



MOYNE SHIRE

PLANNING SCHEME

CB9MOYN PANEL

PORT FAIRY COASTAL

AND STRUCTURE PLAN

WRITTEN SUBMISSION





September 2022

TABLE OF CONTENTS

TABLE OF FIGURES	- 5 -
ATTACHMENTS:	- 6 -
INTRODUCTION	- 7 -
GROWTH	- 8 -
DWELLING CONSTRUCTION RATES	- 10 -
CURRENT DWELLING LISTINGS AND RENTAL AVAILABILITY	- 11 -
SHORT TERM RENTALS	- 13 -
IMPACT OF COVID-19 ON THE TOWN FROM MY PERSPECTIVE	- 14 -
MOYNE’S POSITION AT PANEL VS MOYNE’S ADVOCACY	- 15 -
1998 DESIGN GUIDELINES	- 17 -
AMENDMENT C3	- 18 -
EXISTING DESIGN AND DEVELOPMENT OVERLAYS	- 19 -
VCAT APPEALS SINCE 2002	- 20 -
VIEWS ON STRUCTURE PLAN	- 20 -
PROPOSED SCHEME CHANGES	- 22 -
CLAUSE 21.06	- 22 -
CLAUSE 21.09-3	- 22 -
PART A COMMENTS –	- 23 -
INTEGRATION WITH CLAUSE 21.05	- 23 -
ZONE CHANGES	- 24 -
ADDITIONAL COMMENTS	- 24 -

<u>POWLING ST WETLANDS.....</u>	<u>- 25 -</u>
<u>ADDITIONAL COMMENTS</u>	<u>- 25 -</u>
<u>REGENT STREET</u>	<u>- 25 -</u>
<u>ADDITIONAL COMMENTS</u>	<u>- 26 -</u>
<u>OSMONDS LANE</u>	<u>- 27 -</u>
<u>ADDITIONAL COMMENTS</u>	<u>- 27 -</u>
<u>OVERLAY CHANGES</u>	<u>- 27 -</u>
<u>EROSION MANAGEMENT OVERLAY</u>	<u>- 27 -</u>
<u>ADDITIONAL COMMENTS</u>	<u>- 28 -</u>
<u>LAND SUBJECT TO INUNDATION AND FLOOD OVERLAY</u>	<u>- 29 -</u>
<u>1.2 VS 0.8 AND LSIO VS FO</u>	<u>- 29 -</u>
<u>PART A COMMENTS.....</u>	<u>- 29 -</u>
<u>ALBERT ROAD AND REEDY CREEK</u>	<u>- 30 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY</u>	<u>- 32 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY 1</u>	<u>- 32 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY 2</u>	<u>- 32 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY 3</u>	<u>- 35 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY 4</u>	<u>- 35 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY 5</u>	<u>- 35 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY 6</u>	<u>- 36 -</u>
<u>DESIGN AND DEVELOPMENT OVERLAY 7</u>	<u>- 37 -</u>
<u>SUMMARY.....</u>	<u>- 37 -</u>

DDO2 COMPARISON TABLE HIGHLIGHTING CHANGES BETWEEN EXISTING, EXHIBITED AND PART A DRAFTING..... 38

DDO3 COMPARISON TABLE HIGHLIGHTING CHANGES BETWEEN EXISTING, EXHIBITED AND PART A DRAFTING..... 39

DDO4 COMPARISON TABLE HIGHLIGHTING CHANGES BETWEEN EXISTING, EXHIBITED AND PART A DRAFTING..... 40

DDO5 COMPARISON TABLE HIGHLIGHTING CHANGES BETWEEN EXISTING, EXHIBITED AND PART A DRAFTING..... 41

DDO6 COMPARISON TABLE HIGHLIGHTING CHANGES BETWEEN EXISTING, EXHIBITED AND PART A DRAFTING..... 42

DDO7 COMPARISON TABLE HIGHLIGHTING CHANGES BETWEEN EXISTING, EXHIBITED AND PART A DRAFTING..... 43

TABLE OF FIGURES

FIGURE 1 PROPOSED NEW ZONING, P66 PORT FAIRY A STUDY, COX TANNER 1976.....	- 8 -
FIGURE 2 PORT FAIRY 13 NOVEMBER 1985 (VIC DPS) SHOWING INFILL HOUSING AREAS BETWEEN 1985-2021 IN GREEN (EXCLUDING EAST BEACH/BELFAST EAST AREA) AND PRINCES HIGHWAY HIGHLIGHTED IN RED	- 9 -
FIGURE 3 PREPARED BY COAST TO COUNTRY FROM ABS CENSUS DATA.....	- 10 -
FIGURE 4 GRAPH FROM ETHOS URBAN ECONOMIC ASSESSMENT	- 11 -
FIGURE 5 SOURCE: VBA BUILDING PERMIT ACTIVITY DATASETS 2009-2022 HTTPS://WWW.VBA.VIC.GOV.AU/ABOUT/DATA ..	- 11 -
FIGURE 6 SCREENSHOT OF DOMAIN HOUSE AND LAND SEARCHES IN WARRNAMBOOL PORT FAIRY GREATER AREA 18 SEPTEMBER 2022	- 12 -
FIGURE 7 AIR BNB SEARCH MAP AREA PORT FAIRY 18 SEPTEMBER 2022	- 13 -
FIGURE 8 LOVE LOCAL SOCIAL MEDIA TILE (MOYNE SHIRE).....	- 16 -
FIGURE 9 DDO1 MAP 34 DECEMBER 1999	- 17 -
FIGURE 10 DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 1 - IMPLEMENTATION OF NEW FORMAT SCHEMES 1999 – NOTES IT DID NOT APPLY TO TOWN CENTRE WHICH WAS COVERED BY HERITAGE OVERLAYS AT THE TIME	- 17 -
FIGURE 11 AREAS INCLUDED IN AMENDMENT C3 - IMPLEMENTATION OF DESIGN GUIDELINES SOURCE VIC PLAN AMENDMENT SEARCH MOYNE C3 – THE DARKER YELLOW AREAS APPEAR TO SHOW LOCATIONS WHERE THE PREVIOUS DDO WAS ALREADY APPLIED.	- 19 -
FIGURE 12 EXCERPT FROM PART B SUBMISSION P43 SHOWING RETENTION OF NRZ1 INTO POWLING ST WETLANDS	- 25 -
FIGURE 13 EXHIBITED FLOOD MAPPING	- 26 -
FIGURE 14 2021 FLOOD MAPPING	- 26 -
FIGURE 15 14 REGENT STREET OUTLINED IN BLUE – EXHIBITED MAP	- 26 -
FIGURE 16 14 REGENT STREET PART B SUBMISSION MAP SHOWING ZONE CHANGE TO 2 REGENT STREET	- 26 -
FIGURE 17 P27 FLOOD SUMMARY REPORT 2021 HARC - EMPHASIS ADDED	- 30 -
FIGURE 19 2021 MODELLING SHOWING SIGNIFICANT CHANGE IN EXTENT OF FO PROPOSED TO REEDY CREEK ENVIRONS BETWEEN PRINCES HIGHWAY AND HAMILTON PORT FAIRY ROAD	- 31 -
FIGURE 18 EXHIBITED OVERLAY REEDY CREEK ENVIRONS BETWEEN PRINCES HIGHWAY AND HAMILTON-PORT FAIRY ROAD	- 31 -

ATTACHMENTS:

1. Port Fairy, A Study Cox Tanner 1976
2. Vaughan v Moyne SC {2021} VCAT 1252
3. Clause 23.02
4. Clause 23.03
5. News articles regarding housing in Port Fairy
6. Amendment C3 Panel Report
7. Amendment C3 Explanatory Report
8. Port Fairy Design Guidelines (All Precincts)
9. Marked up Part A ordinance

INTRODUCTION

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19.

GROWTH

21. Since Port Fairy, a Study was completed by Cox Tanner in 1976, the town has developed as expected and outlined in that plan. In 1976 the population was 2500 persons, and the Cox Tanner Report resulted in the introduction of an Interim Development Order, bringing in the first version of built form controls to both heritage areas and new development and proposing additional land suitable for residential growth.
22. The town population was relatively static between 1976 and 2001, with population growth rates and infill development increasing over the last 20 years.

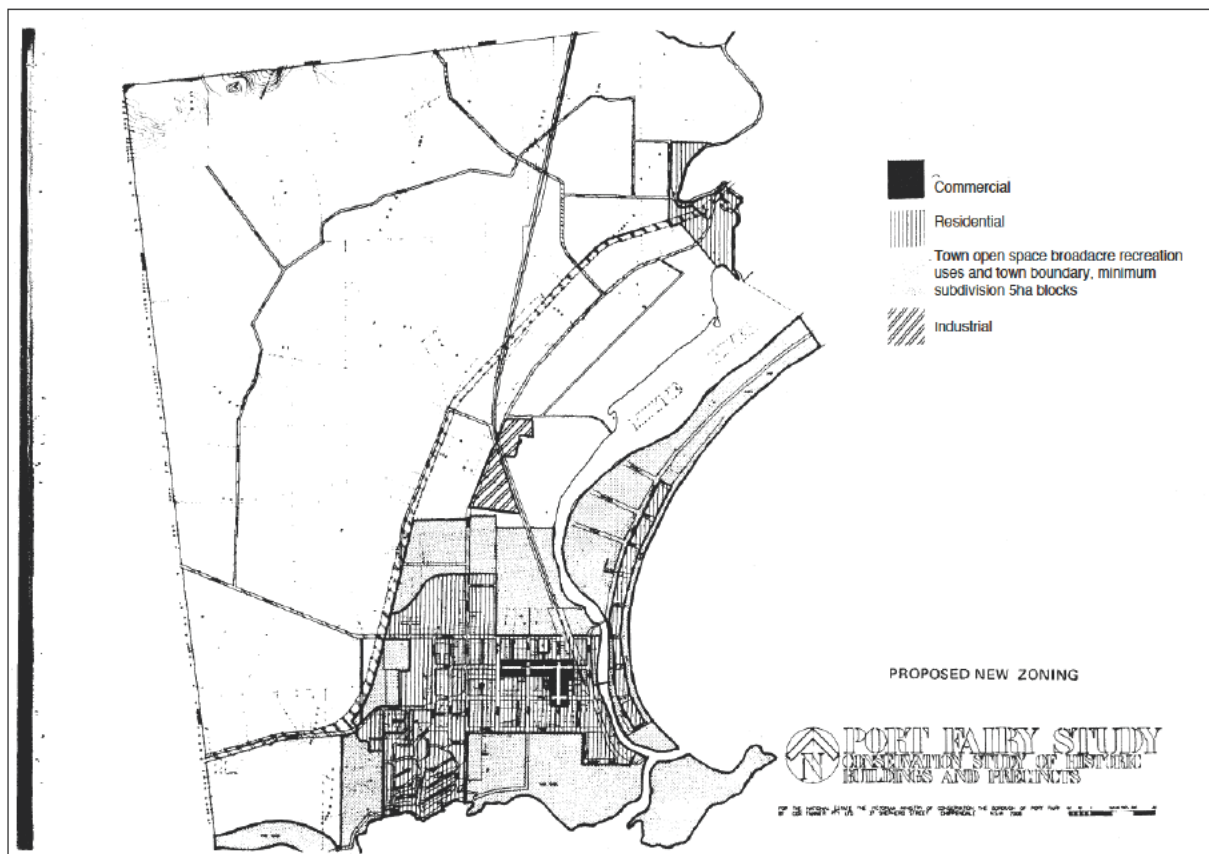


Figure 1 Proposed New Zoning, P66 Port Fairy a Study, Cox Tanner 1976



Figure 2 Port Fairy 13 November 1985 (VIC DPS) showing infill housing areas between 1985-2021 in green (excluding east beach/Belfast east area) and Princes Highway highlighted in Red

23. This aerial photograph from 1985 shows that various areas which have been subdivided and developed with dwellings since 1985. These areas are broadly consistent with the residential zoning areas planned for in the 1976 Cox Tanner Report and are mostly on the edges or approaches of the historic town centre with a few mid-block infill subdivisions south of Cox Street. The South Beach Estate is not highlighted as a new subdivision area as it was already under development, but the aerial photo indicates that many of the lots were not developed in 1985 and have since been developed with single dwellings. There are only a few vacant lots in this precinct today.
24. The population growth rate of the last 5 years has been 11% with a consequential reduction in percentage of rental properties and unoccupied properties, indicating there are increasing the level of owner-occupied properties within the town.
25. This fits with the analysis conducted by Ethos Urban (Doc 103) on population growth and house/land values and the impacts of the COVID19 Pandemic. There has also been a drop in the last 5 years in the percentage of rental properties in Moyne Shire and the Warrnambool LGA.

