

## **SOUTH GIPPSLAND PLANNING SCHEME**

### **AMENDMENT C90**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the South Gippsland Shire Council which is the planning authority for this amendment.

The Amendment has been made at the request of Council.

#### **Land affected by the Amendment**

The Amendment applies to land in all settlements in South Gippsland Shire. However the amendment particularly affects lands in old and inappropriate subdivisions.

A mapping reference table is attached at **Attachment 1** to this Explanatory Report.

#### **What the amendment does**

The Amendment implements the key recommendations of the *South Gippsland Housing and Settlement Strategy September 2013* by introducing changes to the Municipal Strategic Statement and Local Planning Policies. The Amendment also applies the Restructure Overlay and Restructure Plans to old and inappropriate subdivisions, and makes some zoning and procedural changes.

The Amendment proposes to make the following changes to the South Gippsland Planning Scheme:

- Amend the Municipal Strategic Statement Clauses 21.01 - 21.14 to align with the new format planning scheme, to include policies recommended by the *South Gippsland Housing and Settlement Strategy 2013* and to make procedural corrections;
- Amend the Municipal Strategic Statement by inserting new Clauses 21.12 to 21.19 to implement the settlement hierarchy recommended by the *South Gippsland Housing and Settlement Strategy 2013*. Existing Clause 21.16 is revised and renumbered as Clause 21.21.
- Amend the Local Planning Policies at Clauses 22.05 – 22.07 to update policy on rural dwellings and rural subdivision in relation to historic subdivisions being restructured, and to correct procedural errors.
- Amend the Schedule to Clause 45.05 to insert details of the revised and new Restructure Plans for Restructure Overlays 1- 21.
- Amend the Schedule to Clause 52.03 to add the Restructure Overlay areas to the Specific Sites and Exclusions particular provision and to delete a redundant area at 176 Simons Lane Leongatha;
- Amend the Schedule to Clause 61.03 to include reference to mapping of the Restructure Overlay;
- Amend the Schedule to Clause 81.01 to insert incorporated document *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire August 2017* and to delete an expired incorporated document *176 Simons Lane Leongatha, November 2013*.
- Rezone land at 14 and 24 Lynn Street, 6 and 12 Herring Lane and 30 and 37 Cruickshank Road, Jumbunna from Farming Zone to Township Zone and delete the Environmental Significance Overlay 5 (Areas susceptible to erosion) for applying planning controls suited to urban use land within the Jumbunna Framework Plan settlement boundary and to remove a split zoning.
- Rezone land at 2-20 Black Avenue, Venus Bay from Commercial 1 Zone to Township Zone, apply the Restructure Overlay, the Design and Development Overlay 5 and the Environmental Significance Overlay 7 (Coastal Settlements) and delete the Environmental Significance Overlay 3 (Coastal Settlements) to implement the current Venus Bay Framework Plan policy.
- Delete parts of Restructure Overlays 1 and 2 at Venus Bay as the conditions to create Restructure Lots according to the Restructure Plans have been completed.

- Apply the Restructure Overlay to old and inappropriate subdivisions at Bennison, Buffalo, Darlimurla, Dollar, Hedley (2), Hoddle, Jeetho, Jumbunna, Meeniyah West, Newcastle, Outtrim, Port Franklin, Port Welshpool, Stony Creek, Tarwin, Toora Coastal Area, Venus Bay and Whitelaw.
- Delete application of some sections of Road Closure Overlay (RXO) at and near Rees Road and the Korumburra-Wonthaggi Road Jumbunna on grounds of redundancy.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The Amendment is required to make changes to the planning scheme to implement the widely consulted and evidence-based *Housing and Settlement Strategy September 2013*, which Council adopted on 25 September 2013. The Amendment particularly sets out a clear process to resolve the issues associated with multiple small, vacant lots in old and inappropriate subdivisions in rural areas. The Amendment consequently helps Council to plan for current and future needs of its communities and anticipated population growth in a manner that promotes safe and attractive settlements, maintains agricultural, environmental and landscape values, and supports efficient provision of community facilities and service infrastructure.

The Amendment enables Council's implementation of State Planning Policy Framework strategy at Sub-clause 14.01-1 to restructure inappropriate subdivisions on productive agricultural land and at Sub-clause 15.01-2 to emphasise Framework Plans.

### How does the Amendment implement the objectives of planning in Victoria?

The proposed amendment implements the objectives set out in section 4 of the Act.

The objectives of planning in Victoria are:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.

The implementation of the key policies of the *South Gippsland Housing and Settlement Strategy 2013* meets objectives a), b), c), e), f) and g) by inserting Framework Plans identifying settlement areas preferred for growth, infill or no growth on the basis of environmental, social and resource factors, as well as improving policies for housing and settlement development.

The application of the Restructure Overlay and the related Restructure Plans will meet objectives (a) and (f) as the Amendment will result in a more transparent and certain decision-making framework for the old and inappropriate subdivisions in the municipality. **Attachment 2** to this Explanatory Report contains an assessment and justification of each Restructure Plan in the context of the South Gippsland Planning Scheme.

### How does the Amendment address any environmental, social and economic effects?

#### *Environmental effects*

The Amendment is expected to have a positive environmental effect as the settlement framework plans, restructure plans and policies have taken environmental constraints such as susceptibility to inundation, erosion, bushfire risks, sensitive water catchments, Giant Gippsland Earthworm habitat, coastal conservation and climate change processes, and areas of environmental and landscape

significance into consideration when applying settlement and restructure overlay boundaries and configuring restructure lots.

#### *Social and Economic effects*

The Amendment is anticipated to have positive social and economic effects for the municipality by enabling efficient service and infrastructure provision for settlements relevant to their role and capacity, by providing certainty and a direction for development in the old and inappropriate subdivisions. The revised policies apply the principles of the *Livable Housing Design Guidelines*, the *Domestic Wastewater Management Plan 2016-2020* and the *South Gippsland Shire Council Siting and Design Guide – Dwellings and associated buildings in the Rural Activity and Farming Zones* and introduces them as reference documents to the Planning Scheme. The Amendment inserts policies to support provision of housing suitable for special needs and changing household needs

#### **Does the Amendment address relevant bushfire risk?**

Bushfire risk is one of the environmental constraints that were taken into consideration in:

- Determining which settlements are capable of population growth.
- Definition of settlement boundaries in the Framework Plans.
- Limiting the amount of development potential of the old and inappropriate subdivisions.

The views of the Country Fire Authority were taken into account in development of the *Housing and Settlement Strategy*.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment has been prepared having regard to Ministers Direction No. 1 – *Potentially Contaminated Land*, 11 – *Strategic Assessment of Amendments* and 13 - *Managing Coastal Hazards and the Coastal Impacts of Climate Change*.

Existing Clauses 21.01 to 21.14 have been revised to align with the new format consistent with the updated *Ministerial Direction on The Form and Content of Planning Schemes* under Section 7(5) of the Act. For maintaining consistency and to avoid a substantial rewrite of existing policy which is relocated by this Amendment, new Clauses 21.12-21.20 have not been changed to the new format but are anticipated to be updated during a future planning scheme review.

The proposed amendment will have regard to Ministerial Direction No. 15 - The Planning Scheme Amendment Process which sets timeframes for completing steps in the planning scheme amendment process.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment supports the State Planning Policy Framework consistent with the following Clauses:

##### **Clause 11 Settlement**

The proposed amendment is consistent with Clause 11 which states '*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*'.

The proposed amendment is consistent with the strategy relating to the Gippsland regional growth at clause 11.08 which seeks to *support the continuing role of towns and small settlements in providing services to their districts, recognising relationship and dependencies to larger towns*. The Amendment is also consistent with the strategies relating to supporting agricultural productivity, the fishing industry, tourism and ecological values.

The Amendment's settlement hierarchy and policies for Leongatha and Korumburra respectively implement the South Gippsland component of the Regional Victoria Settlement Framework.

##### **Clause 12 Environmental and Landscape Values**

Clause 12 contains strategies to protect coastal areas and ensure development is appropriate, including consideration of “*impacts of any change in land-use or development that may affect the biodiversity value of adjoining national parks and conservation reserves or nationally and internationally significant sites including wetlands and wetland wildlife habitat...designated under... (the Ramsar Convention)*”; the Victorian Coastal Strategy, and providing “*clear direction for the future sustainable use of the coast*”.

