

MOYNE SHIRE

PLANNING SCHEME

OB9MOYN PANEL

PORT FAIRY COASTAL
AND STRUCTURE PLAN

WRITTEN SUBMISSION 53 AND 53A
PORT FAIRY EVERYDAY IGA
COASTAL UNIT INVESTMENTS

September 2022



ATTACHMENTS

- 1. Title Plans Supermarket Properties**
- 2. S173 agreement**
- 3. Existing DDO12**
- 4. Existing Design Guidelines**
- 5. Proposed DDO1**
- 6. Track Changes 21.09-3**
- 7. Track Changes DDO1 (based on Part A ordinance)**
- 8. Port Fairy Town Centre Car Parking Economic Assessment (Tim Nott)**



INTRODUCTION

1. This submission is being made on behalf of the owners and occupiers of 32-38 Sackville Street and 5a Barclay Street Port Fairy trading as Port Fairy Everyday IGA.
2. The land occupied by the supermarket includes five individual shopfronts, and 7 land titles. The overall land area occupied by the supermarket entity is approximately 1650sqm. The public floorspace of the supermarket is approximately 990sqm with the additional flood area utilised for stock and cold storage, butchery, offices, waste storage and staff parking/deliveries. There is no part of the supermarket property which is not being utilised.
3. In addition, the supermarket utilises the rear of 30A/30A Sackville Street for overflow palette storage where no other location on their site is suitable under an informal arrangement.

OUTCOMES SOUGHT

4. Abandon the proposal to re-zone to NRZ for 30A/30 Sackville Street and 5a Barclay Street.
5. Re-zone the remaining parts of 30A/30 Sackville St and 5a Barclay Street from GRZ to C1Z.
6. Revise the proposed extent of DDO1 to include all of 30/30A Sackville Street and 5a Barclay Street.
7. Remove mandatory provisions and make other minor alterations to wording of the schedule to ensure a consistent translation from the existing design guidelines which apply under Design and Development Overlay Schedule 12.
8. This isn't a circumstance where the request is to re-zone land which is currently not proposed to be re-zoned or is un-affected by the amendment. This is a request to abandon the change of zone proposed to 30/30A Sackville Street and 5A Barclay Street under this amendment and to seek a recommendation that the land should be investigated for re-zoning to Commercial 1 Zone.
9. Council's response to submissions (document 88c) notes the rezoning of land requires careful consideration - it is put that the Council has not undertaken careful consideration in relation to these properties and as there is no strategic basis, they are mistaken in their approach to re-zone the land in question to the Neighbourhood Residential Zone.

HISTORY SACKVILLE STREET



10. 32 Sackville Street was a laneway providing access to the rear of the adjoining properties in the original Atkinson Survey subdivision of 1843. The lane was built over in 1936, with a pedestrian accessway retained adjoining 30/30A Sackville Street benefitting both properties. The 1936 building operated as a pharmacy until 1979 later becoming a fish and chip shop.
11. The fish and chip shop burnt down in 2006, and the fire did not severely damage the adjoining buildings including the supermarket.
12. Following the fire, in 2009, a new building was constructed at 32 Sackville Street with the supermarket being expanded internally to the ground floor, with a dwelling above, accessed via a pedestrian entrance to the street and vehicle access via the un-named laneway at the rear.



Figure 1 Sackville Street Port Fairy 2019



13. The four shopfronts at 34-38 Sackville Street date from the inter-war period, and retain a consistent art-deco tiled façade, with indented entrances to Sackville Street. These buildings were not identified as significant in the 1975 report “Port Fairy A study” by Cox Tanner. They are identified as significant in the 2015 Port Fairy Heritage Citations. Both these documents are reference documents in the Commercial Heritage Local Planning Policy at 22.01-3.

14. In 1958 the complex of buildings contained the following businesses –

- 32 Sackville - Chemist
- 34 Sackville - Crowe Bros Grocery Wine Spirits
- 36 Sackville - Nightingale Electrics
- 38 Sackville - H McGregor Footwear



Figure 2 "Powling, L. I. (1958). "Sackville Street, Port Fairy Vic." SLV Victoria

- 38 Sackville - Clothing Store

15. The supermarket has been trading as Port Fairy IGA since 1998 when a multi-million dollar investment was made in the site to expand the floor area and provide the main supermarket floor and rear operations/storage area with significant building extensions. The window frames and pressed tin verandah soffits are generally original to the building.

16. Prior to 1998 a smaller supermarket/grocer operated at the southern end of the site, with individual tenancies to the north. The main town supermarket, up until this stage was located in Bank Street.