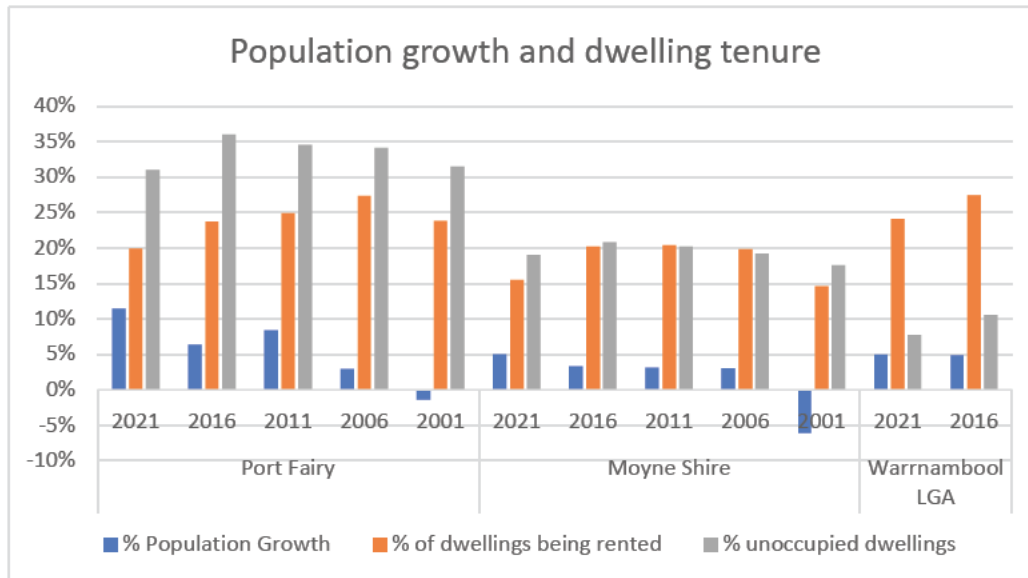


Figure 3 Prepared by Coast to Country from ABS Census Data

DWELLING CONSTRUCTION RATES

26. Since 2001 the number of dwellings in Port Fairy has increased by 760 houses, an average of 38 houses per year being completed.¹ This is an 148% increase in the total number of dwellings in the town over this time period.
27. The increase in dwelling numbers, has led to an increase in unoccupied dwellings from 495 to 724 houses (assuming that the majority of unoccupied dwellings are holiday houses or short-term rentals), but the proportion of unoccupied houses has remained steady, being 31% in 2021 and 2001 (although was higher in the 2006, 2011 and 2016 census data).
28. VBA Data indicates that 425 dwellings have been constructed in Port Fairy between 2009-2022 YTD. There has been a slowdown in dwelling construction rates in Port Fairy since 2020, I believe this is due to a couple of factors including registered builder availability, tightening of mortgage lending and titled land coming to market. The 2022 data indicates that by July 2022, the number of new dwelling building permits issued in Port Fairy was similar to the number issued for the whole year of 2021 (16 vs 18 houses).
29. As discussed at various times in the hearing, the main areas of dwelling construction over the last 5 years relate to new subdivisions (Perry Close, Hill Street, Bowker Court) or vacant infill single dwelling lots.
30. The average Moyne Shire Dwelling Construction rate of 105 dwellings/year are broadly consistent with the Moyne Shire Victoria in the Future Report completed in 2012.

¹ Census Data 2001-2021 Dwelling Numbers

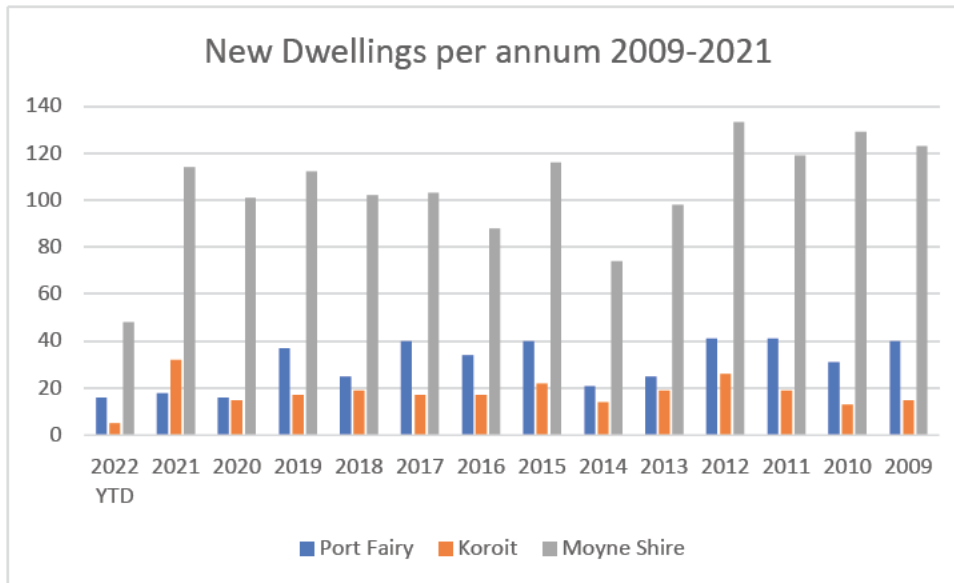
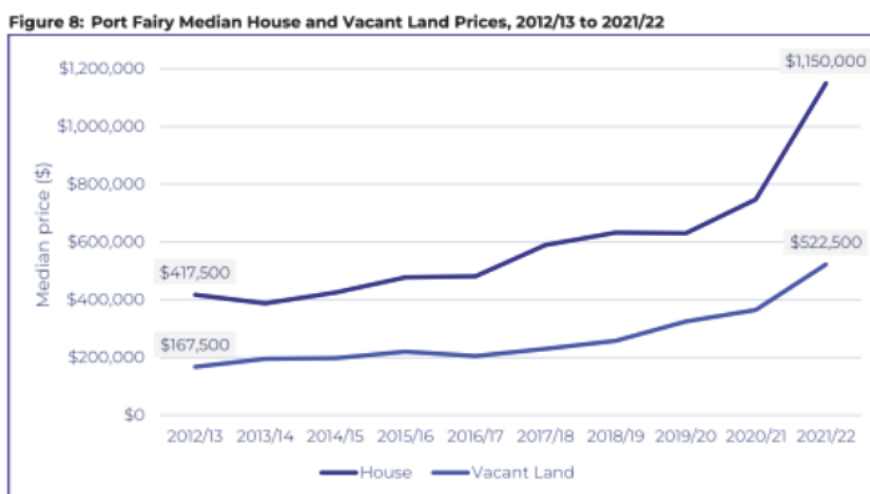


Figure 5 Source: VBA Building Permit Activity Datasets 2009-2022
<https://www.vba.vic.gov.au/about/data>

CURRENT DWELLING LISTINGS AND RENTAL AVAILABILITY

31. As of 18 September 2022, there is one property available for rent in Port Fairy at \$440 a week for three bedrooms and one in Codrington (4br @\$500/week). Domain states that the median 3-bedroom rental price in Port Fairy is \$450/week.
32. As of 18 September 2022, there are 28 properties listed for sale in Port Fairy (excluding those under offer)², with the lowest price being \$725,000 for a two-bedroom dwelling in Cox Street (Princes Highway), and the highest being around \$2.5million in Griffiths Street or Ocean Drive. There are 9 houses listed for less than \$1million. The vacant block referred to in the Ethos Urban Assessment is still listed for sale online.



Source: ABS Estimated Resident Population

Figure 4 Graph from Ethos Urban Economic Assessment

² Domain Listings Port Fairy www.domain.com.au

33. If you search the most expensive properties in the Warrnambool/Port Fair Greater Area, there are currently 185 houses for sale and 7 of the 10 most expensive properties are in Port Fairy.
34. There are currently 73 land parcels listed for sale, within the Warrnambool & Port Fairy Greater Area, two are listed In Port Fairy and they are amongst the 10 most expensive listings.³

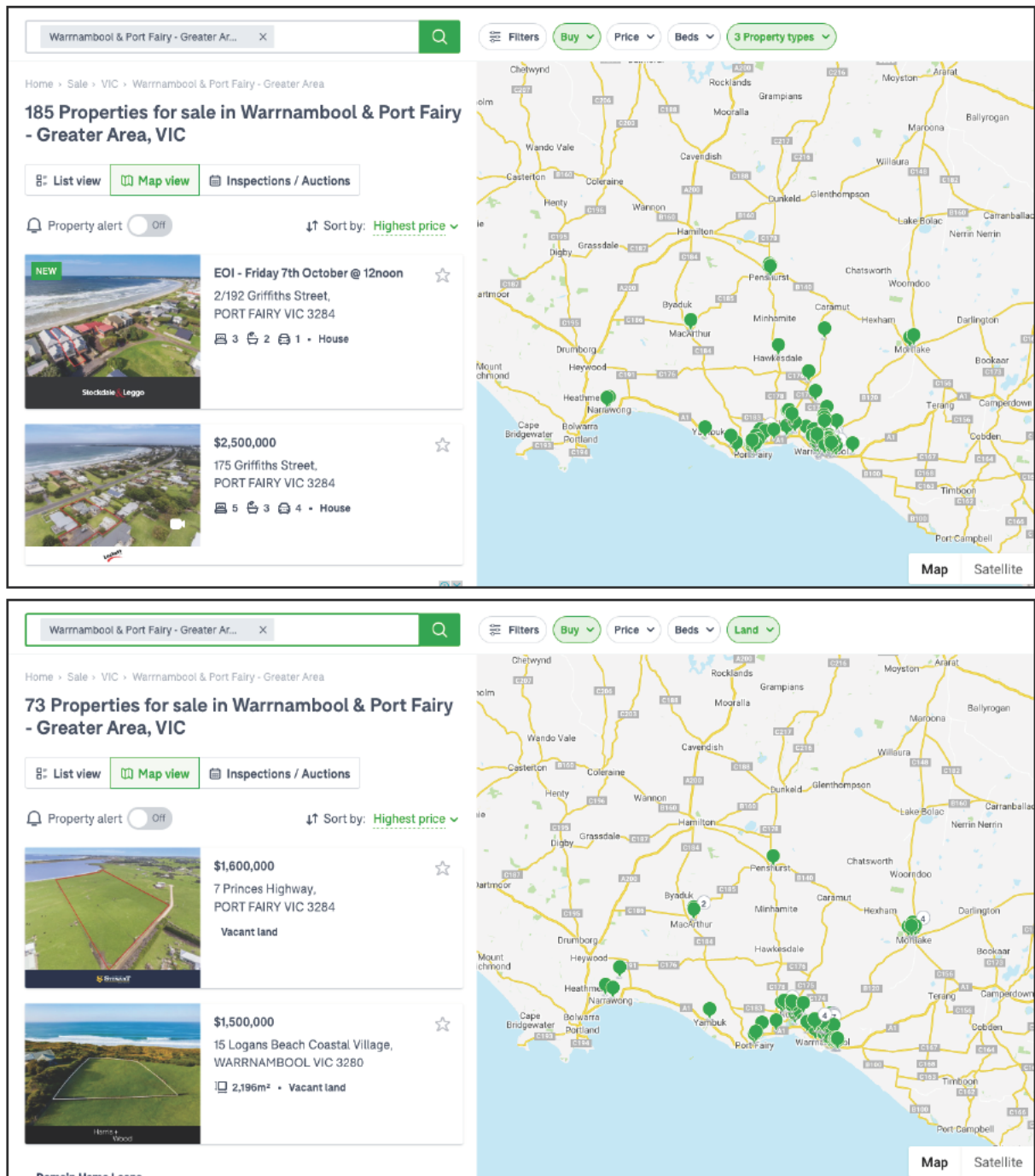


Figure 6 Screenshot of Domain House and Land Searches in Warrnambool Port Fairy Greater Area 18 September 2022