The Amendment is consistent with Clause 12 by:

- Defining settlement boundaries for the coastal villages to prevent expansion into the rural landscape buffers and areas of high conservation value;
- Limiting development in the Restructure Areas at Bennison, Hedley (2), Port Franklin, Port Welshpool and Toora Coastal Area which drain to the Corner Inlet (Ramsar Convention) wetlands.
- Limiting development and applying rural dwelling design and siting principles to Restructure Areas to minimise landscape impacts.

### **Clause 13 Environmental Risks**

Clause 13 nominates that planning should adopt a best practice environmental management and risk management approach in seeking to avoid or minimise environmental hazards and degradation. Planning should also identify and manage the potential for the environment, and environmental changes to impact upon the economic, environmental or social well-being of society.

The delineation of settlement boundaries and configuration of restructure lots was based on a risk management approach. Requirements for development of dwellings in the Restructure Areas includes (as appropriate) environmental assessment and ability to access and locate dwellings on restructure lots safely from hazards such as erosion and inundation. Some Restructure Lots have been defined as ‘no development’ due to difficulty in sufficiently minimising bushfire risk.

### **Clause 14 Natural Resource Management**

Clause 14.01 prioritises protection of agricultural land as a resource in several ways, including “*Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.*”

South Gippsland Shire contains agricultural land which is of state and perhaps national strategic significance in terms of the dairy production and dairy product manufacturing. Agricultural land in the Shire also benefits from good rainfall, which is of increasing importance due to climate change. One of the prime aims of the Amendment is to protect productive farmland from encroachment of rural residential development and from land use conflicts, both by defining settlement boundaries and applying 19 new Restructure Plans. The configuration of Restructure Lots and requirements of the incorporated document seek to protect agricultural activity.

The Amendment proposes to rezone and review zoning of a minimum land within existing small settlement urban areas from Farming Zone to Township Zone, so that agricultural land would not be encroached upon.

Clause 14.02-1 Catchment planning and management and Clause 14.02-2 Water quality, emphasise objectives of protecting water quality, potable water catchments, waterways and the marine environment.

The Amendment addresses these policies by restricting settlement development in sensitive catchments that drain to potable water supplies, Cornet Inlet or Andersons Inlet.

### **Clause 16 Housing**

The Amendment is the result of implementation of the Clause 16 strategy “*Demonstrate need and identify locations for rural residential development through a housing and settlement strategy*”.

New policies contained in the Amendment support diversity of housing choices including social housing and age-appropriate accommodation choices as well as higher density in walking distance of the town where appropriate, and encourages sustainable design.

Clause 16.02 requires development in rural areas to protect agriculture and ensure housing is focused towards existing settlements where community infrastructure and services are provided.

The Amendment's new settlement policies and Framework Plans, combined with the Restructure Plans, aim to achieve this.

### **Clause 17 Economic Development**

The Amendment supports Clause 17 by identifying and consolidating commercial activity in the Framework Plans relevant to the function of the settlement. Marine-related economic activity is identified in the policies for Port Welshpool and Port Franklin. Tourism is consistently encouraged across the Shire's settlements in association with to nature-based and environmental attractions, local agricultural produce, the arts and rail trails. Provision of 15 years supply of industrial land is supported.

### **Clause 19 Infrastructure**

Clause 19 states that planning for growth and redevelopment should ensure the provision of social and physical infrastructure in an efficient, equitable, accessible and timely manner and recognise social needs by providing land for a range of community resources.

The Amendment inserts a settlement hierarchy and 16 new settlement Framework Plans supporting this approach, with growth supported in settlements locations where such efficiency is maximized. The Restructure Plans enable very limited development of areas unsuitable for development to their full subdivision potential, partly due to lack of, or inefficiencies of, service provision.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment strengthens the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) by the following:

- Applying a hierarchy to the municipality's settlements by categorising them into described levels of function, service, infrastructure and environmental setting at Clause 21.02 Settlement (the current list of settlements and descriptions is located at Clause 21.05). The new policy closely implements recommendations from the *South Gippsland Housing and Settlement Strategy 2013*.
- Thoroughly revising the order and format of the local settlement policies into a new series from Clauses 21.12 to 21.19. The settlements and their policies are grouped according to the settlement hierarchy position identified for each location. This ranges through eight functional and descriptive categories from 'Municipal Centre' down to 'Locality'. The relevant settlements are listed alphabetically in each clause. While an amount of rewording has been undertaken to improve consistency, existing policies have been transferred where possible.
- Inserting new policies to cover 19 additional settlements that lacked attention in the Planning Scheme. This has resulted in 21 new Framework Plans being included. The Plans clearly identify locations where growth, limited development and no growth should occur, and highlight preferred areas for commercial land uses. This will assist expectations of residents, guide developer investment and enable service authorities to plan for efficient provision of infrastructure.
- Revising three existing Framework Plans. These are for:
  - Nyora, to recognise areas identified by the *South Gippsland Housing and Settlement Strategy 2013* for investigation for rezoning to RLZ;
  - Port Welshpool, to include mapping of the Restructure Area in the immediate vicinity; and
  - Venus Bay, Estate Two, to acknowledge the Amendment rezoning and restructuring of the undeveloped, original commercial subdivision at Black Avenue.
- Improving the strategy and policy guidelines at Clause 21.05 Natural Resource Management (currently Clause 21.08) applying to development of houses in old Crown township areas so that agricultural land resource and agricultural activities curtailed is not adversely impacted by increasing development of the many small land parcels old and inappropriate rural subdivisions.
- Expanding policy considerations to encourage sustainable design, siting and diversity in housing at Clause 21.07 Housing (currently Clause 21.10) in order to meet the varied and changing accommodation needs of the current and future population.
- Updating policy at Clause 21.08 Economic Development (currently Clause 21.11) in association with the *South Gippsland Housing and Settlement Strategy 2013* recommendations so that the

industries related to the municipality's productive sources (primary industries) and facilities (ports) are specifically encouraged and provided for.

- Separating out the Landscape Character Areas policies from the 'Local Areas' policies (currently at Clause 21.15) and relocating them into a new Clause 21.20.
- Relocating the Reference Documents list from Clause 21.16 to re-numbered Clause 21.21 and removing the repetitious listing of reference documents from clauses throughout the MSS and LPPF.
- Clarifying the Rural Dwellings policy at Clause 22.05 regarding development potential in old and inappropriate subdivisions, and tying the ability to develop to the conditions and Restructure Plans contained in the newly inserted incorporated document *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017*. The policy improvements also require planning applications for rural dwellings to consider the sustainability, design and siting requirements contained at Clause 21.07 so that development impact on the landscape, the environment and energy consumption is minimised.
- Clarifying the Rural Subdivision policy at Clause 22.06 regarding excision of land containing an existing dwelling in old and inappropriate subdivisions in order to limit the development of new dwellings in unsuitable locations.
- Clarifying tourism policy in the Rural Activity Zone at Clause 22.07 regarding development potential in old and inappropriate subdivisions in order to minimise risk from environmental hazards and negative impacts on landscape and environmental values.
- Inserting an Incorporated Document containing 19 new and two revised Restructure Plans at Clause 81.01 to give practical effect to the MSS and LPPF policies guiding development in old and inappropriate subdivisions. Some of these subdivisions were identified by locality name in the MSS but prior to the Incorporated Document, the boundaries of the 19 new areas were not defined and no restructure plans had been identified. The Incorporated Document supports consistent decision-making and removes the effective freeze on development. Attachment 2 to this Report outlines the assessment of each Restructure Area. This section details the number of land parcels, the area of land affected, the applicable planning controls, any specific circumstances and the basis (both aims and policy justification) for developing the Restructure Plan. The Restructure Plans provide a clear basis for decision-making by the Planning Authority and highlight the special planning conditions to prospective land purchasers. The two updated Restructure Plans at Venus Bay reflect the successful implementation of the restructure conditions.

Where possible, the Amendment makes procedural and format corrections and clarifications throughout the MSS and LPPF to align with the new format planning scheme style (without making inconsistencies within sections), to improve accuracy, and to make the Planning Scheme easier to understand.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victoria Planning Provisions (VPP).

The amendment seeks to apply the Restructure Overlay, and in association updates the appropriate tools (Schedule to Clause 45.05, Schedule to Clause 52.03, Clause 61.03 and Clause 81). The new Incorporated Document at Clause 81.01 supports decision making with regard to Clause 52.03 and Clause 45.05.

