

## **MOYNE PLANNING SCHEME**

### **AMENDMENT C63**

#### **EXPLANATORY REPORT**

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

This Amendment has been prepared by the Moyne Shire Council, which is the planning authority for this Amendment.

The Amendment has been made at the request of the Moyne Shire Council.

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

The Amendment applies to land at 6 Bank Street, Port Fairy, formally known as Lot 1 on Title Plan 949950Q, Lot 6 Block 1 on Plan of Subdivision 1067, Lot 1 on Title Plan 165890B, and Lot 1 on Title Plan 138679A.



Figure 1: Subject site (Source: Myers Planning Group, Nearmap, and DataVic)

##### **What the Amendment does**

The Amendment rezones land at 6 Bank Street, Port Fairy to enable the public sale of the majority of the property.

The Amendment:

- Rezones Lot 1 on TP949950Q, Lot 6 Block 1 on PS1067 and Lot 1 on TP165890B from Public Use Zone 6 – Local Government to Commercial 1 Zone (land to be sold by Council).
- Rezones Lot 1 on TP138679A from Public Use Zone 6 – Local Government to Public Park and Recreation Zone (land to be retained by Council).
- Amends Planning Scheme Map No. 36.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The Moyne Shire Council currently owns the subject site. It has determined that the majority of the site is surplus to its future needs and intends to sell that part of the land (Lot 1 on TP949950Q, Lot 6 Block 1 on PS1067 and Lot 1 on TP165890B) in accordance with the requirements of the *Local Government Act 1989*. As required by State Government guidelines for the sale of Council land, the land must be appropriately zoned prior to public sale. To comply with these requirements, an amendment to the Moyne Planning Scheme is necessary.

Rezoning the majority of the land from the Public Use Zone 6 (PUZ6) to the Commercial 1 Zone (C1Z) will reflect the most appropriate and preferred use of that part of the subject site. In addition, rezoning the land being retained by Council to the Public Park and Recreation Zone (PCRZ), reflects that it contains a war memorial and forms part of the Port Fairy Railway Place Precinct.

At present, there is a limited supply of commercial/retail land to cater for further development within the Port Fairy Town Centre. In addition, there are constraints on redevelopment within the Town Centre, due to a number of buildings having heritage significance, and very few retail premises are vacant.

The key findings in relation to supply and demand for commercial land in Port Fairy sourced from the Port Fairy Town Centre Car Parking Strategy Economic Assessment July 2016 prepared by Tim Nott and the Port Fairy Coastal and Structure Planning Project - Economic & Tourism Land Use Analysis - Issues and Opportunities Report November 2016 prepared by Urban Enterprise, include:

- An additional 10,400 square metres of commercial floor space will be required in Port Fairy over the period between 2016 and 2036.
- Rezoning the subject land will provide an additional 1,852 square metres of commercial land in the town centre, which could accommodate between 800 and 1,000 square metres of additional commercial floor space, subject to on-site parking requirements. The availability of this land is likely to reduce the overall commercial floor space required by 2036 to 9,500 square metres.

Overall, the Amendment will result in an appropriate and orderly planning outcome, which facilitates the development of a vacant parcel of land adjoining Port Fairy's town centre. It will create a net community benefit by enhancing the variety of retail and commercial uses within the town centre and the redevelopment of the site will provide an opportunity to improve visual linkages between the Railway Place Precinct, the Village Green and town centre.

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

Section 4 of the *Planning and Environment Act 1987* sets out the objectives for planning in Victoria. Objectives of relevance to the Amendment include:

- (a) *To provide for the fair, orderly, economic and sustainable use and development of land.*
- (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- (f) *To facilitate development in accordance with the objectives set out in the points above.*
- (g) *To balance the present and future interests of all Victorians.*

The Amendment is consistent with these objectives, as it will provide for the fair, orderly, economic, and sustainable use, and development of the land, having regard to the present and future interests of the community. Application of appropriate zones to the subject site will enable it to be used and developed in a manner consistent with the surrounding area, and provide a net community benefit.

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

### Environmental effects

The rezoning will not negatively affect the environment and the land does not contain any significant fauna or flora. It will have positive environmental benefits by making optimum use of the Town Centre and its existing infrastructure. In addition, the future development of the subject site will improve the visual amenity of the existing commercial area and will promote multi-purpose trips within the local area.

### Social and economic effects

It is expected that the rezoning will generate positive social and economic benefits by:

- facilitating the development of a vacant site for a range of commercial purposes.
- enhancing the role of the town centre to better serve the local community and visitors.
- enabling the proceeds from the sale of the surplus land to be re-invested by Council in other public infrastructure and/or services, which will have a positive effect on the economic welfare of the community.
- providing additional employment within the Moyne Shire in the longer term, as a consequence of the development of the subject site (construction and ongoing jobs).

## Does the Amendment address relevant bushfire risk?

The subject site is within an established urban centre, which is not a designated bushfire prone area. Therefore, it is considered the rezoning will not result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire.