³ Domain Search 18 September 2022

SHORT TERM RENTALS

35. A search of AirBNB on 18 September 2022, indicated there are 302 homes within Port Fairy which are available on the platform to book the entire place (excluding private or shared rooms).
36. The average nightly price on AirBNB is \$306/night in Port Fairy, with nightly prices increasing up to \$1200 a night. 54 properties listed in Port Fairy are guesthouses or apartments and 45 are listed as having ocean views. This is approximately 12% of dwellings in Port Fairy based on the 2021 census dwelling data.
37. In contrast Warrnambool has 207 homes listed on AirBNB (1.2% of all dwellings), with an average nightly price of \$243, with 31 properties being guesthouses or apartments.
38. The two main short term rental management businesses in the town manage approximately 250 short term rentals⁴ or 33% of unoccupied dwellings, with the remainder being vacant dwellings, holidays homes or privately managed short-term rentals.
39. As the 2021 census occurred during lockdowns, it is assumed that the unoccupied dwelling numbers accurately reflect what should be a significant short term rental vacancy rate. The short-term rental businesses in the town are receiving regular enquiries for long term rental availability for persons needing to re-locate to the region for work purposes and are unable to service this demand.
40. Port Fairy is a town which historically has had high levels of second dwellings and short-term rentals, prior to the existence of AirBNB. But historically, these were located on or

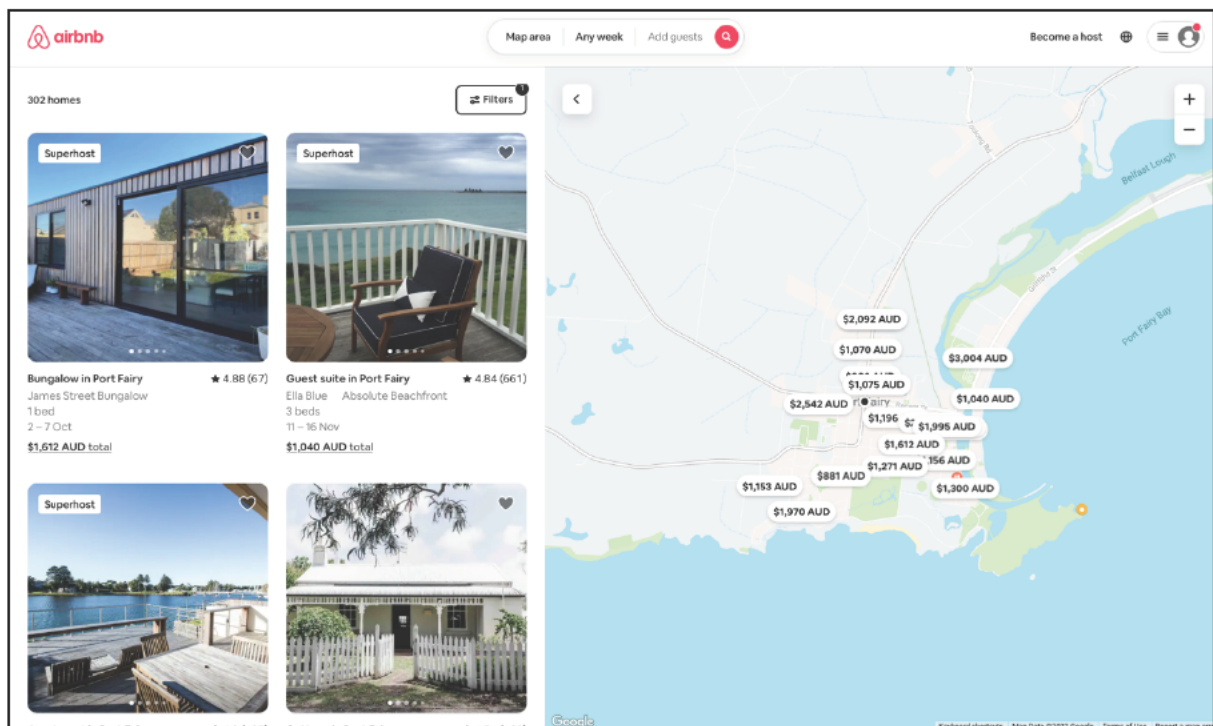


Figure 7 Air BNB Search Map Area Port Fairy 18 September 2022

⁴ Source: Langley's Accommodation September 2022

in close proximity to the River, East or South Beach and not spread across the wider town area. This has changed in the last 5 years.

41. [REDACTED]

IMPACT OF COVID-19 ON THE TOWN FROM MY PERSPECTIVE

42. [REDACTED]

43. Everyone was out walking, running or cycling and chasing incidental catchups with friends/neighbours within the boundary of whichever restrictions we in place at the time. Community groups and residents found other ways to continue to grow connections and support each other – like the IGA giving away toilet paper to those that needed it in the depths of the shortages, to all grocery businesses delivering to customers houses, to restaurants giving away food to those that needed it most and large groups of people incidentally congregating on the village green at the same time during their hour of exercise.

44. But Port Fairy has lost out like many other places –

- many people lost their livelihoods with the shutdown of the tourism and hospitality industries,
- there are more businesses for sale that before COVID,
- three banks have closed their branches in the last three years.
- Residents in the town are having their rentals placed on the real-estate market and have to leave the town to find another rental,
- young families are no longer to buy a three-bedroom house with much change from \$1million, pricing many out of the market.
- The primary schools have had multiple families enrol in schools in other towns due to housing availability,
- The schools are finding a need to recommend prospective families wanting to relocate to secure housing before enrolling their children – and often this isn't possible, and the schools are losing prospective enrolments.⁵
- Four-year-old kindergarten enrolments for 2023 are 20 less children than 2022 (54 down to 33)– this equates to a whole class of children less once they reach school age, when compared to this year's kinder and prep enrolments.⁶

45. [REDACTED]

⁵ [REDACTED]

⁶ Source- Port Fairy Community Services Centre September 2022.

[REDACTED]

46. It really concerns me that in submissions, Council contends there are not growth problems in Port Fairy or that significant increases in housing prices is further skewing the demographic profile towards the ageing population.
47. Whilst the structure plan and this process have been in train prior to the pandemic, the Council has not paused to re-assess its direction and priorities in a planning sense prior to continuing with the panel process.

MOYNE'S POSITION AT PANEL VS MOYNE'S ADVOCACY

48. The shire advocates have strongly held the line that the Moyne Shire has an appropriate 15-year land supply, whilst this may be the case on paper, the reality is Port Fairy is that in Port Fairy there is zero supply currently available to the market.
49. Port Fairy is at a precipice with affordability and supply issues which will move into economic and community impacts if left unchecked.
50. There are many parts of the Moyne Shire which have been experiencing population flatlining or decline for the past 20 years, consequently there are many parts of the shire which are not suffering from a supply and demand mismatch of housing, but Port Fairy is not one of them.
51. Moyne Shire is using its advocacy position to advocate and try to assist with these market failure issues but they haven't provided any verbal submissions or information on this as part of the panel.

52. [REDACTED]

53. Announced Campaigns and funding include
 - Key Worker Accommodation at Mortlake and Koroit to try to provide transitional housing for staff relocating for work in local businesses until they secure permanent housing. <https://www.moyne.vic.gov.au/Our-Services/Business-and-Economic-Development/Supporting-Your-Business/Worker-Accommodation-EOI>

- Love Local Campaign – www.lovelocalmoyne.com.au



Figure 8 Love Local Social Media Tile (Moyne Shire)

- Lease to local campaign - <https://www.moyne.vic.gov.au/News-Media/“Lease-to-a-Local”-to-improve-housing-availability>
- Press coverage on housing concerns
- <https://www.standard.net.au/story/7605772/residents-back-creative-solution-to-beat-towns-rental-crisis/>
- <https://www.standard.net.au/story/7637502/fears-housing-shortage-could-hurt-trophy-towns/>
- <https://www.abc.net.au/news/2021-11-27/port-fairy-rental-crisis-post-pandemic/100638956>
- <https://www.theguardian.com/australia-news/2021/oct/03/priced-out-how-covids-work-from-home-boom-is-squeezing-small-towns>

1998 DESIGN GUIDELINES

54. These guidelines were implemented as planning controls just prior to the introduction of the new format schemes – on a recommendation they would be recommended for the rest of the town area after the introduction of the new format schemes. The areas in DDO1 were selected for the initial controls as they did not already have permit triggers under other zones or overlays which applied to them and these were at the time, seen to be the area's most at risk from inappropriate development.



Figure 9 DDO1 Map 34 December 1999

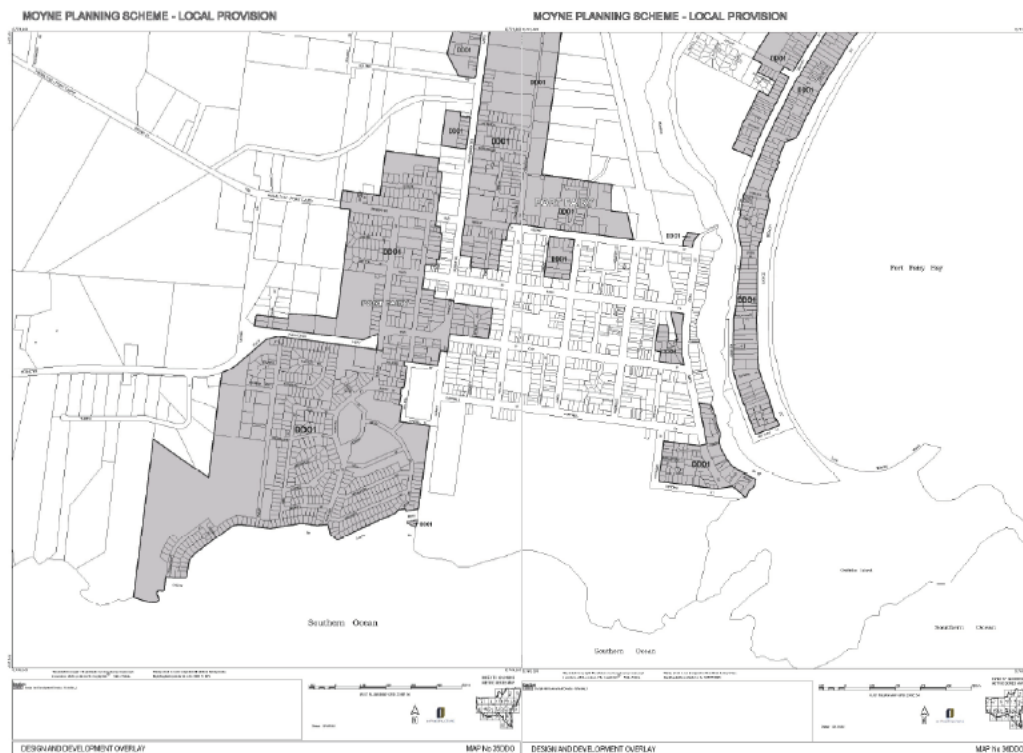


Figure 10 Design and Development Overlay Schedule 1 - Implementation of New Format Schemes 1999 – notes it did not apply to town centre which was covered by Heritage Overlays at the time

