the Restructure Area. The larger the Restructure Area's balance lot

remains, the more likely it will continue to be used for agriculture, even if as a separate out-paddock to a farm elsewhere.

- It is considered that the submitter's proposal goes beyond a reasonable balance between recognition of an existing old and inappropriate subdivision, and the purpose and provisions of the underlying Farming Zone and existing Overlays.

Port Welshpool Submissions

Port Welshpool Restructure Plan - Location of objecting submission properties



Legend

100 0 100 200 300 m



- Restructure Lot boundary
- Close road reserve
- Restructure Lot number
- Objection submission properties
- "No dwelling development" Restructure Lot
- Existing dwelling

Only 1 dwelling may be permitted per Restructure Lot

Support, 'no objection' or clarification submissions noted:

Department of Environment Land Water and Planning – general support / no objection to Port Welshpool Restructure Plan, which includes eight Restructure Lots consisting of Crown Land.

Jeanette Causon – Requests mapping be made clearer to show that her property at 17 Smith Street is not included in a Restructure Lot and does not have the Restructure Overlay applied. Property is surrounded by Crown land. See Map below.

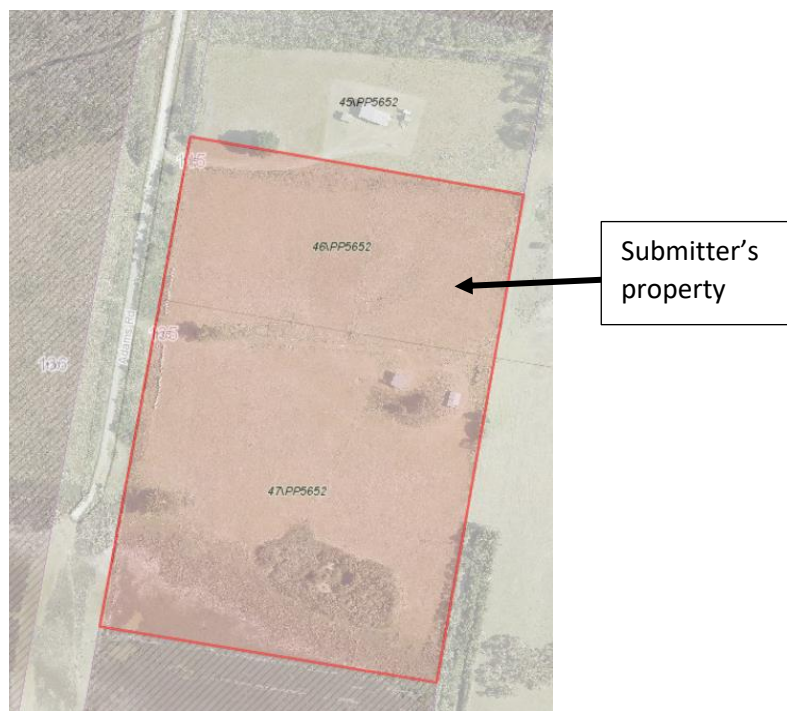
Recommendation: Improve Port Welshpool Restructure Plan Map as requested. May not be able to improve the Welshpool Framework Plan map due to scale issues and the need to fit map into the Clause of the Planning Scheme.

West Gippsland Catchment Management Authority (WGCMA) - provided a table (see the Authority's third submission) and maps (also part of third submission) showing where development approval would be supported or not for a dwelling on each Restructure Lot on grounds relating to acceptable/unacceptable flood risk for both property and access.

Recommendations on changes requested

- 1. Brigid Watson** – Objects to application of the Port Welshpool Restructure Plan (Restructure Lot 8) to a 6.1ha rural residential property at 115-135 Adams Road on grounds that:
 - Current grazing land use is suitable for the land and level of infrastructure, and lots do not require restructuring for that;
 - Consolidation of titles would be costly;
 - There is no relevant environmental risk; and
 - Titles would be removed.

The submitter owns two Crown allotment titles. The northerly one is vacant and the southerly one is developed with a dwelling. See map below.



Recommendation – No change to exhibited Port Welshpool Restructure Plan on the grounds that the West Gippsland Catchment Management Authority does not support development of a dwelling on any land in Restructure Lot 8 due to the inappropriate level of flood hazard on the land and its access. Further, the Bushfire Management Overlay applies to the vacant title and land to the north, east and west.

Refer submission to a Planning Panel

Details: The submitter appears to misunderstand the trigger for consolidating land in accordance with a Restructure Plan. The trigger is the proposed development of a new dwelling. The submitter does not mention the intention to develop a new dwelling on their vacant title.

C90 supports the use of land in the Farming Zone for agricultural purposes.

The Restructure Plan does not remove titles.

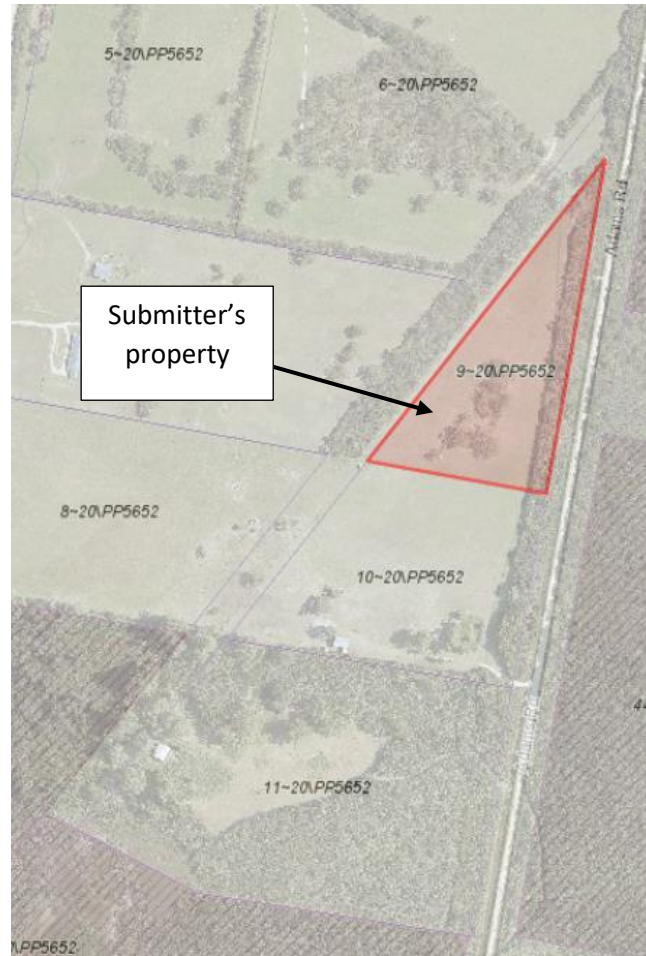
Development of a dwelling on land less than 40ha in the Farming Zone is not a 'right'. Given that the WGCMA does not support development of a dwelling on the vacant title in this Restructure Lot regardless of the Restructure Overlay, the submitter is not 'losing' any opportunity to develop a dwelling on the vacant land.

As there is an existing dwelling in the Restructure Lot, the exhibited Port Welshpool Restructure Plan prevents a cluster of dwellings being developed in this Farming Zone location on Adams Road as the vacant lot would not be able to be built on.

2. Kevin Alder and Patricia McCarthy (joint owners) each made a submission objecting to inclusion of their vacant 2.5ha property at 56 Adams Road in Restructure Lot 6 and requested that it could be developed with a dwelling on the grounds that:

- Council approved the subdivision;
- There would be a loss of value of an investment property; and
- Each lot should have the right to be considered through the development approvals process.

See map next page.



Recommendation – No change to exhibited Port Welshpool Restructure Plan on the grounds that the West Gippsland Catchment Management Authority does not support development of a dwelling (in this case a dwelling on the vacant title) on any land in Restructure Lot 6 due to the inappropriate level of flood hazard on the land and its access. Further, the Bushfire Management Overlay applies to the Restructure Lot and all the land surrounding it.

Refer submission to a Planning Panel

Details: The subdivision was created by the Crown and existed on a Parish Plan Map dated 1900. Consequently Council did not approve the subdivision.

Financial matters / land values are not relevant considerations in terms of assessing Planning Scheme Amendments.

Development of a dwelling on land less than 40ha in the Farming Zone is not a 'right'. Given that the WGCMA does not support development of a dwelling on any land in Restructure Lot 6, the submitter is not 'losing' any opportunity to develop a dwelling on the vacant land.

As there is an existing dwelling in the Restructure Lot, the exhibited Port Welshpool Restructure Plan prevents a cluster of dwellings being developed in this Farming Zone location on Adams Road as the vacant lots would not be able to be built on.

3. Nick and Julie Anedda - Object to inclusion of their 4ha rural residential property at 356 Port Welshpool Road in Restructure Lot 1. The submitters own two Crown allotment titles. The

northerly title has an existing house and the southerly title is vacant. The objection is based on the grounds that:

- The vacant title is proposed to be developed in the future and the existing developed title sold off to fund retirement;
- No flooding or bushfire has occurred on the property near the house.
- The situation for flooding and bushfire risk in the town of Port Welshpool is greater than at the submitters' property.
- Flooding that has occurred is the result of Council failing to maintain drains in the vicinity.

See map below.



Recommendation – No change to exhibited Port Welshpool Restructure Plan on the grounds that the West Gippsland Catchment Management Authority does not support development of a dwelling on any land in Restructure Lot 1 due to the inappropriate level of flood hazard on the land and its access. Further, the Bushfire Management Overlay applies to the all of the vacant title.

Refer submission to a Planning Panel

Details: Development of a dwelling on land less than 40ha in the Farming Zone is not a 'right'. Given that the WGCMA does not support development of a dwelling on the vacant title in this Restructure Lot, the submitter is not 'losing' any opportunity to develop a dwelling on the vacant land.

The flood hazard reflects the 1 in 100 years flood event and the predicted risks associated with coastal climate change impacts. Consequently the flood risk being considered is not necessarily an event that has occurred during the current owner's possession of the property.

The vacant title abuts native vegetation. This title is 102m wide. Therefore all of this title is within 150m of bushland. Bushland south-east of this property on the east side of Port Welshpool Road is within 75 metres of the vacant title.

4. Owen and Sarinya Storr - Object to application of a Restructure Plan (specifically Restructure Lot 6) that includes their 3.6ha vacant property at 90 Adams Road. The objection is based on the following grounds:

- The submitters would like to be able to build a dwelling on their property;
- The submitters do not believe in climate change effects;
- The submitters do not believe there is a flood risk at their property; and
- The submitters do not believe that development should be restricted in an area with bushfire risk.

See map below.



Recommendation – No change to exhibited Port Welshpool Restructure Plan on the grounds that the West Gippsland Catchment Management Authority does not support development of a new dwelling on any land in Restructure Lot 6 due to the inappropriate level of flood hazard on the

land and its access. Further, the Bushfire Management Overlay applies to the all of the Restructure Lot and the land surrounding it.

Refer submission to a Planning Panel

Details: Environmental risk overlays for land subject to inundation and requiring bushfire management are already contained in the Planning Scheme and applied to the property. C90 does not revisit the application of these Overlays, nor is it relevant whether or not the submitter believes in the risks. Council is required to assess the risk according to the Planning Scheme provisions and where appropriate refer to relevant external agencies.

As there is an existing dwelling in the Restructure Lot, the exhibited Port Welshpool Restructure Plan prevents a cluster of dwellings being developed in this Farming Zone location on Adams Road as the vacant lots would not be able to be built on.

Development of a dwelling on land less than 40ha in the Farming Zone is not a 'right'. Given that the WGCMA does not support development of a dwelling on the vacant title in this Restructure Lot regardless of the Restructure Overlay, the submitter is not 'losing' any opportunity to develop a dwelling on the vacant land.

A planning application for a dwelling sought by the previous owner of this property was refused, with the WGCMA objecting to the proposed development.

5. Paul and Penny Hamlett – Object to inclusion of their vacant grazing 13.8ha property (two Crown allotments) at 1 Lasseters Road in Restructure Lot 5. The objection is made on the following grounds:

- The Amendment reduces the value of the submitter's investment;
- Planning controls were different when the property was purchased;
- The land was advertised and sold as suiting rural residential lifestyle;
- The subdivision was made with Council's full knowledge and is not old or inappropriate;
- Rural residential land use is more appropriate for the site/vicinity;
- Council opened and developed the road reserve which is now Lasseters Road so that previously landlocked titles could be accessed.
- Restructuring is a disincentive to caring for the vacant properties;
- Some properties in the Restructure Area already have houses. This is unfair and prevents those with vacant lots in the same Restructure lot from being able to build.
- There are no commercial farms adjacent to the submitter's land;
- Environmental and landscape impact would be less than what occurs in the town of Port Welshpool;
- Sustainable technology can be used for provision of infrastructure services;
- Port Welshpool town and its access is at greater risk of inundation;
- The Restructure Plan does not mitigate any perceived risks;
- The Incorporated document is confusing about what permits can be applied for;
- Restructuring of titles in separate ownerships is not appropriate;
- The Amendment would extinguish the right to apply for development permits and the Incorporated Document cannot validly overrule views of external referral authorities;
 - The Port Welshpool Restructure Plan is unfair compared to the other restructure plans contained in the Amendment in terms of both restructure lot sizes and ownerships;
 - The Amendment reduces Council workload at the expense of landowners' rights;
 - The Amendment is unfair, unreasonable and is not well considered.

