

Bathumi, Youanmite and Marungi Restructure Plan Report

October 2008

Prepared by Coomes Consulting Group
as amended September 2010 in accordance with Panel
recommendations

Contents

1	Introduction	1
2	Background – Amendment C13	2
3	Project Methodology	3
3.1	Site Familiarity	3
3.2	Draft Restructure Plans	3
3.3	Landowner Consultation	3
3.4	Refinement of Restructure Plans	3
3.5	Where to from here?	3
4	Bathumi	4
4.1	Location and Site Description	4
4.2	Zone and Overlay Provisions	4
4.3	Ownership Patterns	4
4.4	Proposed Restructure Plan	5
5	Marungi	8
5.1	Location and Site Description	8
5.2	Zone and Overlay Provisions	8
5.3	Ownership Patterns	8
5.4	Proposed Restructure Plan	8
6	Youanmite	13
6.1	Location and Site Description	13
6.2	Zone and Overlay Provisions	13
6.3	Ownership Patterns	13
6.4	Proposed Restructure Plan	14
7	Implementation of the Proposed Restructure Plans	18

1 Introduction

As the Crown first subdivided land across Victoria for the State's growth and prosperity, it created allotments for many small towns amidst the farming lands. Some of these towns were created and continue to exist today; others were established, however with the passing of time did not survive; while the establishment of some towns did not eventuate at all.

In many cases the original subdivision pattern of these towns is often not reflected in existing conditions on the ground, however many continue to exist on paper. Many of these subdivisions are considered to be old and inappropriate given their location in rural/farming areas, isolation from existing towns and/or their inability to sustain further, and often more intense, forms of development.

The Moira Planning Scheme has identified four areas of "old and inappropriate subdivisions" to which the Restructure Plan Overlay has been applied. For a range of environmental, servicing, effluent disposal, access and geographic constraints and difficulties, the use and development of lots within these subdivisions for a dwelling is often unachievable or undesirable.

The Moira Shire Council has undertaken a restructure plan for one of these four areas, being to the north of Katamatite. The Council has appointed Coomes Consulting Group to prepare restructure plans for the remaining three areas being:

- Bathumi
- Marungi, and
- Youanmite

The restructure of lots within these areas is warranted to both reduce the potential environmental impacts of dwellings and other developments, and to protect and enhance the agricultural land use and/or amenity of the areas.

For each area, this Report provides:

- a site description of each area
- the applicable zone and overlay controls
- the pattern of ownership, and
- recommendations for the manner of proposed re-subdivision/restructure

2 Background – Amendment C13

Amendment C13 to the Moira Planning Scheme implemented the recommendations of the “Three Year Review” of the performance of the Moira Planning Scheme since 1999. In regard to the restructuring of lots in rural areas, it applied the Restructure Overlay (RO) to old and inappropriate subdivisions in Bathumi, Katamatite, Youanmite and Marungi. The overlay requires the preparation of Restructure Plans which would restructure and consolidate lots to avoid the potential for a dwelling on each lot.

The application of the overlay was supported by the existing MSS at the time Amendment C13 was considered which identified the need to *“Identify locations and mechanisms to implement title restructure plans in old and inappropriate subdivisions in rural areas”*.

One submission to Amendment C13 opposed the rezoning to rural of one lot in Bathumi and the application of the overlay to the area. In regard to this the Panel considering Amendment C13 found:

“The Yarrowonga to Bathumi Strategy proposes a change from the Township zone to the Rural zone at Bathumi due to the nature of existing development and isolated location. It is noted that this study did not involve consultation with affected land holders.

Council’s submission to the Panel suggested that the area may be a candidate for rural living opportunities in the future. Council submitted that the Restructure Overlay has been applied to this former township so as to provide an equitable outcome for landowners.

The Panel agrees with Council that the area’s isolated location makes it inappropriate for development at the potential densities suggested by the old subdivision. The Panel endorses the approach proposed in the Amendment”.

The other proposed restructure areas (Marungi and Youanmite) were not contentious and were supported by the Panel.

In regard to the application of the RO, the recommendation of the Panel was:

“The Panel supports the application of Restructure Overlays proposed in the Amendment”.

