Submissions by Location – Click on title to be 'hyperlinked' to the relevant page

Kongwak Framework Plan

2 submissions

Ann Waycott

Lee Storti

Submission

C90 - Housing and Settlement Survey - EF/16/1068; 185702 Waycotts Pty Ltd

Hi

I am writing to you regarding a couple of matters.

Scott Crescent is a no through road which is stated on the sign post, this has not been maintained by the shire for 30 years, the road is untrafficable. This is basically a track now not a road which has been maintain by my father and now myself.

Can this please be altered on the plan that this is not a road

I have a concern regarding Foster Creek which borders my property, I have noticed that trees along the bend on my property have been taken down, and there has been work done on the other side of the creek.

Has this been done by council or the water board, as l have not had any notification they works were going to be done on my property.

When I have been spraying the blackberries and thistles I have noticed that rubbish and garden waste are being thrown on to the property near the culvert boarding the Telstra hut, which is being pushed down to Foster Creek clogging up the river, and non-native plants are taking over the bank of the creek, which I am trying to keep down when I do the spraying but it is slowly getting out of control, especially in Pioneer Reserve where rag wort and blackberries are taking over the river bank through the reserve.

If you could please get back to me regarding my comments and concerns.

Kind regards

Ann Waycott

JELD-WEN Australia Pty Ltd

949 Stud Road

Rowville Vic

3156 Australia

Submission

Attention Fiona from S & L Storti Kongwak

Dear Fiona, It was great having a chat, glad you understand it all. l have enclosed the titles l have got. What does it mean if it is zoned public land? or it can not be if it is titled to us? Thanks for working it all out. Lee

l did wonder why we got different title numbers from original but they said something about Title office changed things.Oh well over to you. PS This farm was quite bare when we bought it and l planted it for non farm animal habitant not for 2 legged people plus "legal" stuff these days worry me, you can be held responsible even when you don't know you are.

Thanks again.Lee

44 Brownes Rd Kongwak

Attention Elizabeth Thankyou.

R 696851 U (1ST CERT) LIFE EST

ORIGINAL

NOT TO BE TAKEN FROM THE OFFICE OF TITLES

INTERIM

VICTORIA

REGISTER BOOK

VOL. 10064 FOL. 368

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

VOL.

FOL.

ROBERT FRANK GRABHAM AND JEAN GRACE GRABHAM BOTH OF 2 KENNARDS COURT INVERLOCH ARE JOINT PROPRIETORS OF AN ESTATE FOR THEIR JOINT LIVES AND THE LIFE OF EACH OF THEM SUBJECT TO THE ENCUMBRANCES NOTIFIED HEREUNDER IN ONE EQUAL UNDIVIDED HALF PART SHARE OF ALL THAT PIECE OF LAND IN THE PARISH OF KONGWAK BEING PART OF CROWN ALLOTMENT 6 WHICH LAND IS SHOWN ENCLOSED BY CONTINUOUS LINES ON THE MAP HEREON.

DATE: 19/12/91
DERIVED FROM VOL.8261 FOL.613 R696851U

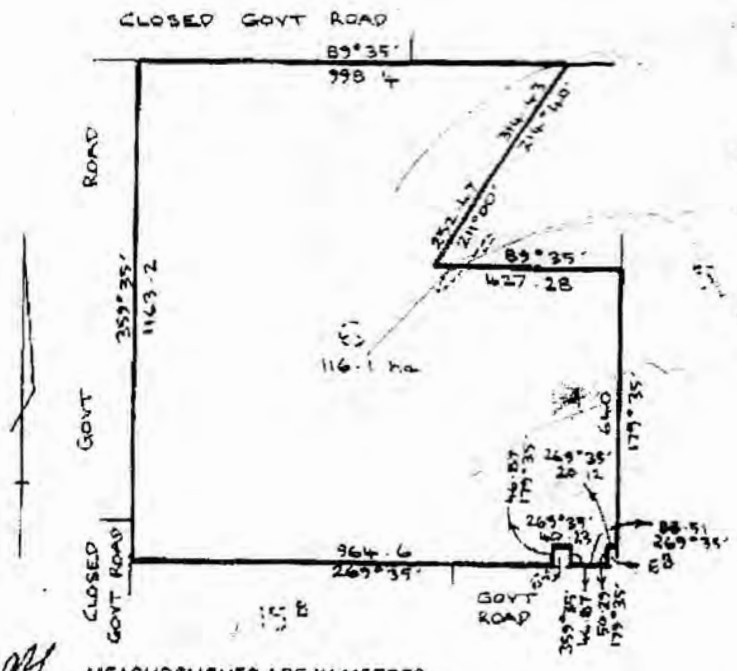
OFFICE OF TITLES VICTORIA

Assistant Registrar of Titles

ENCUMBRANCES REFERRED TO

MORTGAGE [illegible] TO ELIZABETH BLANCHE HARPER
REGISTERED 29/8/91

THE ABOVE MORTGAGE IS DISCHARGED
- 1 AUG 1994



T10064-368-1-6

TITLE PLAN		EDITION 2	TP7526K

Location of Land

Parish: KONGWAK
Township:
Section:
Crown Allotment: 6 (PART) LOT 1
Crown Portion:

LTO Base Record: D.C.M.B.
Last Plan Reference:
Title References: VOL.6396 FOL.108
Depth Limitation:

Notations

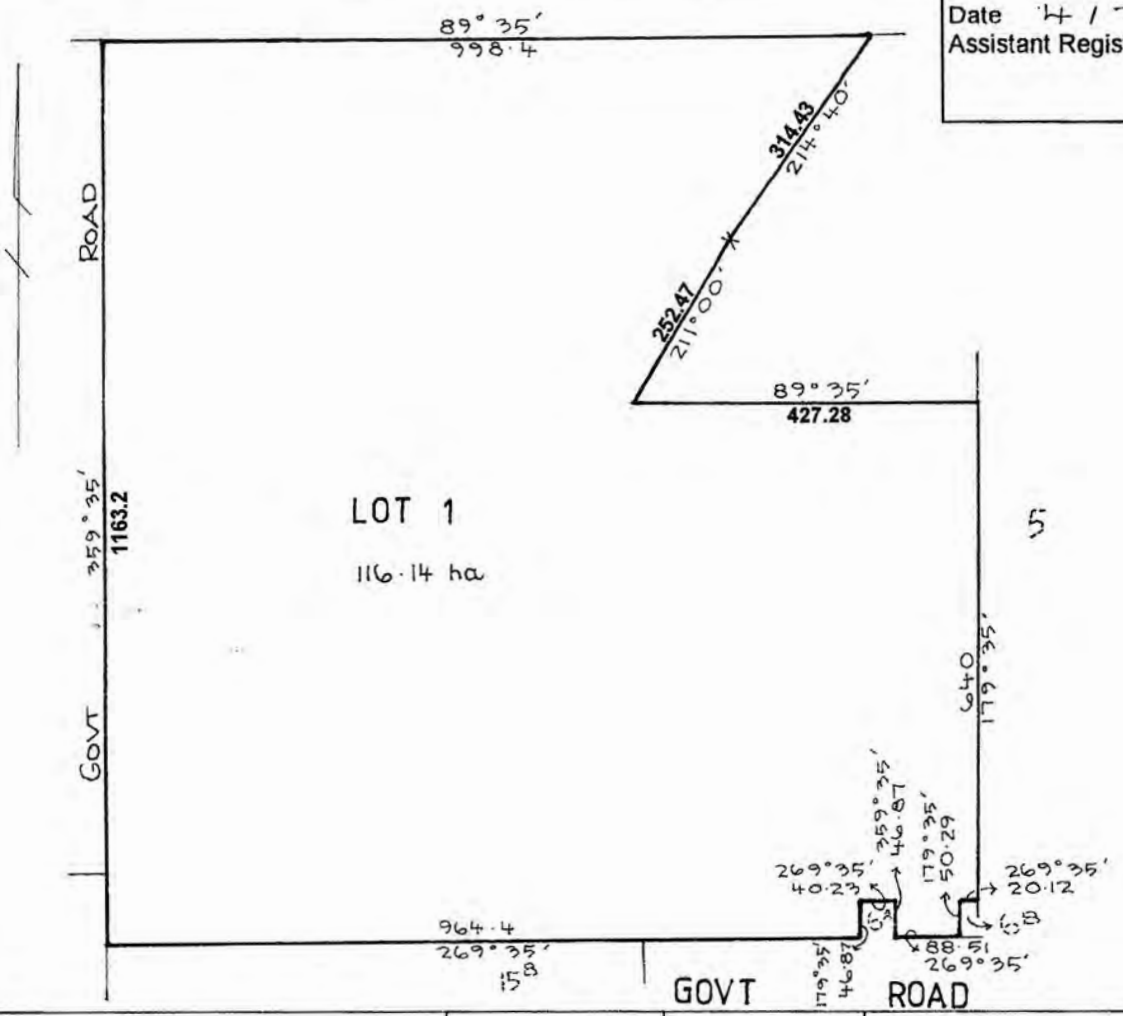
Easement Information

Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefitted / In favour of

THIS PLAN HAS BEEN PREPARED FOR LAND TITLES OFFICE TITLE DIAGRAM PURPOSES

Checked by ..Bames:Wayt.

Date 4 / 7 / 97.
Assistant Registrar of Titles



LENGTHS ARE IN METRES	SCALE	SHEET SIZE A3	FILE NO: U803873V

© Victorian Land Titles Office	Drawn By:	DEALING CODE:	Sheet 1 of 1

Koonwarra Framework Plan

3 submissions

Brian Williams and Emily O'Brien

John Basile

Lisa and Wayne Kuhne

See also

C90 general – Isley Sutherland

Brian Williams & Emily O'Brien

14-16 Bacon Ave,
Koonwarra, Victoria 3954

6 January 2018

Paul Stampton
Planning Manager
South Gippsland Shire Council
9 Smith Street,
Leongatha, Victoria 3953

ref: EF/16/1068; 178119

Dear Paul Stampton,

In light of the release of Planning Scheme Amendment C90 my partner and I thought it prudent to bring to your attention our current licence of the disused road between Allotment 23 (Nirvana Park) and Allotment 22 (14-16 Bacon Avenue) of Section 3 in the Township of Koonwarra pursuant to Part 138 of the *Land Act 1958*. Licence No. 2020004 which was commenced on the 1st of March, 2012.

With the changes proposed in Planning Scheme Amendment C90 we would like to note our desire to absorb the unused road into our title if this were possible in the future.

Yours sincerely,

Brian Williams & Emily O'Brien

Submission

C90 Koonwarra Township proposals

Hi,

I would like to recommend that:

1/ Nirvana Park is inclusive of the Johnsons Road East Side (Wedge missing from the dotted line) and is not made part of the changes and remains as it is. Nirvana Park is a very important part of Koonwarra and performs a native habitat environment for Koala's etc.