17. The building façade has recently been painted and signage updated.





Figure 5 Carpark at 5a Barclay Street from south side of laneway



Figure 5 Garage at 5a Barclay Street looking north west showing external storage area from within the property.



Figure 5 Garage at 5a Barclay Street showing pallet storage

HISTORY 5A BARCLAY STREET

18. A planning permit was issued to construct a garage at 5a Barclay Street in 2003.

Following this, a planning permit was lodged for a two lot subdivision resulting in the garage being located on a separate lot. The subdivision permit enacted a S173 agreement which formally linked the garage and land use of 5a Barclay Street with the supermarket use.

19. Whilst this is an un-conventional approach, it appears to be a stepped approach to overcome the limitations in what would have been the residential zone at the time the permits were granted. The permit for the garage was issued while the property was still a house (not prohibited), the land was subsequently subdivided and to prevent a garage being located on a lot without a house, the S173 agreement was a condition of permit.

20. The permit condition specified that the land couldn't be separately disposed of from the supermarket, but the conditions of the agreement also required that the title for 5a Barclay street be consolidated with 34 Sackville Street after the contract of sale was enacted.



Figure 9 Rear 30/30A Sackville Street from laneway



Figure 9 Rear 32 and 34 Sackville Street from laneway



Figure 9 Rear 34 Sackville Street from laneway



Figure 9 Rear 38 Sackville Street from 5a Barclay Street

21. There was no time limitation on when this should occur, and to date, the consolidation has not occurred, but the landowner is open to considering this (though there are some matters relating to the various landowning entities which need to be resolved prior to this occurring). The subdivision also legally passed a portion of right of way to Council as a public road at the rear of 38 Sackville Street.

IMPORTANCE OF SUPERMARKET TO THE TOWN

22. Economic Contribution

The Port Fairy IGA contributes a significant economic benefit to the town by keeping both local and tourism spend within the town and reducing loss to other nearby areas including Koroit and Warrnambool. The economic contribution became particularly clear to the local community during COVID-19 related shutdowns including those with travel distance restrictions.

23. Jobs

Port Fairy IGA employs 60 staff and is one of the largest employers in the town.



24. Peak population serviced

Throughout the peak tourist periods in January-March, the supermarket provides a 8am-8pm 7 day a week service to a temporary population of approximately 10,000-15,000 persons. This is around 4-5 times the non-peak population of 3700 persons (2021 Census). To service the peak population, significant additional area for storage of stock is necessary. This is not a particularly safe or secure method of stock storage.

25. Storage needs

Whilst Port Fairy IGA receives deliveries daily, the main stock deliveries from the IGA Distribution Centre occur several times a week but not daily, necessitating the need to store significant amounts of overstock on site, so it is available to replenish the shelves between deliveries. Currently 'weatherproof' stock is stored outdoors on timber pallets due to a lack of internal storage space.

26. Since the expansion in 2009 to 32 Sackville Street, there have been limited opportunities for the supermarket to expand its service and storage offering whilst it continues to service a significant growth in population in addition to peak population loads.

ANALYSIS UNDERPINNING THE STRUCTURE PLAN:

27. The structure plan is based on a number of background documents which make assumptions about growth and commercial floorspace based on analysis from 2011 and predictions from 2011-3026.

28. The commercial floorspace demand quoted for the next 20 years in the structure plan which is in turn drawn from the *Port Fairy Economic and Tourism Land Use Analysis Background Report (2016 Urban Enterprise)* – the Economic and Tourism Land Use Analysis (doc 49 in Hub share).

29. The Economic and Tourism Land Use Analysis further utilises the *Port Fairy Town Centre Car Parking Strategy – Economic Assessment (Tim Nott July 2016)* - Attachment 8– The carparking economic assessment - to inform their commercial land assessment (See Section 9.1 p68) specifically stating they were instructed to use the Carparking Economic Assessment rather than undertake another more suitable assessment without carparking as its basis.



30. The car parking economic assessment was prepared for the purposes of assessing whether there was appropriate provision of car parking within the town centre given predicted future demand.
31. It was not prepared specifically to predict the type and rate of growth in commercial floorspace within Port Fairy.
32. This assessment assumes an increase in 1100sqm of additional floor space for food, groceries and liquor will be required – and makes an offhand comment that *“whilst most of the space will be in small to medium stores..., however there may be sufficient demand for either a new supermarket broadly equivalent to the existing supermarket or... for the existing supermarket to double in size. This would require a significant site or substantial re-development.” P9.*
33. This analysis is copied word for word into the Economic and Tourism Land Use Report and then to the Port Fairy Coastal and Structure Plan Issues and Opportunities Paper May 2017 (Doc 9 in Hub share) and then to the Structure Plan (Doc 8 in Hub share)(p36) itself with no further analysis on the landholdings or needs of the existing supermarket

The forecast projects demand growth will support 5,000 square metres of additional retail floor space over 20 years including:

- 1,100 square metres of food, groceries and liquor;
- 2,200 square metres of non-food retail;
- 1,500 square metres of food service; and
- 200 square metres of retail services.