The key purposes of the Restructure Overlay are to identify old and inappropriate subdivisions which are to be restructured and to preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development. The Restructure Overlay is the most appropriate VPP tool to achieve this, and it does not affect or conflict with or duplicate another existing provision of the planning scheme that deals with the same land, use or development. Similarly, the application of an incorporated document to support the Restructure Overlay is consistent with the *Practice Note 13: Incorporated and Reference Documents*.

The rezonings and associated overlay changes support fair and orderly planning consistent with the location and future sustainable use and development of the land.

### **How does the Amendment address the views of any relevant agency?**

The views of DELWP (Crown Land Services) and VicRoads were considered during preparation of the Amendment, and the views of all relevant authorities were canvassed during development of the *South Gippsland Housing and Settlement Strategy*.

The EPA was also consulted in regards to potentially contaminated land and wording to satisfactorily address this issue in the incorporated document *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017*.

As part of the exhibition process, all relevant agencies will be invited to make a submission on the amendment and will have the opportunity for their comments to be considered by Council and if appointed, a Planning Panel.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The requirements of the Transport Integration Act are not relevant to this Amendment.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

Application of the Restructure Overlays and their associated Restructure Plans will increase the number of potential planning applications for new dwellings received by the Responsible Authority as it conditionally allows limited development in areas where development has been prohibited pending restructuring. However given the number of existing dwellings in the Restructure Areas, the number of applications for new dwellings is anticipated to be assessed as part of Council's normal statutory planning operations.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

South Gippsland Shire Council, 9 Smith St Leongatha; and

Council's web site at [www.southgippsland.vic.gov.au/C90](http://www.southgippsland.vic.gov.au/C90)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Monday 8 January 2018.

A submission must be sent to:

Postal: South Gippsland Shire Council. Attention Amendment C90, Private Bag 4 LEONGATHA Vic 3953 or

Email: [C90@southgippsland.vic.gov.au](mailto:C90@southgippsland.vic.gov.au)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of 7 May, 2018
- panel hearing: To commence in the week of 25 June, 2018

### **ATTACHMENT 1 - Mapping reference table**



Agnes	Land on the north side of the South Gippsland Hwy, east of Agnes River Rd.	Framework plan in Clause 21.19
Arawata	Land on Fairbank Rd west of Richies Rd in the general vicinity of Arawata Hall.	Framework plan in Clause 21.19
Bena	Land on Bass Valley Rd, Hennessy Crt, Main Rd and Union St in the general vicinity of the former Bena railway station.	Framework plan in Clause 21.18
Bennison	Land on the north side of Durston Road, west of Port Franklin Rd.	South Gippsland C90 008roMap28 Exhibition
Buffalo	Land on Hall Rd, McPhee St, Main St and Walters St in the general vicinity of Buffalo Hall.	Framework plan in Clause 21.18 South Gippsland C114 002roMap26 Exhibition
Darlimurla	Land on the north side of Cornell Rd near the intersection of Oxenbury Rd	Framework plan in Clause 21.19 South Gippsland C114 003roMap08 Exhibition
Dollar	Land on Dollar Hall Rd near the intersection of the Foster-Mirboo Rd	South Gippsland C114 007roMaps18_21 Exhibition
Dumbalk	Land on Dollar Rd, Meeniyam – Mirboo North Rd, Miller St, Nerrena Rd and Tarwin St in the general vicinity of Dumbalk Hall.	Framework plan in Clause 21.18
Fish Creek	Land on Falls Rd, Foster Rd, Lorimer St, Meeniyam-Promontory Rd, Old Waratah Rd, Ryan St, Synan Rd and Williamson St	Framework plan in Clause 21.15
Hedley	Land on the south east corner of South Gippsland Hwy and Salmon Rd	South Gippsland C90 009roMap31 Exhibition
Hedley	Land located between the north side of the railway reserve and the south side of the South Gippsland Hwy, up to 930 metres west and 200 metres east of the intersection with Hodgsons Rd.	Framework plan in Clause 21.19 South Gippsland C114 004roMap31 Exhibition
Hoddle	Lowrys Rd – land on the east side of Lowrys Rd is bounded by Fish Creek-Foster Rd. The Great Southern Rail Trail borders land on the south side of the area affected, both east and west sides of Lowrys Rd.	South Gippsland C90 007roMap26 Authorisation - Final
Jeetho	Land on the south side of Wettenhalls Rd, west of Jeetho Rd.	South Gippsland C90 002roMap01 Authorisation - Final



Jumbunna	Land on the north side of the Korumburra-Wonthaggi Rd on Cruickshank Rd, Goochs Rd, Lynn St and Tavener Rd.	Framework plan in Clause 21.18
Jumbunna	A large area at Jumbunna both north and south of the Korumburra-Wonthaggi Rd. Includes land on Cruickshank Rd, Gooches Rd, Hazel Rd, Herring La, Lynn St, Macleans Rd, Rees Rd and Taveners Rd	South Gippsland C90 010roMap11 Authorisation - Final South Gippsland C90 012znMap11 Exhibition South Gippsland C90 013d-eso5Map11 Exhibition South Gippsland C90 018d-rxoMap11 Exhibition
Kardella	Land on Kardella Rd and Huttons Rd near the intersection of Allcorns Road and north of the railway reserve.	Framework plan in Clause 21.19
Kongwak	Land on the Korumburra-Wonthaggi Rd from the intersection of Kongwak-Inverloch Rd/Church Rd in the east, to 350 metres west of Foster Creek. Also land in Scott Crt and Williams St.	Framework plan in Clause 21.18
Koonwarra	Land on the north side of Koonwarra-Inverloch Rd between the intersections of the South Gippsland Hwy and Whitelaws Track, generally bounded by Kookaburra Dr, Bacon Ave, Johnsons Rd and Swan Rd. Includes land in Kangaroo Rise and Manna Crt. Also land bounded by the Koonwarra-Inverloch Rd, Swan Rd and the Koonwarra Flora Reserve.	Framework plan in Clause 21.16
Meeniyan West	Land located between the South Gippsland Hwy and Hanilys Rd, east of the Tarwin River.	South Gippsland C90 004roMaps13_18 Authorisation - Final
Mirboo	Land on Mirboo Rd located between the Clear Creek Rd intersection and the bridge over the Tarwin River East Branch. Also includes land on Baines Rd, Hankinson Crt and Walkers Rd.	Framework plan in Clause 21.18
Nerrena	Land on the north side of Nerrena hall Rd west of the intersection with Pickering Rd.	Framework plan in Clause 21.19
Newcastle	Land on the west side of the South Gippsland Hwy opposite Coal Creek Community Park and Museum at Korumburra	South Gippsland C90 005roMap14 Exhibition
Outtrim	A large area at Outtrim located on both sides of the Outtrim-	South Gippsland C90 011roMap10 Exhibition

	Moyarra Road, generally south of the radio tower. Also includes land on Cross St, Beard St, Hegarty St, Lomagnos Rd, Main Rd and Rileys Rd.	
Port Franklin	Land bounded by Port Franklin Rd and the Franklin River, mainly south of the intersection of Lower Franklin Rd and Port Franklin Rd.	South Gippsland C90 008roMap28 Exhibition
Port Welshpool	Land south of Telegraph Rd, and (generally) north of the town from Port Welshpool Rd to Adams Rd	South Gippsland C114 005roMaps31_33 Exhibition (2) Port Welshpool Framework Plan in Clauses 21.17
Ruby	Land on the west side of Ruby-Arawata Rd and the south side of Dykes Rd south of the railway reserve.	Framework plan in Clause 21.18
Stony Creek	Land on the Stony Creek-Dollar Rd located between the South Gippsland Hwy and the Great Southern Rail Trail plus land on Jacks Rd. Also includes land in Main St and Tobin St.	Framework plan in Clause 21.18 South Gippsland C114 006roMap18 Exhibition
Strzelecki	Land on the Korumburra-Warragul Rd generally between 230 and 660 metres west of the intersection with Ross and Witherdens Rd.	Framework plan in Clause 21.19
Tarwin	Land located between the South Gippsland Hwy, Tarwin Lower Rd and Dowds Rd plus land located between the South Gippsland Hwy, Tarwin Lower Rd and Hanilys Rd.	South Gippsland C90 004roMaps13_18 Authorisation - Final
Toora	Land located between the Great Southern Rail Trail, the Corner Inlet Coast, the Franklin River and (generally) Bucklands Rd	South Gippsland C114 001roMaps28_30 Exhibition (3)
Venus Bay – First Estate	Land located at 18-46 Juno Rd (between the intersections of Mercury Dr and Saturn Pde) and at 30-32 Mercury Dr.	South Gippsland C90 001d-roMap24 Exhibition
Venus Bay – First estate	Land located at 34-40 Louis Rd and at 15-23 Atkinson Ave, being generally on the south west corner of the intersection of Louis RD and Atkinson Avenue.	South Gippsland C90 001d-roMap24 Exhibition
Venus Bay – Second Estate	Land at 2-20 Black Ave located between Lees Rd and Dorothy St.	South Gippsland C90 014znMap24 Exhibition South Gippsland C90 015ddoMap24 Exhibition South Gippsland C90 016d-eso3Map24 Exhibition