3 Project Methodology

3.1 Site Familiarity

The consultants undertaking this project became familiar with the three study areas through:

- Review of aerial photographs
- Analysis of existing subdivision patterns
- Internet searches for site history
- Site inspections
- Research into land ownership patterns
- Consultation with the Council officers

3.2 Draft Restructure Plans

Using information gained from the site familiarity process, draft restructure plans were prepared for consultation. As far as possible, restructured lot boundaries have been based on the grouping of lots owned by the same owners, including vacant allotments. In some cases, recommendations have been made for lots to be further consolidated in the future (recognising that this is dependent on negotiations between landowners which are beyond the scope of this project).

Unmade or discontinued road reservations which are not required for future access have been recommended to be closed. Where these abut privately owned allotments, the restructured lot boundary has been shown through the centre of the reservations. If the Moira Shire Council and/or the Department of Sustainability and Environment (responsible authorities for the road reservations) conclude that these roads are surplus to their needs, it is the preference that they be made available for sale to adjoining landowners and consolidated into corresponding land titles. Therefore the eventual location of the lot boundary will depend on who purchases the road reservations.

3.3 Landowner Consultation

Invitations were sent to owners/interested parties of land within the Restructure Overlay to attend a meeting in regard to the restructure plans. These meetings, one meeting per location, were conducted at the Cobram offices of the Moira Shire Council on Monday 25 August 2008.

3.4 Refinement of Restructure Plans

Comments received at and following these abovementioned meetings were considered and where appropriate have been included in the redrafting and refining of the restructure plans. These plans form part of this Report.

3.5 Where to from here?

This Report and plans will be considered by the Moira Shire Council officers, the landowners/interested parties and relevant referral authorities. Comments will be received and reviewed and where appropriate the plans will be further refined before being placed on public exhibition as part of an amendment to the Moira Planning Scheme (for further detail, please see Section 7 of this Report).

4 Bathumi

4.1 Location and Site Description

Bathumi is located 7 kilometres east from Yarrowonga on the foreshore of Lake Mulwala. The study area comprises approximately 10 hectares, currently consisting of 37 parcels and road reservations (made and unmade).

The subdivision is generally accessed via McColl Street, which forms the eastern boundary of the study area, and McMillan Street. Access is also available from Boomahnoomoonah Road which forms part of the western boundary. The study area is approximately triangular in shape, with Lake Mulwala forming the northern boundary. The Murray Valley Highway forms the southern boundary.

Approximately seven established dwellings, some with associated tennis courts and shedding, occupy the northernmost allotments. These are accessed via McColl and McMillan Streets and have most direct frontage to the lake.

A caravan park occupies land to the west of the study area. The majority of land to the south of McMillan Street is vacant, with the exception of a dwelling which is located to within proximity to the lake foreshore between McMillan Street and the caravan park.

4.2 Zone and Overlay Provisions

The study area is included within the Farming Zone, as is the surrounding land to the east and south. Land to the west of Boomahnoomoonah Road is within the Residential 1 Zone. The provisions of the Farming Zone specify a minimum subdivision size of 250 hectares for land within and surrounding the study area. Planning approval is also required to use and develop land for a dwelling if the allotment is less than 250 hectares.

The Murray Valley Highway is a Road Zone Category 1, and provides the main east west road link across northern Victoria. Planning approval is required to alter or create access from a road in a Road Zone Category 1.

The Significant Landscape Overlay No. 1 affects land within the study area. This overlay control seeks to protect the landscape character of the environs of Lake Mulwala.

A very small portion of land directly abutting the Lake Mulwala is affected by the Floodway Overlay. As it is not proposed that these lots be restructured (as they are developed) it is considered that the Floodway Overlay will not affect the recommendations of this project.

4.3 Ownership Patterns

Based on data provided by the Moira Shire Council, the existing allotments in the study area are held under private ownership.

The 11 northernmost allotments are developed with established houses and are owned by seven individual landowners.

The caravan park to the west of the study area occupies four parcels, including part of a former road reservation, via which it gains access.

The property known as 8134 Murray Valley Highway occupies the majority of the study area and comprises 22 parcels. This area is bound by McColl Street to the east, Murray Valley Highway to the south, the caravan park to the west and McMillan Street to the north. Also in the same ownership is a small parcel of land at the north west intersection of McMillan Street and an north-south road reservation. The property has a dwelling towards its north west while the majority of the property is vacant.

4.4 Proposed Restructure Plan

4.4.1 Manner of Proposed Re-Subdivision

The proposed re-subdivision includes consolidation of lots generally based on ownership patterns, and it also includes the closure of unmade road reservations where these may not be required for access.