Other relevant findings from the forecast include:

- *Most of this space would be located in small and medium sized stores of the type which are already in the centre;*
- *There would be sufficient demand for a new supermarket broadly equivalent to the existing supermarket, or alternatively, the existing supermarket could double in size, which would require a significant site or substantial redevelopment;*
- *The retail offering of the centre is forecast to grow by one third over the next 20 years to meet demand based on existing trends continuing.*

Figure 10 Port Fairy Town Centre Car Parking Strategy Economic Assessment, Tim Nott 2016 via Economic and tourism land use analysis background report 2016 Urban Enterprise



to better utilise its current landholdings or how the Moyne Shire might better meet the needs of the residents by providing the framework for the existing supermarket to continue to invest in their assets.

34. The initial statements about supermarket growth were underpinned by the future sale of 6 Bank Street by the Moyne Shire (and consequential amendment) and community discussions at the time around car parking. They were not made for a general strategic planning purpose or to initially underpin the background work to the structure plan.
35. This has resulted in a proposed extension of the commercial areas of Port Fairy to residential dwellings, and not to further work to facilitate the support the upgrade or intensification of use of existing commercial uses or the supermarket within the town.
36. This is a major failure of the structure plan and the analysis documents that underpin it.

CHANGES TO REGIONAL GROCERY AVAILABILITY

37. Since the car parking economic assessment was undertaken in 2016 there has been significant change to the grocery landscape in the Moyne Shire.
38. Daly's IGA has increased their floorspace from 360sqm to 2000sqm, within a 12 minute drive of Port Fairy in 2021. This is expected, along with the opening of the Dennington Woolworths in 2012 to lessen the demand for a significant increase in grocery floorspace in Port Fairy as there has been a significant increase in grocery or supermarket floorspace in the shire or in close proximity to shire boundaries. The Daly's IGA expansion provided an increase of 1700sqm, greater than the 1100sqm predicted to be necessary in Port Fairy over the next 20 years.
39. This isn't to say there isn't a demand for additional supermarket floorspace within Port Fairy or that the Port Fairy IGA doesn't need to expand to service demand and growth within Port Fairy.
40. Both of these factors still exist – but the increase in grocery floorspace in Koroit has likely significantly reduced any chance of a second supermarket being constructed in Port Fairy should land ever become available for this purpose.
41. As such, the support of the existing supermarket location and improving capacity has become more important than the potential for a second supermarket to be provided in the town.
42. Since the structure plan was completed in 2017 the property at 6 Bank Street has been sold by the Moyne Shire, but not yet developed, as has the property at 40 Bank Street.



These are the only two vacant land commercial land parcels in the town, and whilst both suitable for commercial development, are extremely unlikely to be developed with a supermarket.

43. The other significant commercial land parcels being 81 Sackville Street, 51 Sackville Street, 61-63 Sackville Street and 54 Sackville Street are unlikely to be converted from their existing commercial retail/accommodation uses in a short- or medium-term timeframe.
44. The existing supermarket wishes to construct additional storage space for everyday stock storage on the property at 5A Barclay Street. Whilst they benefit existing use rights and a S173 agreement linking the property to the supermarket in perpetuity, the most appropriate outcome would be to ensure this property is not re-zoned to Neighbourhood Residential Zone.

EXISTING LOCAL POLICIES RELATING TO COMMERCIAL CENTRE –

45. There are many existing local planning policies and MSS strategies in the current planning scheme, whilst this amendment aims to be a comprehensive update to policy relating to Port Fairy, it only amends or updates some of the existing policies.
46. It is noted that Moyne has not yet drafted the transition to the new Planning Policy Framework which will re-organise and most likely condense what is 100 pages of LPPF in the current scheme. What this amendment seeks to do is to update two key MSS policy areas in the scheme and does not seek to update or amend the existing policies at Clause 22. This will result in contradictory objectives and strategies potentially existing within the scheme.
47. The current MSS was generally last significantly updated in the transition to the new format schemes and is based on demographics from the 1991 and 1996 census (21.03 and 21.05). No changes are proposed to these clauses to ensure they are consistent with the structure plan.
48. Much has changed for both Port Fairy and the Moyne Shire in the last 31 years, including population growth of an addition 1200 or so people in Port Fairy taking the population to 3742 in the 2021 Census.
49. Clause 22.01-3 applies to Heritage Overlay 14 and provides built form guidance based on heritage policy for commercial development.