		South Gippsland C90 017eso7Map24 Exhibition Framework Plan in Clause 21.17
Walkerville –Prom View	Land in the Prom View Estate, comprising 1-159 Acacia Rd, land in Grevillia St, Mackinnon Crt, Macphee Crt, Melaleuca Ave, Panorama Dr, Roscrea Cr, and Seaview Dr., and 12-26 Walkerville Rd.	Framework plan in Clause 21.17
Walkerville North	Land bounded by Bayside Dr and the Cape Liptrap Coastal Park. Includes land in Holt St, Nicoll St and Waratah St.	Framework plan in Clause 21.17
Walkerville South	Land in Casuarina Gr and on the Walkerville South Rd south of the intersection with Casuarina Gr.	Framework plan in Clause 21.17
Whitelaw	Land on the north side of Korumburra-Bena Rd approximately 800 metres east of the intersection with the South Gippsland Hwy.	South Gippsland C90 003roMap10 Authorisation - Final
Yanakie	Land on the south side of the Meeniyah-Promontory Rd from Yanakie Recreation Reserve to 300 metres east of Millar Rd, land in Hellisen Crt, and land on the east side of Millar Rd between the Meeniyah Promontory Rd and Stockyard Ct, including land in Stockyard Crt and Wood Crt.	Framework plan in Clause 21.17

## ATTACHMENT 2

### **Assessment of Restructure Lots in *Restructure Plans for Old and Inappropriate Subdivisions in South Gippsland Shire, August 2017***

#### **Juno Road Restructure Plan - Venus Bay**

<b>Purpose</b>	<b>Assessment</b>	<b>Planning Scheme Justification</b>
<p>Original restructure plan consolidates lots and unused road reserves to provide for legal frontage and abuttal to a road and to create lots of appropriate size for development of a dwelling and for onsite treatment and disposal of wastewater in a location with sandy soil and bore water sourced for domestic use.</p> <p>Bushfire Management Overlay 2 applies</p>	<p>Group of very small, narrow lots (averaging approximately 200sqm each) in a 1950s urban subdivision in a coastal holiday settlement.</p> <p>The land is in the Township Zone. Restructure Overlay 1 applies to the land.</p> <p>Part of the Restructure Plan area has had all conditions fulfilled. Consequently application of the Restructure Overlay and Restructure Plan is no longer required for those parts. Partial removal of RO is procedural.</p> <p>Restructure Plan remains relevant to land where Restructure Plan conditions have not been met.</p>	<p>Clause 45.05 and Schedule to Clause 45.05</p>

#### **Atkinson Avenue Restructure Plan – Venus Bay (formerly titled Louis Road Restructure Plan)**

<b>Purpose</b>	<b>Assessment</b>	<b>Planning Scheme Justification</b>
<p>Original restructure plan consolidates lots and unused road reserves to provide for legal frontage and abuttal to a road and to create lots of appropriate size for development of a dwelling and for onsite treatment and disposal of wastewater in a location with sandy soil and bore water sourced for domestic use.</p> <p>Bushfire Management Overlay 2 applies.</p>	<p>Group of very small, narrow lots (averaging approximately 200sqm each) in a 1950s urban subdivision in a coastal holiday settlement.</p> <p>The land is in the Township Zone. Restructure Overlay 2 applies to the land.</p> <p>Part of the Restructure Plan area has had all conditions fulfilled. Consequently application of the Restructure Overlay and Restructure Plan is no longer required for those parts. Partial removal of RO is procedural.</p> <p>Restructure Plan remains relevant to land where Restructure Plan conditions have not been met.</p>	<p>Clause 45.05 and Schedule to Clause 45.05</p>

#### **Black Avenue Restructure Plan – Venus Bay**

<b>Purpose</b>	<b>Assessment</b>	<b>Planning Scheme Justification</b>
----------------	-------------------	--------------------------------------

<p>Create lots of appropriate size for development of a dwelling, with satisfactory bushfire risk minimisation and with capacity for onsite treatment and disposal of wastewater in a location with sandy soil and bore water sourced for domestic use.</p> <p>Minimise environmental risks – specifically bushfire.</p> <p>Protect the existing character of the coastal settlement.</p> <p>Support the Commercial Zone in Venus Bay Estate 1 as the preferred focus of commercial land use in the settlement.</p>	<p>Group of 9 small, narrow lots (originally 10 lots approximately 185sqm each). Apparently intended for the purpose of a strip shopping centre with associated car parking on a wide road reserve in a 1950s urban subdivision in a coastal holiday settlement.</p> <p>The land is in the Commercial 1 Zone. The Bushfire Management Overlay 2 and the Environmental Significance Overlay 3 (Coastal Settlements) apply to the entire Restructure Area.</p> <p>Inclusion of road reserve in each Restructure Lot allows for:</p> <ul style="list-style-type: none"> <li>- Setback of potential dwellings to match character of the surrounding residential area; and</li> <li>- Siting of potential dwellings in an area clear of existing indigenous vegetation which reduces fire risk and assists with retention of vegetated landscape character.</li> </ul> <p>Venus Bay does not have reticulated sewerage, is sandy soil and many households use bore water for domestic use.</p> <p>Council's Environmental Health team advise that the individual lots and also the consolidated pair of original lots are not suitable for onsite treatment and disposal of wastewater.</p> <p>The Amendment includes proposed rezoning of the land to Township Zone and applies the Environmental Significance and Design and Development Overlays to align with those applied to the surrounding residential area.</p>	<p>Clause 21.15 – 9 Venus Bay</p> <ul style="list-style-type: none"> <li>• <i>Ensure that any proposed use and development of land in Venus Bay is generally in accordance with the Venus Bay Estate 1 and Estate 2 Framework Plans</i></li> <li>• <i>Ensure that each site is capable of on-site waste disposal that does not prejudice groundwater quality.</i></li> <li>• <i>Investigate rezoning land to the south of Jupiter Boulevard, Venus Bay, from Township Zone to Commercial 1 Zone as shown in the Venus Bay Framework Plan <u>in order to focus the commercial use and development into a central precinct and reduce these uses amongst residential uses.</u> (Underlining is Council's emphasis).</i></li> <li>• <i>Investigate rezoning the Commercial 1 Zone land in Black Avenue in Venus Bay Estate 2 to Township Zone, <u>in order to recognise and support the existing role of the commercial area in Venus Bay Estate 1.</u> (Underlining is Council's emphasis).</i></li> </ul> <p>The Venus Bay Estate 2 Framework Plan indicates rezoning and restructure of this land.</p> <p>Clause 42.01-3 Schedule to the Environment Significance Overlay 3 Coastal Settlements  <i>... To ensure that development adjacent to coastal areas is compatible with the environment...</i></p>
---	---	--

### Wettenhalls Road Restructure Plan – Jeetho

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – Minimise dwelling development not associated with commercial agriculture.</p>	<p>Original 1880s urban subdivision associated with a railway station settlement. Undeveloped subdivision comprised approximately 79 land parcels plus several road reserves has been consolidated down to 13 land parcels with an area of 9.7ha.</p>	<p>Clause 14.01-1 Natural Resource Management - Protection of agricultural land</p> <p><i>Limit new housing development in rural areas, including: ...</i></p> <ul style="list-style-type: none"> <li>▪ <i>Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.</i></li> </ul>

