45.05 RESTRUCTURE OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **RO** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify old and inappropriate subdivisions which are to be restructured.

To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

45.05-1 Subdivision

01/07/2021
VC203

A permit is required to subdivide land.

A subdivision must be in accordance with a restructure plan for the land listed in the schedule to this overlay. This does not apply if the subdivision is for one of the following purposes and no additional lots or subdivision potential is created:

- To realign boundaries between lots that have been consolidated in accordance with the restructure plan.
- To consolidate a restructure lot with a section of closed road or other land not included in a proposed restructure lot.

Each lot must be provided with reticulated sewerage if available. If reticulated sewerage is not available, the application must be accompanied by:

- A Land Capability Assessment which demonstrates that each lot is capable of treating and retaining all waste water and the risks to human health and the environment of a on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* .
- A plan which indicates the building envelope and effluent disposal area for each lot.

Before deciding on an application to subdivide land into residential lots, the responsible authority must consider Clause 56.

45.05-2 Dwellings and other buildings

19/01/2006
VC37

A permit is required to construct or extend a dwelling or other building.

A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay. This does not apply if:

- No restructure plan is listed in the schedule and the permit is required to extend an existing dwelling or other building.
- The land is a lot for which a permit has been granted under Clause 45.05-1.

45.05-3 Exemption from notice and review

31/07/2018
VC148

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

45.05-4 Decision guidelines

01/01/2024
VC250

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.

- The objectives of the restructure plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.
- The availability of utility services, including sewerage, water, drainage, electricity, telecommunications, and, where the subdivision is not a residential subdivision, gas.
- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.
- The effect on surrounding uses, especially agricultural uses and nearby public land.
- The design of buildings.