

13th April 2016



John O'Neill
40 Kongwak - Inverloch Rd
Kongwak Vic 3951

South Gippsland Shire Council
Planning Department - Sabiha Zafrin
9 Smith Street,
Leongatha Vic. 3953

Re: Application for a 2 Lot Subdivision at 40 Kongwak – Inverloch Rd Kongwak.

Dear Sabiha,

Thank you for your letter of 24th March 2016 requesting more information regarding my planning application. Please find attached the requested information.

1. Amended Subdivision Plan

Three copies of proposed subdivision plan with all the requested information. Please note that you will need to refer to the (attached) septic plan to review the required setback information.

2. Site Features Plan

Three copies of a site features plan highlighting buildings, trees and tracks.

3. Response on the proposal as it relates to the Farming Zone

Yours sincerely

A handwritten signature in black ink, appearing to read "John O'Neill".

John O'Neill

How the proposal relates to the requirements of the shire planning and the farming zone.

Policy Basis

Firstly I would like to refer to the basis of the policy - Clause 22.06 as quoted :

"The rural areas of South Gippsland have experienced a high level of land fragmentation, arising from both historical settlement patterns and less stringent planning policies under earlier planning schemes".

As part of those earlier planning schemes (in the 1990's), in our situation, an anomaly was created when new zoning changes were being made. Instead of following guidelines that required new zones to follow title boundaries, in our particular situation, the zone changes resulted in our title containing two zones. (town zone and farm zone). This has caused confusing planning issues in the past and needs to be corrected to allow for the certainty in planning that this policy is hoping to achieve.

The policy also quotes

"South Gippsland already has a considerable supply of lots at a range of sizes, such that further subdivision for genuine agricultural reasons will rarely be necessary. Many areas that have experienced high levels of fragmentation may require consolidation or restructure through boundary realignments in order to create economically competitive land units".

Our current situation fits within this requirement to create a clearly defined land unit. At present there is confusion as to the usage of this land and whether the current dwelling is part of the township or part of the rural landscape or should exist at all. This proposal for a two lot subdivision will correct this. The subdivision for Lot 1 will follow the town zone boundary as closely as practical and will include the existing dwelling. The balance of the land will remain in rural use and be part of an economically competitive land unit.

Policy Guidelines

The policy in Clause 22.06 allows for the subdivision of land to accommodate an existing dwelling. It allows for the creation of an additional lot on the land such that the number of lots is increased. In this situation it will require the creation of two lots.

As per the policy *Any proposal for the subdivision of land to accommodate an existing dwelling must demonstrate that:* -

- The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term.

Response : The existing dwelling has no connection with any agricultural activities. Because of its location, it has far more connection with township activities and will benefit from being associated with the town zoning.

- There are beneficial agricultural outcomes for the land by excising the dwelling.

Response : The beneficial outcome will be the certainty of land use that will result from this excision. Currently agricultural activities are carried out reluctantly in the vicinity of the dwelling due to poor and uncertain fencing boundaries. The excision will provide the basis for new fencing, shelter belts and revegetation.

- The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area.

Response : There is little agricultural activity taking place within the area under discussion and it will have no impact on adjoining land or the general area.

Summary

In summary, there is no doubt that agriculture is very important to the economy of South Gippsland. It is also important that high quality land remains in productive use and that farmers can maximize the use of available land. This proposal for a subdivision will not have a detrimental effect on land use in this area. This proposal is aimed at correcting a confusing anomaly in zoning which the planning scheme appears to be allowing for. The outcome can only result in clarity as to the use of the land and avoid issues in the future.