<p>Protect environmental values – specifically Giant Gippsland Earthworm habitat.</p> <p>Minimise dwelling development in isolated and scattered locations where infrastructure and community services cannot be efficiently provided.</p>	<p>The land is in the Farming Zone. The Environmental Significance Overlay 5 (Areas Susceptible to Erosion) applies to the entire area and there are two designated waterways crossing the proposed Restructure Area. Parts of the property have the ESO9 (Environmental Significance Overlay 9 – Giant Gippsland Earthworm Habitat and Protection) applied.</p> <p>Generally the locality is commercially farmed with a small number of other rural residential properties associated with the formerly more populated Jeetho settlement.</p> <p>The land area is not considered large enough for a commercial agricultural operation. The land is located opposite an unused railway reserve / railway station and is bounded on three sides by roads.</p> <p>Any potential development can be sited near the north-east boundary to avoid land use conflict with commercial agriculture.</p> <p>As the land is not visually prominent, has been subject to an extensive consolidation process, is not part of a commercial farm and is held in joint ownership by two family groups plus some unknown / unidentified landowners, it seems fair and reasonable to create two Restructure Lots of approximately 4.5ha.</p>	<ul style="list-style-type: none"> <li>▪ <i>Encouraging consolidation of existing isolated small lots in rural zones.</i></li> <li>• <i>Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.</i></li> </ul> <p>Clause 21.05-1 Settlement – Strategy 1.4 <i>Discourage the development of dwellings on small lots in old Crown township areas except where such land is zoned Township, Rural Living or is adjacent to existing urban development</i></p> <p>Clause 21.08-1 Natural Resource Management - Agriculture <i>Strongly discourage the development of houses in old Crown township areas except where such lots form part of a sustainable farm or are adjacent to existing urban/serviced areas or have been approved for re-structure.</i></p> <p>22.05 Rural dwellings <i>Development of lots in old Crown townships / settlements It is policy that:</i></p> <ul style="list-style-type: none"> <li>▪ <i>A permit must not be granted to use land for a dwelling under Section 2 of the Table of uses to Clause 35.07-1 if the lot is within an historic Crown township or settlement. This includes the following Farming Zone areas: ...Jeetho...</i></li> </ul> <p>Clause 42.01 Schedule 5 to the Environmental Significance Overlay – Areas susceptible to erosion <i>Environmental objective to be achieved: To protect areas prone to erosion by minimising land disturbance and vegetation loss. To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses</i></p> <p>Clause 42.01 Schedule 9 to the Environmental Significance Overlay – Giant Gippsland Earthworm and Habitat Protection</p> <p>Environmental objective to be achieved: ...</p> <ul style="list-style-type: none"> <li>▪ <i>To protect the habitat of the Giant Gippsland Earthworm.</i></li> <li>▪ <i>To ensure that buildings and works avoid negative impacts on individuals, colonies or habitat of the Giant Gippsland Earthworm.</i></li> </ul>
--	---	---

Purpose	Assessment	Planning Scheme Justification
<p>Recognise the historic circumstances of the area while simultaneously maintaining agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Minimise environmental risk from erosion, and in the steepest locations, from potential landslip.</p> <p>Minimise dwelling development in isolated and scattered locations where infrastructure and community services cannot be efficiently provided.</p> <p>Protect environmental values – minimise impact on water quality, including effect on habitat for Giant Gippsland Earthworm, located downhill of the Restructure Area.</p>	<p>Original late 1800s extensive urban and semi-urban subdivision (approximately 375 lots over 147 ha) for a bustling but now defunct coal mining and railway station settlement.</p> <p>The land is in the Farming Zone. The Environmental Significance Overlay 5 (Areas susceptible to erosion) applies to the Restructure Area.</p> <p>Land is currently used for a mix of commercial agriculture and rural residential purposes.</p> <p>Land used for rural residential purposes generally comprises a house associated with several land parcels and sometimes an undeveloped road reserve. Most of these are clustered around the original ‘main road’ vicinity.</p> <p>Land used for commercial agriculture generally comprises many small urban-sized lots, often with one or more larger lots and commonly numerous undeveloped road reserves. The majority of this land contains very steep sections and is part of a larger farm that also consists of land outside of the Restructure Area.</p> <p>The Restructure Plan prevents additional dwellings being developed on vacant parcels of rural residential land held in a single ownership where a dwelling already exists on the land in that ownership.</p> <p>Very limited allowance is made for additional potential dwelling development on land used for commercial agriculture.</p> <p>‘No dwelling development’ is specified for two Restructure Lots. One of these consists of land which contains the driveway to a dwelling located on the former railway station site, just outside of the Restructure Area. The other allows for potential designation of a road reserve where a ‘road</p>	<p>Clause 13.03-1 Use of contaminated and potentially contaminated land <i>To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.</i></p> <p>Clause 13.03-2 Erosion and landslip <i>Prevent inappropriate development in unstable areas or areas prone to erosion.</i></p> <p>Clause 14.01-1 Natural Resource Management - Protection of agricultural land <i>Limit new housing development in rural areas, including: ...</i></p> <ul style="list-style-type: none"> <li>▪ <i>Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.</i></li> <li>▪ <i>Encouraging consolidation of existing isolated small lots in rural zones.</i></li> <li>• <i>Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.</i></li> </ul> <p>Clause 21.05-1 Settlement – Strategy 1.4 <i>Discourage the development of dwellings on small lots in old Crown township areas except where such land is zoned Township, Rural Living or is adjacent to existing urban development</i></p> <p>Clause 21.08-1 Natural Resource Management - Agriculture <i>Strongly discourage the development of houses in old Crown township areas except where such lots form part of a sustainable farm or are adjacent to existing urban/serviced areas or have been approved for re-structure.</i></p> <p>22.05 Rural dwellings <i>Development of lots in old Crown townships / settlements It is policy that: A permit must not be granted to use land for a dwelling under Section 2 of the Table of uses to Clause 35.07-1 if the lot is within an historic Crown township or settlement. This includes the following Farming Zone areas: ...Outtrim.</i></p> <p>Clause 42.01 Schedule 5 to the Environmental Significance Overlay <i>Environmental objective to be achieved: To protect areas prone to erosion by minimising land disturbance and vegetation loss.</i></p>

	in practice' is located and is not contained within a road reserve.	<i>To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses</i>
--	---	---

### Korumburra-Bena Road Restructure Plan – Whitelaw

<b>Purpose</b>	<b>Assessment</b>	<b>Planning Scheme Justification</b>
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Minimise dwelling development in isolated and scattered locations where infrastructure and community services cannot be efficiently provided.</p>	<p>Original urban subdivision associated with defunct railway station. The subdivision consists of 28 land parcels and some road reserves over 5.5ha.</p> <p>The land is in the Farming Zone. The Environmental Significance Overlay (Areas susceptible to erosion) applies to the Restructure Area.</p> <p>Land is held in two separate ownerships, each with a dwelling. The land is used for rural residential purposes.28</p> <p>The Restructure Plan prevents additional dwellings being developed on vacant parcels of rural residential land held in a single ownership where a dwelling already exists on the land in that ownership.</p>	As per Jeetho above except for Clause 42.01 Schedule 9

### Jumbunna Restructure Plan

<b>Purpose</b>	<b>Assessment</b>	<b>Planning Scheme Justification</b>
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Minimise dwelling development in isolated and scattered locations where infrastructure and community services cannot be efficiently provided.</p>	<p>Original late 1800s extensive urban and semi-urban subdivision for a bustling but now defunct coal mining and railway station settlement. The area being restructured contains approximately 295 land parcels within 64ha.</p> <p>Some of the land is in the Township Zone however the majority is in the Farming Zone. The Environmental Significance Overlay 5 (Areas susceptible to erosion) applies to the rural zoned land.</p> <p>Land is currently used for a mix of commercial agriculture and rural residential purposes. In comparison to Outtrim, Jumbunna retains a stronger character and settlement density. Community services and infrastructure are limited but exist at a higher level than Outtrim.</p> <p>Land used for rural residential purposes generally comprises a house associated with several land parcels and sometimes an undeveloped road reserve.</p>	As per Outtrim above