2/ No future subivisions of Koonwarra be allowed, especially Bacon Avenue and and Kookaburra Drive, both make Koonwarra the place where people like to visit because it is a small rural community (re Rail Trail / markets and surrounds) and would not lend itself to large population expansion.

Regards
John Basile
38 Johnsons Road KoonWarra.

Submission

Amendment C90

Hello

Thank you for meeting with us recently.

As discussed, we would like the settlement boundary extended to include 20 Whitelaws Track within the Koonwarra framework plan.

This parcel of land is currently zoned rural activity.

Kind Regards,

Lisa and Wayne Kuhne

110 Johnsons Road

Koonwarra 3954

Meeniyan West – McIlwaine Street Restructure Plan

1 submission

Danielle and Stuart Mackie

See also C90 general - South Gippsland Water submission

3 January 2017

Fiona Mottram
Senior Strategic Planner
South Gippsland Shire Council
Via email: C90@southgippsland.vic.gov.au

Dear Fiona,

RE: Objection to Amendment C90 Housing and Settlement Strategy

We are the owners of the land at 35 McIlwaine Street, Meeniyan (Crown Allotment 9 – 16, Section 9, Parish of Nerrena) which will be affected by the introduction of a Restructure Plan Overlay and Plan in Meeniyan. We object to the application of a restructure overlay on our subject site.

Currently we are subject to a planning permit No. 2012/233/A issued by VCAT which contains a planning permit that requires that our lots be consolidated. It has been recently brought to our attention by some independent planning advice that we have not yet undertaken the consolidation and so are in the process of making sure we are complying with the planning permit in this regard.

From the advice sought and our conversation with yourself at the community consultation for C90, it is apparent that given that we are required to consolidate that the application of a restructure overlay on the site is unnecessary and may impact our site in the future.

We do not see the advantage to Council of having the restructure overlay control in place and also are concerned that it may result in unnecessary planning permit triggers for things that are currently allowable onsite under the provisions of the zone and existing overlays.

Other comments

We would like to also suggest that Council's housing strategy that underpins this amendment has failed to consider the rural residential and further expansion of Meeniyan as a township. We feel that the policies that are being implemented through Amendment C90 have not considered the merit of Meeniyan's expansion, in particular to the south east.

We understand from our previous planning permit and appeal to VCAT that South Gippsland Water has identified the lots adjacent to our own for new reticulated sewer. We understand and support the importance of protecting water catchments we believe this should be balanced with net community benefit and providing appropriate growth opportunities.

We believe that in considering the reasons for rezoning to rural living zone that our site should be considered. We maintain that our site is an ideal site for a future rural residential or low density residential rezoning for the following reasons;

- The site has been utilised for dwelling purposes for at least 40 years with no

productive agriculture being undertaken;

- The site's location is highly accessible being within 1km of the Meeniyan town centre;
- The site is fragmented in size and location from enterprising agricultural lots and does not constitute a lot that would be able to be considered as a productive farming lot.

If you require any clarification on these comments, please contact Danielle, who can be contacted on [deleted]

Yours Sincerely,

Stuart and Danielle Mackie
39 McIlwaine St
Meeniyan

Further submission

Whatever suits best from your end Fiona

We used to be 35-55 before shire changed it to 39 once we built the new house

Thanks
Danielle

Mirboo Framework Plan

1 submission

Rodney and Coral Donat

Rodney and Coral Donat

P.O. Box 376, Wonthaggi, Vic. 3995

[redacted]

5th January, 2018

Mr. Paul Stampton Planning Manager
South Gippsland Shire Council
Private Bag 4
Leongatha Vic 3953

Dear Sir,

RE: Mirboo Framework Plan Ref: EF/16/1068:198484.

With reference to the Planning Scheme Amendment C90 we wish to advise the we are the owners of Lot 3 PS603031 and Lot 5 PS603031.

We purchased Lot 6, then Lot 5 and Lot 3 Hankinson Court, Mirboo. We purchased as much of the farm we could afford. The original farm was subdivided. We bought Lot 6 then purchased Lot 3 and Lot 5 on the boundary of the farm to maintain control of the entry into Lot 6. We wanted to be successful farmers and the entry (only entry) had to be preserved. We have intentions at a later date to build a house on or both blocks as we approach retirement age.

One block is 10 acres Lot 3 and the other is approximately 5 acres Lot 5. When we purchased the land we had the right to build on both Lots and paid a premium price at the time to be able to build a house on both. We did not pay for just grazing land. So therefore, this right should not cease. The original land was for sale for somebody to purchase, build a house on and call home.

This was also a consideration when we purchased the farm. We could build a home on Lot 3 and Lot 5 when we retired, in due course later. This right should be upheld by the South Gippsland Shire Council. If you are rezoning other farming land that is fine, but please remember this land at 15 Hankinson Court has already been subdivided and passed by the South Gippsland Shire Council.

We request that you abide by the original subdivision.

Yours sincerely,

RODNEY & CORAL DONAT.

Nyora Framework Plan

1 submission

Miryana Hranilovic

Submission

c90

175 Henrys Rd, NYORA

Dear Fiona,

Thank you for your time the other day in Korumburra.

Just in regard to the Amendment C90, I have no concerns with the restructure project either way, we do not wish to re-develop our property at the moment.

I am happy to receive any information of any updates should we be effected by them.

Once again thanks for your time

Kind Regards

Miryana Hranilovic

Outtrim Restructure Plan

4 submissions

Brian Hess on behalf of B., Y. and K. Hess

Helen and Lindsay Broad

John and Margaret Freeland

Joey Whitehead of Beveridge Williams on behalf of prospective purchaser

Submission

C90 Submission B.K. & Y. Hess & K.A. Hess 42 Lomagnos Rd Outtrim

I wish to submit that in respect to C90 provision to allow more than one restructure block on my land is requested.

Two blocks between 2 and 5 acres. One in the south-east section bounded by Outtrim-Moyarra Rd and Lomagnos Road and one in the south-west bounded by our driveway and Lomagnos Road, both with access from Lomagnos Road is requested.

I would also like to point out although I know it is not related to C90 that effort by the council to make Lomagnos Road a gazetted road is needed.

Regards,

Brian Hess

11th December 2017

South Gippsland Shire Council
Planning Department
Private Bag 4
LEONGATHA Vic 3953

Dear Strategic Planning Team,

Helen and Lindsay Broad of No. 2 Beard Street, Outtrim wish to make a submission to the Planning Scheme Amendment C90 – Housing and Settlement Strategy.

Re: Beard Street, Outtrim - Unused Road between Restructure Lot No. 6 and our property No. 2 Beard Street, shown on Figure 5 of the Outtrim Restructure Plan (RO5).

We wish to request the Unused Road located at the South end of Beard Street, Outtrim, be formally closed. The reasons for this request are:-

- It hasn't been a Used Road since the early 1900's.
- The Land is Boggy and Unstable, possibly due to an underground Spring.
- When subdivided in 1997, this unused Land was fenced to property No. 2 Beard Street for use and enjoyment by property No. 2.
- This Unused Section of Beard Street is not included on the Council's Maintenance Register.
- This Unused Section of Beard Street is and has been maintained by the owners of No. 2 Beard Street, Outtrim since subdivision in 1997.
- This Unused Road section has Gippsland Bog Gums and other indigenous Trees and Vegetation planted by Council, to support the Boggy Soils and the lands' stability.
- The Amenity of this area will be lost to us should the Land become Divided, a Used Road or a Public Park.
- Koala's and other Wildlife use this Unused Road Section as a Sanctuary and a Corridor.
- The Shire will be burdened with Maintenance Costs should the Land become a Used Road or a Public Park.

Should the Restructure Overlay Planning Team deem the Unused Road Section favourable for closure, we confirm our interest in purchasing that Unused Road Section.

Should it become favourable for closure, we request that it not be divided up, between us and either of our neighbours, for the following reasons:-

Both of our neighbours have formally admitted to the unlawful destruction of Trees, Vegetation and Fencing in and of the Beard Street Road Reserve. This occurred in the years of 2011/2012 and has continued since, as recently as October 2017. We submit their **only interest** in any part of the Road Reserve Land, **is access**, to unlawfully remove any Trees, Plants or Vegetation they perceive to impede their views. We have Documentation and Photos to support these assertions.

We thank you for for your attention and the opportunity to forward a submission to the Planning Restructure of our lovely Outtrim.

Regards,

Helen Broad
Lindsay Broad

Helen and Lindsay Broad
2 Beard Street,
Outtrim 3951

Submission

41 Lomagnos Rd Outtrim

Attn: Fiona Mottram

Hi Fiona,

It was a pleasure meeting with you recently, and we appreciate the time that you spent with us.

John and I would like to be kept informed about the changes that are planned and any further meetings or shire meetings re this amendment.

The titles 8,9,10 and 11 in Section H are not shown on our titles.

We are yet to catch up with our neighbours to discuss putting in a budget submission for having the necessary changes made to Lomagnos road.

John and I feel that amalgamating our titles is difficult when some of our titles cross over Lomagnos road

We do not feel that is it necessary to amalgamate the old titles on our property, we cannot see any benefit in this. We believe that the costs incurred by us would outweigh any benefits for us.

Furthermore, we would like to point out, that since our ownership, we have duly gone about removing weeds, including blackberries and replanted our property with native trees and grasses to help our property to heal and eventually return to what it was before miners and farmers came in and changed this environment. Due to these changes that we have made, native ferns, Koalas and a variety of local native birds are now returning. In addition we have bought all the plants ourselves and carried out all the necessary work to re-naturalise our land ourselves without any help from the shire or Landcare. These changes to our property, will also benefit our local farmers and stop soil erosion on our property. Some of our neighbours have also been naturalising their properties as well.

We cannot see any benefit of these amalgamations to properties where the owners have done so much to care for their land and to help it to return to nature.

Looking forward to hearing from you.

Regards Margaret & John Freeland

Submission to Amendment C90 of the South Gippsland Planning Scheme, 1 Main Road, Outtrim

Dear Council,

I act on behalf of the purchaser of 1 Main Road Outtrim. Our Client also owns the abutting land at 11 Main Road Outtrim which contains a dwelling. The land at 1 Main Road Outtrim contains a dwelling and a number of sheds.

We make submissions that there is significant merit in changing the restructure plan as it relates to 1 Outtrim Road to create the attached restructure plan for these two properties which;

- Consolidates Lot 1 TP120037 (being a separately transferable part of TP 120037) and Lot 2 TP142341 with the land at 11 Outtrim Road. This will allow up our client to include the shed and part of the yard from 1 Outtrim Road and 'tidy up his title'.