AMENDMENT C3

55. Amendment C3 considered by a planning panel in 2001 with the report finalised in May 2002 but not gazetted until July 2006 was the last significant update to the design guidelines which have been in place in some format since Port Fairy A Study was completed in 1976. This amendment sought to:

- *Replaces the Design Guidelines for Port Fairy, January 1998 with the Port Fairy Urban Design Guidelines, June 2001. Consequent changes to the Municipal Strategic Statement and Local Planning Policy Framework are required. The amendment will revise Clause 22.01-3, Clause 43.02-4 DDO Schedule 1, replaces the Reference Document 'Design Guidelines for Port Fairy, January 1998', with the 'Port Fairy Design Guidelines Report 2001' throughout the Planning Scheme, introduces Port Fairy Design Guidelines 2001 as an incorporated document, and amends Maps 34,45 & 36 DDO1 to reflect the revised boundary of the area to which the Guidelines will apply.*

56. This panel built upon the previous panel in 1998 which introduced the current format of Design Guidelines but only applied controls to the approaches and east beach. The remainder of the town had the built form controlled by Heritage Overlays.

57. This panel report clearly considered the original application of the Design Guidelines and makes recommendations about future strategic work and refinements to the Controls proposed under the amendment.

58. This panel report provides useful background and discussion on the need for Height Controls across Port Fairy and the use of mandatory vs discretionary controls as well as other detailed discussion of the format, interpretation and intent of the existing controls as well as a discussion in the interpretation of the controls versus the options available in zone schedules at the time.

59. It is acknowledged that the format of the zone schedules, and available suite of zones has been amended since this time, and this discussion whilst somewhat relevant in relation to the proposed schedules vs DDO controls in the growth area.

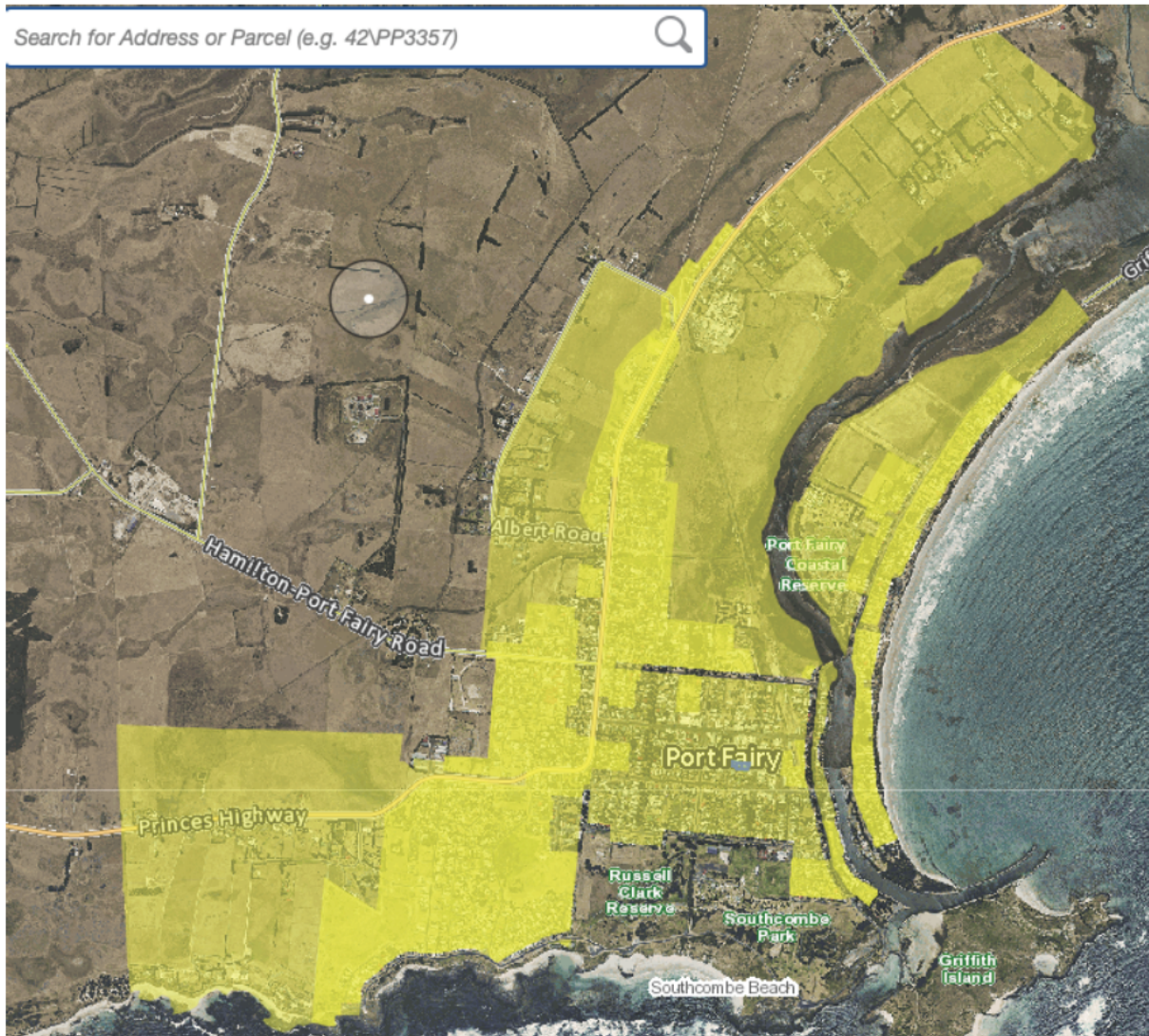


Figure 11 Areas included in Amendment C3 - Implementation of Design Guidelines Source Vic Plan Amendment Search Moyne C3 – The darker yellow areas appear to show locations where the previous DDO was already applied.

60. The panel report also provides a useful discussion why the design guidelines were an incorporated document and not condensed into the schedule text at the time.

61. A copy of the panel report is provided as an attachment to this submission.

EXISTING DESIGN AND DEVELOPMENT OVERLAYS

[REDACTED], there are aspects of the Design Guidelines (not the DDO Schedules) which are outdated, particularly in relation to the East Beach precincts.

63. That said, on the whole, the Design and Development Overlays are working as envisaged and providing a higher quality of built form than may have otherwise been built.

64. The acceptable solutions are viewed as a starting point by most council staff and allow negotiations to be had around alternative solutions in the absence of being able to design to achieve an acceptable solution.

65. Difficulty can ensue when new council staff inexperienced in the interpretation and application of the design guidelines view the acceptable solutions as mandatory requirements, which they are not.
66. This experience has occurred more frequently due to a higher than usual turnover of statutory planning staff over the last 3 years, including regular use of consultants working remotely who are unfamiliar with the character of the town. I do recognise this isn't a problem with the existing overlays and guidelines, but rather unfortunately a staffing and experience issue.
67. [REDACTED]

VCAT APPEALS SINCE 2002

68. Given the widespread updates to the Design and Development Overlays in 2001, the Moyne Shire has had oversight through a planning permit assessment process on the character of the town whilst the dwelling numbers have grown by 148%, and likely more before this with the Interim Development Order having been in place across the town since 1976.
69. Very few of the 760 new houses built over the last 20 years were contentious in the wider community, with only 20 VCAT decisions recorded in AUSTLII for Port Fairy since 2002.⁷ These decisions relate to the construction of dwellings, apartments, dwelling extensions and subdivisions. There were 6 applications which were refused at appeal, with the remaining 14 being issues permits by VCAT.
70. As such, of the 760 dwellings constructed in Port Fairy over the last 20 years, 2.5% were subject to a VCAT appeal and the refusal rate was 0.7%. In a couple of the refusal cases, the proposals were refined and later received permits with support from VCAT through repeat hearings.
71. Of the approvals by VCAT, there are 10 dwellings which based on aerial photography review have not been acted on and the dwellings were not constructed (133 Griffiths St and 76 Griffiths St).

VIEWS ON STRUCTURE PLAN

72. I [REDACTED]

⁷ VCAT Search – “planning and environment list” and “port fairy” and “dwelling” 18/09/2022

73.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PROPOSED SCHEME CHANGES

77. In relation to the proposed changes to the planning scheme I offer the following comments taken from my original submission with summary paragraphs addressing the panel/part A proposed changes.

CLAUSE 21.06

78. The loss of distinction between greenfield and infill development sites in relation to the impacts of sea level rise and climate changes on the town is regrettable.
79. There are many infill sites which, over the next 80 years, will be suitable for sensitive re-development as the housing stock reaches the end of its useful life.
80. A lack of distinction between the two types of development in this policy and the local floodplain development plan is detrimental to the affordability and availability of property within the town.
81. It is noted that the Local Planning Policy at Clause 22.02-1 Coastal Areas is not proposed to be amended, as the current iteration does not address flooding or climate change in any detail. It is concerning that this amendment does not seek to update the policies as well as the Municipal Strategic Statement.

CLAUSE 21.09-3

82. I am concerned that the existing Municipal Strategic Statement as it relates to Port Fairy doubles in length from 4.5 pages to 9 pages. Much of the policy is long winded, and where specific outcomes are sought in the strategies, they may be better placed within a Local Planning Policy at Clause 22 (which is the approach taken for Mortlake and Koroit).
83. There also appears to be confusion as to where policies should sit under appropriate headings – such as industrial outcomes being stated under the tourism section, rather than the industrial section.
84. I am concerned that for a lay person trying to interpret the policy, Clause 21.09-3 appears very confusing and difficult to interpret in relation to a particular site, strategic outcome or development project.
85. I feel the draft policy at Clause 21.09-3 does not act as a ‘concise statement of the key strategic planning, land use and development objectives for the municipality’ that it should be in accordance with Clause 23.02.
86. Local Planning Policies should specifically relate to a statement of intent or expectation in specific circumstances, and are the tools used on a day-to-day basis by planning professionals (including Council Officers) to provide guidance for decision making. Much of the detail of Clause 21.09-3 fits this definition of Local Planning Policies as set out at Clause 23.03.
87. I am also concerned that the flow of the clause does not reflect the themes or outcomes of the Planning Policy Framework to allow simple transition to the new framework through a later amendment.

PART A COMMENTS –

88. The part A ordinance makes significant changes to the length and content of proposed Clause 21.09-3. It does not resolve my concerns that it doesn't meet the outcomes sought in Clause 23.02 and will be difficult to translate into the new format Planning Policy Framework.
89. I have drafted up some comments/track changes to Clause 21.09-3 Part A ordinance for your consideration, where based on my experience in Port Fairy I think there would be benefit in altering or amending the text.