See map below:



Recommendation – No change to exhibited Port Welshpool Restructure Plan on the grounds that:

- **The only location on the property which the WGCMA accepts as being outside the area of unacceptable flood risk in terms of potential dwelling development is unsuitable in terms of ability able to reduce fire risk to an acceptable level;**
- **The Restructure Plan seeks to avoid creation of a de facto Rural Living Zone and proliferation of dwellings in an area in the Farming Zone by limiting the number of dwellings on small rural lots in old and inappropriate subdivisions; and**
- **The combined effect of inundation risk, bushfire risk, landscape, zoning and the size of the property (greater than 4.1ha and less than 40ha) creates a situation in which development of a dwelling is not supported by the Planning Scheme.**

Refer submission to a Planning Panel

Details:

Financial investment is not a consideration in the assessment of Planning Scheme Amendments.

The seller of the submitter's land was responsible for the manner in which the land was advertised and priced, not Council.

Amendment assessment is based on current planning controls and proposed policies, not historic controls. Improvements to the Planning Scheme over time are standard practice.

The subdivision was created historically by the Crown with the lots shown on a Parish Plan map dated 1900. The subdivision was not by Council. The subdivision is approximately 118 years old, and inappropriate in the context of current scientific knowledge and planning controls. This subdivision could not be created now.

The Planning Scheme contains policies specifically against development of rural residential land uses in the Farming Zone. The Amendment seeks to reduce *de facto* rural residential development in the area.

Formal opening of a road reserve simply provides access. It does not imply that development of a dwelling will be supported.

Vacant lots in a Restructure Lot can continue to be used for non-residential agricultural purposes. A dwelling is not required to support proper maintenance and care of land as the current situation and many other vacant rural lots in the municipality show by example. Conversely, not all rural properties containing a dwelling are well maintained. There is no direct causal link between vacancy and dereliction.

The approval of some dwellings under the different planning controls in place at the time, on land with similar environmental risks to the submitter's land, is not a reason to continue the practice and intensify development in an inappropriate area.

The property is within 300m of three commercial farms.

Circumstances outside the Amendment's coverage are not relevant as considerations to disallow the Amendment.

More intensive development of the Port Welshpool Restructure Plan area could result in adverse environmental impact on the adjacent RAMSAR wetlands as a 1-in-100 year inundation and/or coastal storm surge drains back to the coast.

Cumulative development of small, clustered rural lots changes the rural landscape. The Port Welshpool Restructure Plan contains land (including the submitter's land) within the Significant Landscape Overlay 3 – Corner Inlet Amphitheatre.

All types of infrastructure, whether sustainable or not, are subject to damage in the event of inundation or bushfire. Council cannot insist that dwellings be developed only using sustainable technologies. It would not be efficient for Council and other service authorities to extend infrastructure into areas predicted to be adversely affected by climate change impacts. Higher maintenance and disruption is likely to result from storm inundation and bushfire. The lifespan of both new dwellings and infrastructure is expected to fall within the period when damaging climate change impacts occur.

The application of planning controls for the LSIO to the Township Zone is not relevant to assessment of C90. However the situations are different. The Port Welshpool Restructure Plan area primarily contains vacant lots which if developed would result in a greatly intensified rural residential settlement. In comparison, the town of Port Welshpool is largely developed, with new development comprising minor infill. It has reticulated sewerage. Due to flood hazard risks to the only access into the town, the WGCMA's submission advises it will not support further subdivision within the town.

The Port Welshpool Restructure Plan cannot reduce inundation risk or bushfire risk. However it does prevent an increase in the number of dwellings – and therefore residents - that would be located within identified risk locations. The Restructure Plan does not attempt to reduce the risks to dwellings already developed in the Restructure Area.

The normal provisions of the underlying zone and other relevant overlays will apply to development proposals such as sheds and tracks. The Restructure Plan focuses on limiting new residential development. The wording in the Incorporated Document stating that it will prevail if there is an

inconsistency with the Planning Scheme has been used in other Incorporated Documents by other municipalities applying Restructure Plans. The Planning Panel can be asked to provide a comment on this technical aspect. The presence of the Land Subject to Inundation Overlay is not the only reason for developing the Restructure Lots/Plans, therefore the Incorporated Document is not considered to be overruling the powers of an external referral authority.

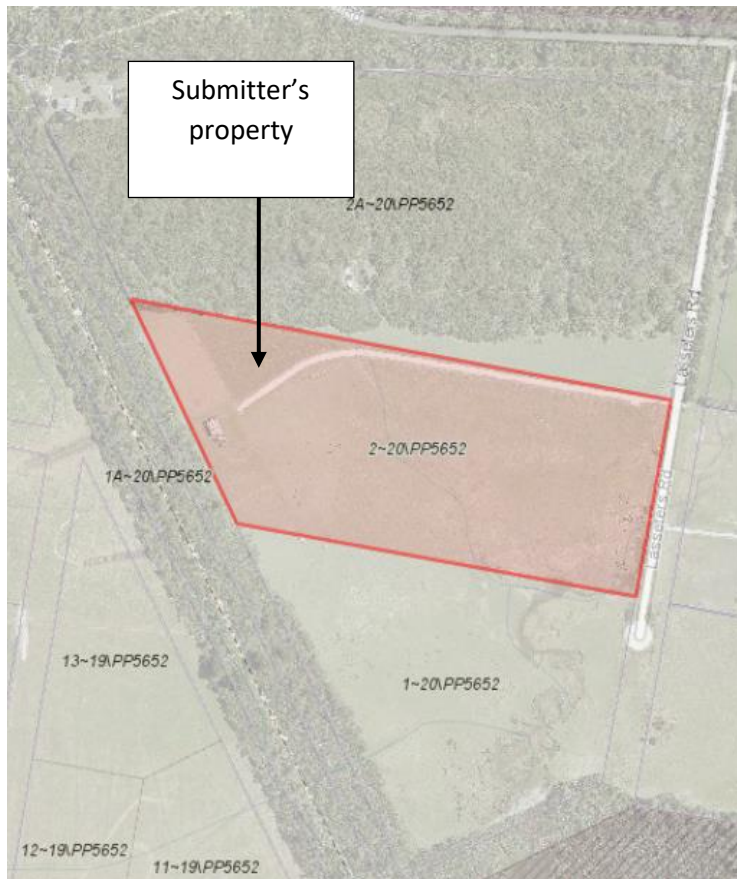
Each Restructure Area has a different set of circumstances. There is no 'average size' applied when determining Restructure Lot layout. Ownership patterns are one of several considerations taken into account when developing the Restructure Plans. Port Welshpool is not the only Restructure Area where land held in different ownerships is restructured together into a restructure lot.

Dwelling development of the vacant land parcels in the Port Welshpool Restructure Plan is not supported by the Planning Scheme and relevant referral authorities. The Restructure Plan formalises this situation and makes it clear so that existing landowners and the next wave of purchasers do not have unrealistic expectations about being able to develop a dwelling.

6. Peter and Christina Delithodoris – object to their vacant 7ha property at 30 Lasseters Road being included in the Port Welshpool Restructure Plan (Restructure Lot 4). The objection is made on the following grounds:

- They have built a shed and planned to build a house and enjoy a non-farming, rural residential retirement lifestyle on the property. They are aware that the Planning Scheme's rural dwellings policy applies to the Farming Zone and makes it unlikely that approval could be obtained to develop a dwelling;
- The property will be impossible to sell at any price and the investment would be devalued;
- Development would not detract from the significant landscape;
- The property is large enough to overcome the impacts of climate change and sea level rises;
- The property does not adjoin commercial farm land;
- It is unfair that the submitters cannot build a dwelling but the house which exists in the proposed Restructure Lot is derelict and unused.
- The property is screened from view by public land. The old tramway passes directly alongside.

See map next page.



Recommendation – No change to exhibited Port Welshpool Restructure Plan on the grounds that the West Gippsland Catchment Management Authority does not support development of a new dwelling on this property in Restructure Lot 4 due to the inappropriate level of flood hazard on the whole property and its access. Further, the Bushfire Management Overlay applies to the all of the Restructure Lot and the land surrounding it.

Refer submission to a Planning Panel

Details:

The land is not zoned for rural living and the Amendment aims to reduce *de facto* rural residential development of the old subdivisions. The submitter is correct that given the size of the property, it would be very difficult to obtain planning permission to develop a dwelling.

Financial matters are not relevant to Amendment assessment however the property would be saleable for non-residential agricultural purposes which is what the current planning controls (zoning and overlays) effectively impose.

Land in this area is visible from the hills to the north and people using the public land, including the adjacent track in the former tramway reserve, can see the property. Cumulative development in the cleared areas of the old subdivision would have an adverse visual impact on the rural landscape.

Size of the property is irrelevant when the overlays for inundation and bushfire identify that those environmental risks apply to the entire property and its access.

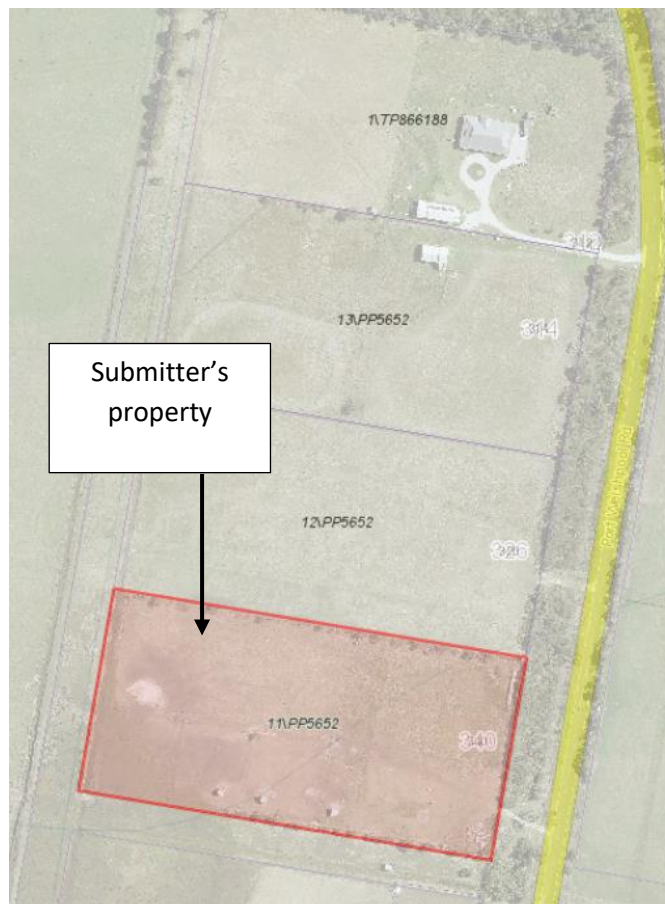
There is a commercial farm less than 100m away on the west side of the former tramway.

The condition of the neighbour's dwelling is not relevant to the aim of limiting the number of new dwellings in an inappropriate subdivision.

7. Robin Hall - objects to his vacant (grazing) 2ha property at 340 Port Welshpool Road being included in the Port Welshpool Restructure Plan (Restructure Lot 2). The objection is made on the following grounds:

- The property was purchased in the belief it could be built on;
- A planning permit for a dwelling was approved. The permit has lapsed but the submitter was advised another permit could be reapplied for.
- The submitter has just retired and now wants to build on the property;
- The submitter's retirement plans will be impacted; and
- The land value will be greatly reduced.

See map below.



Recommendation – No change to exhibited Port Welshpool Restructure Plan on the grounds that:

- **The West Gippsland Catchment Management Authority does not support development of a new dwelling on this property in Restructure Lot 2 due to the inappropriate level of flood hazard on the whole property and its access.**
- **Development of the small rural lots in this location would have an adverse impact on the landscape character of the area;**
- **Rural residential development on this and nearby properties would result in a proliferation of dwellings with the potential for land use conflict with commercial agriculture, which is contrary to the policies of the Farming Zone.**

Refer submission to a Planning Panel

Details:

The property was purchased in 2002 when different planning controls applied. The Amendment is assessed in terms of current planning controls.

The planning permit which was issued in 2004 for a dwelling was issued when different planning controls have applied. The permit lapsed in 2009. Extension of the permit needed to be requested from Council within six months of it lapsing.

Planning controls have changed substantially in the interim since the dwelling permit lapsed. Given the current planning controls (zone, local policy and overlay provisions) and the WGCMA view that it does not support development of a dwelling on the land, planning approval for a dwelling on the property would not be granted.

Financial matters are not relevant when assessing a Planning Scheme Amendment. The property is one of a series of small rural lots in open, flat country that are adjacent to a Road Zone One (a major route with numerous tourists). The location is highly visible from close and distant viewpoints.

The property is less than 30m from a large commercial farm.

8. Tom and Dawn Robb – object to inclusion of their 4.45ha vacant (grazing) title (CA 1 Section PP3790) in Restructure Lot 7. The title is part of a 214ha farm at 300 Telegraph Road, however the 4.45ha title only has a 20m frontage (and therefore its own legal access) to an unopened and vegetated road reserve off the east side of Adams Road.