	<p>Land used for commercial agriculture generally comprises many small urban-sized lots, often with one or more larger lots, some partial lot consolidation, and commonly numerous undeveloped road reserves.</p> <p>With the exception of one property, the Restructure Plan prevents additional dwellings being developed on vacant parcels of rural residential land held in a single ownership where a dwelling already exists on the land in that ownership. The exception property is at the north-east end of the former town, has existing road access and contains 34 land parcels plus some road reserves within an area of 4.5ha. It is considered fair and reasonable to allow one additional potential dwelling.</p> <p>One vacant property too small for commercial farming and not used in association with a commercial farm is proposed as two Restructure Lots (Restructure Lots 12 and 13). This is partly due to the land form which has a linear difference due to the old railway cutting, and partly due to historic circumstances. The latter relates to the land comprising parcels associated with adjustments to the location of the Korumburra-Wonthaggi Road and land used for the former Jumbunna Railway Station facilities.</p> <p>Vacant land which is commercially farmed is associated with larger properties in the same ownership that lie outside of the Restructure Area. The Restructure Plan allows for a limited number of additional potential dwellings which are not anticipated to negatively impact on either landscape or environmental values.</p> <p>Amendment C90 proposes a Framework Plan for Jumbunna. Four properties within the settlement boundary are proposed to be rezoned from Farming Zone to Township Zone.</p>	
--	--	--

#### Dowds Road Restructure Plan – Tarwin

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire.</p> <p>Maintain natural resource values –</p>	<p>Original 1880s urban and semi-urban subdivision associated with a railway station. The subdivision contains 39 land parcels and some road reserves within an area of 6.5ha approximately.</p> <p>The land is in the Farming Zone. The Bushfire Management Overlay and the Environmental Significance Overlay 2 (Water Catchments) apply to the entire area. The water supply off-take which supplies the nearby town of Meeniyah is just downstream of Tarwin.</p> <p>The majority of the Restructure Area comprises the Tarwin Bushland Reserve which is owned and managed by the Department of Environment Land, Water and Planning. Council's Biodiversity Officer advises that the environmental value of the vegetation and the habitat it provides is likely to be of a higher value than regional-level environmental mapping suggests.</p>	<p>As per Jeetho above except for Clause 42.01 Schedules 5 and 9</p> <p>Plus:</p> <p>Schedule to Clause 42.01 – Special Water Supply Catchment Areas</p> <p><i>To ensure that development activity and land management practices are consistent with environmental values and the</i></p>

<p>specifically water quality.</p> <p>Maintain environmental values – specifically protect indigenous vegetation.</p> <p>Minimise dwelling development in isolated and scattered locations where infrastructure and community services cannot be efficiently provided.</p>	<p>There are four private land holdings in the Restructure Area, three of which are used for rural residential purposes and developed with a dwelling. The vacant private land holding is covered with indigenous vegetation, is 886sqm in a triangular shape, and adjoins the bushland reserve.</p> <p>The Restructure Plan prevents additional dwellings being developed on vacant parcels of rural residential land held in a single ownership where a dwelling already exists on the land in that ownership.</p> <p>The Restructure Plan combines the vacant private land with the bushland reserve into a single, 'No dwelling development' Restructure Lot on the basis that:</p> <ul style="list-style-type: none"> <li>- There is insufficient area on the private land to undertake satisfactory bushfire risk mitigation measures;</li> <li>- Development of additional dwellings is not supported in this area of the catchment in order to protect water quality;</li> <li>- The amount of indigenous vegetation that would be required to be removed for development including wastewater treatment/disposal and bushfire risk mitigation purposes is unsatisfactory; and</li> <li>- Development of the land is discouraged in the event the government-owned land is sold.</li> </ul>	<p><i>long term conservation of potable water supply resources.</i></p> <p>Clause 44.06 Bushfire Management Overlay <i>To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.</i></p>
--	---	---

### Meeniyah West

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Maintain natural resource values – specifically water quality.</p>	<p>This Restructure Area contains 16 land parcels plus some road reserves in an area of 4.7ha. Although adjacent to the Great Southern Rail Trail, this area appears to be an extension of the original Meeniyah town subdivision rather than having a connection to a railway station or siding.</p> <p>The land is in the Farming Zone. The Environmental Significance Overlay 2 (Water Catchments) applies to approximately two-thirds of the Restructure Area. The water supply off-take which supplies the nearby town of Meeniyah is just downstream of Meeniyah West. A minor area at the east end of the Restructure Area has the Environmental Significance Overlay 5 (Areas susceptible to erosion) applied.</p> <p>There are two rural residential land holdings in the Restructure Area. Both are developed with a dwelling.</p> <p>The Restructure Plan prevents additional dwellings being developed on vacant parcels of rural residential land held in a single ownership where a dwelling already exists on the land in that ownership. (One of the properties is already</p>	<p>As per Tarwin above except for Clause 44.06.</p>

	subject to a planning permit condition to consolidate the land parcels.)	
--	--	--

### Newcastle Restructure Plan – Korumburra

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Maintain natural resource and environmental values – specifically water quality, soil and Giant Gippsland earthworm habitat.</p>	<p>Original urban subdivision associated with extensive coal mining - including shafts and tunnels - in the immediate vicinity. Land parcels in the 24ha subdivision have apparently been consolidated as two lots now exist.</p> <p>The land is in the Farming Zone. The Environmental Significance Overlay 2 (Water Catchments), the Environmental Significance Overlay 5 (Areas Susceptible to Erosion) and the Road Closure Overlay (RXO) apply to the Restructure Area. The Bushfire Management Overlay applies to the northern portion of the Restructure Area. The catchment supplies water to Korumburra. The land drains to an area identified as Giant Gippsland Earthworm habitat.</p> <p>The land is vacant and is used as part of a large commercial farm.</p> <p>The Restructure Area is steep and is divided by gullies containing declared waterways. The former railway alignment is visible along the western boundary of the Restructure Area.</p> <p>The Restructure Plan allows a potential development of a single dwelling.</p> <p>There are safety concerns with access to and from the South Gippsland Highway frontage however VicRoads plans to alter the road alignment, which should improve sight distances.</p>	<p>As per Outtrim above.</p> <p>Plus:</p> <p>Schedule to Clause 42.01 – Special Water Supply Catchment Areas <i>To ensure that development activity and land management practices are consistent with environmental values and the long term conservation of potable water supply resources</i></p> <p>Clause 44.06 Bushfire Management Overlay <i>To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.</i></p>

### Lowrys Road Restructure Plan – Hoddle

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Maintain natural resource and environmental</p>	<p>Original settlement subdivision associated with the former Hoddle railway station. The Restructure Area contains approximately 70 land parcels within an area just exceeding 63ha. A church hall is the only remaining community infrastructure. The Great Southern Rail Trail is parallel to the southern side of the Restructure Area.</p> <p>The land is in the Farming Zone. The Environmental Significance Overlay 5 (Areas Susceptible to Erosion) applies to the Restructure Area. The Significant Landscape Overlay 3 (Corner Inlet Amphitheatre) applies to the western portion of the Restructure Area. This area is highly visible from the east and north-east, including from Cornet Inlet.</p>	<p>As per Jeetho except for Clause 42.01 Schedule 9 Plus</p> <p>Clause 42.03 Schedule 3 Significant Landscape Overlay – Corner Inlet Amphitheatre <i>To protect locally significant views and vistas that contribute to the character of the landscape, including open</i></p>

<p>values – specifically water quality and soil.</p>	<p>The western and southern portions of the Restructure Area in the vicinity of Cherokee Creek are identified as being of Aboriginal Cultural Heritage Sensitivity.</p> <p>There are several declared waterways within the Restructure Area.</p> <p>The Restructure Area is located within an area of both commercial agriculture and rural residential land uses. The rail trail and the Fish Creek-Foster Road isolate the Restructure area from agricultural land use on the eastern and southern sides.</p> <p>Undeveloped Crown road reserves divide the area. There are safety concerns with access to and from the Foster-Fish Creek Road frontage. Preliminary advice from VicRoads advises that access should be obtained from Lowrys Road.</p> <p>The Restructure Area consists of land held in four separate ownerships. Restructure Lot 2 is used for rural residential purposes and contains a dwelling. The balance of the Restructure Area is used for a mix of commercial and non-commercial grazing. Restructure Lots 4 (35.4ha), 5 (1.6ha) and 6 (1.3ha) are held in a single ownership and are part of a larger but not contiguous commercial farm. Two rural residential Restructure Lots and a larger balance Restructure Lot are proposed within this ownership in recognition of the 54 historic land parcels it contains. The Restructure Lot layout has been designed to locate potential new dwellings from the Fish Creek-Foster Rd and the Corner Inlet Amphitheatre. All access would be from Lowrys Rd. The rural residential Restructure Lots have sufficient area to enable location of wastewater treatment and disposal at a satisfactory distance from declared waterways and existing dams.</p>	<p><i>views to Wilsons Promontory, the Welshpool Hills and Mt Hoddle. To retain the open, rural character of the hinterland landscape. To minimise the visual intrusion of infrastructure and signage, particularly between settlements. To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.</i></p>
--	---	--