- Consolidates the western portion of the land at 1 Main Road Outtrim, comprising of three parcels and which will contain the existing dwelling, including Lots 1 and 2 Sec G LP3898 and Lot 1 TP142341.

- Consolidates the eastern portion of land at Lot 1 Main Road Outtrim which includes Lots 1 and 2 TP142493, Pt lot 1 TP120037, Lot 1, 2,3,4 and 5 TP140599 and lot 1 TP140598 We make submissions that this land should have opportunity for a dwelling to be constructed on it.

We make submissions that there is sufficient merit in the proposal as;

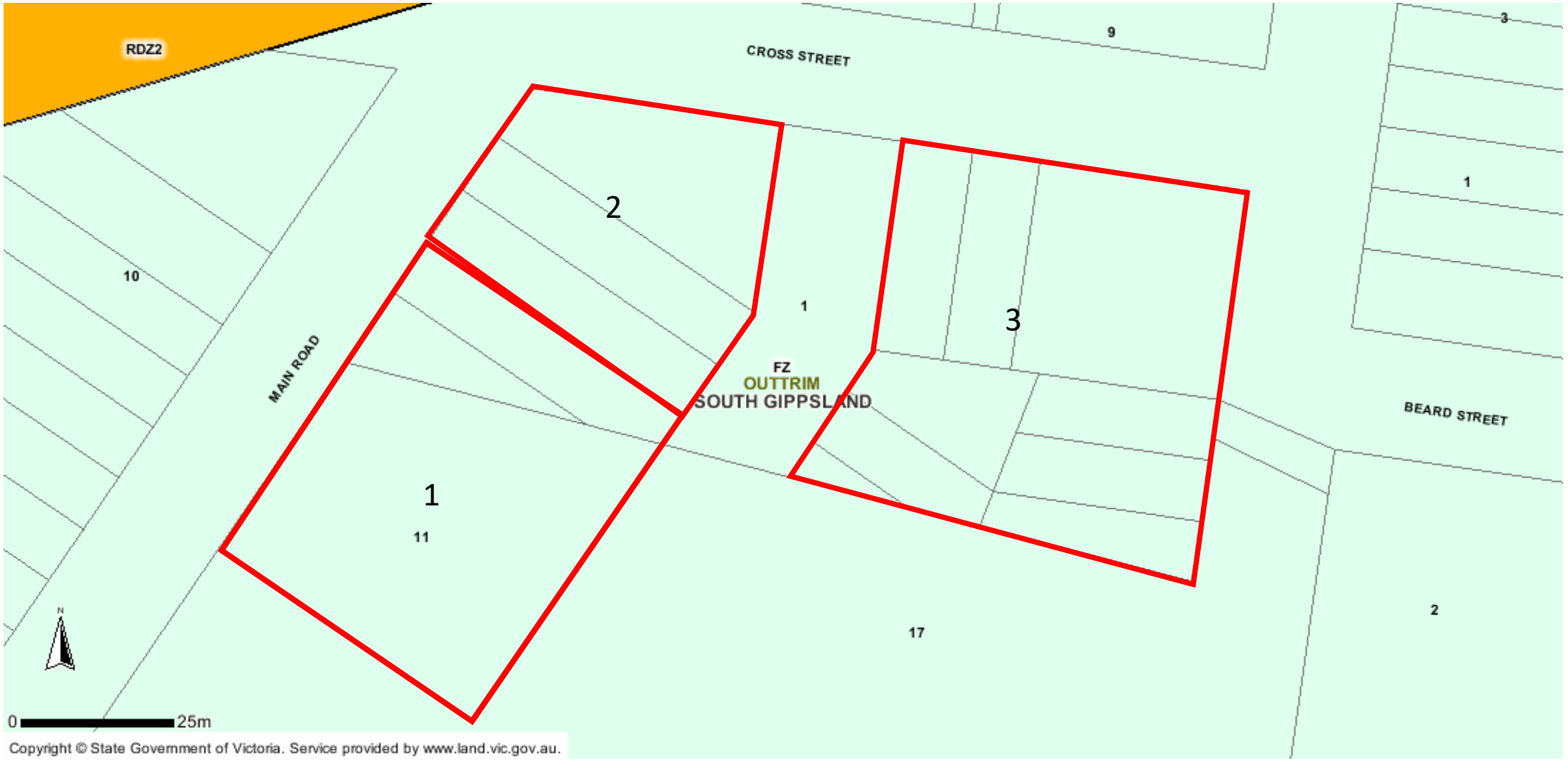
- The proposed restructure outlined above is in keeping with the character of the area and the rural character of the South Gippsland small townships and settlements as described in Councils MSS;
- The proposal does not result in a risk to environmental values, including erosion, on the area in accordance with Council's MSS and SPPF and the ESO5;
- The proposal allows for a vacant lot that will not impact on the amenity of neighbouring lots through loss of neighbourhood character or loss of private amenity;
- The proposal has a net positive impact on the management of the watercourse through the land;
- The proposal creates lots that are well serviced and has available connection to NBN as well as constructed road frontages;
- The land does not have qualities that support the use of the land for agriculture and that the land is best used for the purpose of rural living.

We trust that the Council will consider this submission favourably.

Regards,

Joey Whitehead
Senior Town Planner

Beveridge Williams
www.beveridgewilliams.com.au
Warragul Office p: 03 5623 2257


RDZ2
CROSS STREET
9
3
1
2
10
1
3
MAIN ROAD
FZ
OUTTRIM
SOUTH GIPPSLAND
BEARD STREET
1
11
17
2
N
0
25m
Copyright © State Government of Victoria. Service provided by www.land.vic.gov.au.

Port Franklin Road Restructure Plan

1 submission

Linda and Gerard Van Dyke

See also C90 general - South Gippsland Water submission

29/12/2017

Gerard and Linda Van Dyke

505 Port Franklin Rd

Port Franklin

Vic 3964

[redacted]

South Gippsland Shire

9 Smith Street

Leongatha

Vic 3953

To whom it may concern,

Firstly, we would like to thank Paul and Fiona for their time on 28 November at Toora, they answered all our questions and the information they provided was very helpful.

Gerard and I are lodging this submission in reply to the South Gippsland Planning Scheme Amendment C90-Housing and Settlement Strategy. We are the owners of the affected parcels of land at 465 Port Franklin Rd Port Franklin (Old Liverpool subdivision).

We do appreciate that the shire have given us this opportunity, we don't fully disagree with the changes being made to our property, however, we would like to put forward what we would like the shire to consider.

We would like to add another 4 lots of blocks (7 in total) to be consolidated into small acreages (refer to attached map). Our reasoning's are....

- These blocks are on the fringe of the fishing hamlet of Port Franklin, which doesn't have shops or amenities (it does have a hall) but It's only a 5 minute drive to shops in Toora, and a 10 minute drive to the larger town of Foster, where there is also shops, schools, hospital and a medical centre. We see in Port Franklin that new dwellings and subdivisions are still being approved and built, so the growth for Port Franklin is still there, even though it's not 'earmarked' as a growth town, It still attracts people to move there.
- The blocks of land we have selected are on a main straight, sealed road. They are plenty big enough to accommodate a dwelling on each. There are power lines and Telstra lines directly out the front, running along the road. The mains water pipes, through to Port Franklin, runs directly through the back of the blocks (refer to map attached) so each of the blocks can connect to town water. We also have a school bus and garbage collection which runs straight past the blocks as well.
- According to S.G S maps, between blocks 5 and 6 there is supposed to be a dam. There was a dam built well over 30 years ago but has never held water. It was fenced off many years ago and trees have been planted over it and its just bush now, so we don't agree with the shire that that body of water still exists.
- This whole Port Franklin restructure plan is approx.90 acres, we currently run beef cattle and have done so for 21 years. Its currently zoned Farming, we have no large neighbouring properties (beef or dairy) that would benefit from purchasing to make their existing properties bigger, so our plan is to retire on this property and with the opportunity to be able to subdivide off small acreages would be an enormous help. Small properties are always in demand. Families in general, are always looking to move out of towns and cities (to the country) for their own change of lifestyle.

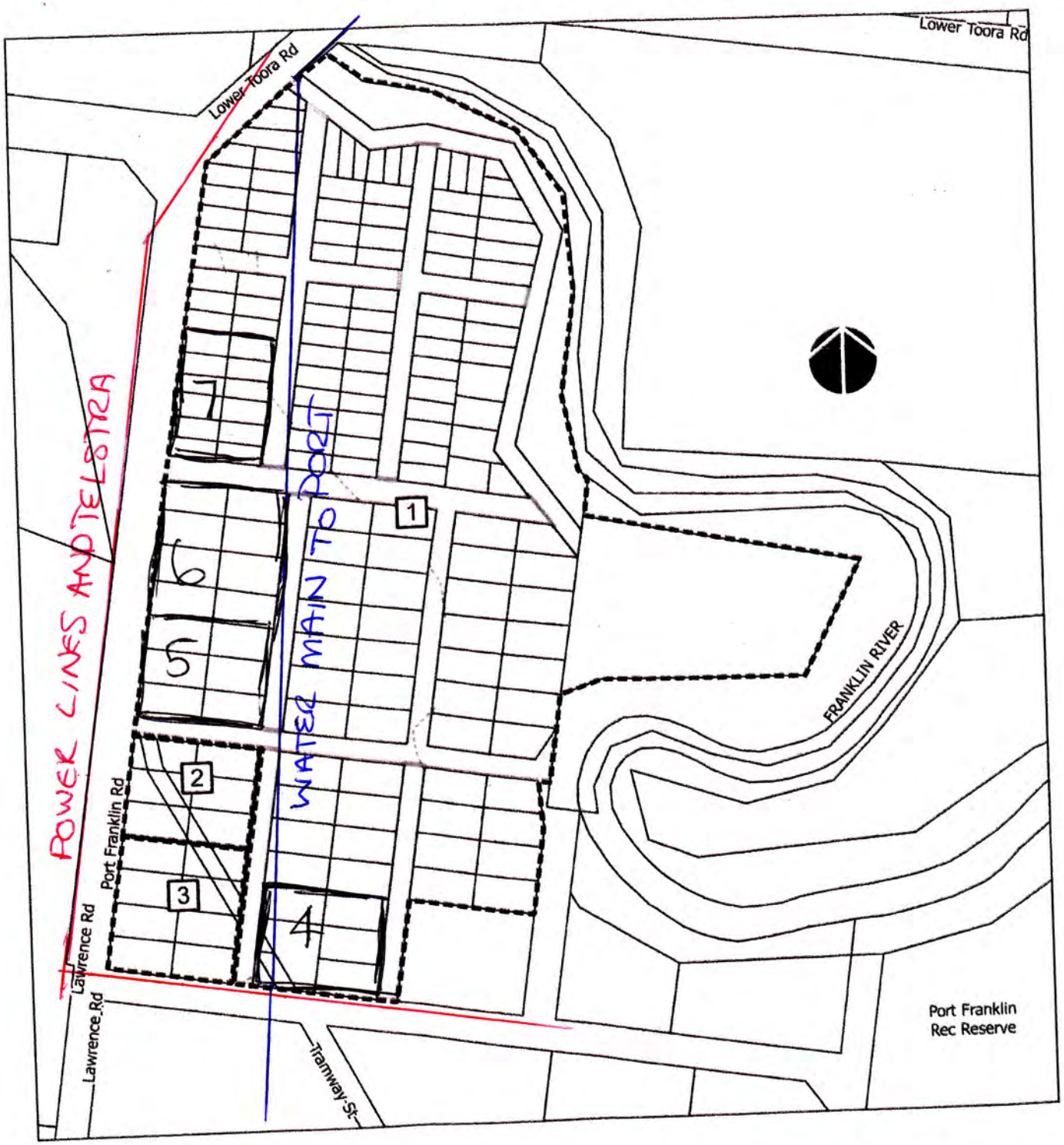
In summing up, we have the utilities, power, water, telephone and a sealed road, right there to accommodate the 7 blocks. We want to be able to offer small acreages with a fantastic rural outlook and still be close enough to major towns.