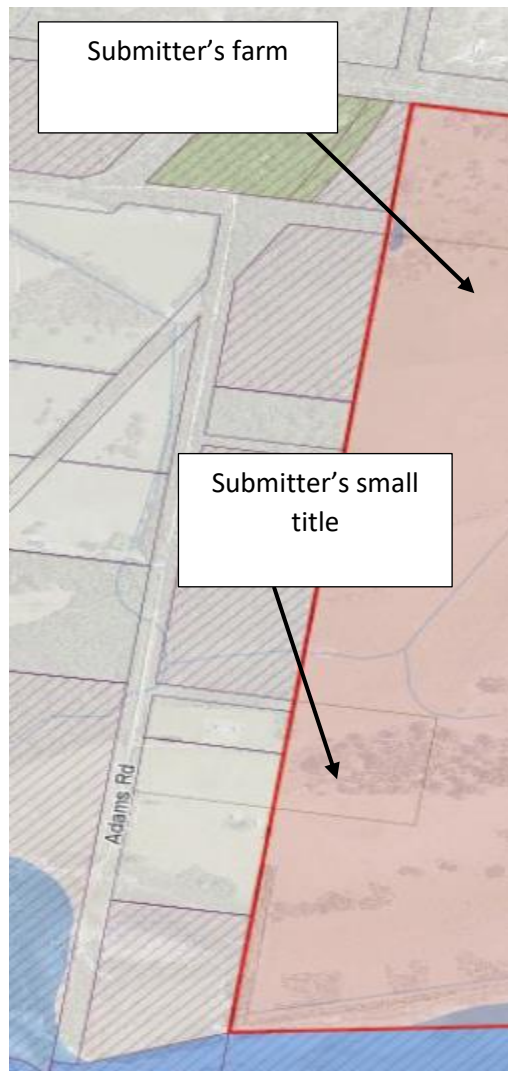
The grounds of objection are as follows:

- The small title contains poor quality farm land;
- The existing dwelling on a separately owned title included in the same Restructure Lot would prevent a house being developed on the submitters' small title;
- The submitters propose to build a house on their small title;
- If the farm was sold the small title would be tied to the Restructure Lot and would not be part of the farm.

See map next page.

Recommendation: No change to exhibited Port Welshpool Restructure Plan on the grounds that the West Gippsland Catchment Management Authority does not support development of a new dwelling on this property in Restructure Lot 7 due to the inappropriate level of flood hazard on the whole property and its access. Further, the Bushfire Management Overlay applies to all of the Restructure Lot and the land immediately surrounding it.

Refer submission to a Planning Panel



Details:

The small title is used as part of a commercial farm. The Planning Scheme policies specifically oppose removal of land from agricultural production for rural residential purposes.

The submitters misunderstand the Restructure Plan. They can sell their farm with the small title included. The Restructure Plan simply prevents a dwelling being built on that small title.

While part of the small title contains land above the inundation risk level, access to this area is not above the risk area. The WGCMA requires both the site and its access to be outside areas of unacceptable risk hazard.

The purpose of the Restructure Plan is to limit development of new dwellings on small rural titles in old and inappropriate subdivisions. The small title is an original Crown lot creation.

The small title is not suitable for dwelling development. The balance of the farm does not contain a dwelling.

The title is larger than 4.1ha and less than 40ha so under the Rural Dwellings Policy is unlikely to obtain approval for dwelling development even if considered as a dwelling in association with the management of biodiversity and native vegetation.

Strzelecki Framework Plan Submissions

Submission – no objection Noted

Bill and Jayne Richardson of 1465 Korumburra-Warragul Road

Recommendation on request for changes

Mark and Cara Sambell occupiers at the 65ha farming property at 1467 Korumburra-Warragul Road request the following changes to the Strzelecki Framework Plan:

1. Have the church located at 1469 Korumburra-Wonthaggi Road marked on the Framework Plan;
2. Place a Heritage Overlay on the church; and
3. Revise the settlement boundary to include an area of approximately 2ha so that the house and surrounds at 1467 Korumburra-Warragul Road (north-west of the church) is included inside the settlement boundary.



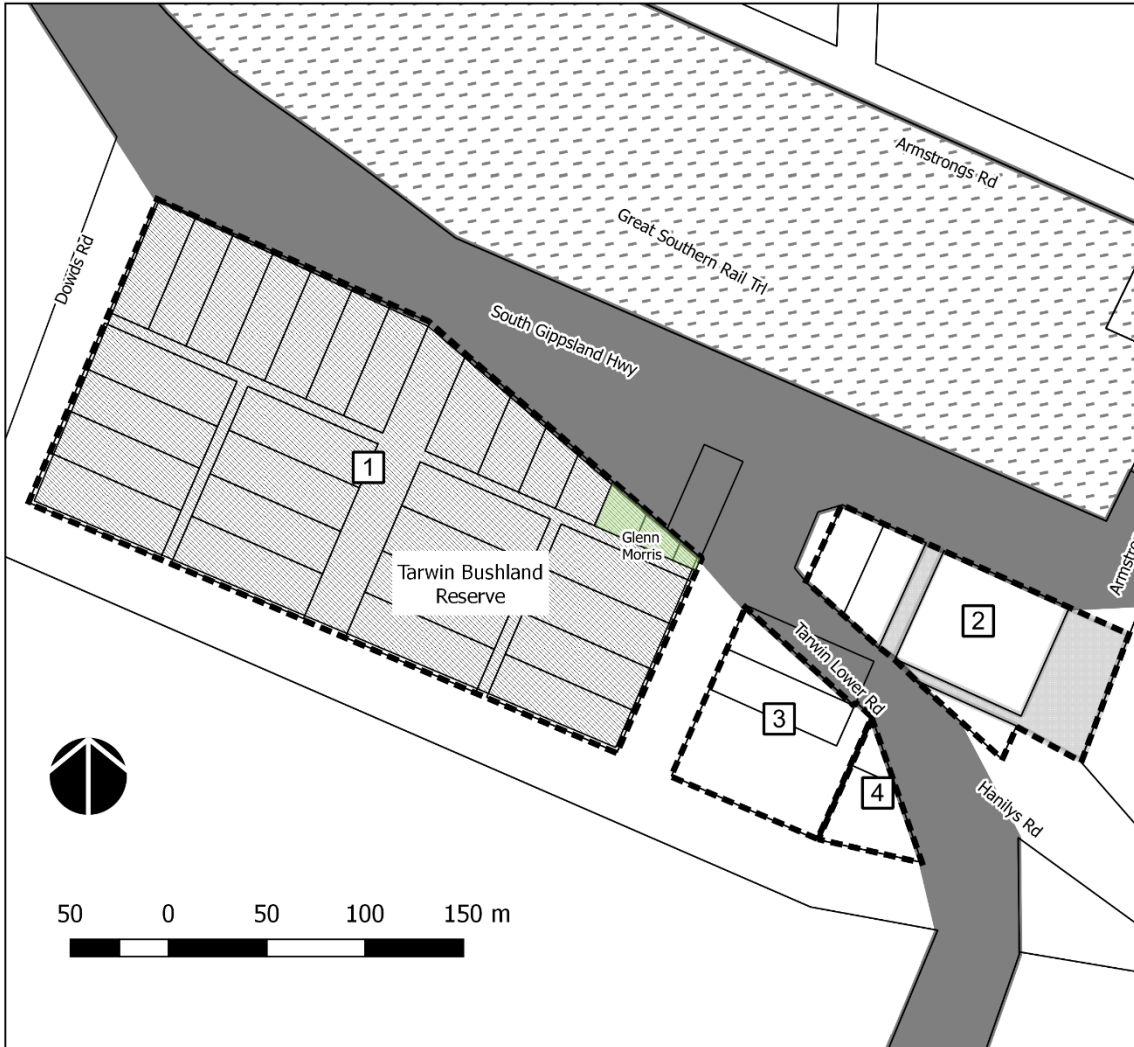
Recommendations:

- **Revise the Framework Plan to insert the church as an additional site locator.**
- **Refer the request for a Heritage Overlay for consideration with next General Amendment.**
- **No change to the Strzelecki Framework Plan settlement boundary alignment on the grounds that it is an indicative line linking the smaller properties in the community, the**



65ha property is in the Farming Zone, and altering the settlement boundary to enclose the house at 1467 Korumburra-Warragul Road will have no impact on the zoning or development potential but may raise unrealistic expectations in that regard.




Tarwin – Dowds Road Restructure Plan – Submissions

Dowds Road Restructure Plan - Tarwin - Submitter property



Legend

-  Restructure Lot boundary
-  Restructure Lot number

-  "No dwelling development" Restructure Lot
-  Close road reserve
-  Objecting submitter property

Only 1 dwelling may be permitted per Restructure Lot

Support/No objection

DELWP – owner of Tarwin Bushland Reserve – Part of Restructure Lot 1

Recommendation on change requested

1. **Glenn Morris, owner of 10 Tarwin Lower Road objects** – to his 885m² vegetated property being designated as a 'no development' Restructure Lot (part of Restructure Lot 1) in the Restructure Plan on the grounds that:
 - Technology can be used to provide acceptable fire protection and to protect the Tarwin River catchment system;
 - The property has access from a sealed road;
 - Removal of vegetation for a dwelling would be minimal;
 - The submitter was not sent documentation about the application of either the Bushfire Management Overlay or the Environmental Sensitivity Overlay on his property;
 - Development of a dwelling would fit with the character of the area as there are other dwellings in the vicinity; and
 - The submitter should have the opportunity to apply for a planning permit for a dwelling including the process of obtaining a land capability assessment to show that the site is capable of being developed and is appropriate for treating and disposing of wastewater.

See map below.



Recommendation: No change to the Dowds Road Restructure Plan on the grounds that:

- **The size, shape and location of this property combine to make it unsuitable for development of a dwelling;**
- **It is not appropriate to develop more dwellings on small rural lots in the Tarwin old and inappropriate subdivision;**
- **Development of a dwelling on this property is not supported by the Planning Scheme policies at Clause 13.05 Bushfire planning; and**

- **Development of a dwelling on this property is not supported by the Planning Scheme objectives and decision guidelines at Clause 42.01 Schedule 2 – Environmental Significance Overlay – Special Water Supply Catchment Areas.**

Details: The vacant property is a small privately owned corner of a 4.9ha area of intact native vegetation that is otherwise held in public ownership and known as the Tarwin Bushland Reserve.

The property is approximately 860 metres upstream of the town water uptake from the Tarwin River for Meeniyān’s potable water supply. There are already more septic systems in the vicinity than the density supported by South Gippsland Water (SGW). SGW has previously objected to dwelling development on a property located just over 200m east of the submitter’s property. Given the small size of the property, Council’s Environmental Health Team (EHT) has advised the whole property would require clearing to locate and operate a wastewater treatment system. The EHT also advised that due to the property size, slope and soil type, a Land Capability Assessment would be required to confirm one way or the other if the property had sufficient capacity for satisfactory onsite wastewater treatment and disposal.

The Country Fire Authority (CFA) has advised that an expert landscape and site assessment of bushfire hazard would be required before it would give formal advice on the fire risk of the property. Informally, the CFA said the bushfire assessment already obtained by Council from a consultant was not satisfactory and was outdated in the context of the most recent planning policy changes. Also informally, the CFA advised that it would be a struggle, if not impossible, to provide sufficient defensible space around a dwelling on the property as vegetation outside of the property (most of the bushland reserve and also vegetation on the south side of the Great Southern Rail Trail) would also require clearing.

The property is located on a Road Zone 1 (Tarwin Lower Road) and is also readily visible from the South Gippsland Highway. Clearing of the property and surrounding bushland would have an obvious impact on the views from two tourist routes. Development of a dwelling in this circumstance would not be in the same character as the other dwellings in the vicinity.

The submitter was sent written advice about the State Government’s application of the Bushfire Management Overlay.

The submitter purchased the property knowing that a Restructure Overlay (RO) was under serious consideration as part of the Housing and Settlement Strategy, and that it would be difficult, even without the RO, to obtain permission to build a dwelling on the property.

