

7th September 2022

PLANNING PANELS VICTORIA




**MOYNE PLANNING SCHEME AMENDMENT C69moyn
PORT FAIRY STRUCTURE PLAN IMPLEMENTATION**

240 PRINCES HIGHWAY, PORT FAIRY

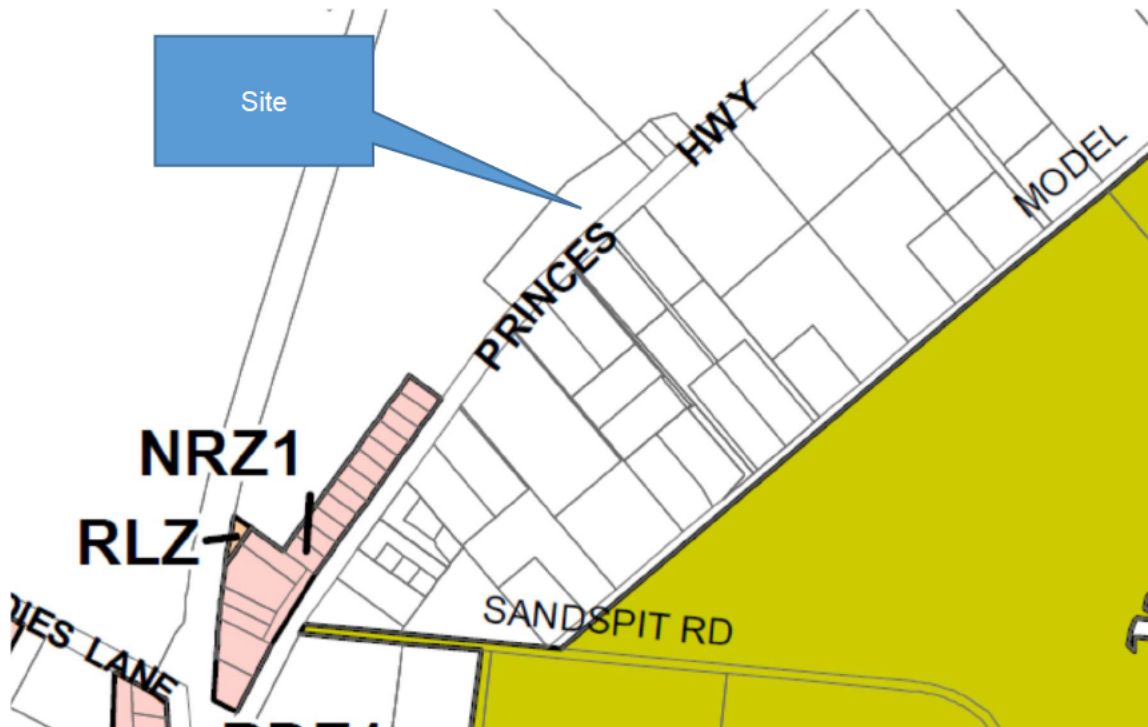
SUPPLEMENTARY SUBMISSION 109– PANEL HEARING