We thank you for your time and consideration

Regards

Linda and Gerard Van Dyke.

Figure 13 - Port Franklin Road Restructure Plan



Legend

75 0 75 150 225 m

Restructure Lot boundary

Watercourse

1 Restructure Lot number

Close road reserve

Only 1 dwelling may be permitted per Restructure Lot

Port Welshpool Restructure Plan

10 submissions

Brigid Watson

Jeanette Causon

Kevin Alder

Nick and Julie Anedda

Owen and Sarinya Storrie

Patricia McCarthy

Paul and Penny Hamlett

Peter and Christina Delithodoris

Robin Hall

Tom and Dawn Robb

See also C90 general

– West Gippsland Catchment Management Authority submission

- *DELWP submission*

Brigid Watson
(135) Lots 46-47 Adams Road
Port Welshpool 3695
January 5, 2018

South Gippsland Shire Council
January 5, 2018

Ref C90-RO19-8 Submission objecting to C90-Housing and Settlement

To whom it may concern,

I am against C90 the restructure of what is referred to as Housing and Settlement in old and inappropriate subdivisions. I refer mainly to the following document when lodging objections, and have underlined sections which do not apply to my titles or that pose serious concerns for objection.

Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017

The planning documents state:

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

Application of the Restructure Overlays to old and inappropriate subdivisions is a means of managing existing subdivided areas which if not appropriately managed, would have serious environmental, servicing and social impacts (including environmental risk to the community) as well as the potential for amenity conflict with existing agricultural uses and the possible proliferation of dwellings.

Pertaining to Port Welshpool:

The *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017* relate to:

Historically envisaged port settlements at Port Franklin and Port Welshpool

The Port is not a settlement but is an amenity for Victoria. Note: Lot 46 and Lot 47 land is not part of the settlement or adjacent to the port or the seaside. I cannot perceive any possible amenity conflict.

- The definition of Settlement
  http://planningschemes.dpcd.vic.gov.au/schemes/vpps/11_00_SPPF.pdf
  in the VPP Victorian Planning Provisions is

11 SETTLEMENT Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

There is no reference here to Farming Zone so farming is not settlement.

- Crucially, the *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017* will remove the current uncertainty for landowners and will establish an appropriate framework for statutory planning decision making, and as such will improve the transparency and efficiency of the South Gippsland Planning Scheme.

The plan appears to generate greater uncertainty as it states in your handout "guidance of development and land use over the next 20-30 years". This restructure plan is guidance only and short term for a farming zone business operation. Improving transparency and efficiency of a scheme is unlikely because all levels of government are already transparent and you cannot make a document efficient.

The Port Welshpool plan is a revised Framework plan with a restructure overlay referring to old and inappropriate subdivisions. The definition given in-Frequently Asked Questions for -What is an old and inappropriate subdivision?

- "An old and inappropriate subdivision has limited or no development capability due to lack of infrastructure environmental risk and/or values that need protection".

I have read all your documents and fail to see any reason why Lot 46 and Lot 47 has limited or no development capability due to lack of infrastructure environmental risk and/or values that need protection.

Background

I purchased Lot 47 and later purchased Lot 46. Since then Adams road has been rezoned to protect native grasses with no consultation or notification to warn of stock movement along this road. Prior to undertaking any development I was directed to look at this website http://services.land.vic.gov.au/maps/pmo.jsp and found my titles shown as PPRZ Public Park and Recreation. I rang my solicitor and he confirmed this is the case. As I was in the

development stage I enquired to council about this zoning. It effectively meant that I could do nothing with that land. I was told this mistake in planning had affected some 76 or more properties in the shire and that it would be 5 years before the mistake could be rectified. I was not notified that this had occurred and still haven't been notified that this is changed. I do not trust that -*Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017* will remove the current uncertainty for landowners.

Now I have been notified Amendment C90-Housing and Settlement may affect me.

The South Gippsland Planning Scheme Amendment C-90 Housing and Settlement

Lot 46 and Lot 47 are directly affected by this planning amendment and are shown as becoming 8 on Figure 19-Port Welshpool Restructure Plan and also shown as RO19. On printing out information on the two separate titles that I purchased http://services.land.vic.gov.au/maps,then applying all the zones and overlays I can see Lot 46 and Lot 47 are shown to be FZ farming zone. The restructure of the two lots on which farming is conducted is therefore not necessary. If they are still PPRZ and will revert to FZ at last, I suppose I will be able to get my solicitor to check again eventually.

"An old and inappropriate subdivision has limited or no development capability due to lack of infrastructure environmental risk and/or values that need protection".

My response to the above reasons for the C90-Housing and Settlement is

Inappropriate subdivision

The two Lots in question Lot 46 and Lot 47 are developed and are appropriately managed as grazing land. As a farmer affected by C90-Housing and settlement, I find it distasteful to be referred to as an inappropriate manager (refer 2.0 section prior).

Limited or no development capability

1. Lack of infrastructure-South Gippsland has all the infrastructure needed in FZ supplied
2. Environmental risk-grazing poses no risk in a farming zone. Farm biosecurity plan in place
3. Values that need protection-In this case developed farmland

Welshpool Restructure Plan. The Table to Figure 19 directs how the existing lots in private ownership must be consolidated to create a new lot of a size and configuration suitable for use and development of a single dwelling while protecting the environmental and landscape qualities of the area*. The existing lots in public ownership are designated for consolidation into 'No dwelling development' Restructure Lots.

*All of the abovementioned lot consolidations are also subject to advice / response from relevant external referral authorities.

Relevant external referral authorities ------seek clarification?.

Private ownership in Australian law is defined as the rights, interests and responsibilities of individuals in relation to a tangible asset such as land. Property legislation provides a register of all land and owners, to give certainty of registration of title to evidence recognize and transfer land. Indefeasibility of title states -

- A right or title that cannot be made void, defeated or cancelled by any past error or omission in the title

Therefore an old and now perceived to be inappropriate subdivision must be a past error or omission that cannot be made void, defeated or cancelled.

The amendment C90 challenges the law by stating lots in private ownership must be consolidated into a single land parcel irrespective of the owners of registered title. Further amendment C90 states Lots that are vacant are not titled Lots but parts of land parcels. I cannot find a law relating to Land Parcels as such that will clarify how titles can be removed from legitimate tangible assets such as land. Consolidation definitely removes title to Lots of land.

Summary

Amendment C90 Housing and settlement

I disagree with amendment C90 Housing and settlement because I do not see the legitimacy of saying I must consolidate or any reason to consolidate titles in a farming zone. The resulting costs are relevant as is the reduction in ability to develop my business through my tangible assets. This has to be taken into consideration. The two Lots 46-47 are farm land and zoning offers protection from most invasive development. I do not believe that a planning scheme can affect my registration of titles and reject any proposal to do so. In conclusion indefeasibility of title is law.

Sincerely,

Brigid Watson

Submission

Addmission to C90 Amendment Port Welshpool

Hi there
Have just spoken to Ken Griffiths re the Amendment C90 letter that was received today.
I live at 17 Smith Street, Port Welshpool, in a house on that allotment / block.
The two maps issued with the letter are not really clear with my block - one has the block included, the other doesn't. This is confusing and I'm sure just an oversight.
Can the maps be made clearer where my block is concerned, just so there is no confusion or later issues.
I realise my house and block are a bit unique as its in the middle of no where but still within town limits but I've been here a long long time and would rather I don't get lost on a map!
Thank you
Jeanette Causon
17 Smith Street
Port Welshpool

6/12/2017

Port Welshpool- Response from Kevin Alder

37 Daintree Drive Lennox Head, 2478.

Dear sir/madam,

This is my response to the C90 Amendment at Port Welshpool.

As owner of 56 Adams Rd, Port Welshpool which is 6 acres, I would like it to have the potential for development. Considering the new marina restoration and town development, the parcels of land which comprise approximately 35 sections of varying acreage these could add a diverse and tourism potential to the area. With regard to my land, because someone has put up a small dwelling on an adjoining lot and means I cannot therefore have a dwelling is not on. That was one of my reasons for purchase. Each Lot should be considered on a DA application.

Regards, Kevin Alder.

South Gippsland Shire Council
Private Bag 4
Leongatha. VIC 3953

Re: Proposed Planning Scheme Amendment C90

Nick and myself strongly object to the proposed planning structure and overlays at Port Welshpool as this directly affects us. We purchased our property with two titles so that later in life we can sell one property and build smaller on the other giving us some retirement funds.

Nick attended the Welshpool hall open day and spoke with your staff who asked the question on how we would get away if a fire started and we would drive out our driveway unlike those in the township who would be stuck. The only bush around us is the ti-tree on the nature strip which we are not allowed to remove.

The bush land closest to us is more than 150 metres from us yet you are allowing building works in the area of Heathlands in amongst the bush. (How are they to escape a fire?) Over the past 55 years we have never known of a fire in that so called high risk area. And as for flooding the only time we experienced some on our property not close to our residence was due to your lack of duty of care to the drains that take the water from the Port Welshpool Road and neighbouring properties. Prior to living on the outskirts of the town we lived on Lewis Street, the front road of the township and there we experienced water right up to our residence on numerous occasions and saw more flooding there than anywhere else around the town. Most of that flooding again was due to your lack of duty to drains also.