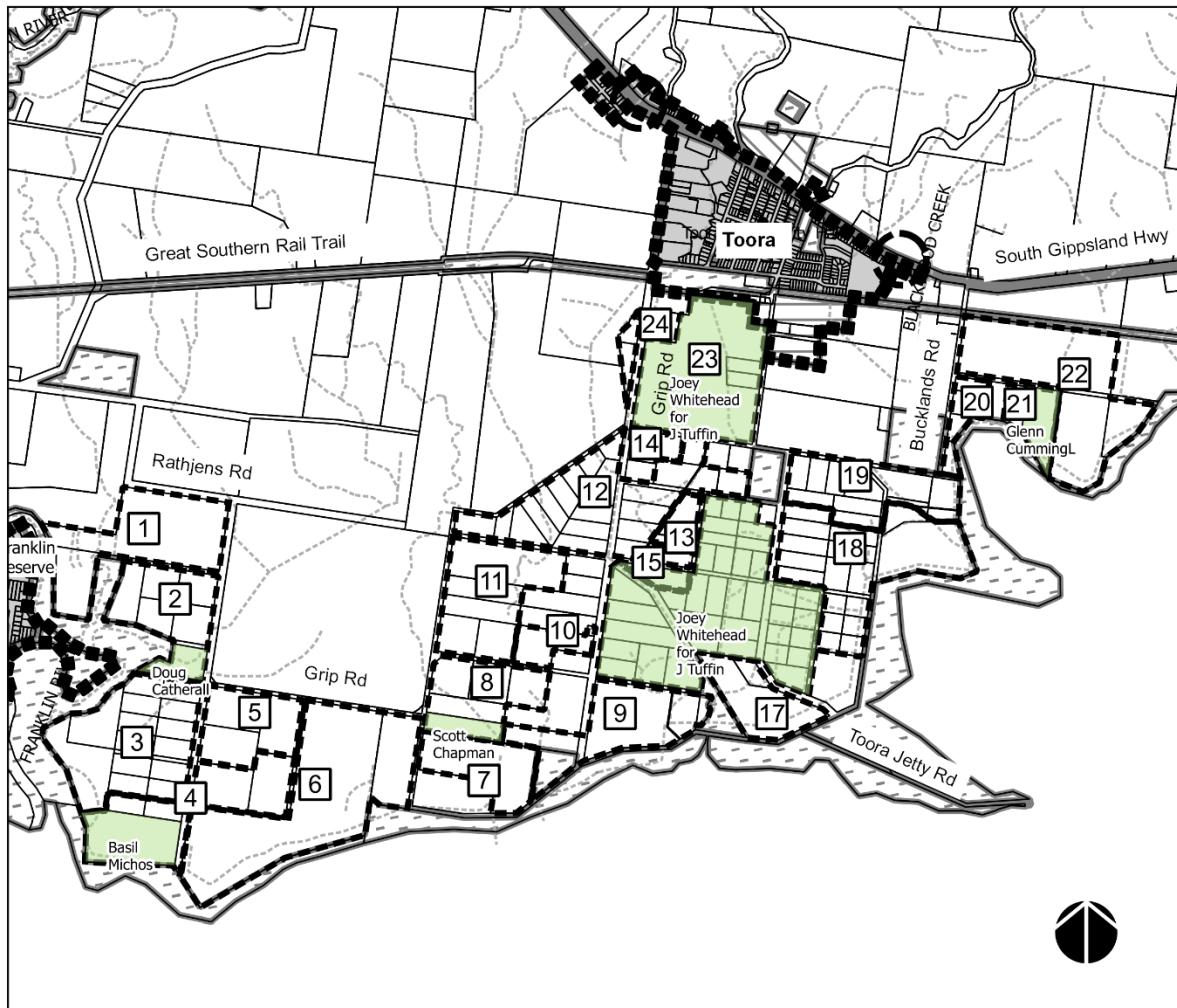
Toora Coastal Restructure Plan Submissions

Support/No objection





DELWP – owner of part of Restructure Lot 9

Recommendations on changes requested

Toora Coastal Restructure Plan - Submitters' properties

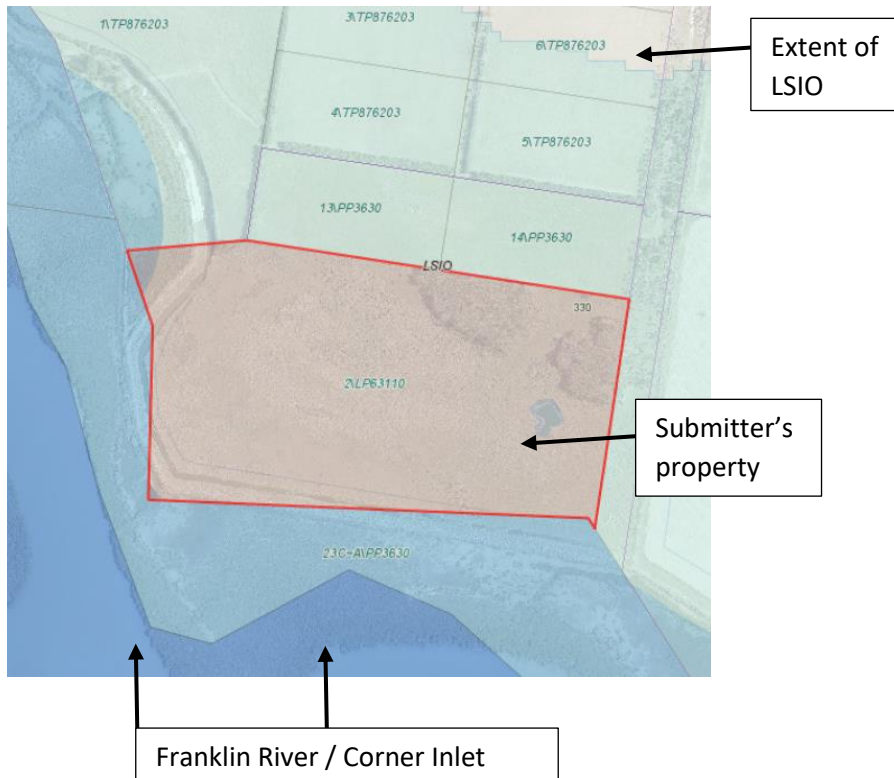


Legend

-  Restructure Lot boundary
-  Watercourse
- Only 1 dwelling may be permitted per Restructure Lot*
-  Restructure Lot number
-  Submitters' properties

1. **Basil Michos, owner of 330 Rathjens Rd (part of Restructure Lot 4) objects** - to the exhibited restructuring requiring him to join his 12.5ha property with neighbouring titles that he does not own. The submitter also states that his land drains extremely well and he has had road access and telephone connection installed to a proposed house site.

See map next page.



Recommendation: No change to the exhibited Toora Coastal Restructure Plan on the grounds that:

- **Development of a dwelling is not supported at 330 Rathjens Road because a house site and access cannot be provided outside of the area where the Land Subject to Inundation Overlay (LSIO) applies. Consequently dwelling development at this property is considered an unacceptable development risk by the West Gippsland Catchment Management Authority.**
- **Development of a dwelling is not supported by the Planning Scheme objectives and policies at Clauses 14.01 Protection of agricultural land, Clause 22.05 Rural Dwellings, Clause 35.07 Farming Zone, Clause 42.01 Schedule Environmental Significance Overlay 3 – Coastal Settlements and Clause 42.03 Schedule, Significant Landscape Overlay 3 (SLO3) – Corner Inlet Amphitheatre.**

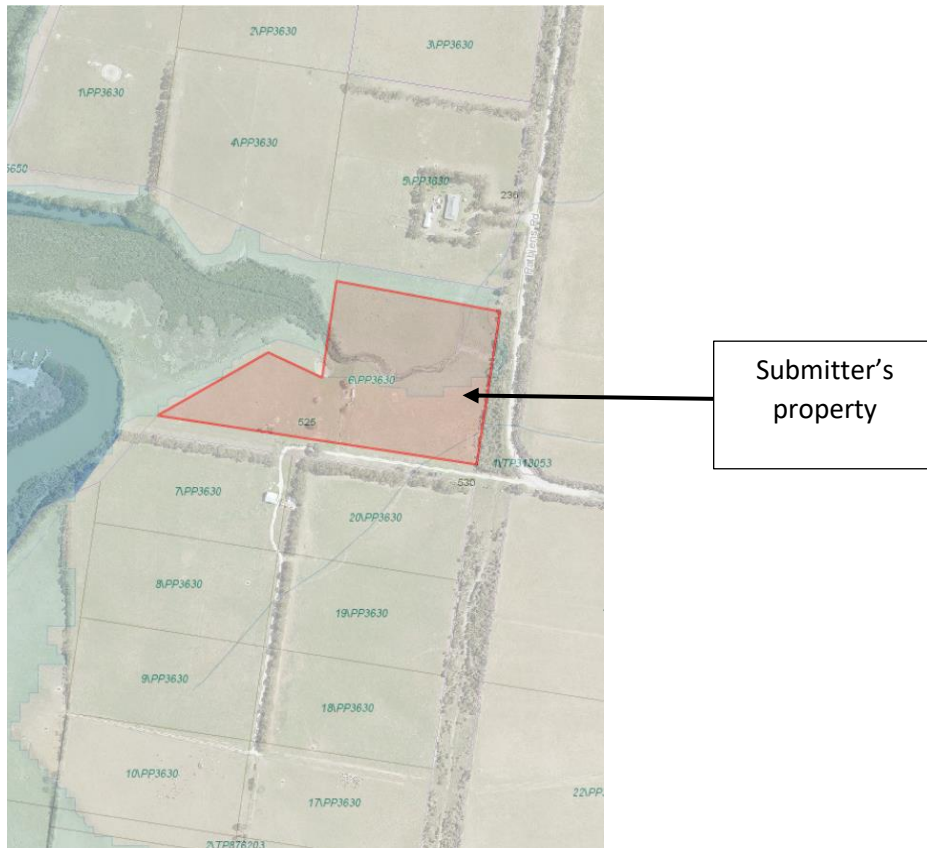
Details: Restructure Lot 4 was created so that there was one portion of land where development of a dwelling could be located outside of the area affected by the LSIO. The submitter's property and several land parcels further inland are entirely covered by the LSIO. While the submitter states that his land drains well, the LSIO reflects the situation of a 1-in-100-year inundation combined with calculated coastal climate change sea level rise. In terms of the approval of dwelling development at 330 Rathjens Road, it is irrelevant whether or not other properties are consolidated with this property or a different one as requested by the submitter because the WGCMA will not support a new dwelling in this location. The restructuring is formalising the situation so that a prospective purchaser does not have expectations of being able to build on the property.

2. Doug Catherall owner of 525 Grip Road objects – to inclusion of his 3.9ha grazing property in Restructure Lot 2 on the grounds that:

- No new infrastructure is required;

- Revegetation and other improvements have been made;
- The submitter wants to build a dwelling and live on the property;
- The submitter wants to build a boat and launch it into the Franklin River.

See map below.



Recommendation: No change to the exhibited Toora Coastal Restructure Plan on the grounds that:

- **The property is one of a large number of similarly-sized small rural lots that if all were developed, would cumulatively remove land from productive agriculture and would change the open rural landscape of the area.**
- **Development of a dwelling is not supported by the Planning Scheme objectives and policies at Clauses 14.01 Protection of agricultural land, Clause 35.07 Farming Zone, Clause 42.01 Schedule Environmental Significance Overlay 3 – Coastal Settlements and Clause 42.03 Schedule, Significant Landscape Overlay 3 (SLO3) – Corner Inlet Amphitheatre.**

Details: Development of a dwelling is the only issue raised by the submitter that is relevant to the exhibited Restructure Lot layout. There is an existing dwelling on land that is contained within the same Restructure Lot. In this example, creation of a precedent for development of a small rural residential lot in an old Crown subdivision comprised of many small lots with adequate access and area outside of the Land Subject to Inundation Overlay (LSIO) would result in a cumulative impact. That impact would be contrary to the purpose of the Farming Zone, the protection of agricultural land and the objectives of the SLO3. The situation would also set up multiple opportunities for potential land use conflict with commercial agriculture.

- 3. Glenn Cumming owner of 40 Swan Bay Road objects – to restructuring generally and to his 5.7ha grazing property being included in Restructure Lot 21 on the grounds that:**

- It would take years for Restructure Lots with multiple land owners to agree to consolidate;
- The Restructure Lots are still smaller than the 40ha required for development of a dwelling in the Farming Zone;
- It was subdivided over 30 years ago and Council would have taken factors such as environmental or social impact into account at the time;
- The property would not be a servicing burden to Council; and
- Costs involved in consolidation of titles and in purchase of Crown land are a concern.

See map below.



Recommendation: No change to the exhibited Toora Coastal Restructure Plan on the grounds that:

- **Development of a dwelling is not supported at 40 Swan Bay Road because a house site and access cannot be provided outside of the area where the Land Subject to Inundation Overlay (LSIO) applies. Consequently dwelling development at this property is considered an unacceptable development risk by the West Gippsland Catchment Management Authority.**
- **Development would contribute to a cumulative adverse effect on the coastal landscape in an area identified by the Planning Scheme as being within a Significant landscape (SLO 3 – Corner Inlet Amphitheatre).**
- **Development of a dwelling is not supported by the Planning Scheme objectives and policies at Clauses 14.01 Protection of agricultural land, Clause 22.05 Rural Dwellings, Clause 35.07 Farming Zone and Clause 42.01 Schedule Environmental Significance Overlay 3 – Coastal Settlements.**

Details: Contrary to the submitter's statement, the property was not created by a Council approved subdivision. The title dates from the original alienation of land from the Crown. The entire property

and all others south of Swan Bay Road plus the road itself are covered by the LSIO. In the event of inundation, infrastructure such as roads and power require maintenance. As the climate change impact of sea level rise increases, the condition of infrastructure will require greater maintenance and replacement effort.

Consolidation costs are not likely for the submitter as the exhibited restructure lot already contains a dwelling. Therefore there is no trigger for the submitter to consolidate titles. There is no barrier to the submitter continuing to use the property for non-residential grazing.