50. This policy provides specific guidance in a similar manner to the existing Design Guidelines (2001) in relation to external style, built form and features. There is some duplication with the specifics of the existing design guidelines.

51. As Heritage Overlay 14 covers the whole of the commercial precinct, any applications would be assessed under this policy in addition to the applicable zones and overlays.



EXISTING PLANNING CONTROLS

52. The existing planning controls which apply to the individual land titles are as follows:

	30/30A Sackville	32 Sackville	34 Sackville South	34 Sackville North	38 Sackville South	38 Sackville North	5a Barclay St	Laneway
Heritage Significance	Significant	Contributory 2009	Significant	Significant	Significant	Significant	Non contributory	Not stated
Existing Zone West side	GRZ	GRZ	GRZ	GRZ	C1Z	C1Z	GRZ1	GRZ1
Existing Zone East side	C1Z	C1Z	C1Z	C1Z	C1Z	C1Z	GRZ1	GRZ1
Ex Heritage Overlay Schedule	14 Commercial	14	14	14	14	14	52	52
Ex Design and Development Overlay	12 Commercial	12	12	12	12	12	10	10

PROPOSED PLANNING CONTROLS

53. No changes proposed to zone and overlay mapping as a result of the Part A ordinance and Council's submissions. The exhibited maps with the supermarket land are shown below.

54. The proposed changes to the planning controls as exhibited as summarised in the table below;

	30/30A Sackville	32 Sackville	34 Sackville South	34 Sackville North	38 Sackville South	38 Sackville North	5a Barclay St	Laneway
Proposed Zone West side	NRZ	C1Z	C1Z	C1Z	-	-	NRZ	NRZ
Proposed Zone east side	C1Z	C1Z	C1Z	C1Z			NRZ	NRZ
Proposed Design and Development Overlay	DDO2 and DDO1	DDO1	DDO1	DDO1	DDO1	DDO1	DDO2	DDO2





Figure 13 Existing Zone Map with Supermarket land outlined in blue dash



Figure 13 Existing Heritage Overlay Schedules (Supermarket Site outlined in blue dash)

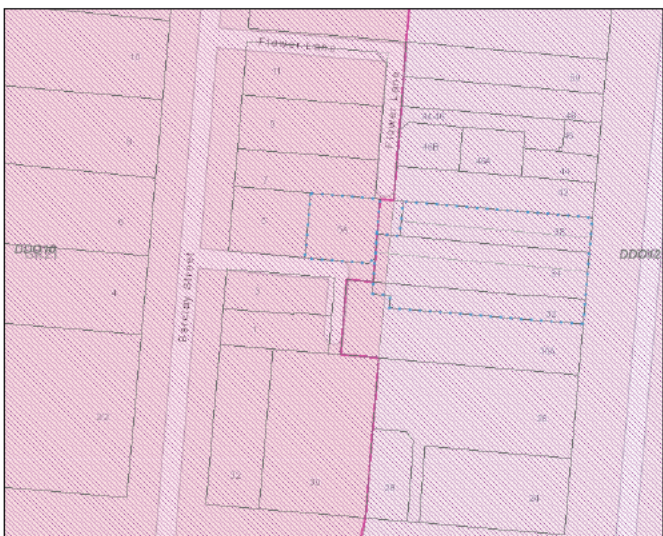


Figure 13 Existing Design and Development Overlays (Supermarket Site outlined in blue dash)



