

## MOYNE PLANNING SCHEME

### AMENDMENT C60

#### EXPLANATORY REPORT

#### Who is the planning authority?

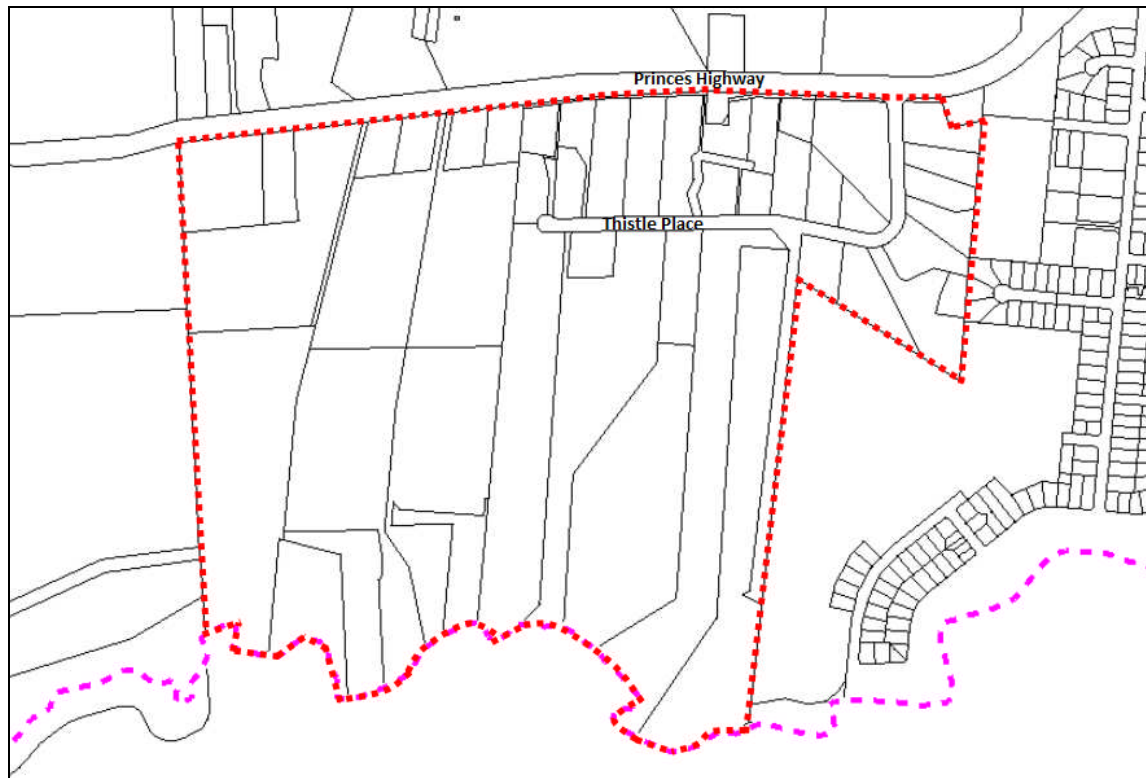
This amendment has been prepared by the Moyne Shire Council, which is the planning authority for this amendment.

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

#### Land affected by the amendment

The amendment applies to land located to the west of the Port Fairy Township. The area is bound by the Princes Highway to the north, Southern Ocean to the south, rural properties to the west and residential zoned areas of Port Fairy to the east.

The subject land is identified in the image below.



#### What the amendment does

The amendment implements the findings of the *Port Fairy West Structure Plan September 2014* by rezoning land, inserting a new local planning policy, applying new overlays and amending existing overlays.

Specifically, the amendment:

##### *Local Planning Policy Framework*

- amends Clause 21.09 to include Port Fairy West as a Local Area at 21.09-5 and applies a settlement boundary for the Port Fairy West area.

- amends Clause 21.11 to reference the following documents:
  - Port Fairy West Structure Plan September 2014; and
  - Future Coasts – Port Fairy Local Coastal Hazard Assessment 2013.

### *Zoning*

- rezones land south of Thistle Place (with the exclusion of Lot 3 on PS525407 and Lot 2 on PS531003) from Low Density Residential Zone to Rural Living Zone (Schedule 1) and east of the westernmost boundary of the former Borough of Port Fairy from the Farming Zone to the Rural Living Zone (Schedule 1); and
- amends the Schedule to Clause 35.03 of the Rural Living Zone (RLZ) to specify a 1 hectare minimum and identify the area to which this applies.