**RE: MOYNE PLANNING SCHEME AMENDMENT C69moyn
PORT FAIRY STRUCTURE PLAN IMPLEMENTATION
240 PRINCES HIGHWAY, PORT FAIRY**

INTRODUCTION

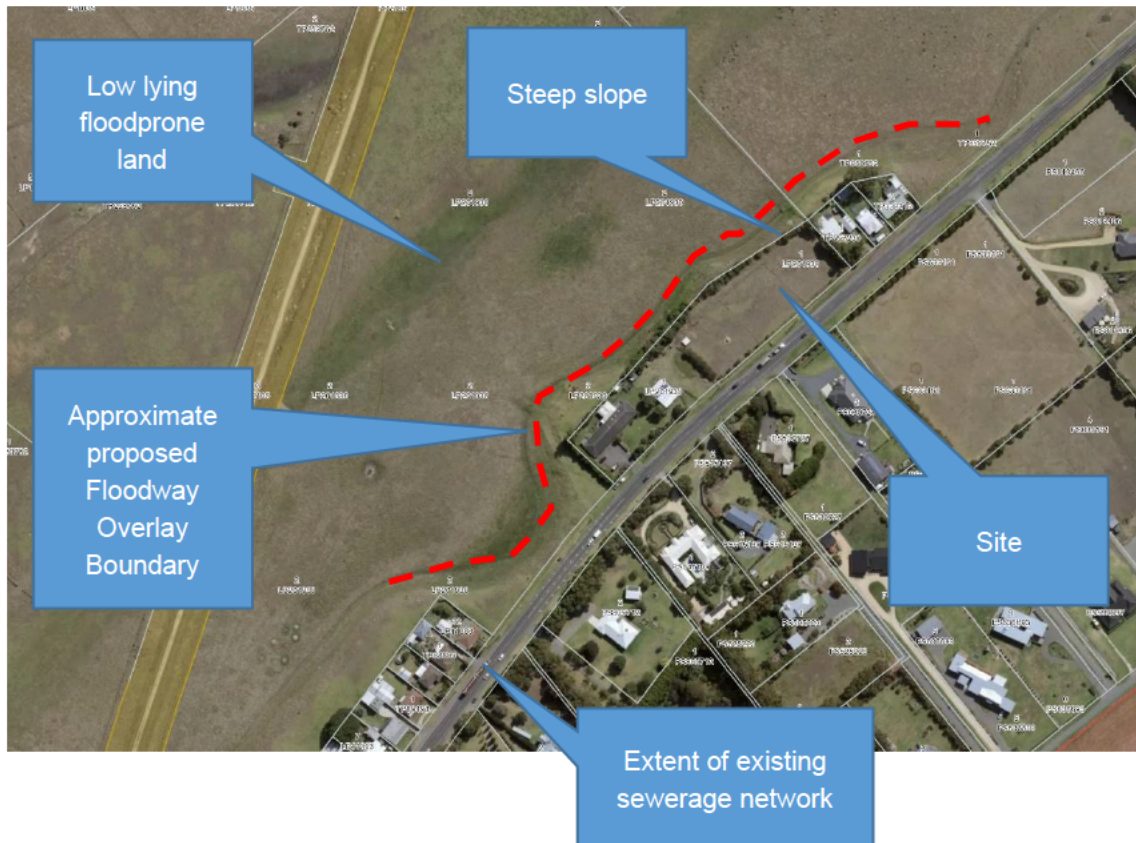
1. This submission is a supplementary submission made to the Panel Hearing for Moyne Planning Scheme Amendment C69moyn (**Amendment**) in support the verbal submission to be made on the 9th September.
2. This submission is made by 
 This submission is made on behalf of the owners  This land is located at the northern side of the Princes Highway on the eastern edge of Port Fairy.
3. This submission follows previous submissions made to Moyne Shire Council through the various public exhibitions of amendment C69moyn dated 27th October 2021 and 28th January 2022.
4. This submission requests that amendment C69moyn be altered as follows:
 - 4.1. The properties addressed as 240, 270, 272 and 274 Princes Highway, Port Fairy be amended to the Neighbourhood Residential Zone 1, with the associated Design and Development Overlay (Schedule 4) be applied to this land to accord with the zoning of the similar lots located to the south-west closer to the intersection with Sandspit Road.

- [REDACTED]
- [REDACTED]
5. This submission is in relation to a property located on the eastern edge of the township of Port Fairy, described as Lot 1 on LP201930. This site is currently within the Rural Living Zone of the planning scheme and has not been proposed to be included in this amendment by the exhibited documents. The site is in map 34 of the exhibited amendment, of which an extract is shown below:



[REDACTED]

This property is located on a narrow ridgeline on the northern side of the Princes Highway, with 3 small lots containing existing dwellings located to the north-east of this property. This ridgeline falls steeply away from these properties to the north and west into an area of floodplain covered by the floodway overlay, the context of these properties is shown on the attached aerial photograph.