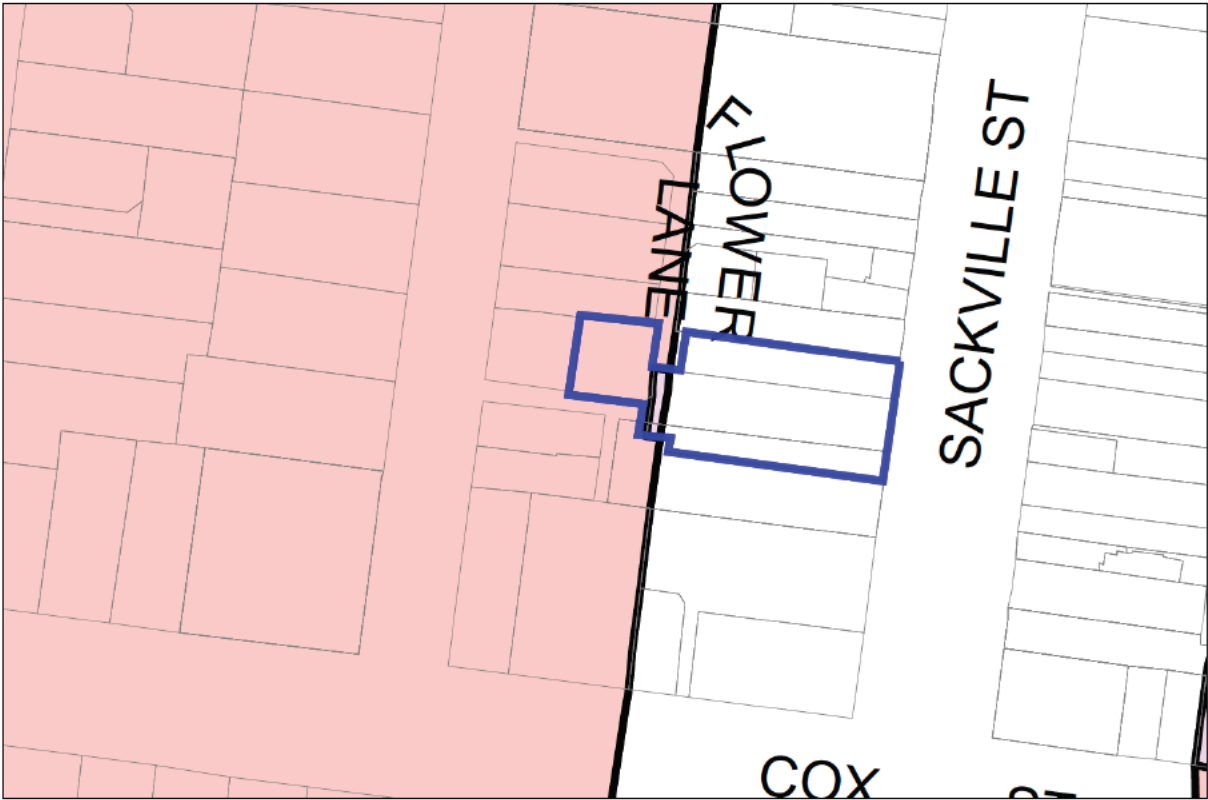


Figure 14 Proposed Zone Controls (from Exhibited map 36) Showing small area of re-zoning but retention of 5a Barclay and part of 30/30A Sackville Street in NRZ