### Durston Road Restructure Plan – Bennison

Purpose	Assessment	Planning Scheme Justification
<p>Maintain ...landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire.</p> <p>Maintain natural resource</p>	<p>Original low density urban subdivision associated with the former Hoddle railway station. The Great Southern Rail Trail is parallel to the southern side of Durston Road. The Restructure Area contains 10 land parcels and an undeveloped Crown road reserve within a total area of 1.13ha.</p> <p>The land is in the Farming Zone. The Bushfire Management Overlay and the Significant Landscape Overlay 3 – Corner Inlet Amphitheatre apply to the Restructure Area.</p> <p>The land is held in three separate ownerships, with a dwelling and rural residential land use occurring on each property.</p> <p>A declared waterway, which drains to nearby Corner Inlet, is located within the western portion of Restructure Lot 1. It would be advantageous to consolidate the undeveloped Crown road reserve within this Restructure Lot so that the wastewater treatment and disposal system could be potentially relocated to a distance further than 30 metres of</p>	<p>As per Hoddle above except for Clause 42.01 Schedule 5, and including Clause 44.06 Bushfire Management Overlay <i>To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.</i></p>

values – specifically water quality.	<p>the waterway. The proximity of the existing wastewater system to the waterway currently prevents the dwelling being redeveloped or expanded with extra bedrooms/bathrooms.</p> <p>The Restructure Plan prevents any new dwellings being developed within the Restructure Area.</p>	
--------------------------------------	---	--

### Port Franklin Road Restructure Plan

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically inundation.</p> <p>Maintain natural resource values – specifically water quality.</p>	<p>Urban subdivision named ‘Liverpool’ associated with the historically envisaged importance of the Port Franklin port facilities. The Restructure Area contains approximately 192 land parcels within an area of approximately 33.5ha. A number of undeveloped Crown road reserves and an historic tramway reserve are laid out within the subdivision.</p> <p>The land is in the Farming Zone. The Significant Landscape Overlay 3 – Corner Inlet Amphitheatre and the Environmental Significance Overlay 3 (Coastal Settlements) apply to the entire Restructure Area. The Land Subject to Inundation Overlay applies to two portions of the Restructure Area – one in the north east and one in the south-east. Approximately 50% of the Restructure Area is within an area identified as having Aboriginal Cultural Heritage Sensitivity. Declared waterways cross the Restructure Area and the Franklin River flows along the eastern boundary.</p> <p>The land is held in a single ownership and is used for grazing. A dwelling in the same ownership is located on a group of consolidated lots that were part of the original subdivision, but is not included in the Restructure Area. The surrounding area is used for a mix of commercial agriculture and rural residential land use, with the entry to the hamlet of Port Franklin located 0.5km to the south of the Restructure Area.</p> <p>Two rural residential Restructure Lots (1.6 and 1.1ha) and a larger balance Restructure Lot (30.8ha) are proposed in recognition of the number of historic land parcels. The Restructure Lot layout has been designed to locate potential new dwellings away from the declared waterways and the inundation hazard but close to the entry to Port Franklin where their effect on the landscape character would be minimal.</p>	<p>As per Bennison above except for Clause 44.06, and including Clause 44.04 <i>To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</i></p> <p><i>To protect water quality in accordance with the provisions of relevant State Environment Protection Policies...</i></p>

### Salmon Road Restructure Plan – Hedley

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural</p>	<p>Urban subdivision named ‘Nine Mile’ located 1km west of locality of Hedley. The Restructure Area contains approximately 147 land parcels within an area of approximately 21ha. A number of undeveloped Crown road reserves are laid out within the subdivision. The Great Southern Rail Trail is parallel to the southern boundary.</p>	<p>As per Port Franklin above</p>

<p>dwelling not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically inundation.</p> <p>Maintain natural resource values – specifically water quality.</p>	<p>The land is in the Farming Zone. The Significant Landscape Overlay 3 – Corner Inlet Amphitheatre and the Environmental Significance Overlay 3 (Coastal Settlements) apply to the entire Restructure Area. The Bushfire Management Overlay applies to the northern portion of the Restructure Area.</p> <p>The land is held in a single ownership and is used for commercial agriculture as part of a larger farm located outside of the Restructure Area. A dwelling in the same ownership is located on a title east of the subdivision, but is not included in the Restructure Area. The surrounding area is used for a mix of commercial agriculture and rural residential land use.</p> <p>Two rural residential Restructure Lots (1.1ha and 1.2ha) and a larger balance Restructure Lot (16.5ha) are proposed in recognition of the number of historic land parcels. The Restructure Lot layout has been designed to locate potential new dwellings out of the Bushfire Management Overlay and at some distance from the South Gippsland Highway (Road Zone 1) to reduce bushfire risk and visual impact while simultaneously maintaining reasonable distance from the dairy facilities on the farm.</p>	
--	--	--

### Toora Coastal Restructure Area

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically inundation.</p> <p>Maintain natural resource values – indigenous vegetation, coastal habitat, water quality and quality of wetlands offshore.</p>	<p>A State Government ‘Village Settlement’ subdivision intended to assist with economic activity during the 1890s depression. Located largely on a coastal swamp and with many parcels too small to sustain commercial agriculture, the subdivision failed to develop substantially. Numerous undeveloped Crown road reserves (some no longer in Crown ownership) are laid out across the subdivision, with several properties having no practical access. The Restructure area is approximately 606ha and contains approximately 169 land parcels plus several undeveloped road reserves.</p> <p>Privately-owned land in the Restructure Area is in the Farming Zone. The one instance of public-owned land (a pastured land parcel with an agricultural lease) is in the Public Conservation and Resource Zone. The Environmental Significance Overlay 3 (Coastal Settlements) and the Significant Landscape Overlay 3 – Corner Inlet Amphitheatre apply to the entire Restructure Area. The Land Subject to Inundation Overlay applies to approximately 70% of the Restructure Area. The Environmental Significance Overlay 4 (Sewage Treatment Plant and Environs) applies to land in the vicinity of Bucklands Road/Swan Bay Road/Toora jetty Road.</p> <p>The Restructure Area contains and sits among a mix of commercial agricultural and rural residential land uses. It is separated from the small town of Toora by the Great Southern Rail Trail. Corner Inlet borders it in the south and south-east and the Franklin River borders it to the west.</p>	<p>As per Port Franklin above</p>

<p>Maintain efficient operation of infrastructure – specifically the Toora Wastewater Treatment Facility.</p>	<p>Sea level rise associated with climate change has been identified as an inundation risk. There are numerous declared watercourses within the Restructure Area.</p> <p>Restructure Lots have been configured to avoid:</p> <ul style="list-style-type: none"> <li>- Development of what would effectively be a new low-density settlement should houses be permitted on all titles with existing access to a constructed road;</li> <li>- Dwelling development occurring on land subject to inundation or with access subject to inundation;</li> <li>- Removal of land from commercial agricultural production or potential production;</li> <li>- Conflicts between rural residential and agricultural land uses;</li> <li>- Negative impacts on the coastal environment and rural landscape;</li> <li>- Development of land parcels which do not have existing access and which in many circumstances will not have access that could be efficiently constructed and maintained due to coastal conditions, inundation and predicted sea level rise; and</li> <li>- Dwelling development in the vicinity of a wastewater treatment facility.</li> </ul>	
---	---	--