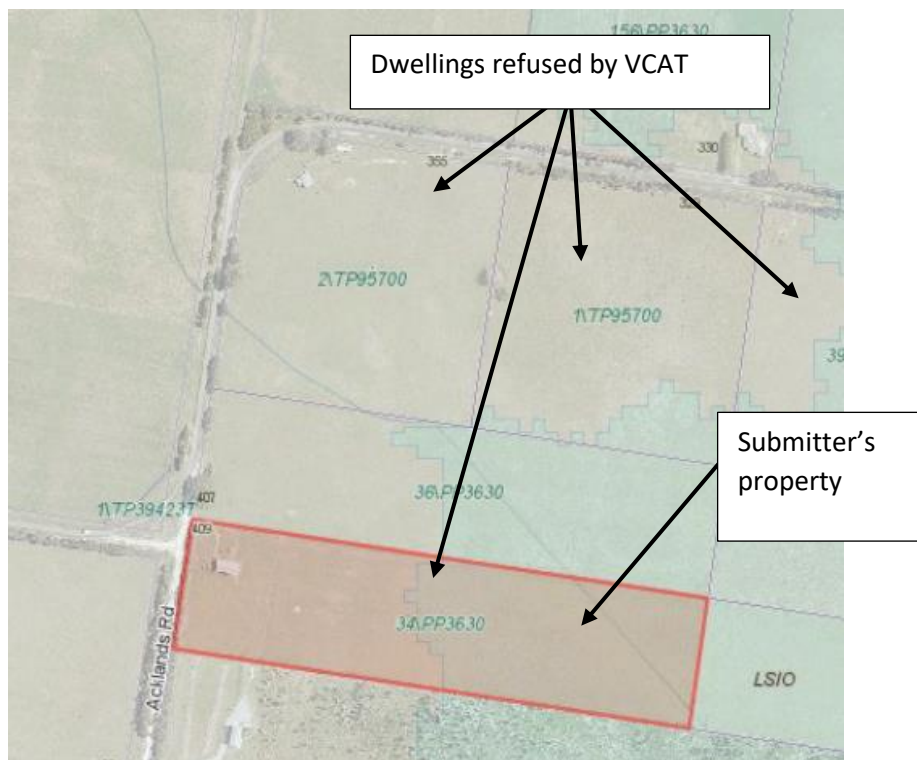
It is noted that Council has not formally opened the eastern section of Swan Bay Road that accesses to the submitter's property although an informal track exists.

Although it can take considerable time to occur, examples of land consolidation where more than one land owner is involved and there are road reserves to be closed have been successfully achieved both in South Gippsland Shire and other municipalities.

4. Scott Chapman owner of 409 Grip Road objects – to his 4ha vacant grazing property being included in Restructure Lot 8 with four other land parcels in separate ownership on the grounds that:

- The submitter wants to build a dwelling and it is not viable to purchase the other vacant titles in the exhibited Restructure Lot;
- The proposed building site and access are outside of the area where the Land Subject to Inundation Overlay (LSIO) applies;
- The property is not adjacent to a commercial farm;
- Infrastructure is available including a septic tank;
- Since there is an existing large shed the landscape will not be affected;
- Potential salt level increases [water table rise] will make the land unviable for farming in the future.

See map below.



Recommendation: No change to the exhibited Toora Coastal Restructure Plan on the grounds that:

- **The property is one of a large number of similarly-sized small rural lots that if all were developed, would cumulatively remove land from productive agriculture and would change the open rural landscape of the area.**
- **Development of a dwelling is not supported by the Planning Scheme objectives and policies at Clauses 14.01 Protection of agricultural land, Clause 35.07 Farming Zone, Clause 42.01 Schedule Environmental Significance Overlay 3 – Coastal Settlements and Clause 42.03 Schedule, Significant Landscape Overlay 3 (SLO3) – Corner Inlet Amphitheatre.**

Details: This property is one of six which were refused planning permission for rural residential dwelling development by VCAT in 2008. Four of the six refusals were for properties in Restructure Lot 8. The reasons for the refusal still apply and do not relate to inundation as all of the properties in Restructure Lot 8 contain an area and access outside of the LSIO.

Although it was a 'Red Dot' case due to consideration of the precautionary principle in regards to climate change sea level rise and inundation, the case summary shows that the prime reasons for refusal relate to the planning scheme objectives for the Farming Zone, Significant Landscape Overlay and Environmental Significance Overlay 3 - Coastal Settlements combined with the old Crown subdivision containing approximately 120 small lots in close proximity. These are the factors that support the application of the Restructure Overlay and the Toora Coastal Restructure Plan.

The VCAT summary states, *"This case involved six permit applications for dwellings on lots 2-4 ha in area. The land is in an old crown township in a Farming Zone close to the coast. We find that the land is unsuitable for residential development. The overwhelming weight of planning policy discourages residential development in this area. The dwellings are not reasonably required for the operation of agricultural activities conducted on the subject land and consequently are contrary to the purpose of the Farming Zone. The cumulative impact of the development will adversely affect the ongoing use of the area for productive agriculture and detract from the visual quality of the landscape contrary to policy and the Environmental Significance Overlay affecting the land."*

There is a commercial farm across the road (less than 25m) from the submitter's property. The amount of infrastructure such as a shed permitted for agricultural use of the property is significantly less impact on the landscape than the impact of a dwelling and ancillary outbuildings. The individual properties in Restructure Lot 8 can continue to be used for non-residential agricultural use and /or leased by nearby commercial farmers.

The long term future of the land, its potential use and the impact to the wider area is a higher priority and longer time frame than the individual current circumstances of each property owner. Restructure Lots consisting of land parcels held in multiple ownership have been consolidated in Venus Bay and in many other municipalities in Victoria.

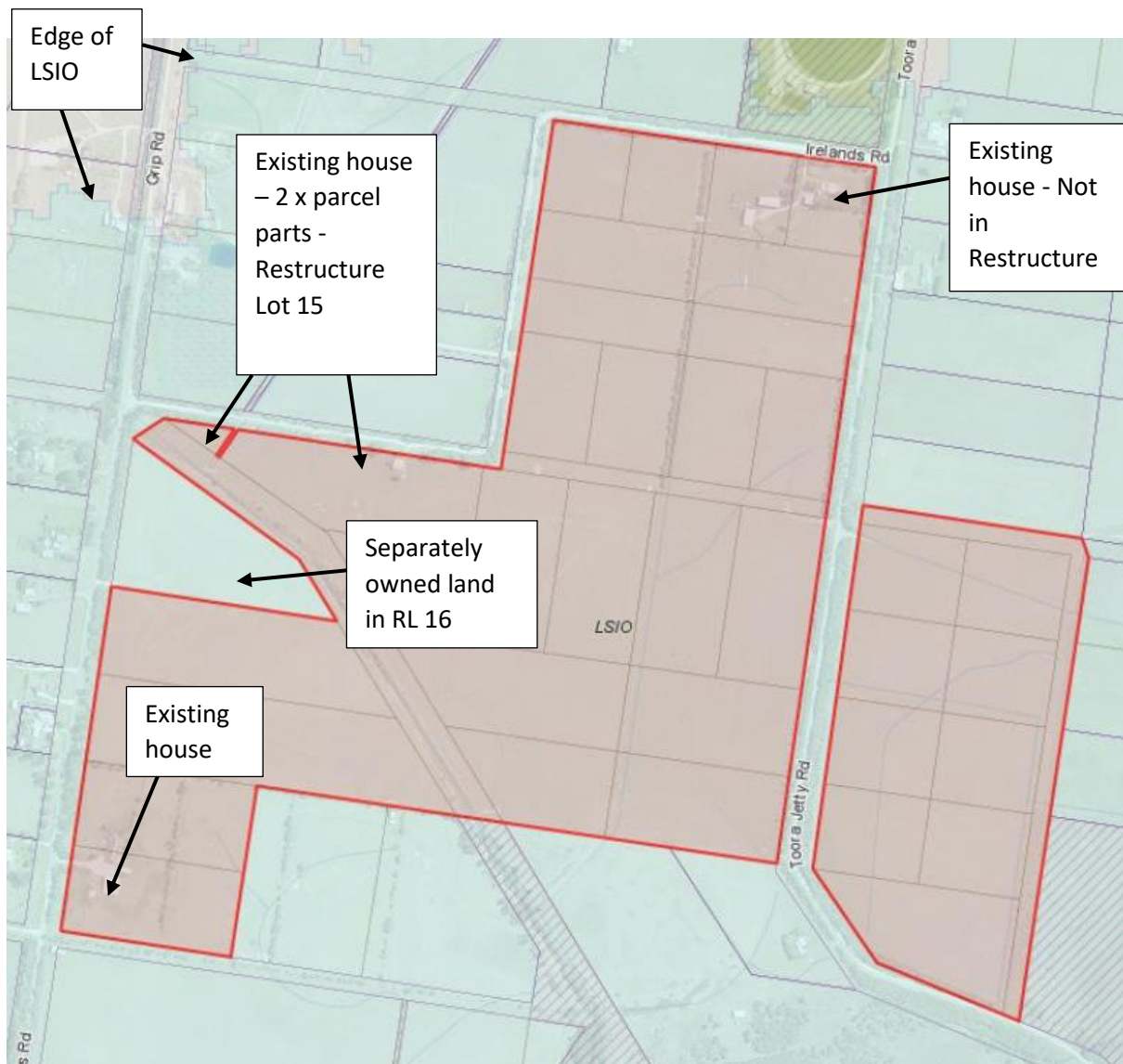
5. Joey Whitehead of Beveridge Williams on behalf of J Tuffin owner of 24 Toora Jetty Road, 285 Grip Road, 89 Irelands Road and 9 Irelands Road objects - to the Toora Coastal Restructure Plan on the grounds it is unnecessary and unfair. [The commercial farming property is contained within Restructure Lots 15, 16 and 23].

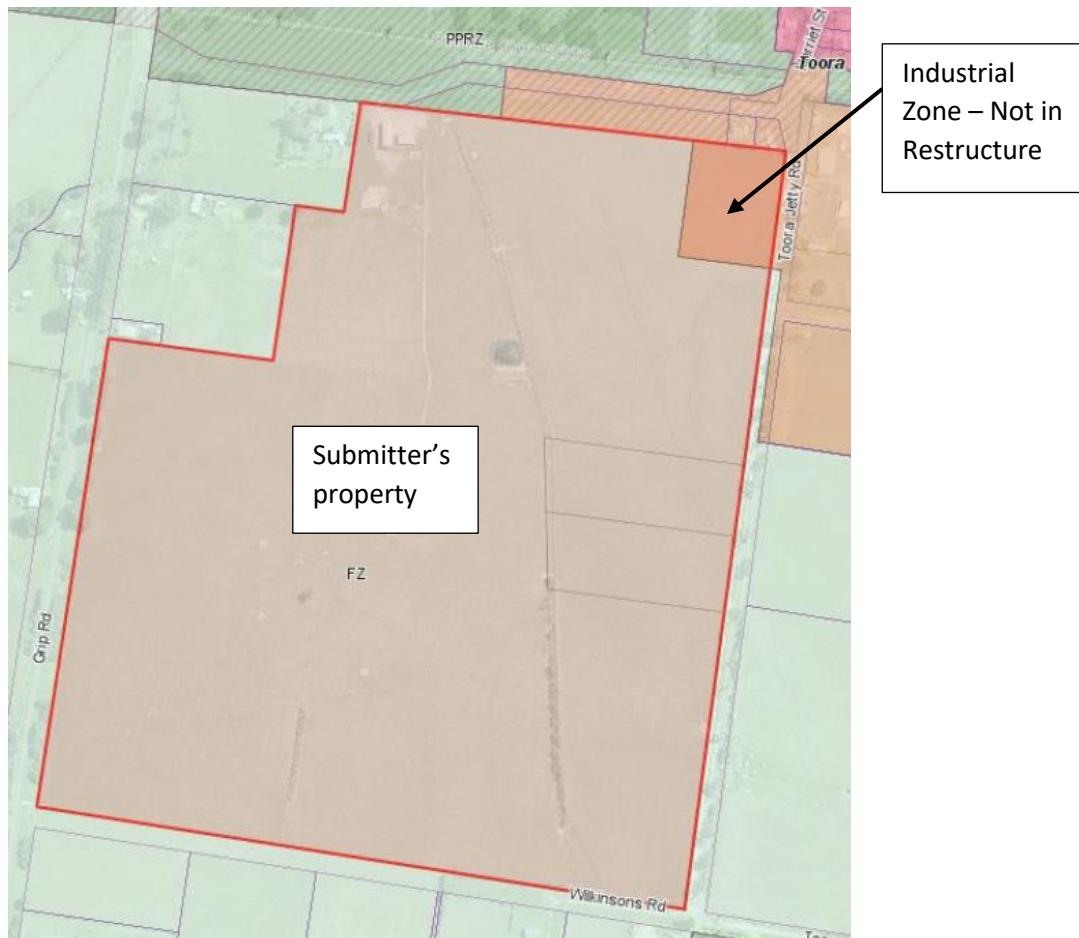
Simultaneously, the submitter requests revision of the Restructure Plan so that his property has additional Restructure Lots. Specific grounds are:

- The character of the area supports a rural living hamlet style of development (is the design of most of the other restructure lots shown on the proposed 'Figure 15, Toora Coastal Restructure Plan');

- The location is reasonably well serviced with respect to social and community infrastructure within the Toora township;
- The ownership pattern produces issues with the restructure by way of consolidation in the future;
- Despite being a coastal area with some level of erosion risk there is no significant landscape and environmental threats in the area that support the proposed restructure;
- The zoning of the land is Farming (FZ), which requires a permit for a dwelling on land less than 40 ha. This allows Council the opportunity to exercise discretion for any further dwellings and manage potential impact that may arise as a result of future dwellings;
- The subject land size and existing planning controls allows for the environmental impacts for development of the land for a dwelling to be considered prior to a permit being granted for future development; and
- The Restructure Plan requires the restructure of lots into a land area which is excessive and which is greater in area than the other restructure lots.

See maps below - 285 Grip Road (this page) and 24 Toora Jetty Road (next page) respectively.