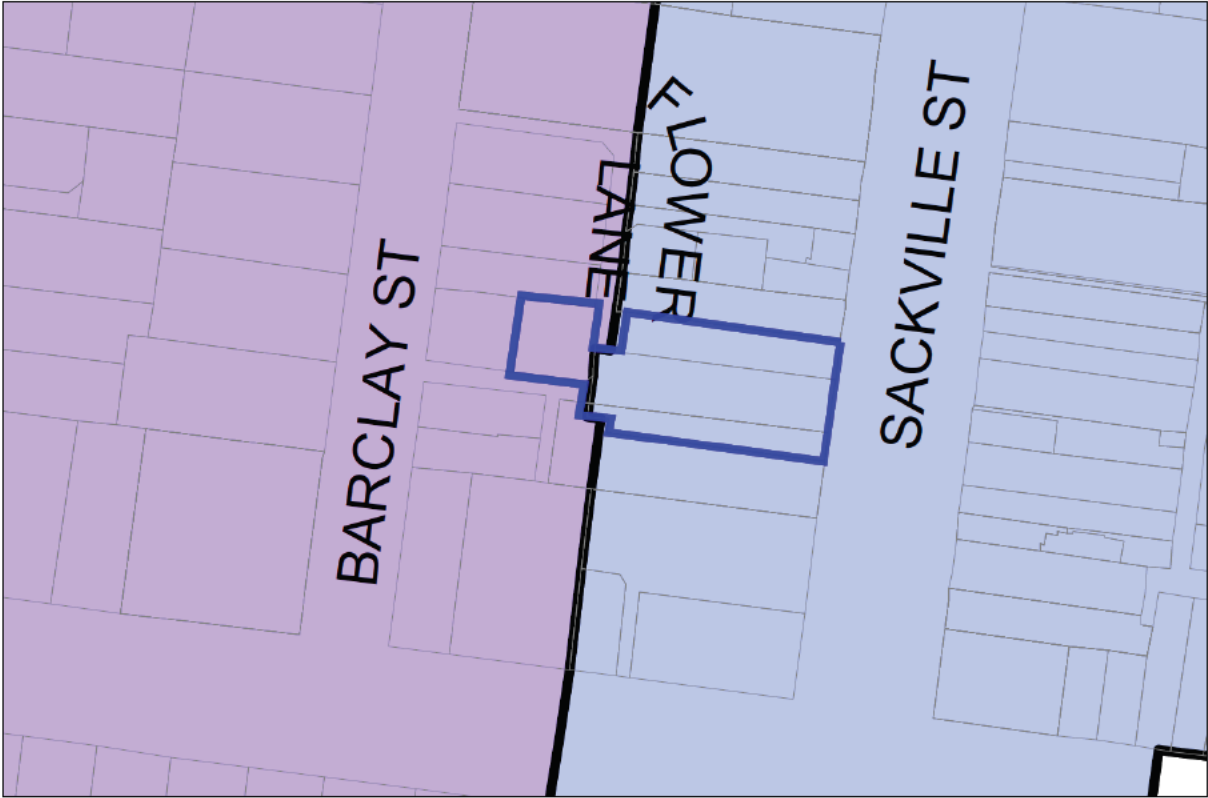


Figure 16 Proposed DDO Controls (From exhibited DDO Map 36) showing DDO1 in blue and DDO2 in purple - note the change in alignment of DDO boundary compared to existing.

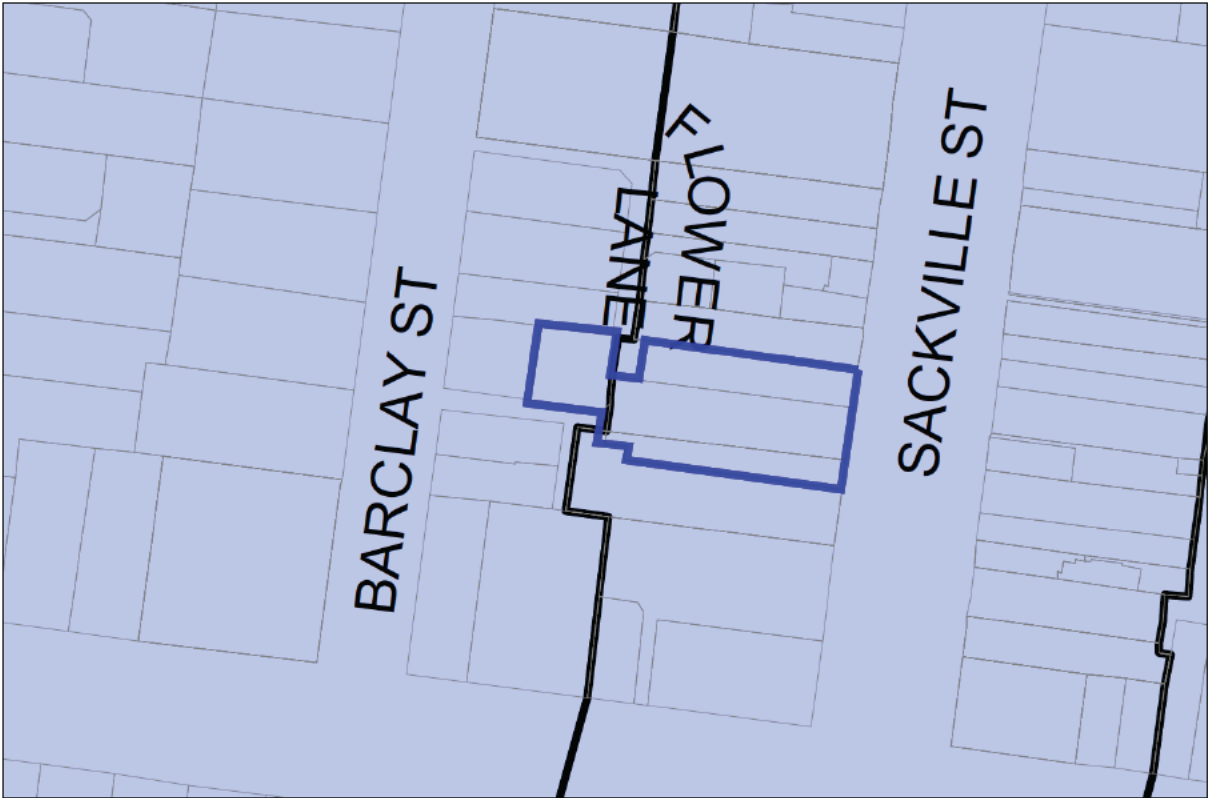


Figure 15 Exhibited DDO Deletion Map 36 showing deletion of DDO12 and DDO10 and the way the existing DDO precincts don't match the zones.