### *Overlays*

- applies a Land Subject to Inundation Overlay (LSIO) to the areas subject to inundation;
- inserts a new Schedule 3 to Clause 44.04 Land Subject to Inundation Overlay (LSIO) which provides for permit exemptions for minor development;
- applies an Erosion Management Overlay (EMO) to areas subject to coastal erosion;
- inserts a new Schedule 1 to Clause 44.01 to the Erosion Management Overlay (EMO) which provides permit exemptions, application requirements and decision guidelines; and
- amends Clause 43.02 of the Design and Development Overlay Schedules 14 and 20 to increase the preferred height of a dwelling to 7 metres where additional height is required for finished floor levels to be above predicted flood levels.

### *Planning Scheme Maps*

- amend Planning Scheme Maps 34LSIO-FO and 35LSIO-FO to apply the LSIO3;
- amends Planning Scheme Maps 34 and 35 by rezoning land to Rural Living Zone; and
- inserts Planning Scheme Maps 34EMO and 35EMO to apply the EMO1.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to implement the findings of the *Port Fairy West Structure Plan September 2014* by providing a framework to guide land use and development within the area. In particular, the Structure Plan seeks to:

- protect the low density and rural living character and coastal landscape of the area;
- avoid further intensification of tourism and commercial development;
- facilitate greater road and footpath connections from east to west;
- avoid additional development in areas at risk of coastal inundation and erosion; and
- remove ongoing issues caused by land within two zones.

The LSIO provides a permit trigger for new developments that may affect or be affected by predicted coastal inundation based on technical data derived from *Future Coasts – Port Fairy Coastal Hazard Assessment 2013*. Schedule 3 to the LSIO will introduce new planning permit requirements for buildings and works in areas identified as at risk of inundation as well as new application requirements and a mandatory referral to the relevant Catchment Management Authority.

The Erosion Management Overlay (EMO) requires a permit for new development that may affect or be affected by predicted coastal erosion based on technical data derived from *Future Coasts – Port Fairy Coastal Hazard Assessment 2013*. Schedule 1 to the EMO will

introduce new permit application requirements to ensure any new development is designed and carried out in accordance with a coastal erosion risk assessment.

The changes to zoning entail the back zoning of land south of Thistle Place from Low Density Residential to Rural Living Zone to respond to the risk of coastal inundation by limiting the potential for additional allotments to be created and removing ongoing issues caused by land in two zones.

The amendment also rezones land at the westernmost boundary of the former Borough of Port Fairy south of the Princes Highway from Farming to Rural Living Zone to reflect current allotment size and land use.

Changes to the Schedule to the Rural Living Zone to amend the minimum lot size from 4 hectares to 1 hectare to allow for some limited subdivision potential while maintaining the existing rural residential character.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria by:

- providing a framework that will assist in anticipating and responding to the needs of existing and future communities while planning for and managing the potential coastal impacts of climate change;
- ensuring any new development adequately addresses land capability, natural hazards and environmental quality;
- giving direction in terms of the design and siting of new dwellings, subdivision and other development so as to minimise the risk to life, property, the natural environment and community infrastructure; and
- allowing for the conservation and enhancement of the subject area of Port Fairy West by identifying a clear settlement boundary which will ensure that growth is planned and coastal values protected.

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

#### **Environmental**

The Structure Plan implements the findings of the *Future Coasts – Port Fairy Coastal Hazard Assessment 2013* that relate to the study area and the requirements of the State Planning Policy Framework in avoiding development in identified coastal hazard areas susceptible to coastal inundation, erosion, landslip/landslide, acid sulphate soils, bushfire and geotechnical risk.

#### **Social and Economic**

The amendment is expected to have positive economic and social benefits for the municipality. Flooding and erosion can result in significant costs for the community and the State. It can severely disrupt communities and in extreme cases, cause extensive damage to public and private property, agricultural losses, personal hardship and loss of life.

The amendment puts in place provisions so that future flood and erosion risks can be minimised.

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

The risk to existing residents, property and community infrastructure is not increased by the proposed amendment.

The subject land is not located in an area affected by a Bushfire Management Overlay.

The Structure Plan identifies a new formalised exit onto Princes Highway and proposes an additional connection from Port Fairy West to the existing urban zoned area of Port Fairy to the east. This will provide additional access and egress from the subject area.