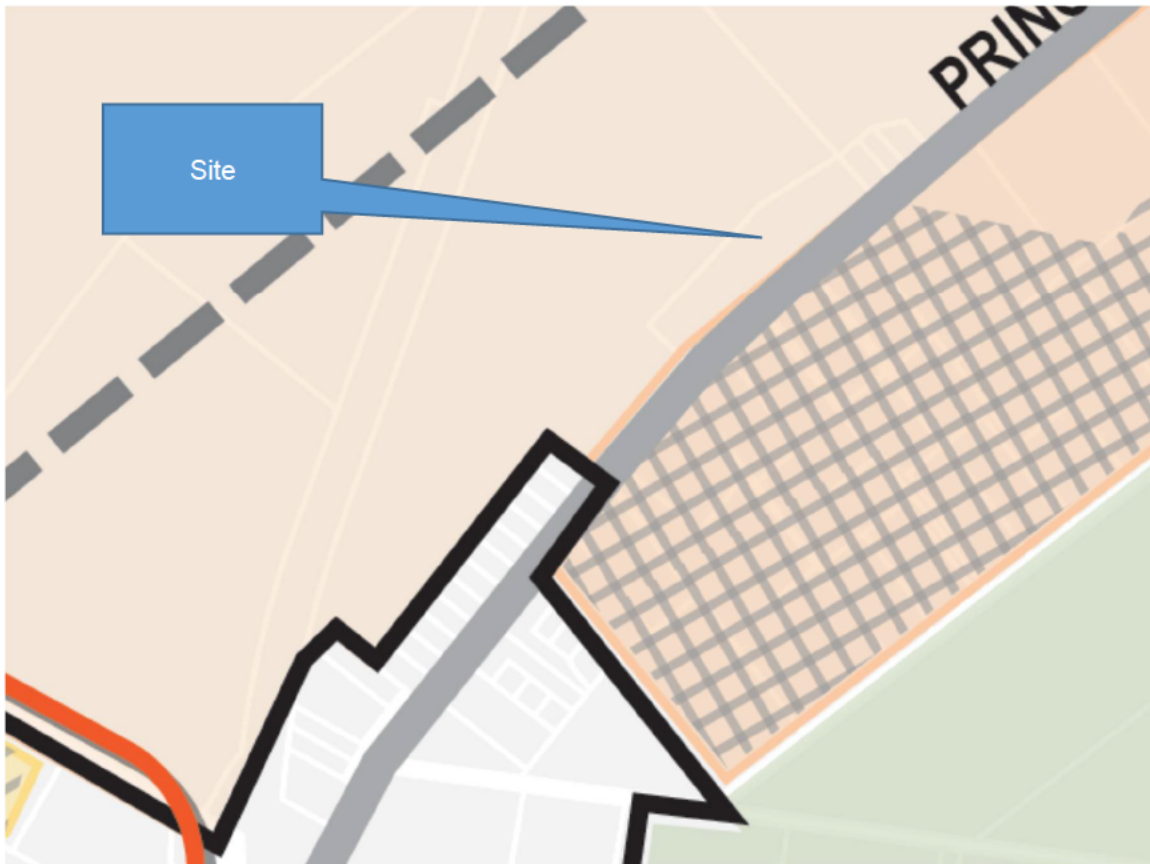




6. This property and the 3 lots to the east appear to have been created through historic planning decisions and have general characteristics of the urban fabric of Port Fairy. This appearance of being essentially urban sized lots on the outskirts of Port Fairy gives rise to the view that these 4 properties were intended to form part of the township and not the rural living zone.

Given the small areas of these 4 properties, the constrained location of these 4 properties with a steep slope separating them from the lower lying flood prone land to the north (and the proposed floodway and LSIO overlays) and the appearance of being urban lots, the following submission is made:

- It is requested that the zoning of the properties addressed as 240, 270, 272 and 274 Princes Highway, Port Fairy be amended to the Neighbourhood Residential Zone 1, with the associated Design and Development Overlay (Schedule 4) be applied to this land to accord with the zoning of the similar lots located to the south-west closer to the intersection with Sandspit Road.

- [REDACTED]
- [REDACTED]
7. Including these properties within the Neighbourhood Residential Zone will ensure that the existing land-uses and development patterns is appropriately recognised in the planning scheme. The inclusion of 240 Princes Highway into the NRZ will allow this land to be subdivided into smaller lots.
 8. Such a subdivision will facilitate the extension of the reticulated sewerage network along the Princes Highway to improve the treatment of waste-water from these small lots, improving the health of the adjacent floodplain and health of the residents of these properties. This sewer extension, approximately 350m in length from the end of the existing network located adjacent to No. 238 Princes Highway, would be expected to be constructed as part of a subdivision of No. 240, which would be undertaken if this land was rezoned to the Neighbourhood Residential Zone 1. Given the housing pressures in Port Fairy, this request would facilitate a relatively straightforward development of potentially 8-10 lots to add to the housing opportunities in Port Fairy.
 9. Review of the Port Fairy Structure Plan (shown below) does not identify any discussion of the exclusion of these small lots from the urban footprint of Port Fairy. Indeed, from review of the nearby properties show a strong similarity between this site and those properties to the south-west and the exclusion of this land appears to be a mapping error rather than a considered planning decision to exclude these properties.