Recommendation: No change to the exhibited Toora Coastal Restructure Plan on the grounds that:

- **Development of additional dwellings is not supported on the properties known as 285 Grip Road and 89 Irelands Road because a house site and access cannot be provided anywhere on the land outside of the area where the Land Subject to Inundation Overlay (LSIO) applies. Consequently dwelling development (in addition to the existing dwellings) at this property is considered an unacceptable development risk by the West Gippsland Catchment Management Authority.**
- **Development of a dwelling on each of the three vacant lots comprising 24 Toora Jetty Road and on the 34 vacant lots on the property known 285 Grip Road would contribute to a cumulative adverse effect on the coastal landscape in an area identified by the Planning Scheme as being within a Significant landscape (SLO 3 – Corner Inlet Amphitheatre).**
- **Development of potential additional dwellings on these properties is not supported by the Planning Scheme objectives and policies at Clauses 14.01 Protection of agricultural land, Clause 22.05 Rural Dwellings, Clause 35.07 Farming Zone and Clause 42.01 Schedule Environmental Significance Overlay 3 – Coastal Settlements.**

Details:

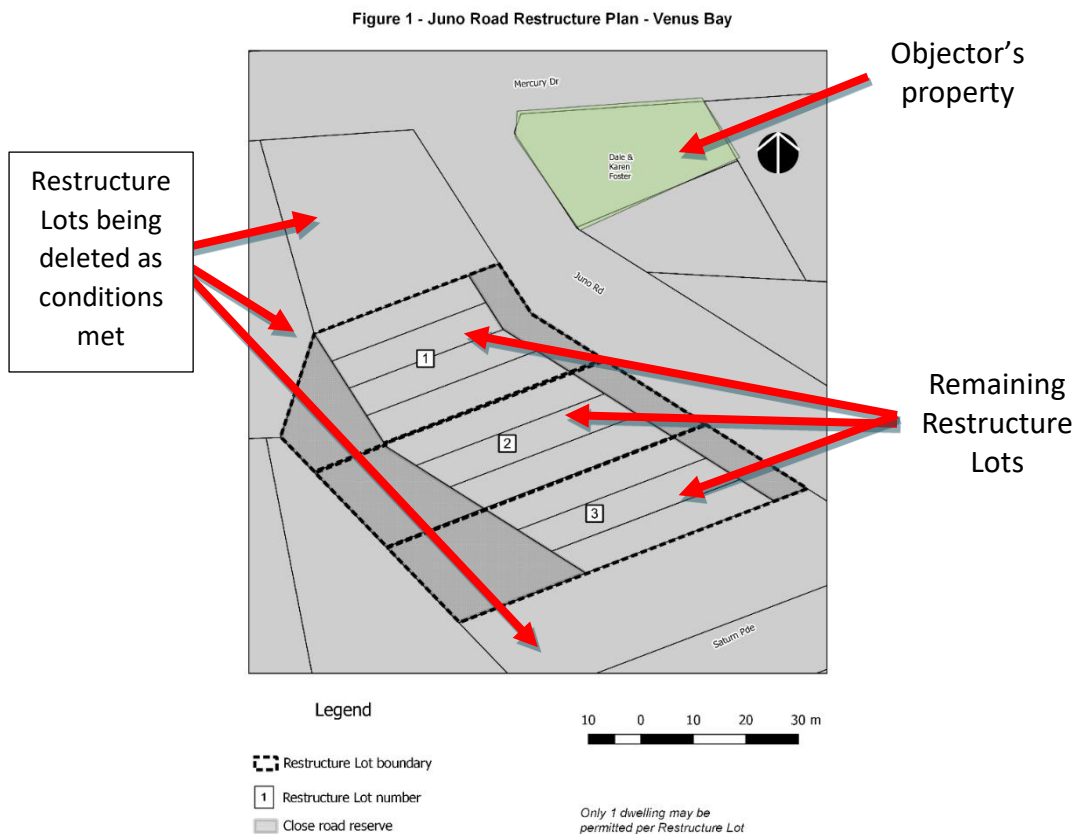
- 9 Irelands Road, which the submitter lists as a property included in the objecting submission, contains an existing old dwelling on 0.9ha and is not included in the Restructure Plan.
- 89 Irelands Road, which contains an existing old dwelling on a land parcel in two parts (2ha and 0.1ha approximately), is designated as Restructure Lot 15. It could be sold separately from the farm. It was included in the Restructure Plan to prevent the 0.1ha portion being allocated a

separate title and sold off with expectation for any prospective purchaser that a dwelling could be built.

- Both properties are part of a wider commercial farming operation. Development of the small land parcels would remove land from agricultural production. The exhibited Restructure Plan prevents development of the multiple small titles.
- The entire property at 285 Grip Road has the LSIO applied and is consequently unsuited to development on the basis of inundation hazard alone. This is the prime reason for restructured layout of this property. Namely creating one large restructure lot (59ha approximately, not 87ha as incorrectly given in the exhibited Incorporated Document) with a dwelling, one small Restructure Lot with a dwelling and the third dwelling left on its own title. Creation of vacant Restructure Lots on this property would provide unrealistic expectation that approval would be given for a dwelling. Each Restructure Lot and Restructure Area has its own individual circumstances. Another land owner at Toora has a 40ha Restructure Lot which is mainly in the one ownership but also includes titles held in other ownership.
- If ownership of the combination of the small land parcels at 285 Grip Road and 24 Toora Jetty Road was fragmented and the titles developed, it would create a new settlement south of Toora.
- The vacant 2.6ha property held in separate ownership at 247 Grip Road is also entirely covered by the LSIO. Containing it within Restructure Lot 16 makes no material difference to ongoing commercial agricultural production. Consolidation is only triggered if a new dwelling development is proposed or the existing dwelling in Restructure Lot requires redevelopment or extension.

Venus Bay Submissions

Juno Road Restructure Plan (Restructure Overlay 1)



Recommendations on changes requested

Karen and Dale Foster of 21 Juno Road are neighbours across the road from the current Juno Road Restructure Area. They object to the exhibited Restructure Plan allowing additional dwellings near their urban residential property on the grounds that:

- Caravans and camping are allowed on vacant lots and camping controls are not enforced by Council;
- Buildings standards allow for a poor standard of dwelling design and construction that detract from the character of the area;
- Screening is not required; and
- The Restructure Plan allows for three more dwellings to be developed.

Recommendation on changes requested

No change to exhibited Juno Road Restructure Plan on the grounds that:

- **The Amendment is deleting Restructure Lots where the restructuring conditions have been met and Council is not supporting any additional dwelling development beyond what has previously been in the Planning Scheme as Restructure Overlay 1 since 2006.**

Details:

The issue of camping is not relevant to assessment of the Juno Road Restructure Plan. However it is noted that Council's Local Law allows camping in some circumstances. Enforcement of building standards and Local Laws are also not relevant issues to the Amendment.

The Design and Development Overlay 5 - Venus Bay applies to the Juno Road Restructure Area.

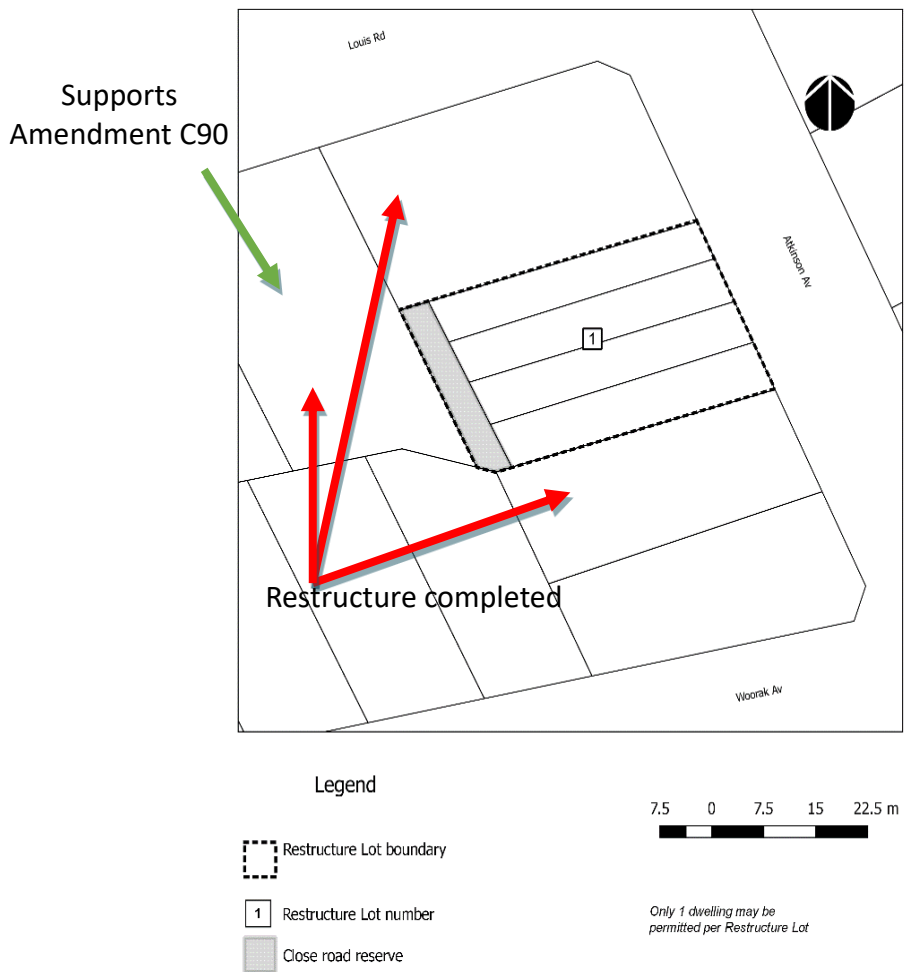
Atkinson Avenue Restructure Plan (currently titled as the Louis Road Restructure Plan – Restructure Overlay 2)

David and Gabrielle Pratt of 40-46 Louis Road, which is designated as Restructure Lot 2 in the existing Louis Road Restructure Plan. The submitters support the exhibited Restructure Plan as it removes the Restructure Overlay from those lots where the restructuring conditions have been met. As the revised Restructure Plan exhibited as part of Amendment C90 no longer any Restructure Lots with Louis Road addresses, the Restructure Plan has been re-named as the Atkinson Avenue Restructure Plan.

Noted.

See map next page.

Figure 2 - Atkinson Avenue Restructure Plan - Venus Bay



Black Avenue Restructure Plan

Sam Langford-Jones on behalf of Strathworks Pty Ltd, the owner of 16-18 Black Avenue (Part of Restructure Lot 3) supports the exhibited Black Avenue Restructure Plan and intends to buy the neighbouring property at 20 Black Avenue. No objection has been made to the exhibited rezoning from Commercial 1 Zone to Township Zone. All lots are vacant.

Noted.

See map next page.



Peng (Isaac) Wu owns 6-8 Black Avenue (part of Restructure Lot 1). This property, comprising two lots, is 371.6m². It is currently for sale. The submitter objects to the exhibited Restructure Plan on the following grounds:

- The Restructure will have a negative impact on the economic development of the entire region;
- The Amendment will adversely affect employment of young people in the region and they will be forced to leave the area;
- Restructuring will increase the cost of development;
- The rezoning will devalue the land;
- It will not be possible to build a dwelling because there are different land owners with parcels being restructured together; and
- It is unfair to keep paying rates and taking responsibility for mowing (fire hazard reduction) if the land cannot be developed.

Recommendation on changes requested

No change to exhibited Black Avenue Restructure Plan and rezoning on the grounds that:

- The existing land parcels are too small for satisfactory treatment and disposal of wastewater from commercial or residential premises in a sandy location without reticulated sewerage services and where bore water is sourced for domestic use;
- The Planning Scheme at (existing) Clause 21.15-9 Venus Bay and proposed new Clause 21.17-7 Venus Bay support the rezoning in order to focus commercial development in Venus Bay at the existing commercially developed area in Estate One;
- The rezoning and restructuring has been foreshadowed in the Venus Bay - Estate 2 Framework Plan since 2009.
- Restructuring has been successfully undertaken in both Venus Bay and in other municipalities where more than one landowner owns parcels in a designated Restructure Lot.

Details:

- An urgent memo was placed on the property record in July 2015 advising of the proposal to restructure with other land parcels and to rezone the land. The memo alerts any staff member answering enquiries from prospective purchasers to mention the seriously entertained changes to the Planning Scheme and the associated uncertainty and time delay relating to potential for development. Enquiries to Council's Environmental Health Team would also reveal development difficulties with development in relation to treatment and disposal of wastewater.
- The current owners purchased the property in 2017.

Walkerville Framework Plans Submissions – Promontory Views Estate, Walkerville North and Walkerville South

41 Submissions in support of one or more Walkerville Framework Plans, especially the settlement boundaries and policies at 21.17-9 Walkerville

Alison Lester	Andrew Way
Anne Terrill on behalf Walkerville Ratepayers and Residents Association	Bruce Filley and Sue Jobst
Cluny Ferguson Skinner	David Farrar
Ellen Koshland	James and Cindy Gair joint submission with Mary Gair
Helen and Dennis Sweeney	Hollie Kerwin and Kerry Ford
Jack and Juneen Schulz	James McCaughey
James Schneider	J. G. Wallace
Jillian Bickford	Jo Wainer and Keith Hancock (joint submission of nearby neighbours)
Joan and Robert Liley	John Paine and Linda Wostry
Kevin and Zoe Hibberson	Kimbra and Terry White
Kristelle Sherwood	Lex Dwyer
Lydia Van Embden	Linda and Ben Schulz
Margaret and Peter Robertson	Margaret Smith
Margaret Windisch	Merran Wilde
Michael Varrenti and Tilda Hum	Neil and Kate Gracey
Patricia Jelbart	Peter and Anne Latreille
Richard Turner	Rob Dabal and Emily Wright
Rod Tayler and Catherine Shugg	Ross and Eleanor Mackinnon
Susan and Wilfred Fechner	Ted and Michelle Landy
Tess Deyl	Tim and Jane Jackson
Isley Sutherland	These submissions NOTED

5 Submissions support the Framework Plans and policies at 21.17-9 Walkerville but also seek policies to be strengthened. (Details below).