The northern 12 allotments are developed with established dwellings and therefore it is recommended that the existing subdivision pattern remains.

The area mostly affected by the proposed restructure plan is south of the McMillan Street. In regard to this property, known as 8134 Murray Valley Highway, planning consultants acting on behalf of the landowner have requested that the area be consolidated into two allotments. This will create one lot of 2 hectares bound by McColl Street to the east, the highway to the south and McMillan Street to the north (shown as R1 on the Bathumi Restructure Plan), with a balance lot of 4.3 hectares (shown as R2 on the Bathumi Restructure Plan). This suggested restructure is supported by Coomes Consulting.

It is also recommended that the land occupied by the caravan park be consolidated into one allotment, resulting in a lot of 0.9 hectares to the west of the study area (shown as R3 on the Bathumi Restructure Plan).

The plan on page 7 shows the manner of the proposed re-subdivision, including recommendations for road reservation closures.

4.4.2 Proposed Road Closures

It is proposed to close the road reservations south of McMillan Street and within Restructures Lots R1 and R2. This has been discussed with, but still subject to review by the Council, the Department of Sustainability and Environment (DSE) and Goulburn Murray Water (GMW). At this stage, there does not appear to be any objection to closing these reservations.

The Moira Shire Council resolved in 1999 to close the section of road reservation immediately to the south of the small triangular parcel of land in the northern portion of Restructure Lot R2. The portion of road reserve immediately to the south of the triangular parcel of land should remain open in order to provide public access to Lake Mulwala.

4.4.3 Dwellings and Other Buildings

In regard to future proposals for use and/or development of land within the restructure area for dwellings and other buildings, it is recommended that such proposals be considered and assessed under the provisions of the Moira Planning Scheme.

However, in recognition of the proposed restructuring of lots, planning approval may be sought for the use and development of only one dwelling on each restructure lot. This is only applicable if the restructure lot does not contain an existing dwelling, ie it will only apply to Restructure Lot R1 as shown on the attached plan, and it can be demonstrated that the proposal complies with all other relevant regulations, including the Septic Tank Code of Practice.

Before the responsible authority may grant any planning permit for a dwelling in accordance with a restructure plan, all lots within the relevant restructure lot on which the dwelling is proposed must be consolidated and a title issued for the consolidated lot (restructure lot).

4.4.4 Subdivision






In regard to future proposals for the subdivision of land within the restructure area, it is recommended that such proposals be considered and assessed under the provisions of the Moira Planning Scheme.

Any proposal for subdivision must be in accordance with a restructure plan for the land.


A permit is required to realign the boundaries of existing lots. An application may only be made and approved for the realignment of existing boundaries when the proposal is generally in accordance with an approved restructure plan.



LEGEND

-  PROPOSED ROAD/LANE TO REMAIN
-  PROPOSED ROAD/LANE CLOSURE
-  RESTRUCTURE AREA
-  PROPOSED RESTRUCTURE LOTS
-  EXISTING LOTS TO REMAIN

**BATHUMI
 PROPOSED RESTRUCTURE**

Client	MOIRA SHIRE COUNCIL	Sheet	1 of 1
Reference No	133224G01	Date	28.09.2010
Drawing Status	FINAL	Revision	3
Map Reference	VICROADS MAP 34	Drawn	H. MACKENZIE
NORTH	Co-ordinate Datum		
	MGA55	Scale 1 : 2000	

Notations

Disclaimers

1. This plan has been prepared for the purpose and exclusive use of Moira Shire Council for the purpose of restructure at Bathumi and is not to be used for any other purpose or by any other person or organisation. Coomes Consulting Group Pty Ltd accepts no responsibility for any loss or damage suffered howsoever to any person or organisation who may use or rely on this plan in contravention of the terms of this clause or Clauses 2 or 3 hereof.
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Revision	Initials	Amendments	Date

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 file location: G:\13\133224\ACAD\
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5 Marungi

5.1 Location and Site Description

The locality of Marungi is located on the municipal boundary with the City of Greater Shepparton. It is bound by the Shepparton-Katamatite Road, Labuan Road to the east and Marungi Road to the south.

The study area comprises approximately 31 allotments (8.3ha) and approximately 2 hectares of unmade road reservations. It is generally triangular in shape.