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

The Amendment is consistent with *Ministerial Direction – The Form and Content of Planning Schemes*.

It complies with *Ministerial Direction No. 11 – Strategic Assessment of Amendments*, which seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. A strategic assessment of the Amendment has been undertaken within this Explanatory Report, in accordance with Ministerial Direction No. 11.

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

The elements of the State Planning Policy Framework, which are relevant to the Amendment include:

- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 17 Economic Development
- Clause 18 Transport.

**Clause 11.01 'Activity Centres'** encourages the concentration of retail, residential and commercial facilities within activity centres, for example, Port Fairy's town centre. Planning is to support the development of activity centres in accordance with their role and function, to encourage economic activity and business synergies within activity centres, and to broaden the mix of uses in centres.

The Amendment provides an appropriate and orderly planning outcome, which facilitates the development of an underutilised parcel of land adjoining Port Fairy's town centre. It will facilitate future land uses, which complement adjacent commercial uses, and encourage additional economic activity within the town centre.

**Clause 11.05 'Regional development'** seeks to direct urban growth into regional centres and towns across Victoria, including Port Fairy. Planning within regional Victoria must consider as relevant the

Regional Growth Plan applicable to the region, for example, the Great South Coast Regional Growth Plan.

**Clause 11.05-5 'Coastal settlement'** seeks to deliver sustainable coastal development in accordance with the *Victorian Coastal Strategy 2014*. Port Fairy is identified in the *Victorian Coastal Strategy* as a town with moderate growth capacity.

The Amendment supports objectives contained within Clause 11.05-5 by facilitating an orderly infill development opportunity on land adjoining the Port Fairy town centre.

**Clause 11.09 'Great South Coast regional growth'** seeks to strengthen the region's economy through increased industry diversification, innovation and development (Clause 11.09-2).

**Clause 11.09-4 'Networked settlements'** seeks to build on the network of settlements, and the roles played by them, within the Great South Coast region. The Amendment supports the objectives and strategies contained within Clause 11.09-4 by facilitating the development of an underutilised parcel of land within Port Fairy. Optimising the use of the land will support growth and economic opportunities and will provide ongoing employment opportunities within the township.

**Clause 15.01 'Urban environment'** seeks to create safe, functional and good quality urban environments with a sense of place and cultural identity.

The Design and Development Overlay - Schedule 12, which encourages new development to be consistent with the established heritage character of Port Fairy, applies to the subject site. It is not proposed to remove or alter Schedule 12 to the Design and Development Overlay. Retaining the Overlay provisions will ensure that future development on the land meets the objective of Clause 15.01.

**Clause 15.03 'Heritage'** seeks to ensure places of heritage significance are conserved. The Heritage Overlay affects the subject site and the Amendment does not propose to remove, or alter the extent of, the Overlay. Retaining the Overlay provisions will ensure that future development on the land complements the heritage significance of the Port Fairy Town Centre.

**Clause 17.01 'Commercial'** encourages development, which meets the community's need for retail, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. **Clause 17.03 'Tourism'** encourages the development of a range of well-designed and sited tourist facilities and smaller scale operations including retail opportunities.

The Amendment facilitates the redevelopment of a currently underutilised site for purposes encouraged by the above policies (for example, accommodation, office and retail uses). There will be a net community benefit in relation to the efficient use of existing infrastructure and the clustering of a range of uses within an established town centre. Development subsequent to the proposed rezoning will enhance the role of the town centre in serving the local community and visitors to the Shire.

**Clause 18.01 'Integrated Transport'** seeks to create a safe, sustainable and integrated transport system. Clause 18.01-2 'Transport system' encourages new uses and development to be located near existing transport routes, for example, Bank Street. The Amendment facilitates new commercial development on a site in proximity to an existing public transport (bus) route, which will encourage the use of more sustainable modes of transport.

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

The following clauses of the Municipal Strategic Statement are relevant to the Amendment:

- Clause 21.01 - Municipal Overview
- Clause 21.03 - Factors Influencing Planning and Development
- Clause 21.04 - Municipal Vision
- Clause 21.05 - Settlement and Housing
- Clause 21.07 - Economic Development
- Clause 21.09 - Local Areas
- Clause 22.01 - Settlement and Housing.

**Clause 21.01 'Municipal overview'** identifies Port Fairy is the largest urban centre within the Shire. In relation to population growth, Clause 21.01 identifies the Shire's overall population has gradually

declined since 1981. However, recent State Government population projections identify that the Moyne Shire's population is increasing, and is projected to continue to increase by approximately 1,154 people to the year 2031. As identified within the *Victorian Coastal Strategy*, Port Fairy is a town where the majority of this growth is likely to occur.