You should be mindful of what you are proposing for this area as you are putting us at a disadvantage.

We would like to take this matter further and eagerly wait your response to our objection.

Yours sincerely

Nick and Julie Anedda
356 Port Welshpool Road
Port Welshpool VIC 3965

Submission

90 Adams Rd, Port Welshpool

Dear Sir/Madam, Our land at 90 Adams Rd, Port Welshpool is directly affected by the proposed Restructure Overlay and we strongly disagree with and oppose these changes.

We are planning to build a dwelling on our property and if these changes proceed we may not be able to as there may only be one dwelling per Restructure Lot..

Our land is over 8 acres with plenty of room and locations for a dwelling. We purchased it with a view to retire there.

As the restructure lot boundary includes several different titles and owners which may have a dwelling already, we would then be unable to build a dwelling on our land. This is grossly unreasonable and unfair. We urge you to alter the lot boundaries so that our title is considered as an individual lot. We will strenuously oppose these proposed changes as we consider this extremely unfair.

Further, I would have thought that council would relish people living in the area and bringing money, diversity and prosperity to the region.

Yours Respectfully, Owen and Sarinya Storrie

Further submission 1

Hello Fiona, There is a major issue with regards to this which is the disparity of egalitarianism between the separate owners of the properties on the boundary lot which includes 3 separate titles. The restructure does not comply to the doctrine that all people are equal and deserve equal rights and opportunities. It is not fair that only one dwelling is permitted on one of 3 separate titles.

I still also believe that you cannot use 'Climate Change' in your arguement as it is still a very contentious belief to many as to whether it even exists.

I also feel that a 1 in a 100 risk of a flood is sufficient to decline a planning permit as with the bushfire risk. We live in Australa which is subject to bushfire throughout its history. I live in a high risk bushfire area presently yet there are still houses being built here. Sure an insurance company may not insure you in a flood prone area but you still should be able to live there. Even if there were to be an unlikely flood I doubt its significance to impede access to the property and would certainly not affect the high areas on our property. With respect to the aquaduct/drain if this was maintained it would make a huge contribution to carrying the excess water and should not be disregarded as a major contributing factor. I have discussed this wit Earl from Lasseters Rd and Paul and Penny further up Adams/Telegraph Rd who all believe that drainage is the problem along Adams Rd and needs to be addressed. Yours Respectfully, Owen Storrie

Further submission 2

Hello Again and thankyou for contacting me by phone. Further to our conversation I must stress that I truly see no reason why I should not be able to build a dwelling on our property. As stated there is no problem with regards to access. There are a number of high sites that would be perfect for a

dwelling and immune to flooding. Most problems with any flooding is due to the condition of the aquaduct/drain that runs adjacent to Adams Rd as it is in poor unmaintained condition and floods the Adams Rd. We have little to no flooding on our property and even in a 100year flood as you describe, in my opinion would not impede access to our property particularly if the drainage issue along Adams Rd was addressed. I implore you to reconsider your proposed Restructure Overlay and any previous planning restrictions with respect to this property. Yours Respectfully, Owen Storrie

Submission

Draft Port Welshpool Marine Precinct Plan

Dear Sir/Madam,

This is my response to the C90 Amendment at Port Welshpool.

I am the joint owner of 56 Adams Road, Port Welshpool which is 6 acres.

My husband has already sent in his submission.

I also want to write because this is a personal and emotional issue for me.

When my parents died and left me some money, my husband and I decided to invest it in the land mentioned above.

Council had approved the subdivision of this farmland into small rural lots and we had confidence that with the cost of land in Inverloch (where we lived at the time) escalating and the Council plans to "smarten up" the long pier and Port Welshpool town area, it would increase in desirability and value.

It makes no sense at all and is very unfair that you let these parcels of land be sold but now say they can't have dwellings built on them!

If they can't have a house put on them, who would want them?

If you don't want more dwellings on small acreages, okay, then don't allow more subdivisions like the one we purchased.

But don't punish those who invested in Port Welshpool in good faith.

That land is my nest egg, my retirement fund, my inheritance !

HAVE A HEART and be reasonable PLEASE.

Yours sincerely,

Patricia McCarthy

37 Daintree Drive,

Lennox Head,

NSW. 2478

Submission opposing Planning Amendment C90

My wife and I own two adjoining blocks within the proposed restructure area to the immediate north of the township of Port Welshpool, namely crown allotments 5 & 6 Telegraph/ Lasseters Roads.

We would like to take this opportunity to provide a brief history of the development of the land.

We purchased the two blocks in late 2003, early 2004 at a time when Council was actively promoting the development opportunities Port Welshpool offered. Restoration of Long Jetty and the possibility of a marina – refer to the Port Welshpool Draft Master Plan, dated December 2003.

At time of purchase, our Rural Zone blocks were included within the township boundaries and the only planning overlays were related to the flight path to the closed light aircraft landing strip at Port Welshpool (AE02) now removed, and the Coastal Areas (ESO 3).

Since then the following amendments have occurred:

- Rural Zone changed to Farm Zone
- The township boundaries have been redrawn to exclude the Lasseters Rd and Adams Road blocks.
- BMO Bushfire Management Overlay
- ESO Environmental Significance Overlay
- ESO 3 Environmental Significance Overlay – Schedule 3
- LSIO Land Subject to Inundation Overlay
- SLO Significant Landscape Overlay
- SLO 3 Significant Landscape Overlay – Schedule 3
- Cultural Heritage sensitivity

We invested in the land anticipating we could be part of the rejuvenation of Port Welshpool and develop our properties in a manor which preserved and where possible enhanced the area. At the time Council was well aware of the subdivision, and in fact opened the road reserve and oversaw the construction of Lasseters Rd to provide access to the various blocks which otherwise would have been landlocked. This subdivision does not directly adjoin commercial farms and is buffered by a combination of Crown land, the tramway reserve and Council recreation reserves. The land was advertised as life style blocks and as such where ideal as for rural based hobby activities, which is still true today. The land prices reflected this new usage and not general farm activities.

Our asperations where soon to be dashed by the introduction of the effective banning of building permits on properties between 10 and 100 acres within the Farm Zone. This didn't apply to smaller allotments that could prove linkage to farming within the subdivision and as a result permits where issued for dwellings and shedding on properties fronting Lasseters Rd

This latest proposed Amendment – C90 is yet another assault on our ability to realize the potential of our investment and in fact reduces the potential to sell our properties to just a single neighbour. As is the intent of the Amendment I approached my neighbour seeking to gauge their interest in purchasing our properties. Unfortunately, I can confirm they are not interested at any price, due primarily to ill health but in any event, they are under no compulsion to purchase adjoining properties and the same will apply to all future owners of their property. After all the house already exists.

It is within the context of the above history that we submit our objections the proposed Amendment C90 in relation to our land and that of neighbouring properties in Lasseters and Adams Rds, Port Welshpool. It should also be noted that we make no comment in relation to other areas detailed with the proposed restructure except to identify and highlight where we believe inconsistences in the application of the basic principles of the amendment exist.

For the sake of readability and to facilitate the ease of response each objection has been separately numbered

1. The subdivision of the properties has already occurred with the full knowledge of Council and most of the allotments are in separate ownership and have been for the past fourteen years. In this case these blocks should not have been included in a restructure that by its title relates to *"Old and Inappropriate Subdivisions in South Gippsland".* In our view the subdivision is neither old nor inappropriate; a view shared by Council in 2003.

2. Advice was sort from Council as to the specific meaning *"serious and/ or adverse impacts*" that the existing subdivision posed. None were identified beyond the various overlays that apply to much of the surrounding region, including the township of Port Welshpool. In fact, the intent of the overlays could be satisfied more easily on the existing allotments than within the township itself. The addition of a hand full of well-designed and thoughtfully located dwellings would create much less impact than by large dairy producers or high density urban development. The proposed creation of super allotments doesn't in any way reduce or mitigate risk, real or perceived or contribute to economic viability of the land.

3. Advice was sort in relation to the issue of "*environmentally sensitivities and landscape objectives"* and was given general comments regarding RAMSAR wetlands, potential pollution of water catchments and giant earthworm habitat. In relation to impact on the RAMSAR site I can only reiterate my above comments and highlight the inequity demonstrated by the lack of attention provided by Council in relation to the discharge of untreated storm water directly from the township into Lewis channel. It's also relevant to point out that the allotments aren't within a water catchment and to my knowledge giant earthworms have never been found in coastal regions. In our case the allotments are 14 acres and 19 acres respectively and over the past 14 years we have planted many

thousands of indigenous trees and understory plants using seed sourced from the Leongatha seed bank. In addition, we've build kilometers of fencing to exclude stock from vegetation regeneration areas to provide habitat for native fauna, in particular for the multitude of bird species. All our activities are in line with Council's relevant objectives and strategies and no advantage is to be gained by increasing the size of allotments. In fact the proposed restructure will from our perspective act as a disincentive to actively continue to conserve the landscape values of our properties.

4. Advice was sort in relation to *"adequate and proper servicing"* and again no specific issues were identified that would justify the restructure particularly given dwellings already exists in Lasseters and Adams Rds and they will require the ongoing servicing of roads. Other services such power, water and sewerage can be accommodated on each property by using new technologies such as solar power, environmental waste treatment and water catchment to tanks and or dams. In our case we have a reliable water supply from a bore to sustain stock.

5. The document predominantly focuses on the construction of dwellings on restructured allotments and the need for titles to be amalgamated before applying for permits. The document then briefly refers to the general term "and/or works" which is a catchall term which could require owners to apply for a permit every time they undertake some minor task ie top dress a track. It also raises the issue of what happens in our case when titles are not amalgamated and are in separate ownership. Will we be able (or required) to apply for a permit and under what conditions? For example, it appears from the document that we would not require a permit to build a hayshed but would need a permit to construct a track to the hayshed. This issue needs to be addressed in the interest of clarity and provide certainty for existing land owners undertaking work within a Farm Zone.

6. A major issue for us is that all the allotments except for our two blocks are in different ownership. This puts us at a disadvantage in that only our neighbour who has an existing dwelling has any reasonable interest in acquiring our land. As detailed earlier we are caught in a fully developed subdivision and not in a region that may become subject to future development. Perhaps the most appropriate term is the "horse has already bolted" and we're seeking consideration and justice in our specific circumstances rather than being gathered up in a one size fits all amendment, as is being proposed.