5.2 Zone and Overlay Provisions

The study area is included within the Farming Zone, as is the surrounding land. The provisions of the Farming Zone specify a minimum subdivision size of 100 hectares for land within and surrounding the study area. Planning approval is also required to use and develop land for a dwelling if the allotment is less than 100 hectares.

The Shepparton-Katamatite Road is a Road Zone Category 1, and provides the main road link between Shepparton and the Tocumwal-Benalla Road at Katamatite. Planning approval is required to alter or create access from a road in a Road Zone Category 1.

Apart from the Restructure Plan Overlay, there are no other overlay controls affecting the study area.

5.3 Ownership Patterns

Based on data provided by the Moira Shire Council, the majority of the study area is Crown Land. Crown Land comprises approximately 3.9 hectares located in seven sections, divided by unmade road reservations.

Four or five private landowners own the remainder of the study area, including one allotment which is owned by the Uniting Church.

5.4 Proposed Restructure Plan

5.4.1 Manner of Proposed Re-Subdivision

The proposed re-subdivision includes consolidation of lots generally based on ownership patterns, and it also includes the closure of unmade road reservations where these may not be required for access.

The plan attached shows the manner of the proposed re-subdivision and can be described as follows:

Restructure Lot	Description
R1	Area = 5,714m ² . Owner = Crown Lane (managed by DSE) May be further opportunities to consolidate with R2

Restructure Lot	Description
	depending on landowner intentions.
R2	Area = 1.4ha (including proposed road closure). Owner = Private landowner Access = via Labuan Road. May be further opportunities to consolidate with R1, R3 and/or R13 depending on landowner intentions.
R3	Area = 1.8ha (including proposed road closure). Owner = Crown Land (managed by DSE) Access = via Labuan Road or McDonald Street May be further opportunities to consolidate part or all with R2, R4, R11 and/or R13 depending on landowner intentions.
R4	Area = 2,102m ² Owner = Uniting Church Access = via McDonald Street May be further opportunities to consolidate with R3, R5 (depending on closure of McDonald Street) and/or R11 depending on landowner intentions.
R5	Area = 2,056m ² Owner = Crown Land (managed by DSE) Access = via McDonald Street May be further opportunities to consolidate with R4 (depending on closure of McDonald Street) and/or R6 depending on landowner intentions.
R6	Area = 2,307m ² Owner = Private landowner Access = via Shepparton-Katamatite Road or McDonald Street May be further opportunities to consolidate with R5 and/or R7 depending on landowner intentions.
R7	Area = 2,130m ² (including proposed road closure). Owner = Crown Land (managed by DSE) Access = via Shepparton-Katamatite Road or McDonald Street May be further opportunity to consolidate with R6 and/or R8 depending on landowner intentions.
R8	Area = 5,180m ² (including proposed road closure). Owner = Private landowner Access = via Shepparton-Katamatite Road May be future opportunity to consolidate with R7 depending on landowner intentions.
R9	Area = 8600m ² (including proposed road closure). Owner = Private landowner Access = via Marungi Road

Restructure Lot	Description
R10	Area = 1.462ha (including proposed road closure). Owner = Private landowner Access = via Marungi Road May be opportunity for further consolidation with all or part of R11 depending on landowner intentions.
R11	Area = 1 ha (including proposed road closure). Owner = Crown Land (managed by DSE) Access = via Labuan or Marungi Roads May be further opportunity to consolidate with R10 and/or R12 depending on landowner intentions.
R12	Area = 9,878m ² (including proposed road closure). Owner = Private landowner Access = via Labuan Road May be opportunity for further consolidation with all or part of R11, R3 and/or R4 depending on landowner intentions.
R13	Area = 7,625m ² (including proposed road closure). Owner = Moira Shire Council Access = via Labuan Road May be opportunities for further consolidation with R2, R3, R11 and/or R12 depending on land intentions

If parcels of Crown Land are deemed surplus to the needs of the Government, it is recommended as a preference that these be sold to the adjoining landowner/s and consolidated with adjoining properties.

5.4.2 Proposed Road Closures

It is proposed to close several of the road reservations within the study area. This is still subject to review by the Council, the Department of Sustainability and Environment (DSE) and Vic Roads as some restructure lots will rely on access from the Shepparton-Katamatite Road if other road reservations, including that of McDonald Street, are closed.