INTEGRATION WITH CLAUSE 21.05

90. Clause 21.05 provides some background on the pressures which led to the introduction of the Port Fairy Design Guidelines in 1998.
91. This clause also includes objectives which are not proposed to be reviewed under this amendment but add to the context further set out in Clause 21.09-3.
- To direct the built form and appearance of development in culturally and environmentally significant areas through appropriate design guidelines.
 - To achieve a quality of residential development which conforms with accepted principles of sustainability and efficiency.
 - To protect the Neighbourhood Character of Port Fairy.
 - To ensure that new development in Port Fairy respects built form and/or the coastal and riverine location of the area, including existing character, the integrity of the dune formations, maintenance of floodplains, native vegetation and significant view lines to and from the coast.
92. General Strategies include the following:
- To encourage population growth within all areas of the Shire.
 - To encourage a range of accommodation opportunities in urban areas including medium density housing to suit the various and changing needs of the Shire's residents.
 - To apply the Port Fairy Design Guidelines to protect the Neighbourhood Character of the town.
 - Support development that is sympathetic to heritage places and precincts.
 - Avoid development, including complete demolition, which would adversely affect the significance of a heritage place or precinct.
 - To introduce mandatory building height controls to ensure that new development will not dominate the coastal and Moyne River estuary surroundings and view lines of Port Fairy.
 - To introduce discretionary building height controls to ensure that new development will respect the Neighbourhood Character in the established areas of Port Fairy away from the coast and the Moyne River estuary.

- To encourage residential development within existing serviced areas and established settlements.
93. It is recommended that the panel review the other clauses of the LPPF and MSS to determine whether there are contradictions with the proposed policy updates at Clause 21.06 and 21.09-3

ZONE CHANGES

Sandspit Road/Model Lane

94. I do not support the re-zoning of Farming Zone, Industrial Zone and Low-Density Zone land to Rural Conservation Zone. The Rural Conservation Zone is not an appropriate blanket zone for this area for the following reasons;
- It places agricultural activities into a Section 2 use. This will create additional permit requirements for existing agricultural enterprises to continue to undertake their agricultural activities and upgrade agricultural infrastructure including shedding or the like.
 - The proposed zones leave the river itself, north of the Gardens Caravan Park in the Farming Zone. This appears to be a contradictory approach, given the aim of the Rural Conservation Zone is to protect the environmental values of an area.
95. A more nuanced approach may provide outcomes where the low-lying saltmarshes along the river frontage are suitable for zoning in the Rural Conservation Zone, and the remainder of the land is retained in the current zoning.
96. If Council was being consistent with the application of the values of the Rural Conservation Zone, an appropriate approach may have been to re-zone the Low-Density Residential Zone land along Reedy Creek to the Rural Conservation Zone, like the proposal to the Moyne Riverbank does.
97. No changes are proposed to the zoning on the northern part of Reedy Creek (between Albert Road and Goldies Lane), whereas the adjoining Mixed-Use Zone and General Residential Zone land is to be re-zoned. This is inconsistent to the approach taken elsewhere.

Additional Comments

98. Another approach would be to increase the application of ESO1 to protect the environmental qualities of the estuary, an approach which has been undertaken successfully further north in the Lough and even to the river itself.
99. The panel report (C21Moyn) indicates that the only reason it wasn't applied to this area at the same time was due to other strategic work in the town being undertaken. It is noted that this strategic work didn't commence in the format envisaged at the time and has morphed into the Structure Plan.
100. There is a further approach that could have been undertaken in relation to the Rural Conservation Zone – the schedule permits a smaller lot size to be contemplated and retains permit requirements for dwellings. Moyne Shire has not taken this approach.

Powling St Wetlands

101. The mapping of the Public Conservation and Resource Zone over the Powling St Wetland incorrectly places an unmade road reserve which is part of the wetlands in the Neighbourhood Residential Zone, extending into the middle of the wetlands, rather than in the Public Conservation and Resource Zone.

Additional Comments

102. The mapping has not been altered to correct the above mistake.

103. It is also noted that the road reserve in question, is covered by a road closure overlay map but there is no ordinance in the scheme.

104. Moyne Shire should either complete the road closure process and return the land to public reserve status or add ordinance to the scheme. These comments also apply to former road reserves off Griffiths Street leading to East Beach.

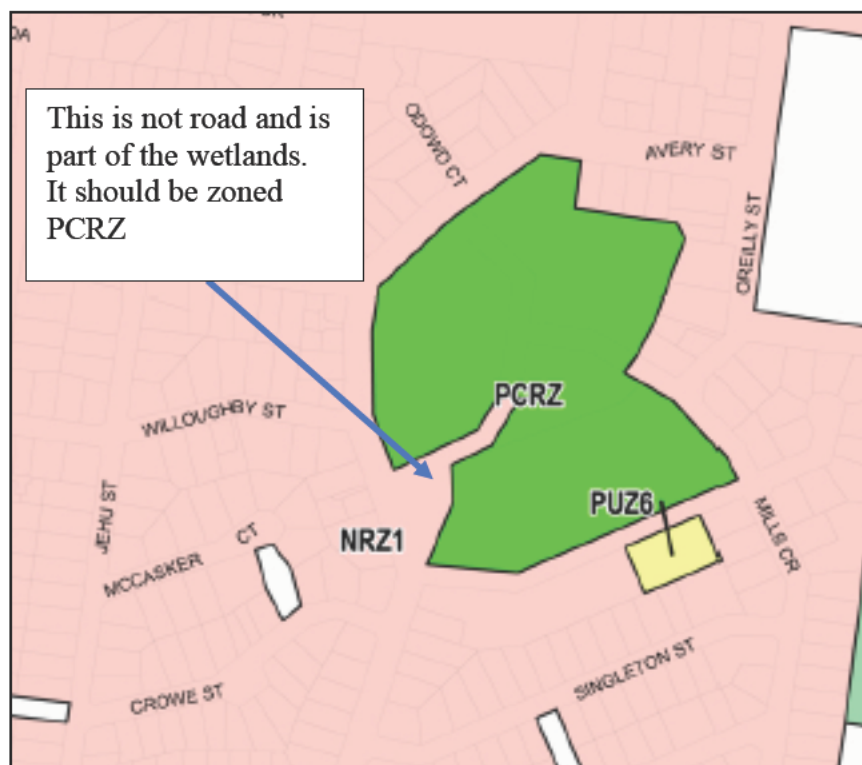


Figure 12 Excerpt from Part B Submission P43 showing retention of NRZ1 into Powling St Wetlands

Regent Street

105. The proposed zoning retains the property at 14 Regent Street in two zones – it is not good practice to change the zones on a property to two different zones to those that already exist (General Residential Zone and Farming Zone to Neighbourhood Residential Zone and Rural Conservation Zone). This will leave the Neighbourhood Residential Zone parcel of land on this property, to be accessed via the Rural Conservation Zone land. This creates confusing expectations for development versus risk for the property owners.

106. Of the farming zoned land around accessed off Regent and Gipps Street, some is proposed to be moved to the Neighbourhood Residential Zone and some to the Rural Conservation Zone. This is inconsistent treatment of already developed urban land.

Additional Comments

107. It is noted that Council have formed a different view for 2 Regent Street under the Part B Submission – but not to this property.

108. This is still inconsistent and contradictory when comparing the two properties which are near neighbours, (separated by the Rail Train) and both proposed to be almost entirely covered by the FO. It is noted what appears to be a road to the west side of 14 Regent Street, but this is in fact a private road and not utilised by 14 Regent Street.

109. It feels a little like Moyne Shire is penalising the submitter at 2 Regent Street, but not the property at 14 Regent Street who did not submit (as far as I am aware) to the amendment.

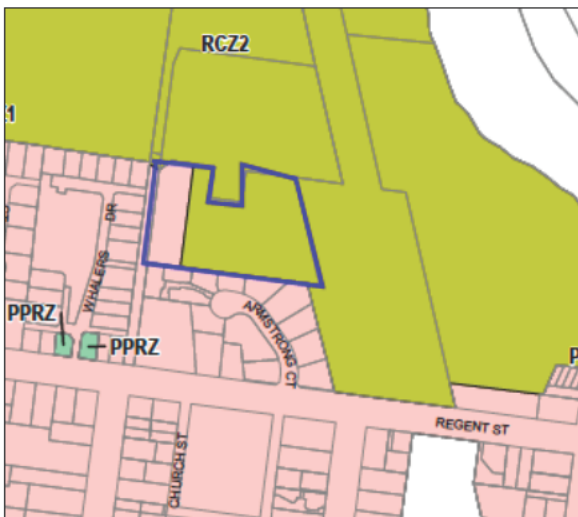


Figure 15 14 Regent Street outlined in Blue – Exhibited Map

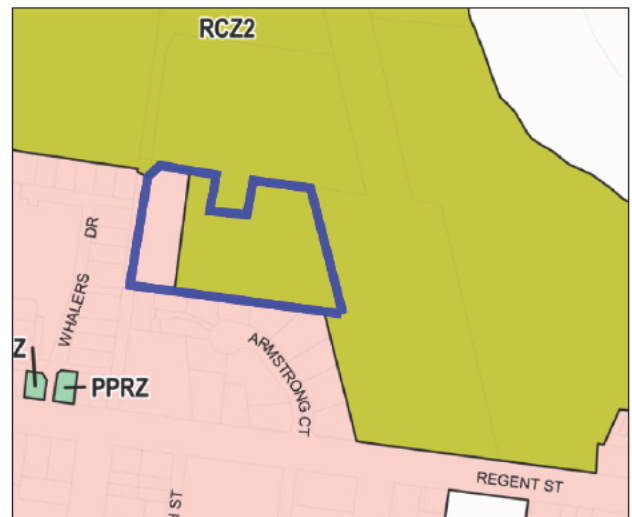


Figure 16 14 Regent Street Part B Submission Map showing zone change to 2 Regent Street

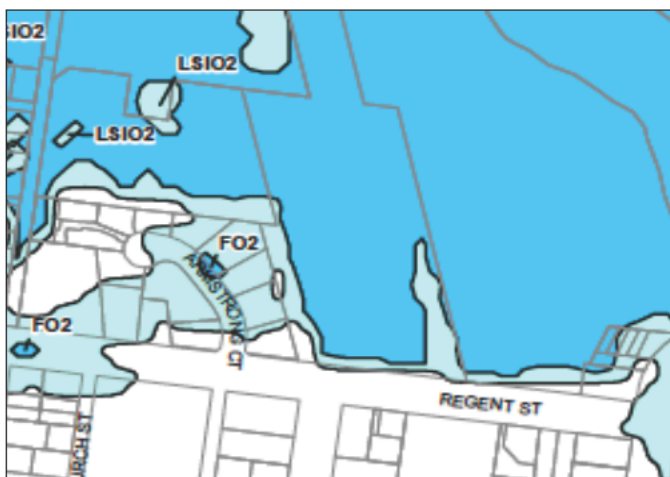


Figure 13 Exhibited Flood Mapping

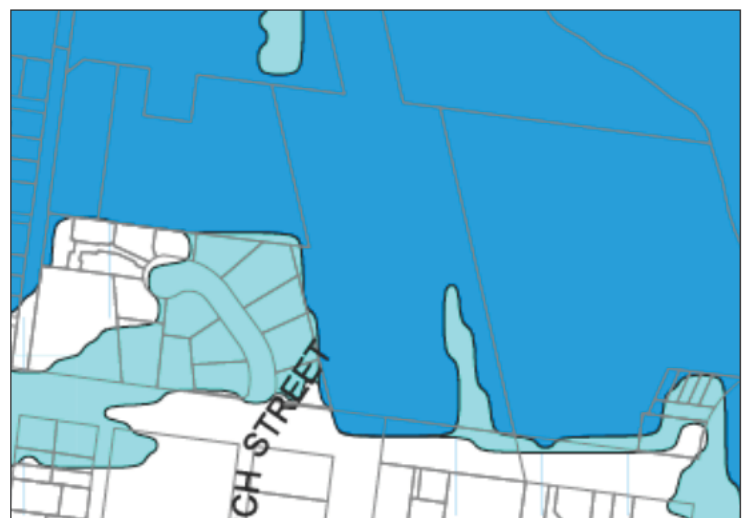


Figure 14 2021 Flood Mapping

Osmonds Lane

110. The zoning also maintains existing farmland in the General Residential Zone, which is to the east side of Osmonds Lane in the Neighbourhood Residential Zone, whilst applying a flood overlay to the land in its entirety. These are contradictory controls, particularly given the back zoning of the adjoining farming zoned land in the same property to the Rural Conservation Zone.