7. Other Planning Overlays such as the BMO and the LSIO are sited as justification for the restructuring of allotments, however this was never the intent of these overlays. Perhaps my overly simplistic understanding of these type of overlays is to provide advice to property owners on the issue to be addressed as part of the permit process, not to extinguish the right to apply. If this amendment goes through as is, then anyone owning a

restructured allotment within an LSIO will not be able to apply for a building permit. Quote from Clause 5 : *" With the exception of a replacement dwelling any new dwelling development is located outside of the LSIO"*. and as stated in the preamble *"If there is any inconsistency between this incorporated document and any other provision of the South Gippsland Planning Scheme, this incorporated Document will prevail".* My interpretation of this clause has also been confirmed by the WGCMA, the Authority responsible for providing Council advice on such issues. We believe this to be outside the intent of the Overlays and as such these clauses should be removed from this amendment.

8. Without a detailed analysis of the data presented it has been confirmed by Council that most of the allotments identified for consolidation throughout the Shire are in single ownership. This may well suit those owners as they maybe advantaged by increased surety in their capacity to subdivide their land. Unlike, our circumstances where the subdivision has already occurred and ownership is spread across multiple owners. The majority of whom will now be disadvantaged.

9. Without confirmation from Council, my analysis of the data in relation to the average size of the proposed amalgamated allotments is that the vast majority create smaller allotments than the existing size our Port Welshpool allotments. We don't believe Council has been able to demonstrate how concerns related to risk, adverse impacts, environmental sensitivities and access to services will be addressed by creating even larger allotments (up to 60 acres).

10. This amendment is based on a series of general terms and statements which are open to broad and varied interpretation and while one of the stated objectives is to *"remove the current uncertainty for landowners"* it also removes the opportunity for landowners to argue the merit of their individual cases. This restructure will clearly result in a reduced workload for Council staff however it is achieved at the expense of land owner's rights. Specifically, in relation to our land at Port Welshpool, we don't believe Council has presented sufficient justification for its inclusion in the restructure and therefore should be removed altogether.

In conclusion we don't believe Council has properly considered the proposed restructure of allotments in relation to our land and our neighbours land adjoining Lasseters Road and Adams Rd, Port Welshpool. Questioning of Council staff has failed to demonstrate how the proposed amalgamation of the existing allotments will reduce existing or future risks to properties and /or the environment or provide saving to ratepayers as has been suggested. In fact, the most likely outcome is that Title amalgamation will not occur now or in the foreseeable future given the fragmented ownership issues. This will ultimately lead to the derogation of the land

through neglect. This will only disadvantage the existing residents and diminishes the seemly highly prized landscape and environmental values of the region.

The very real potential outcome of this process is to pit neighbour against neighbor, as it creates winners and losers not based on merit but by virtue of history. In making this submission we have resisted the temptation to argue the merits of our personal circumstances over those of our neighbours. The reality is that what is true for us equally applies to the other effected landowners. It could be reasonably argued that the existing residents have also lost by not having the opportunity to live in a well maintained and supportive neighbourhood surrounded by like minded families, as they would have expected when they built their homes.

In short this proposal doesn't pass the *"pub test"* as being fair and reasonable. Council has the opportunity to make good on its promises of the past and work with landowners to gain the optimal outcome for its residents, local communities, the region, which of course will also benefit Council itself.

This proposed planning amendment C90 creates a complex and detrimental chain of consequences for us and our adjoining property owners. I would appreciate the opportunity to discuss and clarify the issues directly with Council. Should this be possible, then I can be contacted on [redacted] to arrange a suitable time and location.

Yours sincerely

Paul and Penny Hamlett

Restructure Plans for Old and Inappropriate Subdivisions In South Gippsland Shire August 2017
Amendment – C90

Submission opposing Amendment C90

We are the owners of Crown Allotment 2 Lasseters Rd Port Welshpool. We purchased the property in 2004 as part of a new development which included the construction of Lasseters Rd to provide access to our property. Since purchasing our property we have constructed a large shed, with all the necessary permits and constructed an access road and internal fencing.
Our intention in purchasing the land was to develop it as a retirement property which we hoped to enjoy for many years. We were devastated when the Farm Zone was introduced and due to the size of land meant we were unlikely to obtain permission to build our home.
We have always liked Port Welshpool with its great fishing and boating facilities, a hobby which all our family enjoys and a safe beach to take our grandchildren in the future. In 2004 the Council was talking up the restoration of Long Jetty and a marina was been proposed, all things which would add to the appeal of the area. Unfortunately, Council didn't live up to its talk and it's taken 14 years for the jetty restoration to commence and its still just talk about the marina.
We feel let down by Council and now after all this time, Council is proposing changes that further devalue our investment.
We had always intended to develop our property as a rural life style property with fruit trees, a vege' garden, a few animals and plenty of space for the family to visit. We didn't intend to retire to become farmers and with the proposed restructure we'll be left property that will be difficult if not impossible to sell at any price and not viable as farm enterprise either. We're not wealthy people and we work hard for what we have and past changes along with those currently proposed will really hurt us. Our dreams of coming to join the Port Welshpool community are all but dashed.
The one thing that hurts the most is that the only house allowed for in the restructured allotment has not been lived in for many years and is now derelict and to our knowledge the owner never visits the property. In contrast we stay regularly on weekends and most of our annual holidays to ensure the property is secure and well maintained. This is not a chore for us as we really like the area and its people. **It's just not fair.**
We're aware of the significance of the landscape. It's why we bought the property in the first place and we would not seek to damage or detract from it now. The area of land we have is large enough to overcome the impacts of climate change and anticipated sea level rises. We don't directly adjoin any commercial farm land and our modest plans would in no way adversely impact on our neighbours. In fact, in comparison to many similar subdivisions we are screened and isolated by publicly owned or controlled land. The old tramway passes directed behind our property.
Hopefully we've been able to demonstrate why we are opposed to amendment C90 and we would sincerely and respectfully ask that Council reconsider its proposal for our land, show some compassion and take responsibility for its past actions and let us develop our property as was originally allowed. At least give us a chance.

Yours sincerely

Peter and Christina Delithodoris

Peter & Christina Delithodoris
46 Marykirk Drv

Wheelers Hill 3150

Robin Hall
50 Townsend Street
Port Welshpool VIC 3965
[redacted]

DECEMBER 26, 2017

Attention: Paul Stampton – Planning Manager
South Gippsland Shire Council
9 Smith Street Leongatha VIC 3953

Dear Paul,

I am writing to you in response to the recent letter from the council dated 8th November, titled ***South Gippsland Planning Scheme Amendment C90 – housing and Settlement.***

I would like to make you aware that I **disagree** with the changes due to the following reasons:

- I purchased the land with the understanding that I was able to build a house on the land.
- A planning permit was approval to build a house on this land.
- This has since lapsed but I was told I could reapply for another planning permit.
- I have not built on the land yet because I have planned to start this next year as I am now retired and will have the time to dedicate to this task.
- This proposed change will greatly impact my retirement plans financially as the land value will be greatly reduced.

I have attended an appointment at one of the public sessions to discuss this matter. Further to this I kindly request you review your position on the matter and the impact this will have on myself and others in similar position.

Warm regards,

Robin Hall

Submission - Part 1

Re proposed Planning Scheme Amendment C90 Housing and Settlement.

We object to the prosed amenment [Restructure Lot number 7 }

Portion of this is a 11 acre seperate title on our property farming land 530 acres. this 11 acres is mainly poor sandy rise. which is not really farming land. we have thought of building a home on that site as it is close to Adams road {has electrity and town water nearby].

As your proposed amendment takes in a seperate title owned by another couple who are retired and already live in a house on that title. I believe it is 5 acres.

this would make it difficult to proceed with our prposed home.[there is no other h0ome on our 530 acres] as I believe on lt only one home could be built on lot 7.

Hence we need to have sole access to the eleven acres seperate title block.

Also if we were to sell the farm . the 11 acres would be tied to the 5 acre block on Adams Road and hence not incuded in the 530 acre farm property

yours T J and H D Robb

Submission – Part 2

The land referred to is part of 300 Telegraph Rd. Hedley and yes has access via unmade road from Adams road. Tom.

PO Box 556 Leongatha 3953.

Strzelecki Framework Plan

2 submissions

Bill and Jayne Richardson

Mark and Cara Sambell

Submission

Zoning 1465 Warragul Rd Strzelecki

Dear Paul,

Thank you for sending us the proposed Planning Scheme amendment relating to our property in Strzelecki.

I had a look at the complete document online and became a bit confused.

Before we purchased the property the title was amended and approved by Council so the boundary was "straightened" on the west side, as is shown on the document that was mailed to us. However, the online version shows the old title plan.

The Vendors' statement showed that the property was a Farm zone with an environmental overlay. This is consistent with the black and white document. However, the online version shows our property as "Forests, reserves and parks".

Is there a proposed change, or has there been a change, to our zoning?

Yous sincerely,

William (Bill) and Jayne Richardson

Further submission

Hi Fiona and Paul,

Many thanks for your prompt reply.

I had no concern about the mailed documents. My confusion was with the online map on page 143 of the strategy.

What you sent me is consistent with our understanding. It shows the title as we understand it. The page 143 map shows the title before it was amended in early 2015.

Thanks for your clarification.

Regards,

Bill

29th December 2017

Submission on the South Gippsland Council Planning Scheme, Amendment C90 for Strzelecki

To Whom it May Concern,

We would like to make a submission regarding the Amendment C90 for the South Gippsland Council's proposed settlement of Strzelecki.

We request that the proposed settlement boundary overlapping 1467 Korumburra-Warragul Rd Strzelecki, be extended, as indicated on the maps we have provided. We believe that the current proposed boundary line is unsuitable because it appears to simply link the two neighbouring properties and does not take into account topography and environmental hazards. The proposed boundary line covers a steep roadside bank which is covered in blackberries and roadside vegetation, as well as a steep slope and a low overhead power line, making this particular area unsuitable for development. The remaining land within the proposed boundary line beyond this unsuitable section, is not large enough to develop.

Rather, we propose that the boundary line be extended to include the existing house, surrounding property and access driveway, at 1467 Korumburra-Warragul Rd. This will not affect the adjoining farm, which has a separate access track at 1455 Korumburra-Warragul Rd. The settlement plan for Strzelecki currently includes only three houses. We believe it would be more sensible and would encourage a better 'sense of place', to include the existing dwelling at 1467 Korumburra-Warragul Rd, which is one of the original houses in the Strzelecki settlement and is sensitively located out of sight of the road. We strongly believe the settlement boundary line should include the 2ha house site as we have mapped, which includes the septic system for the existing house and an area which is currently used separately to the rest of the farm. The house, yard and surrounding paddocks are currently used independently, due to poor access to the rest of the farm and lack of suitability for farming purposes.