The amendment introduces planning controls that trigger the need for a planning permit for some land use and development activities that would otherwise be exempt. Therefore, bushfire risk is not increased by the amendment.

### **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. 11 – *Strategic Assessment of Amendments* and is consistent with the Ministerial Direction on the *Form and Content of Planning Scheme* under 7(5) of the Act.

Ministers Direction No 13 Managing Coastal Hazards and the Impacts of Climate Change requires amendments to demonstrate consistency with the policies, objectives and strategies for coastal Victoria as outlined in State Planning Policy Framework. It also requires amendments to address the current and future risks and impacts associated with projected sea level rise and the individual and/or combined effects of storm surges, tides, river flooding and coastal erosion. The amendment is based on the evaluation of these potential risks and presents an outcome that seeks to avoid and minimise exposing future development to projected coastal hazards.

The amendment recognises the value of the coastal environment of Port Fairy West and the importance of ensuring the sustainable use of the natural coastal resources by avoiding more intensive development in the area.

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

#### Clause 13.01-1 Coastal inundation and erosion

The amendment implements the objectives of Clause 13.01-1 by planning for and managing the potential coastal impacts of climate change by identifying areas that will be affected by coastal inundation due to sea level rise and applying the LSIO.

Application of the LSIO will ensure that consideration of the risks associated with climate change are undertaken in planning and management decision-making processes, where a planning permit is required.

#### Clause 13.02-1 Floodplain management

The amendment seeks to implement the objectives of Clause 13.02-1 by facilitating the protection of:

- life, property and community infrastructure from flood hazards;
- the natural flood carrying capacity of rivers, streams and flood ways; and
- the flood storage function of floodplains and waterways.

The rezoning of land south of Thistle Place aims to prevent future development on land at risk of coastal inundation.

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

#### Clause 21.05 Settlement and Housing

There is increasing pressure within the Shire of Moyne and in particular the Port Fairy West area to further develop this area.

The amendment provides a framework and appropriate planning tools to assist in the co-ordination of land use and development therefore providing guidance and direction in the assessment of any future development and subdivision applications.

### Clause 21.06 Environment

The amendment implements the objectives of Clause 21.06 by identifying and protecting areas subject to future impacts of climate change from inappropriate development.

### Clause 22.02-1 Coastal Areas and Clause 22.02-10 Management of Coastal Landscapes

The amendment implements the objectives of Clause 22.02-1 and Clause 22.02-10 by restricting and controlling development on land prone to flooding through the application of the LSIO. The overlay will help to ensure that all areas prone to flooding are planned and managed in a way which reduces the vulnerability of uses to flooding and prevents inappropriate works and developments. The implications and specific requirements of the overlay will help to ensure that development does not increase the risk of an environmental hazard by providing additional guidance and requirements for any development proposed in the subject area.

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

The application of the LSIO is considered to be the most appropriate planning tool to deal with the potential for coastal inundation as identified in *Future Coasts – Port Fairy Coastal Hazard Assessment 2013*.

The use of the EMO is the best available tool to identify and control development on land subject to coastal erosion as identified in *Future Coasts – Port Fairy Coastal Hazard Assessment 2013*.

Rezoning land south of Thistle Place to the Rural Living Zone will ensure lots sizes are appropriate to land capability and resolve the issue of land in two zones.

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

The following agencies were consulted: Wannon Water, Glenelg Hopkins Catchment Management Authority, Country Fire Authority, Powercor, VicRoads and the former Department of Environment and Primary Industries.

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

The amendment will not significantly impact upon the transport system objectives and decision making principles as set out in the *Transport Integration Act 2010*.

### **Resource and administrative costs**

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

It is not expected that the amendment will have a significant impact on Council's resources because the Port Fairy West area currently has two existing overlays (DDO and ESO) that currently trigger the need for planning permits for a range of buildings and works. While this amendment proposes to apply 2 additional overlays over parts of the subject area (LSIO and EMO), it is not expected to increase the number of planning permit applications.

Furthermore, the Structure Plan will provide greater guidance and certainty to decision makers in assessing land use and development applications, thereby reducing time and resources and the risk of decisions being appealed at VCAT.

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

The amendment is available for public inspection, free of charge, during office hours at the Moyne Shire Council offices located at Princes Street, Port Fairy, VIC.

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).