#### Buffalo Restructure Area

Purpose	Assessment	Planning Scheme Justification
<p>Maintain landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire.</p>	<p>Buffalo is a hamlet adjacent to a defunct station on the former railway line – now the Great Southern Rail Trail. The urban subdivision did not fully develop. The Restructure Area at Buffalo is at the south-west end of the hamlet. It contains 22 land parcels and some undeveloped road reserves within an area of 4.6ha.</p> <p>Both the public and privately owned land in the Restructure Area is in the Township Zone. The Bushfire Management Overlay applies to the entire Restructure Area, the majority of which is covered in indigenous vegetation.</p> <p>Buffalo is a very small low-density urban area with a distinctly rural character. It is surrounded by a mix of commercial agriculture and rural residential land uses.</p> <p>In the event that Government-owned land is sold, the Restructure Plan prevents development of multiple new dwellings on small lots in a settlement with a bushfire risk (and associated clearance of indigenous vegetation to reduce risk), very limited facilities and lacking sewerage. Only one additional dwelling can potentially be developed – this is associated with the two privately-owned land parcels on Hall Road.</p>	<p>As per Bennison above</p>

#### Cornell Road Restructure Area - Darlimurla

Purpose	Assessment	Planning Scheme Justification
<p>Maintain landscape values</p>	<p>Original small low-density urban subdivision associated with the former Darlimurla railway station. The Grand</p>	<p>As per Jeetho above except for</p>

<p>– minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire.</p>	<p>Ridge Rail Trail is parallel to Cornell Road. The Restructure Area contains 13 land parcels and an undeveloped Crown road reserve with a total area of 4.64ha.</p> <p>Darlimurla is in the Rural Activity Zone, as is a small area to the north and the south-west. There is a significant area of plantation forest in the immediate area zoned Public Conservation and Resource Zone. The Bushfire Management Overlay and the Environmental Significance Overlay 5 (Areas Susceptible to Erosion) apply to the entire Restructure Area.</p> <p>The land is held in five separate ownerships. Each property has a dwelling and is used for rural residential purposes.</p> <p>Described as a 'locality' in the settlement hierarchy, Darlimurla was affected by the 2009 Delburn bushfire. The only community infrastructure is a community-owned hall.</p> <p>The Restructure Plan prevents additional dwellings being developed in an isolated area with a demonstrated bushfire risk and very limited facilities.</p> <p>Restructure Lots 5 and 6 have been configured to prevent an existing dwelling being located across the boundary of the Restructure Lots. (The dwelling currently appears to be located across the boundary between two land parcels owned by members of the same family).</p>	<p>Clause 42.01 Schedule 9 and including Clause 44.06 Bushfire Management Overlay</p> <p><i>To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.</i></p>
---	---	--

#### Todds Road Restructure Area – Hedley

Purpose	Assessment	Planning Scheme Justification
<p>Maintain landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire.</p>	<p>This Restructure Area has six low density urban lots associated with the former Hedley railway station. The total area is six land parcels and 4.01ha area.</p> <p>The land is zoned Public Conservation and Resource Zone. The Significant Landscape Overlay 3 – Corner Inlet Amphitheatre and the Bushfire Management Overlay apply the whole Restructure Area.</p> <p>All lots are held in government ownership and all are densely covered with indigenous vegetation.</p> <p>In the event that the Government-owned land is sold, the Restructure Plan prevents development of multiple new dwellings on small lots in an isolated settlement with a bushfire risk (and associated clearance of indigenous vegetation to reduce risk), very limited facilities and lacking sewerage. Any development and its related vegetation removal would be visible from the South Gippsland Highway which is a Road Zone 1.</p>	<p>As per Bennison above</p>

#### Port Welshpool Restructure Plan



Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire and inundation.</p> <p>Maintain natural resource and environmental values – specifically indigenous vegetation, coastal habitat and quality of wetlands offshore.</p>	<p>A small rural-lot subdivision associated with the historically envisaged importance of the Port Welshpool port facilities. The Restructure Area contains approximately 73 land parcels within an area of approximately 213ha. A number of undeveloped Crown road reserves and an historic tramway reserve are laid out within the subdivision. Most of the Restructure Area is located north of the coastal village of Port Welshpool.</p> <p>Approximately 50% of the Restructure Area is public-owned land zoned Public Park and Recreation Zone (PPRZ) with some Public Conservation and Resource Zone (PCRZ). The privately-owned land is zoned Farming Zone. There are some instances of public land zoned erroneously FZ and private land erroneously zoned PPRZ.</p> <p>The Significant Landscape Overlay 3 – Corner Inlet Amphitheatre applies to the privately-owned land and the Bushfire Management Overlay applies to the whole Restructure Area. The Land Subject to Inundation Overlay and the Environmental Significance Overlay 3 (Coastal Settlements) apply to almost all of the Restructure Area.</p> <p>The Restructure Area and its surroundings are a mix of native forest, tidal saltmarsh, rural residential and commercial farming land uses.</p> <p>In the event that public-owned land is sold, the Restructure Plan prevents development of potentially numerous additional dwellings in an area with both bushfire and inundation risks, and which would be associated with a significant amount of indigenous vegetation removal. Due to the environmental risks, land parcel sizes and existing development level, no additional houses are supported on private land in the Restructure Area.</p> <p>Restructure Lots have been configured to avoid:</p> <ul style="list-style-type: none"> <li>- Development of what would effectively be a greatly expanded low-density settlement should houses be permitted on all titles with existing access to a constructed road;</li> <li>- Dwelling development occurring on land subject to inundation or with access subject to inundation;</li> <li>- Increase in dwelling density in an area largely subject to bushfire risk;</li> <li>- Removal of land from commercial agricultural production or potential production;</li> <li>- Conflicts between rural residential and agricultural land uses; and</li> <li>- Negative impacts on the coastal environment and rural landscape.</li> </ul>	<p>As per Bennison above and including Clause 44.04 <i>To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.</i></p> <p><i>To protect water quality in accordance with the provisions of relevant State Environment Protection Policies...</i></p>

**Jacks Road Restructure Plan - Stony Creek**

Purpose	Assessment	Planning Scheme Justification
<p>Maintain landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire.</p>	<p>A low-density urban subdivision containing 26 land parcels in an area of 7.6ha adjacent to the former Stony Creek Railway Station.</p> <p>The land is in the Farming Zone. The Environmental Significance Overlay 5 (Areas Susceptible to Erosion) and the Bushfire Management Overlay apply to the entire Restructure Area. The Environmental Significance Overlay 2 (Water Catchments) applies to approximately 80% of the Restructure Area.</p> <p>The land is separated from the hamlet of Stony Creek by the Great Southern Rail Trail. The vicinity is a mix of commercial agriculture and rural residential land use.</p> <p>All of the land is Government owned. In the event that public-owned land is sold, the Restructure Plan prevents development of potentially numerous additional dwellings in an area which is within a potable water catchment and has bushfire risk and poor drainage. Development would also be associated with a significant amount of indigenous vegetation removal.</p>	<p>As per Newcastle above except for the Road Closure Overlay.</p>

#### Dollar Hall Road Restructure Plan

Purpose	Assessment	Planning Scheme Justification
<p>Maintain agricultural land resources and landscape values – minimise the number of additional rural dwellings not associated with agriculture.</p> <p>Reduce risk from environmental hazard – specifically bushfire and erosion.</p> <p>Maintain natural resource values – specifically water quality.</p>	<p>A cluster of nine rural residential titles associated with the early 1950s settlement of Dollar within an area of 11.6ha. The two smallest land parcels are government owned and contain the former Dollar School and neighbouring recreation reserve. The balance of the land parcels are held in a single ownership and are part of an extensive commercial farm.</p> <p>The land is in the Farming Zone. The Bushfire Management Overlay, the Environmental Significance Overlay 2 (Water Catchments) and the Environmental Significance Overlay 5 (Areas Susceptible to Erosion) apply to the entire Restructure Area. The Heritage Overlay (HO32) applies to the former school. Internal alteration controls apply to the school and shelter shed.</p> <p>Land in the vicinity is a mix of commercial agriculture and rural residential land use.</p> <p>In the event that the government owned land is sold, no additional dwellings could be developed although the former school could potentially be converted to a dwelling without impact on water quality or landscape. The Restructure Plan would only conditionally allow one dwelling over the seven privately owned land parcels. The lot containing the former teacher's residence is not part of the Restructure Area.</p>	<p>As per Newcastle above except for the Road Closure Overlay and including Clause 43.01 Heritage Overlay and Schedule to Clause 43.01 (specifically HO32)</p> <p><i>To conserve and enhance heritage places of natural or cultural significance.</i></p> <p><i>To conserve and enhance those elements which contribute to the significance of heritage places.</i></p> <p><i>To ensure that development does not adversely affect the significance of heritage places.</i></p>