JUSTIFICATION OF SUBMISSION

10. This site is located within the land affected by amendment C69moyn and it is submitted that the scope of this amendment is broad enough to accommodate these requested amendments. This is contrary to councils submission summary, however given the substantial alterations proposed by Council to the exhibited documents in their Part A and Part B submissions, it is contended that there is broad authorisation to deal with the matters raised in this submission and that there is substantial nexus between this site and the C69moyn amendment.
11. Correspondence and discussions over the preceding years with Council strategic planning staff had not identified the scope of the amendment as limiting consideration of this submission. Indeed, the continued engagement with the C69moyn amendment process was encouraged and supported. If limitation to the scope of this amendment had been flagged by council, a proponent supported amendment would have been recommended at that point in time and could have been considered concurrently with this amendment.
12. Given the significant alterations made by council between the exhibition and the part A and part B submissions to the panel, it is requested that the panel recommend that a further public exhibition process is undertaken prior to council deciding whether to adopt, abandon or adopt with alterations this amendment.
13. This submission to include land within the Growth Area A or to rezone the entirety of the site to LDRZ and to alter the LDRZ schedule is proposed as a 'logical inclusion' to the amendment. Review of previous panel hearings has been made and the report of the Logical Inclusions Advisory Committee 2011 (**Logical Inclusions**) is tabled to support this submission (refer Logical Inclusions (AC) [2011] PPV 115).
14. The committee in section 5.1 identified the following issues in defining a 'logical inclusion':
 - Suitability of land for urban development.
 - Defining a sensible and sustainable boundary to include land suitable for development.
 - Identifying land that can be brought into the UGB as a logical extension to the current boundary.
15. The committee in the Logical Inclusions report supported the definition of a 'logical inclusion' in section 5.1 as:

A logical inclusion will make good sense and lead to sound outcomes having regard to relevant policy and physical context. It would be a good fit and be reasonably expected having regard to relevant background and decision criteria.
16. The committee in section 5.7 of the Logical Inclusions report adopted the following decision guidelines for inclusion of land as a 'logical inclusion'.
 - (a) *The constraints of the land are known and it contains a reasonable percentage of unconstrained land suitable for residential or employment purposes; and*
 - (b) *It has similar characteristics to adjoining land within the UGB; and*
 - (c) *It will not compromise an existing high amenity rural landscape; and*
 - (d) *The land can be planned as part of a corridor, PSP or master plan process, and the issues raised in developing the land can be dealt with by that process; and*
 - (e) *It would allow for the development of well connected, neighbourhoods capable of providing a range of local services; and*





- (f) If brought into the UGB, there is reasonable certainty that the land can be developed generally consistent with State and local planning policy; and*
- (g) It is capable of being serviced at costs typical of servicing in the locality; and*
- (h) The boundary is not arbitrary but relates to a strong natural or constructed feature. Cadastral boundaries have been supported where the land to be included is along the 'front' of a growth area where it is expected that further land might be included in the future.*

17. This submission translates the references to the UGB (urban growth boundary) in the above decision guidelines to refer to amendment C69moyn. It is contended that these criteria are appropriate to utilise in this submission and consideration of the amendment.
18. This submission contends that this site meets the 'logical inclusions' criteria for inclusion into Growth Area A as:
 - a. The constraints to development of this land are readily identified with a reasonable amount of unconstrained land available for development if re-zoned.
 - b. The land is similar to the existing urban fabric of Port Fairy to the south-west of the site.
 - c. It will not compromise the rural landscape as it is essentially an infill proposal.
 - d. The land can be dealt with under C69moyn.
 - e. The re-zoning and subsequent subdivision of this land will facilitate the extension of the reticulated sewerage network and allow the existing small lots to the east of the site be connected which will improve the environmental health, impact on groundwater and adjacent land by removing the need for on-site waste water treatment from these properties which appear to be significantly smaller than appropriate to accommodate on-site waste water treatment.

STRATEGIC POLICY BASIS

19. This submission is supported by planning policies in the Moyne Planning Scheme. With particular reference being made to the following:
20. Clause 71.02-1: The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.
21. Clause 71.02-3: The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

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22. Clause 11: Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
23. Clause 11.01-1S: Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities. Create and reinforce settlement boundaries. Limit urban sprawl and direct growth into existing settlements. Promote and capitalise on opportunities for urban renewal and infill redevelopment. Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
24. Clause 11.01-1R: Facilitate the district towns of Allansford, Camperdown, Casterton, Cobden, Coleraine, Dunkeld, Heywood, Koroit, Mortlake, Port Campbell, Port Fairy, Terang and Timboon to support local communities, industry and services. Support growth and economic opportunities throughout the region, especially along the north-south (Henty Highway) and east-west (Princes Highway) corridors. Support higher economic and population growth along the east-west primary growth corridor by capitalising and building on existing connections, strengths and infrastructure.
25. Clause 11.02-1S: Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development. Planning for urban growth should consider:
- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.
26. Clause 11.02-3S: Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding. Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure. Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.
27. Clause 11.03-6S: Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns. Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.
28. Clause 19.03-2S - Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.
29. Clause 19.03-3S - Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Clause 19.03-3S - Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.