Edward Barlow
Sarah Murphy

Katherine McCaughey
Mary McCaughey Williams on behalf of the Walkerville Trust

Winsome McCaughey

These submissions noted and comment given below.

3 Submissions support the Framework Plans/settlement boundaries but also make other requests. (Details below).

Maggie Comrie Slane
John and Jennifer Evans

John Landy
These submissions noted and comment given below.

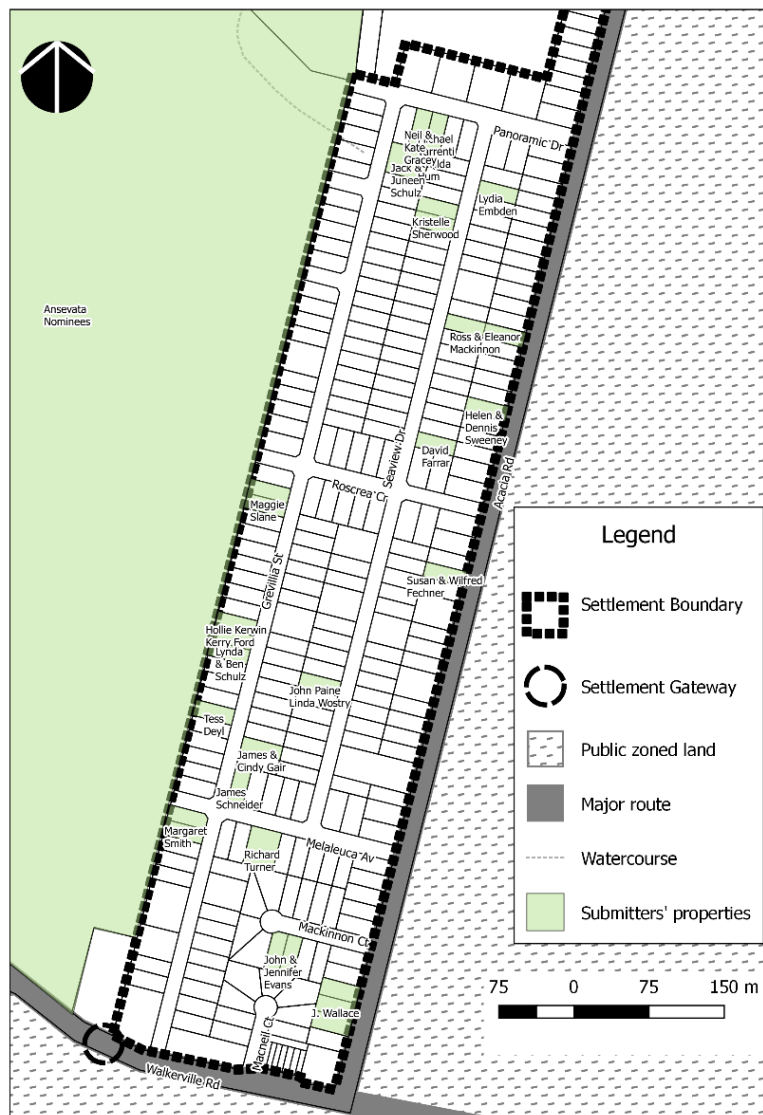
1 Submission objects to Amendment C90

Jacques Rich on behalf of Ansevata Nominees

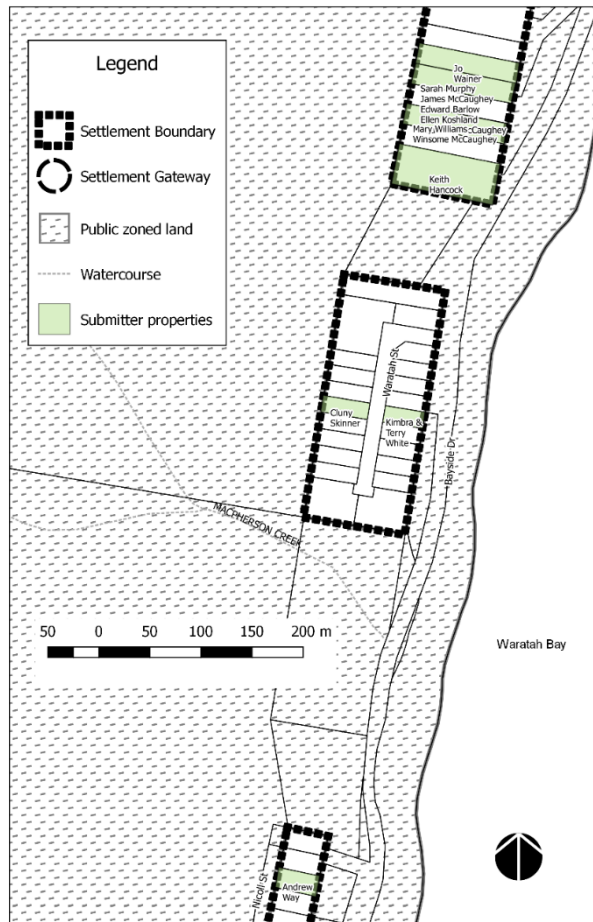
Details and recommendation given below.

Location of the submitters' properties are shown on the map below and on the next page.

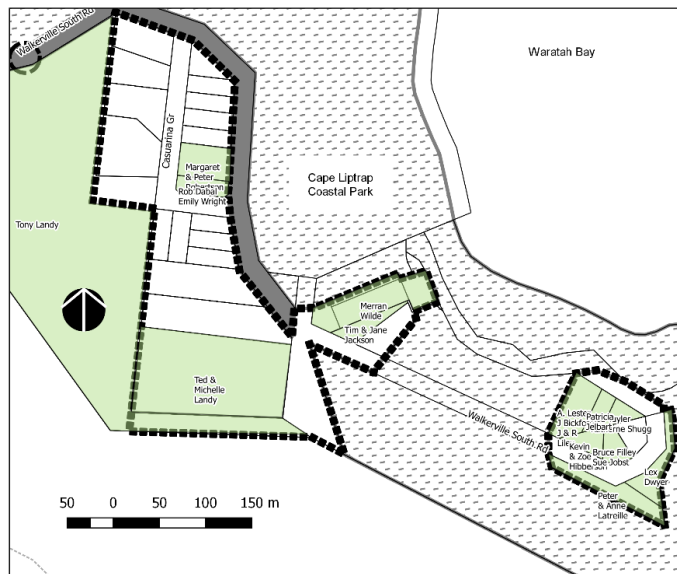
Walkerville - Promontory View Estate Framework Plan - Submitters' properties



Walkerville North Framework Plan - Submitters' properties



Walkerville South Framework Plan - Submitter properties



Legend

- Settlement Boundary
- Settlement Gateway
- Public zoned land
- Submitter properties

Support for the Walkerville Framework Plans

Grounds given for supporting the exhibited Framework Plans' settlement boundaries include:

- The low key, non-commercial character and amenity of the settlement would be retained;
- There is plentiful supply of vacant lots (submissions state 160 vacant lots in the Promontory View Estate) within the estates so no need to expand the estates;
- The fragile and unique coastal environment needs protection. Additional visitors/population detrimental effect on environment (including erosion), wildlife and at South Walkerville, historical values;
- Productive farming land should be preserved for agriculture, not developed. Groundwater quality needs protection as used for agriculture.
- Walkerville is a high fire risk area and expanded development would be an excessive burden on local CFA brigade;
- Narrow dirt roads struggle to cope with traffic;
- Beaches and access to beaches are congested in peak tourism season. Road access to beaches is steep and narrow with insufficient parking. Safety and degradation are problems;
- No [reticulated] sewerage, [reticulated] water supply or stormwater management;
- Upgrading infrastructure would be expensive and negatively impact on the environment and landscape;
- Larger towns such as Foster and Fish Creek are better equipped to supply commercial services;
- Other coastal towns have lost their character, landscape values and valuable agricultural land through overdevelopment;
- Extending the settlement boundaries and/or rezoning land outside the settlement boundaries would contrary to the State Planning Policy, the Local Planning Policy Framework, the Victorian Coastal Strategy 2014, The South Gippsland Overall Settlement Plan 2007, The Housing and Settlement Strategy 2013, the Significant Landscape Overlay 2 – Cape Liptrap to waratah Bay, The Gippsland Regional Growth Plan 2014 and the South Gippsland Rural land Use Strategy 2011.

Submissions that additionally requested changes

1. The submissions made by Edward Barlow (30 Bayside Drive Walkerville North), Katherine McCaughey (also 30 Bayside Drive Walkerville North), Sarah Murphy (also 30 Bayside Drive Walkerville North) and Mary McCaughey Williams on behalf of the Walkerville Trust (34 Bayside Drive Walkerville North) and Winsome McCaughey (also 34 Bayside Drive Walkerville North) additionally requesting that exhibited Clauses 21.02 Settlement and 21.03 Environmental and Landscape Values be revised. Specifically:

Clause 21.01 (Note that the submitters have corrected the submissions for this to read as Clause 21.02 throughout)

- i. Submissions state: Clause 21.01-2 (*i.e.* 21.02-2): The strategies under Objective 1 would greatly benefit from a stronger nexus with the terminology used in the table in the same Clause – in some cases it does not become apparent which strategies apply to which type of settlement, albeit that the strategies etc. clearly attempt to set the future direction of these. Strategies should be more direct and differentiated to state where further development and infill is encouraged and where not.

Recommendation: No change to the policy as:

The strategies at this point are relatively general to apply at the Shire-wide level. They are not intended to be itemised for each settlement.

Details: The first listed strategy 1.1 directs the planning scheme user to the next level of policy detail relating to individual settlements in stating:

Promote the residential use and development of land in accordance with the settlement frameworks and structure plans at Clauses 21.12 to 21.19.

The underlying zones and overlays come into play when individual development and land use proposals are considered, and therefore whether an infill development – whether by subdivision or new construction – will be approved. The new State Planning Policy addressing bushfire will have a significant impact on the ability for infill in the coastal settlements at Walkerville. Requirements for onsite treatment and disposal of wastewater at the Walkerville estates will also limit development density. It is not considered that the Amendment is required to repeat imposition of these limitations. Note that any subdivision applied for would be advertised to neighbouring landowners.

- ii. Submissions state: Strategy 1.2 of Clause 21.01.-2 (i.e. 21.02-2) generally promotes infill development within settlement boundaries. I submit that given the assessment guidelines laid out in Clause 21.01-1 Strategy 1.2 should either be more nuanced in its wording or clearly exclude Walkerville North. *[because]*

Its setting nested within significant environmental features and landscape where intact and dense bushland meets the beach and its rocky outcrops is to my knowledge quite unique to Victoria. Infrastructure and services in Walkerville North are very minimal (Bayside Drive, electricity, 1 community hall, a public barbeque spot and a commercial campsite with associated shop).

Being nested between the large, dense and sloping bushland area and the coast, Walkerville North is prone to bushfires and its shore is effected by coastal erosion.

The allotments within the settlement boundaries are generally fairly large. If infill were allowed, the potential amount of infill, even if only minimally realised, poses too great of a strain on the delicate balance between environmental significance and its needs and the settlement amount. Not only would the character or feel of the settlement change, but vital bush connections for flora and fauna would be disrupted if further infill via subdivisions would occur.

I submit that due to the cumulative effect of the above matters the Walkerville North Coastal Village does not lend itself to any further urbanisation, even at a smaller scale.

Recommendation: No change to the policy – same reasons as for Recommendation (i.) above.

- iii. Submissions state: Under Policy Guidelines the following is to be included:

- *(Part 1)* Development outside of the settlement boundary for the purpose of accommodation or similar and/or commercial purposes associated with the settlement is to be discouraged.
- *(Part 2)* Subdivisions within the settlement boundary of the Coastal Villages of Walkerville North, *[others within dense bush setting, very limited infrastructure and service?]* should not occur.

Recommendation:

Part 1 - No change to the policy on the grounds that the Amendment cannot override the provisions of the Farming Zone and the Public Conservation and Resource Zones which apply (respectively) to the land outside of the settlement boundaries at Walkerville.

Part 2 - No change to the policy on the grounds that the existing overlays and wastewater requirements adequately address the issues.

Details: Note that any subdivision applied for would be advertised to neighbouring landowners.

iv. Submissions state:

Clause 21.03-2: I submit that the Clause would benefit from providing some examples or more nuanced wording regarding appropriate materials and colours, i.e. using natural materials and colours found in the adjacent natural environment to reduce the visual impact of any development.

Higher buildings further away from the shore should not be allowed. They would still unnecessarily add to the visual impact as their visibility and presence is heightened, no matter the distance from the shore. Strategy 1.3 in Clause 21.03-2 should state support a low build form in coastal villages, especially in bush settings and where in sloped areas.