**Clause 21.03 'Factors influencing future planning and development'** identifies the following factors, which are of importance to the Shire's future land use and development:

- *The municipality is heavily reliant on agricultural activity as its economic base.*
- *The population of Moyne is relatively stable with some population decline in the northern area of the Shire.*
- *The population in the Shire's townships and settlement is aging and this trend is likely to continue as older people remain in the townships, people retire from farms to towns, and retirees move to the Shire from other areas.*
- *Moyne Shire is a major tourist destination, containing a section of the Great Ocean Road. It provides a wide range of beach, heritage, maritime and environmental experiences, and provides a range of tourist facilities and accommodation facilities.*
- *The importance of containing township development within defined boundaries, and of managing development on the fringes of townships so that it enhances the character of the town's landscape setting.*

**Clause 21.04 'Municipal vision'** contains the following land use vision for the municipality:

*"Moyne Shire will be a vibrant and prosperous community characterised by strong social, economic and environmental leadership."*

Key elements of this vision are shown on the Strategic Framework Plan contained in Clause 21.04 and accompanying local framework plans (for example, the Port Fairy Framework Plan contained in Clause 21.09-3).

**Clause 21.05 'Settlement and housing'** seeks to ensure the compact urban form of townships is maintained to allow for the ease of service delivery and minimal infrastructure costs. Of relevance to this amendment, Clause 21.05 encourages commercial development to be concentrated within existing settlements where infrastructure and community services can be utilised. Commercial development is generally discouraged in areas, which are isolated from settlements / established centres. Clause 21.05 identifies that land required for commercial purposes should be included in the appropriate commercial zone (for example, Commercial 1 Zone).

The Amendment supports these objectives by facilitating the redevelopment of an underutilised site adjoining Port Fairy's town centre for commercial purposes.

**Clause 21.07 'Economic development'** notes the economy of the Moyne Shire has traditionally been based on agriculture. Following agriculture and healthcare, the retail trade sector is the next highest employment category (8.6% of the workforce).

Port Fairy is a principal retail and service centre in the municipality (along with Koroit and Mortlake). Clause 21.07 notes that Port Fairy's retail role is generally limited to providing convenience shopping and weekly goods and services, with a limited range of discretionary goods and services. This Amendment supports and enhances Port Fairy's role as a principal retail and service centre in the Shire by facilitating development opportunities, which will contribute to the combination of retail and commercial uses within the town centre.

**Clause 21.09 'Local areas'** focuses on local level implementation of the above objectives and strategies. Of relevance to this proposal, Clause 21.09-3 'Port Fairy' seeks to *"maintain and build Port Fairy as a strong economically sustainable settlement that provides services for the local community"*. Clause 21.09 notes, the use and development of land should generally be in accordance with the Port Fairy Framework Plan.

Clause 21.09-3 seeks to ensure that Port Fairy remains the main retailing, service and cultural centre for its surrounding districts. Policy encourages the consolidation of retailing and commercial functions within the township's commercial centre. In addition, this policy provides for the expansion of commercial activities within the central area.

The Amendment supports and implements these policy directions by rezoning land adjoining the town centre for commercial purposes. Future development of the subject site will contribute to the variety of retail and commercial activity within the town centre, and will further support and strengthen the economic base of the town.

**Clause 22.01-3 'Port Fairy Commercial Heritage Precinct'** applies to all land within Schedule 14 to the Heritage Overlay (HO14).

The Amendment supports the objectives contained in Clause 22.01-3 by retaining the existing Heritage Overlay, which applies to the subject site. This Overlay will ensure that future development responds to the built form requirements and heritage policies relevant to the subject site.

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

The Amendment makes proper use of the Victoria Planning Provisions through the application of the Commercial 1 Zone to guide the use and development of the subject land.

It is considered that the Commercial 1 Zone is the underlying zoning of, and the most appropriate and preferred zoning for, the subject land, as it will be consistent with the zoning of the established Port Fairy commercial centre.

The application of the Public Park and Recreation Zone to part of the subject site appropriately recognises its existing use for public recreation and open space purposes, as part of the Railway Place Precinct.

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

All relevant government agencies and authorities were notified of the Amendment when it was placed on public exhibition. Submissions from these agencies were addressed as part of the consideration of the Amendment.

The Amendment will not have any significant implications for government agencies and does not introduce any new referral requirements into the planning scheme.

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

The Amendment is not expected to have a significant impact on transport systems, as defined under Section 3 of the *Transport Integration Act 2010*.

It supports the objectives of the *Transport Integration Act 2010*, by promoting the provision of goods and services within the town centre (rather than out-of-centre), and encouraging pedestrian and other transport modes.

The Amendment will provide for an appropriate infill development to serve the local community, which capitalises on the key movement network along Bank Street and the local bus network.

### **Resource and administrative costs**

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

The Amendment will not place any unreasonable resource or administrative costs on the Moyne Shire Council as the responsible authority.

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

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

#### **Moyne Shire Council**

Princes Street

PORT FAIRY VIC 3284

The Amendment can be inspected online at: [www.moyne.vic.gov.au](http://www.moyne.vic.gov.au)

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