5.4.3 Dwellings and Other Buildings

In regard to future proposals for use and/or development of land within the restructure area for dwellings and other buildings, it is recommended that such proposals be considered and assessed under the provisions of the Moira Planning Scheme.

However, in recognition of the proposed restructuring of lots, planning approval may be sought for the use and development of only one dwelling on each restructure lot. This is only applicable if the restructure lot does not contain an existing dwelling and it can be demonstrated that the proposal complies with all other relevant regulations, including the Septic Tank Code of Practice.

Before the responsible authority may grant any planning permit for a dwelling in accordance with a restructure plan, all lots within the relevant restructure lot on which the dwelling is proposed must be consolidated and a title issued for the consolidated lot (restructure lot).

5.4.4 Subdivision





In regard to future proposals for the subdivision of land within the restructure area, it is recommended that such proposals be considered and assessed under the provisions of the Moira Planning Scheme.

Any proposal for subdivision must be in accordance with a restructure plan for the land.

A permit is required to realign the boundaries of existing lots. An application may only be made and approved for the realignment of existing boundaries when the proposal is generally in accordance with an approved restructure plan.



LEGEND

-  PROPOSED ROAD/LANE TO REMAIN
-  PROPOSED ROAD/LANE CLOSURE
-  RESTRUCTURE AREA
-  PROPOSED RESTRUCTURE LOTS

MARUNGI
PROPOSED RESTRUCTURE

Client	MOIRA SHIRE COUNCIL	Sheet	1 of 1
Reference No	133224IG02	Date	28.09.2010
Drawing Status	FINAL	Revision	2
Map Reference	VICROADS MAP 33	Drawn	H. MACKENZIE
NORTH	Co-ordinate Datum MGA55	Scale	1 : 3000

Notations

Disclaimers

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6 Youanmite

6.1 Location and Site Description

Youanmite is located approximately midway between Shepparton and Yarrowonga, west of Tungamah. The study area comprises approximately 5 hectares, currently consisting of 35 parcels and road reservations (made and unmade).

The study area is generally bound by Railway Parade to the east, Pedersen Street to the west and farming land to the south and north. Youanmite Road traverses the study area in an east west direction, with the majority of the study area being south of Youanmite Road.

The land is generally vacant and used for farming purposes, except for the Youanmite Hall to the south of Youanmite Road and some farming shedding to the north of Youanmite Road.

6.2 Zone and Overlay Provisions

The study area is included within the Farming Zone, as is the surrounding. The provisions of the Farming Zone specify a minimum subdivision size of 250 hectares for land within and surrounding the study area. Planning approval is also required to use and develop land for a dwelling if the allotment is less than 250 hectares.

Apart from the Restructure Plan Overlay, there are no other overlay controls applying to the study area.

6.3 Ownership Patterns

Based on data provided by the Moira Shire Council, the existing allotments in the study area are held under both private ownership and by the Council.

Land to the north of Youanmite Road is owned in conjunction with the property known as 1033 Youanmite Road. The property consists of six parcels, four of which are within the study area.

Land to the south west of Youanmite Road and Railway Parade is known as 1028 Youanmite Road. It comprises three parcels and is occupied by the Youanmite Hall.

Land to the south east of Youanmite Road and Pedersen Street comprises two parcels and is held in private ownership along with another 15 parcels located south of these two and more centrally within the study area. These parcels are used for agriculture.

To the south of the study area are seven parcels which are owned by the Department of Education. The Department also owns another parcel opposite

these seven, west of Pederson Street. This latter parcel is not within the study area.

There are two parcels of land in Pedersen Street owned by the Uniting Church, and opposite these, fronting to Railway Parade are another two parcels of land owned by the Youanmite Tennis Club. Neither of these properties are developed for a church or tennis courts respectively; they are vacant and appear to be used in conjunction with the farming land to the south.

A laneway divides the land occupied by the Youanmite Hall and the two parcels privately owned from the land owned by the Tennis Club and the Church of England. This laneway reservation also appears to be used in conjunction with the adjoining farm.

6.4 Proposed Restructure Plan

6.4.1 Manner of Proposed Re-Subdivision

The proposed re-subdivision includes consolidation of lots generally based on ownership patterns, and it also includes the closure of unmade road reservations where these may not be required for access.