Furthermore, the Strzelecki settlement is recognised by its hall and Uniting Church. The Church is a landmark of Strzelecki but is not marked on the Council's proposed plan for the future Strzelecki settlement. We believe that the Church deserves to be recognised on the map and should be considered for Heritage Overlay protection due to the history, beauty

and the significance of this building to the community. Although the Church is 'officially' owned by the Uniting Church, it is cared for and maintained by members of the Strzelecki community, who volunteer their time and resources to maintain the building and grounds. The Strzelecki Church was built for and by this community, who saw a need and raised funds for its development. The South Gippsland Council need to actively acknowledge the Strzelecki Church as a community facility and asset, and provide for its protection into the future through Heritage Overlay. The Church has, and continues, to play a major role in the life of the local community. It is an iconic landmark of Strzelecki and will enhance the future of this settlement.

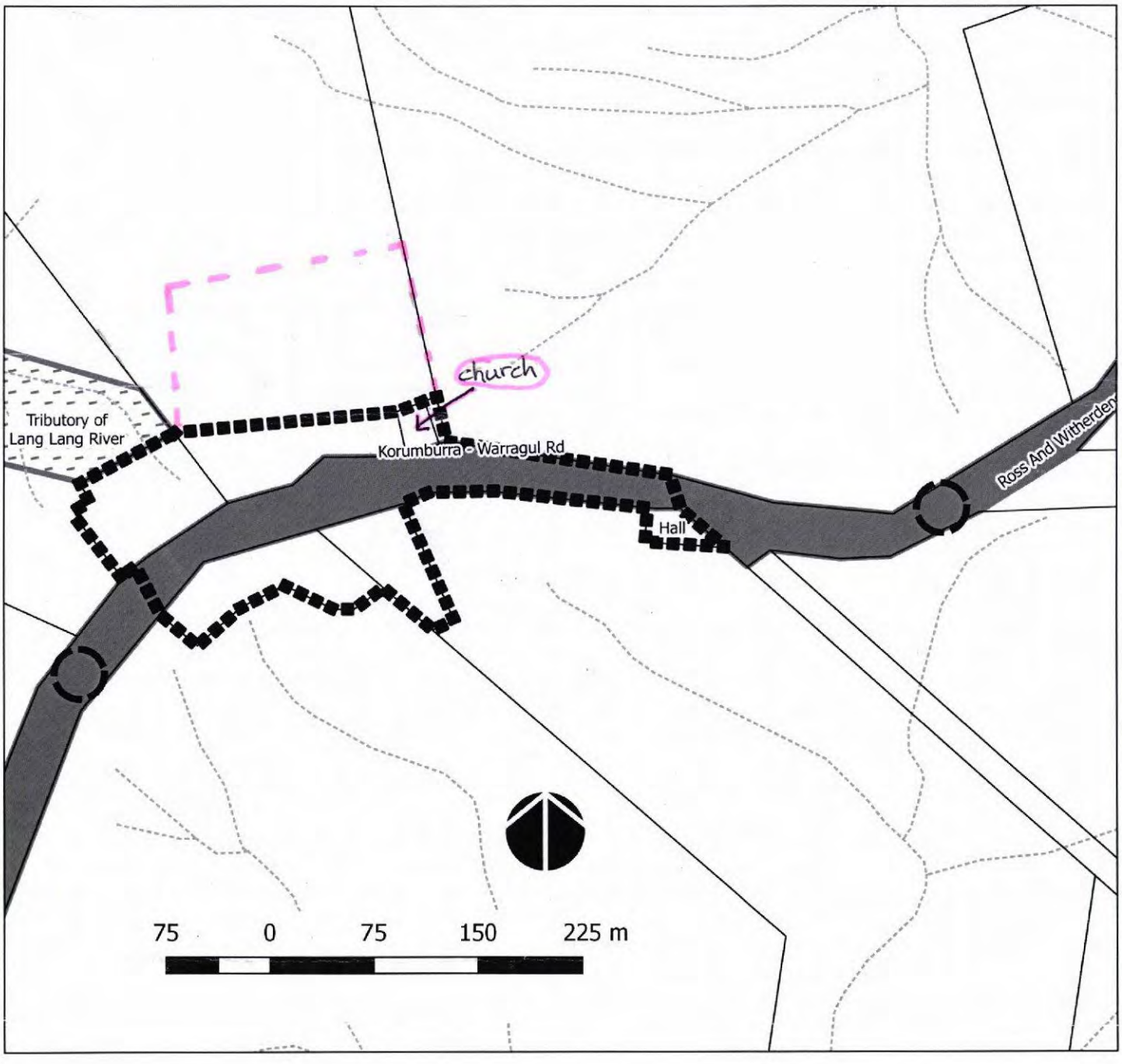
Yours sincerely,

Mark & Cara Sambell

1467 Korumburra-Warragul Rd

Strzelecki, VIC, 3950

Strzelecki Framework Plan



Legend

- Settlement Boundary
- Settlement Gateway
- Rural zoned land
- Public zoned land
- Major route
- Watercourse

Google Maps

Imagery ©2017 CNES / Airbus, Map data ©2017 Google 50 m


2ha
UNNAMED
UNNAMED
UNNAMED

Tarwin – Dowds Road Restructure Plan

1 submission

Glenn Morris

See also C90 general

- *DELWP submission*
- *South Gippsland Water submission*

Submission

10 Tarwin Lower Road Tarwin

In regard to the subject land at 10 Tarwin Lower Road Tarwin. I disagree with amendment C90 and the decision not to allow a dwelling on the condensed 3 titles if restructured on this land.

The size of the land being approximately 890sqm should be sufficient for a small dwelling subject to a land capability assessment. I think it is premature to conclude that the land is to small for a septic system and or a composting system, a system that would not affect water run off or bacteria into the catchment of the Tarwin River.Given the slight slope of the land and therefore water run off and the direction that runoff would take i find it impossible any water runoff could end up in the Tarwin River catchment system, given the distance and course of the surrounding waterways. Also with the technology of septic systems and secondary treatment systems i find it impossible to see how the Tarwin River catchment system would be affected, but this should be decided by a land capability assessment.

The Bush fire Management Overlay that was recently placed over this property, which i did not receive any documentation for, is something that could be mitigated by the building structure and materials used. Given that today houses are built for Flame Zones and also that access to the property is of a major road, and also the potential as indicated from previous conversations for the road access through the unused roads bordering my property to the east and south of my property. This access to these unused roads would be a an easy access route for traffic to the property and it would also allow for easier access for coming in and out of Tarwin Lower Road and as mentioned reduce the risk and impact of the Bushfire Management Overlay

The Environmental Sensitivity Overlay is something that has also recently been placed on this property that i never received any documentation for. The only tree removal would be for the purpose of fire prevention and access. It is my plan for a dwelling to work with the natural setting of the trees and hence removal of trees and vegetation would only be where necessary and hence in compliance with the guidelines of these overlays .

This property has various dwellings in close proximity that are of a similar nature to mine and these properties have dwellings. So its not as if a dwelling on my property would be an anomaly or it would place an extra strain on current infrastructure and amenity. As mentioned my plan for a dwelling would be small and blend in with the landscape and vegetation of the surroundings. Whilst retaining as much vegetation as possible .

I think it is to premature to say that this property is not suitable for a dwelling given the above reasons. I believe if i was to apply for a planning permit for a dwelling i should have to go through the relevant channels such as getting a Land Capability Assessment and other relevant reports to show that a dwelling is suitable, and not have to deal with an impost such as having the recommendation from council that this land is not suitable for a dwelling. As outlined the dynamic nature of the possible outcomes in regard to road access and the ever changing building technologies, i think it premature to say that no dwelling is suitable today or into the future for this land .

Glenn Morris

Toora Coastal Restructure Plan

5 submissions

Basil Michos

Doug Catherall

Glenn Cumming

Scott Chapman

Joey Whitehead of Beveridge Williams on behalf of J Tuffin

See also C90 general

- *West Gippsland CMA submission*
- *DELWP submission*

Basil Michos, 60 Stanley Street Toora VIC 3962
12 January 2018

Paul Stampton
Planning Manager
South Gippsland Shire Council

Your Letter Ref: EF/16/1068;197067
Re- 330 Rathjens Road Toora VIC 3962,
South Gippsland Planning Scheme Amendment C90 – Housing & Settlement

Dear Sir,
I wish to advise that I have carefully read the documents enclosed with your correspondence and wish to put forward some suggestions for your consideration prior to you proceeding further with your submission and recommendations to Victorian Government; which as they stand will detrimentally effect my 'above' property.

Late last week I had a detailed and lengthy discussion with your Planner Mr Ken Griffiths, who strongly suggested I put my concerns in writing to the Council and offer my reasons for requesting some modification to the proposal, and providing you with further information which if considered favourably would be of NO negative effect on your Plans and their Purpose whilst at the same time saving me and my current neighbours immeasurable time & money for no gain or useful purpose.

I have as you can see a very large block of approximately 13hectares on a Single Title and when purchased in 2006 the land was Zoned farming' and the construction of a dwelling was possible 'as of right'. Shortly thereafter and following a council site inspection my request for road levelling & surfacing was rejected as there were no funds available in the near future. In order to access my property I was obliged to pay for the work myself and at approximately $10000 to 12000, I had the complete length of Rathjens Road Easement 'lazar' levelled cambered, guttered (but not surfaced) by Williams of Foster who do road works for the Shire. At the same time Williams constructed the deep dam and shifted soil around to assist levelling of roadway and the house site.

I had Telstra bring in Cable and Pits both to the Property and my proposed house site on an elevated knoll. Further, I secured a Long Term Rental Licence from Vic Government No. 2015870 which will actually expire on the 30 September 2093 and has been fully paid for in advance!

I do not need adjoining blocks to make things work well. My farm and the leased land is more than enough to graze animals or produce fruit and or vegetables or both. I or whoever ends up with my property will run a viable 'small' enterprise. The place is really quite HUGE to farm high volumes of produce.

Resolving technical issues such as discharging and draining of effluent and surface water on pedestrian & vehicular carriageways will be no major problem when the road is surface as promised by Alan Landers upon an application by me, which is now currently on hold. My land drains extremely well with a deep v shaped culvert running the full length of the site to the estuary of the Franklin River & at the same time filling the DAM with crystal clear water.

Let the Bacon Family who own most of the land adjacent to me take the extra 2 blocks that I don't need and that should keep everybody happy. NO more houses would result from this simplified solution.

I can provide you any additional information you may require or visit your Offices to talk things over if you so desire.
Cheers for now.
Basil Michos

Submission addition

Should my proposal be acceptable, I would welcome more land made up from roadway easement.
Cheers, Basil M.

28-12-2017

DOUG CATHERALL
175 PORTER ROAD.
HEIDELBERG HTS 3081.

SOUTH GIPPSLAND SHIRE COUNCIL
STRATEGIC PLANNING TEAM

RE C90 AMENDMENT TO 525 GRIP ROAD TOORA.