Additional Comments

111. I note that the Part B Zone mapping makes no changes to this, and that the landowner has provided a written submission to the amendment. As per the comments about Regent Street – the controls appear to be contradictory with the partial re-zoning to Rural Conservation Zone and the application of the Flood Overlay over these lots.
112. Based on the frontage length the NRZ land extends from Roberts Avenue north to Norfolk Place with a frontage of 450m to Osmonds Lane ((which is hard to tell from the split maps but on review in Vic Plan can be measured). Here, Reedy Creek is also on private land, and is an open channel. Based on a lot width of 18m and a depth of 40m, it would be possible to create 25 720sqm lots in this zoned land, assuming the Flood Overlay is not an impediment to subdivision.

OVERLAY CHANGES

Erosion Management Overlay

113. As this overlay is already in the scheme, applying to the Port Fairy West local area., the documents relating to the EMO were not available for download from the Amendments online website. This is confusing for all landowners, who may not know where to find the relevant schedule or information, as it is not on the link provided to them by Council.
114. The detail of the schedule to the overlay requires a landowner to engage a suitably qualified professional to undertake their own coastal hazard assessment when Moyne Shire already has a Coastal Hazard assessment which has been undertaken by UNSW. This seems to be a duplication of information, for little gain.
115. Whilst the overlay has been in place in Port Fairy West for a couple of years – have any applications been assessed under this? Was there a duplication of information from Council’s Coastal Hazard Assessment in any application received? Was the overlay helpful in guiding development or has its implementation stopped development applications from even being lodged with Council for consideration?
116. My experiences with this overlay and confirming application requirements with Council has resulted in a landowner who was interested in installing a swimming pool near their dwelling, in abandoning the concept due to the significant costs imposed on preparing an application under this overlay.

117. There are 5 vacant lots proposed to be located in this overlay – these properties will require a report to be prepared in accordance with the requirements of this overlay. Of these properties, four front a public road, Ocean Drive and then the foreshore is beyond that.
118. These properties have no legal way to protect themselves from Coastal Erosion – they don't even have a title extending to the public coastal land.
119. This is different to the situation in Port Fairy West where this overlay has been applied, where titles extend to the high-water line.
120. This overlay seems to seek to control an outcome that these properties owners legally cannot impact or control.
121. The same situation applies to properties which may be suitable for re-development over the next 20-30 years – they also have no controls over any works on the coastal frontages which may change or mitigate risk of erosion.

Additional Comments

122. There has been little discussion of the EMO in the panel hearing or by the experts as the focus has squarely been on the impacts of Sea Level Rise on Inundation events, not on the dune-based properties in East and South Beach.
123. The additional requirement to prepare a site-specific coastal hazard assessment, particularly when a property doesn't directly adjoin a beachfront is problematic in my view. There is a Council asset (such as a road or public space) to the beach side of these properties, the landowners have no control over the erosion impacts or preventative options undertaken in these areas. Since the structure plan was prepared, additional areas of the East Beach have had the rock walls re-built to protect the primary dune and beach area. My understanding is the rock walls were designed to protect the dunes for decades before risk of failure becomes an issue.
124. Council staff have not provided any answers to the questions posed in paragraph 112 either directly to me or via the response to submissions. This is disappointing, as I think these questions are relevant for the panel to consider.
125. If implemented, the EMO will be an additional cost of doing development in these areas, and Council staff will need to skill up to be able to interpret the expert reports being provided as part of permit applications.
126. Whilst the EMO hasn't been a key issue in the panel hearing, it may be of benefit for the panel members to travel along Beach Street, Hanley Court, Lydia Place, Rogers Place, Manifold Street and Connolly Street and around Battery Lane, as well as the length of East Beach between these streets.

LAND SUBJECT TO INUNDATION AND FLOOD OVERLAY

1.2 VS 0.8 AND LSIO VS FO

127. The proposed controls map sea level rise to 1.2m and go beyond the accepted standards for calculating risk from sea level rise on urban or semi-urban settlements.
128. This results in significant increases in planning controls on properties which are currently located in urban or peripheral areas of the township and are slowly being developed or re-developed as land comes to market.
129. The Local Floodplain Development Policy is absolute in its direction to Council, meaning that case by case development scenarios cannot be supported by assessing officers, even where appropriate built form outcomes may mitigate risk.
130. This may continue the current situation where development within the floodplain is proposed in a manner which mitigates risk, Council staff are unable to support development based on a risk analysis and backed by objections from the Glenelg Hopkins Catchment Management Authority.
131. Council's instrument of delegation does not extend to refusal of permit applications, meaning determination falls to the full council. This has often resulted in a recommendation to refuse an application being determined by the full council – where officer recommendations are often overturned, and a permit issued.
132. None of the permit decisions made in this manner over the last few years have been taken to VCAT to test the strength of current floodplain policy and planning scheme controls.
133. There appears to be a lack of willingness from the Glenelg Hopkins Catchment Management Authority to appeal permits for development in floodplain controls at VCAT, giving the community the impression that Council officers are obstructing reasonable development and that the wider Moyne Council is supportive of modest development in the floodplain. I note, this is a perception in the community, and does not reflect organizational policy or decision-making processes.
134. I am deeply concerned that this will continue with the approval of the amendment as it stands.
135. I am concerned that there are landowners who have taken steps recently to legally gain permits and subdivide land for residential development, which is now proposed to be affected by flood controls, who will be unreasonably affected with the introduction of this amendment. This is particularly prevalent in the changes proposed to Model Lane, in both proposed changes to zoning and flood controls.

PART A COMMENTS

136. The panel discussion around 1.2 vs 0.8 and LSIO vs FO is a complex discussion and as I have no technical expertise in these matters, feel it best to leave these matters to the various experts who have presented to the panel.

137. I am concerned that the increase in application of the FO would prevent subdivision being considered, and on that basis support the use of an LSIO for sea level related inundation events in riverine and coastal areas over the FO.

138. I note that the GHCMA have recently lodged two appeals for matters in which they recommended refusal in Port Fairy, but the Shire issued NOD to grant permits.

Albert Road and Reedy Creek

139. I do support the alterations to exhibited mapping which reduce the extent of flood control to properties which have had their risk lessened due to the connection of Reedy Creek to the Moyne River allowing outflow to occur.

140. It is noted that the exhibited mapping reduced the extent of flood controls in these areas removing them from the Flood Overlay and including them in the Land Subject to Inundation Overlay. It is also noted that the 2021 mapping placed these properties back into the Flood Overlay.

141. When questions on this were posed to Council staff and HARC in December 2021, they indicated the GHCMA had revised the data point at which they recommend the LSIO or FO be applied (my understanding is it was to be reduced from 0.5m to 0.3m but I haven't been able to confirm this – and it wasn't mentioned by the flood experts) and

requires that the area have a depth of greater than 0.5m or a velocity by depth product of greater than 0.4. The LSIO overlay is the flood extent, with the area of FO removed.

The number of properties impacted in each scenario modelled for each overlay and the total number of properties impacted by the overlay has been calculated is shown in Table 4. This has also been assessed against the previously exhibited overlays, which used a 1.2m SLR case with a 5% riverine and 1% ocean boundary. Note that the new overlay extents have been shifted in accordance with Section 5 of this report.

Table 4 – Properties included in potential overlays

Scenario	Properties in FO	Properties in LSIO	Total Properties
Exhibited Overlay (1.2m SLR, 1% Ocean-5% River)	819	820	1,041
A (0.4m SLR, 1%-10%)	442	587	739
B (0.4m SLR, 1%-5%)	482	568	748
C (0.8m SLR, 1%-10%)	579	529	819
D (0.8m SLR, 1%-5%)	622	447	833
E (1.2m SLR, 1%-10%)	860	550	1,065
F (1.2m SLR, 1%-5%)	893	544	1,089

There are a large number of properties that appear in both overlays. [REDACTED]

[REDACTED]

4.4 Recommended Approach

Figure 17 p27 Flood Summary Report 2021 HARC - emphasis added

despite the mitigation works undertaken in Reedy Creek desire the adjoining properties generally remain with the Flood Overlay.

142. The only reference to the change is at p27 of the Flood Summary Report, with no explanation of how or why the method was changed.

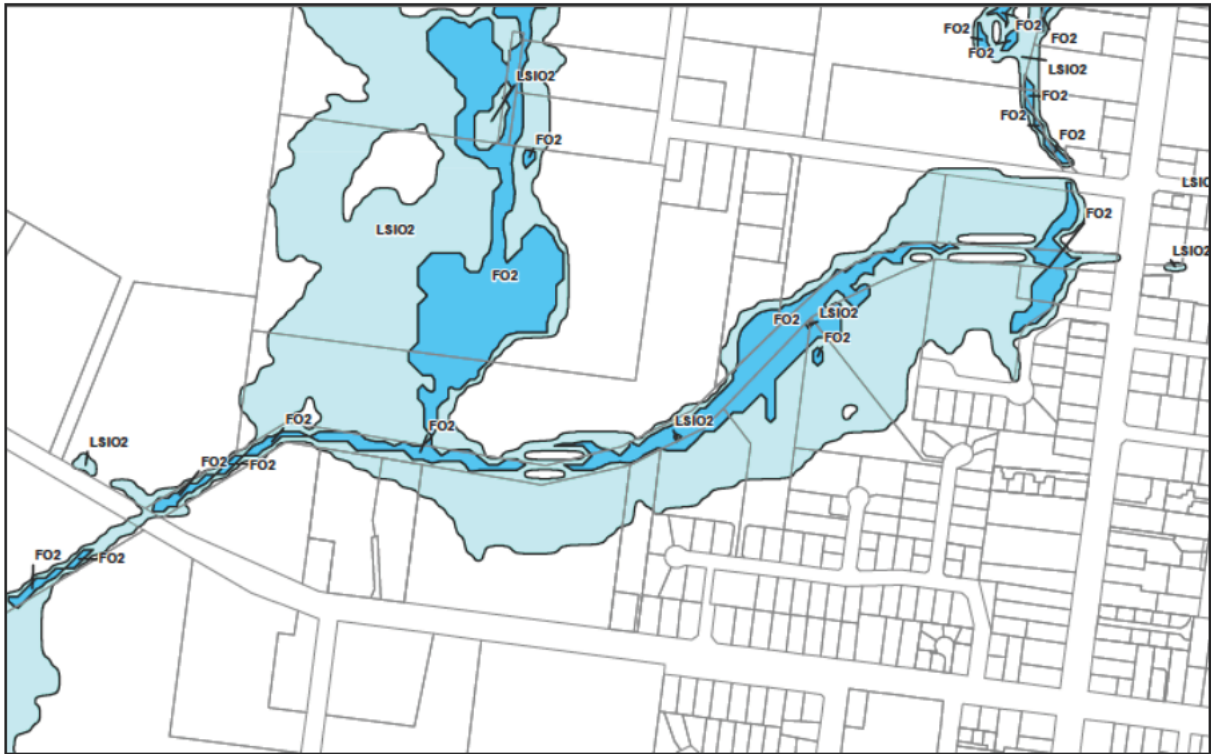


Figure 19 Exhibited Overlay Reedy Creek Environs between Princes Highway and Hamilton-Port Fairy Road