CLAUSE 21.09-3 PORT FAIRY

55. The proposed Part A Clause 21.09-3 includes the following objectives which are relevant to supporting the IGA Supermarket –

- *To support the primacy of the existing Commercial Core.*

It is requested that the strategy below listed under tourism is re-located to the Commercial Section –

- *Ensure that new commercial built form is respectful of the landscape and heritage character of the existing township.*

This is not a tourism strategy and relates more to commercial development, re-development and growth of the commercial economy than just tourism outcomes.

ZONES

56. Council has not done any significant investigation to confirm their attempts to ensure that the translation of existing land on the commercial periphery is not further impacted or prejudiced by the translation into the Neighbourhood Residential Zone, when another zone may be more appropriate to reflect longstanding uses and protect commercial functionality.

57. There are many examples where Council is correcting or re-zoning properties on the periphery of the existing commercial area to reflect their existing commercial land uses. Unfortunately, this has not been extended to the area which the supermarket occupies to the rear of Sackville Street, specifically the properties at 5a Barclay Street and 30/30A Sackville Street.

58. In Council's response to submissions (Doc 88c in Hubshare) they make multiple claims about submissions in relation to the proposed changes due to their desire to 'avoid additional instances of applying multiple zones within individual lots', yet, Council is perfectly content amending some instances of multiple zones on lots around the Commercial Precinct but not with others.

59. The table on the following page notes the proposed changes to zoning on the edge of the Commercial Centre – there are circumstances where Council is not undertaking a direct translation and is in fact correcting zoning anomalies under this amendment. The level of detail provided in the structure plan was not sufficiently developed to allow the submitters to request Council to address the zoning issues at the rear of the supermarket prior to preparation of the maps under this amendment. And whilst



Council does address some of the multiple zoning existing conditions, they do so in a piecemeal fashion.

60. It is quite outrageous that the proposed commercial re-zoning to the heritage dwellings in Princes Street is proposed yet, Council are maintaining some instances of land in two zones where land is currently used for commercial purposes and has been for a significant length of time.
61. The re-zoning to Princes Street and Cox Street seems ludicrous given the heritage and contemporary built form and well-maintained condition of the dwellings – yet council is not formalising existing commercial uses to the rear of properties on the west side of Sackville Street.
62. There are a number of proposed zone changes to reduce the extent of land in at least two zones in commercial area under C69. The only property where zoning is not being addressed to reflect land use or remove land in two zones is 30A/30 Sackville Street and 5a Barclay Street, as seen in the analysis table below.
63. Council’s response to the submission 53 states that it is a direct translation of existing zones and they cannot do anything under this amendment to facilitate the change, yet there are multiple other cases where a direct translation is not proposed and the zoning will be amended.
64. C69 proposed to re-zone a number of residential dwellings with no commercial uses to the Commercial 1 Zone, but does not propose to re-zone land associated with the supermarket operations.

Address	Existing Zones	Proposed Zones
4 Bowls Court/47 Bank St (Ashmont Motel)	C1Z and GRZ	C1Z
31B William Street (residential dwellings accessed via lane off William Street)	GRZ, C1Z and PPRZ	NRZ
31C William Street (residential dwelling accessed via lane off William Street)	GRZ, C1Z and PPRZ	NRZ
56 Bank St (Port Fairy Day Spa)	GRZ	C1Z
58 Bank Street (Two storey dwelling)	GRZ	C1Z
39 Bank Street (The Passage boutique and Port Fairy Day Spa)	C1Z and PUZ	C1Z
33 Bank Street (Daktari Surf/Dive Shop)	PUZ	C1Z
5 Bank Street (Port Fairy Sea Scouts)	PUZ3	C1Z



Address	Existing Zones	Proposed Zones
9 Bank Street (Oak and Anchor Hotel)	GRZ	C1Z
Lot 1 and 2 PS821019 (Drive thru bottle shop and vacant lot to rear)	GRZ	C1Z
14-16 Princes Street - Rear 61-63 Sackville Street (Brookes Hardware)	GRZ and C1Z	C1Z
Common Property rear 53-55 Sackville Street (Reflections boutique and Port Fairy Confectionary)	GRZ1 and C1Z	C1Z
Rear 51 Sackville Street (Former Commonwealth Bank)	GRZ and C1Z	C1Z
2-12 Princes Street (4 heritage dwellings)	GRZ	C1Z
12-18 Cox Street (4 modern dwellings)	GRZ	C1Z
Corner Cox and Princes Street (Carpark)	GRZ	C1Z
Rear 10 Cox Street/1 Princes Street (Moyné Shire Offices)	GRZ	PUZ6
27 Cox Street (Poco Ice-cream)	GRZ	C1Z
30/30A Sackville Street (Love her madly boutique)	GRZ and C1Z	GRZ and C1Z
32 Sackville Street (Supermarket)	GRZ and C1Z	C1Z
34 Sackville Street (Supermarket)	GRZ and C1Z	C1Z
38 Sackville Street (Supermarket)	C1Z	C1Z
5a Barclay Street (Supermarket)	NRZ	NRZ