Recommendation: Implement recommendation 1 of the Planning Scheme Review 2011-2014 which states: (underlining given for emphasis of relevant wording) Review and amend application of Overlays and associated schedules (especially Environmental Significance Overlays, Significant Landscape Overlays, and Design and Development Overlays and Parking Overlay.). Especially ESOs 2, 5, 6, EMO, LSIO and DDOs 3-6

Details: Strategy 1.3 states: *Support a hierarchy of built form within coastal settlements, with lower buildings adjacent to the foreshore and higher buildings away from the foreshore.*

The submitters have a valid argument that greater design and development controls need to be applied consistently across the coastal settlements in order to minimise visibility and visual intrusion of new development, especially where they are in locations designated as significant landscapes. Slopes and sand dunes raise the profile of some buildings into the landscape and require special consideration. The most appropriate method for this detailed type of control is in a Design and Development Overlay, not inclusion in the Amendment C90 settlement policies.

v. The submissions state: I strongly support Objective 5 of Clause 21.03-2. I submit that Strategy 5.4 should state “require the planting of...” rather than “encourage”. Victorian Native Vegetation is one of the key identifiers of some of the Coastal Villages and it must be retained, replaced and increased where possible.

Recommendation: No change to the policy on the grounds that Strategies are the level in the Planning Scheme which outline how Objectives should be achieved. They do not include directives.

Details: “Require” is a directive. Consequently “encourage” is the appropriate term. Directives are included in planning permit conditions which are assessed in accordance with the “Decision Guidelines” of the relevant zones and overlays. Assessment of planning applications also includes balancing the sometimes conflicting requirements of landscape and indigenous vegetation considerations with reduction of bushfire hazard.

vi. In regards to Clause 21.17-9: Walkerville the submissions state:

(Part 1): I submit that in Landscape and Built Form the first sub-dot point under the first dot point should state: keeping visual intrusion of development into **any** public areas **and** towards the beach to a minimum.

(Part 2): I submit that either under Settlement or Landscape and Built Form Clause 21.17-9 should also state that development outside of the settlement boundary is not supported and that further subdivisions within the settlement boundary must not occur.

Part 1 Recommendation: Revise exhibited Clause 21.17-9 as shown by insertions below (insertions in red text, deletion in strikethrough)

Landscape and built form

- Control the design and siting of development in Walkerville – Promontory View Estate, Walkerville North and Walkerville South by:
 - minimising visual intrusion of development into **any** public use areas ~~on~~ **and** the beach;
 - maintaining continuous indigenous vegetation canopy; and
 - reducing distant visibility through the use of darker colours / non-reflective materials).
- Maintain the low key holiday character of the Coastal Village and preserve the different styles of each estate.
- Maintain the rural, vegetated buffer between the subdivisions that comprise Walkerville Coastal Village.

Part 2 Recommendation: No change is recommended to Clause 21.17-9 as Council cannot remove the existing provisions of the adjacent zones in regards to development (a very wide term) and subdivision.

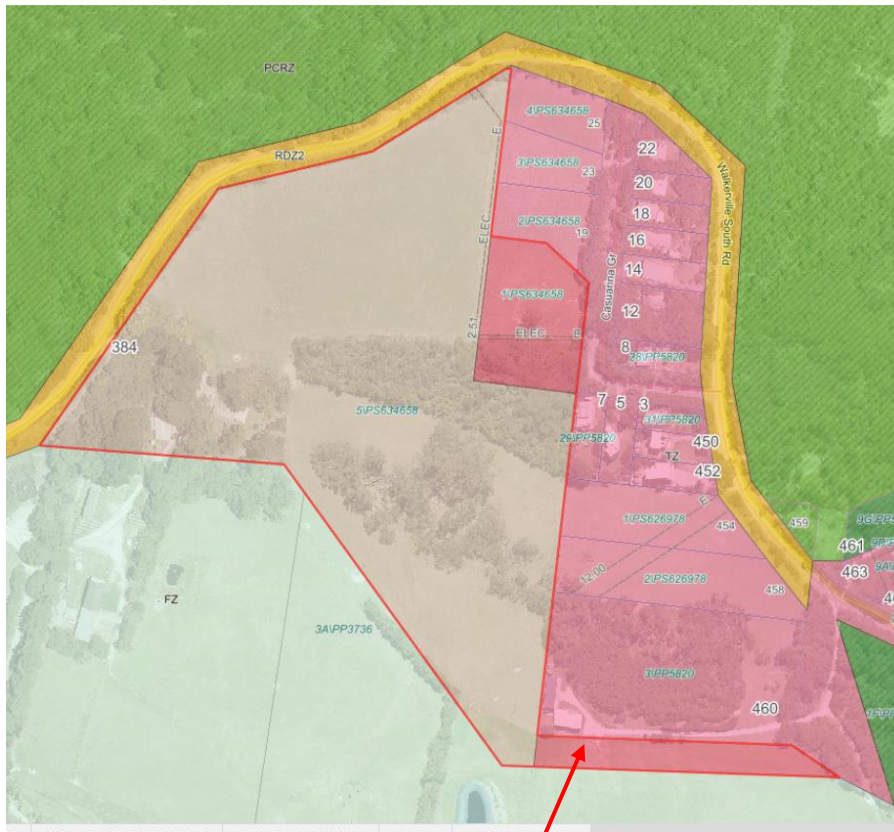
2. Margaret Slane of 71-73 Grevillia St supported the ability for café type development in or near the estate although she did not want the settlement boundary extended.

Recommendation: No change to the Walkerville Framework Plans or policy.

Details: The Amendment is not changing the zoning at Walkerville. A planning permit could be sought for a retail premises or café/restaurant as the land inside the settlement boundary is in the Township Zone. There may be potential difficulties with disposal of wastewater from a retail premises at this estate.

3. Tony Landy of 368 Walkerville South Road – requested a minor adjustment of the settlement boundary in the Walkerville South Framework Plan to align with title boundaries of the neighbouring property at **384 Walkerville South Road**. He did not want part of the 8ha title at 384 Walkerville South Rd included inside the settlement boundary. The land is part of a much larger commercial farm consisting of titles held in various family members' names. According to Council records (at March 2018), the property referred to in the submission is not owned by the submitter but by a family member.

See map below.



Part of title inside settlement boundary and in Township Zone

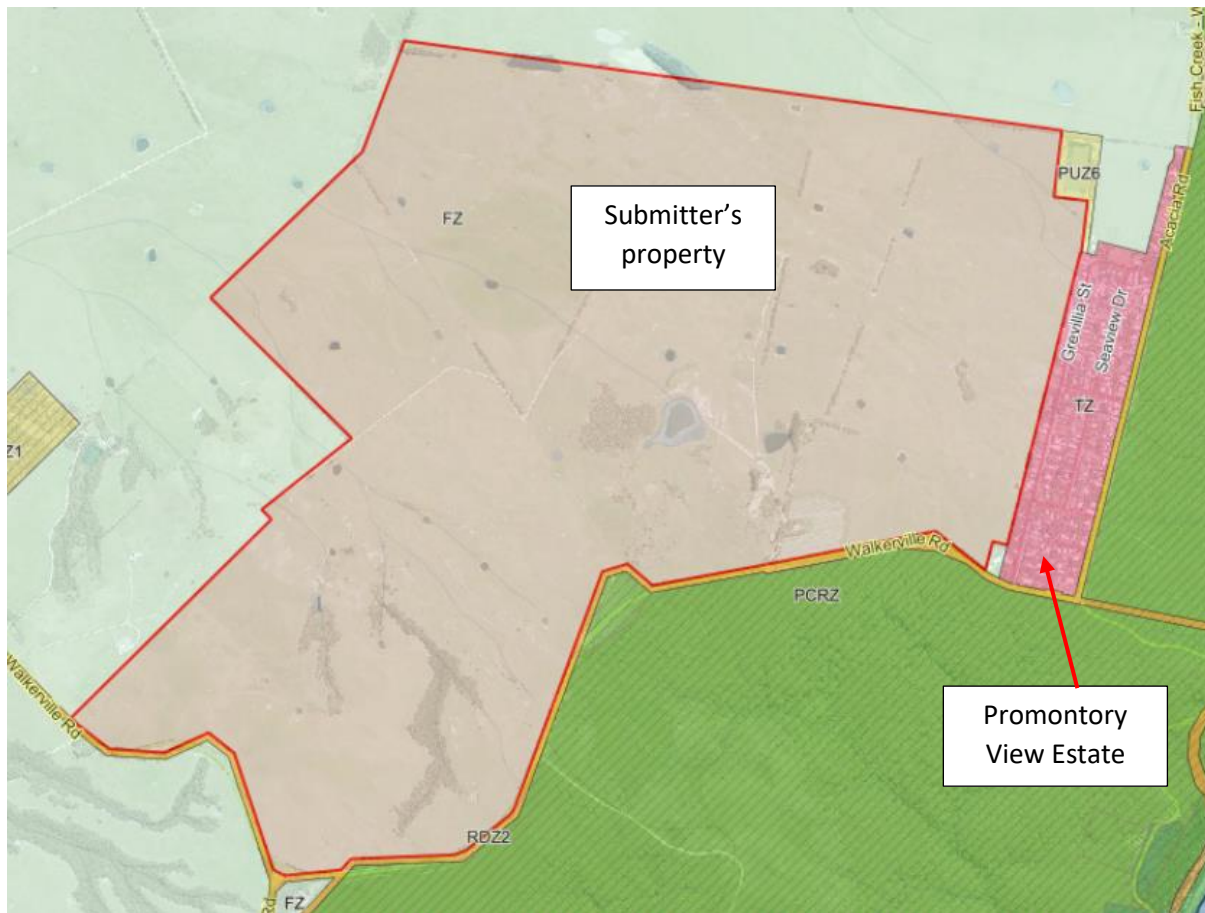
Recommendation: No change to the Walkerville South Framework Plan settlement boundary on the basis that it accurately reflects the land zoning and has no practical impact on farming the property.

4. John and Jennifer Evans of 4-5 Mackinnon Court support the Framework Plan settlement boundaries but object to the reference in current Planning Scheme Clause 21.15-14 to investigate options to provide low cost reticulated sewerage to all small towns on the grounds it is unnecessary.

Recommendation: No change to Amendment C90 on the grounds that the objection is to a 'Further strategic work' dot point in the current Planning Scheme that is not included in the policies at exhibited Clause 21.17-9 Walkerville

5. Jacques Rich on behalf of Ansevata Nominees, owner of 2075 Walkerville Road, has objected to Amendment C90. The property is 403.7ha in area, is in the Farming Zone and is used for commercial agriculture. It is located on the west boundary of the Promontory View Estate.

See map below.



Grounds of objection are:

- The Walkerville Basin (the area zoned Public Use Zone 6 – Local Government) should be independently surveyed prior to the Amendment proceeding as it is not the correct area;
- Council needs to take action to prevent septic effluent discharging into the dam and should undertake water quality monitoring;
- The Amendment discourages further commercial development apart from non-retail commercial tourism uses confined to residential properties;
- The submitter wants to subdivide 40ha of land adjacent to Promontory View estate into large residential lots;
- The submitter wants to develop an agriculture-based, commercial sales/tourism attraction within the 40 ha area noted above; and
- Council could take advantage of water and sewerage facilities provided for the commercial proposal mentioned above to service Promontory View Estate.

Recommendation: No change to Amendment C90 on the grounds that:

- **Amendment C90 is not rezoning any land at Walkerville. Any issues relating to application of the Public Use Zone to land north-west of Promontory View Estate are not relevant to assessment of the Amendment. They could be dealt with by a separate General or site specific amendment;**
- **Issues relating to effluent disposal and water quality in a nearby dam to the Promontory View Estate are not relevant to assessment of Amendment C90.**

- **The Amendment is not changing the provisions of the Township Zone which apply to land inside the Promontory View Estate. The Township Zone allows for a planning application to be made for a retail premises (other than an Adult sex product shop). The Planning Scheme defines a Retail premises as including (among other listed uses) a Food and drink premises, Primary produce sales, Shop and Market.**
- **The Amendment is not tied to consideration any past, present or future planning applications for land in the Farming Zone adjacent to the Promontory View Estate at Walkerville; and**
- **South Gippsland Water (SGW), not Council, is the authority responsible for provision of reticulated water and sewerage services in all but the western end of the Shire. In its submission to the Amendment, SGW has advised it currently has no plans for new or extended provision of these services to settlements in the municipality in the foreseeable future.**

Yanakie Submissions

1. Margaret Atkins of 3 Stockyard Court Yanakie requested – revision of exhibited Clause 21.17-13 Yanakie so the second dot point under the sub-heading ‘Economy’ made better sense as ‘self-contained’ seemed incongruous.

Recommendation: Revise the sub-clause 21.17-3 Yanakie as shown in the extract below (revision shown as track changes from the exhibited version).

Clause 21.17 Coastal Villages – Port Welshpool, Sandy Point, Tarwin Lower, Venus Bay, Walkerville, Waratah Bay, Yanakie

21.17-13 Yanakie

--/--/20--
Proposed
C90

Local area implementation

- Promote the use and development of land generally in accordance with the *Yanakie Framework Plan* at clause 21.17-14.

Settlement

- Provide an attractive and safe residential environment and strengthen the economic future of Yanakie.

Economy

- Identify the Town Centre on the Meeniyah-Promontory Road as the preferred focus for commercial business, and community and tourist services and facilities.
- Encourage ~~self-contained~~ small-scale tourism development at Yanakie.
- Encourage identification of niche business sectors that can be used to exploit the tourist market.

Details: The submitter found an error. The policy was meant to be worded similarly as for Port Welshpool at 21.17-1.