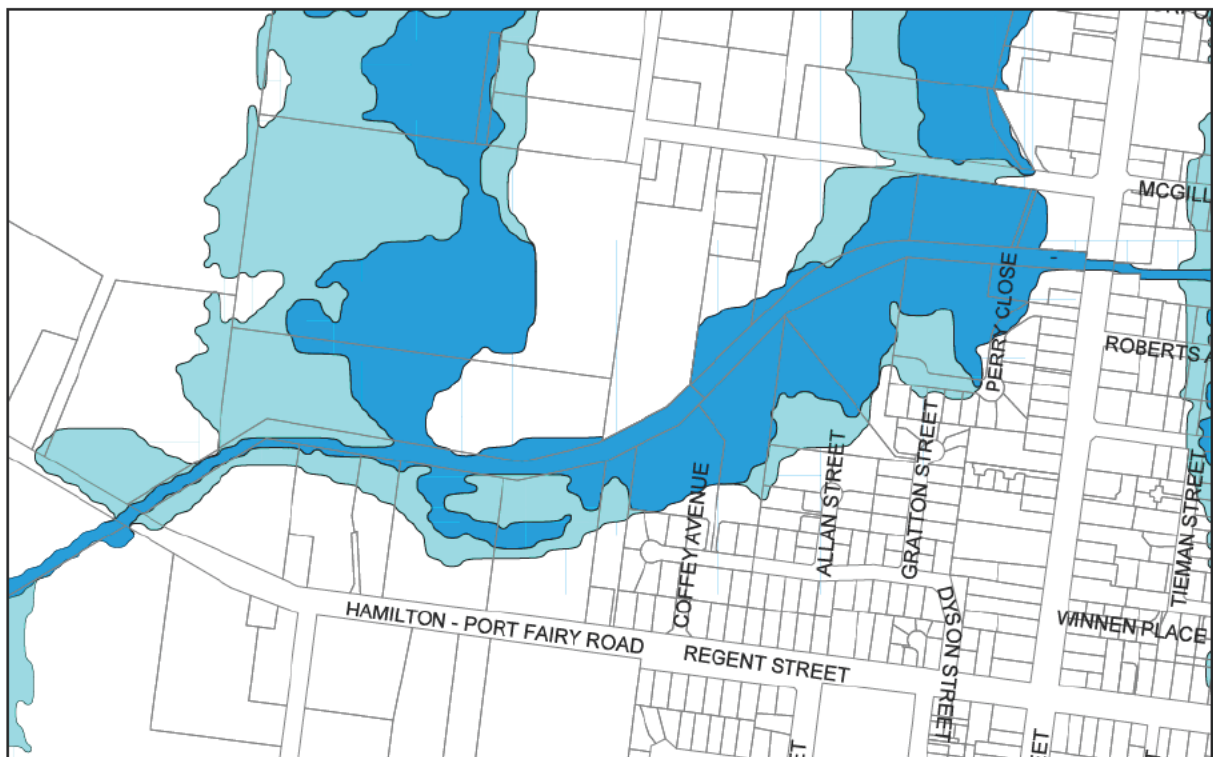


Figure 18 2021 Modelling showing significant change in extent of FO proposed to Reedy Creek Environs between Princes Highway and Hamilton Port Fairy Road

143. The strategic basis for this is not well understood, particularly as this area isn't generally subject to impacts from Sea Level Rise and mitigation works have already been undertaken and modelled.

DESIGN AND DEVELOPMENT OVERLAY

144. General comments –

- Why are the garage setback requirements (at least 1m behind front wall of building) mandatory in some overlays but not in others?
- Why has the requirement to set garages back as far as they are wide been changed to a minimum of a 1m setback?

145. The fence permit exemptions don't make sense –

- Why can't a fence less than 1.2m in height be solid or permeable to less than 50% without requiring a permit?
- Why does the permeability matter if the height is low and allows for passive surveillance?

146. The above questions have not been answered by Council staff or in the response to submissions, and I think are relevant for the panel to consider.

147. I have prepared some summary tables to assist the panel in understanding the changes proposed when compared to the existing overlays. These tables are not exhaustive but give an indication of key measurable changes on quantifiable elements of the existing controls. The structure plan does not provide any detail or strategic assessment as to why some aspects are being loosened and some tightened, or why have they been altered from Should to must – whether or not they are mandatory musts.

DESIGN AND DEVELOPMENT OVERLAY 1

148. I do not support the mandatory height control of 9m proposed – a discretionary height control is most appropriate to Commercially Zoned land allowing the design specifics and site context to be considered by the Responsible Authority in relation to appropriate building height.

DESIGN AND DEVELOPMENT OVERLAY 2

Heights in Wishart Street

149. Many existing dwellings in Wishart Street have a façade height equal to or greater than 3.0m. As an example, a proposed addition of an extension to a side of an existing dwelling, where a design seeks, for example to match an existing internal ceiling height, may be unable to achieve appropriate heritage design outcomes as a result of the change from a discretionary façade height to mandatory façade height.

150. The overlay also proposed to alter an existing discretionary building height of 5m in Wishart St to a mandatory building height of 5m.

- What is the justification for this? It differs from the existing controls and those proposed to be applied to all other precincts.
151. There does not appear to be any strategic justification in the Structure Plan in terms of further restricting development in Wishart Street.
152. A recent example of a development application in Wishart Street, proposed a side extension, with a façade height of 3m similar to the wall height of the existing dwelling.
153. Discussions around appropriate wall height centred on heritage policy and heritage outcomes, and a satisfactory wall height was achieved after advice was received from Council’s Heritage Advisor.
- Note: This extension has now been built at 7 Wishart Street, should be panel desire to see the end result.
154. It is important, due to the significance of heritage fabric in Wishart Street, that discretion be applied on a case-by-case basis, centred around heritage advice and impact on the heritage qualities of the area, rather than mandated via mandatory façade height control of 3.0m.
155. This control should return to discretionary, as per the current Design and Development Overlay which applies to Wishart Street, to allow positive heritage outcomes such as that achieved at 7 Wishart Street is to continue to be achieved.
156. There is no definition of façade height in the control.
- Does it only relate to a building façade visible from the street frontage or any building façade?
 - Does it seek to prohibit first floor extensions by way of mandating a maximum façade height Side Setbacks
157. The policy position on side setbacks should be clarified as to whether it applies to new buildings (in their entirety only – such as a shed or a new house) or whether it applies to new building works to existing buildings (i.e., A side extension), and whether the immediately surrounding character of setbacks should have any bearing on what an appropriate side setback is for that location.
- Note: The setback at least part A ordinance specifies new buildings and extensions in some overlays. In other overlays it continues to state only ‘new buildings’. This has been somewhat clarified in the ordinance.
158. There are many central parts of Port Fairy which contain heritage dwellings which are built to one or both side boundaries. The spacing of buildings relates more to the heritage character of a particular site or area, than a particularly uniform built form outcome.
159. A recent development approval at 49 William Street, contained many discussions on how to interpret the existing setback policy as a design was proposing a side setback greater than 2m on one side, but less than 2m on the other side. The side with the greater setback adjoined a 2-storey heritage wall, setback 1m from its boundary.
160. Compliance with the existing side setbacks in the Design and Development Overlay would have compromised both amenity, streetscape and heritage outcomes. The

garage was setback 11m from the street frontage, and the combined setback was achieved on the property for all but a hallway which was located 9-10m behind the building façade. This is just one example of the way in which the interpretation of this wording can be problematic.

- If a dwelling is setback in line with adjoining dwellings (say 6-8m from front title boundary), why does a setback matter for another 10m behind the building façade?
- The use of a measure in relation to building façade setback indicates the setback is of significance to the streetscape at a distance of 16+m from the front title boundary. This is problematic where most lots are between 25-40m in depth, requiring a setback to any (this is problematic wording in itself) side boundaries of 6m combined between two properties.

161. I recommend that the wording of the setback requirements be amended to state the measurement of 10m should be taken from the front title boundary, or lessened where a site is narrow or there is a setback of car parking at least 10m from the front boundary (as per the outbuildings and car parking requirements)

Garage Setbacks

162. The requirement to only set garages back 1m behind the main building façade is contradictory to heritage outcomes and to the requirement that 'garages should be sites to minimise visibility from the street and be consistent with the character of the precinct.'

163. There are very few areas in Design and Development Overlay 2, if any, in my opinion, where a 1m setback of a garage behind a façade would be appropriate from a heritage perspective.

164. This requirement incorrectly gives the impression that a 1m setback is all that is needed to provide appropriate character outcomes.

165. That is not the case for the existing built form and heritage character of this precinct, and the setback specified in the existing design guideline which state a garage should be set back as far as it is wide from the front wall of a dwelling is appropriate.

- NOTE: The Part A Ordinance removes this requirement in its entirety, with no garage setback mandated or recommended for the precinct. This is not supported.

Garage Width

166. Clarification is sought as to whether maximum garage widths relates to garage doors only or to the full internal width of a space?

167. If a design is seeking to contain, for example 'shed functions' adjoining a double garage, an internal width greater than 6.5m might be appropriate, but an external garage door width of greater than 6.5m might not be.

168. NOTE: The Part A Ordinance generally states, 'external width' and proposed this be a mandatory item. This still does not clarify the question above as to whether it relates to

the width of the space itself or the garage doors. It is requested that the panel consider this wording and provide recommendations for further clarification.

Fencing

169. The reference to parallel fences should be removed, as a fence setback in line with a building façade does not require a permit under this overlay.
- Note: Part A Ordinance alters the fencing requirements from Must to Should but retains reference to parallel fences and requires they are 50% visually permeable. This is not supported. It is unclear what exactly this requirement is seeking to achieve in terms of built form outcomes.

DESIGN AND DEVELOPMENT OVERLAY 3

170. The allowance of garages being on a side boundary where a 10m setback is provided to a front boundary is contradictory given the preceding requirements that development be 20m setback from a street boundary, and 10m setback from a side boundary. It appears to be a mistake. This requirement should be deleted.
171. The use of un-rendered brickwork or blockwork may be appropriate for the character outcomes sought under this overlay. Many of the recently developed dwellings in the proposed Design and Development Overlay 3 areas include un-rendered brickwork or blockwork and provide appropriate character outcomes.

DESIGN AND DEVELOPMENT OVERLAY 4

172. This Design and Development Overlay is generally supported. A higher site coverage, such as that specified in ResCode may be appropriate to these character areas.
173. It is suggested that the following outbuildings guideline is added –
- Garages, outbuildings and areas allocated for parking vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the precinct where a property is also located in a heritage overlay.
174. There are a significant number of properties scattered through this Design and Development Overlay which are also located in heritage overlays, including on the Princes Highway north of Regent Street.
175. The overlay should recognise that to achieve the objectives of the overlay relating to heritage, additional guidance relating to garages should be given where a heritage overlay is also in place.

DESIGN AND DEVELOPMENT OVERLAY 5

176. Clarity is sought regarding the ‘beach frontage’ in the side setback requirements.
- Does this only apply to properties where the title adjoins the beach (rather than a road reserve or other public open space)?