The plan attached shows the manner of the proposed re-subdivision and can be described as follows:

Restructure Lot	Description
R1	Area = 1.3ha. Owner = Private landowner May be further opportunities to consolidate the balance of the property at 1033 Youanmite Road.
R2	Area = 1,969m ² (including proposed road closure). Owner = Private landowner (same owner as R6) Access = via Pedersen Street. May be further opportunities to consolidate with R4 and also R6 depending on landowner intentions.
R3	Area = 2,921m ² (including proposed road closure). Owner = Youanmite Hall Access = via Youanmite Road
R4	Area = 1,910m ² Owner = Uniting Church Access = via Pedersen Street May be further opportunities to consolidate with R2, R5 (depending on closure of laneway) and/or R6 depending on landowner intentions.
R5	Area = 1,948m ² Owner = Youanmite Tennis Club Access = via Railway Parade

	May be further opportunities to consolidate with R4 (depending on closure of laneway) and/or R6 depending on landowner intentions.
R6	Area = 1.8 ha (including proposed road closure). Owner = Private landowner (same as R2) Access = via Pedersen Street May be further opportunities to consolidate with R4, R5 and/or R7 depending on landowner intentions.
R7	Area = 1 ha (including proposed road closure). Owner = Dept of Education Access = via Pedersen Street May be further opportunity to consolidate with R6 depending on landowner intentions.

Restructure Lots R2, R4, R5, R6 and R7 are used for farming by the owner of R2 and R6. Individual lots are not fenced separately and the landowner has advised that these lots have been used as such for many years. If land is no longer required by the Uniting Church, the tennis club and the Department of Education and can be disposed of, it is a preference that these lots be consolidated into one holding of approximately 3.4 hectares (including parts of road reservations as recommended for closure).

6.4.2 Proposed Road Closures

It is proposed to close several of the road reservations within the study area, as shown on the accompanying Youanmite Restructure Plan. However, at this stage it is proposed that Pedersen Street remain open from Youanmite Road so as to provide access to the property immediately south of the restructure plan area.

The proposed road closures are still subject to review and will also depend on landowner intentions.

6.4.3 Dwellings and Other Buildings

In regard to future proposals for use and/or development of land within the restructure area for dwellings and other buildings, it is recommended that such proposals be considered and assessed under the provisions of the Moira Planning Scheme.

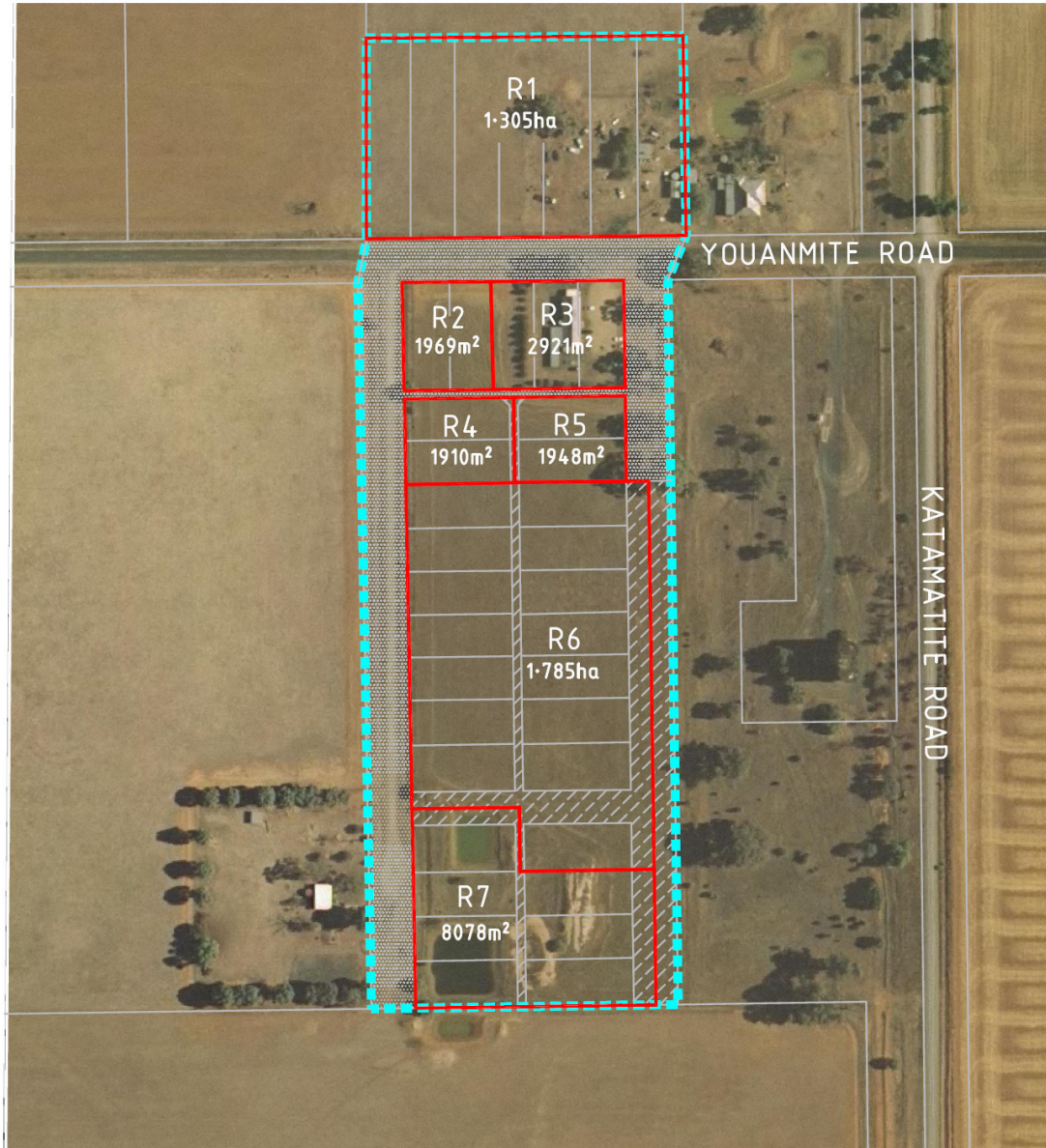
However, in recognition of the proposed restructuring of lots, planning approval may be sought for the use and development of only one dwelling on each restructure lot. This is only applicable if the restructure lot does not contain an existing dwelling and it can be demonstrated that the proposal complies with all other relevant regulations, including the Septic Tank Code of Practice.