PLANNING MANAGER, PAUL STAMPTON.

Dear Paul, Being the owner of 525 GRIP ROAD TOORA I strongly object to the proposed consolidation for the following reasons. (point form now, but am willing to expand my points once time & my health permit)

(A) MY 10 ACRES ADJOINING THE FRANKLIN RIVER WITH UNIQUE QUALITIES & VEGITATION WAS BOUGHT FOR SPECIFICALLY FOR IT'S LOCATION & QUALITIES,

(B) NO NEW INFASTRUCTURE IS REQUIRED FOR MY PROPERTY. ROAD / POWER / WATER / FENCING / SEPTIC ALL EXIST OR AVAILABLE.

(C) TREES HAVE ALREADY BEEN PLANTED, DAM & CREEK ALL EXIST & MANY MORE YOUNG TREES ARE ONE THE WAY.

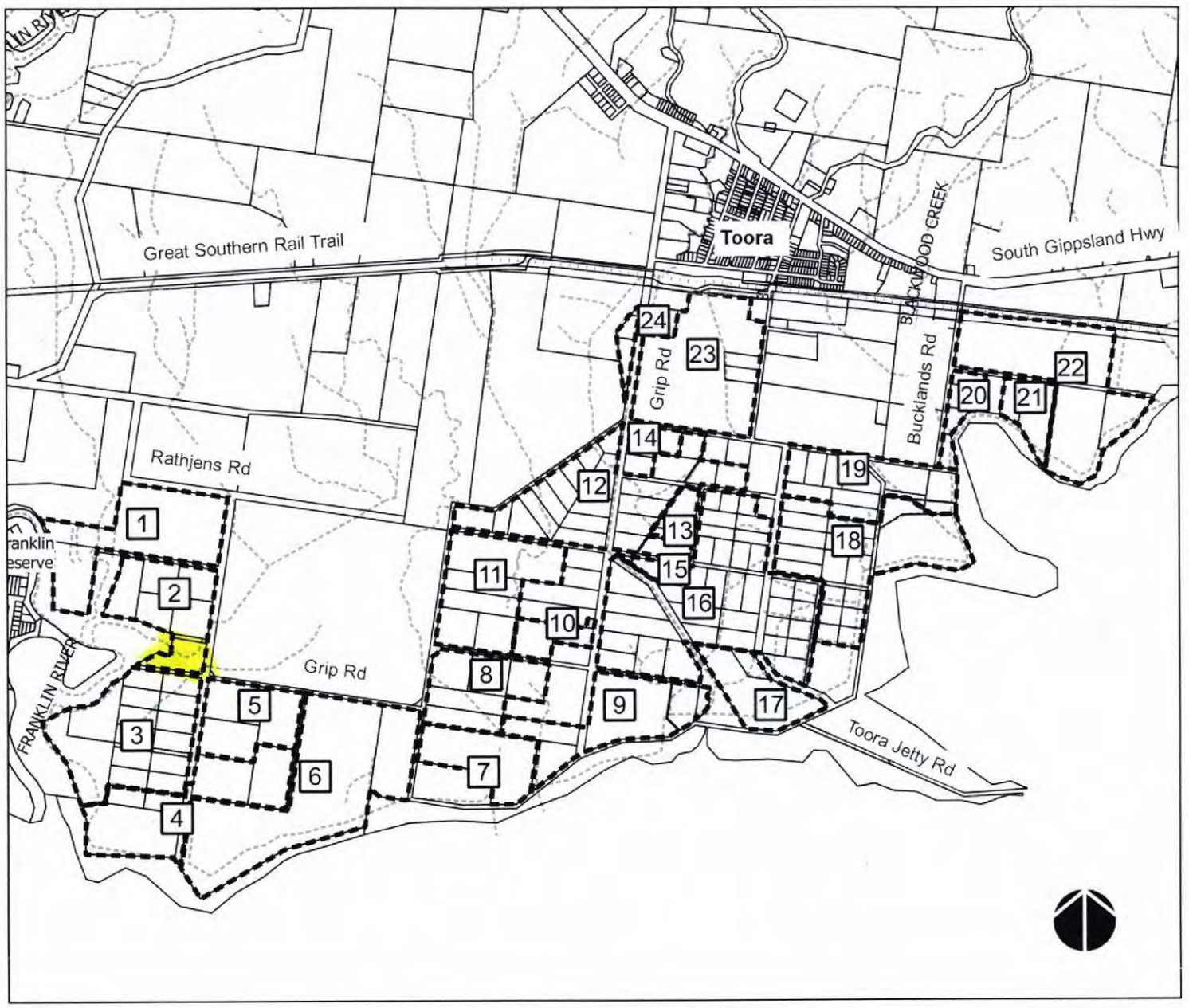
(D) I WISH TO BUILD AN ECO FRIENDLY, SELF SUFFICENT & SUSTAINING, INCLUDING ALTERNATE "OFF GRID" POWER & WATER.

(E) I AM A QUALIFIED CARPENTER & JOINER with a desire to build a substaintail WOODEN SAILING VESSEL, TO BE BUILT ONSITE AND SLIPPED INTO THE FRANKLIN RIVER FROM MY OWN PROPERTY

(F) I WANT THE LAND
THE RIVER
THE SUN
THE WIND
THE VIEWS.
THE ISOLATION
I BOUGHT IT BECAUSE I LOVE IT AND WANT / WILL LIVE THERE.

Yours Sincerely,
Doug Catherall.

Figure 15 - Toora Coastal Restructure Plan



500 0 500 1000 m

Legend

Restructure Lot boundary

Watercourse

Only 1 dwelling may be permitted per Restructure Lot

1 Restructure Lot number

Submission

Submission in response to the proposed planning scheme amendment C90 - Housing and settlement: restructure overlay.

* Please note the below submissions is not solely limited to the below concerns and may be added to in the future for further consultation.

In general, the proposed consolidation of parcels of land could take many,many years to consolidate under one title as it relies solely and heavily on a 'purchaser' being of financial advantage in order to be willing to consolidate such parcels of land; this may also see the costs associated with this 'out of reach' of the intended purchaser - the primary/agriculture producer.

In general too, the consolidation of many of the parcels of land proposed for consolidation will still fall short of the minimum hectare in order to apply for dwelling permission to build housing.

Also in general; I am concerned of the costs associated with closing of road reserves and obtaining crown land in order to consolidate parcels of land.

In regards to my own property, which is 5.74ha not including the crown land currently being leased adjoining the property, is a serviceable property in its own right having access to existing water and electricity connections, so should not be seen as 'servicing' burden. Similarly, the environmental impact should be zero or very low as council has already taken into account my property that was subdivided initially over 30 years ago. I am unaware of any social impacts that my property may have brought, but again council has incorporated this its planning to provide for the future when the property was initially subdivided.

This email has been sent by Glenn Cumming of 1785 Westernport rd Heath Hill 3981 on the 4/01/18.

Further submission

Hi Fiona, yes confirming that the property of 40 Swanbay rd Toora is correct.

Kind regards

Glenn

FIONA MOTTRAM, PLS CALL TO VERIFY LETTER CORRECT OR E-MAIL

SOUTH GIPPSLAND
SHIRE COUNCIL
02 JAN 2019

POSTCODE

I Scott Chapman, owner of lot 409 GripRoad Toora oppose the South Gippsland Shire planning departments future C90 amendment as it will affect my application to build a dwelling on my 10 acre allotment.I believe my allotment should be viewed differently to other allotments in the C90 in part due to these points below

- The proposed building site is 4 meters above sea level and not in the coastal and catchment flood overlay area.
- No commercially viable farms adjoin my allotment or the other 4 allotments in the area outlined by C90 to support a dwelling
- Infrastructure already in place on the block including large shed will not affect the vista
- Approved septic system already in place not suited for farming in part of the block
- Dual road access is available to block in the event of flooding on the main access road
- It's unviable too purchase 4 other allotments to be able to build 1 dwelling, all 10 acre allotments are individually owned
- Potential salt level increases in the future would affect soil conditions , making any farming venture unviable

Kind regards Scott Chapman [redacted]

Submission to C90 on behalf of owner of 285 Grip Road, 9 Ireland Road and 89 Ireland Road, Toora [NB Later also includes 24 Toora Jetty Rd]

Submission 1

Dear Council,

I act for the owners of the abovementioned land and write in objection to the restructure plan (figure 15) for Toora, being part of the proposed C90 Amendment.

We are of the view that the restructure plan is unfair as it relates to the subject land as it requires the restructure of lots into a land area which is excessive and which is greater in area than the other restructure lots (i.e. much larger than all of the other restructure lots shown in the Toora Structure Plan which otherwise have a proposed restructure size of approximately 20 Ha in area compared to the structure of the subject land which is well over 50 Ha). It is considered that there is sufficient merit in changing the proposed restructure layout to increase the number of restructure lots for our clients land as;

- 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 proposal is reasonably well serviced with respect to social and community infrastructure within the Toora township;
- The ownership pattern produces issues with the restructure byway 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; and
- 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.

Regards,

Joey Whitehead
Senior Town Planner

Beveridge Williams
www.beveridgewilliams.com.au
Warragul Office p: 03 5623 2257

Submission - Part 2

Hi Fiona,

My client objects to the entire Toora Restructure Plan and that the restructure plan is unnecessary in the first instance.

We also however we make specific submissions to his land with respect to how the restructure plan has been applied to his land, against how it has been applied to other land in Toora.

The land identified as 285 Grip Road, 89 Irelands Road and 9 Irelands Road Toora, formally described as:

Crown Allotments ,64,65,66,
71,72,73,74,79,80,123,124,125,127,128,129,130,131,132,133,134,135,136,137,138,140,141,142,143,144,145,147,148,151 and 152, Parish of Toora.

These are contained within the proposed RO15, specifically restructure lot numbers 15 and 16 shown in Figure 15 in the proposed incorporated document *'Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017.'*

Regards,

Joey Whitehead
Senior Town Planner

Beveridge Williams
www.beveridgewilliams.com.au
Warragul Office p: 03 5623 2257

Submission - Part 3

Apologies Fiona,

Yes, he does have (in addition to objecting to the entire restructure plan) specific objections, in the same vein to restructure lot 23, comprising of three of his land parcels commonly referred to as 24 Toora Jetty Road, Toora, more specifically identified as lots 2,3 and 5 LP207014. This part of his land also abuts the main township and has connections to reticulated services within reasonable proximity to it. It seems that these parcels are more recently formed and do not fit the same category of lots within the 'old and inappropriate' subdivisions.

Regards,

Joey Whitehead
Senior Town Planner

Beveridge Williams
www.beveridgewilliams.com.au
Warragul Office p: 03 5623 2257