65. The Neighbourhood Residential Zone at 5a Barclay Street or the rear of 30/30A Sackville Street does not reflect the longstanding land use or the future land use and does not provide for the outcomes sought in the Structure Plan, including the support of additional commercial floorspace.
66. The Neighbourhood Residential Use prohibits Retail uses, including a supermarket. This is not appropriate on the property at 5a Barclay Street.
67. It is hereby requested that these two land parcels are not partially or fully re-zoned to Neighbourhood Residential Zone and that a recommendation is made to ensure they are re-zoned to Commercial 1 Zone in the short term, through whichever amendment process is most suited to facilitate this.



DESIGN AND DEVELOPMENT OVERLAY CHANGES

68. It is requested that the boundary of DDO1 be altered to align with the current DDO12 alignment to include all of 30/30A Sackville Street in the precinct, and that 5a Barclay Street be included within DDO1 not DDO2.

69. The existing Planning Controls for each property are outlined below:

	30/30A Sackville	32 Sackville	34 Sackville South	34 Sackville North	38 Sackville South	38 Sackville North	5a Barclay St	Laneway
Heritage Significance	Significant	Contributor y 2009	Significant	Significant	Significant	Significant	Non contributor y	Not stated
Existing Zone West side	GRZ	GRZ	GRZ	GRZ	C1Z	C1Z	GRZ1	GRZ1
Existing Zone East side	C1Z	C1Z	C1Z	C1Z	C1Z	C1Z	GRZ1	GRZ1
Ex Heritage Overlay Schedule	14 Commercial	14	14	14	14	14	52	52
Ex Design and Development Overlay	12 Commercial	12	12	12	12	12	10	10

70. The proposed planning controls for each property are outlined below:

	30/30A Sackville	32 Sackville	34 Sackville South	34 Sackville North	38 Sackville South	38 Sackville North	5a Barclay St	Laneway
Proposed Zone West side	NRZ	C1Z	C1Z	C1Z	-	-	NRZ	NRZ
Proposed Zone east side	C1Z	C1Z	C1Z	C1Z			NRZ	NRZ
Proposed Design and Development Overlay	DDO2 and DDO1	DDO1	DDO1	DDO1	DDO1	DDO1	DDO2	DDO2

71. Existing Design and Development Overlay includes site coverage recommendations and a discretionary height limit of 8m. The specifics of this overlay and the interpretation of the design guidelines has ensured that new commercial form over the last 20 years has a considered assessment approach that is site specific – one result of the application of the existing DDO for new commercial form is the complex on the corner of Barclay and Bank Street which includes several commercial tenancies and apartments above.

72. The Port Fairy IGA property is a substantial landholding across several titles, which if a significant re-development were proposed may be suitable for taller built form due to the depth of the site, whilst still respecting the character of Sackville Street and the nearby Residential properties to Barclay Street. It is unlikely there would ever be



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

SUMMARY

77. This submission provides further detail and analysis to the original submissions referred to the panel as part of the amendment and seeks the following:

- Abandon the proposal to re-zone to NRZ for 30A/30 Sackville Street and 5a Barclay Street.
- Re-zone the remaining parts of 30A/30 Sackville St and 5a Barclay Street from GRZ to C1Z.
- Revise the proposed extent of DDO1 to include all of 30/30A Sackville Street and 5a Barclay Street.
- Remove mandatory provisions and make other minor alterations to wording of the schedule to ensure a consistent translation from the existing design guidelines which apply under Design and Development Overlay Schedule 12.

78. This isn't a circumstance where the request is to re-zone land which is currently not proposed to be re-zoned or is un-affected by the amendment. This is a request to abandon the change of zone proposed to 30/30A Sackville Street and 5A Barclay Street under this amendment and to seek a recommendation that the land should be investigated for re-zoning to Commercial 1 Zone.

79. Council's response to submissions (document 88c) notes the rezoning of land requires careful consideration - it is put that the Council has not undertaken careful consideration in relation to these properties and as there is no strategic basis, they are mistaken in their approach to re-zone the land in question to the Neighbourhood Residential Zone.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On behalf of Submitter 53 and 53A Port Fairy IGA and Coastal Unit Investments Pty Ltd

20 September 2022

[REDACTED] | [REDACTED] | [REDACTED]