- Is the intent to apply to all eastern title boundaries? The wording of this provision is not clear in its intent.
- Note: The Part A Ordinance does not address this question

DESIGN AND DEVELOPMENT OVERLAY 6

177. Reference to river setbacks should be amended to state – be setback a minimum of 4.5m from a property boundary adjacent to the Moyne River (or road reserve/public open space reserve) or in line with setbacks of adjacent properties, whichever is the greater, as per the existing design guidelines.

- Note: The Part A Ordinance addresses this concern.

178. The loss of the last part of the statement, will have a significant negative impact on built form outcomes going forward.

179. The overwhelming majority of setbacks from the river are greater than 4.5m, and the wording of this policy as it stands, would essentially permit all buildings to encroach within 4.5m of the river frontage.

180. That would not be a good built form outcome for the town and river character. There is currently a case awaiting a VCAT hearing at 95 Gipps Street, where the river setback requirements are one of the key points of contention. The decision on this hearing may provide some appropriate guidance on how to translate the existing provisions into a revised Design and Development Overlay schedule.

181. No front boundary setback is specified in this Design and Development Overlay. That differs from every other overlay, in seeking a particularly consistent front boundary setback as a built form outcome.

- Note: The Part A Ordinance provides guidance in relation to front setbacks, although it is not very clearly worded. It is recommended the panel consider whether this point would benefit from further refinement.
- Note: The VCAT Case referred to above was refused at VCAT.

http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2021/1252.html?context=1;query=%22planning%20and%20environment%20list%22%20and%20%22port%20Fair%22%20and%20%22dwelling%22;mask_path=au/cases/vic/VCAT

182. This overlay precinct is dominated by heritage building fabric, of which garages are not a dominant streetscape form.

183. It is concerning that the requirement that ‘Garages, outbuildings and areas allocated for parking vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the precinct’ which is applied to the proposed Design and Development Overlay 2 – is not applied to this overlay to ensure that garages do not become an overwhelming feature as sites are re-developed over time.

- Note: The Part A Ordinance re-introduces this requirement to the schedule.

DESIGN AND DEVELOPMENT OVERLAY 7

184. This Design and Development Overlay is generally supported.

185. The comparison table provides additional detail on the changes, and it is noted that there are some significant changes when compared to the current requirements in the Thistle Place Overlay. The comments previously made regarding the use of must vs should, equally apply to this overlay.

SUMMARY

186. Whilst many of the changes proposed are well intentioned, the translation of the Port Fairy Coastal and Structure Plan into planning policy raises significant concerns around the impacts it will have to dramatically lessen the potential for appropriate and modest development to be considered on a case-by-case basis through a planning permit application process.

[REDACTED]

[REDACTED]

[REDACTED]

18 September 2022

	Design Guidelines Area	Site Coverage % Buildings	Site Coverage % Permeability	Building Height	Type of Building Height Control	Side Setback Controls	Front Setbacks	Garage Setbacks	Type of Garage Control
Exhibited Port Fairy Town Centre Precinct		40	50	7m (Wishart - 5m) Façade height 3m Wishart St	discretionary, Wishart – mandatory façade height only	2m - one boundary to have 6m combined setback within 10m of building frontage	none	1m	discretionary
Part A Ordinance Port Fairy Town Centre Precinct		NONE	NONE	7m (Wishart - 5m) Façade Height 3m Wishart St	Mandatory (Cannot be varied), Wishart - mandatory (Cannot be varied)	Any part of new building or extension MUST be: setback at least 2m from any side boundary; combined side setbacks equal a minimum setback 6m combined within 10m of the building frontage	none	None	None
DDO10 - heritage residential	Area 4A	40	50	7m	discretionary	2m, combined side setback within 10m of building frontage at least 6m	1m more than adjoining buildings	same as width	discretionary
DDO8 - Griffiths Street heritage	Area 2C	40	50	5m	mandatory	3m - combined side setback within 10m of beach frontage at least 8m	4.5m	same as width	discretionary
DDO11 - Wishart Street	Area 4B	40	50	5m	discretionary	2m, combined side setback within 10m of building frontage at least 6m	1m more than adjoining buildings	same as width	discretionary

DDO2 Comparison Table highlighting changes between existing, exhibited and Part A drafting.

Loss of site coverage guidelines is concerning given this is the town centre. Loss of garage setbacks is very concerning given the historical character of the town centre where vehicles do not dominate street character. Current policy has been very successful at providing garage setbacks where proposed in rebuilds or extensions to dwellings. Aside from the reduced building heights, the prescriptive elements of this overlay have been removed – meaning ResCode standards apply at building permit stage.

	Design Guidelines Area	Proposed DDO	Site Coverage % Buildings	Site Coverage % Permeability	Building Height	Type of Building Height Control	Side Setback Controls	Front Setbacks	Garage Setbacks	Type of Garage Control
Exhibited Port Fairy Settlement Approaches		DDO3	40	60	7	discretionary	10m	20m	1m	mandatory
Part A Ordinance Port Fairy Settlement Approaches		DDO3	40	60	7	Must (can be varied)	10m (Must can be varied)	20m (Must can be varied)	1m	Mandatory (can be varied)
DDO21 – peripheral areas	14	DDO3	None	None	7m	Discretionary	2m	4.5m	None	
DDO20 – Thistle Place	Area 13	DDO3	40	50	5m	Discretionary	5m – combined side setback of 12m within 10m of the building frontage	10m	Same as width	discretionary
DDO16 - Belfast lough	Area 9	DDO3	40	50	7m	discretionary	5m - combined side setback of 25m	50m from highwater line, 5m from front boundary	same as width	discretionary

DDO3 Comparison Table highlighting changes between existing, exhibited and Part A drafting.

Significant changes to site coverage/permeability and site setbacks when compared to existing DDOs and Design Guidelines. Mapping indicates this overlay will be applied to land in Griffiths Street/Ritchie Street/Manifold Street which is proposed to be re-zoned to Rural Conservation Zone. This is contradictory, particularly when there is no DDO proposed to be applied to proposed RCZ land in Model Lane.

	Design Guidelines Area	Proposed DDO	Site Coverage % Buildings	Site Coverage % Permeability	Building Height	Type of Building Height Control	Side Setback Controls	Front Setbacks	Garage Setbacks	Type of Garage Control
Exhibited Port Fairy Residential Areas		DDO4	40	50	9m	mandatory	one boundary to have 6m combined setback within 10m of building frontage	6m	1m	mandatory
Part A Ordinance Port Fairy Residential Areas		DDO4	40	50	9m	Mandatory (can be varied)	Building or extension: MUST (Can be varied) one boundary to have 6m combined setback within 10m of building frontage	6m	1m	Mandatory (can be varied)
DDO15 - town entrances	Area 8	DDO3	50	40	7m	discretionary	2m, combined side setback within 10m of building frontage at least 6m	6m	same as width	discretionary
DDO17 - north of regent Street	Area 10	DDO4	40	50	7m	discretionary	2m, combined side setback within 10m of building frontage at least 10m	6m	same as width	discretionary
DDO19 - Hamilton Road	Area 12	DDO3	40	50	7m	discretionary	2m, combined side setback within 10m of building frontage at least 6m	6m	same as width	discretionary
DDO21 - peripheral areas	Area 14	DDO4	none	none	7m	discretionary	2m	4.5m	none	discretionary
DDO18 - back of south beach	Area 11	DDO4	50	40	7m	discretionary	2m, combined side setback within 10m of beachside at least 6m	4.5m	same as width	discretionary

DDO4 Comparison Table highlighting changes between existing, exhibited and Part A drafting.

Increased requirements in some precincts and applies site coverages to areas where there is no assessment currently.

	Design Guidelines Area	Proposed DDO	Site Coverage % Buildings	Site Coverage % Permeability	Building Height	Type of Building Height Control	Side Setback Controls	Front Setbacks	Garage Setbacks	Type of Garage Control
Exhibited East Beach Precinct		DDO5	40	50	7	Mandatory (with allowances for flood floor height)	6m combined within 10m of beach frontage	none	1m	discretionary
Part A Ordinance East Beach Precinct		DDO5	40	50	7	Mandatory (allowances for flood floor height removed)	Building or extension: MUST (Can be varied) 6m combined within 10m of beach frontage . NO SIDE SETBACK CONTROLS FOR STREET FRONTAGES	MUST First floor setback 3m only. No requirements for Ground floor	1m	discretionary
DDO1 - East Beach Lydia place-Bourne Avenue (behind Bourne to Ritchie)	Area 1A	DDO5	40	50	7m	mandatory	2m, combined side setback within 10m of beachside at least 6m	6m First floor setback 2m greater than ground floor	same as width if front faces beach	discretionary
DDO4 - East Beach - Bourne to Ritchie	Area 1B	DDO5	50	40	6.5m	mandatory	2m, combined side setback within 10m of frontage at least 6m	6m	same as width	discretionary
DDO5 - East beach Lydia place to battery point	Area 1C	DDO5	40	50	7m	mandatory	2m, combined side setback within 10m of beachside at least 6m	beach setback only. First floor setback 2m greater than ground floor	4.5m from boundary	discretionary

DDO5 Comparison Table highlighting changes between existing, exhibited and Part A drafting.

	Design Guidelines Area	Proposed DDO	Site Coverage % Buildings	Site Coverage % Permeability	Building Height	Type of Building Height Control	Side Setback Controls	Front Setbacks	Garage Setbacks	Type of Garage Control
Exhibited Port Fairy Griffiths Street and Wharf Precinct		DDO6	40	50	8	mandatory	2m	river setback only	1m	discretionary
Part A Ordinance Port Fairy Griffiths Street and Wharf Precinct		DDO6	40	50	7m	Do not (no must or should) Additional allowance for land in LSIO/FO)	New building only MUST 2m	4.5m from front boundary (or in line with adjacent properties on river side) - river setback – 4.5m or in line with adjacent properties whichever is greater.	1m	discretionary
DDO6 - Griffiths Street north	Area 2A	DDO6	40	50	8m	mandatory	2m, combined side setback within 10m of street frontage at least 6m	4.5	4.5m from boundary	discretionary
DDO7 - Griffiths Street south	Area 2B	DDO6	40	50	8m	mandatory	2m, combined side setback within 10m of building frontage at least 6m	4.5	same as width	discretionary
DDO9 - East side Gipps	Area 6	DDO6	40	50	7m	mandatory	2m - combined setback at least 6m full length of building	4.5m (4.5m to river or in line with adjacent - whichever is greater)	same as width	discretionary

DDO6 Comparison Table highlighting changes between existing, exhibited and Part A drafting.

	Design Guidelines Area	Proposed DDO	Site Coverage % Buildings	Site Coverage % Permeability	Building Height	Type of Building Height Control	Side Setback Controls	Front Setbacks	Garage Setbacks	Type of Garage Control
Exhibited Port Fairy South Coast Precinct		DDO7	40	50	7m res, 5m rural	discretionary	2m res or 5m rural	4.5m	1m	mandatory
Part A Ordinance Port Fairy South Coast Precinct		DDO7	40 (35 rural zone)	50 (60 rural zone)	7m res, 5m rural	Mandatory in both zones	New building MUST (can be varied) 2m res or 5m rural	4.5m. First floor setback 3m behind Ground floor to street and beach	1m	mandatory
DDO13 - south beach (Ocean Drive)	Area 6	DDO7	50	40	7m	discretionary	2m, combined side setback within 10m of building frontage at least 6m	4.5m	same as width	discretionary
DDO14 - south beach west (thistle place)	Area 7	DDO7	35	60	5m	discretionary	5m - combined side setback of 25m	50m from highwater line, 5m from front boundary	same as width	discretionary

DDO7 Comparison Table highlighting changes between existing, exhibited and Part A drafting.