6.4.4 Subdivision

In regard to future proposals for the subdivision of land within the restructure area, it is recommended that such proposals be considered and assessed under the provisions of the Moira Planning Scheme.

Any proposal for subdivision must be in accordance with the restructure plan.

A permit is required to realign the boundaries of existing lots. An application may only be made and approved for the realignment of existing boundaries when the proposal is generally in accordance with an approved restructure plan.



LEGEND

- PROPOSED ROAD/LANE TO REMAIN
- PROPOSED ROAD/LANE CLOSURE
- RESTRUCTURE AREA
- PROPOSED RESTRUCTURE LOTS

YOUANMITE
PROPOSED RESTRUCTURE

Client	MOIRA SHIRE COUNCIL	Sheet	1 of 1
Reference No	133224G03	Date	19.11.2008
Drawing Status	PRELIMINARY	Revision	1
Map Reference	VICROADS MAP 33	Drawn	H. MACKENZIE
NORTH	Co-ordinate Datum	20 0 20 40 60m	
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Notations

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7 Implementation of the Proposed Restructure Plans

All the study areas are included in the Restructure Overlay as per the provisions of the Moira Planning Scheme.

Clause 45.05-1 of this overlay control requires planning approval for the subdivision of land and that, in general, the subdivision must be in accordance with the restructure plan listed in the schedule to the overlay.

Clause 45.05-2 further requires planning approval for the construction or extension of a dwelling or other building, and that in general the construction or extension must be in accordance with the restructure plan listed in the schedule to the overlay.

Once the restructure plans for Bathumi, Marungi and Youanmite are adopted by the Moira Shire Council, they will be listed in the schedule to the overlay and therefore form part of the Moira Planning Scheme. They will be included in the planning scheme via a planning scheme amendment process.

In summary, the study areas will remain in the Restructure Overlay until such time as the restructure plan has been fully implemented and where applicable, new land titles for the restructured lots released from the Titles Office. Therefore, the outcome of this project will be the inclusion of the restructure plans for Bathumi, Marungi and Youanmite in the Moira Planning Scheme. This study does not involve the carrying out of the re-subdivision of the properties.

A revised schedule to the Restructure Overlay will be prepared, and will contain specific details for each of the study areas, including the restructure plan and any further requirements for future subdivision and development of land. These requirements will reflect those outlined in this Report.